



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

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City Hall West  
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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**

### **July 19, 2011**

### **Proclamations and Presentations**

#### **5:30 p.m.**

- A. Proclamation Declaring August as Carcinoid Cancer Awareness Month.
- B. Proclamation Declaring August 2, 2011 as Neighborhood Night Out.
- C. Proclamation Declaring July 23, 2011 as National Day of the Cowboy.
- D. Proclamation Declaring July 20, 2011 as Women of Vision Day.
- E. Proclamation Declaring August 7, 2011 as Sister Mary Alice Murphy and Coworkers Day.

### **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 21. 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. Second Reading of Ordinance No. 076, 2011, Appropriating Unanticipated Revenue in the General Fund for the Purchase, Training and Ongoing Maintenance of the E911 and Emergency Dispatch Systems at Fort Collins Police Services Dispatch Center.

Larimer Emergency Telephone Authority provides funds to the Fort Collins Police Services to be used for equipment and training to process E911 calls. This Ordinance, unanimously adopted on First Reading on July 5, 2011, appropriates those funds.

7. Second Reading of Ordinance No. 077, 2011, Appropriating Unanticipated Revenue in the Light and Power, Water and Wastewater Funds for Capital Projects to Relocate Utility Facilities in the Mason Corridor Bus Rapid Transit Project and Transferring Existing Light and Power Appropriations into the Light and Power Utility Relocation Capital Project.

This Ordinance, unanimously adopted on First Reading on July 5, 2011, appropriates capital project funding for the Utilities to relocate existing electric, water and wastewater facilities to accommodate the Mason Corridor Bus Rapid Transit (BRT) Project. Light and Power will also supply power to the bus stations along the corridor.

8. Second Reading of Ordinance No. 078, 2011, Appropriating Unanticipated Grant and Other Revenue in the Conservation Trust Fund for the Hughes Stadium Disc Golf Course.

This Ordinance, unanimously adopted on First Reading on July 5, 2011, appropriates an \$85,000 awarded by Great Outdoors Colorado has awarded for the completion of the Hughes Stadium Disc Golf Course. The project involves the development of an 18-hole disc golf course at Hughes Stadium in conjunction with Colorado State University. The course is primarily located in the stormwater detention basin directly west of Overland Trail Road. The course will include new trees and shrubs, a new access road off County Road No. 42C, and the course tee areas and baskets.

9. Items Relating to Amendments to the Definitions in Article I of Chapter 26, the Electric Article of Chapter 26, and to Standards for Interconnection of Electric Generation Facilities.

- A. Second Reading of Ordinance No. 079, 2011, Making Certain Amendments to Chapter 26 of the City Code Pertaining to the Provision of Net Metering Service and Certain Definitions Related Thereto.
- B. Second Reading of Ordinance No. 080, 2011, Amending Various Provisions of the City Code and the Land Use Code Pertaining to the Definition of General Manager.
- C. Second Reading of Ordinance No. 081, 2011, Making Certain Amendments to Interconnection Standards for Generating Facilities Connected to the Fort Collins Distribution System.

These Ordinances, unanimously adopted on First Reading on July 5, 2011, make minor revisions to the definitions section of Article I and to the Electric Article of Chapter 26 of the City Code and the Land Use Code. These revisions include updating the definition of General Manager, clarification regarding the provision of net metering service and clarification regarding authority to execute interconnection or parallel generation agreements on behalf of the City. Light and Power is also recommending adding clarifying language to the City's indemnification and insurance requirements contained in the City's Interconnection Standards. These standards govern operational and other requirements for interconnection generating facilities to the City's electric distribution system.

10. Second Reading of Ordinance No. 082, 2011, Calling a Special Municipal Election to Be Held in Conjunction with the November 1, 2011 Larimer County Coordinated Election.

This Ordinance, unanimously adopted on First Reading on July 5, 2011, calls a Special Municipal Election to be held in conjunction with the November 1, 2011 Larimer County Coordinated Election, and preserves the opportunity for Council to place initiated or referred issues on the November ballot. If Council decides to place any measures on the ballot it would need to do so no later than at its August 16 meeting. If Council does not take action by ordinance or resolution before the statutory deadline (September 2) to certify ballot language to Larimer County, the election will be cancelled and the provisions of this Ordinance will be of no further force and effect.

This Ordinance does not submit a specific measure to the November 1, 2011 ballot. However, a group of citizens is currently circulating an initiative petition proposing a prohibition on the establishment, operation or licensing of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused product manufacturing within the city of Fort Collins. The deadline to submit the petition to the City Clerk's Office is July 19, 2011. Adoption of this Ordinance is a required step in preserving the option for City Council to submit the initiated ordinance, and/or any other ballot measures that Council may desire, at the November 1, 2011 Coordinated Election.

11. Items Relating to the Access Road at Soapstone Prairie Natural Area.

- A. Second Reading of Ordinance No. 083, 2011, Authorizing the Transfer to Larimer County of Public Right-of-Way Easements Acquired by the City for the Reconstruction of Rawhide Flats Road.
- B. Second Reading of Ordinance, No. 084, 2011, Authorizing the Conveyance of Access Easements to Three Private Land Owners within the Soapstone Prairie Natural Area.

To complete the process of improving Rawhide Flats Road, the City has requested that Larimer County vacate sections of road right-of-way that were abandoned in 2008 when the road was realigned and reconstructed by the City to provide access to Soapstone Prairie Natural Area. The County conditioned its approval of the road improvements on the City's follow up to request this vacation in order to stop the unnecessary public use of the old abandoned road areas and to allow the land to revert to the surrounding landowner(s). Once the sections of right-of-way are vacated, the ownership will revert to the adjacent landowners. In connection with the vacation of the unneeded sections of right-of-way, the City is proposing to transfer to the County six new right-of-way easements that the City acquired to build the realigned portions of the improved road. This transfer will establish that the easements are held by Larimer County as public road easements for Rawhide Flats Road along with the other segments of the Road, and that the right-of-way being vacated is no longer needed.

The City has also asked the County to vacate any remaining public road rights-of-way within Soapstone Prairie Natural Area. This action will establish that Rawhide Flats Road north of the Natural Area boundary line is a private road owned by the City for the sole purpose of providing access to Soapstone Prairie Natural Area. There are currently three property owners with in-holding properties within Soapstone Prairie Natural Area. When this section of Rawhide Flats Road is vacated, these owners will lose their legal access to their properties. In order to continue to provide these owners legal access to their property, the City will need to grant each owner an access easement from the boundary of the Natural Area to their property line. The access easements will follow the same alignment as the existing road on the Soapstone Prairie Natural Area. These Ordinances were unanimously adopted on First Reading on July 5, 2011.

12. Second Reading of Ordinance No. 085, 2011, Authorizing the Conveyance to Capstone Development Corporation of Three Easements on Stormwater Utility Property at Creekside Park.

Capstone Development Corporation is planning a mixed use development. The project area is 10.4 acres and is located near Stuart Street and College Avenue. It fronts College Avenue around the Discount Tire property and continues to the west to the railroad. The project area is also at the rear of the Dairy Queen property. This mixed use development is for student housing and retail space. It will have two buildings, 221 dwelling units and 8,000 square feet of new retail space. The retail space will be the first floor of the building fronting on South College Avenue.

This Ordinance, unanimously adopted on First Reading on July 5, 2011, authorizes a drainage easement for construction of a new flood control channel, a drainage easement for sheet flows from the adjoining property, and a temporary construction easement to construct a pedestrian trail and an underground stormwater pipe on City-owned property known as Creekside Park.

13. Second Reading of Ordinance No. 086, 2011, Authorizing the Conveyance to Solitaire Homes, LLC of a Public Trail Easement on City Property.

Solitaire Homes, LLC is planning a 27 acre (approximately) development north and west of Laporte Avenue and Taft Hill Road, opposite the Poudre School District offices. This Ordinance, unanimously adopted on First Reading on July 5, 2011, authorizes a 438 square foot public trail easement from the City across City property managed by the Water Utility to facilitate a planned trail within the development.

14. First Reading of Ordinance No. 090, 2011, Appropriating General Fund Prior Year Reserves for the Affordable Housing Fund and Land Bank Program.

City Council authorized expenditures in 2010 for Affordable Housing and the Land Bank Program. All of the authorized expenditures were not spent in 2010 because the projects for which the dollars were originally appropriated could not be completed during 2010. Reappropriation of \$295,821 is necessary for completion of the projects in 2011. These unexpended monies lapsed into the General Fund balance at the end of 2010 and reflect no change in Council policies.

15. Items Relating to the Shields Street Bridge Replacement and LaPorte Avenue Bridge Replacement.

- A. Resolution 2011-058 Authorizing the Mayor to Enter into a Contract with the Colorado Department of Transportation for the Construction of the Shields Street Bridge Replacement and Laporte Avenue Bridge Replacement.
- B. First Reading of Ordinance No. 091, 2011, Appropriating Unanticipated Revenue from the Colorado Department of Transportation in the City Bridge Program Fund for the Shields Street Bridge Replacement and Laporte Avenue Bridge Replacement.

The City of Fort Collins Engineering Department has been awarded three grants from the federally funded Colorado Off-System Bridge Program totaling \$2,225,932. This funding contract between the City and Colorado Department of Transportation is for the replacement of two structurally deficient bridges owned by the City. The two bridges are Shields Street Bridge over Larimer Canal No. 2, and Laporte Avenue Bridge over the Arthur Ditch.

16. Items Relating to a Long-Term Solar Power Arrangement for the Water Treatment Facility.

- A. First Reading of Ordinance No. 092, 2011, Authorizing the Execution of a Power Purchase Agreement Contract with a Photovoltaic Provider at the Water Treatment Facility for a Term of Up to 20 Years.
- B. Resolution 2011-059 Authorizing a Revocable Permit to a Selected Solar Provider for the Use of the City Water Treatment Facility Property for a Solar Project.

The Water Treatment Facility receives its electrical power from Xcel Energy. A solar power generation project, with a fixed electrical rate sold back to the City, allows the offset of a portion of electrical usage at the plant site. A third party Photovoltaic system developer will design, construct, operate and maintain for up to 20 years a solar power project. This Ordinance allows for a 20-year contract between the system developer and the City. The Resolution issues a revocable permit for use of a portion of land onsite of the Water Treatment Facility by the photovoltaic system developer.

17. Items Relating to Grass Height Restrictions and Updating Related City Code References.

- A. First Reading of Ordinance No. 093, 2011, Amending Article IV of Chapter 20 of the City Code Regarding Weeds, Grass and Rubbish.
- B. First Reading of Ordinance No. 094, 2011, Amending Article VII of Chapter 12 of the City Code Regarding Resource Conservation.

In an effort to promote water conservation, lower greenhouse gas emissions, and provide options for Fort Collins residents who are interested in using water-wise turfgrass, these Code amendments will allow certain grass types to be exempt from the current six (6) inch height limit. The grass types that would be exempt are Blue Grama and Buffalo grass, and they would have a height limit of twelve (12) inches.

18. First Reading of Ordinance No. 095, 2011, Amending the Appeals Procedure Contained in Chapter 2, Article II, Division 3 of the City Code Relating to the Procedures for Hearing Appeals to the City Council.

This Ordinance changes the timing for the scheduling of appeal hearings and for requesting site inspections and also amends the appeals procedure so as to allow the general public to participate in the appeal hearing and to allow Councilmembers who have filed an appeal to participate in deciding the appeal.

19. Resolution 2011-060 Amending the Rules of Procedure Governing the Conduct of City Council Meetings.

This Resolution would amend the rules of procedure that govern the conduct of City Council meetings with regard to citizen comment during the Citizen Participation segment of the meetings. The 30-minute time limit that currently exists for the Citizen Participation segment of the meetings would be eliminated and two topics would be specified as not appropriate for comment: matters on the discussion agenda for the meeting and quasi-judicial matters.

20. Resolution 2011-061 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.

21. Resolution 2011-062 Making Appointments to the Retirement Committee and the Women's Commission.

A vacancy currently exists on the Retirement Committee due to the resignation of Dick Burkhartzmeyer. Councilmembers Ben Manvel and Wade Troxell reviewed the applications on file. The interview team is recommending John Lindsay to fill the vacancy with a term to begin immediately and set to expire on December 31, 2011.

A vacancy also exists on the Women's Commission due to the resignation of Randi Nelson. Applications were solicited and Councilmembers Ben Manvel and Wade Troxell conducted interviews. The interview team is recommending Jan Hawn to fill the vacancy with a term to begin immediately and set to expire on December 31, 2012.

<b>END CONSENT</b>
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22. Consent Calendar Follow-up.

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

23. Staff Reports.

24. 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.

25. Items Relating to the Completion of the 2011 Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing and Community Development Activities Utilizing the Federal Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Programs, and the City's Human Services Program. (staff: Ken Waido; 10 minute staff presentation; 45 minute discussion)

- A. Public Hearing and Resolution 2011-063 Approving the Programs and Projects that Will Receive Funds from the Federal Community Development Block Grant Program, the Home Investment Partnerships Program, and the City's Human Services Program.
- B. Public Hearing and Resolution 2011-064 Approving the Fiscal Year 2011 Administration and Project Budgets for the Home Investment Partnerships Program.
- C. First Reading of Ordinance No. 096, 2011, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Community Development Block Grant Fund.
- D. First Reading of Ordinance No. 097, 2011, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Home Investment Partnerships Fund.
- E. Public Hearing and Resolution 2011-065 Eliminating Restrictions on the Use of Affordable Housing Funds Currently Earmarked for the Acquisition of Former Rental Properties.

Resolution 2011-063 will complete the 2011 spring cycle of the competitive process for allocating City financial resources to affordable housing programs/projects and community development activities by listing the specific programs/projects that will receive funding starting October 1, 2011. Ordinance No. 096, 2011, appropriates the City's FY 2011 CDBG Entitlement Grant from the Department of Housing and Urban Development (HUD). Resolution 2011-064 establishes the major funding categories within the HOME Program for the FY 2011 program year, which also starts on October 1, 2011. Specific projects for the use of HOME funds will be determined in November as a result of the 2011 fall cycle of the competitive process. Ordinance No. 097, 2011, appropriates the City's FY 2011 HOME Participating Jurisdiction Grant from HUD. Resolution 2011-065 eliminates the restriction on \$60,000 of Affordable Housing Fund dollars that they be used for the acquisition of former rental

properties by first-time home buyers to allowing the funds to be used for the purchases of non-rental properties.

26. Items Relating to the Fort Collins Museum/Discovery Science Center Project. (staff: Mike Freeman, Marty Heffernan; 5 minute staff presentation; 15 minute discussion)

A. Second Reading of Ordinance No. 087, 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. Second Reading of Ordinance No. 088, 2011, Appropriating Prior Year Reserves in the Water Fund for the Purpose of Providing a Loan to FCDM, Inc. for the Fort Collins Museum/Discovery Science Center Project.

At the July 5, 2011 City Council meeting, Council adopted on First Reading, two ordinances which appropriate funding to continue construction on the new Fort Collins Museum/Discovery Science Center facility. Ordinance No. 087, 2011, adopted 5-2 (nays: Kottwitz, Ohlson) appropriates \$1.5 million from General Fund reserves to the capital project. Council amended the original ordinance from \$3 million to \$1.5 million. Ordinance No. 088, 2011, adopted 6-1 (nays: Kottwitz) appropriates \$875,000 from Water Fund reserves to the Non-profit Corporation as a loan for committed pledges towards building construction to be paid between 2011 and 2014. These ordinances will keep the museum project moving forward for several months and avoid a costly work stoppage.

The building project is experiencing a \$3,875,000 cash flow issue from two sources. The Downtown Development Authority (DDA) has committed \$3 million for the building but funds are not currently available. The Non-profit Corporation has raised \$4,561,916 of which \$875,000 is in the form of pledges to be paid between 2011 and 2014. The two Ordinances allow construction to continue for several months. This additional time allows Council to consider the Building Community Choices reserve at the July 12 work session and other potential funding mechanisms; review the next few months of sales tax; and the DDA will receive its certification from the County in August, providing key data to determine when its \$3 million commitment can be paid to the project.

27. Resolution 2011-066 Approving an Agreement Between the City and Avago Technologies US, Inc. to Provide Business Investment Assistance for the Building 4 Retrofit. (staff: Josh Birks; 5 minute staff presentation; 15 minute discussion)

This Resolution approves a Business Investment Agreement between the City and Avago Technologies. The Agreement provides two performance based investments: (1) a one-time use tax rebate on manufacturing equipment purchased as part of the expansion; and (2) a personal property tax rebate on the same equipment for ten years. Both investments relate to revenues the City would not otherwise collect if the expansion did not occur within the City. The total investment package has a value of approximately \$3.2 million and includes both local and state investments. The total value of the use tax and personal property constitutes \$2.912 million of the package value. NOTE: The value of the package has increased since the Council Finance Committee briefing on July 5, 2011. The increase is due to additional investment in manufacturing equipment by Avago.

28. First Reading of Ordinance No. 098, 2011, Repealing and Reenacting Division 14, Article III of Chapter 2 of the Code of the City of Fort Collins Dissolving the Electric Board and Creating a New Energy Board. (staff: Brian Janonis; 5 minute staff presentation; 30 minute discussion)

Decisions Council makes today can have a significant impact on our community's ability to respond to changing conditions in the future. Council needs visionary and innovative advice regarding the community's energy future as it relates to the Plan Fort Collins goals for a sustainable community. Council is in need of advice from subject matter experts not just in the electric engineering field but also other experts who are knowledgeable about such things as to how the electrification of transportation impacts carbon emissions and energy consumption. To this end, an Energy Board is being created to replace the Electric Board. The purpose of the Energy Board will be to take a systems approach to the City's energy future looking out 10 years and beyond and to advise Council on such matters.



29. Resolution 2011-067 Creating a Council Futures Committee. (staff: Darin Atteberry; 10 minute staff presentation; 30 minute discussion)

At the Council retreat on May 6 and 7, 2011, Council indicated an interest in forming a Futures Committee, the purpose of which would be to develop a vision for the future of Fort Collins, using economic modeling and other information to help inform and establish a guide for Council to consider in making decisions about the future of the community.

30. Pulled Consent Items.

31. Other Business.

a. Cancellation of Regular Council Meeting of August 2, 2011.

b. Motion to Adjourn Meeting to July 26, 2011.

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.



urban renewal authority

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

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## URBAN RENEWAL AUTHORITY MEETING July 19, 2011 (after the Regular Council Meeting)

1. Call Meeting to Order.
2. Roll Call.
3. Resolution No. 037 Adopting Policies and Procedures for the Fort Collins Urban Renewal Authority.  
(staff: Christina Vincent; 5 minute staff presentation; 15 minute discussion)

In May 2010, the Urban Renewal Authority (URA) Board approved a thorough revision to the Policies and Procedures (Policies) from the original policies created in 2006. At the May 17, 2011 URA Board meeting, it was decided that the Policies should have more detail regarding green building practices and therefore should come back to the URA Board for more revisions. Staff received feedback at the June 14, 2011 work session to modify the language as proposed by the URA Board. These Policies are intended to give guidance to the eligible developments and objectives of the URA to applicants, staff, citizens and the URA Board for decision making purposes.

4. Other Business.
5. Adjournment.