



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

September 18, 2012

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Declaring September 17-23 as Constitution Week.

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. 22)
- Citizen opportunity to pull Consent Calendar items.
(will be considered under Item. No. 26)

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 18. 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 August 21, 2012 and September 4, 2012 Regular Meetings and the August 28, 2012 Adjourned Meeting.

7. 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.

8. Items Relating to the 2012 Downtown Development Authority-Related Financing Activities.

- A. Second 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.
- B. Second 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-year period. The Line of Credit will be used to finance DDA projects and programs. Ordinance No. 089, 2012, unanimously adopted on First Reading on September 4, 2012, authorizes the establishment of the Line of Credit and approves the execution of the First National Bank documents.

Ordinance No. 090, 2012, unanimously adopted on First Reading on September 4, 2012, appropriates 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.

9. Second Reading of Ordinance No. 091, 2012, Appropriating Unanticipated Grant Revenues in the General Fund for the Restorative Justice Services and Appropriating Funds from the Police Operating Budget.

Ordinance No. 091, 2012, unanimously adopted on First Reading on September 4, 2012, appropriates a grant in the amount of \$45,000 from the Colorado Division of Criminal Justice Juvenile Diversion fund for the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program for all other offenses. A cash match of \$7,440 is required and will be met by appropriating funds from the police

operating budget designated for Restorative Justice Services. The total required match is 25%; an additional \$7,560 in-kind match is designated from the Eighth Judicial Probation Department.

10. Second Reading of Ordinance No. 093, 2012, Amending Section 26-279 of the City Code to Allow a Reduction for Calculated Evaporative Losses in Determining Wastewater Volume for Existing Large Industrial Processes.

In 2010, Chapter 26 of the City Code was modified to establish an additional method of determining wastewater volume as the basis for Wastewater Service fees. That Code amendment allowed Utilities to recognize specific quantities of water consumed or processed in manufacturing processes for the City's industrial and large commercial wastewater customers. Examples include cooling towers and other equipment or processes where a measurable reduction in wastewater discharge can be determined and metered. The reduction may apply to either a specified portion of the user's facilities or the facility as a whole.

This Ordinance, unanimously adopted on First Reading on September 4, 2012, adds an option to Section 26-279 of the City Code to allow for the use of nationally accepted industry standards of calculation to recognize specific quantities of water that are evaporated off as part of an industrial process and as a result are not discharged to the wastewater system. The models would provide a quantifiable amount of water which should not be included in the wastewater discharge volume which serves as the basis for Wastewater Service fees in lieu of metering for existing structures. This adjustment will be allowed only for large industrial customers, and metering will still be required for newly constructed facilities.

11. Second Reading of Ordinance No. 094, 2012, Designating the Schroeder House/Laurel Apartments, 121 East Laurel, Street, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

This Ordinance, unanimously adopted on First Reading on September 4, 2012, designates the Schroeder Residence/Laurel Apartments at 121 East Laurel Street as a Fort Collins Landmark. The property owner, Brian Beeghly, is initiating this request.

12. Items Relating to the Forney Annexation and Zoning.

- A. Second Reading of Ordinance No. 095, 2012, Annexing the Property Known as the Forney Annexation.
- B. Second Reading of Ordinance No. 096, 2012, Amending and Classifying for Zoning Purposes the Property Included in the Forney Annexation.

These Ordinances, unanimously adopted on First Reading on September 4, 2012, annex and zone 23.16 acres located on the north side of LaPorte Avenue, approximately 1,280 feet east of North Taft Hill Road.

The parcels to be annexed, all owned by Forney Industries, are currently located in Larimer County's I – Industrial Zoning District. The requested zoning for this annexation is the T - Transition.

13. Second Reading of Ordinance No. 097, 2012, Authorizing the Conveyance of a Portion of a Tract of Stormwater Utility Property to Coby S. Hughey and Linda C. Hughey.

In 1992, the final plat of Pheasant Ridge Estates dedicated Tract A to the City of Fort Collins for the purpose of a detention basin. After the dedication, the developer certified to the City that he could meet the required stormwater detention volumes without excavating and grading the western most portion of Tract A (the portion adjacent to 1700 Westview Road.) Due to the City's change of use for this portion of Tract A, the adjacent property owners, Coby and Linda Hughey, have expressed an interest to obtain the portion of Tract A that abuts their property at 1700 Westview Road. This Ordinance, unanimously adopted on First Reading on September 4, 2012, authorizes the conveyance of a portion of Tract A to the Hugheys.

14. Items Relating to the High Park Fire Remediation.

- A. Second Reading of Ordinance No. 098, 2012, Appropriating Additional Prior Year Reserves in the Water Fund for Additional High Park Fire Remediation.
- B. Resolution 2012-090 Authorizing the Mayor to Sign Additional Intergovernmental Agreements Regarding Funding of Cache La Poudre Watershed Mitigation in Response to the High Park Fire.

On August 21, City Council approved an emergency ordinance appropriating reserves from the Water Fund to begin the soil stabilization efforts required to limit the impacts of the High Park Fire on the Cache la Poudre watershed. That appropriation allowed work to begin on the Hill Gulch, which had been identified as the most critical area comprising Phase 1 of the effort for the whole 5,657 acres which will require aerial mulching and seeding per the Burn Area Emergency Response (BAER) report. That work is anticipated to be completed in 2 weeks, allowing the next critical area, Boyd Gulch, to be treated before October. This Ordinance seeks \$2,000,000 from the Water Fund reserves to tackle the soil stabilization efforts in the Boyd Gulch and other high-priority areas to be completed in 2012.

On August 21, City Council also approved Resolution 2012-079 authorizing the Mayor to sign two Intergovernmental Agreements to allow the initial work to be done in Boyd Gulch. With the additional funding being requested through Ordinance No. 098, 2012, it will be necessary to enter into similar agreements to complete the additional soil stabilization efforts.

15. First Reading of Ordinance No. 099, 2012, Amending the City Code and Adopting the First Amendment to the City of Fort Collins General Employees' Retirement Plan as Amended and Restated January 1, 2012, to Change the Make-up of the General Employees Retirement Committee.

The existing structure of the General Employees' Retirement Committee (GERC) has 6 positions and must include at least 3 active employee members and only 1 retiree receiving a benefit. The GERC recommends more flexibility in appointment of committee representatives by changing those 4 positions to be any of the following: an active employee, a former employee that is vested but not yet receiving a benefit, or a retiree receiving a benefit.

16. First Reading of Ordinance No. 100, 2012, Appropriating Unanticipated Grant Revenue in the Transportation Services Fund for the State Fiscal Year 2012-2013 Safe Routes to School Program.

The City of Fort Collins Transportation Planning Office has received a \$27,500 federal grant through the Colorado Department of Transportation for the FY 2012-13 Safe Routes to School (SRTS) program. This funding will allow the City's Safe Routes to School Program, administered and staffed by Transportation Planning, to enhance its pedestrian and bicycle safety education programs.

17. First Reading of Ordinance No. 101, 2012, Adjusting the Terms of the Youth Advisory Board to Coincide with the School Year.

At the request of the Youth Advisory Board, and at the direction of Council, this Ordinance amends the terms of members of the Youth Advisory Board so that terms begin June 1 and expire May 31. This change will allow newly appointed members to include Youth Advisory Board meetings and activities when planning for the upcoming school year. The Youth Advisory Board does not meet during the summer months.

The terms of all City boards and commissions expire on December 31 as required by Ordinance No. 070, 2000. This Ordinance provides that the next time the Boards and Commissions Manual is updated, the term expiration dates of the City Boards and Commissions will be addressed in the Manual.

18. Resolution 2012-091 Amending Resolution 2006-124 to Revise the Process for City Council Evaluation of the Performance of the City Manager, City Attorney and Municipal Judge.

Resolution 2006-124 outlines the process for completion of the annual formal performance evaluation of the City Manager, City Attorney and Municipal Judge (the "Employees"), as well as the process for determining compensation and benefit changes. In order to improve communication and provide more timely information to Council, the due date for Employee self-evaluations and compensation requests will be moved from 4 days prior to the Employees annual review to 20 days prior.

END CONSENT

19. Consent Calendar Follow-up.

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

20. Staff Reports.

- a. Good News Items - Update on City Apps and Employee Wellness
- b. Mason Minute

21. Councilmember Reports.

22. 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.

23. Second Reading of Ordinance No. 092, 2012, Amending Certain Provisions of the Land Use Code to Afford Better Regulation of Multi-Family, High Density Housing Developments. (staff: Laurie Kadrach, Ted Shepard; no staff presentation; 30 minute discussion)

At City Council's direction, the Community Development and Neighborhood Services (CDNS) department analyzed what immediate measures Council could consider to help mitigate adverse impacts of current and future multi-family housing in areas adjacent to single family neighborhoods. This Ordinance, adopted 6-1 (Kottwitz) on First Reading on September 4, 2012 will:

1. require Medium Density Mixed-Use Neighborhood (MMN) land use and development standards for all multi-family projects, particularly outside the Transit-Oriented Development (TOD) Overlay Zone.
 2. modify the Neighborhood Commercial zone district to ensure a significant commercial component.
 3. require an operation, management and security study for larger multi-family developments.
24. First Reading of Ordinance No. 102, 2012, Authorizing and Approving the Execution and Delivery by the City of a Site and Improvement Lease and a Lease Purchase Agreement and Related Documents, Concerning the Leasing by the City of Open Space and Natural Areas, a Deicing Materials Storage Facility and a Centralized Police Services Building, to Refinance the City's 2004 Lease Agreement at a Lower Interest Rate; Ratifying Action Previously Taken; and Providing Other Matters Related Thereto. (staff: John Voss; 5 minute staff presentation; 5 minute discussion)

Circumstances are favorable to refinance the 2004 Certificates of Participation (COPs). Bank of America has proposed terms for the new debt that result in a net present value savings of \$4.8 million and equates to 13.4% of the refunded principal. The 2012 debt will mature in the same time frames as before: Police through 2026, Natural Areas through 2019, and Transportation through 2024.

25. Public Hearing on the 2013-2014 Recommended Biennial Budget for the City of Fort Collins. (staff: Darin Atteberry, Mike Beckstead; 90 minutes)

This is the first official public hearing on the City Manager's 2013-2014 Recommended Biennial Budget for the City of Fort Collins. The purpose of this public hearing is to gather public input on the 2013-2014 budget.

In an effort to receive further public input, a second public hearing is scheduled for the October 2, 2012 Council meeting. Public input will also be taken during the budget adoption meetings on Tuesday, October 16 and Tuesday, November 20, 2012 at 6:00 p.m. in the Council Chambers.

The City Manager's 2013-2014 Recommended Budget can be reviewed at the Main Library, the Harmony Branch Library, Council Tree Library, or the City Clerk's Office. The recommended budget can also be viewed online at www.fcgov.com/budget.

26. Consideration of Citizen-Pulled Consent Items.
27. Other Business.
28. Adjournment.

Every Council meeting will end no later than 10:30 p.m., except that: (1) any item of business commenced before 10:30 p.m. may be concluded before the meeting is adjourned and (2) the City Council may, by majority vote, extend a meeting until no later than 12:00 a.m. for the purpose of considering additional items of business. Any matter which has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting which have not yet been considered by Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.

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GENERAL IMPROVEMENT DISTRICT NO. 1 MEETING
September 18, 2012
(after the Regular Council Meeting)

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

This Ordinance, unanimously adopted on First Reading on September 4, 2012, appropriates \$500,000 from the General Improvement District No. 1 (GID) Fund for final design, fabrication and installation of a Downtown Wayfinding Sign System. Schematic design of a sign system was completed in 2009 and this appropriation provides funding to implement 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.

4. Other Business.
5. Adjournment.

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WORK SESSION

September 18, 2012

after the General Improvement District No. 1 Meeting

1. Call Meeting to Order.
2. Presentation of the City Manager's 2013-2014 Recommended Budget. (staff: Darin Atteberry, Mike Beckstead; 2 hour discussion)

The City Manager's 2013-2014 Recommended Budget was delivered to City Council and the City Clerk on August 30, 2012, pursuant to provisions of Article V, Section 2 of the City Charter. In September and October the City Council will have a series of work sessions and two public hearings on the Budget to gather input from the community.

Staff believes City Council will have many challenging decisions ahead with the 2013-2014 Budget as it is finalized. The community has had more opportunity this year than in the past to provide input on the specific Offers (budget requests) under consideration. That will continue in the next couple months with the aforementioned Public Hearings and an online tool to gather citizen input. A detailed public input schedule is listed below.

For the September 18, 2012 Work Session, staff will present a summary overview of the following Result Area:

- Transportation
3. Other Business.
 4. Adjournment.