



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

Council Chambers  
City Hall West  
300 LaPorte Avenue

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

July 20, 2010

### Proclamations and Presentations

5:30 p.m.

- A. Proclamation Declaring August 3, 2010, as Neighborhood Night Out.
- B. Proclamation Declaring August as Carcinoid Cancer Awareness Month.

### 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

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 24. 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. 30, 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. Postponement of Ordinance No. 057, 2010, Appropriating Unanticipated Grant Revenue in the General Fund for the Coca-Cola and Angell's Delicatessen Sign Located on Mountain Avenue Indefinitely.

On May 18, 2010, Council unanimously adopted Ordinance No. 057, 2010, on First Reading. On June 15, Council approved a postponement of the Second Reading of this Ordinance until July 20, 2010. Council had requested additional information on the choices and methodology for restoration of the Coca-Cola and Angell's Delicatessen "Ghost" signs. Additional information has since been received from National Park Service conservators regarding the proposed sealant, Acryloid B72, raising questions about its appropriateness for this use; the author of Preservation Brief No. 25, "The Preservation of Historic Signs," has changed his opinion on appropriate treatments since publication of the brief; and the stakeholders are not unified in their choice of how the signs should ultimately be restored. Staff needs additional time to thoroughly investigate treatment methodologies and

coordinate restoration options between the large numbers of stakeholders in this project. Staff requests postponement of the Second Reading of this ordinance until such time as staff has complete information to present to Council.

7. Second Reading of Ordinance No. 020, 2010 Amending Chapter 26 of the City Code Relating to Industrial Pretreatment Local Limits and Requirements.

This Ordinance, unanimously adopted on First Reading on March 2, 2010, amends the City Code to provide legal authority to implement and enforce revised Federal pretreatment regulations. The Ordinance also contains revised pollutant local limits applicable to industrial wastewater dischargers. The modifications and revised local limits were developed based upon Environmental Protection Agency (EPA) Region VIII requirements and guidance and were subject to EPA approval between the First and Second Reading of the Ordinance.

Second Reading of the Ordinance was postponed to July 20, 2010, in order to allow the EPA time to complete its review of the Ordinance and to allow for a 30-day public notice of the Ordinance. Staff notified industries affected by the Ordinance of the opportunity for comment, and a copy of the notice published in the *Coloradoan* was provided to industries that expressed an interest. The EPA did not receive any comments. The EPA review did not find any required or recommended changes needed to be made to the Ordinance. Final EPA approval was received on June 29, 2010.

A change has been made to the Ordinance since adoption on First Reading. This change was negotiated with the EPA, and it updates the language of City Code Section 26-355 to bring the enforcement language in that section in line with the process generally used to prosecute City Code violations.

8. Second Reading of Ordinance No. 079, 2010, Authorizing Conveyance of a Non-Exclusive Drainage Easement and Non-Exclusive Access Easement on City Property to New Prospect, LLC.

New Prospect, LLC (the "Developer") is planning a development in the 800 block of East Prospect called New Prospect (the "Development"). As part of the requirements and design of the Development, the Developer has asked to purchase two easements on Mallards Nest Natural Area, owned by the City's Natural Resources Department. This Ordinance, unanimously adopted on First Reading on July 6, 2010, authorizes the conveyances of two easements consisting of a drainage easement to meet the required stormwater retention criteria and stormwater outfall to Spring Creek and an access easement providing a pedestrian connection from East Prospect Road to the Spring Creek Trail.

9. Second Reading of Ordinance No. 081, 2010, Appropriating Unanticipated Grant Revenue in the Transportation Services Fund for the FY 2010-2011 Safe Routes to School Project.

The City of Fort Collins Transportation Planning department has received an \$88,250 federal grant through the Colorado Department of Transportation for the FY 2010-11 Safe Routes to School (SRTS) Program. This funding will allow the City of Fort Collins Safe Routes to School Program to provide non-infrastructure SRTS services for ten local schools. Non-infrastructure SRTS activities include in-class bicycle and pedestrian education, "train the trainers" program and training material development, and walking and bicycling encouragement events. The Fort Collins SRTS program partners with Poudre School District (PSD), the Bicycle and Pedestrian Education Coalition (BPEC) and Bicycle Colorado to provide in-class education and the "train the trainers" program. Additionally, the funds will cover the costs of free bicycle helmets for low-income students, federally-mandated data collection on walking and bicycling at the five local schools, and staff costs for program administration. The funding will allow the Fort Collins SRTS program to build on past successes and provide these services to ten additional schools. This Ordinance, unanimously adopted on First Reading on July 6, 2010, appropriates the grant funds.

10. Second Reading of Ordinance No. 082, 2010, Appropriating Prior Year Reserves in the General Fund from Police Seizure Activities for Police Services.

State law allows for the seizure of illegal contraband used in or gained from criminal activity. The intent is to deter crime and to recover proceeds gained through criminal conduct and apply those assets to defraying the costs of law enforcement. This Ordinance, unanimously adopted on First Reading on July 6, 2010, appropriates proceeds from successful asset seizure and forfeiture actions to be used for law enforcement purposes.

11. Second Reading of Ordinance No. 083, 2010, Appropriating Unanticipated Grant Revenue in the General Fund for the Restorative Justice Program and Authorizing the Transfer of Matching Funds Previously Appropriated in the Police Services Operating Budget.

Ordinance No. 083, 2010, unanimously adopted on First Reading on July 6, 2010, appropriates a \$21,574 grant that has been received from the Colorado Division of Criminal Justice Juvenile Diversion fund. The grant is to be used for salaries associated with the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program for other offenses committed by youth and young adults.

12. Second Reading of Ordinance No. 085, 2010, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements in Connection with the North College Avenue Roadway Improvement Project, Phase II.

The North College Avenue Roadway Improvement Project, Phase II is a road improvement project that extends from Vine Drive on the south to the intersection of Conifer Street on the north and is to be constructed in 2011. The purpose of the project is to construct interim improvements in accordance with the City of Fort Collins North College Corridor Plan and the US 287/SH 14 Access Management Report. The City needs to acquire certain lands adjacent to the project area for the improvements. These acquisitions include both fee simple acquisitions and permanent and temporary easements. Timely acquisition of the property interests is necessary, given the anticipated construction schedule for the project. This Ordinance, unanimously adopted on First Reading on July 6, 2010, authorizes the acquisition of the property interests by eminent domain proceedings, if necessary.

13. Second Reading of Ordinance No. 086, 2010, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements Related to the Mason Corridor Bus Rapid Transit Project, Phase III-A.

The Mason Express ("MAX"), Bus Rapid Transit Project is presently in the right-of-way acquisition phase of the project. Phase III-A is required to proceed with a small acquisition necessary for the planned South Transit Center facility. Phases I, II, and III were adopted by City Council last year, and acquisitions are underway on these phases.

As a federally funded transportation project, acquisitions will conform to the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (Public Law 91-646). In accordance with this act, property owners must be informed about the possible use of eminent domain and their rights pursuant to Colorado State Statutes in the official Notice-of-Interest Letter. This letter is the first official step in the acquisition phase and must occur in advance of the appraisals. Authorization from City Council is needed prior to sending this letter to property owners. The recommended construction schedule and use of federal funds requires the timely acquisition of the necessary property interests. This Ordinance, unanimously adopted on First Reading on July 6, 2010, authorizes the use of eminent domain proceedings, if necessary.

14. Second Reading of Ordinance No. 087, 2010, Authorizing the Conveyance of Two Parcels of Real Property on North College Avenue to the Colorado Department of Transportation by Warranty Deed.

In June 2007, Council adopted Ordinance No. 068, 2007, authorizing the conveyance of two parcels on North College Avenue to the Colorado Department of Transportation (CDOT) via quitclaim deed. The City constructed Phase I of the North College Improvements Project in 2003. For this project, the City and CDOT agreed that all property interests acquired for the Project would be deeded to the City. At the time of the Ordinance in 2007, the City had completed a number of transactions with CDOT using a quitclaim deed and City staff believed CDOT would complete this transaction with this same form of conveyance document. CDOT has since requested the City convey the property interests via warranty deed instead. This Ordinance, unanimously adopted on First Reading on July 6, 2010, specifies the City will convey the property interests using a warranty deed.

15. First Reading of Ordinance No. 089, 2010, Appropriating Unanticipated Grant Revenue in the Light and Power Fund from the Colorado Governor's Energy Office New Energy Economic Development Program Funded under the American Recovery and Reinvestment Act.

This Ordinance appropriates grant funds in the amount of \$72,000, received from the State of Colorado Governor's Energy Office. The project funded by the grant will conduct a pilot implementation of the "Carbon City Sustainability Information Management System" (SIMS). This pilot project will strengthen already budgeted initiatives for home and business energy efficiency improvements in Fort Collins.

16. Resolution 2010-038 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 2010-039 Authorizing the City Manager to Execute the 2010 Grant Agreement for AIP 28 with the Federal Aviation Administration for Runway Improvements at the Fort Collins-Loveland Municipal Airport.

This Resolution authorizes the City Manger to execute a grant from the Federal Aviation Administration (FAA) for the remaining amount of the \$1million in Entitlement funds for 2010 (\$500,000). These funds will be used for the capital project for runway rehabilitation this summer.

18. Resolution 2010-040 Authorizing the Lease of City-Owned Property at 812 North Shields Street for Up to Two Years.

The property at 812 North Shields was purchased in 2000 as part of the Operations Services Master Plan. The property has been leased since the time of purchase. This Resolution authorizes the lease of the property for up to two years.

19. Resolution 2010-041 Authorizing a Revocable Permit to the Board of Governors of the Colorado State University System for Installation of Electric Service Lines on City-Owned Property.

Colorado State University is in the process of constructing a second addition to the Book Storage Building at 203 West Lake Street. CSU is asking Council to grant a revocable permit to allow CSU to provide electric service to the entirety of the Book Storage Building.

20. Resolution 2010-042 Authorizing an Intergovernmental Agreement With the Poudre School District for Email Services.

The City of Fort Collins is collaborating with the Poudre School District (PSD) for the provision of City employee email services. Under this agreement, Poudre School District will host the City's email system, instead of the City MIS department operating the service in-house. This arrangement will benefit both Poudre School District and the City of Fort Collins by reducing each agency's email costs.

21. Resolution 2010-043 Approving the Revised Carbon Monoxide Maintenance Plan Fort Collins Attainment/Maintenance Area and Directing the City's Representative to the North Front Range Metropolitan Planning Organization to Support the Same.

Fort Collins violated the federal carbon monoxide health standard in the 1980s, with the last violation occurring in 1991. In 2003, a Carbon Monoxide (CO) Maintenance Plan was adopted by the U.S. Environmental Protection Agency (EPA) that identified federally-enforceable control measures to maintain compliance with the standard through 2015.

Fort Collins carbon monoxide levels are now well below the federal health standard, largely due to the benefit of federal new motor vehicle emissions standards. However, as a routine matter, the federal Clean Air Act and the EPA require a revision to the Maintenance Plan to show continued attainment of the CO standard for a second ten-year term from 2015 through 2025. The Colorado Department of Public Health and Environment has prepared a draft Revised CO Maintenance Plan for Fort Collins covering the period from 2015 through 2025. The Revised Plan retains all the CO control measures identified in the original Maintenance Plan. This resolution indicates City Council approval of the Revised Plan and directs the City's representative to the North Front Range Metropolitan Organization to support the Revised Plan when it takes formal action on the Plan in August 2010.

22. Resolution 2010-044 Adopting the 2010-2014 Five-Year Strategic Plan (Consolidated Plan) Required by the U.S. Department of Housing and Urban Development.

Resolution 2010-044 will adopt the 2010-2014 Five-Year Strategic Plan (Consolidated Plan) which is a document required by the Department of Housing and Urban Development (HUD) in order for the City to remain eligible for federal grant programs, including the Community Development Block Grant (CDBG) Program and the Home Investment Partnerships (HOME) Program. The Consolidated Plan identifies affordable housing, public facility, and public service needs and service gaps, and defines a course of action for the community as to how anticipated funding is expected to be spent.

23. Resolution 2010-045 Adopting the 2010-2014 Affordable Housing Strategic Plan.

This Resolution adopts the 2010-2014 Affordable Housing Strategic Plan and establishes new goals, objectives, implementation strategies, and policies for the City's affordable housing programs for the next five years. The Plan identifies the most critical affordable housing needs and establishes funding priorities to help guide decisions regarding the allocation of City financial resources through the competitive process.

24. Resolution 2010-046 Making Appointments to the Land Conservation and Stewardship Board and the Zoning Board of Appeals.

This Resolution makes appointments to fill current vacancies on the Land Conservation Stewardship Board and the Zoning Board of Appeals.

**END CONSENT**

25. Consent Calendar Follow-up.

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

26. Staff Reports.

27. 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.

28. Second Reading of Ordinance No. 084, 2010, Appropriating Prior Year Water Fund Reserves for the Advanced Metering Infrastructure Capital Project and Authorizing the Transfer of Existing Water Fund Operating Appropriations and the Transfer of Existing Water Meter Capital Project Appropriations to the Water Advanced Metering Infrastructure Capital Project. (staff: Jon Haukaas; 5 minute staff presentation; 10 minute discussion)

The Water Utility is planning to convert all water meters to Advanced Metering Infrastructure (AMI) technology in coordination with the Smart Grid Investment Project in the Light and Power Utility. The Water Utility's cost for the AMI project is estimated at \$4,000,000. These costs are not covered in the Smart Grid Investment Grant (SGIG) obtained by Light and Power, however, the Water Utility will benefit from many of the technology and security improvements funded by the SGIG grant. To fund the project, the Water Utility is proposing to use \$2,000,000 in existing appropriations to transfer into the Water Fund's AMI capital project and appropriating another \$2,000,000 from Water Fund reserves. Savings in the Water Fund are projected to exceed \$1,000,000 per year. Savings include the reduction of meter reading staff and increased revenues from more accurate metering. This Ordinance, adopted on July 6, 2010, by a vote of 5-1 (Nays: Kottwitz), appropriates the funding for this project.

29. Second Reading of Ordinance No. 088, 2010, Exempting the Fort Collins Discovery Museum Project from the Requirement of Section 2.2.3(C)(3)(a) of the Land Use Code. (staff: Helen Matson, Ron Kechter; 5 minute staff presentation; 10 minute discussion)

The location of the planned Discovery Museum is on a portion of City-owned property known as Martinez Park. The project team has been moving forward with its design for quite some time. As

part of this process, City staff ordered a title commitment to show that the City is the owner of the Facility site. During the title research process, the title company discovered a small area of land had not been included in any of the property conveyances since 1879. This Ordinance, adopted on First Reading on July 6, 2010 by a vote of 4-2 (Nays: Kottwitz, Troxell) will exempt the parcel from the Land Use Code requirement that all owners of recorded fee interests in the Facility property sign the plat so that the project can continue upon its planned schedule and avoid negative impacts to the project budget. The Ordinance authorizes the City Manager and the City Attorney to respectively sign and certify the Facility plat on behalf of the City as owner of the property shown on the plat, including the parcel. Staff will proceed with the quiet title action (based on adverse possession) to obtain record ownership of the parcel.

30. Pulled Consent Items.

31. Other Business.

- a. Cancellation of Regular Council Meeting of August 3, 2010.
- b. Motion to Adjourn Meeting to August 10, 2010.

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 Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.