



Karen Weitkunat, Mayor
Gerry Horak, District 6, Mayor Pro Tem
Bob Overbeck, District 1
Lisa Poppaw, District 2
Gino Campana, District 3
Wade Troxell, District 4
Ross Cunniff, District 5

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 3, 2013

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Declaring September as Suicide Awareness Month.
- B. Proclamation Declaring September as Hunger Action Month.
- C. Proclamation Declaring September 14, 2013 as Historic Homes Tour 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. 26)
- 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 22. 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. Postponement of Second Reading of Ordinance No. 094, 2013, Authorizing the Lease of City-Owned Property at 212 Laporte Avenue to Feeding Our Community Ourselves, Inc. for Up to Five Years to November 15, 2013.

This Ordinance, unanimously adopted on First Reading on July 16, 2013, authorizes a lease for City-owned property at 212 Laporte Avenue to Feeding Our Community Ourselves, Inc. to house a non-profit café with a minimal food processing facility. Staff is requesting postponement of Second Reading to November 15, 2013, to allow more time for the City and the prospective tenant to mutually agree to the lease terms of the lease agreement, based on the timing of deconstruction of 212 Laporte Avenue per the City's Block 32 Master Plan. The Block 32 Master Plan will be presented to City Council at the October 8, 2013 Work Session.

7. Second Reading of Ordinance No. 110, 2013, Appropriating Unanticipated Grant Revenue in the General Fund for the Restorative Justice Program.

The purpose of this item is to appropriate grant money to fund Restorative Justice Services within Community Development and Neighborhood Services.

Ordinance No. 110, 2013, unanimously adopted on First Reading on August 20, 2013, appropriates a grant in the amount of \$45,000 from the Colorado Division of Criminal Justice (DCJ) Juvenile Diversion fund for salaries associated with the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program (RJCP) for all other offenses.

8. Second Reading of Ordinance No. 111, 2013, Appropriating Unanticipated Revenue in the General Fund for Building Remodel Costs at 281 North College Avenue.

The purpose of this Ordinance, unanimously adopted on First Reading on August 20, 2013, is to appropriate unanticipated building permit and plan check fee revenues to facilitate co-location efforts for Community Development and Neighborhood Services (CDNS) staff.

9. Second Reading of Ordinance No. 112, 2013, Appropriating Unanticipated Grant Revenue into the Transportation Services Fund for the Safe Routes to School Program and Transferring Appropriations in the Keep Fort Collins Great Fund from the Operating Budget to the Grant Program.

The purpose of this Ordinance is to request appropriation of unbudgeted funds received through a grant for the Safe Routes to School Program.

This Ordinance, unanimously adopted on First Reading on August 20, 2013, appropriates a federal grant in the amount of \$22,700, through the Colorado Department of Transportation (CDOT) for the 2013–14 Safe Routes to School (SRTS) program. This funding will allow the City's Safe Routes to School Program (administered and staffed by FC Moves) to enhance its pedestrian and bicycle safety education programs.

10. Second Reading of Ordinance No. 113, 2013, Authorizing the City Manager to Extend the Term of the Agreement Between the City and Kubra Data Transfer for Utilities Electronic Customer Billing Software.

The purpose of this item is to request a one-year extension of the contract for Fort Collins Utilities' e-Bill vendor, from October 23, 2013, to October 23, 2014, with the option to extend for additional one year periods not to exceed four additional one-year renewals.

This Ordinance, unanimously adopted on First Reading on August 20, 2013, authorizes an extension that will give the Fort Collins Utilities staff time to complete necessary research and development for future e-Bill services, as well as support alignment of customer interface services related to advanced meters and related customer software systems.

11. Second Reading of Ordinance No. 114, 2013, Amending the Definition of Large Base Industry as Contained in Article 5 of the Land Use Code.

This Ordinance, unanimously adopted on First Reading on August 20, 2013, amends the definition of *Large Base Industry* in the Land Use Code to expand the types of firms that may qualify beyond manufacturing to also include firms that provide products or services for local and regional users that are not manufactured but are of comparable economic value to manufactured goods, or by establishing corporate offices.

12. Second Reading of Ordinance No. 115, 2013, Extending Ordinance No. 024, 2013, Which Amended the Land Use Code by the Addition of a Temporary Planned Development Overlay Zone District for One Additional Year.

The purpose of this item is to extend the pilot for the Planned Development Overlay District for one additional year.

This Ordinance, unanimously adopted on First Reading on August 20, 2013, provides for an additional twelve months for the Planned Development Overlay District (PDOD) pilot. The PDOD is a unique zoning mechanism designed to address the challenges of infill and redevelopment, blending the concepts of Planned Unit Developments (PUDs) and performance-based zoning. The pilot was originally established by Ordinance No. 024, 2013 and provided a six-month timeframe to accept PDOD development submittals; it is currently set to expire on September 9, 2013. However, Ordinance No. 024, 2013 provided City Council the ability to extend the pilot in the event that an insufficient number of PDOD projects were submitted. Since there have been no submittals and none are expected within the remaining month of the pilot, Council is asked to consider extending the pilot by an additional year.

13. Second Reading of Ordinance No. 116, 2013, Authorizing Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements in Connection with the Kechter Road and Timberline Road Intersection Improvements Project.

The purpose of this item is to obtain authorization from City Council to use eminent domain, if deemed necessary, to acquire property interests needed to construct improvements at the Kechter Road and Timberline Road intersection.

The Kechter Road and Timberline Road Intersection Improvements will construct interim safety and congestion mitigation improvements at the intersection. The project is planned to begin construction in the spring of 2014 and be completed within sixty (60) days. To construct these improvements, the City will need to acquire certain property interests adjacent to the project area. The acquisitions include right-of-way and a permanent easement from owners of the property at the southeast corner of the intersection. Timely acquisition of the property is necessary to meet the anticipated construction schedule. Staff fully intends to negotiate in good faith with the affected owners and is optimistic that all property negotiations can be completed prior to the start of the Project. Staff is requesting authorization of eminent domain for all property acquisitions for the Project only if such action is deemed necessary. This Ordinance was unanimously adopted on First Reading on August 20, 2013.

14. Second Reading of Ordinance No. 117, 2013, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements in Connection with the North College Improvements Project – Conifer to Willox Access Road.

The purpose of this item is to obtain authorization from City Council to use eminent domain, if deemed necessary, to acquire property interests needed to construct rear access road improvements associated with the North College Improvement Project – Conifer to Willox.

This project will construct an access road on the west side of College Avenue between Hickory Street and the mobile home park located at 1601 North College Avenue. To construct these improvements, the City will need to acquire certain property interests adjacent to the project area. The acquisitions include permanent easements and temporary easements. Timely acquisition of the property interests is necessary to meet the anticipated construction schedule. Staff fully intends to negotiate in good

faith with all affected owners and is optimistic that all property negotiations can be completed prior to the start of the Project. Staff is requesting authorization of eminent domain for all property acquisitions for the Project only if such action is deemed necessary. This Ordinance was unanimously adopted on First Reading on August 20, 2013.

15. Second Reading of Ordinance No. 118, 2013, Authorizing the Lease of City-owned Property at 328 West Mountain Avenue and 108 North Meldrum Street to Poudre Landmarks Foundation, Inc.

The purpose of this item is to continue leasing the Avery House and Carriage House.

This Ordinance, unanimously adopted on First Reading on August 20, 2013, authorizes the lease of the Avery House and the Carriage House, located at 328 West Mountain Avenue and 108 North Meldrum Street, respectively, to the Poudre Landmarks Foundation ("The PLF"). The term of the Lease is for fifteen (15) years, with a yearly lease payment of \$25, or \$375 for the full term of the lease. The PLF maintains the interior of the buildings and the City will continue to pay all utility costs, as budgeted.

16. First Reading of Ordinance No. 122, 2013, Authorizing the City Manager to Extend the Term of the Agreement Between the City and Mayo Foundation for Health Risk Assessment Software for the City's Wellness Program.

The purpose of this item is to request a one-year extension of the contract with the Mayo Foundation for Medical Education and Research (Mayo) to provide services associated with the assessment and management of existing and potential health risks of City employees from April 1, 2014 to March 31, 2015, with the option to extend for additional one (1) year periods not to exceed four (4) additional one-year renewals. This extension will allowed continued use of services provided by Mayo while staff assesses costs, benefits, services and other options associated with an Onsite Employee Medical Clinic and the potential to consolidate health risk assessment services now provided by Mayo with the Clinic.

17. First Reading of Ordinance No. 123, 2013, Expanding the Boundaries of the Fort Collins Downtown Development Authority and Amending the Plan of Development of the Authority.

This purpose of this item is to expand the boundaries of the Fort Collins Downtown Development Authority (DDA) and amend the Plan of Development of the Authority to include a commercially zoned property in the 800 block of Buckingham Street.

The property, which includes one parcel owned by Colorado Iron and Metal Inc. and one parcel owned by Odell Investments, LLC, is vacant land with no address.

18. First Reading of Ordinance No. 124, 2013, Authorizing a Patio Lease and Conveyance of an Access Easement on City Property to 201 S College, LLC.

The purpose of this item is to authorize the conveyance of a patio lease and a permanent access easement on Oak Street Plaza to the owners of the Old Post Office Building adjacent to the park.

201 S College, LLC is the owner of the lower level of the building located at 201 South College Avenue, also known as the Old Post Office Building. The building also houses the Museum of Contemporary Art on the main floor. The building is located directly adjacent to Oak Street Plaza Park. The owner of the lower unit of the building has requested a patio lease on a portion of the City property adjacent to the north side of their building in anticipation of leasing the unit as a restaurant. The lease area will be used by the unit owner and their tenant for dining and art display purposes only and will be limited to a 10-year term with an option to renew for up to two (2) additional 5-year terms. In addition, the owner has requested an access easement across the park leading from their north entrances out to College Avenue. This access easement will provide the owner and their tenant legal access in and out of the lower unit.

19. Resolution 2013-076 Amending the Master Street Plan as Related to the Crowne on Timberline Project.

The developer of the Crowne on Timberline project, which is in the vicinity of Timberline Road and Zephyr Road, has identified a street on the site plan as a collector street. The developer has requested the City add this collector street to the Master Street Plan, which requires an amendment through City Council action. Based on traffic analysis and planned connectivity in this area staff supports the addition of this collector to the Master Street Plan.

20. Resolution 2013-077 Authorizing the Purchasing Agent to Enter Into a Professional Services Agreement with McGladrey LLP, Certified Public Accountants, for Auditing Services.

The purpose of this item is to authorize the Purchasing Agent to enter into a professional services agreement with McGladrey LLP for auditing services.

A Request for Proposal (RFP) for audit services was issued to cover the next five years. The selection process resulted in the selection of the McGladrey LLP. The auditor selection process was designed to ensure that the selected firm exceeds the minimum requirements and has knowledge and experience in auditing similar entities.

An annual external audit by an independent certified public accountant is required by State Statute, City Charter and most grant agreements.

21. Resolution 2013-078 Appointing Two Representatives to the Colorado Municipal League Policy Committee.

The purpose of this item is to appoint Councilmember Wade Troxell and City Manager Darin Atteberry to represent the City of Fort Collins on the Colorado Municipal League Policy Committee.

Appointments to the Colorado Municipal League (CML) Policy Committee are made each fall and members serve for a one-year period from approximately September through August. Each member municipality of the League is entitled to a representative, and all cities over 100,000 are entitled to designate two representatives.

The Policy Committee is responsible for reviewing legislative proposals and recommending to the League Executive Board, positions of support, opposition, no position or amendment to a wide variety of legislation affecting cities and towns. At each annual conference in June, the Policy Committee proposes to the membership, revisions to the League's policies which guide League positions on public policy issues affecting municipalities.

The Committee meets three or four times a year, before and during legislative sessions as well as in May prior to the annual conference. The first CML Policy Committee meeting will be held on Friday, October 18.

22. Routine Easement.

Easement for construction and maintenance of public utilities from GCP College Ave, LLC, to install a transformer for new electric service at 216 North College Avenue.

END CONSENT

23. Consent Calendar Follow-up.

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

24. Staff Reports.

- a. USA Pro Challenge Report

25. Councilmember Reports.
26. 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.

27. Second Reading of Ordinance No. 120, 2013, Amending the City Code to Adjust the Amounts of the Capital Improvement Expansion Fees Contained in Chapter 7.5 of the City Code so as to Reflect Inflation in Associated Costs of Service. (staff: Jessica Ping-Small, Mike Beckstead; no staff presentation; 5 minute discussion)

The purpose of this item is to update the Capital Improvement Expansion fees to include current infrastructure costs and updated methodology.

Capital Improvement Expansion (CIE) Fees were first implemented in 1996. In 2012, staff initiated a comprehensive review of the original study. The goal of the review was to ensure that the methodology first implemented was still applicable and to assess the fee structure to confirm that it was consistent with the current level of service. This Ordinance was unanimously adopted on First Reading (6-0; Campana recused) on August 20, 2013.

28. First Reading of Ordinance No. 125, 2013, Establishing a Temporary Ban on Marijuana Establishments Within the City of Fort Collins. (staff: Steve Roy, Ginny Sawyer, Don Vagge; 2 minute staff presentation; 45 minute discussion)

The purpose of this item is to establish a temporary ban on marijuana cultivation facilities, marijuana testing facilities, marijuana product manufacturing facilities, and retail marijuana stores (collectively "marijuana establishments") in the City of Fort Collins through March 31, 2014.

The City Council recommended proceeding with a temporary ban at a work session on July 30, 2013.

29. Second Reading of Ordinance No. 121, 2013, Amending Section 3.2.2(k) of the Land Use Code Regarding Minimum Parking Requirements in the Transit-Oriented Development Overlay Zone District. (staff: Seth Lorson; 5 minute staff presentation; 45 minute discussion)

This Ordinance implements interim minimum parking requirements for multi-family dwellings in the TOD Overlay Zone. This requirement will sunset in one year, in which time a TOD Parking Plan will be created. Council has three options to consider on Second Reading:

- Option #1 - Proposed 60% Ratio (Unanimously adopted on First Reading on August 20, 2013).
- Option #2 - 60% of existing parking requirements outside the TOD Overlay Zone.
- Option #3 – 70% of existing parking requirements outside the TOD Overlay Zone.

30. Consideration of Citizen-Pulled Consent Items.

31. Other Business.

32. 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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WATER UTILITY ENTERPRISE MEETING

September 3, 2013

(after the Regular Council Meeting)

1. Call Meeting to Order.
2. Roll Call.
3. Resolution 2013-007 Approving a Supplemental Contract between the City of Fort Collins and the Pleasant Valley Pipeline Water Enterprise for the Use of the Presedimentation Basin. (staff: Lisa Voytko; 5 minute staff presentation; 10 minute discussion)

The City of Fort Collins Utilities recently completed the construction of a presedimentation basin at the Munroe turnout on the Munroe Canal for the Cache la Poudre River water. This basin is constructed on lands owned by Northern Water Conservancy District. The City's existing allotment contract with the Pleasant Valley Pipeline Water Enterprise, an enterprise solely owned by Northern, requires a supplement to allow the City to operate and utilize the basin.

4. Other Business.
5. Adjournment.