

Doug Hutchinson, Mayor  
Kelly Ohlson, District 5, Mayor Pro Tem  
Ben Manvel, District 1  
Lisa Poppaw, District 2  
Aislinn Kottwitz, District 3  
Wade Troxell, District 4  
David Roy, District 6

City Council Chambers  
City Hall West  
300 LaPorte Avenue  
Fort Collins, Colorado

Cablecast on City Cable Channel 14  
on the Comcast cable system

Darin Atteberry, City Manager  
Steve Roy, City Attorney  
Wanda Krajicek, City Clerk

The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (TDD 224-6001) for assistance.

## **REGULAR MEETING**

**October 6, 2009**

### **Proclamations and Presentations 5:30 p.m.**

- A. Proclamation Declaring Responsibility as the Character Focus for October 2009 and Recognition of the "Character in Action."
- B. Proclamation Declaring October 2009 as Domestic Violence Awareness Month.
- C. Proclamation Declaring October 2009 as Polio Eradication Month.
- D. Proclamation Declaring October 2009 as Disability Awareness Month.
- E. Proclamation Declaring October 4-10, 2009 as Public Power Week.

### **Regular Meeting 6:00 p.m.**

#### PLEDGE OF ALLEGIANCE

1. CALL MEETING TO ORDER.
2. ROLL CALL.

## 3. CITIZEN PARTICIPATION (limited to 30 minutes)

Individuals who wish to make comments regarding items scheduled on the Consent Calendar or wish to address the Council on items not specifically scheduled on the agenda must first be recognized by the Mayor or Mayor Pro Tem. **Before speaking, please sign in at the table in the back of the room.** The timer will buzz once when there are 30 seconds left and the light will turn yellow. The timer will buzz again at the end of the speaker's time. Each speaker is allowed 5 minutes. If there are more than 6 individuals who wish to speak, the Mayor may reduce the time allowed for each individual.

- State your name and address for the record
- Applause, outbursts or other demonstrations by the audience is not allowed
- Keep comments brief; if available, provide a written copy of statement to City Clerk
- Address your comments to Council, not the audience.

## 4. CITIZEN PARTICIPATION FOLLOW-UP:

This is an opportunity for the Mayor or Councilmembers to follow-up on issues raised during Citizen Participation.

## 5. AGENDA REVIEW: CITY MANAGER

### Consent Calendar

The Consent Calendar consists of Items 6 through 15. This Calendar is intended to allow the City Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Anyone may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately. Agenda items pulled from the Consent Calendar will be considered separately under Item No. 24, Pulled Consent Items. The Consent Calendar consists of:

- Ordinances on First Reading that are routine;
- Ordinances on Second Reading that are routine;
- Those of no perceived controversy;
- Routine administrative actions.

6. Consideration and Approval of the Minutes of the September 1 and September 15, 2009 Regular Meetings and the September 8 and September 22, 2009 Adjourned Meetings.7. Second Reading of Ordinance No. 085, 2009, Authorizing the Lease of City-Owned Property at 1506A West Horsetooth Road For Up To Five Years.

The City has leased this property since 2003 and desires to continue leasing the property. This Ordinance, unanimously adopted on First Reading on August 18, 2009, will allow the City to keep the property rented for up to five years.

8. Second Reading of Ordinance No. 091, 2009, Appropriating Unanticipated Grant Revenue in the Cultural Services Fund to Be Used for Moving the Archive and Artifact Collections to the New Museum Facility.

The City was awarded \$155,383 from the National Endowment for the Humanities and the Institute of Museum and Library Services for consultants in the preparation of a move plan to relocate the Museum's Archival and Artifact Collections to the new museum facility. This Ordinance, unanimously adopted on First Reading on September 15, 2009, appropriates that grant money in the Museum's Collections grant project.

9. Second Reading of Ordinance No. 092, 2009, Amending Chapter 23 of the City Code to Authorize the City Manager to Grant Certain Permits and Licenses to Enter on Real Property.

The existing language in the City Code specifies that any disposition of real property, including temporary use and revocable permits, must be approved by City Council. This Ordinance, unanimously adopted on First Reading on September 15, 2009, authorizes the City Manager to grant certain permits or licenses to enter on City property.

Pursuant to direction of the City Council on First Reading, the Ordinance is being amended on Second Reading by adding a new "Whereas" clause, and adding a new subparagraph (c) to the proposed new Section 23-116. The new language directs the City Manager to promptly inform the City Council of all permits that he or she issues under the provisions of this Code section.

10. Second Reading of Ordinance No. 093, 2009, Vacating a Portion of Right-of-way for Redwood Street as Dedicated at Reception #2006-0034597 of the Larimer County Records.

This Ordinance, unanimously adopted on First Reading on September 15, 2009, vacates a portion of the right-of-way, located on Redwood Street, between Cajetan and Osiander Streets, north of Vine Drive. Some of the parcel that was dedicated as right-of-way is not needed for street purposes. The developer of Old Town North Sunterrace Townhomes has requested the vacation of a portion of the right-of-way to accommodate the setbacks needed for the proposed townhomes.

11. First Reading of Ordinance No. 094, 2009, Appropriating Unanticipated Revenue in the General Fund for Replacing Radio Network Equipment.

Fort Collins Police Services, acting as applicant and fiscal agent, has been awarded a joint grant under the U.S. Department of Justice, Office of Justice Programs (OJP) Bureau of Justice Assistance (BJA) Recover Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program, in the amount of \$444,818. This joint grant was awarded on behalf of the City of Fort Collins, the City of Loveland and Larimer County. Cooperatively, an agreement was reached to utilize these grant funds for the replacement of aging radio network components. This radio system is mission critical to regional law enforcement communications.

12. First Reading of Ordinance No. 095, 2009, Amending Ordinance No. 136, 2007, Assessing the Cost of Improvements in the Timberline and Prospect Special Improvement District No. 94.

The Timberline and Prospect Special Improvement District No. 94 (SID No. 94) made improvements to the Timberline and Prospect intersection that were necessary for development in the area to proceed. It was funded by two contributing developers in the area. No City bonds were issued for the construction. Other undeveloped property receiving benefit from the improvements were assessed their proportionate share of the costs.

A certain property owner was inadvertently assessed. This property owner has two parcels which, upon development, will contribute traffic impacts into the Timberline and Prospect intersection. However, at this time, the parcels are just outside City limits.

This Ordinance amends the original assessing ordinance to remove these two parcels. A repayment agreement will be filed to require payment when this property develops. In accordance with the Intergovernmental Agreement with Larimer County, this property is eligible for annexation and would be required to annex upon development.

13. Items Relating to the East Harmony Road Bridge Replacement Project.

- A. Resolution 2009-094 Authorizing the Mayor to Enter into a Contract with the Colorado Department of Transportation for the Construction of the Harmony Road Bridge Replacement.
- B. First Reading of Ordinance No. 096, 2009, Appropriating Unanticipated Grant Revenue In the Capital Projects Fund for the East Harmony Road Bridge Replacement Project.

This funding contract between the City and Colorado Department of Transportation will allow for the replacement of a structurally deficient East Harmony Road Bridge.

14. First Reading of Ordinance No. 097, 2009, Amending Various Provisions of the Fort Collins Traffic Code.

The Colorado General Assembly amended certain statutory provisions this legislative session relating to state traffic laws. This Ordinance ensures that the Traffic Code is consistent with state traffic laws.

15. Resolution 2009-095 Supporting the Reinstatement of the Amtrak *Pioneer Route* and Requesting That Amtrak Include Fort Collins as a Stop in its National Passenger Rail System.

A citizen initiative is reaching out to communities along the North Front Range, such as Fort Collins, Loveland, and Longmont, to garner support for the potential reinstatement of the Amtrak *Pioneer* passenger rail service along the Burlington Northern Santa Fe (BNSF) railroad corridor.

Staff is requesting that the City Council adopt this Resolution to demonstrate to Amtrak the City's support for including the BNSF corridor and a stop in Fort Collins as part of the national study to consider reinstatement of the Amtrak Pioneer passenger rail service. The intent is to share this Resolution with Amtrak and the Colorado Congressional Delegation to demonstrate Fort Collins' support for the future passenger rail service.

## END CONSENT

16. Consent Calendar Follow-up.
  - a. This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
17. Staff Reports.
18. Councilmember Reports.

## Discussion Items

The method of debate for discussion items is as follows:

- Mayor introduces the item number, and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests citizen comment on the item (five minute limit for each citizen)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

**Note:** Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all citizens have an opportunity to speak. **Please sign in at the table in the back of the room.** The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

19. First Reading of Ordinance No. 098, 2009, Amending Section 805 of the Fort Collins Traffic Code Related to Pedestrians Walking or Traveling in a Wheelchair on a Highway. (staff: Joe Olson, Steve Roy, Jim Szakmeister; 5 minute staff presentation; 20 minute discussion)

This Ordinance will change the Fort Collins Traffic Code to allow pedestrians, including wheelchair users, to legally travel in a bike lane or on a road shoulder if an adjacent sidewalk is in a condition that substantially interferes with the mode of travel used by the pedestrian.

20. Public Hearing on the 2010-2011 Recommended Biennial Budget for the City of Fort Collins. (staff: Darin Atteberry; 15 minute staff presentation; 90 minute discussion)

This is the second official public hearing on the City Manager's 2010-2011 Recommended Biennial Budget for the City of Fort Collins. The purpose of this public hearing is to gather

public input on the 2010-2011 budget. Public input will also be taken during the budget adoption meetings on Tuesday, October 20 and Tuesday, November 3, 2009 at 6:00 p.m. in the Council Chambers.

The City Manager's 2010-2011 Recommended Budget can be reviewed at the Main Library, the Harmony Branch Library, Council Tree Library, or the City Clerk's Office. The recommended budget can also be viewed on the internet at [www.fcgov.com/budget](http://www.fcgov.com/budget).

21. Items Relating to the Riverwalk Annexation and Zoning. (staff: Ted Shepard; 5 minute staff presentation; 30 minute discussion)
- A. Resolution 2009-096 Setting Forth Findings of Fact and Determinations Regarding the Riverwalk Annexation.
  - B. Hearing and First Reading of Ordinance No. 099, 2009, Annexing Property Known as the Riverwalk Annexation to the City.
  - C. Hearing and First Reading of Ordinance No. 100, 2009, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Riverwalk Annexation to the City.

This is a request to annex and zone 265.65 acres generally located at the southwest quadrant of Interstate 25 and East Harmony Road. The site is bounded by I-25 on the east, Harmony Road on the north, the Fossil Creek Reservoir Inlet Ditch on the west and Kechter Road on the south.

Contiguity with the existing municipal boundary is gained along a portion of the northern boundary which is shared with the Arapaho Bend Second Annexation and a portion of the west boundary which is shared with the Stute Annexation Number Three, the Brookfield Annexation and the Sunrise Ridge Annexation. The property is mostly a former gravel extraction operation and zoned FA-1, Farming District in Larimer County.

The requested zoning is T, Transition for the northerly 139.65 acres and P-O-L, Public Open Lands for the southerly 126 acres.

22. Resolution 2009-093 Adopting the Airport Business Plan for the Fort Collins-Loveland Municipal Airport. (staff: Mike Freeman, Dave Gordon; 10 minute staff presentation; 15 minute discussion)

The goal of the Fort Collins-Loveland Airport Business Plan is to provide a strategic plan for the successful development of the Airport that meets the existing and future needs of the aviation community, the residents of the surrounding communities and the local business community. Adoption of the Airport Business Plan will provide the necessary guidance and direction for moving the Airport forward into the future.

23. Resolution 2009-084 Appointing Two Representatives to the Colorado Municipal League Policy Committee. (staff: Darin Atteberry; no staff presentation; 10 minute discussion)

Appointments to the CML Policy Committee are made each fall and members serve for a one-year period. Each member municipality of the League is entitled to a representative, and all cities over 100,000 are entitled to designate two representatives.

The Policy Committee is responsible for reviewing legislative proposals and recommending to the League Executive Board, positions of support, opposition, no position or amendment to a wide variety of legislation affecting cities and towns. At each annual conference in June, the Policy Committee proposes to the membership, revisions to the League's policies which guide League positions on public policy issues affecting municipalities.

The Committee meets three or four times a year, before and during legislative sessions as well as in May prior to the annual conference.

This Resolution appoints one Councilmember, to be selected at this meeting, and City Manager Darin Atteberry to represent the City of Fort Collins on the Colorado Municipal League Policy Committee.

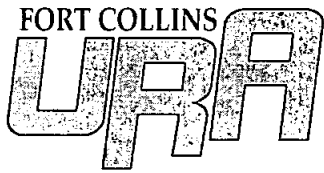
This item was postponed on September 1, 2009 to allow time for staff to gather information concerning the number of elected officials and staff currently serving on the Committee. It was postponed again on September 15 because of the lateness of the hour.

24. Pulled Consent Items.

25. Other Business.

26. Adjournment.

Every Council meeting will end no later than 10:30 p.m., except that: (1) any item of business commenced before 10:30 p.m. may be concluded before the meeting is adjourned and (2) the City Council may, by majority vote, extend a meeting until no later than 12:00 a.m. for the purpose of considering additional items of business. Any matter which has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting which have not yet been considered by the Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.



urban renewal authority

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## MEETING AGENDA

### October 6, 2009

1. Call Meeting to Order.
2. Roll Call.
3. Items Relating to the Redevelopment Agreement and Loan Agreements between the Fort Collins Urban Renewal Authority and RMI2 Properties, LLC. (staff: Mike Freeman, Josh Birks, Christina Vincent; 10 minute staff presentation; 30 minute discussion)
  - A. Resolution No. 019 Authorizing the Negotiation and Execution of Loan Documents with CGRF Investor Fund Five, LLC for the Rocky Mountain Innovation Initiative Project.
  - B. Resolution No. 020 Approving an Agreement Between the Fort Collins Urban Renewal Authority and RMI2 Properties, LLC to Provide Financial Assistance for the Rocky Mountain Innovation Initiative.

RMI2 enables and accelerates the success of innovation-based start-up companies and promotes the entrepreneurial culture of scientific and technology based companies in the



Northern Colorado region. This role makes RMI2 an essential partner in the economic health strategy of the City. For this reason, the City provided \$5.3 million in funds, through a loan, to facilitate the design, construction, and furnishing of a 3-story 32,000 square foot facility. The URA disbursed \$1.1 million of the City funds as a Bridge Loan. Resolution No. 019 asks the URA to consider lending the remaining \$4.2 million through the New Market Tax Credit Program (NMTC) to leverage approximately \$1.8 million in equity. Resolution No. 020 asks the URA to consider a Redevelopment Agreement that provides \$2.8 million in tax increment assistance to the same project.

4. Other Business.

5. Adjournment.