

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 6

DATE: April 21, 2009

STAFF: Wanda Krajicek

SUBJECT

Consideration and Approval of the Minutes of the March 24, 2009 Adjourned Meeting.

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COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Adjourned Meeting - 6:00 p.m.

An adjourned meeting of the Council of the City of Fort Collins was held on Tuesday, March 24, 2009, at 6:00 p.m. in the Council Chambers of the City of Fort Collins City Hall. Roll Call was answered by the following Councilmembers: Hutchinson, Manvel, Ohlson, Roy, and Troxell.

Councilmember Absent: Poppaw

(Councilmember Brown excused from Council meetings from October 28, 2008 through April 7, 2009, authorized by Resolution 2008-104.)

Staff Members Present: Atteberry, Krajicek, Roy.

Citizen Participation

Eric Sutherland, 631 LaPorte, stated the Platte River contract will not benefit the Fort Collins rate payers and will not require equal cost sharing of renewable energy equally between the member cities but all member cities will benefit from Fort Collins' investments in renewable energy. He objected to the Electric Board striking some of the comments he made from its February meeting minutes.

Brian Schumm, 7203 Woodrow Drive, opposed the proposed rezoning contained in the South College Corridor Plan.

Danny Katz, CoPIRG State Director, stated his organization has launched a campaign to build a 21st century vision for public transportation in Colorado.

Chip Parrish, Old Town business owner, stated his concerns with the Platte River contract as the contract does not require all member cities to equally share the cost of renewable energy even though all members will benefit from the development of renewable energy.

Citizen Participation Follow-up

Councilmember Roy asked if the Electric Board did strike Mr. Sutherland's comments from the February minutes. City Manager Atteberry stated further information will be provided to Council.

Councilmember Ohlson asked for the ranking of Fort Collins electric rates compared to other communities. City Manager Atteberry stated the Colorado Association of Municipal Utilities has ranked Fort Collins as having the second or third lowest electric rates compared to other utilities in

the state. Steve Catanach, Light and Power Operations Manager, noted there are 44 utilities in the state and most were included in the survey. Fort Collins was the least expensive in residential rates, and fourth least expensive in small commercial rates. The costs of renewable energy are handled through a series of tariffs from Platte River and are not specifically addressed in either agreement. For normal energy purchases, each of the 4 member cities pay a set kilowatt hour and demand charge for peak demand to Platte River. For renewables, a tariff is charged that establishes a cost per kilowatt hour for the renewable energy that each member city commits to purchase from Platte River. The cost of renewable energy is at the same rate, but each member purchases a different volume of energy. If the City purchases a much larger volume of renewable energy, based on the Energy Policy adopted by Council, than the other member cities, the City's costs would be higher, but each member city would pay the same rate.

Agenda Review

City Manager Atteberry stated there were no changes to the Agenda.

CONSENT CALENDAR

6. Consideration and Approval of the Minutes of the February 3, February 17, March 3 and March 17, 2009 Regular Meetings.
7. Second Reading of Ordinance No. 024, 2009, Appropriating Unanticipated Grant Revenue in the Light and Power Fund for the Residential Solar Rebate Program and Authorizing the Transfer of Matching Funds Previously Appropriated in the Light and Power Operating Budget.

This Ordinance, unanimously adopted on First Reading on March 3, 2009, appropriates funds received from additional grant funding received from the State of Colorado's Governor's Energy Office totaling \$25,000. Combined with the Utilities matching funds, \$50,000 will be used for the Residential Solar Rebate Program (Photovoltaic).

8. Second Reading of Ordinance No. 025, 2009, Amending Chapters 17 and 24 of the City Code for the Purpose of Permitting and Regulating the Placement of Portable Signs on Sidewalks in Certain Areas of the City.

Portable signs, generally known as "sandwich board," "a-frame" signs or pedestal signs are a common type of advertising device in many downtown areas and other areas that are predominantly pedestrian oriented. The City of Fort Collins Municipal Code currently prohibits the placement of portable signs in the public right-of-way. There has been interest expressed by some in the downtown business community in legalizing the use of such signs in the downtown area for the purpose of displaying menus and other information for businesses in a way that would enhance the pedestrian experience in business areas. This Ordinance, unanimously adopted on First Reading on March 3, 2009, will allow the use of

pedestrian oriented portable signs in the right-of-way of certain designated locations to be regulated through a permitting process.

9. Items Relating to an Amended and Restated Organic Contract and Contract for the Supply of Electric Power and Energy.

- A. Second Reading of Ordinance No. 026, 2009, Authorizing an Amended and Restated Organic Contract for Platte River Power Authority.
- B. Second Reading of Ordinance No. 027, 2009, Authorizing an Amended and Restated Contract With Platte River Power Authority For the Supply of Electric Power and Energy.

The Organic Contract between the four member cities of Estes Park, Fort Collins, Longmont and Loveland was originally signed in 1975 and last amended in 1998. The Organic Contract forms Platte River Power Authority. A change to the Organic Contract requires the approval of all four member municipalities. Most of the changes to the Organic Contract are in the nature of updates intended to reflect current organizational practices.

In addition, staff and Platte River have negotiated changes to update the Contract for the Supply of Electric Power and Energy and termination of the Transmission Facilities Agreement. Changes to the Contract for the Supply of Electric Power and Energy incorporate relevant terms from the Transmission Facilities Agreement. The most significant change to the Contract is a provision which allows the City to develop generation resources up to 3,000 kilowatts to supply City facilities; this is approximately 60% of City facilities demand. The agreement does not limit the size or ability of customers to install generation resources for their own use, nor for third party developers to install generation at a customer's site.

Both Ordinances were unanimously adopted on First Reading on March 3, 2009.

10. Items relating to adoption of the *South College Corridor Plan*.

- A. Second Reading of Ordinance No. 028, 2009, Amending the Land Use Code for the Purpose of Implementing the South College Corridor Plan.
- B. Second Reading of Ordinance No. 029, 2009, Amending the Zoning Map by Changing the Zoning Classification for that Certain Property Known as the South College Corridor Plan Rezonings.
- C. Second Reading of Ordinance No. 030, 2009, Amending the Zoning Map and the North College Corridor Plan to Comport with the Changes Which Have Been Made to the City's Comprehensive Plan and Land Use Code as a Result of the Adoption of the South College Corridor Plan.

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On March 3, 2009, Council adopted the *South College Corridor Plan*. These Ordinances, unanimously adopted on March 3, 2009, revise the Land Use Code, rezone seven areas and amend the zoning map to implement the *South College Corridor Plan*.

11. First Reading of Ordinance No. 031, 2009, Authorizing the Conveyance to Urban Development Partners, LLC of a Non-Exclusive Drainage Easement and a Non-Exclusive Maintenance Access Easement on the City Owned Gustav Swanson Natural Area Property.

Urban Development Partners, LLC is proposing to build an industrial/office development which is commonly known as the Inverness Innovation Park. The development is planned to include four buildings on approximately 7.6 acres situated on the north and south sides of Vine Drive, approximately 1/4 mile east of College Avenue.

The portion of the proposed development on the north side of Vine Drive encompasses the property at 500 East Vine Drive, which was the former home of a Waste Management Company operation. The portion on the south side of Vine Drive is located at 213 East Vine Drive. The south parcel is adjacent to the Gustav Swanson Natural Area.

12. First Reading of Ordinance No. 032, 2009, Authorizing the Use of a Portion of Bernard Ranch as Match For a Neotropical Migratory Bird Conservation Act Grant Administered by the U.S. Fish and Wildlife Service (USFWS).

The research funded by the \$244,351 grant will be conducted by the Rocky Mountain Bird Observatory (RMBO). RMBO's bird research and monitoring will inform conservation strategies and management for grassland bird species within the Laramie Foothills Mountains to Plains Project, the Shortgrass Prairie Bird Conservation Region and in the Chihuahuan Desert. Grassland bird populations have shown steeper, more consistent, and more geographically widespread declines than any other guild of North American bird. The granting agency (USFWS) will require a Notice of Grant Requirements be recorded against the match property, and pursuant to the Notice will be entitled to enforce the conservation of Bernard Ranch.

13. Resolution 2009-027 Authorizing the Lease of City-Owned Property at 212 West Mountain Avenue for Up to One Year.

The City and the County purchased the property at 212 West Mountain Avenue in 1985 as part of the Block 31 purchases. The current tenant's lease will expire March 31, 2009 and the tenant is in the process of relocating. Staff recommends leasing this property until this area of Block 31 is needed for future improvements.

14. Resolution 2009-028 Authorizing an Intergovernmental Agreement with West Fort Collins Water District to Establish the District's Public Water System as a Consecutive Public Water System Connected to the City's Wholesale Public Water System.

West Fort Collins Water District owns and operates a public water system that distributes water supplied by the City. The Water Quality Control Division of the Colorado Department

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of Public Health and Environment (CDPHE) has determined the District's system to be a consecutive public water system to the City's wholesale system and therefore subject to Colorado drinking water regulations applicable to consecutive systems.

As wholesale and consecutive public water systems, the City and the District must meet the requirements of the regulations applicable to each individual entity. The proposed Intergovernmental Agreement establishes the following:

- the District as a consecutive public water system to the City's wholesale public water system;
- clearly defined roles and responsibilities for drinking water regulations applicable to wholesale and consecutive systems; and
- a collaborative process to address water quality issues affecting both systems.

The proposed agreement does not require any additional expense for the City or any changes to current City operations.

15. Resolution 2009-029 Establishing Rental Rates and Delivery Charges for the City's Raw Water for the 2009 Season.

This Resolution approves rates for the rental and use of the City's raw water supplies. The Water Utility uses these rates to assess charges for agricultural use, for various contractual raw water obligations and for raw water deliveries to other City departments. The proposed rate for each type of water is based on several factors including market conditions and assessments charged by irrigation companies.

16. Resolution 2009-030 Authorizing the Extension of a Lease of the City Ditch to Larimer County Canal No. 2 Irrigating Company Through April 12, 2010.

This Resolution authorizes the extension of a lease to Larimer County Canal No. 2 Irrigating Company of the City Ditch. Although the original 1906 lease provided for an automatic renewal of the lease for an additional 99-year term at the Ditch Company's option, the Council's authorization at the time only authorized the lease for the initial 99 years. Pending resolution of this matter for the long term, an extension for an additional one year will allow the continued use of the City Ditch for irrigation flows on the same terms as have been in place for over 100 years and will avoid disruption of the right to run those irrigation flows in the City Ditch for the 2009 irrigation season.

17. Resolution 2009-031 Ratifying the Appointment of Linda Gabel to the Poudre River Public Library District Board of Trustees.

Council ratified the initial appointments to the Library Board of Trustees on March 6, 2007 pursuant to Resolution 2007-026. Seven Trustees were appointed to the Board with initial terms ranging from 1 to 5 years. This appointment is for two years and completes the remainder of the four year term vacated in December 2008 by Trustee Robert Viscount. The

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appointment expires in March 2011. The Library Trustee Selection Committee, comprised of Councilmembers Manvel and Poppaw and Commissioners Rennels and Johnson, unanimously recommends the appointment of Linda Gabel to the Library Board of Trustees.

*****END CONSENT*****

Ordinances on Second Reading were read by title by City Clerk Krajicek.

7. Second Reading of Ordinance No. 024, 2009, Appropriating Unanticipated Grant Revenue in the Light and Power Fund for the Residential Solar Rebate Program and Authorizing the Transfer of Matching Funds Previously Appropriated in the Light and Power Operating Budget.
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Ordinances on First Reading were read by title by City Clerk Krajicek.

11. First Reading of Ordinance No. 031, 2009, Authorizing the Conveyance to Urban Development Partners, LLC of a Non-Exclusive Drainage Easement and a Non-Exclusive Maintenance Access Easement on the City Owned Gustav Swanson Natural Area Property.
12. First Reading of Ordinance No. 032, 2009, Authorizing the Use of a Portion of Bernard Ranch as Match For a Neotropical Migratory Bird Conservation Act Grant Administered by the U.S. Fish and Wildlife Service.

Councilmember Manvel made a motion, seconded by Councilmember Troxell to adopt and approve all items on the Consent Calendar . Yeas: Hutchinson, Manvel, Ohlson, Roy and Troxell. Nays: none.

THE MOTION CARRIED.

Consent Calendar Follow-up

Councilmember Manvel stated Item #17 *Resolution 2009-031 Ratifying the Appointment of Linda Gabel to the Poudre River Public Library District Board of Trustees* provides a new member to the Library District Board of Trustees. The new Council Tree Library will hold its grand opening on March 28.

Councilmember Reports

Councilmembers Troxell and Poppaw attended the National League of Cities in Washington D.C. and had an opportunity to meet with Colorado elected representatives to discuss items that relate to Fort Collins. One topic of discussion was the stimulus package and the importance of regional projects that will qualify for funds.

April 7 Council Meeting Cancelled

Councilmember Ohlson made a motion, seconded by Councilmember Roy, to cancel the April 7, 2009 Council meeting, pursuant to Section 2-28((a) of the City Code, due to the fact that the regular City Election will be held on that date. Yeas: Hutchinson, Manvel, Ohlson, Roy and Troxell. Nays: none.

THE MOTION CARRIED.

Special Meeting Called

Councilmember Ohlson made a motion, seconded by Councilmember Roy, to call a special meeting of the Council for 6:00 p.m., April 14, 2009, pursuant to Section 2-29(a) of the City Code, for the purpose of administering the oath of office to the newly elected Mayor and Councilmembers and to

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conduct any such other business as may come before the Council. Yeas: Hutchinson, Manvel, Ohlson, Roy and Troxell. Nays: none.

THE MOTION CARRIED.

Adjournment

The meeting adjourned at 6:35 p.m.

Mayor

ATTEST:

City Clerk