



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

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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.

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## Regular Meeting April 1, 2014

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

- A. Proclamation Declaring April 2014 as Fair Housing Month.
- B. Proclamation Declaring April 1, 2014 as National Service Recognition Day.
- C. Proclamation Declaring May 1, 2014 as the Celebration of the Interfaith Council 35th Anniversary.

### 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 March 4, 2014 Regular Council Meeting.

The purpose of this item is to approve the minutes from the March 4, 2014 Regular Council meeting.

2. Postponement of Items Relating to the Kechter Farm Annexation and Zoning to April 15, 2014.

Staff requests that Second Reading of the Kechter Farm Annexation and Zoning Ordinances (Ordinance Nos. 005 and 006, 2014) be postponed until April 15, 2014. The final plat approval should be considered by the Board of County Commissioners in April. 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 April 15 meeting will honor the City's commitment in the IGA.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on March 18, 2014, appropriates federal grant monies received from the Office of National Drug Control Policy (\$95,853) and the Department of Justice (\$57,722) to fund a portion of the investigation of illegal narcotics activities in Larimer County by the Northern Colorado Drug Task Force. 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 Northern Colorado Drug Task Force 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.

4. Second 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.

This Ordinance, unanimously adopted on First Reading on March 18, 2014, authorizes 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.

5. Second 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.

This Ordinance, unanimously adopted on First Reading on March 18, 2014, establishes 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.

6. First Reading of Ordinance No. 049, 2014, Appropriating Unanticipated Grant Revenue in the Recreation Fund for the Adaptive Recreation Opportunities Program Paralympic Sport Club.

The purpose of this item is to appropriate unanticipated grant revenue in the recreation fund to be used for general operating support for the Adaptive Recreation Opportunities program *Paralympic Sport Club*.

7. First Reading of Ordinance No. 050, 2014, Appropriating Prior Year Reserves in the General Fund for Waste Reduction and Diversion Projects to be Approved Through the Waste Innovation Program.

The purpose of this item is to shift \$18,794 accumulated during 2013 in the Waste Innovation Fund account into the City's General Fund account for approved projects to develop new organizational processes to enable departments to divert more waste material from landfill disposal.

8. First Reading of Ordinance No. 051, 2014, Appropriating Prior Year Reserves for Lapsed Expenditures Authorized in 2013.

City Council authorized expenditures in 2013 for various purposes. Not all of the authorized expenditures were spent or could be encumbered in 2013 because:

- there was not sufficient time to complete bidding in 2013 and therefore, there was no known vendor or binding contract as required to expend or encumber some of the monies
- the project for which the dollars were originally appropriated by Council could not be completed during 2013 and re-appropriation of those dollars is necessary for completion of the project in 2014
- to carry on programs, services, and facility improvements in 2014 with unspent dollars previously appropriated in 2013.

In the above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2013 and reflect no change in Council policies.

Monies re-appropriated for each City fund by this Ordinance are as follows:

General Fund	\$ 898,805
Data & Communications Fund	\$ 300,000
Keep Fort Collins Great Fund	\$ 440,912
Light & Power Fund	\$ 230,183
Transportation Fund	\$ 96,000

9. First Reading of Ordinance No. 052, 2014, Vacating Scott Avenue Right-of-Way as Dedicated at Book 1174, Page 543 of the Larimer County Records.

The purpose of this item is to vacate Scott Avenue right-of-way that is no longer necessary or desirable to retain for public street purposes. This location will be the future site of the Scott Plaza development project, which was approved at the Planning and Zoning Board Public Hearing on January 9, 2014.

10. First Reading of Ordinance No. 053, 2014, Vacating a Portion of Plum Street Right-of-Way as Dedicated on the Dechairo Subdivision Plat.

The purpose of this item is to vacate a portion of Plum Street 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 is the future site of the Scott Plaza development project, which was approved at the Planning and Zoning Board Public Hearing on January 9, 2014.

11. Resolution 2014-028 Directing the City Manager to Convene an Ad Hoc Advisory Committee to Develop a Climate Action Plan for Achieving a Community-wide Greenhouse Gas Emissions Reduction Goal of 80% with Respect to 2005 Levels by 2030.

The purpose of this item is to seek City Council clarification that the upcoming Climate Action Plan update should strive for the goal to reduce community-wide greenhouse gas emissions 80% with respect to 2005 levels by 2030; that it should describe steps the community could take to meet that goal, and further describe steps the community could take to achieve carbon neutrality by 2050; and to authorize the City Manager to appoint an ad hoc advisory committee to oversee development of the plan.

In 2008, City Council adopted goals to reduce community greenhouse gas emissions 20% below 2005 by 2020, and 80% by 2050. Economic opportunities and technological advancements have emerged since 2008 that present new opportunities for Fort Collins reduce emissions more rapidly while increasing reinvestment back into the community, reducing environmental impacts, and ultimately saving money for the community. Recent input suggests community interest in more aggressive goals and supporting information about benefits and costs. This action sets the stage for the 2014 climate action planning process by clarifying end point goals for 2030 and 2050, and defining a role for an ad hoc advisory committee, with the goal to bring a draft plan back for City Council consideration by the end of 2014.

12. Routine Deed.

The purpose of this item is to accept the dedication of right-of-way on Timberline from Poudre School District. The City of Fort Collins is planning a road project to improve the Horsetooth Road and Timberline Road intersection. The improvements include the addition of turn lanes, as well as bicycle and pedestrian improvements. In anticipation of the City's upcoming project, and as per a Development Agreement dated November 3, 1992 and recorded at reception number 19920069700, Poudre School District is dedicating the necessary right of way for Timberline Road.

**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. Larimer County Commissioners' Community Report - Commissioners Lew Gaiter and Steve Johnson

● **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.

13. Second 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. (staff: Ken Sampley, Jon Haukaas; no staff presentation; 10 minute discussion)

This Ordinance, adopted on First Reading on March 18, 2014 by a vote of 4-3 (Nays: Cunniff, Overbeck, Poppaw), amends the Fort Collins – Timnath Intergovernmental Agreement (IGA) by revising Article 7 to reflect updated stormwater projects and associated cost sharing.

14. Second 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; no staff presentation; 10 minute discussion)

This Ordinance, adopted on First Reading on March 18, 2014 by a vote of 4-2 (Nays: Cunniff, Overbeck; Campana recused), authorizes 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.

15. First Reading of Ordinance No. 054, 2014, Appropriating Prior Year Reserves in the General Fund for Municipal Court Reorganization. (staff: Kathleen Lane; 3 minute staff presentation; 10 minute discussion)

The purpose of this item is to authorize and appropriate funding for a relatively minor reorganization of the Municipal Court department. The Court requests \$55,400 from the General Fund Reserves to cover the prorated cost of a net 1.45 increase in classified/unclassified FTE. This cost relates to three changes which are not included in the approved 2014 budget: converting an existing 0.50 FTE Bailiff position from hourly to classified status, increasing an existing 0.30 FTE classified Deputy Court Clerk II position to a 0.50 FTE, and adding a 0.75 FTE classified position of Court Security Officer. The changes are needed due to case load changes and security concerns. The cost of the changes is anticipated to be covered by a recent increase in the amount of the court cost assessed in appropriate cases. The changes were included in the Municipal Court reorganization plan which was recently approved by the City Manager's Office.

16. Items Relating to the Fort Collins Municipal Court. (staff: Kathleen Lane; 3 minute staff presentation; 10 minute discussion)
- A. First Reading of Ordinance No. 055, 2014, Amending Section 19-4 of the City Code Regarding the Failure to Pay Fine or Penalty.
  - B. First Reading of Ordinance No. 056, 2014, Amending Section 19-62 of the City Code Pertaining to the Handling of Civil Infractions and Misdemeanor Offenses.

The purpose of this item is to codify certain changes in the judicial process to improve fairness and efficiency. Ordinance No. 055, 2014, amends the City Code to remove the specific dollar amount of credit a prisoner receives for jail served on failure to pay cases and, instead, specifies that said amount will be listed in the Schedule of Fines established by the Municipal Judge. This allows the Municipal Judge to periodically adjust that amount as appropriate. Ordinance No. 056, 2014, amends the City Code to indicate that if an incident gives rise to charges which would normally be filed as a civil infraction and a misdemeanor, the charges are to be handled together as a misdemeanor case. This avoids the time and confusion of having two separate tickets filed with the Court, with separate procedures and costs relating to each.

17. Items Relating to Historic Preservation. (staff: Karen McWilliams, Laurie Kadrich; 5 minute staff presentation; 30 minute discussion)
- A. First Reading of Ordinance No. 057, 2014, Amending Chapter 14 of the City Code Regarding Landmark Preservation.
  - B. First Reading of Ordinance No. 058, 2014, Amending Section 2-278 of the City Code Pertaining to the Functions of the Landmark Preservation Commission.
  - C. First Reading of Ordinance No. 059, 2014, Amending Section 3.4.7 of the Land Use Code Pertaining to New Construction as it Affects Historic and Cultural Resources.

The purpose of this item is to present to Council the proposed changes to Chapter 2 and Chapter 14 of the City Code and Section 3.4.7 of the Land Use Code resulting from the 2012-2013 Historic Preservation Process and Codes Improvements Study.

18. Resolution 2014-029 Appointing an Ad Hoc City Council Committee to Select and Recommend a Name for a 31-Acre Natural Area. (staff: John Stokes; 3 minute staff presentation; 20 minute discussion)

The purpose of this item is to appoint an ad hoc Council committee to develop a naming recommendation for the 31-acre property recently conveyed from Woodward Governor to the City's Natural Areas Department (NAD).

- **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.