



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 Nelson, City Clerk

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REGULAR MEETING

August 21, 2012

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Declaring the 2012-2013 school year as Suicide Awareness and Education School Year.
- B. Proclamation Declaring August 26, 2012 as Women's Equality Day.
- C. Proclamation Declaring August as Poudre Fire Authority Appreciation Month.

Regular Meeting

6:00 p.m.

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. 34)
- Citizen opportunity to pull Consent Calendar items.
(will be considered under Item. No. 41)

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 30. 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 July 17, 2012 Regular Meeting and the July 10 and July 24, 2012 Adjourned Meetings.

7. Second 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, unanimously adopted on First Reading on July 17, 2012, 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.

8. Second 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, unanimously adopted on First Reading on July 17, 2012, appropriates a \$11,525 grant given by the Colorado Department of Health and Environment. It also transfers 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.

9. Second 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 for the period 2012 - 2015 to cover 80% of the total expense (\$2,400,000) to purchase six replacement Compressed Natural Gas (CNG) buses for Transfort's fixed route service. This CMAQ grant award has been transferred to the Federal Transit Administration for disbursement and management.

The City was also awarded a Colorado Department of Transportation FASTER grant in the amount of \$384,000 to cover 80% of the local match (\$400,000) to purchase the six 35-foot CNG buses. The City will contribute \$96,000 from the Transit Fund to cover the remaining portion of the required 20% local match. An appropriation in the amount of \$1,250,000 is already in place for bus procurement. Ordinance No. 064, 2012, unanimously adopted on First Reading on July 17, 2012, appropriates an additional \$1,150,000 to equal the total project amount of \$2,400,000.

10. Second 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, unanimously adopted on First Reading on July 17, 2012, 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, 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* was adopted on July 17, 2012. The purpose of the initiated measure is to 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.

11. Items Relating to the Historic Preservation Process.

- A. Second Reading of Ordinance No. 067, 2012, Making Certain Amendments to Chapter 14 of the City Code Pertaining to Landmarks.
- B. Second 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 Ordinances, unanimously adopted on First Reading on July 17, 2012, amend Chapters 2 and 14 of the City Code and provide for an appeals process for determinations of historic 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 Landmark Preservation Commission board member experience requirements, ensuring compliance with Certified Local Government standards.

Following adoption of these Ordinances on First Reading on July 17, 2012, staff has amended Ordinance No. 067, 2012, to clarify the definition of Determination of Eligibility. The definition of Determination of Eligibility will be amended to clarify that the decision of eligibility is made by both the Director of Community Development and Neighborhood Services and the Landmark Preservation Commission Chair; and to clarify that a determination of eligibility will stand for one year.

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

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

Natural Areas owns four houses at three natural areas, including Gateway Natural Area, Bobcat Ridge, and Reservoir Ridge. These Ordinances, unanimously adopted on First Reading on July 17, 2012, update the four on-site housing leases for these natural areas. In all cases, employees living at these locations 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.

13. Second 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. This Ordinance, unanimously adopted on First Reading on July 17, 2012, authorizes the conveyance of 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.

14. First Reading of Ordinance No. 074, 2012, Appropriating Unanticipated Grant Revenue in the Cultural Services and Facilities Fund for the Native American Graves Protection and Repatriation Act Program.

The Fort Collins Museum of Discovery was awarded a grant in the amount of \$57,522 from the National Park Service, Native American Graves Protection and Repatriation Act (NAGPRA) Program. This Ordinance will appropriate these grant funds to complete the grant objectives.

15. First Reading of Ordinance No. 075, 2012, 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. A \$7,440 cash match is required and will be met by appropriating funds from the police operating budget designated for restorative justice. Total required match is 25% so an additional \$7,560 in-kind match is designated from the Eighth Judicial Probation Department.

16. Items Relating to the Vine Drive and Shields Street Intersection Improvements Project.

- A. Resolution 2012-065 Authorizing the Mayor to Sign an Intergovernmental Agreement with the Colorado Department of Transportation to Receive Funding for the Vine Drive and Shields Street Intersection Improvements Project.
- B. Resolution 2012-066 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County to Receive Funding for the Vine Drive and Shields Street Intersection Improvements Project.
- C. Resolution 2012-067 Determining that a Single-Lane, Modern Roundabout is the Preferred Alternative for the Vine Drive and Shields Street Intersection Improvements.
- D. First Reading of Ordinance No. 076, 2012, Appropriating Unanticipated Revenue in the Capital Projects Fund for the Vine Drive and Shields Street Intersection Improvements Project.

The City has received a federally funded grant through the North Front Range Metropolitan Planning Organization, category STP-Metro, for operational and safety improvements at the Vine Drive and Shields Street intersection. In accordance with Council adopted Resolution 2001-120, an Alternatives Analysis was completed as part of the Arterial Intersection Priority Study. The conclusions of the Alternatives Analysis show that a single-lane, modern roundabout is the preferred alternative for this intersection.

Resolution 2012-065 will authorize the Mayor to sign an Intergovernmental Agreement with the Colorado Department of Transportation (CDOT) to receive federal grant funds. Resolution 2012-066 will authorize the Mayor to sign an Intergovernmental Agreement with Larimer County to receive Regional Road Fee funds. Resolution 2012-067 will authorize the construction of a single-lane, modern roundabout at this intersection. Ordinance No. 076, 2012, will appropriate federal grant funds and Regional Road Impact Fee funds into the Capital Project Fund for use on the Vine Drive and Shields Street Intersection Improvements Project.

17. Items Relating to the Harmony Road and Union Pacific Safety and Maintenance Project.

- A. Resolution 2012-068 Authorizing the Mayor to Execute an Intergovernmental Agreement with the Colorado Department of Transportation to Receive Funding for the Harmony Road and Union Pacific Maintenance Project.
- B. First Reading of Ordinance No. 077, 2012, Appropriating Federal Grant Funds and Transferring Previously Appropriated Project Savings from the Harmony Bridge Project into the Capital Project Fund for the Harmony Road and Union Pacific Safety and Maintenance Project.

Phase One of the Harmony Road Maintenance Project is currently under construction. This project will provide congestion relief and rehabilitate the pavement on East Harmony Road from College Avenue to Timberline Road by completing the following major work items: turn lane construction, utility relocations, asphalt overlay, restriping and median landscaping. Phase Two of the project will consist of safety improvements and signal maintenance at the Harmony Road and Union Pacific Railroad crossing in order to accommodate a six-lane roadway, bike lanes and sidewalks.

18. First Reading of Ordinance No. 078, 2012, Amending Article XII of Chapter 23 of the City Code relating to Art in Public Places.

At the January 24, 2012 Council Work Session, Council reviewed the Art in Public Places (APP) program and requested that staff develop several modifications to address Council concerns with the program. Staff has identified proposed changes, additions and clarifications to the program to address Council concerns that require revisions to Article XII of Chapter 23 of the City Code relating to Art in Public Places.

19. First Reading of Ordinance No. 079, 2012, Amending Certain Provisions of Chapter 23.5 of the City Code Relating to Special Events Permits.

Chapter 23.5 of the City Code authorizes Special Events and currently requires that all permittees, including governmental entities, indemnify the City. This Code requirement has proven very difficult from fellow governmental entities and recent discussion with peer cities has indicated a willingness to no longer require governmental entities to indemnify.

20. First Reading of Ordinance No. 080, 2012, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements Related to the Mason Corridor Bus Rapid Transit Project.

Mason Corridor Bus Rapid Transit (MAX BRT) Project staff recently identified an additional/new Temporary Construction Easement interest which is necessary to construct the MAX BRT Project. As with prior acquisitions, City Council authorization for eminent domain (if necessary) is the first step in the acquisitions process.

As a federally funded transportation project, acquisitions will conform to the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (Public Law 91-646). In accordance with this act, property owners must be informed about the possible use of eminent domain and their rights pursuant to Colorado State Statute in the official Notice-of-Interest Letter. Authorization from City Council is needed prior to sending this information to property owners. This letter is the first official step in the acquisition process, which must occur prior to the appraisals. Given the construction schedule for the Project and the fact that acquisitions must be conducted under procedures for federally funded projects, timely acquisition of the required property interests is necessary. Therefore, City Staff requests authorization to utilize eminent domain for the MAX Project, if necessary, and only if good faith negotiations break down.

21. Items Relating to Strauss Cabin Road and East Harmony Road.

- A. First Reading of Ordinance No. 081, 2012, Declaring Certain City-Acquired Property as Strauss Cabin Road and East Harmony Road Right-of-Way.
- B. Resolution 2012-069 Authorizing a Revocable Permit for Redline Pipeline LLC to Excavate a Portion of Strauss Cabin Road to Install an Irrigation Pipeline.

A land survey identified a strip of land that is improved as a road was not included in the road dedication grant from the property owner. As a result, this strip of land was never in the Larimer County Road Book and Larimer County had never identified this as a County Road. Most of this strip, which is 750 feet long, is in the western half of Strauss Cabin Road and a small portion is in East Harmony Road. City staff has now acquired all the property rights for this strip from the current owner of the adjacent property, LaFarge West, Inc. The City acquired the property, but it was not designated as right-of-way. This Ordinance will dedicate this strip as right-of-way.

The City has received a request to install a private utility in a right-of-way from Redline Pipeline LLC, a private company that represents the owner of Harmony Gardens. Resolution 2012-069 will authorize both an excavation permit and an encroachment permit.

22. Items Relating to the Kechter No. 1 Annexation and Zoning.

- A. Resolution 2012-070 Setting Forth Findings of Fact and Determinations Regarding the Kechter Annexation No. 1.
- B. Hearing and First Reading of Ordinance No. 082, 2012, Annexing Property Known as the Kechter Annexation No. 1.
- C. Hearing and First Reading of Ordinance No. 083, 2012, Amending and Classifying for Zoning Purposes the Property Included in 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; Kechter Annexation No. 3 - 18.644 acres; Kechter Annexation total area: 19.279 acres. The majority of the land within the Kechter Annexation series includes 2313 Kechter Road, which is owned by the City of Fort Collins as part of the Land Bank program. 2313 Kechter Road contains one single-family residence and is in the FA-1 – Farming Zoning District in Larimer County. The Kechter Annexation does not create an enclave. There are no immediate plans to develop this annexation area.

Kechter Annexation No. 1 is 0.31 acres and is located approximately 945 feet east of the intersection of South Timberline Road and Kechter Road. The requested zoning for this annexation is the Low Density Mixed-Use Neighborhood District (L-M-N). 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.

23. Items Relating to the Kechter No. 2 Annexation and Zoning.

- A. Resolution 2012-071 Setting Forth Findings of Fact and Determinations Regarding the Kechter Annexation No. 2.
- B. Hearing and First Reading of Ordinance No. 084, 2012, Annexing Property Known as the Kechter Annexation No. 2.
- C. Hearing and First Reading of Ordinance No. 085, 2012, Amending and Classifying for Zoning Purposes the Property Included in 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 of this series of sequential annexations, which are as follows: Kechter Annexation No. 1 - 0.130 acres; Kechter Annexation No. 2 - 0.505 acres; Kechter Annexation No. 3 - 18.644 acres; Kechter Annexation total area is 19.279 acres. The majority of the land within the Kechter Annexation series includes 2313 Kechter Road, which is owned by the City of Fort Collins as part of the Land Bank program. 2313 Kechter Road contains one single-family residence and is in the FA-1 – Farming Zoning District in Larimer County. The Kechter Annexation does not create an enclave. There are no immediate plans to develop this annexation area.

Kechter Annexation No. 2 is 0.505 acres and is located approximately 925 feet east of the intersection of South Timberline Road and Kechter Road. The requested zoning for this annexation is the Low Density Mixed-Use Neighborhood District (L-M-N). 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.

24. Items Relating to the Kechter No. 3 Annexation and Zoning.

- A. Resolution 2012-072 Setting Forth Findings of Fact and Determinations Regarding the Kechter Annexation No. 3.
- B. Hearing and First Reading of Ordinance No. 086, 2012, Annexing Property Known as the Kechter Annexation No. 3.
- C. Hearing and First Reading of Ordinance No. 087, 2012, Amending and Classifying for Zoning Purposes the Property Included in 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 of this series of sequential annexations, which are as follows: Kechter Annexation No. 1 - 0.130 acres; Kechter Annexation No. 2 - 0.505 acres; Kechter Annexation No. 3 - 18.644 acres; Kechter Annexation total area is 19.279 acres. The majority of the land within Kechter Annexation No. 3 includes 2313 Kechter Road, which is owned by the City of Fort Collins as part of the Land Bank program. 2313 Kechter Road contains one single-family residence and is in the FA-1 – Farming Zoning District in Larimer County. The Kechter Annexation does not create an enclave. There are no immediate plans to develop this annexation area.

Kechter Annexation No. 3 is located approximately 900 feet east of the intersection of South Timberline Road and Kechter Road. The requested zoning for this annexation is the Low Density Mixed-Use Neighborhood District (L-M-N). 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.

25. Resolution 2012-073 Making Findings of Fact and Related Determinations Regarding Appeals of the May 7, 2012, Administrative Hearing Officer Approval of The District at Campus West Project Development Plan.

On May 7, 2012, the City of Fort Collins Hearing Officer issued a written decision approving The District at Campus West P.D.P. with one condition ensuring proper vacation of public streets. On May 21, 2012, Zeta Tau Alpha Fraternity Housing Corporation and Robert M. Meyer each filed a Notice of Appeal and on May 29, 2012, each Appellant filed an Amended Notice of Appeal both alleging that the Hearing Officer failed to properly interpret and apply the Land Use Code.

On July 17, 2012, City Council voted unanimously to modify the Hearing Officer's decision by requiring the following:

1. All three residential buildings must achieve a L.E.E.D. Silver designation,
2. The north side of Building Three must be reduced in height from five to four stories and feature a pitched roof similar to the roof shown in the approved PDP for Building One, and
3. Along the entire north property line, all new trees must meet or exceed the minimum size requirements as specified in Section 3.2.1(F)(1).

In order to finalize this appeal process, Council is required to adopt a Resolution making findings of fact and finalizing its decision on the Appeal.

26. Resolution 2012-074 Further Extending the Deadline for the City of Fort Collins and Town of Windsor to take Certain Actions Required by the Parties' Intergovernmental Agreement Pertaining to the Development of the I-25/SH392 Interchange.

On December 21, 2010, the City Council approved an intergovernmental agreement with the Town of Windsor (the "IGA") pertaining to the development of the I-25 interchange at the intersection of State Highway 392 (the "Interchange"). The IGA states that, by March 31, 2011, the City and Windsor will take certain actions to implement the IGA. City Council adopted several resolutions extending this deadline, the most recent extension being to August 21, 2012.

Staff of the Town of Windsor and the City continue to engage the public and affected property owners regarding the implementation of the provisions of the IGA. The documents accomplishing the final implementation of the provisions of the IGA are now in draft form and being reviewed by staff from both Fort Collins and Windsor. The documents should be ready for approval by the Fort Collins City Council and the Windsor Town Board by October 2012.

The staff of both municipalities recommend that the August 21, 2012 deadline be extended in order to complete the public outreach, draft necessary documents, and make their recommendations. The deadline for all actions to be taken under the IGA by August 21, 2012 should be extended to October 16, 2012.

27. Resolution 2012-075 Authorizing the City Manager to Enter into a Grant Agreement with the State Board of the Great Outdoors Colorado Trust Fund for the City's Portion of the Poudre River Corridor and Regional Trail Initiative Grant.

Great Outdoors Colorado has awarded a grant to Larimer County for its Poudre River Corridor & Regional Trail Initiative project. Larimer County is the lead agency for the grant application that includes the City of Fort Collins, Town of Timnath, Town of Windsor, and the City of Greeley. The grant request includes open space acquisitions, trail easements, and trail development along the Poudre River from Fort Collins to Greeley. The total grant project cost is \$8,074,826, with the Great Outdoors Colorado grant being in the amount of \$5,098,150. The City of Fort Collins portion of the project is \$1,558,880, with the Great Outdoors Colorado grant amount being \$737,597.

The City's portion of the project involves a new trailhead parking lot along Strauss Cabin Road, extending the 10-foot wide concrete Poudre River Trail to the west side of I-25, an overpass of I-25 and short trail connection to Timnath's trail east of I-25. The total length of new trail will be about 0.5 mile. The trail placement on Arapaho Bend Natural Area has been coordinated with the Natural Resource staff. Construction of the project is scheduled to start in 2013. Pursuant to the grant agreement, the City has until September 2015 to complete the project.

28. Resolution 2012-076 Promoting Improved Results Through Performance Measures and Data-Driven Decision Making.

The City of Fort Collins is committed to being a data-driven organization. The City is working at continuously improving the organization through various reporting and evaluation efforts. Citywide participation in this effort helps maximize the quality of City services in the most cost-effective and resource-efficient manner. Collecting and reporting meaningful data and performance measures keeps the City accountable to the community and reinforces the City's commitment to transparency.

Performance Management also allows the City of Fort Collins to act as advocates and educators for performance excellence and continuous improvement programs.

29. Resolution 2012-077 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 approximately 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 Councilmember Wade Troxell and City Manager Darin Atteberry to represent the City of Fort Collins on the Colorado Municipal League Policy Committee.

30. Resolution 2012-078 Making an Appointment to the Housing Authority Board of Commissioners.

A vacancy currently exists on the Housing Authority Board of Commissioners due to the resignation of John Sollenberger. Councilmember Lisa Poppaw conducted a phone interview and is recommending Paul Schnaitter to fill the vacancy with a term to begin immediately and set to expire on December 31, 2013.

END CONSENT

31. Consent Calendar Follow-up.

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

32. Staff Reports.

33. Councilmember Reports.

34. 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.

35. Second Reading of Ordinance No. 073, 2012, Amending the City of Fort Collins District-Precinct Map. (staff: Rita Harris; no staff presentation; 5 minute discussion)

This Ordinance, adopted on First Reading by a vote of 4-3 (Nays: Kottwitz, Troxell, Weitkunat), 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. Five options were presented, with Option 5 being the adopted version. This Option achieves the highest acceptable deviation and moves three precincts into different districts; two moves are negative, one is positive.

36. Items Relating to the High Park Fire Remediation. (staff: Kevin Gertig, Lisa Voytko, Lance Smith; 10 minute staff presentation; 20 minute discussion)

- A. Resolution 2012-079 Authorizing the City Manager to Enter Into Intergovernmental Agreements with Certain Federal, State and Local Agencies for Cooperative Watershed and Water Quality Protection Measures in Response to the Hewlett Gulch Fire and the High Park Fire.
- B. Emergency Ordinance No. 088, 2012, Appropriating Prior Year Reserves in the Water Fund for the High Park Fire Remediation.

The High Park Fire, which began on June 9, 2012 and ended on July 11, 2012, has affected the Cache la Poudre watershed. Recent rain events (July 5 – 6, 2012, July 16, 2012) have demonstrated the negative effects of erosion on the Cache la Poudre River, a key water source for the city. Fort Collins Utilities have been involved with local, state and federal agencies to secure possible recovery funding. At this time, no local, state or federal funding sources have been identified for post fire recovery efforts specific to water supplies. As a result, staff has worked with the City of Greeley, the Tri-Districts, and Larimer County to develop an erosion mitigation plan with an immediate need to address the highest priority area, Hill Gulch, which represents 1152 acres out of the 2600 acres identified as the most critical area comprising Phase 1 of the effort for the whole 5657 acres requiring aerial mulching and seeding per the Burn Area Emergency Response (BAER) report.

The BAER report specifically identifies an emergency situation exists with potentially significant impacts to water diversion infrastructure due to the increased risk of damage from the accumulation of debris and sediment at intake locations. The report also identifies an emergency situation exists with significant risk of degradation in water quality due to soil erosion.

This Resolution authorizes the City Manager to enter into the intergovernmental agreement with the other parties to fund the mitigation of the impacts of the High Park Fire.

This Emergency Ordinance appropriates \$626,015 immediately so that mitigation efforts can begin as soon as possible.

The other parties agreeing to fund the Hill Gulch mitigation work are in the process of finalizing the exact cost share percentages; if the City's share is modified as a result, revisions to the agenda materials will be made as early as possible prior to the Council meeting.

37. Resolution 2012-080 Approving an Agreement Between the City and Avago Technologies Wireless Manufacturing, Inc. to Provide Business Investment Assistance. (staff: Josh Birks, Bruce Hendee, SeonAh Kendall; 10 minute staff presentation; 30 minute discussion)

This Resolution considers a Business Investment Agreement between the City and Avago Technologies Wireless (USA) Manufacturing, Inc., (Avago Technologies). The Avago Technologies project will consist of building out the remaining 12,160 square feet space in Building #4 on its Fort Collins campus, representing an investment of approximately \$165 million and 135 new jobs. The Agreement provides two performance based investments: (1) a use tax rebate (expected to span two years) on manufacturing equipment purchased as part of the expansion; and (2) a personal property tax rebate on the same equipment for ten years. The City of Fort Collins' Business Investment Agreement requires Avago Technologies to meet certain performance metrics based on the continued operations of Building 4 and the expected new job created. **Both investments relate to revenues the City would not otherwise collect if the expansion did not occur within the City.**

The total assistance package includes collaboration between the City of Fort Collins, the State of Colorado, and Larimer County. The City of Fort Collins' total investments package has a value of approximately \$4.6 million, with the overall investment package valued at approximately \$5.9 million. City Council is being asked to consider the City of Fort Collins' portion of the incentive package of approximately \$4.5 million (a commitment of approximately \$3.9 million in use tax rebates and ongoing investment of approximately \$629,000 of personal property tax rebates over 10 years). The State of Colorado's Office of Economic Development and International Trade (OEDIT) has earmarked \$337,500 in Strategic Funds and \$116,800 in CO First Training grants. The Larimer County Commissioners are reviewing the request for \$930,100 on personal property tax rebates over 5 years.

38. Consideration of the Appeal of the Administrative Hearing Officer's June 25, 2012 Decision Regarding the Legacy Senior Residences Project Development Plan. (staff: Lindsay Ex; 15 minute staff presentation; 2 hour discussion)

In May 2012, Cornerstone Associates LLC submitted a Project Development Plan for a multi-family project in the RDR, River Downtown Redevelopment zone district and the Transit-Oriented Development Overlay District (TOD). As proposed, the project consists of the redevelopment of the former Kiefer Concrete Storage Yard for the purpose of constructing one new building that contains 72 one- and two-bedroom affordable apartments for seniors earning between 30 to 60% of the Area Median Income. The parcel consists of on 1.97 acres and is located between Linden Street on the southeast and Pine Street on the northwest.

On June 11, 2012, the Administrative Hearing Officer conducted a public hearing in consideration of the Legacy Senior Residences PDP and three Modifications of Standard. On June 25, 2012, after testimony from the applicant, the public and staff, the Hearing Officer issued a written decision, approving the PDP and three Modifications of Standards.

On July 9, 2012, Save the Poudre (STP) filed a Notice of Appeal seeking redress of the Hearing Officer's decision, which was superceded by an Amended Notice of Appeal, filed July 27, 2012. The STP appeal asserts the Hearing Officer failed to properly interpret and apply relevant provisions of the Land Use Code, specifically Sections 2.82(H), 4.17(D)(3)(c)(1), Section 4.17(D)(3)(c)(4), Section 4.17(D)(1)(a), Section 3.2.4, Section 3.4.1(D)(1), and Section 3.4.1(D)(1)(k).

In addition, the STP appeal asserts that the Hearing Officer failed to conduct a fair hearing in that the Hearing Officer considered evidence relevant to its finding which was substantially false or grossly misleading on two accounts:

- The project's Ecological Characterization Study did not provide sufficient evidence to support the statement that the project would create no additional impacts to the Poudre River Corridor, and
- The applicants indicated at the Hearing there was no other place in Fort Collins to build a comparable project, and STP contends that there are other sites in the City where this project could be built.

39. 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. (staff: Lindsay Kuntz, Jason Stutzman; 2 minute staff presentation; 5 minute discussion)

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.

Second Reading of this Ordinance was postponed from July 17 to August 21, 2012 due to Council hearing an appeal of the Development. Consideration of Second Reading will occur after Council hears the appeal and is dependent upon the outcome of the hearing.

40. Items Relating to the 2012 Downtown Development Authority-Related Financing Activities. (staff: Matt Robenalt, Kathy Cardona, Mike Beckstead; 5 minute staff presentation; 25 minute discussion)

- A. Resolution 2012-081 Approving an Intergovernmental Agreement Between the City of Fort Collins and the Fort Collins Downtown Development Authority Governing the Use of a Line of Credit.
- B. First Reading of Ordinance No. 089, 2012, Authorizing the Establishment of a Revolving Line of Credit to be Paid Solely with Downtown Development Authority Tax Increment Funds for a Six Year Period in the Amount of up to One Million Dollars Annually to Finance Downtown Development Authority Projects and Programs in Accordance with the Downtown Development Authority Plan of Development and Approving Related Documents.
- C. Resolution 2012-082 Approving an Intergovernmental Agreement Between the City of Fort Collins and the Fort Collins Downtown Development Authority Regarding Funding of the Museum of Discovery Project.
- D. First Reading of Ordinance No. 090, 2012, Appropriating Prior Year Reserves in the Downtown Development Authority Fund, Funds Drawn from the 2012 City of Fort Collins Revolving Line of Credit Established to Finance Downtown Development Authority Projects and Programs and Funds for Debt Service on the Revolving Line of Credit.

The Board of Directors of the Downtown Development Authority (DDA) believes it would be financially beneficial for the DDA and the community as a whole for a revolving Line of Credit to be established with a local bank for a six (6) year period. The Line of Credit will be used to finance DDA projects and programs. Adoption of Resolution 2012-081 will approve the Intergovernmental Agreement (IGA) regarding the establishment of the Line of Credit and governing the mechanics of its use. Adoption of Ordinance No. 089, 2012 will authorize the establishment of the Line of Credit and approve execution of the First National Bank documents.

The DDA Board of Directors has approved the sum of three million dollars (\$3,000,000) as a grant to the City of Fort Collins for a portion of the actual costs of construction of the Museum of Discovery Project. Adoption of Resolution 2012-082 will approve the IGA expressing the terms of the grant contribution.

Ordinance No. 090, 2012 will appropriate unanticipated revenue from interest earnings in the amount of \$191,032; from project savings in the amount of \$331,113; funds appropriated but not spent of \$940,430; funds from the 2010 Bond Series that were not appropriated in the amount of \$500,000; and funds from the 2012 Revolving Line of Credit draw of up to \$1,000,000 for a total appropriation of \$2,962,575. The DDA Board has authorized the expenditure on the various projects and programs. This Ordinance also appropriates the debt service payment on the 2012 Line of Credit draw.

41. Consideration of Citizen-Pulled Consent Items.

42. Other Business.

43. Adjournment.

a. Motion to adjourn to 6:00 p.m., Tuesday, August 28, 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.

Karen Weitkunat, President
Kelly Ohlson, District 5, Vice-President
Ben Manvel, District 1
Lisa Poppaw, District 2
Aislinn Kottwitz, District 3
Wade Troxell, District 4
Gerry Horak, District 6

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

Cablecast on City Cable Channel 14
on the Comcast cable system

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

GENERAL IMPROVEMENT DISTRICT NO. 1 MEETING
August 21, 2012
(after the Regular Council Meeting)

1. Call Meeting to Order.
2. Roll Call.
3. First Reading of Ordinance No. 063, Appropriating Prior Year Reserves in the General Improvement District Fund for the Downtown Wayfinding Sign System. (staff: Clark Mapes; 5 minute staff presentation; 5 minute discussion)

This Ordinance appropriates \$500,000 from the General Improvement District No. 1 (GID) Fund balance for fabrication and installation of a Downtown Wayfinding Sign System. Schematic design of a sign system was completed in 2009, and this appropriation funds implementation of the system. The funds will be used to hire a sign company to develop final design and construction details, and then fabricate and install signs in collaboration and coordination with the City's Traffic Operations sign shop. Depending on final design decisions, the City's sign shop may be able to fabricate and install some of the signs, with some of the appropriated funds used to cover those costs.

4. Other Business.
5. Adjournment.