



Wade Troxell, Mayor
Gerry Horak, District 6, Mayor Pro Tem
Bob Overbeck, District 1
Ray Martinez, District 2
Gino Campana, District 3
Kristin Stephens, District 4
Ross Cunniff, District 5

City Council Chambers
City Hall West
300 LaPorte Avenue
Fort Collins, Colorado

Cablecast on City Cable Channel 14
on the Comcast cable system

Carrie Daggett
City Attorney

Darin Atteberry
City Manager

Wanda Winkelmann
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. Please call 221-6515 (TDD 224-6001) for assistance.

Regular Meeting September 15, 2015 (Revised 9/14/15)

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring September 17 through 23, 2015 as Constitution Week.
- B. Proclamation Declaring September 19, 2015, as "Honoring 20 years of the Cemetery Stroll" Day.
- C. Presentation of the Historic Preservation Awards.

Regular Meeting 6:00 p.m.

- PLEDGE OF ALLEGIANCE
- CALL MEETING TO ORDER
- ROLL CALL
- AGENDA REVIEW: CITY MANAGER

- 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-pulled Consent Calendar items will be considered before Discussion Items.
- Citizen-pulled Consent Calendar items will be considered after Discussion Items.

- **CITIZEN PARTICIPATION**

Individuals may comment regarding items scheduled on the Consent Calendar and items not specifically scheduled on the agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process** and not to the Council.

- Those who wish to speak are asked to sign in at the table in the lobby (for recordkeeping purposes).
- All speakers will be asked by the presiding officer to identify themselves by raising their hand, and then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).
- The presiding officer will determine and announce the length of time allowed for each speaker.
- Each speaker will be asked to state his or her name and general address for the record, and to keep comments brief. Any written comments or materials intended for the Council should be provided to the City Clerk.
- A timer will buzz once and the timer light will turn yellow to indicate that 30 seconds of speaking time remain, and will buzz again and turn red when a speaker’s time to speak has ended.

[**For questions about the development review process or the status of any particular development, citizens should consult the Development Review Center page on the City’s website at fcgov.com/developmentreview, or contact the Development Review Center at 221-6750.]

- **CITIZEN PARTICIPATION FOLLOW-UP**

Consent Calendar

The Consent 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 to be “pulled” off the Consent Calendar and considered separately. Agenda items pulled from the Consent Calendar will be considered separately under Pulled Consent Items. Items remaining on the Consent Calendar will be approved by City Council with one vote. 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.

1. Consideration and Approval of the Minutes of the August 11, 2015 Special Council Meeting and the August 18, 2015 Regular Council Meeting.

The purpose of this item is to approve the minutes from the August 11, 2015 Special Council Meeting and the August 18, 2015 Regular Council meeting.

2. Second Reading of Ordinance No. 105, 2015, Appropriating Unanticipated Revenue in the General Fund to be Remitted to the Fort Collins Housing Authority to Fund Affordable Housing and Related Activities.

This Ordinance, unanimously adopted on First Reading on September 1, 2015, refunds the Payment in Lieu of Taxes (PILOT) for public services and facilities received from the Fort Collins Housing Authority in 2014 with respect to a HUD financed Public Housing Program that provides low income rental units. The Authority paid the City of Fort Collins PILOT of \$7,271 in 2014 under a previously approved Cooperation Agreement and requests that the City return the PILOT to fund needed affordable housing related activities. The City may spend the PILOT revenues as it deems appropriate in accordance with law, including remitting the funds to the Authority if the Council determines that such remittal serves a valid public purpose. The Council has returned the PILOT payment to the Authority since 1992.

3. Second Reading of Ordinance No. 106, 2015, Appropriating Prior Year Reserves in the General Fund for the Purpose of Completing the Construction of a Public Television Studio for Fort Collins Public Access Network.

This Ordinance, unanimously adopted on First Reading on September 1, 2015, appropriates funds in the amount of \$49,535 from existing PEG reserves to be spent on additional improvements for FC-PAN's television studio in the City's Carnegie Building.

4. Second Reading of Ordinance No. 108, 2015, Amending Sections of the Code of the City of Fort Collins Pertaining to City Service Areas.

This Ordinance, unanimously adopted on First Reading on September 1, 2015, updates Service Area definitions in City Code to reflect structural adjustments needed to clarify organization roles, and enhance efficiency and effectiveness of the City organization.

5. Second Reading of Ordinance No. 109, 2015, Extending Ordinance No. 024, 2013, Which Amended the Land Use Code by the Addition of a Temporary Planned Development Overlay Zone District Through March 9, 2016.

This Ordinance, unanimously adopted on First Reading on September 1, 2015, authorizes a 6-month extension to the Planned Development Overlay District (PDOD) Pilot Process, as the current pilot will expire on September 9, 2015. A request has been received by a prospective applicant within the Planned Development Overlay District (PDOD) boundary to extend the pilot for an additional six months to March 9, 2016.

6. Second Reading of Ordinance No. 110, 2015, Amending the Land Use Code Pertaining to Seasonal Overflow Shelters and Homeless Shelters.

Ordinance No. 110, 2015, unanimously adopted on First Reading on September 1, 2015, adds two new uses, Seasonal Overflow Shelters and Homeless Shelters. Article Four will be amended to add these new uses to various appropriate zone districts and Article Three will be amended to add supplemental regulations and review criteria for Seasonal Overflow Shelters only.

7. Second Reading of Ordinance No. 111, 2015, Authorizing the Conveyance of a Right of First Offer and Right of First Refusal to the City of Loveland for Property at 4200 County Road 30.

This Ordinance, unanimously adopted on First Reading on September 1, 2015, authorizes the conveyance of a Right of First Offer and Right of First Refusal to the City of Loveland on property located at 4200 County Road 30, in the Fort Collins-Loveland Community Separator. Loveland's Water & Power Department is purchasing 50 Units of Colorado Big Thompson Project (CBT) water historically associated with the land. In addition, Loveland's Parks and Recreation Department will contribute funds towards the land. In total, Loveland will contribute \$1.5M and Fort Collins will contribute \$1.5M towards the purchase price of \$3M.

8. Second Reading of Ordinance No. 112, 2015, Amending the Zoning Map of the City by Changing the Zoning Classification for that Certain Property Known as the Salud Family Health Center Rezoning.

This Ordinance, unanimously adopted on First Reading on September 1, 2015, rezones 22.8 acres located at 1830 LaPorte Avenue (formerly occupied by Forney Industries) from Transition (T) to Low Density Mixed Use Neighborhood (L-M-N) and Limited Commercial (C-L), in accordance with the Comprehensive Plan (City Plan).

9. First Reading of Ordinance No. 113, 2015, Appropriating Prior Year Reserves in the General, Capital Expansion and Street Oversizing Funds to Reimburse Woodward, Inc. For Development Fees and Capital Improvement Expansion Fees.

ITEM POSTPONED TO OCTOBER 6, 2015

~~The purpose of this item is to appropriate \$180,994 of prior year reserves for a rebate to Woodward for fees under an agreement that City Council approved on April 2, 2013 (Ordinance No. 055, 2013). The agreement provides Business Investment Assistance for the relocation of Woodward's headquarters, as well as an expansion of its manufacturing and office facilities to a new location at the corner of Lincoln Avenue and Lemay Avenue. The project will retain or create between 1,400 and 1,700 primary jobs in the City.~~

10. Items Relating to Pitkin Low Stress Corridor Intergovernmental Agreement.

- A. Resolution 2015-083 Authorizing the Execution of an Intergovernmental Agreement Between the City and the Colorado Department of Transportation in Order for the City to Receive Federal Transportation Alternative Program Funds for the Pitkin Street Low Stress Bicycle Corridor Improvements.

- B. First Reading of Ordinance No. 114, 2015, Appropriating Unanticipated Federal Grant Revenue into the Capital Project Fund for the Pitkin Street Low Stress Network Corridor Improvements.

The purpose of this item is to authorize the Mayor to sign an Intergovernmental Agreement (IGA) with the Colorado Department of Transportation (CDOT) and to appropriate unanticipated federal grant funds of \$593,000 into the Pitkin Street Low Stress Corridor Improvements Project. This project will design and construct bicycle and pedestrian routes and crossings along the Pitkin Street Corridor between Overland Trail and Riverside Avenue. The proposed actions will enable initiation of the project. \$148,250 in local matching funds are available in the previously appropriated Building on Basics-Bicycle Plan Implementation.

11. First Reading of Ordinance No. 115, 2015, Authorizing the Transfer of Previously Appropriated Funds in the Storm Drainage Fund From Individual Stormwater Basin Capital Projects, Including All Sub-Projects and Encumbrances, into the Stormwater Basin Improvement Capital Project.

The purpose of this item is to correct a process issue with the language of previously adopted Ordinance No. 074, 2015, which transferred only the unallocated main Capital Project funds of the

Stormwater Enterprise. The language of that Ordinance inadvertently did not include the associated existing sub-project Business Units and encumbrances. For proper accounting purposes and accuracy with the City's financial system, JDEdwards, it is necessary to include the transfer of all existing Business Unit funds and encumbrances within each Capital Project. This Ordinance corrects that oversight.

12. Items Relating to Marijuana Code Amendments.

- A. First Reading of Ordinance No. 116, 2015, Amending Section 15-608 of the Code of the City of Fort Collins to Limit to One the Number of Marijuana Store Fronts on the Same Contiguous Property.
- B. First Reading of Ordinance No. 117, 2015, Amending Sections 15-613 and 15-614 of the Code of the City of Fort Collins to Clarify the Standard for Persons Prohibited as Licensees and to Require a Six Month Waiting Period for Reapplication of a License for Any Applicant Denied a License by the Marijuana Licensing Authority on the Basis of False, Misleading, or Fraudulent Statements or Intentional Omissions of Pertinent Information.
- C. First Reading of Ordinance No. 118, 2015, Amending Article IX of Chapter 12 of the Code of the City of Fort Collins to Prohibit Marijuana Plants to be Cultivated or Kept Within Mixed-Use Buildings and Fraternity and Sorority Houses.
- D. First Reading of Ordinance No. 119, 2015, Amending Section 17-194 of the Code of the City of Fort Collins to Prohibit the Use of Alcohol or Ethanol in the Extraction of THC or Other Cannabinoids in Locations Other Than Licensed Medical and Retail Marijuana Products Manufacturing Facilities.

The purpose of this item is to clean up various provisions of the City Code related to marijuana. The City of Fort Collins and local marijuana businesses are just over a year into the licensing and operational processes, and over the course of this time, the State has enacted new legislation and staff has identified gaps in the existing City Code provisions. Staff anticipates periodic amendments as this industry matures.

13. Items Relating to Amendments to the Fort Collins Traffic and City Code Regarding Bicycle Regulations.

- A. First Reading of Ordinance No. 120, 2015, Adding Part 21 to the Fort Collins Traffic Code Regulating Bicycles.
- B. First Reading of Ordinance No. 121, 2015, Amending Section 1-15 of the Code of the City of Fort Collins Regarding the Application of the Traffic Calming Surcharge for Bicycle Traffic Infractions.

The purpose of this item is to reorganize the provisions regulating bicycles in the Fort Collins Traffic Code (the "FCTC") to enhance citizen accessibility of the bicycle laws, to increase citizen understanding of such laws, and to remove the \$35 Traffic Calming Surcharge that is currently assessed on bicycle tickets.

Ordinance No. 120, 2015, is designed to increase bicycle safety, enforcement, and to further safety goals established by Council through the 2014 Bicycle Master Plan. It incorporates all provisions regulating bicycles that are currently dispersed sporadically throughout various sections of the FCTC into a new Part 21 of the FCTC. Part 21 provides a common, easy to read reference both for bicycle riders and officers enforcing the bicycle laws.

Ordinance No. 121, 2015, removes the \$35 Traffic Calming Surcharge that is currently assessed on bicycle tickets.

- 14. First Reading of Ordinance No. 122, 2015 Amending Division 1 of Article II of Chapter 2 of the Code of the City of Fort Collins to Add a New Section to Provide for Participation by Boards and Commissions in Ad Hoc Review of Additional Issues on Request.

The purpose of this item is to amend the City Code to allow City boards and commissions, upon request of the City Council or the City Manager, to participate in review and consideration of specified matters. This will allow participation at "Super Issue" meetings by board and commission members.

- 15. Resolution 2015-084 Submitting a Substantial Modification of the Midtown Urban Renewal Plan to the City's Planning and Zoning Board and to the Poudre School District.

The purpose of this item is for City Council to consider adopting a resolution submitting two modifications of the Midtown Urban Renewal Plan (the "Midtown Plan") to the Planning and Zoning Board (the "P&Z Board") to review at a future meeting to determine whether these modifications are in conformity with City Plan. It also submits the modifications to the Poudre School District to review in an advisory capacity. This Resolution follows the action taken by the Urban Renewal Authority Board (the "URA Board") at its September 8, 2015 meeting. One modification would remove the territory in the Midtown Plan area that is currently not in either of the Midtown Plan's two approved tax increment financing district, Prospect South and Foothills Mall (other than the area preserved in the plan to connect the two tax increment financing districts). The other modification would amend wording in the Midtown Plan to clarify that the Plan identifies and describes only one urban renewal project. Adoption of the Resolution will continue the process of modifying the Midtown Plan, which will require future action by the Council.

- 16. Resolution 2015-085 Making Appointments to the Youth Advisory Board.

The purpose of this item is to appoint individuals to fill vacancies that currently exist on the Youth Advisory Boards due to term expirations and resignations of current members.

END CONSENT

- **CONSENT CALENDAR FOLLOW-UP**

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

- **STAFF REPORTS**

- **COUNCILMEMBER REPORTS**

- **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 (three 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.

NO DISCUSSION ITEMS ARE SCHEDULED.

- **CONSIDERATION OF CITIZEN-PULLED CONSENT ITEMS**

- **OTHER BUSINESS**

A. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers

(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

B. Council will consider a motion to call a special meeting for 6:00 p.m., Tuesday, September 29, 2015.

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

A Council work session will be held in the CIC after the Regular Meeting is adjourned.



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City Council Work Session September 15, 2015

After the Regular Council Meeting, which begins at 6:00 p.m.

- **CALL TO ORDER.**

1. 2016 Budget Revisions. (staff: Lawrence Pollack, Darin Atteberry, Mike Beckstead; 10 minute staff presentation; 90 minute discussion)

The purpose of this agenda item is to familiarize and seek feedback from City Council on the City Manager's Recommended Revisions to the 2016 Budget before the 2016 Annual Appropriation Ordinance goes to First Reading on November 3 and Second Reading on November 17.

- **OTHER BUSINESS.**

- **ADJOURNMENT.**