

Karen Weitkunat, Mayor  
Kelly Ohlson, District 5, Mayor Pro Tem  
Ben Manvel, District 1  
Lisa Poppaw, District 2  
Aislinn Kottwitz, District 3  
Wade Troxell, District 4  
Gerry Horak, 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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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. Assisted hearing devices are available to the public for Council meetings. Please call 221-6515 (TDD 224-6001) for assistance.

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## **REGULAR MEETING**

**June 7, 2011**

### **Proclamations and Presentations**

**5:30 p.m.**

- A. Proclamation Declaring June 12, 2011 as Children's Day.
- B. Proclamation Declaring Support for the 2011-2012 "Fort Collins Shares the Road" Safety Campaign.
- B. Presentation from the Organizers of the Greeley Independence Stampede.
- C. Presentation of the Friends of Preservation Awards.

### **Regular Meeting**

**6:00 p.m.**

#### **PLEDGE OF ALLEGIANCE**

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

3. AGENDA REVIEW: CITY MANAGER
4. 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

5. CITIZEN PARTICIPATION FOLLOW-UP

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

## CONSENT CALENDAR

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

- 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 May 3 and May 17, 2011, Regular Meetings.
7. Second Reading of Ordinance No. 061, 2011, Appropriating Funds from the City's Storm Drainage Fund Reserves for Transfer to the Fort Collins Urban Renewal Authority for the Purpose of Providing a Loan for the Northeast College Corridor Outfall Project.

This Ordinance, unanimously adopted on First Reading on May 17, 2011, appropriates funds from the City's Storm Drainage Fund Reserves for the purpose of providing a loan to the Fort Collins Urban Renewal Authority (URA). The proposed loan provides the URA with the necessary funds to contribute \$326,472 to the purchase of the Northeast College Corridor Outfall detention pond (purchase completed in July, 2010). This contribution will cover the shortfall in the land purchase transaction and repay the City's Stormwater Fund capital projects budget. The loan from the Storm Drainage Fund Reserves will be interest only for a term of 10 years. As stated in the Agenda Item Summary on First Reading, the interest rate associated with the NECCO loan was to be set at the

10-year treasury bill rate on the day after URA Board authorization or May 18, 2011. The corresponding treasury bill rate was 3.181 percent on that day and will be the effective rate of this loan.

8. Second Reading of Ordinance No. 062, 2011, Appropriating Prior Year Reserves in the Capital Projects Fund for the Building on Basics Lincoln Center Renovation Project.

During the Lincoln Center Addition and Renovation project, an unanticipated structural issue with the 32 year old Performance Hall walls was discovered. The structural problem is significant and the Performance Hall walls will require additional structural support. This work must be completed before the facility can be reopened. Previously, \$460,000 was appropriated for these repairs. This Ordinance, unanimously adopted on First Reading on May 17, 2011, appropriates an additional \$135,000 from prior year reserves in the Capital Project Fund Building Community Choices program to complete the structural work.

9. Second Reading of Ordinance No. 063, 2011, Making Certain Amendments to Chapter 7, Article III, Division 3 of the City Code Governing Council Election Districts.

At the April 5, 2011 City election, voters approved a Charter amendment which changed the method for adjusting City Council district boundaries so that the size and configuration of Council districts is based on the number of people residing in each district (population), rather than the number of registered electors. The Charter, as amended, calls for the Council to establish by ordinance the process for adjusting district boundaries and giving notice of any proposed boundary changes and the manner of protesting such proposed changes. This Ordinance, unanimously adopted on First Reading on May 17, 2011, amends existing provisions in the City Code to establish the process of adjusting district boundaries based on population.

10. Second Reading of Ordinance No. 064, 2011, Appropriating Unanticipated Grant Revenue and Prior Year Reserves in the Capital Projects Fund for the North College Avenue Improvements - Vine Drive to Conifer Project.

The limits of this phase of the North College Improvement Project are from Vine Drive to the Hickory/Conifer intersection. Improvements will include a two inch asphalt overlay, the construction of various urban design elements, an eight foot on-street bike lane, a landscaped parkway, shared use paths, the definition and consolidation of accesses throughout the corridor, an updated storm system including water quality treatment ponds, and safety improvements at the Conifer/Hickory Intersection. The total project budget of \$11.19 million includes \$2.7 million from residual funds available from the Building on Community Choices (BCC) Tax Initiative of 1997. This Ordinance, unanimously adopted on First Reading on May 17, 2011, appropriates \$1,001,000 in additional grant funds received from the Colorado Department of Transportation and \$2.7 million from prior year reserves in the Capital Projects Fund, Building Community Choices reserves for expenditure on this Project. The residual BCC funds appropriated are to be repaid to the City of Fort Collins by the Urban Renewal Authority (URA) when the URA has the funds to repay the BCC funds. Due to the timing of the improvements, the URA contributions will not be available at the start of construction. The total appropriation of \$11,186,000 will allow the project to be constructed to the full project limits from Vine Drive to Conifer as outlined in the Building on Basics (BOB) 2005 Tax Initiative.

11. First Reading of Ordinance No. 065, 2011, Appropriating Prior Year Reserves and Unanticipated Revenue in the General Fund for Cultural Development and Programming Activities and the Fort Collins Convention and Visitors Bureau.

This Ordinance appropriates unanticipated Cultural Development and Programming (CDP) revenue and prior year reserves for the CDP accounts and prior year reserves for the Convention and Visitors Bureau. Lodging tax revenues in 2010 were \$22,252 short of revenue projections; however, there are Lodging tax reserves from unspent appropriations in the amount of \$113,066 available to be appropriated in the General Fund. In addition, \$2,800 of unanticipated CDP revenue was received in 2011 which will be appropriated into the Cultural Development and Programming accounts.

12. First Reading of Ordinance No. 067, 2011, Authorizing the Conveyance to Larimer County of a Permanent Non-Exclusive Storm Drainage Easement on City Wastewater Utility Property Including a Portion of Prospect Ponds Natural Area.

Larimer County has a current construction project at the Larimer County Detention Center Campus (LCDC) located on Midpoint Drive. This project includes an Alternative Sentencing Division building, an addition to the existing Sheriff's Administration building, and an addition to the existing Community Corrections Facility. In addition, there will be parking lot modifications and site improvements. With these changes, the project will include an on-site detention pond. To handle the drainage from the site, Larimer County is requesting that the City grant a permanent utility easement for a 30-inch underground stormwater pipe to convey the detained runoff to Skunk Pond, which is part of Prospect Ponds Natural Area.

13. Items Relating to Approval and Appropriation of Two Real Property Land Donations to the Natural Areas Program.

- A. First Reading of Ordinance No. 068, 2011, Authorizing the Acceptance of a Donation of 1.75 Acres From Larimer County and Appropriating Unanticipated Revenue in the Natural Areas Fund.
- B. First Reading of Ordinance No. 069, 2011, Authorizing the Acceptance of a Donation of Three Acres from Mike Sollenberger and Appropriating Unanticipated Revenue in the Natural Areas Fund.

Larimer County would like to transfer the ownership and management of a 1.75 acre parcel along the Poudre River and located adjacent to the north end of Arapaho Bend Natural Area to the City Natural Areas Program ("NAP").

Mike Sollenberger has agreed to donate the three acre parcel located adjacent to Running Deer Natural Area, south of East Prospect Road to the NAP.

14. Resolution 2011-050 Authorizing the Execution of an Updated Intergovernmental Agreement Between the City of Fort Collins, the City of Longmont and Platte River Power Authority.

In January 1998, the City of Fort Collins, the City of Longmont and Platte River Power Authority (Platte River) entered into a 10-year intergovernmental agreement (the Agreement) for Platte River to purchase and operate a joint customer information system (CIS) for customer account management and billing on behalf of the two cities. On August 26, 2008, the term of the Agreement was extended for two years.

On August 17, 2010, City Council adopted Resolution 2010-049 extending the term of the Agreement to August 26, 2011, to allow additional time for staff discussion. The staffs of the two cities and Platte River have discussed and agreed on the terms of a draft updated CIS Agreement (Updated CIS IGA) and are bringing forward the draft Updated CIS IGA for Council approval.

15. Resolution 2011-051 Reappointing Gordon F. Esplin as Temporary Judge and Authorizing the Execution of an Employment Agreement.

Council originally appointed Gordon F. Esplin as Temporary Judge (Assistant Municipal Judge) in 1989, and has reappointed him every two years thereafter. His current appointment terminates on June 30, 2011. Municipal Judge Kathleen M. Lane recommends that Mr. Esplin be reappointed for another two-year term.

Mr. Esplin has been paid \$85 per hour for his services for several years now. While that rate is well below the going rate for legal fees in Fort Collins, it is an appropriate rate for this occasional hourly service when compared with what other municipalities pay their Assistant Municipal Judges. Mr. Esplin has agreed to continue in this position at the current pay rate.

## END CONSENT

16. Consent Calendar Follow-up.

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

17. Staff Reports.

18. Councilmember Reports.

## DISCUSSION ITEMS

The method of debate for discussion items is as follows:

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

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

19. Items Relating to the Greeley Bellvue Pipeline on City Property. (staff: John Stokes, Lindsay Kuntz; 10 minute staff presentation; 45 minute discussion)

- A. First Reading of Ordinance No. 070, 2011, Authorizing the Conveyance of a Waterline Easement, Access Easement, and Temporary Construction Easement on City property to the City of Greeley.
- B. Resolution 2011-052 Authorizing the City Manager to Enter Into a Shared Location Agreement for the Greeley Bellvue Pipeline to Cross a City Utility Easement.

The City of Greeley is in the process of acquiring the necessary easements for its Greeley Bellvue Pipeline Project. Greeley has requested easements for its Project across a strip of property owned by the City extending south from the Poudre River. The property lies outside City limits and is the location of a ditch known as the City Ditch, which is owned by the City of Fort Collins Utility Department. The City Ditch was constructed in the late 1880s to convey water to the old Water Works Facility. The Larimer County Canal No. 2 Irrigating Company utilizes this ditch through an existing easement agreement with the City. The easements requested by Greeley include a .19 acre (8,265 square feet) permanent waterline easement, a .133 acre (5,808 square feet) temporary construction easement, and an access easement across the existing ditch access road.

Greeley has also planned to install its pipeline across an existing utility easement containing a 27-inch waterline owned by the City. In order to protect the City's easement interest and existing utility improvements, Greeley has agreed to enter into a Shared Location Agreement (SLA) regarding this crossing.

The requested easements and SLA were presented and approved by the City's Water Board at its December 2010 meeting. They were also presented to the Land Conservation and Stewardship Board meeting on December 8, 2010. They were planned to be presented to Council on April 19th, but the item was withdrawn to provide Greeley and City staff additional time to respond to various concerns raised by citizens.

Greeley has agreed to pay the City for the value of each easement, as well as, City Real Estate staff time.

- 20. First Reading of Ordinance No. 071, 2011, Approving the Waiver of City Fees for the Care Housing Affordable Housing Project in the Provincetowne Subdivision. (staff: Karen Cumbo; 10 minute staff presentation; 30 minute discussion)

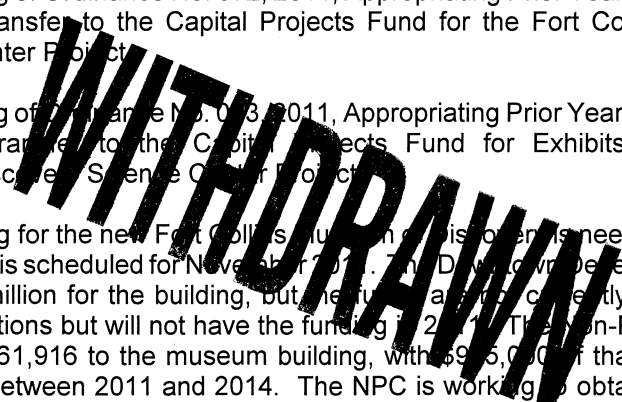
Under Colorado statute and City of Fort Collins ordinance, the projects of housing authorities are exempt from taxes and fees. For many years, the City has waived fees for projects of the Fort Collins Housing Authority (FCHA), as required by the ordinance. For the most part, these have been relatively small projects. FCHA is currently partnering with the non-profit CARE Housing in a large, multi-family affordable housing project in the Provincetowne subdivision, which is under construction. Fee waivers for this project total \$557,378.

While the City has long been committed to affordable housing, and the need for financial support is clearly demonstrated in the increase in the number of applications for local and federal funds, the fiscal impact of this and future fee waivers for projects in which the FCHA is a partner rather than sole owner may warrant some thoughtful evaluation of the waiver situation, and possibly some changes to the City's Code. In addition to considering the current and projected fiscal impact on the City for fee waivers for large projects, clarification is also being sought from City Council on the definition of "ownership" as it pertains to the Housing Authority and its development partners. This issue will be addressed at a future work session. Pending that policy discussion, the City Manager is recommending that Council consider waiving the fees due for the CARE Housing project.

- 21. Items Relating to the Fort Collins Museum/Discovery Science Center Project. (staff: Mike Freeman, Marty Heffernan; 10 minute staff presentation; 45 minute discussion)

- A. First Reading of Ordinance No. 072, 2011, Appropriating Prior Year Reserves in the General Fund for Transfer to the Capital Projects Fund for the Fort Collins Museum/Discovery Science Center Project
- B. First Reading of Ordinance No. 073, 2011, Appropriating Prior Year Reserves in the General Fund for Transfer to the Capital Projects Fund for Exhibits for the Fort Collins Museum/Discovery Science Center Project

\$3,975,000 in funding for the new Fort Collins museum project is needed now to complete the building. Completion is scheduled for November 2011. The Discovery Development Authority (DDA) has committed \$3 million for the building, but the funding is not currently available. The DDA is exploring funding options but will not have the funding by 2/1/11. The Non-Profit Corporation (NPC) has committed \$4,561,916 to the museum building, with \$975,000 of that amount in the form of pledges to be paid between 2011 and 2014. The NPC is working to obtain a private loan for the \$975,000 but has not yet secured the financing. Adoption of Ordinance No. 072, 2011, will appropriate \$3,975,000 from General Fund reserves for the museum project to complete the building. The DDA plans to reimburse the City for \$3 million of this amount and the NPC intends to reimburse the remaining \$975,000 through private financing obtained by the DDA and NPC, or through financing provided by the City, as approved by Council.



The NPC has raised \$2.975 million for museum exhibits, with \$1.2 million in the form of pledges to be paid in future years (2011-2017). The new museum will open with a nice, but somewhat limited exhibit experience without a bridge loan for the \$1.2 million in exhibit pledges. Some exhibits will be postponed, and other exhibits will be more static, without the depth of knowledge or interactive technology that will be possible once the future year pledge money becomes available. Adoption of Ordinance No. 073, 2011, will appropriate \$1.2 million from General Fund reserves for museum exhibits. The NPC intends to reimburse the City as the future year pledge funds are received.

22. First Reading of Ordinance No. 074, 2011, Appropriating Funds From the City's General Fund Reserves for Transfer to the Fort Collins Urban Renewal Authority for the Purpose of Providing a Loan for the Kaufman and Robinson, Inc. Project at 1330 Blue Spruce. (staff: Mike Freeman, Christina Vincent; 10 minute staff presentation; 30 minute discussion)

The Fort Collins Urban Renewal Authority (URA) is seeking a loan from the City to reimburse Kaufman and Robinson, Inc (KRI) for the public improvements associated with building a new location at 1330 Blue Spruce Drive. Offsetting these costs allowed the retention and expansion of a locally owned business to be economically feasible. The total cost of this Project was \$192,891. The requested loan amount from the City of Fort Collins General Fund Reserves to the URA will be \$192,891. The URA will utilize the City's Interfund Borrowing program that was formally added to the City's investment policies in 2008. This program enables the City to use a portion of its investment portfolio to assist City Departments and related entities (e.g., the URA) to access funds at a competitive interest rate while still providing a market based yield to the City investment portfolio.

23. First Reading of Ordinance No. 075, 2011, Appropriating Funds from the City's General Fund Reserves for Transfer to the Fort Collins Urban Renewal Authority for the Purpose of Providing a Second Loan for the North College Marketplace Project. (staff: Mike Freeman, Christina Vincent; 10 minute staff presentation; 45 minute discussion)

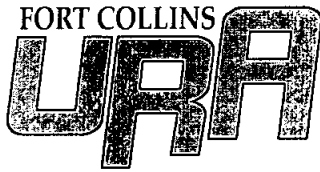
The Urban Renewal Authority (URA) is seeking a loan in the amount of \$3 million from the City to fulfill the remaining reimbursement obligation for the North College Marketplace granted by the URA Board in September 2008. The first appropriation for \$5 million was received in April 2009 for Off Site Street Infrastructure, Wetlands Mitigation, and Demolition/Site Preparation. The requested loan amount from the City of Fort Collins' General reserves to the URA will be \$3 million and reimbursed to the project for the On-Site public improvements. The URA will utilize the City's Interfund Borrowing program that was formally added to the City's investment policies in 2008. This program enables the City to use a portion of its investment portfolio to assist City Departments and related entities (e.g., the URA) to access funds at a competitive interest rate while still providing a market based yield to the City investment portfolio.

24. Pulled Consent Items.

25. Other Business.

26. Adjournment.

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

Karen Weitkunat, President  
Kelly Ohlson, Vice-President  
Ben Marvel  
Lisa Poppaw  
Aislinn Kottwitz  
Wade Troxell  
Gerry Horak

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## URBAN RENEWAL AUTHORITY MEETING June 7, 2011 (after the Regular Council Meeting)

1. Call Meeting to Order.
2. Roll Call.
3. Consideration and Approval of the Minutes of the May 17, 2011 Meeting.
4. Resolution No. 033 of the Board of Commissioners of the Fort Collins Urban Renewal Authority Approving a Loan From the City Of Fort Collins to the Fort Collins Urban Renewal Authority and Appropriating the Proceeds of that Loan for the Purpose of Funding Public Infrastructure Improvements for the Kaufman and Robinson, Inc. Project at 1330 Blue Spruce. (staff: Mike Freeman, Christina Vincent; 5 minute presentation; 15 minute discussion)

The Fort Collins Urban Renewal Authority (URA) is seeking a loan from the City to reimburse Kaufman and Robinson, Inc (KRI) for the public improvements associated with building a new location at 1330 Blue Spruce Drive. Offsetting these costs allowed the retention and expansion of a locally owned business to be economically feasible. The total cost of this Project was \$192,891. The requested loan amount from the City of Fort Collins General Fund Reserves to the URA will be \$192,891. The URA will utilize the City's Interfund Borrowing program that was formally added to the City's investment policies in 2008. This program enables the City to use a portion of its investment portfolio to assist City Departments and related entities (e.g., the URA) to access funds at a competitive interest rate while still providing a market based yield to the City investment portfolio.



5. Resolution No. 034 of the Board of Commissioners of the Fort Collins Urban Renewal Authority Approving a Loan from of the City of Fort Collins to the Fort Collins Urban Renewal Authority and Appropriating the Proceeds of That Loan for the Purpose of Funding Public Infrastructure Improvements for the North College Marketplace Project. (staff: Mike Freeman, Christina Vincent; 5 minute staff presentation; 15 minute discussion)

The Urban Renewal Authority (URA) is seeking a loan in the amount of \$3 million from the City to fulfill the remaining reimbursement obligation for the North College Marketplace granted by the URA Board in September 2008. The first appropriation for \$5 million was received in April 2009 for Off Site Street Infrastructure, Wetlands Mitigation, and Demolition/Site Preparation. The requested loan amount from the City of Fort Collins' General reserves to the URA will be \$3 million and reimbursed to the project for the On-Site public improvements. The URA will utilize the City's Interfund Borrowing program that was formally added to the City's investment policies in 2008. This program enables the City to use a portion of its investment portfolio to assist City Departments and related entities (e.g., the URA) to access funds at a competitive interest rate while still providing a market based yield to the City investment portfolio.

6. Other Business.
7. Adjournment.