



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 January 21, 2014

**Proclamations and Presentations
5:30 p.m.**

None.

**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. Second Reading of Ordinance No. 001, 2014, Appropriating Unanticipated Grant Revenue in the General Fund for the Gardens on Spring Creek.

This Ordinance, unanimously adopted on First Reading on January 7, 2014, appropriates \$76,000 in grant funding received by the Gardens on Spring Creek.

2. Second Reading of Ordinance No. 002, 2014, Appropriating Unanticipated Revenue for the Senior Center Expansion Project and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program.

Ordinance No. 002, 2014, unanimously adopted on First Reading on January 7, 2014, appropriates \$400,000 to the Senior Center Expansion Project. The additional funding is money raised by the Senior Center Expansion Committee. These funds will be used to provide improvements to the expansion project for items requested by facility staff and users, including completion of the Multi-purpose room as an education center.

3. Second Reading of Ordinance No. 003, 2014, Amending Section 1-15 of the City Code Relating to General Penalties.

This Ordinance, unanimously adopted on First Reading on January 7, 2014, adjusts the maximum fines Municipal Court may impose so they are consistent with state law. The Ordinance has been revised on Second Reading to reflect the fact that, while the City Code specifies the maximum monetary penalty that the Municipal Judge may currently impose, it does not require that such amount be consistent with state law.

4. Postponement of Items Relating to the Kechter Farm Annexation and Zoning to February 18, 2014.

Staff requests that the Kechter Farm Annexation and Zoning Ordinances (Ordinance Nos. 005 and 006, 2014) be postponed until February 18, 2014. The final plat approval is scheduled before the Board of County Commissioners on February 11. Under the Intergovernmental Agreement (IGA) with Larimer County, the City has agreed to not annex lands within the Fossil Creek Reservoir Area Plan until after final plan approval by the County. Postponing this item until the February 18 meeting will comply with that IGA. Approval of this item will postpone the matter until that date.

5. Postponement of Second Reading of Ordinance No. 007, 2014, Authorizing the Lease of a Portion of City-Owned Property at 225 Maple Street to Feeding Our Community Ourselves, Inc. For Up to Five Years to March 18, 2014.

Staff is requesting that Second Reading of this Ordinance be postponed to March 18, 2014. Due to the neighborhood concerns expressed on First Reading of this item on January 7, staff is planning two public meetings with the neighborhood. The outcome of these meetings will be included in the Council presentation at the March 18 Council meeting.

6. First Reading of Ordinance No. 010, 2014, Appropriating Unanticipated Revenue in the General Fund for the Exterior Preservation and Reconstruction of the Avery Building at the Intersection of College and Mountain Avenues.

The purpose of this item is to appropriate unanticipated revenues in the amount of \$19,839, received in excess of previously appropriated funds, for the Avery Building Restoration project.

7. First Reading of Ordinance No. 011, 2014, Appropriating Unanticipated Grant Revenue in the General Fund for the Fort Collins Police Services Victim Services Unit.

The purpose of this item is to fund the Victim Services Unit of Fort Collins Police Services for victim advocacy services under the Colorado Victim Rights Amendment for victims of crime and their family members. 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, 2014 to December 31, 2014, by the Eighth Judicial District Victim Assistance and Law Enforcement (V.A.L.E.) Board to help fund services provided by this team. These funds will be used for 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 a portion of the operational expenses needed to provide 24-hour a day, 7-day a week services to victims of crime in the community.

8. Items Relating to Bobcat Ridge Natural Area.

A. First Reading of Ordinance No. 012, 2014, Authorizing the City Manager to Enter into a Grant Contract with History Colorado, the Colorado Historical Society for Funds to Restore Two Historic Structures at Bobcat Ridge Natural Area.

B. First Reading of Ordinance No. 013, 2014, Appropriating Unanticipated Revenue in the Natural Areas Fund Project to Restore Two Historic Structures at Bobcat Ridge Natural Area.

The purpose of this item is to approve a Grant Contract with History Colorado and Appropriate Unanticipated Revenue in the Natural Areas Fund for historic building restoration. The State of Colorado awarded the City a grant of \$141,877 from the State Historical Fund to fund 71% of the

estimated cost of \$199,827 to restore two historic structures at Bobcat Ridge Natural Area: the Poultry Shed and the Equipment Shed. This is the second grant awarded by the State for historic preservation at Bobcat Ridge. The first grant was for the restoration of a pioneer barn and log chicken shed, which have been fully restored. To accept this grant and proceed with the project, the City must enter into a contract with History Colorado, a 501(c)(3) operated by the Colorado Department of Higher Education. The contract requires a twenty-year covenant on the property surrounding the poultry and equipment sheds, which states that the City will maintain the buildings, once restored, for twenty years and will not alter anything on the property without express written permission of History Colorado.

The City also received a \$43,000 grant from the Pulliam Charitable Trust to provide most of the 29% in funds necessary to match the State funding. Natural Areas fund monies will be used to fund the remaining \$14,950 necessary for the project.

9. First Reading of Ordinance No. 014, 2014, Waiving Certain Fees for Fort Collins Housing Authority's Redtail Ponds Permanent Supportive Housing Project and Appropriating General Fund Reserves to Pay Specified Fees.

The purpose of this item is to ask City Council to determine whether certain development and capital improvement expansion fee waivers will be provided to the Fort Collins Housing Authority (FCHA) for the Redtail Ponds permanent supportive housing project. In March 2013, City Council limited the types of projects for which the FCHA could request fee waivers and made these waivers discretionary. Eligible projects are those constructed for homeless or disabled persons, or for persons whose income falls at or below 30% of the adjusted median income of all City residents. FCHA is requesting fee waivers in the amount of \$274,199 for this housing project. This is a permissible type of project for a fee waiver request.

10. First Reading of Ordinance No. 015, 2014, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Land Necessary for the Construction of the West Vine Basin Outfall Project.

The purpose of this item is to receive authority for eminent domain to acquire property interests for the West Vine Basin Outfall project. In assembling property interests for the West Vine Basin Outfall Project, the City has encountered two properties with complicated lending situations. Due to the degree of complication and the properties' keystone importance, staff proposes the use of eminent domain as the most cost effective and efficient approach to complete the City's desired acquisition of 12.841 acres if all the necessary lender consents cannot be obtained in a timely way. The City has been working with the landowners and they are agreeable to this approach.

11. First Reading of Ordinance No. 016, 2014, Authorizing the Conveyance of a Temporary Construction Easement and Right-of-Way on Long View Farm Open Space to the Colorado Department of Transportation.

The purpose of this item is to convey a right-of-way and temporary construction easement to the Colorado Department of Transportation. The Colorado Department of Transportation (CDOT) has requested to acquire in fee approximately 0.07 acres of right-of-way along with a temporary construction easement on Long View Farm Open Space, as part of the Hwy 392/US 287 Intersection project. The easement and right-of-way acquisition is needed to replace an existing stormwater pipe with a large box culvert. The project will impact a small section of a low value wetland on the property that will be mitigated through the Natural Areas wetland mitigation fund.

12. Resolution 2014-006 Renaming Rolland Moore Drive to Botanical Lane

The purpose of this item is to rename the old Rolland Moore Drive to Botanical Lane. In 2012, Rolland Moore Drive was realigned to the south, resulting in the existing Rolland Moore Drive stub needing to be renamed. The old Rolland Moore Drive was reclassified as a local street on the Master Street Plan.

13. Resolution 2014-007 Approving Expenditures from the Cultural Services and Facilities Fund to Commission an Artist to Create Art for the Nix Farm Office Building Project.

The purpose of this item is it to approve expenditures from the Cultural Services and Facilities Fund to commission an artist to create art for the Art in Public Places Nix Farm Office Building Project. The expenditures of \$11,900 will be for design, materials, fabrication, installation and contingency for the artist to paint a mural for the entry vestibule of this new building.

14. Resolution 2014-008 Approving Expenditures from the Cultural Services and Facilities Fund to Commission an Artist to Create Art for the Senior Center Expansion Project.

The purpose of this item is it to approve expenditures from the Cultural Services and Facilities Fund to commission an artist to create art for the Art in Public Places Senior Center Expansion Project. The expenditures of \$53,068 will be for design, materials, fabrication, installation and contingency for an artist designed functional seating element and gate to be located in the main lobby of the Senior Center.

15. Resolution 2014-009 Making Appointments to Various Boards and Commissions.

The purpose of this item is to appoint individuals to fill vacancies that currently exist on various boards and commissions due to resignations and expiration of terms. Interviews occurred during December 2013 and January 2014. This Resolution appoints individuals to fill current vacancies and expired terms. This Resolution does not fill all vacancies. Vacancies will be re-advertised as needed.

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**

A. Soils Recovery Project.

- **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.

16. Public Hearing and First Reading of Ordinance No. 017, 2014, Amending Chapter 26, Section 26-712, of the City Code Relating to Utility Manual Meter Reading Charges. (staff: Dennis Sumner, Steve Catanach; 5 minute staff presentation; 15 minute discussion)

The purpose of this item is to revise the language used in the City Code concerning monthly billing charges for a site visit to obtain metering data for water and/or electric service consumption. The data is used for monthly billing of utility services. The existing descriptor in the table of utility bill and account charges in Section 26-712 of City Code mistakenly references *mechanical* electric meters which have not been purchased by Light & Power since 2009. The use of this descriptor has created unnecessary confusion about the intent of this provision. The recommended change is to provide greater clarity.

17. Items Relating to the Adoption of the 2012 International Codes. (staff: Mike Gebo; 10 minute staff presentation; 45 minute discussion)

- A. First Reading of Ordinance No. 018, 2014, Amending Chapter 5, Article II, Division 2, of the City Code for the Purpose of Repealing the 2009 International Building Code (IBC) and Adopting the 2012 International Building Code, with Amendments.
- B. First Reading of Ordinance No. 019, 2014, Amending Chapter 5, Article II, Division 2, of the City Code for the Purpose of Repealing the 2009 International Energy Conservation Code (IECC) and Adopting the 2012 International Energy Conservation Code, with Amendments.
- C. First Reading of Ordinance No. 020, 2014, Amending Chapter 5, Article II, Division 2, of the City Code for the Purpose of Repealing the 2009 International Residential Code (IRC) and Adopting the 2012 International Residential Code, with Amendments.
- D. First Reading of Ordinance No. 021, 2014, Amending Chapter 5, Article IV of the City Code for the Purpose of Repealing the 2009 International Mechanical Code (IMC), and adopting the 2012 International Mechanical Code, with Amendments.
- E. First Reading of Ordinance No. 022, 2014, Amending Chapter 5, Article IV of the City Code for the Purpose Repealing the 2009 International Fuel Gas Code (IFGC), and Adopting the 2012 International Fuel Gas Code, with Amendments.

The purpose of this item is to recommend adoption the 2012 International Codes (I-Codes). The 2012 I-Codes represent the most up-to-date construction standards establishing minimum requirements to safeguard the public health, safety, and general welfare from hazards attributed to the built environment within the City of Fort Collins.

18. Items Relating to the Redevelopment of the Foothills Mall. (staff: Josh Birks, Marc Virata, Tom Leeson; no staff presentation; 5 minute discussion)

A. Second Reading of Ordinance No. 008, 2014, Vacating Foothills Parkway Right-of-Way Between College Avenue and Mathews Street, and Vacating a Portion of Mathews Street.

B. Second Reading of Ordinance No. 009, 2014, Authorizing the Conveyance of 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.

Ordinance No. 008, 2014 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. Ordinance No. 009, 2014, authorizes the conveyance of a permanent irrigation ditch easement and right-of-way to accommodate the realignment of the Larimer No. 2 Ditch, which allows the ditch to be relocated off the Mall property. These Ordinances were adopted on First Reading on January 14, 2014, by a vote of 6-0 (Weitkunat recused).

- **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.