



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

March 1, 2011

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Declaring “Persuasiveness” as the Character Focus for March 2011 and Recognition of the “Character in Action.”
- B. Proclamation Declaring March 14-20, 2011 as “Fix A Leak” Week.
- C. Proclamation Declaring March 7, 2011 as “Narconon Colorado - A Life Worth Saving” Day.
- D. Proclamation Declaring March 8, 2011 as the 100th Anniversary of International Women’s Day and the month of March 2011 as Women’s History 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 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 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 Second Reading of Ordinance No. 123, 2010, Appropriating Funds from the City's Stormwater Reserves for Transfer to the Fort Collins Urban Renewal Authority for the Purpose of Providing a Loan for the Northeast College Corridor Outfall Project Indefinitely.

On December 7, 2010, the City Council voted unanimously to adopt Ordinance No. 123, 2010 on consent agenda. This Ordinance appropriates funds from the City's Stormwater Reserves for transfer to the Fort Collins Urban Renewal Authority for the purpose of providing a loan for the Northeast College Corridor Outfall Project. However, that same evening, the Urban Renewal Authority Board voted unanimously to postpone consideration of the loan agreement pertaining to the Northeast College Corridor Outfall project. The primary reason for postponement was the desire to understand the project more fully, especially the potential environmental impacts of the project. Staff was directed to bring the item before the City Council Finance Committee for consideration and recommendation prior to the full Board reconsidering the item. The scheduling of the City Council Finance Committee

briefing has delayed the URA Board's consideration. As a result, this item will likely be reconsidered during the summer of 2011. Therefore, Second Reading of Ordinance No. 123, 2010 should be postponed indefinitely. A new ordinance appropriating funds from the City's Stormwater Reserves for Transfer to the Fort Collins Urban Renewal Authority will be introduced at the same time as the Urban Renewal Authority considers the loan agreement.

7. Second Reading of Ordinance No. 012, 2011, Appropriating Unanticipated Grant Revenue in the General Fund for Police Services and for the Transfer of Matching Funds Previously Appropriated in the Police Services Program Budget.

Ordinance No. 012, 2011, unanimously adopted on First Reading on February 15, 2011, appropriates a grant in the amount of \$16,728 from the Bohemian Foundation and additional funds in the amount of \$3,247 from the Colorado Division of Criminal Justice, Juvenile Diversion, for the continuation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program for all other offenses.

8. Second Reading of Ordinance No. 013, 2011, Appropriating Unanticipated Grant Revenue and Transferring Prior Year Reserves in the Northern Colorado Drug Task Force Reserve to the General Fund for the Northern Colorado Drug Task Force.

This Ordinance, unanimously adopted on First Reading on February 15, 2011, appropriates grant funds and money from the Northern Colorado Drug Task Force seizure reserve. Fort Collins Police Services has received two grants from the Office of National Drug Control Policy and U.S. Department of Justice on behalf of the Northern Colorado Drug Task Force (NCDTF) to help fund the investigation of illegal narcotics activities in Larimer County. These two grant awards will be used in conjunction with NCDTF reserves to pay for Task Force operating expenses in 2011. Combined, these three items equal an appropriation of \$348,649.

9. Second Reading of Ordinance No. 014, 2011, Designating the Durward/Hartshorn/Day Residence and Garage, 1022 South College Avenue as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

This Ordinance, unanimously adopted on First Reading on February 15, 2011, designates the Durward/Hartshorn/Day residence and garage, 1022 South College Avenue, as a Fort Collins Landmark. The owner of the property, Kelly Day, is initiating this request.

10. Second Reading of Ordinance No. 015, 2011, Designating the Wisely/Willard Residence, 1114 West Mountain Avenue, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

Ordinance No. 015, 2011, unanimously adopted on First Reading on February 15, 2011, designates the Wisely/Willard residence, 1114 West Mountain Avenue, as a Fort Collins Landmark. The owners of the property, Stephen and Kathleen Willard, are initiating this request.

11. Second Reading of Ordinance No. 016, 2011, Authorizing an Agricultural Lease of City-Owned Property Known as the Maxwell Farm for Up to Five Years.

This Ordinance, unanimously adopted on First Reading on February 15, 2011, authorizes a lease of Maxwell Farm, an agricultural property owned by the Natural Areas program and located near County Road 56 and I-25 (approximately two miles north of Fort Collins).

12. First Reading of Ordinance No. 021, 2011, Appropriating Unanticipated Grant Revenue in the General Fund for the Police Services Victim Services Team.

The Fort Collins Police Services Victim Services Team has been awarded a 12-month grant in the amount of \$40,000 for the period from January 1, 2011 to December 31, 2011, by the Eighth Judicial District Victims Assistance and Law Enforcement (V.A.L.E.) Board to help fund services provided by this team. These funds will be used for part of the salary for the victim advocate who provides crisis intervention services during weekday hours and is housed in the Victim Services office. These funds will also pay for some of the operational expenses needed to provide 24-hour a day, 7-day a week services to victims of crime in Fort Collins.

13. First Reading of Ordinance No. 022, 2011, Establishing Rental Rates and Delivery Charges for the City's Raw Water for the 2011 Irrigation Season.

This Ordinance approves rates for the rental and delivery 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.

14. First Reading of Ordinance No. 023, 2011, Authorizing the Purchasing Agent to Enter into an Agreement for the Lease-Purchase Financing of Vehicles and Equipment and Appropriating the Amount Needed for Such Purpose.

This Ordinance authorizes the Purchasing Agent to enter into a lease-purchase financing agreement for vehicles and equipment with Pinnacle Public Finance at 2.60 percent interest rate. The cost of the items to be lease-purchased is \$ 1,405,001. Payments at the 2.60% interest rate will not exceed \$225,429 in 2011. Money for 2011 lease-purchase payments is included in the 2011 budget. The effect of this transaction position for the purpose of financial rating of the City will be to raise the total City debt by 2.5%. A competitive process was used to select Pinnacle Public Finance for this lease.

15. First Reading of Ordinance No. 024, 2011, Amending Chapter 2, Article V, Division 3 of the City Code Pertaining to City Service Areas.

The City Manager and executive leadership team continue to examine and consider ways to enhance the efficiency and effectiveness of the City organization. The City Manager has decided to implement some changes to the City's internal organizational structure. These changes impact existing service areas which necessitates updates to related provisions of the City Code.

16. First Reading of Ordinance No. 025, 2011, Authorizing the Conveyance of a Non-Exclusive Permanent Easement on Fossil Creek Regional Open Space to the Colorado Department of Transportation.

The Colorado Department of Transportation (CDOT) has requested a permanent non-exclusive easement on a portion of the Fossil Creek Regional Open Space as part of the I-25/SH392 Interchange Project (the "Project"). The requested easement consists of 3,558 square feet located within the wetland north of Highway 392 and will be used to construct box culverts for stormwater control purposes and to maintain the existing wetland connection under the highway.

17. First Reading of Ordinance No.026, 2011, Authorizing the Lease of City-owned Property at 222, 224, and 226 West Mountain Avenue for Up to Five Years.

The City has been the owner of the properties located at 222, 224 and 226 West Mountain Avenue since 1985. Moe Kamandy of the Mountain Café has been leasing this space since 1991. The total yearly lease payment for these spaces will be at least \$11,200. The term of the lease shall be for one

(1) year with automatic renewal for up to four (4) successive one-year terms. With this lease, either party will have the option to terminate at any time upon twelve (12) months advance written notice to the other party. In addition, the tenant is responsible for the following expenses: taxes, all utilities, and janitorial.

18. First Reading of Ordinance No. 027, 2011, Authorizing the Lease of City-Owned Property Located at 2313 Kechter Road for Up to Five Years.

The City acquired the property located at 2313 Kechter Road as part of the Affordable Housing Land Bank Program in January 2006. Located on the 15.9 acre property is a single family house and three outbuildings. This property has been leased since 2006.

19. First Reading of Ordinance No. 028, 2011, Vacating Right-of-way as Dedicated On the Plat of the Griffin Plaza Subdivision.

In 1977, the Griffin Plaza Subdivision, located south of Prospect Road and west of College Avenue, platted several lots and a public street extending into the site named Tamasag Drive. Although development did occur on the two lots adjacent to Prospect Road, Tamasag Drive was never constructed as anything more than a driveway. The property owner at the southeast corner of Tamasag Drive and Prospect Road (former Gasamat site) has requested the vacation of Tamasag Drive. The owner of this parcel is considering redeveloping the site, but an application for development has not been submitted.

20. Items Relating to the Fort Collins-Loveland Municipal Airport.

- A. Resolution 2011-019 Authorizing the City Manager to Execute a Grant Agreement with the Colorado Department of Transportation (Colorado Aeronautical Board) for Funding Pertaining to the Fort Collins-Loveland Municipal Airport.
- B. Resolution 2011-020 Authorizing the City Manager to Execute the 2011 Grant Agreement With the Federal Aviation Administration for Improvements at the Fort Collins-Loveland Municipal Airport.

The Fort Collins-Loveland Municipal Airport has received grant funds from the Colorado Department of Transportation (CDOT) – Division of Aeronautics. The grant supports the FAA and local capital improvement plans. The 2011 grant is \$400,000. The Resolution accepts the grant and authorizes the City Manager to execute the contract documents.

The Airport has also received grant funds from the Federal Aviation Administration (FAA). As a commercial service airport with over 10,000 enplaned passengers per year the Airport receives an entitlement grant of \$1,000,000. In 2-3 year cycles, the Airport also receives discretionary grants to tackle large FAA approved airside related projects. It is anticipated that in 2011, the Airport will be granted up to \$7,000,000 from the FAA to support a runway rehabilitation project. This resolution authorizes the City Manager to execute the grant award contracts with the FAA.

21. Resolution 2011-021 Adopting the Bicycle Safety Education Plan 2011.

In March 2010, City Council directed staff to prepare a Bicycle Safety Education Plan (BSEP), including the concepts of a “Master Cyclist” program and a bicycle safety town. Bicycle education programs are designed to increase bicycle safety by improving the ability for cyclists to ride safely and increase awareness among all modes of travel. The Plan focuses on the safety needs of the Fort Collins community while providing practical solutions and implementation strategies to improve overall safety from both a programmatic and infrastructure perspective. The BSEP is a component of the 2008 Bicycle Plan and the recently adopted Transportation Master Plan.

22. Resolution 2011-022 Making Appointments to the Downtown Development Authority.

This Resolution makes appointments to fill current vacancies on the Downtown Development Authority.

23. Routine Easement.

Easement for construction and maintenance of public utilities from Mitchell and Vicky L. Green, to install electric transformer and primary system at 224 Wood Street. Monetary consideration: \$0.

END CONSENT

24. Consent Calendar Follow-up.

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

25. Staff Reports.

26. 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.

27. First Reading of Ordinance No. 029, 2011, Repealing And Reenacting Division 1, Article IV of Chapter 15 of the City Code Relating To Door-To-Door Solicitation. (staff: Ann Turnquist, Tess Heffernan; 10 minute staff presentation; 1 hour discussion)

The City of Fort Collins currently has an ordinance prohibiting door-to-door residential solicitation by commercial businesses, often referred to as a "Green River Ordinance." The proposed ordinance would replace the current total ban on commercial door-to-door residential solicitation with a permit system licensing and regulating such solicitation. As is currently the case, all door-to-door solicitation, whether commercial or non-commercial, would be prohibited under the proposed ordinance by a "No Trespassing" or a "No Solicitation" sign posted at a public or private premises.

28. Items Relating to the Green Building Program. (staff: Brian Janonis, John Phelan, Felix Lee, Mike Gebo; 15 minute staff presentation; 90 minute discussion)
- A. First Reading of Ordinance No. 030, 2011, Amending Chapter 5, Article II, Division 2, of the City Code for the Purpose of Amending the 2009 *International Building Code* as adopted.
 - B. First Reading of Ordinance No. 031, 2011, Amending Chapter 5, Article II, Division 2, of the City Code for the Purpose of Amending the 2009 *International Energy Conservation Code* as Adopted.
 - C. First Reading of Ordinance No. 032, 2011, Amending Chapter 5, Article II, Division 2, of the City Code for the Purpose of Amending the 2009 *International Residential Code* as Adopted.
 - D. First Reading of Ordinance No. 033, 2011, Amending Chapter 5, Article IV, of the City Code for the Purpose of Amending the 2009 *International Mechanical Code* as Adopted.
 - E. First Reading of Ordinance No. 034, 2011, Amending Chapter 5, Article IV, of the City Code for the Purpose of Amending the 2009 *International Fuel Gas Code* as Adopted.
 - F. First Reading of Ordinance No. 035, 2011, Amending Chapter 5, Article V of the City Code for the Purpose of Repealing the Uniform Plumbing Code and Adopting a Local Amendment to the Colorado Plumbing Code to Establish Water Flow Rate Restrictions on Certain Fixtures.

Implementation of the Fort Collins Green Building Program has the primary goal of better aligning the built environment with community goals of reduced carbon emissions, reduced energy use and reduced water use. The Green Building Program framework is designed to support market transformation through a combination of regulatory and voluntary elements. Green Building Program work over the past year has focused on developing a package of “green amendments” for incorporation into the Fort Collins Building Code. This process has been led by staff, working closely with stakeholders. The proposed amendments address opportunities with regard to resource efficiency, energy efficiency, water efficiency, indoor and outdoor environmental quality, and buildings operation and maintenance. The benefit cost analysis shows an overall net positive benefit compared with buildings constructed to current Code requirements. The changes in Code requirements are projected to increase initial design and construction costs by 1% to 2% for residential buildings and 1% to 4% for commercial buildings. Among other benefits, the proposed changes will provide energy, water and carbon savings compared with buildings constructed to current Code requirements. Staff recommends the green amendments become effective January 1, 2012, with the exception of the amendments establishing more stringent requirements for electrically heated buildings, to be effective upon adoption.

29. Items Relating to the Implementation of Plan Fort Collins, Including Amendments to Three Subarea Plans and the Land Use Code. (staff: Joe Frank, Timothy Wilder, Pete Wray; 5 minute staff presentation; 30 minute discussion)
- A. First Reading of Ordinance No, 036, 2011, Making Amendments to the Land Use Code Implementing Policies of the 2010 Update of City Plan.
 - B. First Reading of Ordinance No. 037, 2011, Amending the Zoning Map by Changing the Name of the “Commercial District (C)” to “General Commercial District (C-G).”
 - C. Resolution 2011-023, Amending the Fossil Creek Reservoir Area Plan, the Mountain Vista Subarea Plan and the Northwest Subarea Plan to Comport with the 2010 Update of the City’s Comprehensive Plan Known as “Plan Fort Collins”.

The Resolution and Ordinances implement amendments to three subarea plans and the Land Use Code related to adoption of the update to City Plan.

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