



Karen Weitkunat, Mayor
Gerry Horak, District 6, Mayor Pro Tem
Bob Overbeck, District 1
Lisa Poppaw, District 2
Gino Campana, District 3
Wade Troxell, District 4
Ross Cunniff, District 5

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 Nelson, City Clerk

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REGULAR MEETING (REVISED AGENDA)

September 17, 2013

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Declaring September 17-23, 2013 as Constitution Week.
- B. Proclamation Declaring September 21, 2013 as Cemetery Stroll Day, with the theme of "The Spirits of 1872: A Visit with the Founders of Fort Collins".

Regular Meeting After the Urban Renewal Authority Meeting (TIME CHANGE)

PLEDGE OF ALLEGIANCE

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

3. AGENDA REVIEW:

- City Manager Review of Agenda.
- Consent Calendar Review.

This Review provides an opportunity for Council and citizens to pull items from the Consent Calendar. Anyone may request an item on this Calendar be “pulled” off the Consent Calendar and considered separately.

- Council opportunity to pull Consent Calendar items.
(will be considered under Item No. 17)
- Citizen opportunity to pull Consent Calendar items.
(will be considered under Item. No. 20)

4. CITIZEN PARTICIPATION

Individuals who wish to make comments regarding items remaining 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.

Speakers are asked to:

- State your name and address for the record.
- Keep comments brief; if available, provide a written copy of statement to City Clerk.
- Address your comments to Council, not the audience.
- Promptly cease your comments when the allotted time expires.
- You may not yield part or all of your time to another and another speaker will not be credited with time requested but not used by you.
- Applause, outbursts or other demonstrations by the audience are not allowed.

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 13. 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. The Consent Calendar consists of:

- Ordinances 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 August 20 and September 3, 2013 Regular Meetings.

7. Second Reading of Ordinance No. 122, 2013, Authorizing the City Manager to Extend the Term of the Agreement Between the City and Mayo Foundation for Health Risk Assessment Software for the City's Wellness Program.

This Ordinance, unanimously adopted on First Reading on September 3, 2013, authorizes a one-year extension of the contract with the Mayo Foundation for Medical Education and Research to provide services associated with the assessment and management of existing and potential health risks of City employees from April 1, 2014 to March 31, 2015, with the option to extend for additional one (1) year periods not to exceed four (4) additional one-year renewals. This extension will allowed continued use of services provided by Mayo while staff assesses costs, benefits, services and other options associated with an Onsite Employee Medical Clinic and the potential to consolidate health risk assessment services now provided by Mayo with the Clinic.

8. Second Reading of Ordinance No. 123, 2013, Expanding the Boundaries of the Fort Collins Downtown Development Authority and Amending the Plan of Development of the Authority.

This Ordinance, unanimously adopted on First Reading on September 3, 2013, expands the boundaries of the Fort Collins Downtown Development Authority and amends the Plan of Development of the Authority to include a commercially zoned property in the 800 block of Buckingham Street. The property, which includes one parcel owned by Colorado Iron and Metal Inc. and one parcel owned by Odell Investments, LLC, is vacant land with no address.

9. Second Reading of Ordinance No. 124, 2013, Authorizing a Patio Lease and Conveyance of an Access Easement on City Property to 201 S College, LLC.

This Ordinance, unanimously adopted on First Reading on September 3, 2013, authorizes the conveyance of a patio lease and a permanent access easement on Oak Street Plaza to the 201 S. College, LLC owners of the lower level of Old Post Office Building adjacent to the park. The owner of the lower unit of the building has requested a patio lease on a portion of the City property adjacent to the north side of their building in anticipation of leasing the unit as a restaurant. The lease area will be used by the unit owner and their tenant for dining and art display purposes only and will be limited to a 10-year term with an option to renew for up to two (2) additional 5-year terms. In addition, the owner has requested an access easement across the park leading from their north entrances out to College Avenue. This access easement will provide the owner and their tenant legal access in and out of the lower unit.

10. Second Reading of Ordinance No. 125, 2013, Establishing a Temporary Ban on Marijuana Establishments Within the City of Fort Collins.

This Ordinance, unanimously adopted on First Reading on September 3, 2013, establishes a temporary ban on marijuana cultivation facilities, marijuana testing facilities, marijuana product manufacturing facilities, and retail marijuana stores (collectively "marijuana establishments") in the City of Fort Collins through March 31, 2014.

Staff has scheduled work sessions for updates on November 12, 2013 and February 11, 2014. The November work session will focus on the results of the statewide taxation ballot question and public engagement conducted to date.

11. First Reading of Ordinance No. 126, 2013, Authorizing the Purchasing Agent to Enter into an Agreement for the Financing by Lease-Purchase of Vehicles and Equipment.

The purpose of this item is to request approval of an agreement for the lease-purchase of vehicles and equipment for the cost of \$911,887. Payments under the agreement at the 2.28% interest rate will not exceed \$193,489 in 2014. Money for 2014 lease-purchase payments is included in the 2014 budget. The effect of the debt position for the purpose of financial rating of the City will be to raise the total City debt by 0.67%. A competitive process was used to select Pinnacle Public Finance for this lease. A 2013 Finance Department analysis of current and historical equipment lease financing

arrangements showed that lease-purchase is in the best interest of the City given the normal spread between lease rate and reinvestment rate. Staff believes acceptance of this lease rate is in the City's best interest.

12. First Reading of Ordinance No. 127, 2013 Repealing Article II of Chapter 15 of the City Code in its Entirety.

Article II of Chapter 15 of the City Code regarding intrusion, robbery, fire and other alarm systems is outdated and needs to be repealed in its entirety.

13. Routine Easement.

Easement for construction and maintenance of public utilities from Roger T Sterling and Bernita J. Sterling, to install advanced metering system infrastructure for Laporte water meters at 2325 Eddy Lane.

END CONSENT

14. Consent Calendar Follow-up.

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

15. Staff Reports.

a. **Update on Flood Response and Recovery**

16. Councilmember Reports.

17. Consideration of Council-Pulled Consent Items.

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.

18. Resolution 2013-079 Concerning a Loan from the City of Fort Collins to the Fort Collins Urban Renewal Authority for the Purpose of Funding Certain Improvements for the Prospect Station Project and Declaring the City Council's Present Intent to Fund Such Loan. (staff: Tom Leeson; Megan Bolin; 5 minute staff presentation; 30 minute discussion)

The purpose of this Resolution is to declare City Council's intent to provide a loan to the Fort Collins Urban Renewal Authority (URA) for one half of the URA's reimbursement obligation to Prospect Station LLC.

On September 17, 2013, the Fort Collins Urban Renewal Authority (URA) Board will consider a Redevelopment Agreement for Prospect Station, a new mixed-use development proposed within the Prospect South Tax Increment Financing (TIF) District. The Agreement would authorize a \$494,000 reimbursement obligation to Prospect Station LLC (Developer) for eligible project costs. Half (\$247,000) of the reimbursement would be provided to the Developer upon completion of the project and verification of costs, and the remaining half would be dispersed in annual payments over the remaining life of the TIF District.

The Redevelopment Agreement would obligate the URA to make a \$247,000 payment to the Developer upon completion of the project in 2014. Since the URA will not have sufficient fund balance to pay that amount outright, a loan is requested from the City of Fort Collins.

19. Items Relating to Exterior Property Maintenance. (staff: Mike Gebo, Beth Sowder; 15 minute staff presentation; 1 hour discussion)
- A. First Reading of Ordinance No. 128, 2013, Amending Article IV of Chapter 20 of the City Code Pertaining to the Outdoor Storage of Personal Property.
 - B. First Reading of Ordinance No. 129, 2013, Amending Section 5-47 of the City Code Pertaining to the International Property Maintenance Code.

The purpose of this item is to propose Code amendments that will address ongoing exterior residential property maintenance issues that create a negative impact on neighboring properties and that are not currently addressed by existing codes. This item focuses on three items that have a significant impact to the neighborhood and the general public because they are viewable from the public right-of-way. Neighbors have expressed that these conditions have a negative impact on their property values, enjoyment of their properties, and a general feeling of neglect and deterioration. The three proposed Code amendments include:

- Deficient Structures
- Vacant & Dangerous Buildings Registry
- Excessive Storage of Personal Property Viewable from the Public Right-of-Way

The above items are Phase 1 of this topic. Phase 2 will include excessive personal property and inoperable motor vehicle storage in back yards. Phase 2 is scheduled for City Council consideration on November 5, 2013.

20. Consideration of Citizen-Pulled Consent Items.

21. Other Business.

Items Relating to the Larimer County Flood of 2013.

- A. Resolution 2013-080 Extending the State of Local Emergency Declared by the City Manager.**
- B. Resolution 2013-081 Authorizing the City Manager to Enter Into Mutual Aid Agreements with Other Local Governments in Response to the Larimer County Flood of 2013.**

On Friday, September 13, 2013, the President of the United States and the Governor's office declared a disaster area for Northern Colorado due to the extensive flash flooding and river flooding along the Front Range and Northern Colorado region.

A local emergency proclamation was then signed by City Manager Darin Atteberry on September 13, 2013, and sent to the Governor's office. The City proclamation was based on the fact that Fort Collins suffered and was threatened with serious peril to the safety of people and property within the City limits due to the "Larimer County Flood of 2013." City Council is asked to approve the extension of the proclamation of local emergency until such time as the City Manager determines it is no longer necessary.

The "Larimer County Flood of 2013" has severely affected several neighboring communities including Larimer County, Estes Park, Longmont and Loveland. These communities need aid and assistance to respond and recover from the impacts of the flood and the City is in a position to provide some of the requested resources. To expedite the City's response, City Council is asked to authorize the City Manager to enter into mutual aid agreements for short-term aid and assistance.

22. 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.