



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 March 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

- **CITIZEN PARTICIPATION FOLLOW-UP**

******THE REGULAR MEETING WILL BE ADJOURNED AT THIS TIME TO HOLD THE URBAN RENEWAL AUTHORITY MEETING.******

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 from the January 28, 2014 Adjourned Council Meeting and the February 4 and 18, 2014 Regular Council Meetings.

The purpose of this item is to consider and approve minutes from the January 28, 2014 Adjourned Council Meeting and the February 4 and 18, 2014 Regular Council Meetings.

2. Second Reading of Ordinance No. 025, 2014, Appropriating Prior Year Reserves in the Water Fund to Fund the Replacement of the College Avenue Waterline From Mulberry Street to Buckeye Street.

This Ordinance, unanimously adopted on First Reading on February 18, 2014, appropriates funds for the replacement of the College Avenue waterline from Mulberry to Buckeye Streets, just south of Pitkin. Ordinance No. 134, 2013 appropriated funds for the design of this project. Design and cost estimating have been completed. This Ordinance appropriates \$2.1 million from reserves for the construction of this project.

3. Second Reading of Ordinance No. 026, 2014, Amending Subsection 2-31(a)(2) of the City Code, Pertaining to Executive Sessions Held for the Purpose of Meeting with Attorneys for the City.

This Ordinance, unanimously adopted on First Reading on February 18, 2014, amends subsection 2-31(a) of the City Code, which pertains to executive sessions held for the purpose of meeting with attorneys for the City. The purpose of the amendment is to more closely conform to the language in Article II, Section 11 of the City Charter.

4. First Reading of Ordinance No. 029, 2014, Appropriating Unanticipated Grant Revenue in the Recreation Fund for the Vida Sana Program.

The purpose of this item is to appropriate sub-grant funds from the Poudre Valley Health System Foundation and the Coalition for Activity and Nutrition to Defeat Obesity (CANDO) for the Vida Sana program to eliminate racial and ethnic disparities among Latino/Hispanic community members. Specific interventions include increasing access to facilities providing physical activity; providing social support to increase physical activity; and implementing a communitywide campaign for increasing physical activity that will be carried out by partner agencies.

5. Items relating to FC Bikes Program.

- A. First Reading of Ordinance No. 030, 2014, Appropriating Unanticipated Grant Revenue in the Transportation Services Fund for the 2014 Fort Collins Bikes Program.

- B. First Reading of Ordinance No. 031, 2014, Appropriating Unanticipated Grant Revenue From Kaiser Permanente in the Transportation Services Fund for the 2014 Fort Collins Bikes Program.

The purpose of this item is to request appropriation of unbudgeted grant funds received for the FC Bikes Program: (1) a Congestion Mitigation & Air Quality (CMAQ) grant (2014-2016) and (2) a Kaiser Foundation Health Plan of Colorado (KP) grant (2014). The City of Fort Collins' FC Bikes Program received a \$704,128 federal grant (CMAQ) through the Colorado Department of Transportation and the North Front Range Metropolitan Planning Organization. This is in addition to the City's local match of \$146,372, as appropriated in 2013 by City Council. In addition, the FC Bikes Program received a \$94,100 private grant from Kaiser Permanente (KP) through a Walk & Wheel - Local Government grant. A local match is not required for the KP grant. Funding from both grants will support FC Bikes Program initiatives, allowing for the refinement and expansion of existing services, including enhancements to bicycle safety education programs, expansion of encouragement campaigns, and new bicycle promotion initiatives, while also supporting the development and implementation of the 2014 Fort Collins Bicycle Master Plan.

6. First Reading of Ordinance No. 032, 2014, Appropriating Unanticipated Grant Revenue in the Wastewater Fund and Authorizing the Transfer of Existing Appropriations from the Drake Water Reclamation Facility Improvements Capital Project for the Drake Water Reclamation Facility's Nutrient Grant Project for South Process Train Improvements.

The purpose of this item is to appropriate grant funding in the amount of \$1,080,000 in the Wastewater Fund. The grant funds will be used for the planning, design, and construction of a portion of the Nutrient Removal Improvements required for the Drake Water Reclamation Facilities' South Process Train.

7. First Reading of Ordinance No. 033, 2014, Establishing Rental Rates and Delivery Charges for the City's Raw Water for the 2014 Irrigation Season.

The purpose of this item is to set rates for the rental and delivery of the City's raw water supplies. The Water Utility uses these rates to assess charges for agricultural use, for various contractual raw water obligations and for raw water deliveries to other City departments. The proposed rate for each type of water is based on several factors including market conditions and assessments charged by irrigation companies.

8. First Reading of Ordinance No. 034, 2014, Amending Sections 3.8.31 and 5.1.2 of the Land Use Code Pertaining to Hoop Houses.

The purpose of this item is to amend the Land Use Code to exempt hoop houses from the Building Code requirements and add hoop houses to the list of accessory structures allowed in the Code, and require urban agriculture licensees to locate hoop houses on their site plans. In July 2013, Council also directed staff to consider standards for the raising of farm animals. Based on public outreach and staff research, staff found that the concerns raised regarding farm animals could be addressed with existing regulations and were limited to two neighborhoods within the City. In addition, numerous citizens expressed strong concerns about regulating their food production ability within the zone districts that currently allow farm animals. Thus, staff is not proposing amendments to the City's regulations regarding farm animals. Instead of developing regulations that could affect all residents within these districts (approximately 1,700 homes), staff is working with the concerned neighborhoods directly to resolve specific concerns.

9. Hearing and First Reading of Ordinance No. 035, 2014 Amending Chapter 9 of the City Code and Adopting by Reference the 2012 International Fire Code, with Amendments.

The purpose of this item is to update the International Fire Code (IFC). Poudre Fire Authority is responsible for the enforcement and administration of the International Fire Code within the City of Fort Collins. Every three years, the IFC is updated by the International Code Council (ICC) with the most recent update published in 2012. Poudre Fire Authority routinely reviews new codes, proposes local amendments and then seeks adoption of the Code changes by City Council. The proposed amendments, developed in conjunction with the local Fire Code Review Committee, include several changes to the local Code. Changes include regulations related to the placement of solar panels on residential roofs, additional clarification and requirements for emergency responder radio coverage in large buildings, minimal maintenance provisions for roof top gardens and provisions to protect firefighters from roof top hazards such as cables and wires.

10. First Reading Ordinance No. 036, 2014 Authorizing the Conveyance of Parcels of Real Property on North College Avenue to the Colorado Department of Transportation.

The purpose of this Ordinance is to obtain authorization from City Council to convey parcels acquired on North College Avenue for road improvements to the Colorado Department of Transportation. The City constructed the North College Avenue Improvements Project - Vine in 2012. As required for all projects involving a Colorado Department of Transportation ("CDOT") facility, and per the intergovernmental agreement between the City and CDOT, any acquired property for road right of way purposes is required to be subsequently conveyed to CDOT. This Ordinance will authorize City staff to convey these acquired parcels to CDOT.

11. Items Relating to the Implementation of Phase Four of the Southwest Enclave Annexation.

A. Resolution 2014-018 Amending the City's Structure Plan.

B. Hearing and First Reading of Ordinance No. 037, 2014 Amending The Zoning Map Of The City Of Fort Collins And Classifying For Zoning Purposes the Property Included In Phase Four Of The Southwest Enclave Annexation To The City Of Fort Collins, Colorado

The purpose of this item is to implement Phase Four of the Southwest Enclave Annexation, the last phase within this enclave and consisting of approximately 400 acres. This is a request to amend the *City Structure Plan* map, apply appropriate zoning districts, and place Phase Four within the Residential Sign District. The *City Structure Plan* map will be amended to finalize the Growth Management Area boundary for the Wildflower expansion area. The requested zone districts for Phase Four are Urban Estate (U-E), Rural Lands (R-U-L), and Public Open Lands (P-O-L).

12. Resolution 2014-019 Ratifying the Appointment of Amanda Manges Quijano to the Poudre River Library District Board of Trustees.

The purpose of this item is to appoint Amanda Manges Quijano to the Poudre River Library District Board of Directors to fill a vacancy that currently exists due to a term expiration for Robin Gard.

13. Resolution 2014-021 Directing the Mayor to Submit a Letter to Colorado's United States Senators and to Congressmen Jared Polis and Cory Gardner, Seeking Support for Funding for I-25 Phase I Improvements.

The purpose of this item is for City Council to consider approval of a letter to be submitted to the City's U.S. Congressional Delegation and to U.S. Representative Cory Gardner, seeking their support to fund Interstate 25 improvements in the 2014 reauthorization of the federal transportation bill.

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.

14. Second Reading of Ordinance No. 024, 2014, Appropriating Prior Year Reserves in the Keep Fort Collins Great Fund to Fund Further Development of the West Central Neighborhoods Plan. (staff: Paul Sizemore, Cameron Gloss; 5 minute staff presentation; 15 minute discussion)

This Ordinance, unanimously adopted on First Reading on February 18, 2014, appropriates \$170,000 of KFCG Other Transportation Reserve funds for consulting services associated with the Transportation Element of the West Central Neighborhoods Plan. An update of the plan is scheduled for 2014. The requested funding enhances the overall planning effort by including an analysis of the neighborhood transportation network, consideration of growth on and around the Colorado State University campus, recommendations and strategies, and detailed corridor vision and design for Prospect Road between College Avenue and Shields Street.

15. Second Reading of Ordinance No. 027, 2014, Approving Revisions to the Fort Collins Utilities' Electric Construction Policies, Practices, and Procedures. (staff: Steve Catanach; no staff presentation; 5 minute discussion)

Ordinance No. 027, 2014, adopted on First Reading on February 18, 2014 by a vote of 6-0 (Campana recused) adopts the revised Electric Construction Policies, Practices, and Procedures (ECPPP). The ECPMP provides definition to developers and contractors related to the construction of electrical facilities.

16. Second Reading of Ordinance No. 028, 2014, Amending Chapter 26 of the City Code to Clarify the Application of Wastewater Rates to Certain Residential Services. (staff: Jon Haukaas; no staff presentation; 5 minute discussion)

This Ordinance, adopted on First Reading on February 18, 2014 by a vote of 6-0 (Campana recused), revises the City Code concerning the classification of wastewater users and revises rates for wastewater service charges during the period of construction.

17. Items Relating to Recreational Marijuana. (staff: Ginny Sawyer; 10 minute staff presentation; 90 minute discussion)

A. First Reading of Ordinance No. 038, 2014, Establishing Regulations for the Consumption and Possession of Marijuana Within the City of Fort Collins and Prohibiting the Transfer or Display of Marijuana on City-Owned Property.

B. First Reading of Ordinance No. 039, 2014, Establishing Regulations for the Cultivation of Marijuana.

C. Possible Action Items Related to the Licensing of Retail Marijuana Establishments:

OPTION A:

First Reading of Ordinance No. 040, 2014, Extending the Temporary Ban on Marijuana Establishments within the City of Fort Collins.

OR

OPTION B:

First Reading of Ordinance No. 041, 2014, Adding a New Article XVII to Chapter 15 of the City Code to Govern the Licensing, Number, Location and Operation of Retail Marijuana Establishments.

AND

First Reading of Ordinance No. 042, 2014, Making Amendments to the City of Fort Collins Land Use Code in Order to Accommodate Retail Marijuana Establishments in the City.

The purpose of this item is to regulate the personal use and growing of marijuana as allowed under Amendment 64 and to either extend the ban on retail marijuana establishments or to adopt regulations for such businesses. At the February 11, 2014 Work Session, Council requested the following options be brought forward:

- Proceed with the local ordinances addressing the personal use and growing of recreational marijuana.
- Extend the temporary ban for 2 years; or
- Enact regulations governing retail marijuana establishments with options to either allow or prohibit edibles with the exception of tinctures and oils.

A temporary ban on retail marijuana establishments went into effect in September 2013 and is scheduled to expire on March 31, 2014. If the ordinance extending the temporary ban is adopted on Second Reading, the ban will be extended until March 31, 2016. If the ordinance allowing retail establishments is adopted on Second Reading, it would take effect prior to the expiration of the existing temporary ban.

18. Resolution 2014-020 Making an Appointment to the Fort Collins Housing Authority Board of Commissioners. (staff: Wanda Nelson no staff presentation; 10 minute discussion)

The purpose of this item is to appoint a Councilmember to the Fort Collins Housing Authority to fill the remainder of Councilmember Lisa Poppaw's term expiring on May 1, 2017.

- **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.