



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

City Council Chambers
City Hall West
300 LaPorte Avenue
Fort Collins, Colorado

Cablecast on City Cable Channel 14
on the Comcast cable system

Steve Roy
City Attorney

Darin Atteberry
City Manager

Wanda Nelson
City Clerk

The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (TDD 224-6001) for assistance.

Regular Meeting December 3, 2013

Proclamations and Presentations 5:30 p.m.

- A. Declaring December 10, 2013 as International Human Rights Day.

Regular Meeting 6:00 p.m.

- **PLEDGE OF ALLEGIANCE**
- **CALL MEETING TO ORDER**
- **ROLL CALL**
- **AGENDA REVIEW: CITY MANAGER**
 - 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-pulled Consent Calendar items will be considered before Discussion Items.
- Citizen-pulled Consent Calendar items will be considered after Discussion Items.

● **CITIZEN PARTICIPATION**

Individuals who wish to make comments regarding items scheduled 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 is not allowed
- Keep comments brief; if available, provide a written copy of statement to City Clerk

● **CITIZEN PARTICIPATION FOLLOW-UP**

Consent Calendar

The Consent 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. Anyone may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately. Agenda items pulled from the Consent Calendar will be considered separately under Pulled Consent Items. 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.

1. Consideration and Approval of the Minutes of the November 5, 2013 Regular Council Meeting.

The purpose of this item is to approve the minutes from the November 5, 2013 Regular Council Meeting.

2. Second Reading of Ordinance No. 163, 2013, Appropriating Unanticipated Grant Revenue in the General Fund for the Environmental Services Radon Program and Authorizing the Transfer of Matching Funds Previously Appropriated in the Environmental Services Operating Budget.

This Ordinance, unanimously adopted on First Reading on November 19, 2013, appropriate \$4,973 awarded to the City by the Colorado Department of Public Health and Environment, to transfer a matching amount of \$4,973 from the 2013 General Fund, and to combine these in the Environmental Services Radon Program account. The Radon Program carries out radon risk-reduction activities as identified in the current City Budget.

3. Second Reading of Ordinance No. 164, 2013, Appropriating Prior Year Reserves in the General Fund for Waste Reduction and Diversion Projects Approved by the Waste Innovation Program.

This Ordinance, unanimously adopted on First Reading on November 19, 2013, appropriates \$53,100 accumulated during 2013 in the Waste Innovation Program Fund (WIP) account into the City's General Fund account for an approved Streets Department project to buy a new piece of equipment called a Power Screen, for use at the Hoffman Mill Road Crushing Facility.

4. Second Reading of Ordinance No. 165, 2013, Appropriating Unanticipated Grant Revenue in the Capital Projects Fund for the Drake Road and Shields Street Intersection Improvement Project.

This Ordinance, unanimously adopted on First Reading on November 19, 2013, appropriates unanticipated federal grant revenue for intersection improvements partially funded through Building on Basics funding. At First Reading, Council requested supplemental information pertaining to this project. That information is provided as an attachment to this packet.

5. First Reading of Ordinance No. 167, 2013, Appropriating Prior Year Reserves in the Conservation Trust Fund and Authorizing the Transfer of Appropriations to the Capital Projects Fund.

The purpose of this item is to appropriate \$13,808 of prior year reserves in the Conservation Trust Fund for transfer to the Capital Projects Fund, and to transfer \$1,084,261 of existing appropriations from Conservation Trust Fund projects to projects in the Capital Projects Fund.

Per Colorado Revised Statutes Sec. 29-21-101, only funds received from the State of Colorado lottery proceeds can be deposited in and expensed from the Conservation Trust Fund. Grants, contributions and interest earnings tied to these revenues cannot be commingled with the lottery proceeds. This ordinance transfers the interest earnings, grants, and contributions from existing projects in the Conservation Trust Fund into projects in the Capital Projects Fund.

6. First Reading of Ordinance No. 168, 2013, Appropriating Unanticipated Revenue in the Emergency Recovery Fund to be Used for the "Larimer County Flood of 2013" Costs and Repair Projects.

The purpose of this item is to appropriate \$1,118,000 for the costs associated with the flood that occurred in September 2013. Of that total, \$1,012,000 is for the incremental costs that are eligible under the Federal Emergency Management Agency's (FEMA) Public Assistance Program. In general, FEMA reimburses about 75% of eligible costs. The State of Colorado has agreed to cover half of the portion not paid by FEMA. The other \$106,000 is for City assistance provided to Estes Park. They will reimburse the City 100% and seek reimbursement from FEMA for up to 75%.

7. First Reading of Ordinance No. 169, 2013, Appropriating Prior Year Reserves in the General Employees Retirement Plan.

The purpose of this item is to approve additional spending in the General Employee Retirement Trust Fund. At the time of retirement, qualified persons have the option to elect monthly payments or one-time cash out. Using historical data, the actuary estimates that 30% of future retirees will elect a single-sum payout. The 2013 budget made the same assumption. Retirees electing cash outs this year have exceeded the assumed election rate.

8. First Reading of Ordinance No. 170, 2013, Amending Chapter 25, Article III of the City Code Concerning Sales and Use Tax.

The purpose of this item is to amend the City Code to limit the option for vendors to file consolidated sales and use tax returns for multiple locations.

9. First Reading of Ordinance No. 171, 2013, Amending Article III of Chapter 26 of the City Code to Eliminate Water Rights Banking by the City's Water Utility.

The purpose of this item is to discontinue the practice of water right banking. In order to meet the water needs of new development or redevelopment within the Water Utility service area, developers are assessed a Raw Water Requirement (RWR). Current City Code allows water rights to be submitted to the Water Utility even when no water service permit is needed in exchange for credit that can be used for later satisfaction of the RWR. Although this banking practice was helpful in the past, it is less helpful now and makes managing these water rights difficult. The proposed City Code changes would discontinue the practice of banking water right credits, but continue to allow the practice of conveying acceptable water rights for developments at the time a RWR is assessed.

10. First Reading of Ordinance No. 172, 2013, Amending Various Provisions of the Fort Collins Traffic Code.

The purpose of this Ordinance is to ensure that the Fort Collins Traffic Code (the "Traffic Code") is consistent with state traffic laws, and to implement amendments identified by staff that would make the Traffic Code more consistent and provide more effective and efficient local enforcement.

11. First Reading of Ordinance No. 173, 2013, Vacating a Portion of College Avenue Right-of-Way Between Foothills Parkway and Monroe Drive.

The proposed ordinance vacates a portion of College Avenue right-of-way, correcting an error in Ordinance No. 098, 1973 ("1973 Ordinance"). The proposed ordinance vacates the remaining right-of-way that was intended to be vacated, and reserves an easement for utilities as originally intended in the 1973 Ordinance, whose legal description did not properly describe the intended area of right-of-way vacation for College Avenue.

12. First Reading of Ordinance No. 174, 2013, Vacating Foothills Parkway Right-of-Way Between College Avenue and Mathews Street, and Vacating a Portion of Mathews Street.

The proposed Ordinance vacates the right-of-way for the remaining public street portion of Foothills Parkway from College Avenue to Mathews Street, along with a portion of the west side of Mathews Street intersecting Foothills Parkway. This would make Foothills Parkway a private drive from College Avenue to Stanford Road (as the portion of Foothills Parkway from Mathews Street to Stanford Road was previously vacated in 1988). Easements for access, emergency access, drainage, utilities, and transit will be retained in order to allow these uses within the vacated right-of-way in conjunction with the redevelopment of the Foothills Mall.

13. First Reading of Ordinance No. 175, 2013, Authorizing the Conveyance a Permanent Irrigation Ditch Easement and Right-of-Way to the Larimer County Canal No. 2 Irrigating Company Within the South College Avenue Frontage Road.

The purpose of this item is to accommodate the realignment of the Larimer No. 2 Ditch, which allows the ditch to be relocated off the Mall property. The planned re-alignment will locate the ditch beneath the frontage road, across College Avenue opposite the mall and will require the conveyance of a permanent drainage easement to the Larimer Canal No. 2 Irrigating Company (the "Ditch Company").

14. Resolution 2013-097 Finding Substantial Compliance and Initiating Annexation Proceedings for the Kechter Farm Annexation.

The purpose of this item is to annex the first phase of Kechter Farm. A written petition has been submitted requesting annexation of 88.21 Acres within the Kechter Farm General Development Plan, located north of Fossil Creek Reservoir, approximately 1,320 feet south of Kechter Road, 2,640 feet east of South Timberline Road, just west of Ziegler Road, and southwest of Kinard Middle School. The property is located within the Fossil Creek Reservoir Area Plan. In accordance with the Intergovernmental Agreement with Larimer County, adopted in 1999, properties within the

Fossil Creek Reservoir Area receive their land use approvals in the County and are annexed into the City prior to construction.

Kechter Farm has a General Development Plan (comparable to the City's Overall Development Plan) that encompasses 286 acres. The first phase of the project is 88.21 acres and is currently being approved in the County. Within the first phase, there is a 2.85 acre commercial area, 1.45 acre recreation center with a neighborhood park, and the remaining land is dedicated to residential development. The requested zoning for this annexation is LMN - Low Density Mixed Use Neighborhood and UE - Urban Estate.

15. Resolution 2013-098 Adopting the Annual Revenue Allocation Formula to Define the City of Fort Collins' Contribution to the Poudre Fire Authority Budget for the Year 2014 for Operations and Maintenance.

This Resolution establishes a Revenue Allocation Formula between the City of Fort Collins and the Poudre Fire Authority to contribute funding for operating and maintenance of the Poudre Fire Authority.

16. Resolution 2013-099 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County in Support of the Larimer County Conservation Corp Energy and Water Program.

The purpose of this item is to seek City Council approval of an intergovernmental agreement ("IGA") between the City of Fort Collins and Larimer County for funding of the Larimer County Conservation Corp ("LCCC") Energy and Water Program (the "Program"). The agreement would allow for four one-year renewals for a total of five years, subject to budget appropriations.

17. Resolution 2013-100 Approving a Collective Bargaining Agreement with the Fraternal Order of Police.

The purpose of this item is to approve a bargaining agreement between the City and the Northern Colorado Lodge #3, Colorado Fraternal Order of Police (FOP). The City and the FOP, using an Interest Based Bargaining (IBB) approach, engaged in negotiations regarding the terms and conditions of a possible bargaining agreement for 2014 and 2015. City staff and the FOP have tentatively reached an agreement. On November 11, 2013, bargaining unit members voted to ratify the proposed agreement.

18. Resolution 2013-101 Authorizing a Revocable Permit for Poudre Fire Authority to Use City Property for Training Activities.

The purpose of this Resolution is to authorize the City Manager to execute a Revocable Permit to allow Poudre Fire Authority to use a vacant residential building on City Property for fire and life safety training activities for a period of one year.

The City acquired a property at the southwest corner of Prospect Road and Timberline Road in 2006 as part of a road improvement project. Poudre Fire Authority ("PFA") was granted a revocable permit to use a residential structure on the property to perform fire and life safety training activities. The permit will expire in January 2014. PFA has expressed interest in extending the permit and City staff has agreed to allow the training activities to continue for an additional year.

19. Resolution 2013-102 Supporting the Retrofit of Existing DOT-111 Rail Tank Cars That Transport Packing Groups I and II Hazmat Before the Pipelines and Hazardous Materials Safety Administration.

The purpose of this item is to allow City Council to provide input to a federal Department of Transportation rulemaking. Passage of the underlying resolution would indicate the Fort Collins City Council support of the National Transportation Safety Board recommendation requiring railroads retrofit tank cars to address known safety defects and to provide local governments more knowledge of the hazardous materials being transported through their communities.

20. Routine Easement

The purpose of this item is to accept a routine utility easement at 303 W. Prospect Road from the Griffin Foundation for the installation of an electric system to serve an adjacent new development.

END CONSENT

● **CONSENT CALENDAR FOLLOW-UP**

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

● **STAFF REPORTS**

● **COUNCILMEMBER REPORTS**

● **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. Second Reading of Ordinance No. 166, 2013, Amending Chapter 10 of the City Code to Revise Fees for Floodplain Use Permits, Reviews and Variances. (staff: Ken Sampley; no staff presentation; no discussion)

This Ordinance, unanimously adopted on First Reading on November 19, 2013 (Campana recused) adopts new and updated floodplain review fees in Chapter 10 (Flood Prevention and Protection) of the City Code. Chapter 10 outlines floodplain regulations that promote the public health, safety and general welfare and minimize public and private losses due to flood conditions in flood hazard areas. A new fee structure will be established to better assign costs to floodplain review applicants.

22. First Reading of Ordinance No. 176, 2013, Amending Section 2-606 of the City Code and Setting the Salary of the Municipal Judge. (staff: Janet Miller, Tamara Vega; 2 minute staff presentation; 15 minute discussion)

City Council met in Executive Session on November 12, 2013 to conduct the performance review of Municipal Judge Kathleen Lane. This Ordinance establishes the 2014 salary of the Municipal Judge.

23. First Reading of Ordinance No. 177, 2013, Amending Section 2-581 of the City Code and Setting the Salary of the City Attorney. (staff: Janet Miller, Tamara Vega; 2 minute staff presentation; 15 minute discussion)

City Council met in Executive Session on November 12, 2013 to conduct the performance review of City Attorney Steve Roy. This Ordinance establishes the 2014 salary of the City Attorney.

24. First Reading of Ordinance No. 178, 2013, Amending Section 2-596 of the City Code and Setting the Salary of the City Manager. (staff: Janet Miller, Tamara Vega; 2 minute staff presentation; 15 minute discussion)

City Council met in executive session on November 12, 2013 to conduct the performance review of City Manager Darin Atteberry. This Ordinance establishes the 2014 salary of the City Manager.

● **CONSIDERATION OF CITIZEN-PULLED CONSENT ITEMS**

● **OTHER BUSINESS**

● **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 the Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.