



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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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
May 6, 2014
(Revised May 6, 2014)**

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

- A. Proclamation Declaring May 4-10, 2014 as Drinking Water Week.
- B. Proclamation Commemorating the Landmark Federal Wilderness Act 50th Anniversary.
- C. Proclamation Declaring May 17, 2014 as Kids To Parks Day.
- D. Proclamation Declaring May 2014 as American Red Cross Month: 100 Years of Service to Colorado.
- E. Proclamation Declaring May 12-18, 2014 as Salvation Army Week.

**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 April 1 and April 15, 2014 Regular Council Meetings and the April 22, 2014 Adjourned Meeting.

The purpose of this item is to approve the minutes from the April 1 and 15, 2014 Regular Council Meetings and the April 22, 2014 Adjourned 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 Ordinance No. 053, 2014, Vacating a Portion of Plum Street Right-of-Way as Dedicated on the Dechairo Subdivision Plat.

This Ordinance, unanimously adopted on First Reading on April 1, 2014, vacates 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.

4. Second Reading of Ordinance No. 060, 2014, Amending the Definition of "Publicly" Contained in Section 12-141 of the City Code Pertaining to the Cultivation of Marijuana.

This Ordinance, unanimously adopted on First Reading on April 15, 2014, amends the definition of "publicly" in Section 12-141 of the City Code as it relates to the cultivation of marijuana so as to conform the definition to that which appears in Section 17-190 relating to offenses involving marijuana. This will correct a mistake in the drafting of Ordinance Nos. 038 and 039, 2014, adopted by Council on Second Reading on March 18, 2014.

5. Second Reading of Ordinance No. 061, 2014, Authorizing the Mayor to Execute a Deed Conveying 12,391 Square Feet of City-Owned Property to Dillon Companies, Inc.

This Ordinance, unanimously adopted on First Reading on April 15, 2014, authorizes the conveyance of a portion of a 1-acre tract of property that was originally acquired from BNSF Railway Company for MAX Bus Rapid Transit ("MAX") project purposes to Dillon Companies, Inc. The property is no longer needed by the Project or the City as a result of an alternative design that has been developed.

6. Second Reading of Ordinance No. 062, 2014, Vacating a Portion of Street Right-of-Way Dedicated to the City in 1974 as Part of the Kmart Development.

This Ordinance, unanimously adopted on First Reading on April 15, 2014, vacates a portion of dedicated street right-of-way that has not been constructed as a street and is no longer needed for public street purposes. The location of this street right of way is located at the rear of the building at 2505 South College Avenue and east of the railroad tracks. The property owners of 2505 South College Avenue have requested this vacation.

7. First Reading of Ordinance No. 064, 2014, Authorizing the Transfer of \$2,000,000 in Existing Capital Appropriations from the Northwest Trunk Sewer Expansion Wastewater Capital Project to a New Capital Project for the Construction of a Sewer Interceptor on North Shields Street.

The purpose of this item is to transfer funds previously appropriated for a northwest trunk sewer extension to be used for the construction of a similar project on North Shields Street. The proposed project will serve a similar purpose of environmental stewardship by removing a significant number of properties from individual septic systems and leach fields.

Larimer County is currently planning on the reconstruction of Shields Street north of the Poudre River in 2015 to coincide with the bridge replacement project. Staff has met with the County Engineering department and will be able to coordinate the two projects to minimize the length of time the area would be impacted by construction, if the two projects were to be done independently.

8. First Reading of Ordinance No. 065, 2014, Amending Chapter 15, Article XIV of the City Code Regarding Outdoor Vendors.

The purpose of this item is to amend Chapter 15 of the City Code regarding Outdoor Vendors with two minor amendments to further support the outdoor vending community. In July 2012, City Council adopted new outdoor vendor regulations based on a comprehensive study completed by staff. Since the inception of the new regulations, staff has been monitoring the activity and working with the mobile vending community to address opportunities for improvement to the Code. Staff is recommending two updates to address the opportunities.

9. First Reading of Ordinance No. 066, 2014, Amending Chapter 2, Article II, Division 3 of the City Code Pertaining to Appeals Procedure.

The purpose of this item is to further clarify and incorporate process improvements relating to the procedure for the hearing of appeals by City Council. Staff contacted attorneys who expressed concerns about the current process and provided them with copies of the proposed changes. No suggested changes were received. Staff also met with the Board of Realtors legislative committee to review the proposed changes. Comments from the committee were focused more on the ease in which an appeal can be filed rather than the specific changes proposed in this Ordinance.

10. First Reading of Ordinance No. 067, 2014, Making Certain Amendments to Chapter 26 of the City Code Pertaining to Electric Rates, Fees and Charges Associated with the Provision of Net-Metered Service.

The purpose of this item is to allow for certain operational efficiencies to be realized by Utilities for the residential net-metering program without negatively impacting the financial benefits of the program for participants. The current accounting process for net-metering customers is manually-intensive. With the deployment of the advanced metering infrastructure for all residential customers, it is now possible to provide these customers with monthly information on their energy production and to implement an automated monthly settlement process rather than the current annually settled process. In order to ensure that no additional financial burden is placed on existing net-metering customers, it is necessary to make the current implicit credit for distribution facilities charges explicit in the City Code through the current rate Ordinance being presented.

11. First Reading of Ordinance No. 068, 2014, Clarifying Ordinance No. 028, 2014, Relating to Wastewater Rates.

The purpose of this item is to clarify the City Council's intent in adopting Ordinance No. 028, 2014, in order to ensure there is no confusion regarding the correct wastewater rates for 2014. Ordinance No. 150, 2013 established new wastewater rates for all customers to be effective January 1, 2014. These rates were implemented as intended for all bills on or after January 1, 2014. Ordinance No. 028 added language to certain sections of the City Code regarding how wastewater rates are charged during construction of multi-family residential developments. Because there is potential for confusion and misrepresentation of the City Council's intent from the way Ordinance No. 028, 2014, as finally published, represented Section 26-280 of the City Code, this Ordinance is intended to clarify the City Council's intent and ensure correct codification of the 2014 wastewater rates.

12. Items Related to Common Private Service Lines for Water and Wastewater Service.

- A. First Reading of Ordinance No. 069, 2014, Amending Article III of Chapter 26 of the City Code to Allow Common Private Service Lines for Water Service in Certain Circumstances.

- B. First Reading of Ordinance No. 070, 2014, Amending Article IV of Chapter 26 of the City Code to Allow Common Private Service Lines for Wastewater Service in Certain Circumstances.

The purpose of this item is to amend Chapter 26 of the City Code to revise the requirements for how separate water and sewer services are provided to individual properties.

The City Code currently requires each individual single family dwelling to connect directly to a City water or sewer main. Current high density development practices can create situations of multiple long service lines underground congesting the provided easements through the entire green space of a property and impacting the ability to plant trees or install other surface features. Ordinance No. 069, 2014, would allow for a "Common Private Water Service Line" that is owned and maintained by a homeowner's association, or other legal entity, and serve up to 6 individual properties. Ordinance No. 070, 2014, would allow for a "Common Private Wastewater Service Line" that is owned and maintained by a homeowner's association, or other legal entity, and serve up to 6 individual properties.

13. First Reading of Ordinance No. 071, 2014, Vacating Portions of Ziegler Road as Dedicated in Book R at Page 118 of the Larimer County Records.

The purpose of this item is to vacate the portions of Ziegler Road right-of-way that are no longer necessary or desirable to retain for public street purposes. The portions to be vacated are those portions that were dedicated in 1882 and not rededicated with the Fossil Lake PUD First Filing plat and are portions of right-of-way that are not needed for the existing street system.

14. First Reading of Ordinance No. 072, 2014 Vacating Right-of-Way as Dedicated on the Final Plats of Waterfield P.U.D. First Filing and Waterfield P.U.D. Second Filing.

The purpose of this item is to vacate portions of right-of-way within Waterfield PUD First and Second Filings that are no longer necessary or desirable to retain for street purposes. These locations are being replatted as Waterfield Third Filing and proposing new rights-of-way to be dedicated, which was approved through an Administrative Hearing on February 11, 2014.

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.

15. Resolution 2014-032 Approving an Amendment to the Redevelopment and Reimbursement Agreement with the Fort Collins Urban Renewal Authority, Walton Foothills Holdings VI, L.L.C. and the Foothills Metropolitan District Regarding the Redevelopment of Foothills Mall. (staff: Darin Atteberry, Mike Beckstead; 10 minute staff presentation; 90 minute discussion)

The purpose of this item is to amend the Foothills Mall Redevelopment Agreement. The Developer has asked to amend Section 3.1 - Conditions Precedent to Issuance of District Bonds of the Agreement to allow the Metro District Bonds to be issued with 155k square feet of executed leases vs. the 240k square feet required in the current agreement. The Developer is also asking for clarification to Section 4.3 - Construction of Residential Component of Project: Affordable Housing concerning the period of time the Developer may be required to make payments to the City if there is a delay in the completion of the residential units and Section 3.2(c) (now Section 3.2(g)) - Provisions to be Included in District Bond Documents concerning the order in which the Reserve and the Supplemental Reserve would be utilized.

Six additional refinements to the Agreement are recapped below to address concerns raised by Council.

16. Items Relating to the West Nile Virus Management Plan. (staff: Dan Weinheimer, Mike Calhoon; 15 minute staff presentation; 1 hour discussion)
- A. Second Reading of Ordinance No. 063, 2014, Appropriating Prior Year Reserves in the General Fund to Fund Enhancements to the Fort Collins West Nile Virus Management Program for the 2014 Season.
- B. Discussion of West Nile Virus Management Plan Options.
- C. **First Reading of Ordinance No. 073, 2014, Appropriating Prior Year Reserves In The General Fund To Fund The Fort Collins West Nile Virus Management Program For The 2014 Season.**

Ordinance No. 063, 2014, unanimously adopted on First Reading on April 15, 2014, appropriates funds to execute the city's West Nile Virus Management Program. Additional funds, amounting to \$75,100, are appropriated to enhance the public outreach program, increase the city's larval control boundary and allow for a more flexible larval control season.

Staff also seeks Council input as to which options it prefers to consider adding to the West Nile Virus Management Plan. Options include Technical Advisory Committee recommendations for an opt-out program, implementation of zones, updates to the operational guidelines, and the Advisory Panel process.

ADJOURN TO URBAN RENEWAL AUTHORITY MEETING

17. Second Reading of Ordinance No. 052, 2014, Vacating Scott Avenue Right-of-Way as Dedicated at Book 1174, Page 543 of the Larimer County Records. (staff: Tyler Siegmund; 5 minute staff presentation; 20 minute discussion)

This Ordinance, adopted on First Reading on April 1, 2014, by a vote of 4-3 (Nays: Cunniff, Overbeck, Poppaw) vacating 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.

Public outreach for the Scott Plaza Project Development Plan and the Scott Avenue right-of-way vacation request were as follows:

- August 22, 2013, Scott Plaza Project Development Plan neighborhood meeting
- December 23, 2013, Scott Plaza Project Development Plan Planning and Zoning Board public hearing notice
- January 29, 2014, Scott Avenue vacation request notice sent to adjacent property owners
- April 28, 2014, Scott Avenue vacation request neighborhood meeting.

18. Consideration of an Appeal of the Planning and Zoning Board's Decision to Approve the Bella Vira, Phase 2, Major Amendment and Replat. (staff: Pete Wray; 5 minute staff presentation; 90 minute discussion)

On March 21, 2014 an appeal was filed concerning the Planning and Zoning Board Hearing decision regarding a proposed Major Amendment and Replat to the Bella Vira, Phase 2, Final Plan. The project is located at the southwest corner of South Overland Trail and West Elizabeth Street. An amendment to the appeal was filed on March 28, 2014.

The Amended Appeal, received on March 28, asserts that the Planning and Zoning Board failed to conduct a fair hearing, and properly interpret and apply relevant provisions of the Land use Code.

19. Resolution 2014-033 Superseding Resolution 2014-049 and Authorizing the Execution of a Revised First Amendment to the Intergovernmental Agreement Establishing the Boxelder Basin Regional Stormwater Authority. (staff: Ken Sampley; 5 minute staff presentation; 15 minute discussion)

ITEM POSTPONED TO MAY 20, 2014

The purpose of this item is to approve a revised First Amendment to the Boxelder Basin Regional Stormwater Authority (BBRSA) in place of the First Amendment that was authorized by the adoption of Resolution 2014-049. The Revised First Amendment:

- Authorizes the BBRSA to determine and make minor revisions to properties within the Service Area of the BBRSA by designating areas as “non-tributary areas”, and to grant fee credits to other areas within the Service Area;
- Authorizes the BBRSA to accept loans from the Colorado Water Conservation Board (CWCB) to fund the design and construction of the remaining regional stormwater projects; and,
- Establishes a sunset provision that terminates collection of stormwater fees and charges either twenty years after the effective date of this Amendment, provided there is agreement regarding the operation and maintenance responsibilities for the projects, or upon completion of all regional

stormwater projects, payment of all debt incurred by the BBRSA, agreement as to payment of any BBRSA obligations to Members and disbursement of any remaining revenues and agreement among the Members as to any continuing obligation for operation and maintenance of the projects.

- **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.



urban renewal authority

Karen Weitkunat, Chairperson
Gerry Horak, Vice-Chairperson
Bob Overbeck
Lisa Poppaw
Gino Campana
Wade Troxell
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URBAN RENEWAL AUTHORITY BOARD FORMAL MEETING

May 6, 2014

(After Item 16 on the Regular Council Meeting Agenda,
Regular Council Meeting Begins at 6:00 p.m.)

- CALL MEETING TO ORDER
- ROLL CALL
- AGENDA REVIEW - Executive Director's Review of Agenda.
- CITIZEN PARTICIPATION

Individuals who wish to make comments regarding items remaining on the Consent Calendar or wish to address the Board on items not specifically scheduled on the agenda must first be recognized by the Chairperson or Vice Chair. **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 Chairperson may reduce the time allowed for each individual.

- State your name and address for the record.
- Applause, outbursts or other demonstrations by the audience are not allowed
- Keep comments brief; if available, provide a written copy of statement to Secretary
- Address your comments to Council, not the audience

- CITIZEN PARTICIPATION FOLLOW-UP
- STAFF REPORTS
- COMMISSIONER REPORTS

Discussion Items

The method of debate for discussion items is as follows:

- Chairperson introduces the item number and subject; asks if formal presentation will be made by staff
- Staff and/or Applicant presentation (optional)
- Chairperson requests citizen comment on the item (five-minute limit for each citizen)
- Board questions of staff on the item
- Board motion on the item
- Board discussion
- Final Board comments
- Board vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Chairperson, 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.

1. Consideration and Approval of the Minutes from the April 15, 2014 Urban Renewal Authority Board Meeting.

The purpose of this item is to approve the minutes from the April 15, 2014 Urban Renewal Authority Meeting.

2. Resolution No. 070 Approving An Amendment To The Redevelopment And Reimbursement Agreement With The City , Walton Foothills Holdings VI, L.L.C., And The Foothills Metropolitan District Regarding The Redevelopment of Foothills Mall. (staff: Darin Atteberry, Mike Beckstead; 3 minute staff presentation; 15 minute discussion)

The purpose of this item is to amend the Foothills Mall Redevelopment Agreement. The Developer has asked to amend Section 3.1 - Conditions Precedent to Issuance of District Bonds of the Agreement to allow the Metro District Bonds to be issued with 155k square feet of executed leases vs. the 240k square feet required in the current agreement. The Developer is also asking for clarification to Section 4.3 - Construction of Residential Component of Project: Affordable Housing concerning the period of time the Developer may be required to make payments to the City if there is a delay in the completion of the residential units and Section 3.2(c) (now Section 3.2(g)) - Provisions to be Included in District Bond Documents concerning the order in which the Reserve and the Supplemental Reserve would be utilized.

Six additional refinements to the Agreement are recapped below to address concerns raised by the URA Board.

- OTHER BUSINESS
- ADJOURNMENT – RETURN TO REGULAR COUNCIL MEETING