

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 on the

Council Chambers  
City Hall West  
300 LaPorte Avenue

Cablecast on City Cable Channel 14  
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**

**February 16, 2010**

### **Proclamations and Presentations**

**5:30 p.m.**

- A. Proclamation Declaring the Week of February 14-20, 2010, as National Engineers Week.
- B. Proclamation Declaring February 28, 2010, as Girls and Women in Sports 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 are not allowed
- Keep comments brief; if available, provide a written copy of statement to City Clerk
- Address you 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 18. 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 be "pulled" off the Consent Calendar and considered separately. Agenda items pulled from the Consent Calendar will be considered separately under Item No. 27, Pulled Consent Items. The Consent Calendar consists of:

- Ordinance 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 February 2, 2010, Regular Meeting.

7. Second Reading of Ordinance No. 005, 2010, Appropriating Unanticipated Revenue in the Capital Projects Fund for the Intersection Improvements Project for Harmony Road and College Avenue.

The City has received State and Federal funds totaling \$747,000, designated for the construction of improvements to the Harmony Road and College Avenue intersection. This Ordinance, unanimously adopted on First Reading on February 2, 2010, appropriates those funds.

8. Items Relating to the Conveyance of Interests in City-Owned Property Known as Grape Street for the Benefit of the North College Marketplace Project.

- A. Second Reading of Ordinance No. 006, 2010, Authorizing the Conveyance of a Portion of the City-Owned Property Known as Grape Street to 1908 N. College, LLC.

- B. Second Reading of Ordinance No. 007, 2010, Authorizing the Conveyance of a Temporary Construction Easement on a Portion of the City-Owned Property Known as Grape Street to 1908 N. College, LLC.

The North College Marketplace Project ("Project") is a shopping center development that will include various retail companies and will be anchored by a new King Soopers. The Project is located at the northeast corner of College Avenue and Willox Street and the north boundary is the City-owned property known as Grape Street. As part of this Project, Grape Street access will be eliminated at College Avenue and the developer has included a permanent access easement through the Project for users of Grape Street. With this change, these conveyances have been requested by the developer of the North College Marketplace Project to enhance its development. These Ordinances were unanimously adopted on First Reading on February 2, 2010.

9. Second Reading Ordinance No. 008, 2010, Amending the Zoning District Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in Phase Three of the Southwest Enclave Annexation to the City of Fort Collins, Colorado.

Phase Three of the Southwest Enclave Annexation consists of 1,080 acres and was recorded on December 31, 2009. This Ordinance, unanimously adopted on First Reading on February 2, 2010, zones Phase Three. The requested zone districts for Phase Three are Low Density Residential (RL), Urban Estate (UE), Low Density Mixed-Use Neighborhood (LMN), and Public Open Lands (POL).

10. First Reading of Ordinance No. 009, 2010, Appropriating Unanticipated Grant Revenue in the General Fund for the Restorative Justice Program.

A grant in the amount of \$15,000 has been received from the Bohemian Foundation for salaries associated with the continued operation of the RESTORE Program within Restorative Justice Services that deals with shoplifting offenses. RESTORE is an alternative method of holding a young offender accountable by facilitating a meeting with the young offender, parents/guardians, a victim/merchant representative and members of the community to determine the harm done by the crime, and what should be done to repair the harm. In a RESTORE session, participants are educated about how shoplifting harms not only the merchant, but many other parts of the community. The objective in a RESTORE session is to help the young offenders understand how their actions affect others, and make them accountable for the harm caused by their actions. By addressing all concerns in an open circle, it is hoped that offenders' awareness of how their actions impact others will increase, and they will make better future decisions. Community volunteers help the young people understand the harm caused and encourage them to become more productive members of the community. The young offenders then have 30 to 60 days to complete contract obligations designed to repair the harm to victim, community, family and self, after which they return for a completion interview with community volunteers. Upon program completion, charges against an offender may be dismissed or not filed.

11. First Reading of Ordinance No. 010, 2010, Appropriating Proceeds from the Issuance of City of Fort Collins, Colorado, Wastewater Utility Enterprise, Sewer Revenue Refunding Bonds, Series 2010A, in the Maximum Aggregate Principal Amount of \$4,100,000, in the Wastewater Utility Fund.

After the regular Council meeting, the Board of the Wastewater Utility Enterprise will consider an ordinance which authorizes the issuance of City of Fort Collins Colorado, Wastewater Utility Enterprise, Sewer Revenue Refunding Bonds, Series 2010A, in the Maximum Aggregate Principal Amount of \$4,100,000. The Bonds will be issued to refund, pay and discharge all of the outstanding Sewer Revenue Bonds, Series 2000.

12. Items Relating to the FC Bike Library Program.

- A. Resolution 2010-007 Authorizing the Mayor to Enter into an Intergovernmental Agreement with the State of Colorado Department of Transportation for the Purpose of Obtaining a Congestion Mitigation and Air Quality Grant in Support of the FC Bike Library Program.
- B. First Reading of Ordinance No. 011, 2010, Appropriating Unanticipated Grant Revenue in the Transportation Services Fund to Be Used for the 2010-2011 Fort Collins Bike Library Program.

The Fort Collins Bike Library Program (FCBL) has been awarded Congestion Mitigation & Air Quality (CMAQ) grant funding from the North Front Range Metropolitan Planning Organization and the Colorado Department of Transportation for work to be completed FY 2010 and 2011. The City of Fort Collins contracts with Bike Fort Collins, a local non-profit cycling organization, to manage and operate the FCBL. The Fort Collins Bike Library Program includes the continual improvement, refinement, and expansion of the Bicycle Library Program and services. These activities include improving marketing and operational practices. Expansion includes incorporating additional bicycles and check-out stations into the FCBL Program and incorporating additional community partners such as schools, businesses, and non-profit organizations.

13. Items Relating to the FC Bikes Program.

- A. Resolution 2010-008 Authorizing the Mayor to Enter into an Intergovernmental Agreement with the State of Colorado Department of Transportation for the Purpose of Supporting the City's Fc Bikes Program for the Fiscal Year 2010-2011 Funding Period Utilizing Congestion Mitigation and Air Quality Funds.
- B. First Reading of Ordinance No. 012, 2010, Appropriating Unanticipated Grant Revenue in the Transportation Services Fund to Be Used for the 2010-2011 Fort Collins Bikes Program.

The City of Fort Collins' FC Bikes Program has been awarded Congestion Mitigation & Air Quality (CMAQ) grant funding from the North Front Range Metropolitan Planning Organization and Colorado Department of Transportation. Using these FY2010-11 federal funds, the City's FC Bikes Program takes a comprehensive approach to building the City's bicycle program. The refinement and expansion of the FC Bikes Program includes improving community outreach and operational practices to increase bicycling while integrating safety components in a comprehensive manner throughout all of the programmatic activities. Expansion elements include adding new events, campaigns, programs, and a regional coordination component to improve safety and to increase the number of people bicycling throughout the community as well as commuting to and from Fort Collins and neighboring communities.

14. First Reading of Ordinance No. 013, 2010, Approving an Amendment to the Fort Collins-Timnath Intergovernmental Agreement Regarding Cooperation on Annexation, Growth Management, and Related Issues, Extending the Deadline for the City of Fort Collins to Accomplish an Amendment to the City's Growth Management Area Boundary and Extending the Deadline for the Town of Timnath to Exercise an Option to Buy the City-owned Vangbo Open Space Property.

On February 17, 2009, the City of Fort Collins and the Town of Timnath entered into an intergovernmental agreement regarding annexations, growth management, and related issues. The agreement resolved certain differences that had arisen between the City and Town concerning a variety of planning and growth management issues. The agreement set one-year deadlines for the City to amend its Growth Management Area boundary and for the Town to exercise a purchase option to acquire the City-owned Vangbo Open Space property. Ordinance No. 013, 2010, would extend

those deadlines for six months (with the possible extension for an additional six months) and one year respectively.

15. First Reading of Ordinance No. 014, 2010, Vacating a Portion of Corbett Drive Right-of-way as Dedicated on the Plat of Front Range Village.

The center of the roundabout at Corbett Drive and Council Tree Avenue in the Front Range Village Shopping Center, located at the northeast corner of Ziegler Road and Harmony Road, is proposed for vacation. The shopping center desires to place a Christmas tree and other decorations in the landscaped area of the roundabout during the holiday season. The City's holiday policy does not allow for this. Therefore, Front Range Village has proposed that the center of the roundabout be vacated.

16. Resolution 2010-009 Adopting the Recommendations of the Cultural Resources Board Regarding Fort Fund Disbursements.

The Cultural Development and Programming and Tourism Programming accounts (Fort Fund) provide grants to fund community events. This Resolution will adopt the recommendations from the Cultural Resources Board to disburse these funds.

17. Resolution 2010-010 Ratifying the Reappointment of Robin Gard to the Poudre River Public Library District Board of Trustees.

Resolution 2007-026 ratified the initial appointments to the Library Board of Trustees on March 6, 2007. Seven Trustees were appointed to the Board with initial terms ranging from 1 to 5 years. The initial term of Trustee Robin Gard expires on March 6, 2010 and she needs to be reappointed to the Board or replaced. The Library Trustee Selection Committee, comprised of Councilmembers Manvel and Poppaw and Larimer County Commissioners Gaiter and Johnson, unanimously recommends the reappointment of Robin Gard to the Library Board of Trustees for a four-year term.

18. Routine Deed.

A. Deed of Dedication from 1802 North College Investments, LLC, for a small strip of right-of-way as part of the City's North College Avenue and Willox Lane Intersection Improvement Project next to the North College Marketplace development. Monetary consideration: \$10.

<b>END CONSENT</b>
--------------------

19. Consent Calendar Follow-up.

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

20. Staff Reports.

21. 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.

22. Resolution 2010-011 Rescinding Prior Activities Related to a Pilot Trash and Recycling Services District and Directing the City Manager to Pursue Other Alternatives for Mitigating the Effects of Trash Collection Services and Improving Diversion Rates. (staff: Darin Atteberry, Ann Turnquist; 5 minute staff presentation; 20 minute discussion)

On February 2, 2010, City Council held a public hearing regarding the proposed Trash Services Pilot District. Following the hearing, Council directed staff to prepare a resolution which would end further consideration of the proposed District. Council's consensus was that it will not pursue Trash Districting, and will direct staff to do no further work on the proposal. Staff will also close out the Request for Proposals process by declining to implement the negotiated contract.

23. Consideration of the Appeal to City Council of the Landmark Preservation Commission's December 9, 2009 Denial of the Appellant's Request to Install "Hardie Plank" Fiber Cement Siding on the Historic Rigden Farm Barn. (staff: Karen McWilliams; 5 minute staff presentation; 1 hour discussion)

On December 9, 2009, the Landmark Preservation Commission considered a Conceptual and Final Review of a proposal to allow fiber cement siding ("Hardie Plank") to be installed over the historic wood siding of the Henry Jessup/ Cal Johnson Barn, a designated Fort Collins Landmark located at 2902 Rigden Parkway. The Landmark Preservation Commission considered testimony from the applicant, the public and staff, and unanimously denied the request.

The Appellant, representing the Rigden Farm Master Association, filed a Notice of Appeal with the City Clerk's Office on December 23, 2009, seeking redress of the action of the Landmark Preservation Commission which is the subject of this appeal.

24. Items Relating to Occupancy Limits. (staff: Steve Dush, Beth Sowder; 10 minute staff presentation; 30 minute discussion)
- A. First Reading of Ordinance No. 015, 2010, Amending Sections of the Land Use Code Relating to Occupancy Limits.
  - B. First Reading of Ordinance No. 016, 2010, Amending Section 5-265 of the City Code Relating to Occupancy Disclosure Statements.

In 2005, City Council adopted significant changes to the City Code and the Land Use Code for the purpose of establishing new occupancy regulations that are understandable, fair, and enforceable. This was accomplished in part by redefining the make-up of the types of groups or individuals that can live together in a dwelling unit and by establishing ways in which the number of persons allowed to live together can be increased.

It has recently come to City staff's attention that the current regulations do not meet Council's original intent for limiting the occupancy of dwelling units. The proposed Land Use Code changes address this problem by clarifying the regulation and adding a "host family" category as another acceptable way to increase the number of occupants allowed in a dwelling unit, and by changing the definition of "family" so that it no longer includes an individual living alone.

In addition, the disclosure statement requirement related to occupancy limits has been revised to ensure that the statement is truthful, is provided by the property owner or manager to the tenants at the time of lease signing, and is readily available when requested by the City.

25. Resolution 2010-012 Authorizing the Acquisition of Certain Lands for Water Storage and Natural Area. (staff: John Stokes; 10 minute staff presentation; 15 minute discussion)

In 2009, staff negotiated an agreement with Jay Stoner to acquire 128-acres of land and reservoir storage near the southwest corner of Harmony and I-25 for a price of \$5.8 million (see attached map). The land is part of the so-called Riverwalk project – a development proposed for the area. The contract with Stoner was terminated in late fall of 2009. A new contract has been drafted with a successor to Stoner, the Turnkey Company.

The City wishes to acquire the 128 acres for the primary purpose of water storage. About 80 acres of the 128 acres will be used for storing approximately 1,500 acre feet of water. Under the terms of the City's proposed contract with Turnkey Company, the Company will remove material from the site to create additional storage capacity prior to closing the transaction.

A secondary purpose of the acquisition will be to conserve an open space amenity along I-25 near the Harmony intersection. Dry land around the reservoir will be restored and managed by the Natural Areas Program to enhance habitat and recreational opportunities.

The agreement with Turnkey calls for the City and Turnkey to work closely together on the design of the reservoir to achieve the primary objective of water storage, while simultaneously building an amenity that is as aesthetically pleasing as possible.

26. Resolution 2010-013 Authorizing the City Manager to Execute Intergovernmental Agreements with the Board of Governors of the Colorado State University System (CSU) and with the Colorado State University Research Foundation (CSURF) for the Mason Corridor/Max Bus Rapid Transit System. (staff: Helen Migchelbrink, Steve McQuilkin; 5 minute staff presentation; 10 minute discussion)

The City and Colorado State University (CSU) are working together to develop the section of the Mason Corridor Bus Rapid Transit (BRT) Project along the Burlington Northern & Santa Fe Railway Company right-of-way through the University's main campus. The Mason Corridor BRT will provide more comfortable and efficient public rapid bus service to the students, faculty, staff and visitors of CSU and the citizens of the City. The parties desire to enter into these Agreements in order to set forth their respective rights and obligations concerning the development, maintenance, operation, and use of the Mason Corridor BRT System.

27. Pulled Consent Items.
28. Other Business.
29. 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 Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.



Doug Hutchinson, President  
Kelly Ohlson, District 5, Vice-President  
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  
at the conclusion of the Regular Council Meeting  
Cablecast on City Cable Channel 14  
on the Comcast cable system

Darin Atteberry, City Manager  
Steve Roy, City Attorney  
Wanda Krajcek, 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**

### **February 16, 2009**

1. Call Meeting to Order.
2. Roll Call.
3. First Reading of Ordinance No. 005, Authorizing the Issuance of City of Fort Collins, Colorado, Wastewater Utility Enterprise, Sewer Revenue Refunding Bonds, Series 2010A, in the Maximum Aggregate Principal Amount of \$4,100,000. (staff: Chuck Seest, Bill Freeman; 5 minute staff presentation; 5 minute discussion)

The City will be paying off bonds with higher interest rates with new bonds that will have lower interest rates. The 2000 bonds carried interest rates of up to 5.50%. The refunding bonds in this ordinance are estimated to carry interest rates of between 3.00% – 4.00%. The present value savings on the lower rates are estimated to be approximately \$300,000. The final rates will be determined by selling the bonds via a private placement later this year.

4. Other Business.
5. Adjournment.