

REVISED AGENDA WITH ADDITION OF ITEM 25A



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

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.

REGULAR MEETING

August 16, 2011

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Declaring Fridays of Each Work Week this School Year as "Get Your Green On" Days.

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 22. 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. Consideration and approval of the minutes from the July 5 and July 19, 2011 Regular Meetings and the July 26 Adjourned Meeting.

7. 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.

8. Second 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. This Ordinance, unanimously adopted on First Reading on July 19, 2011, reappropriates \$295,821 and 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.

9. Second 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.

This Ordinance, unanimously adopted on First Reading on July 19, 2011, appropriates fund from three grants received 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, near Rolland Moore Park, and Laporte Avenue Bridge over the Arthur Ditch, between Shields Street and College Avenue.

10. Second 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.

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, unanimously adopted on First Reading on July 26, 2011, allows for a 20-year contract between the system developer and the City.

11. 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.

A. Second 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.

B. Second Reading of Ordinance No. 097, 2011, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Home Investment Partnerships Fund.

Ordinance No. 096, 2011, appropriates the City's FY 2011 CDBG Entitlement Grant from the Department of Housing and Urban Development (HUD). Ordinance No. 097, 2011, appropriates the City's FY 2011 HOME Participating Jurisdiction Grant from HUD. Both Ordinances were unanimously adopted on First Reading on July 19, 2011.

12. First Reading of Ordinance No. 099, 2011, Authorizing the Transfer of Existing Appropriations from the Linden Street Streetscape Project to the Cultural Services Fund for the Art in Public Places Program.

This Ordinance appropriates \$17,998 for administration, design, materials, installation and contingency for a project with Fort Collins artist Susan Dailey, to create up to twelve granite pavers to be integrated into the streetscape of the Linden Street Streetscape Project.

13. First Reading of Ordinance No. 100, 2011, Appropriating Unanticipated Revenue in the Cultural Services Fund and in the Capital Projects Fund for the Building on Basics Lincoln Center Renovation Project.

The Lincoln Center Renovation project is funded primarily through the Building on Basics capital tax approved by voters in 2005. Unanticipated grant and donation revenue will be used to complete the full scope of the estimated \$8.2 million project. Approximately \$5.5 million has been appropriated from the Building on Basics tax and \$2.6 million from unanticipated grant revenue and prior year reserves in the Cultural Services and General Funds.

14. First Reading of Ordinance No. 101, 2011, Appropriating Prior Year Reserves in the Cultural Services Fund for Transfer to the Capital Projects Fund and Appropriating Unanticipated Revenue in the Capital Projects Fund for the Fort Collins Museum/Discovery Science Center Project.

The Discovery Center, a Colorado non-profit corporation, has provided funds, currently held in the Capital Projects Fund, in the amount of \$738,034 in support of the Exhibits for the new Fort Collins Museum and Discovery Science Center Joint Facility project. Also, \$100,000 from the Fort Collins Museum Donation Reserves are being provided to support the Exhibits. Additionally, an estate gift in the amount of \$150 has been provided.

15. Items Relating to the South Transit Center Park and Ride Project.

- A. Resolution 2011-068 Authorizing the Mayor to Enter into a Contract with the Colorado Department of Transportation for the Construction of the South Transit Center Park and Ride.
- B. First Reading of Ordinance No. 102, 2011, Appropriating Unanticipated Revenue in the Capital Projects Fund, Mason Corridor Project for the South Transit Center Park and Ride.

City staff applied to the Colorado Department of Transportation (CDOT) for Senate Bill 1 funding for one project that included the South Transit Center (STC) and an adjacent park and ride facility. In 2009, CDOT approved funding for the STC, but did not fund the park and ride. A 2010 CDOT grant subsequently approved the necessary funding to build the adjacent park and ride facility. Previous Council action approved the contract for construction of the STC facility; this Resolution executes the contract for the park and ride only.

The South Transit Center (STC) Park and Ride will serve as Transfort's first Park and Ride facility. The STC Park and Ride will serve a wide range of users with 170 public parking stalls providing access to the Mason Trail and Transfort bus service. The STC Park and Ride will also serve the regional FLEX service and the Mason Bus Rapid Transit system known as MAX. These state funds will be used as local match to the Federal Transit Administration funds for the overall Mason Corridor Project.

16. First Reading of Ordinance No. 103, 2011, Appropriating Unanticipated Grant Revenue in the Transportation Services Fund for the FY 2011-2012 Safe Routes to School Program.

The City of Fort Collins Transportation Planning Division has received a \$99,800 federal grant through the Colorado Department of Transportation for the FY 2011-12 Safe Routes to School (SRTS)

program. This funding will allow the City of Fort Collins' Safe Routes to School Program (administered and staffed by the Transportation Planning Division) to provide pedestrian and bicycle safety education programs.

17. First Reading of Ordinance No. 104, 2011, Appropriating Unanticipated Grant Revenues in the General Fund for Police Services and Appropriating Funds from the Police Operating Budget.

A grant in the amount of \$45,000 has been received from the Colorado Division of Criminal Justice (DCJ) Juvenile Diversion fund 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 (RJCP) for all other offenses. Restorative Justice is an alternative method of holding a young offender accountable by facilitating a meeting with the offender, the victim/victim representative and members of the community to determine the harm done by the crime, and how to repair the harm. By identifying and repairing the harm caused by the crime, Criminal Justice Officials are optimistic repeat offenses by these youth will be reduced and the needs and concerns of the victims and affected community will be addressed. An \$8,700 cash match is required and will be met by appropriating funds from the police operating budget designated for Restorative Justice Services. Total required match is 25% so an additional \$6,300 in-kind match was included in the grant application from the Eighth Judicial District Probation Department. The grant period is from July 1, 2011 to June 30, 2012.

18. First Reading of Ordinance No. 105, 2011, Appropriating Proceeds from the Issuance of City of Fort Collins, Stormwater Utility Enterprise, Stormwater Utility Revenue Refunding Bonds, Series 2011A, in the Maximum Aggregate Principal of Amount of \$8,750,000 in the Stormwater Utility Fund.

This Ordinance appropriates \$8,750,000 to pay off the 2002 Storm Drainage Revenue bonds. The funding source is the proceeds from the 2011A Storm Drainage refunding bonds. Market conditions are such that they can be refinanced at lower interest rates, resulting in an estimated net present value savings of \$500,000.

19. First Reading of Ordinance No. 107, 2011, Repealing Section 2-575 of the City Code Relating to the Compensation of Councilmembers.

This Ordinance repeals the City Code provision relating to Council compensation. This section is unnecessary because the method for adjusting compensation is set out in the City Charter, and such adjustment is accomplished through administrative action of the City Manager.

20. First Reading of Ordinance No. 108, 2011, Authorizing the Conveyance of a Portion of City Property to the Lower Poudre Augmentation Company.

Arapaho Bend Natural Area is located along the Cache la Poudre River near I-25 and East Harmony Road. The Lower Poudre Augmentation Company (LPAC) owns property immediately to the south of the portion of Arapaho Bend that lies east of I-25. A wire fence separates the two properties. A recent boundary survey revealed the fence separating the two properties was located slightly north of the described property line. The fence has been in place for greater than 18 years and has been recognized by the Natural Areas Program (NAP) and LPAC as the boundary of the Natural Area since the property was purchased in 2000. The strip of property between the fence and the described boundary line contains 0.703 acres. City staff determined that it was necessary to explore options for cleaning up the boundary issue to ensure clear boundary lines for future access, maintenance and use of the sites for both the NAP and LPAC. After meeting with LPAC on site and commissioning a survey of the boundary and fence lines, City staff proposed that this narrow strip of land described as City property be conveyed to LPAC in exchange for an access easement across the LPAC property and LPAC agreed. The current access to this portion of Arapaho Bend is limited and unsafe, with NAP staff accessing the natural area via the I-25 right of way. The access easement across the LPAC property will provide safe and permanent access for NAP staff.

21. First Reading of Ordinance No. 109, 2011, Authorizing a Grazing Lease on the Vangbo Property to Alison Person.

The City of Fort Collins Natural Areas Program (NAP) purchased the Vangbo Property in 2005. At the time of purchase, the property was leased by the Person family as pasture for horses boarded at Mountain View Stables, a local business also owned by the Persons. This lease is now expired and NAP is requesting authorization to enter into a new lease for a period not to exceed five years. This lease will generate \$9,000 the first year, \$12,000 the second, and \$15,000 the third year. Should the lease extend to the fourth and fifth year, the rent will be adjusted based on the Denver-Boulder-Greeley CPI-U.

22. Resolution 2011-069 Appointing Two Representatives to the Colorado Municipal League Policy Committee.

Appointments to the Colorado Municipal League (CML) Policy Committee are made each fall and members serve for a one-year period from September through August. Each member municipality of the League is entitled to a representative, and all cities over 100,000 are entitled to designate two representatives.

The Policy Committee is responsible for reviewing legislative proposals and recommending to the League Executive Board, positions of support, opposition, no position or amendment to a wide variety of legislation affecting cities and towns. At each annual conference in June, the Policy Committee proposes to the membership, revisions to the League's policies which guide League positions on public policy issues affecting municipalities.

The Committee meets three or four times a year, before and during legislative sessions as well as in May prior to the annual conference. CML has asked that representatives be appointed by the end of July and has been notified that a resolution appointing Fort Collins' two representatives is scheduled to be considered on August 16. The first CML Policy Committee meeting will be held on Thursday, October 6.

This Resolution appoints one Councilmember, to be selected at this meeting, and City Manager Darin Atteberry to represent the City of Fort Collins on the Colorado Municipal League Policy Committee.

END CONSENT

23. Consent Calendar Follow-up.

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

24. Staff Reports.

25. 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.

25A. Reconsideration of a Motion Adopted by Council at a Special Meeting Held on Thursday, August 11, 2011, Expressing the City's Objections to Construction on Phase III of the Dixon Creek Substation to Horseshoe Station Transmission Line Project and Authorizing the City Attorney to Seek a Court Order Enjoining Construction of Phase III, if Necessary, or To Take Such Other Appropriate Legal Action As May Be Needed to Protect the Interests of the City.

This item relates to a power transmission line project planned for construction by Platte River Power Authority (Platte River) and Western Area Power Administration (WAPA) in the City's Pineridge Natural Area.

26. Items Relating to a Citizen-Initiated Ordinance to Prohibit the Operation of Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-infused Product Manufacturing Within the City of Fort Collins Corporate Limits. (staff: Wanda Krajceck; 5 minute staff presentation; 45 minute discussion)

- A. Presentation of a Petition for a Citizen-Initiated Ordinance that Would Prohibit the Operation of Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-infused Product Manufacturing Within the City of Fort Collins Corporate Limits. (No Action Needed)
- B. First Reading of Ordinance No. 110, 2011, an Initiated Ordinance to Prohibit the Operation of Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-infused Product Manufacturing Within the City of Fort Collins Corporate Limits. (Option 1)

OR

Resolution 2011-070 Submitting a Proposed Citizen-Initiated Ordinance to Prohibit the Operation of Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-infused Product Manufacturing Within the City of Fort Collins Corporate Limits at a Special Municipal Election to Be Held on November 1, 2011, In Conjunction with the Larimer County Coordinated Election. (Option 2)

The City Clerk's Office received an initiative petition on July 19, 2011, which has been determined to contain a sufficient number of signatures to place an initiated measure before the registered electors of the City at a special election. Pursuant to the City Charter, upon presentation of an initiative petition certified as sufficient by the City Clerk, the Council must either (1) adopt the proposed ordinance without alteration within 30 days (Option 1); or (2) submit such proposed measure, in the form petitioned for, to the registered electors of the city (Option 2). If the Council chooses to submit the proposed measure to the voters, Resolution 2011-070 would submit the measure and establish the ballot language for the measure.

27. Consideration of the Appeal by Windtrail on Spring Creek HOA, Sundering Townhomes HOA, Hill Pond on Spring Creek HOA, Hill Pond Condominium HOA and Windtrail Townhomes HOA of the June 16, 2011 Determination of the Planning and Zoning Board to approve the Amended CSURF Center for Advanced Technology, Overall Development Plan. (staff: Steve Olt; 10 minute staff presentation; 3.5 hour discussion)

On June 16, 2011, the Planning and Zoning Board conducted a public hearing considering the proposed Amended CSURF Center for Advanced Technology, Overall Development Plan (ODP). The Board considered testimony from the applicant, the public and staff. The Amended ODP was approved. Windtrail on Spring Creek HOA and Hillpond on Spring Creek have appealed the Board's decisions. The allegations are that the Planning and Zoning Board did not properly interpret and apply relevant portions of the Code and Charter.

28. Consideration of the Appeal by Windtrail on Spring Creek HOA, Sundering Townhomes HOA, Hill Pond on Spring Creek HOA, Hill Pond Condominium HOA and Windtrail Townhomes HOA of the June 16, 2011 Determination of the Planning and Zoning Board to approve The Grove at Fort Collins, Project Development Plan. (staff: Steve Olt; 10 minute staff presentation; 3.5 hour discussion)

On June 16, 2011, the Planning and Zoning Board conducted a public hearing considering the proposed The Grove at Fort Collins, Project Development Plan (PDP). The Board considered testimony from the applicant, the public and staff. The PDP was approved. Windtrail on Spring Creek HOA, Sundering Townhomes HOA, Hill Pond on Spring Creek HOA, Hill Pond Condominium HOA and Windtrail Townhomes HOA have appealed the Board's decision. The allegation is that the Planning and Zoning Board failed to properly interpret and apply relevant portions of the Code and Charter.

29. First Reading of Ordinance No. 098, 2011, Repealing and Reenacting Division 14, Article III of Chapter 2 of the City Code Dissolving the Electric Board and Creating a New Energy Board. (staff: Brian Janonis; 5 minute staff presentation; 10 minute discussion)

Decisions Council makes today can have a significant impact on the 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.

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.



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PUBLIC NOTICE

Posted on August 15, 2011

At its regular meeting on August 16, 2011, the Fort Collins City Council will consider one additional matter as the first item of Discussion:

- Reconsideration of a motion adopted by Council at a special meeting held on Thursday, August 11, 2011, expressing the City's objections to construction on Phase III of the Dixon Creek Substation to Horseshoe Station Transmission Line Project and authorizing the City Attorney to seek a court order enjoining construction of Phase III, if necessary or to take such other appropriate legal action as may be needed to protect the interests of the City.

The regular City Council meeting will begin at 6:00 p.m. in the Council Chambers, City Hall West, 300 LaPorte Avenue.

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