



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

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on the Comcast cable system

Steve Roy
City Attorney

Darin Atteberry
City Manager

Wanda Nelson
City Clerk

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Regular Meeting March 18, 2014

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring March 17-23, 2014 as Fix a Leak Week.
- B. Proclamation Declaring March 26-31, 2014 as Cesar Chavez Celebration Days.

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 February 18, 2014 Regular Council Meeting and the February 25, 2014 Adjourned Council Meeting.

The purpose of this item is to approve the minutes from the February 18, 2014 Regular Council meeting and the February 25, 2014 Adjourned Council meeting.

2. Items Relating to the Kechter Farm Annexation and Zoning.
 - A. Second Reading of Ordinance No. 005, 2014, Annexing Property Known as the Kechter Farm Annexation to the City of Fort Collins.
 - B. Second Reading of Ordinance No. 006, 2014, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Kechter Farm Annexation to the City of Fort Collins.

These Ordinances, unanimously adopted on First Reading on January 7, 2014, annex and zone 88.21 acres 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.

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

This Ordinance, unanimously adopted on First Reading on March 4, 2014, appropriates 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.

4. Items Relating to FC Bikes Program.

- A. Second Reading of Ordinance No. 030, 2014, Appropriating Unanticipated Grant Revenue in the Transportation Services Fund for the 2014 Fort Collins Bikes Program.
- B. Second 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.
- C. Resolution 2014-027 Authorizing the Mayor to Enter into an Intergovernmental Agreement with the State of Colorado Department of Transportation for the Purpose of Obtaining a Congestion Mitigation and Air Quality Grant in Support of the FC Bikes Program.

These Ordinances, unanimously adopted on First Reading on March 4, 2014, appropriate unbudgeted grant funds received for the FC Bikes Program: (1) a Congestion Mitigation & Air Quality (CMAQ) grant (2014-2016) in the amount of \$704,128; and (2) a Kaiser Foundation Health Plan of Colorado (KP) grant (2014) in the amount of \$94,100.

Resolution 2014-027 authorizes the Mayor to execute a grant agreement between the City and CDOT for the purpose of obtaining a CMAQ grant in support of the FC Bikes Program.

5. Second 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.

This Ordinance, unanimously adopted on First Reading on March 4, 2014, appropriates 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.

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

This Ordinance, unanimously adopted on First Reading on March 4, 2014, sets 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.

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

This Ordinance, unanimously adopted on First Reading on March 4, 2014, amends 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.

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

This Ordinance, unanimously adopted on First Reading on March 4, 2014, adopts the 2012 International Fire Code, along with local amendments, to provide protection of public health and safety and general welfare regarding fire prevention and suppression.

Staff is recommending that this Ordinance be amended on Second Reading by removing from subsections D103.4.1, D103.4.2, and D103.4.3 of Appendix D to the 2012 International Fire Code as adopted and amended in the Ordinance, the reference to the method of measuring the distance of the access roads: "measured as the hose would lay." Because the length of an access road is easily determined by direct measurement, there is no need to refer to a measurement related to the way a hose would lay. This term could be ambiguous, cause confusion, and provides no help in making the measurement.

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

This Ordinance, unanimously adopted on First Reading on March 4, 2014, authorizes the conveyance of 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 to Conifer 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.

10. Second 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.

Ordinance No. 037, 2014, unanimously adopted on First Reading on March 4, 2014, zones Phase Four of the Southwest Enclave Annexation, the last phase within this enclave and consisting of approximately 400 acres. The requested zone districts for Phase Four are Urban Estate (U-E), Rural Lands (R-U-L), and Public Open Lands (P-O-L).

11. First Reading of Ordinance No. 043, 2014, Appropriating Unanticipated Grant Revenue in the General Fund and Authorizing the Transfer of Appropriated Amounts Between Accounts and Projects for the Multi-Jurisdictional Northern Colorado Drug Task Force.

Fort Collins Police Services applied to the Office of National Drug Control Policy and the Department of Justice on behalf of the Northern Colorado Drug Task Force (NCDTF) for federal grant monies to fund a portion of the investigation of illegal narcotics activities in Larimer County. These grant awards will be used to offset operating expenses for each participating agency.

In addition, because of the significant decrease in federal funds available for drug enforcement, the NCDTF is transferring \$236,160 from its forfeiture reserve account to its 2014 operating budget to cover unfunded expenses. The majority of the forfeiture reserve account is made up of assets seized from people engaged in illegal drug activities.

12. First Reading of Ordinance No. 045, 2014, Authorizing the Purchasing Agent to Enter into an Agreement for the Financing by Lease-Purchase of Vehicles and Equipment and Appropriating the Amount Needed for Such Purchases.

The purpose of this item is to request the lease-purchase of vehicles and equipment for the cost of \$2,941,469. Payments at the 2.4% interest rate will not exceed \$313,029.11 in 2014. Money for 2014 lease-purchase payments is included in the 2014 budget. The effect of the debt position on the City's financial rating will be to raise the total City debt to 2.38%. A competitive process was used to select Pinnacle Public Finance for this lease. A 2014 Finance Department analysis of current and historical equipment lease financing arrangements showed that lease-purchase is in the best interest of the City given the normal spread between lease rate and reinvestment rate. Staff believes acceptance of this lease rate is in the City's best interest.

13. First Reading of Ordinance No. 046, 2014, Adding a New Section to the City Code Dealing with the Selection of Special Counsel for the City and Establishing a Procedure for Considering Whether to Consent to Potential or Actual Conflicts of Interest on the Part of Special Counsel.

The purpose of this item is to establish a new process for selecting special legal counsel and for considering whether the City should waive conflicts of interest that such counsel may have in particular situations.

14. Items Relating to Federal and State Grants for the Fort Collins-Loveland Airport.

- A. Resolution 2014-022 Authorizing the City Manager to Execute the 2014 Grant Agreement (AIP Project No. 3-08-0023-33-2014) with the Federal Aviation Administration for Funding for Equipment and Improvements at the Fort Collins-Loveland Municipal Airport.
- B. Resolution 2014-023 Authorizing the City Manager to Execute a Grant Agreement (CDAG #14-FNL-01) with the Colorado Department of Transportation (Colorado Aeronautical Board) for the Funding of Equipment and Improvements at the Fort Collins-Loveland Municipal Airport.
- C. Resolution 2014-024 Authorizing the City Manager to Execute a Grant Agreement (CDAG #14-FNL-101) with the Colorado Department of Transportation (Colorado Aeronautical Board) for Funding of an Intern Position Pertaining to the Fort Collins-Loveland Municipal Airport.

The purpose of this item is to authorize the execution of grant agreements received by the Fort-Collins Loveland Airport. Resolution 2014-022 authorizes the City Manager to execute a grant agreement from the Federal Aviation Administration (FAA) for up to \$1,000,000. This FAA Grant will be used to for capital projects including the acquisition of an Airport Rescue and Fire Fighting vehicle and the design and construction of a snow removal equipment building. Resolution 2014-023 authorizes the City Manager to execute a grant agreement from the State of Colorado, Division of Aeronautics for funds in the amount of \$400,000. This State aviation discretionary grant will be used to match the FAA 2014 entitlement grant for the acquisition of an airport rescue and fire fighting vehicle and for the design and construction of a Snow Removal Equipment Storage building. Resolution 2014-024 authorizes the City Manager to execute a grant agreement from the State of Colorado, Division of Aeronautics for funds in the amount of \$33,280. This second State grant will fund fifty percent of the Airport's intern program for 24 months.

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. Platte River Power Authority-Invitation to PRPA Integrated Resource Plan Listening Session, March 27, 2014.

- **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.

- 15. 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. (staff: Helen Matson, Kayla Ballard; 10 minute staff presentation; 1 hour discussion)

The purpose of this item is to lease 4,446 square feet of City-owned property (which includes 3,011 square feet of building area) to a non-profit cafe. Feeding Our Community Ourselves, Inc. ("FoCo") wishes to lease a portion of 225 Maple Street to house a non-profit cafe with a minimal food processing facility. The terms of the lease are outlined in the Background/Discussion section of this Agenda Item Summary. Ordinance No. 007, 2014 was adopted on First Reading on January 7, 2014 by a vote of 6-1 (Nays: Horak). The Second Reading presents to City Council three options regarding restrictions of the cafe's serving hours.

- 16. Items Relating to Recreational Marijuana. (staff: Ginny Sawyer; 10 minute staff presentation; 1 hour discussion)
 - A. Second 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. Second Reading of Ordinance No. 039, 2014, Establishing Regulations for the Cultivation of Marijuana.
 - C. Second 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.

D. Second 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.

Ordinance Nos. 038 and 039, 2014, unanimously adopted on First Reading on March 4, 2014, regulate the personal use and growing of marijuana as allowed under Amendment 64. Ordinance No. 039, 2014 has been amended to offer an option to allow marijuana cultivation in multi-family, single-family attached, and two-family dwellings.

Ordinance No. 041, 2014, adopted on First Reading on March 4, 2014, by a vote of 4-3 (Nays: Campana, Troxell, Weitkunat) enacts regulations regarding retail marijuana establishments.

Ordinance No. 042, 2014, adopted on First Reading on March 4, 2014, by a vote of 6-1 (Nays: Troxell) makes amendments to the Land Use Code to define and regulate retail marijuana establishments.

17. First Reading of Ordinance No. 044, 2014, Appropriating Prior Year Reserves in the Keep Fort Collins Great Fund to Fund Sunday Service for the MAX Bus Rapid Transit System. (staff: Kurt Ravenschlag, Karl Gannon; 5 minute staff presentation; 30 minute discussion)

The purpose of this item is to appropriate funds to provide MAX Bus Rapid Transit service on Sundays. These funds would provide Sunday service for MAX only, from May 11, 2014 through December 28, 2014. The Sunday service would be provided between the hours of 8:00 am to 8:00 pm, with 15 minute frequencies. The service hours and frequency are designed to capture the following markets: church, mid-day shopping, and summer festivals. The expense in 2014 to provide MAX Sunday service is \$272,500.

18. Resolution 2014-025 Authorizing the Retention of a Consultant to Recommend Appropriate Studies That Will Help the City Determine the Impacts that Hydraulic Fracturing and the Storage of its Waste Products May Have on Property Values and Human Health in the City of Fort Collins or on Lands Under its Jurisdiction. (staff: Lucinda Smith, Laurie Kadrich; 5 minute staff presentation; 15 minute discussion)

Ballot Measure 2A, passed by Fort Collins voters in November 2013, places a five year moratorium on hydraulic fracturing and the storage of its waste products within the City of Fort Collins or on lands under its jurisdiction, in order to fully study the impacts of this process on property values and human health. The purpose of this item is to seek City Council authorization to proceed with hiring an outside consultant to help the City evaluate the way in which the City should carry out its responsibilities under Ballot Measure 2A to study these issues. Multiple studies are available for consideration. The consultant's help is needed to: (1) help evaluate relevant studies; (2) identify gaps in the data that will be provided by existing and upcoming studies, (especially as relevant for Fort Collins local land use patterns, hydrogeology, and existing local oil and gas exploration and production methods); and (3) identify ways to fill those gaps.

19. First Reading of Ordinance No. 048, 2014, Authorizing the Execution of a New Intergovernmental Agreement Pertaining to a Regional Road Impact Fee Program, Adopting a Regional Road Impact Fee Schedule, Ratifying Certain Past Actions Related to Such Fee and Amending Sections 7.5-8 and 7.5-87 of the City Code. (staff: Ginny Sawyer; 5 minute staff presentation; 30 minute discussion)

The purpose of this item is to execute a new intergovernmental agreement (IGA) with Larimer County that allows for the collection of a Regional Road Impact Fee at the time of development. The Ordinance adopts a fee schedule and ratifies past collections and certain actions that were inconsistent with the City Code. The Ordinance also amends Section 7.5-85(d) of the City Code pertaining to the remittance and expenditure of the fee.

20. Items Relating to the Boxelder Creek Watershed. (staff: Ken Sampley; 5 minute staff presentation; 10 minute discussion)
- A. Resolution 2014-026 Authorizing the Execution of an Intergovernmental Agreement with Larimer County, the Timnath Development Authority, the Town of Wellington, and the Boxelder Basin Regional Stormwater Authority Regarding Improvements to County Road 52.
 - B. First Reading of Ordinance No. 047, 2014, Approving the Sixth Amendment to the Fort Collins-Timnath Intergovernmental Agreement Regarding Cooperation on Annexation, Growth Management, and Related Issues, to Update the Terms of Cost Sharing for Stormwater Improvements in the Boxelder Basin.

The purpose of this item is to approve an Intergovernmental Agreement (IGA) between the City and Larimer County and the Town of Timnath to share equally in providing the necessary funds to the Boxelder Basin Regional Stormwater Authority (BBRSA) to pay the cost of the County Road 52 Project that is over and above the allocated Colorado Water Conservation Board (CWCB) loan proceeds and to amend the Fort Collins – Timnath Intergovernmental Agreement (IGA) by revising Article 7 to reflect updated stormwater projects and associated cost sharing.

- **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.



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City Council Work Session March 18, 2014 After the Regular Council Meeting

- **CALL TO ORDER.**

1. West Nile Virus Management Policy & Management Plan. (staff: Dan Weinheimer, Mike Calhoun; 10 minute staff presentation; 45 minute discussion)

The City's West Nile Virus (WNV) Management Policy was adopted July 1, 2008 and the Program Response Guidelines were last updated in March 2013. The purpose of this discussion is to review the input of the West Nile Virus Technical Advisory Committee (TAC) which evaluated the City's Program Response Guidelines, particularly focusing on the issue of adulticiding, as well as to receive guidance regarding proposed amendments to the WNV Management Plan.

2. Keep Fort Collins Great Tax 2013 Annual Report. (staff: Lawrence Pollack, Mike Beckstead; 10 minute staff presentation; 30 minute discussion)

On November 2, 2010 the voters approved a 0.85% increase in the City's sales and use tax rate which has been identified as the Keep Fort Collins Great tax. The tax increase includes provisions stating 1) how the dollars will be allocated to specific programs, 2) the tax will sunset after 10 years, and 3) a requirement that the City Manager report annually to City Council on how the KFCG revenues and any KFCG fund balance were used, as well as the overall efficiencies, process improvements, and cost saving measures that were undertaken by the City in the previous year. These efficiencies pertain to all funded services and programs as well as KFCG. This work session is to fulfill the third requirement by giving the 2013 annual report to City Council in three parts:

- A comprehensive list of all 2013 KFCG Offers, including the expenses associated with each program or service, as well as information on how that money was spent;

- A collection of 2013 efficiencies, process improvements, and cost saving measures implemented by the City;
- A presentation to Council with a 2013 KFCG financial summary including fund balances and a summary of each KFCG allocation highlighting the programs and services provided to the citizens of Fort Collins as supported by KFCG revenues.

- **OTHER BUSINESS.**

- **ADJOURNMENT.**