



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 February 4, 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
- Address your comments to Council, not the audience

- **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 January 7, 2014 Regular Council Meeting and the January 14, 2014 Adjourned Council Meeting.

The purpose of this item is to approve the minutes from the January 7, 2014 Regular Council Meeting and the January 14, 2014 Adjourned Council Meeting.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on January 21, 2014, appropriates unanticipated revenues in the amount of \$19,839, received in excess of previously appropriated funds, for the Avery Building Restoration project.

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

This Ordinance, unanimously adopted on First Reading on January 21, 2014, appropriates grant funds in the amount of \$32,000 received from the Eighth Judicial District Victim Assistance and Law Enforcement Board to help fund services provided by 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.

4. Items Relating to Bobcat Ridge Natural Area.

A. Second 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. Second 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.

These Ordinances, unanimously adopted on First Reading on January 21, 2014, 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. 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. Information requested at First Reading regarding the use of Natural Areas Funds for historic preservation has been provided.

5. Second 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.

This Ordinance, unanimously adopted on First Reading on January 21, 2014, authorizes certain development and capital improvement expansion fee waivers to 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.

Changes to the Ordinance on Second Reading are to fix an error in Section 3 that referred to the funds being appropriated rather than the fees being waived, and to clarify that the appropriated funds are to replace the waived Capital Improvement Expansion Fees. Additional information about the ownership structure of Redtail Ponds was requested at First Reading and has been provided.

6. Second 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.

This Ordinance, unanimously adopted on First Reading on January 21, 2014, conveys a right-of-way and temporary construction easement to the Colorado Department of Transportation. The Colorado Department of Transportation 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.

On January 23, 2014, the Larimer County Open Lands Advisory Board voted unanimously to approve this easement. At its December 11, 2013, regular meeting the Land Conservation and Stewardship Board unanimously voted to recommend adoption of the ordinance.

7. Second Reading of Ordinance No. 017, 2014, Amending Chapter 26, Section 26-712, of the City Code Relating to Utility Manual Meter Reading Charges.

This Ordinance, unanimously adopted on First Reading on January 21, 2014, amends City Code concerning monthly billing charges for a site visit to obtain metering data for water and/or electric service consumption 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.

8. Items Relating to the Adoption of the 2012 International Codes.

- A. Second 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. Second 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. Second 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. Second 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. Second 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.

These Ordinances, unanimously adopted on First Reading on January 21, 2014, adopt 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.

Ordinance Nos. 018, 2014 (IBC) and 019, 2014 (IECC) have been amended to include a reference the International Green Construction Code among the referenced standards listed. Ordinance No. 020, 2014, International Residential Code, has been revised on Second Reading to correct Code section numbering of Item numbers (64) and (65) that were incorrectly labeled (see page 21 of Ordinance). Section R313.2 (page 14 of the Ordinance) has been revised to delete single-family dwellings from the fire-sprinkler requirement, which were not intended to be sprinkled.

9. First Reading of Ordinance No. 023, 2014 Vacating a Portion of the Fossil Boulevard Right-of-Way as Dedicated on the Plat of Redtail.

The purpose of this item is to vacate a portion of the Fossil Boulevard right-of-way that is no longer necessary or desirable to retain for public street purposes. The property owner adjacent to this portion of right-of-way is requesting the vacation. This location will be the future site of the Redtail Ponds Permanent Supportive Housing project (Redtail Second Filing) which was approved at the Planning and Zoning Board Public Hearing on November 21, 2013.

10. Resolution 2014-010 Authorizing the Initiation of Exclusion Proceedings of Annexed Properties Within the Territory of the Poudre Valley Fire Protection District.

The purpose of this item is to authorize the City Attorney to file a petition in Larimer County District Court to exclude properties annexed into the City in 2013 from the Poudre Valley Fire Protection District (the "District") in accordance with state law. The properties will continue to receive fire protection services from the Poudre Fire Authority.

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.

11. Second 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. (staff: Tawyna Ernst, Matt Fater; no staff presentation; 5 minute discussion)

This Ordinance, adopted on First Reading by a vote of 6-0 (Campana recused) authorizes the use of 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.

- 12. Consideration of the Appeal of the Administrative Hearing Officer Decision to Approve the Stoner Subdivision Major Amendment. (staff: Jason Holland; 10 minute staff presentation; 2 hour discussion)

On December 31, 2013 an appeal was filed concerning the Administrative Hearing Officer's decision regarding a proposed Major Amendment to the building elevations and building footprint for Lot 2 of the Stoner Subdivision, 1017 West Magnolia Street.

The Appeal asserts that the Hearing Officer failed to properly interpret and apply relevant provisions of the Land use Code, specifically:

- 1. Article 3, Section 3.5.1 - *Building and Project Compatibility*
- 2. Article 4, Neighborhood Conservation, Low Density District (N-C-L), Section 4.7(A) - *Purpose.*

- **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.