



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

January 15, 2013

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Declaring January 21, 2013 as Dr. Martin Luther King, Jr. Observation and Commemorative March Day.
- B. Proclamation Declaring February 20, 2013 as Ashley Dinger, Director of A Puppy's Voice Rescue, Day.

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:

- Ordinances 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 November 27, 2012 Adjourned Meeting and the December 4 and December 18, 2012 Regular Meetings.
7. Second Reading of Ordinance No. 150, 2012, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Property Interests Necessary to Construct Public Improvements Related to the Mason Corridor Bus Rapid Transit Project.

Mason Corridor Bus Rapid Transit (MAX BRT) Project staff has identified two additional real estate acquisition interests which are necessary to construct the MAX BRT Project. 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. This Ordinance, unanimously adopted on First Reading on December 18, 2012, authorizes the use of eminent domain for the MAX Project, if necessary, and only if good faith negotiations break down.

8. Postponement of Second Reading of Items Relating to the 2012 Streets and Stormwater Site Development Initiatives to February 5, 2013.
 - A. Second Reading of Ordinance No. 151, 2012, Adopting an Update to Appendix C of the Larimer County Urban Area Street Standards Pertaining to "Streetscape Standards" for the City of Fort Collins.
 - B. Second Reading of Ordinance No. 152, 2012, Amending Chapter 26 of the City Code and the Fort Collins Stormwater Criteria Manual to Incorporate Provisions Implementing Low Impact Development Principles.

Staff is requesting postponement of Second Reading of these Ordinances to February 5, 2013, in order to allow time to further explore methods as to what process and/or approval methods should be required in order for individual property owners to change landscaping in the parkways adjacent to their homes.

9. First Reading of Ordinance No. 001, 2013, Appropriating Unanticipated Grant Revenue in the Recreation Fund for the Vida Sana Program.

The Recreation Division was awarded a seven month sub-grant from the Coalition for Activity and Nutrition to Defeat Obesity (CANDO) in the amount of \$54,052. The Recreation Division will utilize these funds to hire a part-time program coordinator, two bilingual program staff and to fund program participant admissions to the Northside Atzlan Community Center.

10. First Reading of Ordinance No. 002, 2013, Appropriating Unanticipated Grant Revenue and Prior Year Reserves in the General Fund for the Restorative Justice Program.

A grant in the amount of \$30,000 has been received from the Colorado Division of Criminal Justice (DCJ) Juvenile Accountability Incentive Block Grants (JAIBG) 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 caused 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.

11. First Reading of Ordinance No. 003, 2013, Appropriating Unanticipated Grant Revenue in the General Fund for the Police Services Victim Services Unit.

The Fort Collins Police Services Victim Services Unit has been awarded a 12-month grant in the amount of \$32,000 for the period from January 1, 2013 to December 31, 2013, by the Eighth Judicial District Victim Assistance and Law Enforcement (VALE) Board to help fund services provided by this team. This grant will fund part of the salary for the victim advocate who provides crisis intervention services during weekday hours and is housed in the Victim Services office. These funds will also pay for some of the operational expenses needed to provide 24-hour a day, 7-day a week services to victims of crime in the community.

12. First Reading of Ordinance No. 004, 2013, Authorizing the Lease of City-owned Property at 208 North Howes Street and a Portion of 230 Laporte Avenue for up to Five Years.

This Ordinance will authorize a lease of City-owned property located at 208 North Howes Street and a portion of 230 Laporte Avenue for up to five years.

13. First Reading of Ordinance No. 005, 2013, Approving a Fifth Amendment to the Fort Collins-Timnath Intergovernmental Agreement Regarding Cooperation on Annexation, Growth Management, and Related Issues, Extending the Deadlines for the City and Town to Amend Their Growth Management Area Boundaries.

On February 17, 2009, the City of Fort Collins and the Town of Timnath entered into an intergovernmental agreement regarding annexations, growth management, and related issues. The agreement resolved certain differences that had arisen between the City and Town concerning a variety of planning and growth management issues. The agreement set one-year deadlines for the parties to amend their Growth Management Area boundaries and for Timnath to exercise an option to purchase the Vangbo property from the City. In early 2010, the parties approved an amendment to this intergovernmental agreement that extended the deadlines for approval of the Fort Collins GMA and for Timnath to decide whether to exercise its option. In early 2011, a second amendment was approved by the City and Timnath that extended the deadline for the parties to amend their Growth Management boundaries and deleted all references to Timnath's possible purchase of the Vangbo property because Timnath decided not to move forward with the purchase. In late February 2012, a third amendment was approved by the City and Timnath that extended the deadline for the parties to amend their Growth Management boundaries. Another extension is needed, and Ordinance No. 005, 2013, will extend the period of time within which the parties' Growth Management Area boundaries are to be amended for an additional six months. . If the City Manager and the Timnath Town Manager decide that additional time is needed to complete the boundary amendments, and if they also agree that both municipalities have been working diligently to accomplish the amendments, they can agree to additional extensions without having to bring the matter back to their governing bodies.

14. Items Relating to the Hansen Farm Annexation and Zoning.

- A. Resolution 2013-001 Setting Forth Findings of Fact and Determinations Regarding the Hansen Annexation.
- B. Hearing and First Reading of Ordinance No. 006, 2013, Annexing Property Known as the Hansen Annexation.
- C. Hearing and First Reading of Ordinance No. 007, 2013, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included In the Hansen Annexation to the City of Fort Collins, Colorado .

The applicant and property owner, HTC, LLC (McWhinney), has submitted a written petition requesting annexation of 69.42 acres into the City, located on the west side of Timberline Road, approximately 1.5 miles south of Harmony Road. The property, formerly a farm, is primarily vacant with the exception of a farmhouse (single-family dwelling). It is in the FA1 – Farming Zone District in Larimer County. The requested zoning for this annexation is NC – Neighborhood Commercial (6.33 acres), MMN – Medium Density Mixed-Use Neighborhood (16.69 acres), and LMN – Low Density

Mixed-Use Neighborhood (46.40 acres). The surrounding properties are currently zoned FA1 - Farming in Larimer County to the south, east and west; beyond which, to the west, is the Union Pacific Railroad and the Southridge Golf Course and, to the south, is LMN – Low Density Mixed-Use Residential and MMN – Medium Density Mixed-Use Neighborhood; RL – Low Density Residential and LMN – Low Density Mixed-Use Residential to the north in the City.

15. Items Relating to Public Service Company of Colorado's Request for Utility Easements and Temporary Construction Easements Across Four Natural Areas Owned by the Natural Areas Department to Construct, Operate, and Maintain Approximately 2.6 Miles of High Pressure Gas Pipeline.

- A. First Reading of Ordinance No. 008, 2013, Authorizing the Conveyance of a Non-Exclusive Utility Easement and a Temporary Construction Easement on Coyote Ridge Natural Area to Public Service Company of Colorado.
- B. First Reading of Ordinance No. 009, 2013, Authorizing the Conveyance of an Exclusive Utility Easement, a Non-Exclusive Utility Easement, and a Temporary Construction Easement on Colina Mariposa Natural Area to Public Service Company of Colorado.
- C. First Reading of Ordinance No. 010, 2013, Authorizing the Conveyance of a Non-Exclusive Utility Easement and a Temporary Construction Easement on Hazaleus Natural Area to Public Service Company of Colorado.
- D. First Reading of Ordinance No. 011, 2013, Authorizing the Conveyance of Two Non-Exclusive Utility Easements on Kingfisher Point Natural Area to Public Service Company of Colorado.

Public Service Company of Colorado (PSCo), an Xcel Energy company, is requesting easements within four Natural Areas owned by the City of Fort Collins Natural Areas Department (NAD) to construct, operate, and maintain approximately 2.6 miles of high pressure gas pipeline. The proposed project is part of the larger West Main Natural Gas Pipeline Replacement Project (West Main Project) that encompasses Larimer, Weld, and Boulder Counties. The project will replace an existing eight inch gas pipeline that is 83 years old and at the end of service life with a 16 inch high pressure gas pipeline.

The proposed project will traverse the city north to south and will impact the road surface and traffic along Shields Street, Horsetooth Road, and Timberline Road.

As proposed, approximately 2.6 miles of the gas transmission pipeline will require new easements to cross four City Natural Areas: Coyote Ridge, Colina Mariposa, Hazaleus, and Kingfisher Point. Existing easements for the gas pipeline are located within Kingfisher Point and portions of Coyote Ridge. The portion of the pipeline to be constructed within NAD properties will affect approximately 31 acres. All areas impacted by the proposed project will be restored as outlined in NAD's Resource Protection Standards. Existing vegetation not otherwise avoided by boring is dominated by non-native grasslands that have low resource value. Restoration of the alignment will utilize only native grasses and forbs.

PSCo recognizes the impacts this project will have on the City of Fort Collins streets and traffic and on the Natural Areas. PSCo is offering \$2,000,000 as mitigation for the impacts and as compensation for the easements across the four natural areas. Additionally, PSCo is offering "in kind" projects and services as additional compensation valued by PSCo at approximately \$650,000. If the Natural Area easements are not granted, PSCo will construct the pipeline in the street right-of-way which would have greater impacts on traffic, on the street infrastructure and on the ease and safety of future maintenance work due to the proximity to other utilities in the street right-of-way.

The \$2,000,000 in mitigation funds, which includes \$166,362 in compensation to Natural Areas, may be used to fund the construction of a 10 foot wide concrete regional trail along the east side of Shields Street from Fossil Creek Drive south towards Loveland across natural areas that are being disturbed due to the gas line project or the City Council may decide to use the funds for other purposes. If

Council decides to use the funds for other purposes, Natural Areas would legally need to receive the \$166,362 in compensation.

16. First Reading of Ordinance No. 012, 2013, Authorizing the Conveyance of a Non-Exclusive Utility Easement and a Temporary Construction Easement on City Utility Property to Public Service Company of Colorado.

Public Service Company of Colorado (“PSCo”), has planned the West Main High Pressure Natural Gas Line Replacement Project to install an underground 16-inch high pressure gas transmission pipe from southwest Loveland north through Fort Collins to Vine Street. As part of this Project, PSCo is requesting a utility easement and a temporary construction easement across the eastern portion of two properties owned by the City for stormwater purposes located adjacent to McClelland Drive. Construction of the pipeline will occur during a similar timeframe as the construction of the MAX BRT improvements within McClelland Drive. The majority of the pipeline will be bored underneath the City property to avoid above-grade disturbances.

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.

a. Mason Minute.

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.

21. Resolution 2013-002 Adopting "The Parking Plan: Downtown and Surrounding Neighborhoods" as an Element of the City's Comprehensive Plan and Adopting Related Changes to the Transportation Master Plan. (staff: Timothy Wilder, Randy Hensley; 10 minute staff presentation; 30 minute discussion)

The Parking Plan: Downtown and Surrounding Neighborhoods (the Plan) updates City parking policies contained in the adopted 2004 Downtown Strategic Plan. The Plan provides a vision for a comprehensive and integrated parking program, evaluates existing conditions, identifies key parking issues, and proposes principles, policies and action items on a variety of parking topics. The Plan will serve as a guide for addressing long-term parking issues by City staff, City Council, and the community.

22. Items Relating to Medical Marijuana. (staff: Ginny Sawyer, Peter Barnes; 5 minute staff presentation; 20 minute discussion)

- A. Second Reading of Ordinance No. 142, 2012, Repealing and Reenacting Chapter 15, Article XVI of the City Code in Accordance with a Voter Approved Citizen-Initiated Ordinance Governing the Licensing, Number, Location and Operation of Medical Marijuana Businesses.
- B. Second Reading of Ordinance No. 143, 2012, Amending the Land Use Code in Accordance with a Voter Approved, Citizen-Initiated Ordinance Governing the Licensing, Number, Location and Operation of Medical Marijuana Businesses.

These ordinances are being presented to Council as a result of the passage of a citizen-initiated measure, Measure 301, on November 6, 2012. The stated purpose of Measure 301 is to strictly regulate, control, and permit a limited number of state-authorized medical marijuana businesses within the City of Fort Collins. Both Ordinances were adopted on First Reading on December 4, 2012 by vote of 5-1 (Nays: Troxell).

Ordinance No. 142, 2012, repeals the sections of Chapter 15 of the City Code that were enacted to ban such businesses and replaces those sections with Measure 301.

Ordinance No. 143, 2012, addresses changes specific to the Land Use Code that are also necessary to implement Measure 301. On February 21, 2012, the City Council adopted Ordinance No. 010, 2012, which deleted all references in the Land Use Code to medical marijuana businesses, disallowing any medical marijuana businesses in any zone district within the city limits. In order to fully implement Measure 301, it is necessary to put the previous references to such businesses back into the Land Use Code, thereby once again allowing those businesses in certain zone districts.

23. Second Reading of Ordinance No. 153, 2012, Designating the Whitcomb Street Historic District as a Fort Collins Landmark District, Pursuant to Chapter 14 of the City Code. (staff: Karen McWilliams; 5 minute staff presentation; 20 minute discussion)

This Ordinance, adopted on First Reading on December 18, 2012 by a vote of 5-1 (Nays: Troxell), will designate the Whitcomb Street Historic District as a Landmark District. The proposed District contains 14 properties and is generally bound on the north by Mountain Avenue, on the south by Oak Street, and by alleys on the east and west sides.

Owners of ten of the 14 properties have consented in writing to establishment of the Whitcomb Street Historic District, desiring to protect their investments from redevelopment activities and to become eligible for financial programs available to historic properties. Owners of four properties are in opposition to the district, preferring to not have additional restrictions placed on their properties, including review of exterior alterations or demolitions.

24. Second Reading of Ordinance No. 154, 2012, Amending Article IV of Chapter 15 of the City Code Relating to Door-to-Door Solicitations (Option A or Option B). (staff: Jessica Ping-Small, Jim Szakmeister; 5 minute staff presentation; 15 minute discussion)

Ordinance No. 060, 2011, which took effect on May 27, 2011, established a permit system regulating residential door-to-door solicitation. The City's goal in regulating door-to-door solicitation was to help

protect the safety and privacy of residents in their dwellings. However, certain aspects surrounding an out-of-state solicitation vendor in the summer of 2012 raised questions about the ordinance. This Ordinance, adopted on First Reading on December 18, 2012 by a vote of 5-1 (Nays: Troxell), amends various provisions of Chapter 15, Article IV of the City Code to ensure that the permit system is working properly and effectively, and will allow staff to respond quickly and efficiently to violations of the Ordinance.

The Ordinance as presented on First Reading was amended by the Council to eliminate a proposed provision that would have enabled the owners of properties that have multiple dwelling units to prohibit solicitations at the entire property by posting a no solicitation or no trespassing sign at or near all entrances to the building that front on a public street or right-of-way. Council then directed staff to prepare two options dealing with this issue for Council's consideration on Second Reading. The first of these options (Options A) would leave the Code silent as to whether such signs must be posted by the property owner or the individual occupants in order to prohibit solicitations at such buildings. The second option (Option B) would specify that the individual occupants of a multi-family dwelling would need to post a sign if they want to prohibit solicitations. Because staff believes that the issue should be clarified in the Code, it recommends Option B.

25. Second Reading of Ordinance No. 155, 2012, Amending Section 2-483 of the City Code so as to Make the Conflict of Interest Provisions Contained in Article IV, Section 9 of the City Charter Applicable to the Members of the Board of Commissioners of the Fort Collins Urban Renewal Authority. (staff: Steve Roy; no staff presentation; 5 minute discussion)

This Ordinance adopted on First Reading on December 18, 2012 by a vote of 5-1 (Nays: Weitkumat) amends the City Code so that the ethical rules that apply to the City Council will also apply to the URA Board of Commissioners. The City Council Ethics Review Board has recommended this change since, in Fort Collins, the URA Board consists of the members of the City Council itself.

26. Hearing and Resolution 2013-003 Making Findings Ratifying and Confirming the Approval of the Midtown Urban Renewal Plan, Including the Use of Tax Increment Financing in a Portion of the Urban Renewal Area, And Ratifying and Confirming the Authorization to Acquire Real Property by Eminent Domain for Subsequent Transfer to a Private Party. (staff: Bruce Hendee, Josh Birks, Megan Bolin; 10 minute staff presentation; 45 minute discussion)

Agenda materials for this item will be provided before Tuesday, January 15, 2013.

27. Consideration of Citizen-Pulled Consent Items.
28. Other Business.
29. 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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**URBAN RENEWAL AUTHORITY
BOARD OF COMMISSIONERS MEETING
January 15, 2013
(after the Regular Council Meeting)**

1. Call Meeting to Order.
2. Roll Call.
3. Agenda Review:
 - Executive Director's Review of Agenda.
 - Consent Calendar Review.

This Review provides an opportunity for the Board 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.

- Board opportunity to pull Consent Calendar items.
(will be considered under Item No. 11)
 - Citizen opportunity to pull Consent Calendar items.
(will be considered under Item. No. 13)
4. CITIZEN PARTICIPATION

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- 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 Secretary
- Address your comments to Council, not the audience

5. CITIZEN PARTICIPATION FOLLOW-UP

This is an opportunity for the Chairperson and Commissioners to follow-up on issues raised during Citizen Participation.

CONSENT CALENDAR

The Consent Calendar consists of Items 6 through 7. This Calendar is intended to allow the Urban Renewal Authority Board 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 resolutions of no perceived controversy and routine administrative actions.

6. Consideration and Approval of the Minutes of the November 8 and November 20, 2012 Urban Renewal Authority Meetings.
7. Resolution No. 049 Ratifying and Confirming the Redevelopment Agreement between the Fort Collins Urban Renewal Authority and RMI2 Properties, LLC, As Signed by the Executive Director on October 1, 2012.

The Urban Renewal Authority (Authority) Board is being asked to ratify and confirm changes to the Redevelopment Agreement between the Authority and and RMI2 Properties, LLC, for the Rocky Mountain Innosphere project, as approved by the Executive Director and City Attorney and signed and executed on October 1, 2012.

END CONSENT

8. Consent Calendar Follow-up.

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

9. Staff Reports.
10. Commissioner Reports.
11. Consideration of Board-Pulled Consent Items.

DISCUSSION ITEMS

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- Staff presentation (optional)
- Chairperson requests citizen comment on the item (five-minute limit for each citizen)
- Board questions of staff on the item
- Board motion on the item
- Board discussion
- Final Board comments
- Board vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Chairperson, to ensure all citizens have an opportunity to speak. **Please sign in at the table in the back of the room.** The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

No Discussion Items are scheduled.

13. Consideration of Citizen-Pulled Consent Items.
14. Other Business.
15. Adjournment.