



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
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300 LaPorte Avenue

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Darin Atteberry, City Manager
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REGULAR MEETING

October 16, 2012

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Declaring October as Disability Awareness 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. 20)
- Citizen opportunity to pull Consent Calendar items.
(will be considered under Item. No.27)

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 16. 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.

BUDGET CONSENT ITEM

6. First Reading of Ordinance No. 107, 2012, Being the Annual Appropriation Ordinance of the Fort Collins Downtown Development Authority Relating to the Annual Appropriations for the Fiscal Year 2013 and Fixing the Mill Levy for the Downtown Development Authority for Fiscal Year 2013.

The Annual Appropriation Ordinance is presented for First Reading. Ordinance No. 107, 2012, sets the Downtown Development Authority (DDA) 2013 Operations and Maintenance Budget amount of \$769,440 to be appropriated for fiscal year 2013 for the administrative operations budget; appropriates the 2013 Line of Credit Draw in the amount of \$1,000,000; sets the amount of \$3,197,535 for debt service payments to be appropriated for fiscal year 2013; and sets the 2013 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2013.

NON-BUDGET CONSENT ITEMS

7. Consideration and Approval of the Minutes of the September 18, 2012 and October 2, 2012 Regular Meetings
8. Second Reading of Ordinance No. 103, 2012, Appropriating Prior Year Reserves and Unanticipated Revenue in Various City Funds.

The purpose of this annual Clean-Up Ordinance is to combine dedicated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and, therefore, not included in the 2012 budget appropriation. The unanticipated revenue is primarily from fees, charges, rents, contributions and grants that have been paid to City departments to offset specific expenses. Prior year reserves are primarily being appropriated for unanticipated operation expenses from reserves that are set aside for that purpose. This Ordinance, unanimously adopted on First Reading on October 2, 2012, appropriates prior year reserves and unanticipated revenue in various City funds. Funding for the annual appreciation event to thank volunteers for serving on the City's boards and commissions, funding for the November 6, 2012 special election and additional funds for the Recreation Youth Football Program fund raiser in the Recreation Fund have been included in the Ordinance on Second Reading.

9. Second Reading of Ordinance No. 104, 2012, Authorizing the Purchasing Agent to Enter into an Agreement for the Financing by Lease-Purchase of Equipment.

The City of Fort Collins is lease-purchasing desktop computers and laptops for various City departments. This Ordinance, unanimously adopted on First Reading on October 2, 2012, authorizes the Purchasing Agent to enter into lease-purchase financing agreement with Pinnacle Public Finance at an interest rate of 2.28%. The cost of the items to be lease-purchased is \$294,000. Payments at the 2.28% interest rate will not exceed \$15,596 in 2013. Money for 2013 lease-purchase payments is included in the 2013 budget requests. The effect of the debt position for the purpose of financial rating of the City will be to raise the total City debt by 0.21%. A competitive process was used to select Pinnacle Public Finance for this lease. Staff believes acceptance of this lease rate is in the City's best interest.

10. Second Reading of Ordinance No. 105, 2012, Amending Chapter 7 of the City Code Relating to Redistricting.

This Ordinance, unanimously adopted on First Reading on October 2, 2012, amends Section 7-87(b) of the City Code to enact language that is consistent with the original intent that the City Clerk, within 18 months after the decennial publication of the U.S. Census, recommend district boundary changes necessary to ensure that, to the extent reasonably possible, there is no more than a 10% deviation between the most populous and the least populous Council district.

11. Second Reading of Ordinance No. 106, 2012, Vacating the City's Interest in the Streets Known as Daisy Street and Columbine Street.

Daisy Street and Columbine Street are located between City Park Avenue and Bluebell Street, north

of Plum Street. The property that both Daisy Street and Columbine Street serve is currently going through the development review process and is in the stages of final review. All lots adjacent to these two short street stubs have been included within the District at Campus West development proposal. This Ordinance, unanimously adopted on First Reading on October 2, 2012, will vacate the public right-of-way to allow the parcels and the streets to be replatted to accommodate the multifamily development.

12. Items Relating to the Colorado Parks and Wildlife Grant for the Fossil Creek Trail at East Trilby Road Project.

- A. Resolution 2012-094 Authorizing the City Manager to Enter Into a Grant Agreement with Colorado Parks and Wildlife for the Fossil Creek Trail at East Trilby Road
- B. First Reading of Ordinance No. 108, 2012, Appropriating Unanticipated Grant Revenue from Colorado Parks and Wildlife in the Conservation Trust Fund for the Fossil Creek Trail at East Trilby Road.

This Ordinance appropriates a \$200,000 trail grant received from Colorado Parks and Wildlife for the completion of the Fossil Creek Trail at East Trilby Road. The project involves a new trail from Lemay Avenue, east along the north side of Trilby Road, to a planned underpass of Trilby, just west of the location where Fossil Creek goes under the road. The trail will then proceed south to connect with the Fossil Creek Trail, which was constructed north of Carpenter Road in 2012. A spur trail will travel east along the north side of Trilby Road to connect to the Power Trail. The total length of new trail will be about one mile. Resolution 2012-094 authorizes the City Manager to enter into the grant agreement.

13. First Reading of Ordinance No. 109, 2012, Appropriating a Grant from Great Outdoors Colorado for the City's Portion of Larimer County's 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 of a mile. The trail placement on Arapaho Bend Natural Area has been coordinated with the Natural Areas staff. Construction of the project is scheduled to start in 2013.

14. First Reading of Ordinance No. 110, 2012, Approving a Fourth Amendment to the Fort Collins-Timnath Intergovernmental Agreement Regarding Cooperation on Annexation, Growth Management, and Related Issues, Eliminating Original Terms Related to the Boxelder Overflow Project and Establishing the Terms of Cost Sharing for Design Engineering of Substituted Improvements in the Boxelder Basin.

On February 17, 2009, the City of Fort Collins (City) and the Town of Timnath (Timnath) entered into an intergovernmental agreement (IGA) regarding annexations, growth management, and related issues. The IGA resolved certain differences that had arisen between the City and Timnath concerning a variety of planning and growth management issues. The IGA sets forth provisions for the funding, design and construction of the Boxelder Overflow Project. The IGA has been amended three times since for items such as the extension of deadlines for approval of the respective GMA's and the deletion of all references to Timnath's possible purchase of the Vangbo property.

The parties have determined that development of the Boxelder Overflow Project originally contemplated by Timnath as described in the Intergovernmental Agreement is neither feasible nor desirable, and have further identified a mutually beneficial alternative approach to address flood

impacts in the Boxelder Creek Basin as it impacts Timnath and Fort Collins, referred to as the Boxelder Creek Flood Mitigation Projects. In order to move forward cooperatively to further investigate, conceptually plan and preliminarily design the Boxelder Creek Flood Mitigation Projects, the parties desire to apply toward those Projects a portion of the funds previously paid into an escrow account by Fort Collins in accordance with Article 7 of the Intergovernmental Agreement. The City and Timnath are entering into this Fourth Amendment to the Intergovernmental Agreement in order to clarify and document their intentions and mutual rights and responsibilities with respect to the Boxelder Overflow Project and Boxelder Creek Flood Mitigation Projects.

15. Resolution 2012-095 Finding Substantial Compliance and Initiating Annexation Proceedings for the Kechter Crossing Annexation.

This is a request to annex and zone 28.9 acres located on the south side of Kechter Road, approximately 900 feet east of the intersection of South Timberline Road and Kechter Road. Kechter Crossing is adjoining and immediately west of a parcel of land owned by the City of Fort Collins for the City's Affordable Housing Land Bank. This annexation is not associated with the Kechter Farm development, which is located southeast of the Kechter Crossing Annexation.

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, and west. The City land bank property to the west is zoned L-M-N.

16. Routine Easement.

Easement for construction and maintenance of public utilities from Fort Collins Downtown Development Authority, to install an electric transformer to provide additional capacity, located at Lot 27, Block 111, east of Mason between Mountain Avenue and Oak Street.

END CONSENT

17. Consent Calendar Follow-up.

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

18. Staff Reports.

19. Councilmember Reports.

20. 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.

BUDGET DISCUSSION ITEMS

21. First Reading of Ordinance No. 112, 2012, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for Fiscal Year 2013; Adopting the Budget for the Fiscal Years Beginning January 1, 2013 and Ending December 31, 2014, and Fixing the Mill Levy for Fiscal Year 2013. (staff: Darin Atteberry, Mike Beckstead; 10 minute staff presentation; 1 hour discussion)

The Annual Appropriation Ordinance is presented for First Reading. This Ordinance sets the City Budget for the two-year period (2013–14) which becomes the City's financial plan for the next two fiscal years. This Ordinance sets the amount of \$483,445,062 to be appropriated for fiscal year 2013. Including the 2013 adopted budgets for the General Improvement District (GID) No. 1 of \$193,666 and the Urban Renewal Authority (URA) of \$1,038,682 the total City operated appropriations amount to \$484,677,410.

This Ordinance also sets the 2012 City mill levy at 9.797 mills, unchanged since 1991.

22. Items Relating to Utility Rates, Fees, and Charges for 2013. (staff: Brian Janonis, Lance Smith; 10 minute staff presentation; 45 minute discussion)
- A. First Reading of Ordinance No. 113, 2012, Amending Chapter 26 of the City Code to Revise Water Rates and Charges.
 - B. First Reading of Ordinance No. 114, 2012, Amending Chapter 26 of the City Code to Revise Electric Rates, Fees and Charges.
 - C. First Reading of Ordinance No. 115, 2012, Amending Chapter 26 of the City Code to Revise Electric Development Fees and Charges.

The following monthly rate increases are recommended for 2013:

Service	% Annual Increase
Water	4.0%
Electric	4.33%

The proposed water increase is a flat 4% across the board to all customer classes. The electric rate increases which average 4.33% are proposed to vary by customer class from 3.35% to 5.33%. The proposed changes will impact individual electric customers more or less than the customer class averages and will vary by season. Electric development fees are proposed to decrease an average of 2.4% for residential and decrease an average of 1.6% for commercial development. There are no changes in the monthly rates for wastewater or stormwater services being proposed for 2013.

With the rate changes contained in the proposed Ordinances, a typical single family customer's monthly utility bill will increase \$5.01 in the summer from \$162.96 to \$167.97 and \$2.95 from \$131.03 to \$133.98 in non-summer months.

23. First Reading of Ordinance No. 116, 2012, Authorizing the Appropriation of 2013 Fiscal Year Operating and Capital Improvement Funds for the Fort Collins-Loveland Municipal Airport. (staff: Jason Licon, Mike Beckstead; 5 minute staff presentation; 30 minute discussion)

The 2013 annual operating budget for the Airport totals \$803,600, and will be funded from Airport operating revenues, contributions from the Cities of Fort Collins and Loveland (\$85,000 from each City), and interest earnings. This Ordinance authorizes the City of Loveland to appropriate the City of Fort Collins contribution, which is a 50% share of the 2013 Airport budget and totals \$401,800.

This Ordinance also appropriates the City's 50% share of capital funds, totaling \$702,500 for the Airport from federal and state grants; contributions from Fort Collins and Loveland; and the Airport General Fund. Most of the 2013 Airport capital funds, totaling \$1,405,000, will be used to complete major Airport improvements, such as taxiway and apron rehabilitation and some funds are slated for utility master planning and design engineering to accommodate Airport business development.

NON-BUDGET DISCUSSION ITEMS

24. Resolution 2012-096 Approving an Agreement Between the City and Avago Technologies Wireless (USA) Manufacturing, Inc., to Provide Business Investment Assistance for Phase Two of the Building Four Retrofit. (staff: Josh Birks, Bruce Hendee, SeonAh Kendall; 15 minute staff presentation; 45 minute discussion)

This Resolution considers a Business Investment Agreement between the City and Avago Technologies Wireless Manufacturing, Inc. (Avago Technologies). The Avago Technologies project will consist of building out the remaining 12,160 square feet space in Building #4 and making substantial equipment purchases on their Fort Collins campus, representing an investment of approximately \$165 million and 135 new jobs. The Agreement provides two 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 several performance metrics: (1) the continued operations of Building #4 for manufacturing for a minimum duration of the rebated years, (2) purchase certain equipment that add substantial value to the Fort Collins property, and (3) the creation of 135 new jobs at their Fort Collins campus. ***Both investments relate to revenues the City would not otherwise collect if the expansion did not occur within the City.*** In terms of evaluating the investment agreement, the ratio of private investment to total public investment is \$27:\$1.

25. Items Relating to the I-25/SH 392 Interchange Project. (staff: Rick Richter, Steve Roy; 10 minute staff presentation; 45 minute discussion)
- A. First Reading of Ordinance No. 117, 2012, Establishing a Special Fee to Be Paid by the Owners of Property Within Close Proximity to the Reconstructed Interchange at the Intersection of Interstate 25 and State Highway 392.
 - B. First Reading of Ordinance No. 118, 2012, Approving the First Amended Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 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 fee requirements identified in the IGA. City Council has adopted several resolutions extending this deadline, the most recent extension being to October 16, 2012.

Ordinance No. 117, 2012, will establish the specifics of a special fee to be paid by the Property Owners near the interchange. The fee includes two parts and is summarized as follows:

- The first part of the fee is in proportion to the anticipated appreciation in property value as a result of the interchange improvements. This amount has been determined from an appraisal report prepared by a licensed MAI appraiser (the "Foster Study").
- The second part of the fee is based on the relative impacts that the development or redevelopment of the properties will have on the Interchange, as measured by the estimated number of additional vehicular trips that will be generated by the developed use of the properties.

Based on negotiation with the Property Owners, the City and Town have created a second option for Property Owners. Property Owners signing an agreement with the City would be permitted to defer payment of the entire amount of the fee until their properties are developed or redeveloped, the amount of their fee would be capped at the amount estimated in the agreement, and no interest would accrue on their fee for a period of two years from the date of execution of the agreement.

Ordinance No. 118, 2012, adopts the modified IGA first approved by City Council on December 21, 2010, now revised to be consistent with the implementation of the fees as described above.

Similar ordinances will be presented for consideration to the Windsor Town Board on October 22, 2012.

26. Consideration of the Appeal of the August 9, 2012 Zoning Board of Appeals Decision to Approve a Variance to Allow the Existing Off-premise Sign (Billboard) Located in the BNSF Railroad Right of Way at 190 West Prospect Road to Be Removed and Reinstalled at a New Location Within the Same Railroad Right of Way at 190 West Prospect Road. (staff: Peter Barnes; 10 minute staff presentation; 90 minute discussion)

On August 9, 2012, the Zoning Board of Appeals (ZBA) considered Appeal #2714, submitted by the City of Fort Collins Engineering Department. This Appeal was for a variance to Section 3.8.7(P) of the City of Fort Collins Land Use Code (LUC), which prohibits the construction of new off-premise signs. The variance was requested in order to allow the existing off-premise sign in the BNSF Railroad right of way on the north side of Prospect Road to be relocated within the railroad right of way 70 feet west of its current location. The sign's current location is in direct conflict with the guideway alignment for the MAX BRT (Bus Rapid Transit) project. The ZBA unanimously approved the variance request as authorized by Section 2.10.1 of the LUC.

On August 23, 2012, Richard L. Anderson (the Appellant) filed a Notice of Appeal with the City Clerk. The Appellant alleges that the ZBA:

- A. Failed to conduct a fair hearing in that:
 - 1. The Board considered evidence relevant to its findings which was grossly misleading;
 - 2. The Board substantially ignored its previously established rules of procedure;
 - 3. The Board exceeded its authority and jurisdiction.
- B. The Board failed to properly interpret and apply relevant provisions of the Land Use Code.

27. Consideration of Citizen-Pulled Consent Items.
28. Other Business.
29. Adjournment.
 - a. Motion to adjourn to 6:00 p.m., Tuesday, October 23, 2012.

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
October 16, 2012
(after the Regular Council Meeting)

1. Call Meeting to Order.
2. Roll Call.
3. Consideration and Approval of the Minutes of the September 4, 2012 and September 18, 2012 General Improvement District No. 1 Meetings.
4. First Reading of Ordinance No. 064, Determining and Fixing the Mill Levy for the General Improvement District No. 1 for the Fiscal Year 2013; Directing the Secretary of the District to Certify Such Levy to the Board of County Commissioners of Larimer County; and Making the Fiscal Year 2013 Annual Appropriation. (staff: Mike Beckstead; 2 minute presentation; 5 minute discussion)

The sum of \$273,523 is anticipated to be collected from the mill levy of 4.924 mills for fiscal year 2013. Additional revenue for the General Improvement District (GID) No. 1 from sources like automobile specific ownership taxes, ad valorem taxes, and interest earnings are anticipated to total \$38,769. The total 2013 revenue for GID No. 1 is expected to be \$312,292. Recommended appropriations for 2013 projects and expenditures will be \$193,666.

5. Other Business.
6. Adjournment.

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**SKYVIEW SOUTH
GENERAL IMPROVEMENT DISTRICT MEETING
October 16, 2012
(after the General Improvement District No. 1 Meeting)**

1. Call Meeting to Order.
2. Roll Call.
3. First Reading of Ordinance No. 003, Determining and Fixing the Mill Levy for the Skyview South General Improvement District No. 15 for the Fiscal Year 2013; Directing the Secretary of the District to Certify Such Levy to the Board of Commissioners of Larimer County. (staff: Mike Beckstead; 2 minute staff presentation; 5 minute discussion)

The sum of \$24,615 is anticipated to be collected from the mill levy of 10.0 mills for fiscal year 2013. The total amount will be used in the future to maintain and repair roads in the Skyview subdivision.

4. Other Business.
5. Adjournment.