



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

February 19, 2013

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Declaring February 17-23, 2013 as National Engineers Week.
- B. Proclamation Declaring February 24-March 2, 2013 as Peace Corps 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. 25)
- Citizen opportunity to pull Consent Calendar items.
(will be considered under Item. No. 30)

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.

Speakers are asked to:

- State your name and address for the record.
- Keep comments brief; if available, provide a written copy of statement to City Clerk.
- Address your comments to Council, not the audience.
- Promptly cease your comments when the allotted time expires.
- You may not yield part or all of your time to another and another speaker will not be credited with time requested but not used by you.
- Applause, outbursts or other demonstrations by the audience are not allowed

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 21. 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. Second Reading of Ordinance No. 013, 2013, Appropriating Unanticipated Grant Revenue into the Capital Projects Fund for the Building on Basics Intersection Improvements and Traffic Signals Project for Timberline Road and Horsetooth Road Intersection Improvements.

The City has received a federally funded grant through the North Front Range Metropolitan Planning Organization, category Congestion Mitigation and Air Quality, for operational and safety improvements at the Timberline Road and Horsetooth Road intersection. This Ordinance, unanimously adopted on First Reading on February 5, 2013, appropriates unanticipated federal grant revenue into the City of Fort Collins Building on Basics Intersection Improvements and Traffic Signals Fund for design, right-of-way acquisition and construction of the dedicated right turn lane from southbound Timberline Road to westbound Horsetooth Road.

7. Second Reading of Ordinance No. 014, 2013, Amending the Land Use Code Regarding Trees and Correcting a Cross-Referencing Error.

This Ordinance, unanimously adopted on First Reading on February 5, 2013, amends the Land Use Code to mitigate for additional tree species, amend the tree mitigation radius, mitigate for cotton-bearing cottonwood trees and seed-bearing boxelder trees, and correct a cross-referencing error in the Land Use Code.

8. Second Reading of Ordinance No. 015, 2013 Authorizing the Extension of the Purchasing Card Services Agreement with UMB Bank for an Additional Five Year Period.

In 2007, the City and Poudre School District did a cooperative request for proposal process for Procurement Card (PCard) Services. The solicitation was for a five-year period with an option to renew for an additional five years with the approval of City Council. This cooperative bid was also open for participation of other governmental entities. Each entity contracts separately with the selected bank but shares in the value of the combined spending and services offered by the bank (UMB Bank). Participation in this cooperative contract has grown from the original 2 to over 70 governmental agencies in Colorado. The participants in the cooperative combine their volume of purchases which results in a higher rebate to each participant based on their individual volume of purchases. The City's estimated 2013 rebate amount is over \$130,000. This Ordinance, unanimously adopted on First Reading on February 5, 2013, authorizes the extension of the contract with UMB Bank until March 2017.

9. Second Reading of Ordinance No. 016, 2013, Authorizing the Lease of City-Owned Property at 6916 South College Avenue for up to Five Years.

This Ordinance, unanimously adopted on First Reading on February 5, 2013, authorizes the lease of this 17+ acre property, which is part of the Affordable Housing/Land Bank Program, located at 6916 South College Avenue, as a ground lease for another five year period. This lease is for land only and does not allow use of City-owned water on the property.

10. Second Reading of Ordinance No. 017, 2013, Designating the Zimmerman Property, 712 Dartmouth Trail, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

This Ordinance, unanimously adopted on First Reading on February 5, 2013, designates the Zimmerman Property, 712 Dartmouth Trail, as a Fort Collins Landmark. The property owners, Jason Franikowski and Jennifer Haussmann, are initiating this request.

11. Second Reading of Ordinance No. 018, 2012, Designating the Crose-Scott-Dickey House and Attached Garage, 618 West Mountain Avenue, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

This Ordinance, unanimously adopted on First Reading on February 5, 2013, designates the Crose-Scott-Dickey House and Attached Garage, 618 West Mountain Avenue, as a Fort Collins Landmark. The property owners, William and Kathleen Whitley, are initiating this request.

12. Second Reading of Ordinance No. 019, 2013, Designating the Olyn and Ann Price Property, 1509 Westview Avenue, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

This Ordinance, unanimously adopted on First Reading on February 5, 2013, designates the Olyn and Ann Price Property, 1509 Westview Avenue, as a Fort Collins Landmark. The property owner, Anne C. Colwell, is initiating this request.

13. Second Reading of Ordinance No. 020, 2013, Amending Section 2-35 of the City Code with Regard to the Removal of Persons from City Council Meetings.

This Ordinance, unanimously adopted on First Reading on February 5, 2013, amends City Code to allow the presiding officer of a City Council meeting or City Council committee meeting to order the removal of any person who significantly and intentionally disrupts such meeting by failing to comply with the requirements of the presiding officer in maintaining order during the meeting.

14. Items Relating to Animal Control.

A. Second Reading of Ordinance No. 021, 2013, Amending Chapter 4, Article II and Chapter 19, Article V of the City Code so as to Decriminalize Certain Offenses Related to the Care and Keeping of Animals.

B. Second Reading of Ordinance No. 022, 2013, Making Certain Amendments to Chapter 4, Article II, of the City Code.

Ordinance No. 021, 2013 amends Chapter 4, Article II of the City Code to decriminalize all offenses related to the care and keeping of animals, except for the vicious, dangerous, public nuisance, and cruelty sections, to provide better, more responsive customer service. The changes in the Animal Protection and Control (APC) protocol would ensure responsiveness and flexibility to citizen concerns and complaints. City staff recommends transferring the management of the APC contract from Police Services to Neighborhood Services. These changes will enable the City to make progress in addressing the issues of barking dogs and other animal nuisances in the community.

Ordinance No. 022, 2013, clarifies the licensing and rabies vaccinations requirements, and adds a numerical distinction of 80 degrees Fahrenheit to indicate when it is illegal to confine an animal within a parked vehicle. As requested by Council at First Reading, language has been added to this Code section to provide clarity regarding when a violation exists. These Ordinances were unanimously adopted on First Reading on February 5, 2013.

15. Postponement of Second Reading of Ordinance No. 023, 2013, Amending the City Code to Prohibit the Disposal of Cardboard in the Community's Waste Stream and to Amend Requirements for Recycling Applicable Solid Waste Collection to March 19, 2013.

Staff is requesting postponement of Second Reading of this Ordinance to March 19 to develop an Implementation Plan, detailing how the Ordinance will be carried out during the first twelve months.

16. Postponement of Items Relating to the Planned Development Overlay District Pilot to February 26, 2013.

A. Second Reading of Ordinance No. 024, 2013, Amending the Land Use Code by the Addition of a Temporary Planned Development Overlay Zone District.

B. Second Reading of Ordinance No. 025, 2013, Amending the Land Use Code to Add or Clarify Certain "General Standards" and "Purpose" Statements Related to the Planned Overlay Development District.

Staff is requesting postponement of Second Reading of these Ordinances to February 26, 2013 to allow the Planning and Zoning Board to consider the addition of properties into the pilot boundaries.

17. First Reading of Ordinance No. 026, 2013, Appropriating Prior Year Reserves and Unanticipated Revenue in Various City Funds and Authorizing the Transfer of Appropriated Amounts Between Funds for the Art in Public Places Program.

In 2012, Article XII of Chapter 23 of the City Code relating to Art in Public Places (APP) was amended by Ordinance No. 078, 2012. Part of those changes included an administrative policy change to move APP art projects from lapsing to non-lapsing capital project accounts to improve the accountability and transparency of APP projects. This Ordinance will complete that process by moving all reserved APP funds as of December 31, 2012 to new non-lapsing capital project accounts or to a lapsing administration and maintenance account.

18. Items Relating to the North College Improvements Project - Conifer Street to Willox Lane.

- A. First Reading of Ordinance No. 027, 2013, Authorizing the Acquisition by Eminent Domain of Certain Lands Necessary to Construct Public Improvements in Connection with the North College Improvements Project – Conifer to Willox.
- B. First Reading of Ordinance No. 029, 2013, Authorizing the Conveyance of Parcels of Real Property on North College Avenue to the Colorado Department of Transportation.

The North College Improvements Project – Conifer to Willox is a multimodal improvement project that extends from Conifer Street to Willox Lane. This project will construct improvements in accordance with the City of Fort Collins North College Corridor Plan and the US 287/SH 14 Access Management Report. The project is planned to begin construction in 2014, addressing the remaining section of the North College Corridor. The project budget consists of both federal and local funds. To construct these improvements, the City will need to acquire certain lands adjacent to the project area. The acquisitions include both rights-of-way and permanent and temporary easements. Timely acquisition of the property is necessary to meet the anticipated construction schedule. This project is one of the highest ranked roadway projects in the City's Capital Improvements Plan.

19. Items Relating to the Removal of Signs.

- A. First Reading of Ordinance No. 030, 2013, Making Certain Amendments to Chapter 17, Article III, Section 17-42 of the City Code Regarding Signs in the Right-of-Way.
- B. First Reading of Ordinance No. 031, 2013, Amending the Land Use Code Regarding the Removal of Election Signs.

Ordinance No. 030, 2013, amends City Code Section 17-42 to eliminate the 24-hour notification requirement that the City must provide before removing signs that are illegally placed in the right-of-way. It also recommends providing notice to the business or entity identified on the sign after its removal, and holding the sign for ten (10) days to allow the owner the opportunity to retrieve the sign before disposal, unless the sign is insignificant in value or it advertises or promotes an event or activity that has already occurred. Also recommended is the ability for staff to immediately dispose of the sign if it is a repeat violation within a 12-month period. This section applies to all signs placed in the right-of-way.

Ordinance No. 031, 2013, amends Section 3.8.7(L)(1) of the City's Land Use Code to extend the length of time allowed to remove election signs from private property from four (4) days after an election to five (5) days after an election. This section applies only to election signs on private property.

20. Resolution 2013-009 Adopting the Recommendations of the Cultural Resources Board Regarding Fort Fund Disbursements.

The Cultural Development and Programming and Tourism Programming accounts (Fort Fund) provide grants to fund community events. This Resolution will adopt the recommendations from the Cultural Resources Board to disburse these funds.

21. Resolution 2013-010 Making an Appointment to the Natural Resources Advisory Board.

This Resolution fills a vacancy on the Natural Resources Advisory Board.

END CONSENT

22. Consent Calendar Follow-up.

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

23. Staff Reports.

24. Councilmember Reports.

25. 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.

26. Items Relating to a Ban of Hydraulic Fracturing and Certain Storage of Waste within the City. (staff: Laurie Kadrach, Dan Weinheimer; 15 minute staff presentation; 90 minute discussion)

- A. First Reading Ordinance No. 032, 2013 Amendment to the City Code Which Would Impose a Ban on Hydraulic Fracturing and Certain Storage of Waste within the City (Operator Agreement in place).

OR

Resolution 2013-011 Submitting to the Registered Electors of the City a Proposed Amendment to the City Code Which Would Impose a Ban on Hydraulic Fracturing and Certain Storage of Waste Within the City.

AND

- B. Resolution 2013-012 Requesting Statutory Power to Regulate Oil and Gas Exploration and Production, Supporting the City of Longmont in its Litigation with the State of Colorado Concerning the Regulation of Oil and Gas Exploration and Production and Authorizing Negotiations with Larimer County Regarding Oil and Gas Regulations in the City's Growth Management Area.

Staff also requests Council direction regarding which option(s) to prepare for future Council consideration regarding City-owned lands outside the city limits.

On February 5, 2013, City Council directed staff to prepare City Code changes prohibiting the use of hydraulic fracturing, and limiting the open pit storage of waste or flowback created in connection with the fracturing process in the city limits. Those changes are reflected in the proposed Ordinance No. 032, 2013. If no action is taken on Ordinance No. 32, 2013, staff prepared an optional resolution for Council to consider:

- Resolution 2013-011 Submitting to the Registered Electors of the City a Proposed Amendment to the City Code Which Would Impose a Ban on Hydraulic Fracturing and Certain Storage of Waste With the City (Operator Agreement in place).

In addition to the options presented banning hydraulic fracturing, staff developed Resolution 2013-012:

- requesting the Governor and Attorney General support the Colorado General Assembly in enacting legislation that will explicitly grant power for home rule cities in the State of Colorado to regulate oil and gas exploration and production within municipal boundaries
- supporting the City of Longmont in its litigation with the State of Colorado concerning the power of home rule cities to regulate the exploration for and production of oil and gas development
- directing negotiation with the Board of Commissioners of Larimer County for the establishment of County regulations on oil and gas exploration outside the City, but within the Fort Collins Growth Management Area.

27. First Reading of Ordinance No. 033, 2013, Making Amendments to the City of Fort Collins Land Use Code Pertaining to Implementation of the Eastside and Westside Neighborhoods Character Study (Option A or Option B). (staff: Pete Wray, Sherry Albertson-Clark; 10 minute staff presentation; 90 minute discussion)

The Eastside and Westside Neighborhoods Character Study represents an assessment of neighborhood compatibility issues related to impacts of larger new construction projects. In comparison to the previous 2010/2011 Study, which focused on building size impacts, this Study takes a broader look at the character and context of the neighborhoods including building size and design compatibility.

Staff has prepared two options for Council to consider for the proposed package of potential Land Use Code (LUC) amendments to be included in the Ordinance at First Reading.

- Option A reflects a package of Land Use Code amendments implementing five recommended strategy options as well as a revision of existing FAR standards using a new formula.
- Option B reflects a package of Land Use Code amendments implementing five recommended strategy options, but does not include a revision to existing FAR standards.

28. Resolution 2013-013 Adopting the Student Housing Action Plan. (staff: Beth Sowder, Laurie Kadrich, Seth Lorson; 10 minute staff presentation; 45 minute discussion)

At the direction of City Council and with the adoption of City Plan, staff initiated a Student Housing Action Plan (SHAP or the Plan) project to address the increasing need for multi-family student housing and the potential negative impacts to and compatibility concerns of existing single-family

neighborhoods. The project has involved working with Colorado State University (CSU), Front Range Community College (FRCC), neighbors, students, developers, and other stakeholders to identify strategies and recommend action items.

The feedback received throughout the public engagement process drove the development of the proposed action items within the Plan. The Plan provides a mechanism to achieve the mission of SHAP by identifying needs and concerns, evaluating existing conditions and future projections, and proposing action items on a variety of housing and behavioral issues related to student housing. The Plan will serve as a guide for addressing student housing issues by City staff, City Council, and the community.

29. Items Relating to the 2012 Streets and Stormwater Site Development Initiatives. (staff: Pete Wray, Clark Mapes, Basil Hamdan; 5 minute staff presentation; 30 minute discussion)

- 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.

Ordinance No. 151, 2012 replaces the City of Fort Collins Streetscape Design Standards & Guidelines document with a new version entitled "City of Fort Collins Streetscape Standards". Ordinance No. 152, 2012 updates the City's Low Impact Development Criteria and Policy regarding the control and treatment of stormwater runoff from streets and site development. Both Ordinances were unanimously adopted on First Reading on December 18, 2012.

The Streetscape Standards guide the treatment of parkway strips (between the curb and sidewalk), medians, intersections, roundabouts, and key gateway intersections. For the new Streetscape standards document, staff is proposing minor text revisions for Second Reading. One of the revisions requires Council consideration of three options regarding parkway landscaping by homeowners in certain circumstances. Other revisions are clarifying edits.

The Low Impact Development (LID) Criteria and Policy addresses the City's requirements and incentives for more distributed stormwater runoff management and control which relies mainly on filtration and infiltration to treat and manage the stormwater runoff. This approach will apply to private site development projects as well as to public street projects. Ordinance No. 152, 2012, has been revised on Second Reading to improve the clarity of the description of LID Criteria requirements.

30. Consideration of Citizen-Pulled Consent Items.

31. Other Business.

32. Adjournment.

- a. Motion to Adjourn Meeting to 6:00 p.m., Tuesday, February 26, 2013.

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.