

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

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REGULAR MEETING

October 20, 2009

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring October 19-24, 2009 as United Way of Larimer County's Make a Difference Day.
- B. Proclamation Declaring 2009 as the 60th Anniversary of the Fort Collins Symphony.
- C. Proclamation Declaring October 22, 2009 as "Lights On After School" Day.
- D. Proclamation Declaring October 20, 2009 as Byron Winn Day.

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 23. 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. 30, 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.

CONSENT NON-BUDGET ITEMS

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

This Ordinance, unanimously adopted on First Reading on October 6, 2009, appropriates funds received for a joint grant awarded by 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.

7. Second 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. 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, unanimously adopted on First Reading on October 6, 2009, amends the original assessing ordinance to remove these two parcels.

8. Second Reading of Ordinance No. 096, 2009, Appropriating Unanticipated Grant Revenue In the Capital Projects Fund for the East Harmony Road Bridge Replacement Project.

This Ordinance, unanimously adopted on First Reading on October 6, 2009, appropriates funds received from the Colorado Department of Transportation for the replacement of the East Harmony Road Bridge.

9. Second 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, unanimously adopted on First Reading October 6, 2009, ensures that the Traffic Code is consistent with state traffic laws.

10. Second 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.

This Ordinance, unanimously adopted on First Reading on October 6, 2009, changes 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.

11. First Reading of Ordinance No. 101, 2009, Appropriating Unanticipated Revenue in the Cultural Services Fund to be Used for the Construction of the New Museum/Discovery Science Center Joint Facility.

The City received a donation of \$88,966 from the Isabelle (Judy) Arnold Trust designated for the Fort Collins Museum. This Ordinance appropriates that donation in the Building on Basics (BOB) Fort Collins Museum/Discovery Science Center Joint Facility Project.

12. First Reading of Ordinance No. 102, 2009, Appropriating Unanticipated Revenue from the American Recovery and Reinvestment Act to the Transit Fund.

The City of Fort Collins has received American Recovery and Investment Act of 2009 (ARRA) stimulus funding to purchase six NABI 40-foot Low Floor Compressed Natural Gas (CNG) replacement buses and several Proximity Card Readers in 2009. The buses will

replace the oldest model vehicles and are a timely addition to an aging fleet. The addition will increase the CNG fleet component to 10 buses (37%) in an era when sustainability is a priority. ARRA stimulus funding was also received to purchase Proximity Card Readers for the current fleet of vehicles to facilitate the use of CSU student IDs as legitimate fare media.

13. First Reading of Ordinance No. 103, 2009, Appropriating Unanticipated Grant Revenue From the Office of the National Drug Control Policy and the U.S. Department of Justice in the General Fund for the Northern Colorado Drug Task Force.

The City has received three grants for the Northern Colorado Drug Task Force. The first is from the Office of National Drug Control Policy for January 1-December 31, 2010, in the amount of \$84,124. The second is from the Office of National Drug Control Policy in the amount of \$24,703. The third is from the U.S. Department of Justice in the amount of \$108,275 for fiscal year 2009. There is no financial impact to the City of Fort Collins and there are no matching funds required for these grants.

14. First Reading of Ordinance No. 104, 2009, Appropriating Unanticipated Grant Revenues in the General Fund for Police Services and for the Transfer of Matching Funds Previously Appropriated in the Police Services Operating Budget.

A grant in the amount of \$30,000 has been received from the Colorado Division of Criminal Justice (DCJ) for salaries associated with the continued operation of Restorative Justice Services. A \$3,333 cash match is required and will be met by appropriating funds from the Police Services operating budget. Restorative Justice is an alternative method of holding a young offender accountable by facilitating a meeting with the young offender, the victim/victim representative and members of the community to determine the harm done by the crime, and what should be done to repair the harm. By identifying and repairing the harm caused by the crime, Criminal Justice Officials are optimistic repeat offenses by these youth will be reduced and the needs and concerns of the victims and affected community will be addressed. Restorative Justice Services includes The RESTORE Program for shoplifting offenses, and Restorative Justice Conferencing Program (RJCP) for all other offenses.

15. First Reading of Ordinance No. 105, 2009, Appropriating Prior Year Reserves and Unanticipated Revenue in Various City Funds and Authorizing the Transfer of Appropriated Amounts Between Funds or Projects.

The purpose of this annual "clean-up" Ordinance is to combine dedicated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and, therefore, not included in the 2009 budget. The unanticipated revenue is primarily from fees, charges, rents, contributions and grants that have been paid to City departments to offset specific expenses. Prior year reserves are primarily being appropriated for unanticipated operation expenses from reserves that are set aside for that purpose.

This Ordinance appropriates prior year reserves and unanticipated revenue in various City funds, and authorizes the transfer of appropriated amounts between funds. The City Charter permits the City Council to provide by ordinance for payment of any expense from prior year reserves. The Charter also permits the City Council to appropriate unanticipated revenue

received as a result of rate or fee increases or new revenue sources. Additionally, it authorizes the City Council to transfer any unexpended appropriated amounts from one fund to another upon recommendation of the City Manager, provided that the purpose for which the transferred funds are to be expended remains unchanged; the purpose for which they were initially appropriated no longer exists; or the proposed transfer is from a fund or capital project account in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

16. First Reading of Ordinance No. 106, 2009, Amending Section 25-123(c) of the City Code Relating to the Vendor Fee for Collecting and Remitting Sales Tax.

This ordinance will eliminate the City's current vendor fee for sales and use tax licensees. The proposed modification will result in **\$300,000** of ongoing additional revenue being available for General Fund uses. This change will not increase taxes or fees charged, but rather eliminate the amount of City sales and use taxes that vendors are allowed to retain in exchange for the service they provide in collecting City taxes. Currently, vendors are allowed to retain 1% of sales and use taxes collected, up to a maximum of \$45 per reporting period.

17. First Reading of Ordinance No. 108, 2009, Amending Chapter 14 of the City Code Relating to the Landmark Rehabilitation Loan Program.

This Ordinance amends the Landmark Rehabilitation Loan Program to increase the loan funding amounts from a maximum of \$5,000 to a maximum of \$7,500. It also removes provisions related to the application review schedule to allow for a more flexible, semi-annual competitive application review process.

18. First Reading of Ordinance No. 109, 2009, Authorizing the Conveyance of a Non-Exclusive Drainage Easement on the Gustav Swanson Natural Area to Urban Development Partners, LLC.

Urban Development Partners, LLC (the "Developer") is proposing to build an industrial/office development which is commonly known as the Inverness Innovation Park (the "Project"), located on East Vine Drive and north of the City's Gustav Swanson Natural Area (the "Natural Area"). The storm drainage in this area has historically flowed to the Cache La Poudre River. In the spring of 2009, the Developer requested a small drainage easement and access easement on the Natural Area to construct the stormwater improvements needed for the Project. On April 21, 2009, Council adopted Ordinance No. 031, 2009, authorizing these easements. In that Ordinance, the City reserved the right to require additional storm water management improvements if further review of the Development indicated additional storm water improvements were necessary. As the Project has moved through the City approval process, the need for an additional drainage easement across the Natural Area has been identified. As recommended by staff, the Developer is now requesting a drainage easement across the Natural Area to allow for stormwater flows in case of storm events larger than a 100-year flood event.

19. First Reading of Ordinance No. 110, 2009, Authorizing the Conveyance of a Utility Easement on a Portion of the Larimer County Landfill to Poudre Valley Rural Electric Association, Inc.

Larimer County has been working for a few years on a project to reduce its carbon emissions from the Landfill. Larimer County has developed a cooperative partnership with Timberline Energy, LLC ("Timberline") to recover landfill gas. Last year, these parties entered into a Landfill Gas Purchase Agreement. Under this Agreement, Timberline will install (at its expense) a landfill gas recovery system. Timberline will then sell the recovered methane gas and carbon credits to a commercial energy user.

Larimer County will receive a complete landfill gas recovery system at no cost to Landfill customers and will also receive a small amount of monthly revenue and a small percentage of the credit and gas sales. This revenue will be directly reinvested into the solid waste program at the Landfill.

In order to construct the gas recovery facility and operate the gas recovery system, Timberline needs electrical power to the site. Timberline is getting its electrical service from REA. REA has requested a utility easement to lay the electrical line underground to the facility.

20. Resolution 2009-097 Authorizing the City Manager to Enter into an Intergovernmental Agreement for Emergency Management of Disasters Related to Broad Ranging Public Health Emergency Incidents.

The City has a number of intergovernmental agreements with surrounding jurisdictions in order to enable effective response to and recovery from a wide range of disaster emergencies. This Resolution authorizes the City Manager to enter into an intergovernmental agreement between the City, Larimer County, Poudre Valley Health District and City of Loveland to provide for a joint response to a large scale public health emergency.

21. Resolution 2009-098 Concerning Implementation of Standards Created by Amendments to the Public Utility Regulatory Policies Act of 1978 and Contained in the Energy Independence and Security Act of 2007.

The Energy Independence and Security Act of 2007 (EISA) amended the Public Utility Regulatory Policies Act of 1978 (PURPA) to create four new standards regarding integrated resource planning, rate design modifications to promote energy efficiency investments, and smart grid investments and information. EISA also includes a new standard to provide incentives for recovery of industrial waste energy. EISA requires both regulated (investor-owned) and nonregulated (municipal and rural electric cooperatives) electric utilities to consider the standards after notice and public hearing and to make a determination on whether or not to implement the standards. The utility may determine that it is not appropriate to implement a particular standard and decline to do so as long as it sets forth its reasons in writing and makes the writing available to the public. The Staff Report lists the specific EISA standards and the particular practices and policies which address the standards. Staff believes, and the Electric Board concurs, that the current electric utility practices and policy are in compliance with the standards.

22. Routine Deed.

Quit claim deed from Kem Homes, Inc., for street purposes, located on Rule Drive, west of South Lemay Avenue. Monetary consideration: \$0.

CONSENT BUDGET ITEM23. First Reading of Ordinance No. 111, 2009, Appropriating Downtown Development Authority Operating Funds, Debt Service Funds and Fixing the Mill Levy for Fiscal Year 2010.

This Ordinance adopts the 2010 Budget for the Downtown Development Authority (DDA) and sets the amount of \$7,577,054 to be appropriated for fiscal year 2010. This Ordinance also sets the 2010 mill levy for the Downtown Development Authority at five mills, unchanged since 2002.

END CONSENT24. Consent Calendar Follow-up.

- a. This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.

25. Staff Reports.

- a. Presentation of ICMA Center for Performance Management Certificate of Distinction.

26. Councilmember Reports.**Budget 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.

27. First Reading of Ordinance No. 112, 2009, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2010 and Adopting the Budget for the Fiscal Years Beginning January 1, 2010 and Ending December 31, 2011, and Fixing the Mill Levy for Fiscal Year 2010. (staff: Darin Atteberry, Mike Freeman; 15 minute staff presentation; 90 minute discussion)

The Annual Appropriation Ordinance is presented for First Reading. This Ordinance sets the City Budget for the two-year period of 2010–2011. The approved budget becomes the City’s Council financial plan for the next two fiscal years.

28. Items Relating to Utility Rates and Charges for 2010. (staff: Brian Janonis, Terri Bryant; 10 minute staff presentation; 45 minute discussion)
- A. First Reading of Ordinance No. 113, 2009, Amending Chapter 26, Article III, Division 4 of the City Code Relating to User Rates and Charges for Water.
 - B. First Reading of Ordinance No. 114, 2009 Amending Chapter 26 of the City Code Relating to Wastewater Rates and Charges.
 - C. First Reading of Ordinance No. 115, 2009 Amending Chapter 26 of the City Code to Revise Electric Rates, Fees and Charges.
 - D. First Reading of Ordinance No. 116, 2009, Amending Chapter 26 of the City Code to Revise Water Plant Investment Fees.
 - E. First Reading of Ordinance No. 117, 2009, Amending Chapter 26 of the City Code to Revise Sewer Plant Investment Fees.
 - F. First Reading of Ordinance No. 118, 2009, Amending Chapter 26 of the City Code to Revise Electric Development Fees and Charges.
 - G. First Reading of Ordinance No. 119, 2009, Amending Chapter 26 of the City Code to Revise Stormwater Plant Investment Fees.

Three Ordinances (A, B & C) establish monthly water, wastewater and electric rates.

Four Ordinances (D, E, F, & G) adopt revised water, sewer and stormwater plant investment fees and electric development fees. The fees are one-time charges paid by developers or builders for the cost of the utility infrastructure needed to serve new development. Per Council direction, plant investment fees are reviewed on an annual basis and revised during the biennial budget cycle. Plant investment fees (PIFs) for water, wastewater and stormwater were last updated with the 2007-2008 budget. Electric development fees and charges are updated annually.

Non-Budget 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
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29. Items Relating to the Riverwalk Annexation and Zoning. (staff: Ted Shepard; 5 minute staff presentation; 15 minute discussion)

- A. Second Reading of Ordinance No. 099, 2009, Annexing Property Known as the Riverwalk Annexation to the City.
- B. Second 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.

These Ordinances, unanimously adopted on First Reading on October 6, 2009 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. The requested zoning is T, Transition.

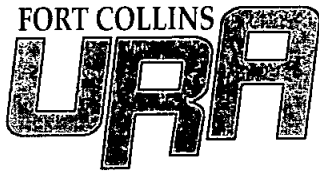
The applicant has asked that the zoning for the south half of the property be amended on Second Reading from Public Open Lands District (POL) to Transition District (T). This is consistent with the petition for annexation, which requests that the entire property be placed in the T zone. Staff and the P&Z Board initially recommended that the south half of the property be placed in the Public Open Lands (POL) zone since the anticipated use of that portion of the property is for a water storage facility. However, staff does not object to the request to place the entire parcel in the T-Transition Zone District as the land use regulations that would control the property are not impacted. The property, if zoned T-Transition, would require a subsequent zone change before any development could occur except that the proposed zoning condition recommended by the P&Z would allow dirt removal in accordance with a Type II permit. Staff believes that rezoning the entire parcel T does not impact the City's ability to ensure the property conforms with the City's adopted Plans, Policies and Regulations.

30. Pulled Consent Items.

31. Other Business.

32. 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

Doug Hutchinson, President
Kelly Ohlson, Vice-President
Ben Manvel
Lisa Poppaw
Aislinn Kottwitz

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MEETING AGENDA

October 20, 2009

1. Call Meeting to Order.
2. Roll Call.
3. Resolution No. 021 Approving an Agreement Between the Fort Collins Urban Renewal Authority and SunTerrace Townhomes, LLC. for the SunTerrace Townhomes. (staff: Mike Freeman, Josh Birks, Christina Vincent; 5 minute staff presentation; 45 minute discussion)

SunTerrace Townhomes, LLC (“Applicant”) is proposing to build a 56 unit multifamily rental complex on the north side of the Old Town North development. The applicant is seeking tax increment financing (TIF) assistance from the URA to cover the financing gap that exists for the project. The applicant is looking to use the TIF as leverage for the federal loan application, intended as the project’s permanent financing mechanism. There are not extraordinary site constraints as in other URA projects, but the applicant is seeking assistance for local street fees associated with the Old Town North development that would be triggered as a result of the number of building permits this project would generate. This is the fifth URA applicant seeking TIF from the URA Board in the past twelve months.

The applicant disagrees with staff's recommendation for a TIF contribution of \$562,000 and requests that the URA Board vote on the requested amount of \$961,844. Staff does not support the applicant's requested amount based on the pro forma analysis, the appropriate use of TIF for those additional costs, and will therefore be recommending denial of the resolution.

4. Other Business.

5. Adjournment.

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Lisa Poppaw, District 2
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REGULAR MEETING

October 20, 2009

1. Call Meeting to Order.
2. Roll Call.
3. First Reading of Ordinance No. 057, Determining and Fixing the Mill Levy for the General Improvement District No. 1 for the Fiscal Year 2010; Directing the Secretary of the District to Certify Such Levy to the Board of County Commissioners of Larimer County; and Making the Fiscal Year 2010 Annual Appropriation. (staff: Chuck Seest; 5 minute staff presentation; 10 minute discussion)

The sum of \$237,000 is anticipated to be collected from the mill levy of 4.924 mills for fiscal year 2009 as adjusted by the temporary tax credits. Additional revenue for the General Improvement District(GID) No. 1 from sources like automobile specific ownership taxes, ad valorem taxes, and interest earnings are anticipated to total \$15,000. The total 2009 revenue for GID No. 1 will be \$252,000, which when combined with reserves of \$418,902, generate a total of \$670,902 and the recommended appropriations for this amount are as follows:

- \$142,702 in lease payments to the Fort Collins Capital Leasing Corporation for downtown sidewalk improvements.
- \$250,000 to be used for capital improvements in the downtown area, primarily sidewalk repairs.
- \$250,000 to be used for one – time capital improvements in the downtown area, a “Way Finding” and signage system to assist businesses, residents and visitors.

Other expenses:

- \$15,500 for the property tax rebate program
- \$10,500 for the Larimer County Treasurer’s fee for collecting the property tax
- \$2,200 for estimated electrical costs for downtown lighting and water.

4. Other Business.

5. Adjournment.