



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
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Darin Atteberry, City Manager
Steve Roy, City Attorney
Wanda Nelson, City Clerk

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REGULAR MEETING

July 17, 2012

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Declaring August 7, 2012 as Neighborhood Night Out.
- B. Proclamation Declaring August 6-10, 2012 as Supply our Students Week.
- C. Proclamation Declaring July 28, 2012 as National Day of the Cowboy.
- D. Proclamation Declaring August 3-7, 2012 as Larimer County Fair and PRCA Rodeo Days.

Regular Meeting

6:00 p.m.

PLEDGE OF ALLEGIANCE

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

Recognition of Kierra Vaughan, Kinard Core Knowledge Middle School 8th Grade Winner of the Colorado Municipal League's "If I were Mayor,..." Essay Contest.

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. 37)
- Citizen opportunity to pull Consent Calendar items.
(will be considered under Item. No. 42)

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.

- 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 33. 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:

- 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 June 5, 2012 Regular Meeting and the June 26, 2012 Adjourned Meeting.

7. Second Reading of Ordinance No. 049, 2012, Appropriating Prior Year Reserves in the Light & Power Fund and in the Water Fund for the Fort Collins Museum of Discovery Art in Public Places Project.

This Ordinance, unanimously adopted on First Reading on June 5, 2012, appropriates \$590,000 from the Art in Public Places (APP) Reserves in the Water Fund and Light & Power Fund for APP artist Ned Kahn to create unique educational art experiences as part of the exhibits at the Fort Collins Museum of Discovery. The artist will begin working with the project team to develop unique, inspiring educational displays using the themes of water, sustainability and energy. \$45,000 was previously appropriated in 2012 towards the design phase of this project. When completed, the final design concepts will be brought to Council for consideration and approval prior to fabrication and installation.

8. Second Reading of Ordinance No. 050, 2012, Appropriating Unanticipated Grant Revenue in the Water and Wastewater Funds to Relocate Certain Utility Facilities to Accommodate the Colorado Department of Transportation's Proposed Construction of a New Bridge over the Poudre River at Mulberry Street.

The Colorado Department of Transportation (CDOT) is working with the City of Fort Collins Engineering Department to design and construct a new five or six lane bridge over the Poudre River on Mulberry Street. At this time construction on the bridge is scheduled to begin during the summer of 2013. As the bridge design progressed, it was discovered that the Fort Collins Utilities Department has a 42-inch sanitary sewer and a 12-inch water main that cross under the river parallel to and adjacent to the existing bridge. Both the sanitary sewer and the water main are in conflict with the alignment of the new proposed bridge. This Ordinance, unanimously adopted on First Reading on June 5, 2012, appropriates funds from existing water and sewer funds to relocate utility lines in conflict with the proposed new CDOT Bridge over the Poudre River at Mulberry Street. CDOT will reimburse the Utilities Department based on actual design, construction, and project management costs.

9. Items Relating to the Wood Street Annexation and Zoning.

- A. Second Reading of Ordinance No. 052, 2012, Annexing Property Known as the Wood Street Annexation to the City of Fort Collins.
- B. Second Reading of Ordinance No. 053, 2012, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Wood Street Annexation to the City of Fort Collins.

These Ordinances, unanimously adopted on First Reading on June 5, 2012, annex and zone 17.3443 acres located on the east side of Wood Street, approximately 1,320 feet east of North Shields Street. The property is developed and is in the O - Open District in Larimer County. The requested zoning for this annexation is UE – Urban Estate. The surrounding properties are currently zoned O – Open in Larimer County to the south and west, as well as E – Employment in the City to the west (City of Fort Collins Fleet Services Building), and POL – Public Open Lands in the City (Lee Martinez Park and McMurry Natural Area) to the east and north. This is a 100% voluntary annexation.

Staff is recommending that this property be included in the Residential Neighborhood Sign District. A map amendment will be necessary as this property is not already in the District.

10. Second Reading of Ordinance No. 054, 2012, Designating the Lory/Coffin/Klender Residence and Garage, 621 East Locust Street, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

This Ordinance, unanimously adopted on First Reading on June 5, 2012, designates the Lory/Coffin/Klender Residence and Garage at 621 East Locust Street as a Fort Collins Landmark. The owner of the property, Thomas Klender, is initiating this request.

11. Second Reading of Ordinance No. 055, 2012, Authorizing the Lease of City-owned Property at 1715 West Mountain Avenue to the Fort Collins Housing Authority.

The Housing Authority has leased the City-owned property at 1715 West Mountain Avenue since January 1977. The Authority constructed its administrative headquarters on the property 35 years

ago and is currently in the process of remodeling its headquarters. This Ordinance, unanimously adopted on First Reading on June 5, 2012, authorizes a new lease agreement which is necessary for the Housing Authority to secure permanent financing for this project.

12. Second Reading of Ordinance No. 056, 2012, Authorizing the Lease of City-owned Property at 425 10th Street to the Museo de las Tres Colonias.

The property at 425 10th Street was donated to the City in 2002 for a living history museum recognizing and remembering the contributions of Hispanics, Latinos, and Mexicans in Northern Colorado. Poudre Landmarks Foundation has leased the property since 2002 and has completed its renovation of the house. This Ordinance, unanimously adopted on First Reading on June 5, 2012, authorizes a new lease agreement with the Museo de las Tres Colonias and the Poudre Landmarks Foundation will relinquish all rights, title and interest in the original Lease Agreement dated July 18, 2002.

13. Items Relating to Implementation of the Outdoor Vendor Study.

A. Second Reading of Ordinance No. 057, 2012, Making Various Amendments to the Land Use Code Relating to Outdoor Vendors.

B. Second Reading of Ordinance No. 058, 2012, Amending Article XIV of Chapter 15 of the City Code Regarding Licensing of Outdoor Vendors.

Ordinance No. 057, 2012 amends the Land Use Code. A new section is added to Article 3, Supplementary Regulations for Outdoor Vendors. Article 4 has been amended by adding Outdoor Vendors as a permitted use in non-neighborhood zoning districts. Article 5 has been amended to add a new definition for "Outdoor Vendor".

Ordinance No. 058, 2012 amends Chapter 15 of the City Code regarding licensing and regulations for outdoor vendor businesses. The definition for outdoor vendors and exemptions has been revised, new definitions for outdoor vendor types have been added, and licensing requirements have been revised. Both Ordinances were unanimously adopted on First Reading on June 5, 2012.

14. Second Reading of Ordinance No. 059, 2012, Appropriating Prior Year Reserves in the General Fund for the Police Radio Replacement Project.

This Ordinance, unanimously adopted on First Reading on June 26, 2012, appropriates \$1,054,889 saved by Police Services in the General Fund Reserve to purchase Police radio equipment to replace equipment that has reached the end of its useful life. The total cost to replace the equipment is approximately \$1,694,181. The use of reserves, combined with funding in Police Services 2012 operating budget, will fund the purchase without having to obtain additional financing. The equipment will be procured via City purchasing regulations and procedures to ensure the City realizes all cost savings. Moving forward at this time with the vendor incentive will save approximately \$275,000.

15. Second Reading of Ordinance No. 060, 2012, Appropriating Unanticipated Revenue in the Stormwater Fund from Larimer County for Analysis and Design of Certain Stormwater Improvements in the West Vine Basin.

The City of Fort Collins and Larimer County have agreed to supplement an existing Intergovernmental Agreement (IGA) that addresses stormwater improvements within the West Vine Basin in northwest Fort Collins and portions of Larimer County. The supplemental IGA will allow the City and County to collaborate on the funding and construction of certain stormwater improvements in the West Vine basin. With the supplemental IGA, the City and the County are proposing to equally share engineering costs associated with the analysis and design of the West Vine Basin stormwater outfall channel (Outfall Channel) and the Forney stormwater detention pond (Forney Pond). This Ordinance, unanimously adopted on First Reading on June 26, 2012, appropriates unanticipated revenue from Larimer County in the amount of \$487,500 in the Stormwater Fund for analysis and design of specific West Vine Basin stormwater improvements.

16. Second Reading of Ordinance No. 061, 2012, Authorizing the Conveyance of a Non-Exclusive Drainage and Landscaping Easement and an Access Easement on City Property to Cornerstone Associates, LLC.

Cornerstone Associates, LLC (the "Developer") is planning a 1.97 acre affordable housing project called the Legacy Senior Residences PDP (the "Development") located at 360 Linden Street. The Development requires off-site drainage and landscaping improvements and access improvements on adjacent City-owned property which is maintained as the Old Fort Collins Heritage Park, adjacent to the Northside Aztlan Community Center. This Ordinance, adopted on First Reading on July 10, 2012 by a vote of 5-0 (Horak and Poppaw absent), authorizes the conveyance of a 11,198 square foot non-exclusive drainage and landscaping easement and 321 square foot non-exclusive access easement from the City on the City property.

17. First Reading of Ordinance No. 062, 2012, Appropriating Unanticipated Revenue in the Capital Projects Fund for the Fort Collins Museum of Discovery Science Center Exhibits Project.

This Ordinance appropriates \$135,249 of Non-Profit Partner revenue, raised through fundraising efforts, to be used to construct exhibit walls and the digital dome infrastructure at the Fort Collins Museum of Discovery.

18. First Reading of Ordinance No.063, 2012 Approving a Grant Project with the Colorado Department of Public Health and Environment, Appropriating Unanticipated Revenue in the General Fund for the Natural Resources Radon Program and Authorizing the Transfer of Matching Funds Previously Appropriated in the Natural Resources Operating Budget to the Grant Project.

This Ordinance appropriates \$11,525 that has been granted by Colorado Department of Health and Environment. It would also transfer a matching amount of \$11,525 from the 2012 General Fund and combine these in the Radon Program account. The Radon Program carries out radon risk-reduction activities identified in the current City Budget.

19. Items Relating to the Purchase of Six 35-foot Compressed Natural Gas Buses by Transfort.

- A. Resolution 2012-051 Authorizing the Mayor to Execute an Intergovernmental Agreement Between the City and the Colorado Department of Transportation for "FASTER" Grant Funding in the Amount of \$384,000 to Serve as a Local Match Portion of Funding for the Purchase of Buses.
- B. First Reading of Ordinance No. 064, 2012, Appropriating Unanticipated Revenue from the Colorado Department of Transportation and the Federal Transit Administration in the Transit Fund for the Purchase of Six Buses.

In 2011, the City of Fort Collins was awarded \$1,920,000 in Congestion Mitigation and Air Quality (CMAQ) capital funding from the Federal Highway Administration (FHWA) for the period 2012 - 2015 to cover 80% of the total expense (\$2.4 million) to purchase six replacement Compressed Natural Gas (CNG) buses for Transfort's fixed route service. This CMAQ grant award has been transferred to FTA for disbursement and management.

The City of Fort Collins was also awarded a Colorado Department of Transportation (CDOT) FASTER grant in the amount of \$384,000 to cover 80% of the required 20% (\$400,000) local match to purchase the above mentioned six 35-foot CNG buses. The City of Fort Collins will contribute \$96,000 from the Transit Fund to cover the remaining portion of the required 20% local match of the total \$2.4 million to purchase six 35-foot CNG buses. An appropriation in the amount of \$1,250,000 is already in place for bus procurement and staff requests an additional appropriation of \$1,150,000 to equal the total project amount of \$2,400,000.

20. First Reading of Ordinance No. 066, 2012, Calling a Special Municipal Election to Be Held in Conjunction with the November 6, 2012 Larimer County General Election.

This Ordinance calls a Special Municipal Election to be held in conjunction with the November 6, 2012 Larimer County General 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 September 4 meeting. If Council does not take final action by ordinance or resolution before the statutory deadline (September 7) 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 6, 2012 ballot. However, a group of citizens recently circulated an initiative petition proposing to reverse the ban on medical marijuana businesses, which was approved by the voters in November 2011. The certified petition is presented to Council this same date under Agenda Item #39.

21. Items Relating to the Historic Preservation Process.

- A. First Reading of Ordinance No. 067, 2012, Making Certain Amendments to Chapter 14 of the City Code Pertaining to Landmarks.
- B. First Reading of Ordinance No. 068, 2012, Amending Section 2-277 of the City Code Regarding the Requirements for Membership on the Landmark Preservation Commission.

These amendments to Chapters 2 and 14 of the City Code provide for an appeals process for determinations of eligibility; provide for an independent professional review of eligibility if a determination is appealed; give timely public notice to citizens early in the demolition/alteration review process about historic eligibility status and major alterations; and provide more specificity to board member experience requirements, ensuring compliance of Landmark Preservation Commission member appointments with Certified Local Government (CLG) standards.

22. Items Relating to Housing Leases for On-Site Housing Located on Natural Areas.

- A. First Reading of Ordinance No. 069, 2012, Authorizing the Lease of City-Owned Property at Gateway Natural Area.
- B. First Reading of Ordinance No. 070, 2012, Authorizing the Lease of City-Owned Property at Bobcat Ridge Natural Area.
- C. First Reading of Ordinance No. 071, 2012, Authorizing the Lease of City-Owned Property at Reservoir Ridge Natural Area.

Natural Areas staff is recommending updates to four on-site housing leases, which must be approved by City Council. Natural Areas owns four houses at three natural areas, including Gateway Natural Area, Bobcat Ridge, and Reservoir Ridge. In all cases, employees provide a range of "on call" duties, including site security, visitor assistance, maintenance, and other duties outside of normal work hours without receiving "on call" pay. To compensate the employees for their requirement to respond to these "on call" duties when necessary outside of normal working hours the monthly rental rates are reduced by approximately 50% of fair market value. The fair market rental rates were determined by Real Estate Services, based upon recent rental comparisons. Similarly, the value of the employer-provided lodging is excluded from the employee's income as the lodging is a condition of employment.

23. First Reading of Ordinance No. 072, 2012, Authorizing the Conveyance of a Non-Exclusive Waterline Easement and a Temporary Construction Easement on City Property to the North Weld County Water District and the East Larimer County Water District.

The North Weld County Water District and the East Larimer County Water District (ELCO) have planned the North Weld – ELCO Water Transmission Pipeline (NEWT) Project to install an underground pipeline to connect the Soldier Canyon Water Filter Plant to the Districts' distribution

systems. As part of this Project, the Districts are requesting a 40-foot wide waterline easement and a temporary construction easement across the northern portion of the City’s Water Treatment Facility property located on Laporte Avenue. The City has previously granted easements for this Project on other City properties.

24. Resolution 2012-052 Finding Substantial Compliance and Initiating Annexation Proceedings for the Forney Annexation.

As the Owner and Applicant, Forney Industries has submitted a written petition requesting the annexation of 22.82 acres located on the north side of LaPorte Avenue, approximately 1,280 feet east of North Taft Hill Road.

The parcels are located in the I – Industrial Zoning District in Larimer County. The requested zoning for this annexation is the T – Transition Zone District. The Transition District is “intended for properties for which there are no specific and immediate plans for development. The only permitted uses are those existing on the date the property was placed into this District.” No new development is allowed in the Transition district and Forney Industries has indicated that it has no intent to further develop at this time. The surrounding properties are currently zoned Low Density Mixed-Use Neighborhood (LMN) in the City to the east and west; Neighborhood Conservation, Low Density (NCL) in the City to the south and zoned I – Industrial in Larimer County to the north.

25. Resolution 2012-053 Finding Substantial Compliance and Initiating Annexation Proceedings for the Kechter Annexation No. 1.

As the Owner and Applicant, the City of Fort Collins has submitted a written petition requesting the annexation of three sequential annexation tracts. Kechter Annexation No. 1 is the first Ordinance of this series of sequential annexations, which are as follows:

Kechter Annexation No. 1	0.130 acres
Kechter Annexation No. 2	0.505 acres
<u>Kechter Annexation No. 3</u>	<u>18.644 acres</u>
Total for Kechter Annexations 1, 2 and 3	19.279 acres

Kechter Annexation No. 1 is located approximately 945 feet east of the intersection of South Timberline Road and Kechter Road. Annexation No. 1 is entirely within the limits of Kechter Road. The requested zoning for this annexation is the Low Density Mixed-Use Neighborhood District (L-M-N), which is in compliance with the City of Fort Collins *Structure Plan* and the *Fossil Creek Reservoir Area Plan*. The surrounding properties are existing residential land uses currently zoned FA-1 – Farming Zoning District in Larimer County to the north, south, east and west.

26. Resolution 2012-054 Finding Substantial Compliance and Initiating Annexation Proceedings for the Kechter Annexation No. 2.

As the Owner and Applicant, the City of Fort Collins has submitted a written petition requesting the annexation of three sequential annexation tracts. Kechter Annexation No. 2 is the second Ordinance of this series of sequential annexations.

Kechter Annexation No. 2 is located approximately 925 feet east of the intersection of South Timberline Road and Kechter Road. Annexation No. 2 is entirely within the limits of Kechter Road. The requested zoning for this annexation is the Low Density Mixed-Use Neighborhood District (L-M-N), which is in compliance with the City of Fort Collins *Structure Plan* and the *Fossil Creek Reservoir Area Plan*. The surrounding properties are existing residential land uses currently zoned FA-1 – Farming Zoning District in Larimer County to the north, south, east and west.

27. Resolution 2012-055 Finding Substantial Compliance and Initiating Annexation Proceedings for the Kechter Annexation No. 3.

As the Owner and Applicant, the City of Fort Collins has submitted a written petition requesting the annexation of three sequential annexation tracts. Kechter Annexation No. 3 is the third Ordinance of this series of sequential annexations.

Kechter Annexation No. 3 is located approximately 900 feet east of the intersection of South Timberline Road and Kechter Road. The Annexation No. 3 property contains one single-family residence and is in the FA-1 – Farming Zoning District in Larimer County. The requested zoning for this annexation is the Low Density Mixed-Use Neighborhood District (L-M-N), which is in compliance with the City of Fort Collins *Structure Plan* and the *Fossil Creek Reservoir Area Plan*. The surrounding properties are existing residential land uses currently zoned FA-1 – Farming Zoning District in Larimer County to the north, south, east and west.

28. Resolution 2012-056 Authorizing the Mayor to Execute an Intergovernmental Agreement Between the Colorado Department of Transportation, the Cities of Fort Collins and Loveland, the Town of Berthoud and Larimer County for the Funding of the Regional Study Known as the North Front Range Transit Vision.

In 2011, the City of Fort Collins was awarded funding from a Colorado Department of Transportation (CDOT) 5304 Grant to fund a portion of the regional study known as the North Front Range Transit Vision. This Resolution authorizes the Mayor to execute an intergovernmental agreement between CDOT, the Cities of Fort Collins and Loveland, the Town of Berthoud and Larimer County.

The North Front Range Transit Vision is examining the feasibility of consolidation of existing transit services in Colorado's North Front Range area. The goal of the project is to provide cost-effective and efficient transit services in our broader service area, which is currently served by three different entities: Transfort, City of Loveland Transit (COLT), and Berthoud Area Transportation System (BATS); in addition, the North Front Range Metropolitan Planning Organization operates a variety of vanpooling services (called VanGO) in addition to carpooling and other transportation services. Potential benefits of consolidation include: economies of scale/increased efficiency, equalization of resources and knowledge, standardized regional service, increased level of service and increased ridership, and reduced competition for federal funding. This Study will take place between now and early 2013, and will ultimately provide a recommendation based on Steering Committee and other stakeholder direction.

29. Resolution 2012-057 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.

30. Resolution 2012-058 Adopting the City of Fort Collins General Employees' Retirement Plan as Amended and Restated Effective January 1, 2012.

The adoption of this Resolution will consolidate the eight amendments to the 2001 Restated General Employees' Retirement Plan (the "Plan") into a newly restated Plan effective January 1, 2012, make technical changes required by the federal Internal Revenue Service (the "IRS") related to benefit limitations, and clarify that the Plan funds are held in trust by the General Employees' Retirement Committee (the "Committee") so as to facilitate compliance with federal law and the investment of the funds.

On May 15, 2012, the IRS issued a favorable determination letter for the Plan, as amended, subject to the adoption of technical changes into a newly restated Plan document. Federal regulations require the adoption of the restated Plan within 90 days of issuance of the determination letter (not later than August 12, 2012). This Resolution is intended to accomplish this Plan restatement and also clarifies that the Plan funds are held in trust by the Committee.

31. Resolution 2012-059 Amending Resolution 2012-035, Approving the Programs and Projects that Will Receive Funds from the Federal Community Development Block Grant Program and the City's Human Services Program.

On May 15, 2012, City Council adopted several resolutions and ordinances, concerning allocation of City Community Development Block Grant (CDBG), Human Services Program (HSP)/Keep Fort Collins Great (KFCG), and Home Investment Partnership (HOME) Program financial resources. Staff

has discovered an error in the name of a funded program in Resolution 2012-035, under the 2012 Human Services Program KFCG Funds Section, in the Table outlining funding allocations. The first line should read: \$226 Catholic Charities: Senior Outreach. This Resolution corrects the error and restates the City Council's approved funding allocations.

32. Resolution 2012-060 Appointing Teresa Ablao as Temporary Judge and Authorizing the Execution of an Employment Agreement.

The City Charter provides for the appointment of a temporary judge (commonly referred to as the Assistant Municipal Judge) to serve in the absence of the Municipal Judge. Gordon Esplin, who has served as the City's Assistant Municipal Judge since 1989, is resigning. After advertising the position, reviewing application materials, and conducting interviews, Municipal Judge Kathleen M. Lane recommends that Teresa Ablao be appointed as the Assistant Municipal Judge,

Ms. Ablao will be paid \$75 per hour for her services, a rate comparable to what is paid by other municipalities to their Assistant Municipal Judges.

33. Resolution 2012-061 Making Appointments to Various Boards and Commissions.

This Resolution makes appointments to fill current vacancies on the Citizen Review Board, Economic Advisory Commission, and the Landmark Preservation Commission.

END CONSENT

34. Consent Calendar Follow-up.

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

35. Staff Reports.

- a. Mason Minute - Mason Street Conversion and Construction Impacts
- b. October 2011 Storm Clean-up - Mulch Madness
- c. Recognition of Larry Schneider for his involvement as co-founder of the Colorado Association for Roadway Maintenance.

36. Councilmember Reports.

37. 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.

38. Hearing and First Reading of Ordinance No. 071, 2012, Amending the City of Fort Collins District-Precinct Map. (staff: Rita Harris; 5 minute staff presentation; 30 minute discussion)

This Ordinance amends the City of Fort Collins District-Precinct Map in accordance with Article II, Section 1(c) of the City Charter and Chapter 7, Article III, Division 3 of the City Code. The District boundaries established in the amended map will be used for determining eligibility for City Council district offices for the April 2013 election and determining eligibility for any interim appointments to fill any City Council office vacancies which may occur after July 27, 2012.

39. Items Relating to the Possible Repeal of the Voter-approved Ban on Medical Marijuana Businesses and the Establishment of New Licensing Provisions for Such Businesses and Related Regulations. (staff: Rita Harris; 5 minute staff presentation; 30 minute discussion)

- A. Presentation of a Petition for a Citizen-Initiated Ordinance that Would Reverse the Ban on Medical Marijuana Businesses and Strictly Regulate, Control and Permit a Limited Number of State-authorized Medical Marijuana Businesses Within the City of Fort Collins and Establish Reasonable Restrictions on the Signage and Advertising of These Businesses to Match Community Needs. (No Action Needed)
- B. Resolution 2012-062 Submitting a Citizen-initiated Ordinance Dealing with Medical Marijuana Businesses to a Vote of the Registered Electors of the City at a Special Municipal Election to Be Held on November 6, 2012, in Conjunction with the Larimer County General Election.

The City Clerk's Office received an initiative petition on June 19, 2012, 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; or (2) submit such proposed measure, in the form petitioned for, to the registered electors of the city. Pursuant to Article X, Section 4 of the City Charter, an initiated measure proposed by the registered electors of the City cannot be repealed or amended except by a subsequent electoral vote. Therefore, in this instance, Council cannot exercise the option to adopt the proposed ordinance because, in part, it repeals the measure approved by the voters in November 2011.

40. Consideration of Two Appeals of the Hearing Officer's May 7, 2012 Decision to Approve the District at Campus West Project Development Plan. (staff: Ted Shepard; 5 minute staff presentation; 2 hour discussion)

In January 2012, Fort Collins Student Housing, LLC, submitted a Project Development Plan for multi-family dwellings in the C-C, Community Commercial zone district. As proposed, the project consists of the redevelopment of 16 existing houses and vacation of two public streets on the north side of West Plum Street for the purpose of constructing three new buildings, including a parking structure, containing 193 dwelling units on 3.34 acres. The parcel is between Aster Street on the east and City Park Avenue on the west.

On April 5, 2012 and on April 23, 2012, the Hearing Officer conducted public hearings in consideration of The District at Campus West P.D.P. On May 7, 2012, after testimony from the applicant, the public and staff, the Hearing Officer issued a written decision approving the P.D.P. with one condition ensuring proper vacation of public streets.

On May 21, the Zeta Tau Alpha (ZTA) Fraternity Housing Corporation filed a Notice of Appeal. On May 19, Robert M. Meyer filed a Notice of Appeal, which was superceded by an Amended Notice of Appeal, filed May 29. Both appeals seek redress of the Hearing Officer's decision.

The ZTA appeal alleges that the Hearing Officer failed to properly interpret and apply relevant provisions of the Land Use Code, specifically Sections 3.2.3(A) and 3.5.1.

The Meyer appeal also alleges that the Hearing Officer failed to properly interpret and apply relevant provisions of the Land Use Code, specifically Sections 3.2.3(D) and 3.5.1(B,C,D and G).

41. Second Reading of Ordinance No. 051, 2012, Making Various Amendments to the Land Use Code. (staff: Ted Shepard, Aaron Iverson; 5 minute staff presentation; 20 minute discussion)

This Ordinance, unanimously adopted on First Reading on June 5, 2012, makes a variety of proposed changes, additions and clarifications in the 2012 annual update of the Land Use Code.

42. Consideration of Citizen-Pulled Consent Items.

43. Other Business.

a. Motion to cancel the Tuesday, August 7, 2012 Regular Meeting for Neighborhood Night Out.

44. Adjournment.

a. Motion to adjourn to Tuesday, July 24, 2012 for a possible executive session.

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.