



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

Carrie Daggett
Interim 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 August 19, 2014

Proclamations and Presentations 5:30 p.m.

- Proclamation Declaring August 20, 2014 as Fort Collins' 150th Anniversary.
- Historic Preservation Awards.

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 July 1 and July 15, 2014 Regular Council Meetings, the July 8, 2014 Special Council Meeting and the July 22, 2014 Adjourned Council Meeting.

The purpose of this item is to approve the minutes from the July 1 and July 15, 2014 Regular Council meetings, the July 8, 2014 Special Council meeting and the July 22, 2014 Adjourned Council meeting.

2. Second Reading of Ordinance No. 101, 2014, Amending Article XII of Chapter 23 of City Code Relating to Art in Public Places.

This Ordinance, unanimously adopted on First Reading on July 15, 2014, amends Article XII of Chapter 23 of the City Code relating to Art in Public Places. This Ordinance increases the threshold for art projects requiring City Council approval from \$10,000 to \$30,000. During First Reading, Council changed the threshold amount from \$60,000 to \$30,000.

3. Second Reading of Ordinance No. 102, 2104, Amending the Fort Collins Traffic Code Regarding Payment of Fares for Use of Public Transportation Vehicles.

This Ordinance, unanimously adopted on First Reading on July 15, 2014, amends the Traffic Code to address fare payment requirements on public transportation and provides due process of fare violations through Municipal Court.

4. Second Reading of Ordinance No. 103, 2014, Authorizing the Conveyance of a Non-Exclusive Waterline Easement and Temporary Construction Easement on City Property to the North Weld County Water District and the East Larimer County Water District.

This Ordinance, unanimously adopted on First Reading on July 15, 2014, authorizes the conveyance of easements on City Property to the East Larimer County Water District and the North Weld County Water District for their NEWT II Water Transmission Pipeline Project. The East Larimer County Water District and North Weld County Water District have begun the second phase of a multi-phase water transmission pipeline project for the purposes of conveying treated water from the Districts' Soldier Canyon Filter Plant to their drinking water distribution systems. The alignment of the pipeline will cross a section of the City Property, located east of Taft Hill Road and north of Vine Drive, which is managed by the City Park Planning Department. As such, the Districts have requested a waterline easement from the City for their project.

5. Second Reading of Ordinance No. 104, 2014, Authorizing the Conveyance of a Non-Exclusive Utility Easement on City Property to the Nunn Telephone Company.

This Ordinance, unanimously adopted on First Reading on July 15, 2014, authorizes the conveyance of a non-exclusive easement to Nunn Telephone Company for the purpose of installing a fiber-optic connection to an AT&T fiber regeneration hut that is located on a portion of the Meadow Springs Ranch. The proposed easement is 10 feet wide and approximately 690 feet long and would be placed immediately adjacent to an existing access road.

6. Second Reading of Ordinance No. 105, 2014 Amending Section 2-581 of the City Code and Setting the Compensation of the Interim City Attorney.

This Ordinance, unanimously adopted on First Reading on July 15, 2014, establishes the salary and compensation provided the interim City Attorney while she serves in this capacity.

7. Items Relating to the Vida Sana Grant.

- A. Resolution 2014-066 Authorizing The City Manager To Execute A Grant Agreement With The Poudre Valley Health Systems Foundation For Delivery Of Vida Sana Project Programming
- B. First Reading of Ordinance No. 106, 2014, Appropriating Unanticipated Grant Revenue in the Recreation Fund for the Vida Sana Grant.

The purpose of this item is to approve the sub-grant agreement and appropriate sub-grant funds from the Colorado Department of Public Health and Environment, through 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 in access among Latino/Hispanic community members to healthy lifestyle counseling and programs. Specific interventions include increasing access to facilities providing physical activity; providing social support to increase physical activity; and implementing a community wide campaign for increasing physical activity that will be carried out by partner agencies.

8. First Reading of Ordinance No. 107, 2014, Amending Ordinance No. 121, 2013, Regarding Minimum Parking Requirements in the Transit-Oriented Development Overlay Zone District to Extend Its Termination Date.

The purpose of this agenda item is to request a 90-day extension of the temporary parking requirements in the TOD Overlay Zone. The ordinance (Ord. No. 121, 2013) expires on September 13, 2014. The Planning and Zoning Board is requesting more time to evaluate recommendations from the TOD Parking Study. New parking requirements are anticipated to replace the temporary parking ordinance.

The Planning and Zoning Board will consider this item at its September 11, 2014 meeting. City Council will formally consider the TOD Parking Study on First Reading on October 7 and Second Reading on October 21.

9. First Reading of Ordinance No. 108, 2014, Amending Chapter 26 of the City Code to Revise Electric Rates, Fees and Charges and Provide Rates for Customers Enrolled in the Fort Collins Community Solar Project.

The purpose of this item is to establish a reimbursement rate for the energy that will be produced through the Fort Collins Community Solar Project (solar farm). The proposed reimbursement rate is consistent with recent changes in the rooftop net-metering reimbursement rate, adopted in Ordinance No. 067, 2014. Like the rooftop net-metering customers, participants in the solar farm, who purchase an interest in the solar farm, will be reimbursed for every kilowatt-hour of energy produced at a rate of \$0.0714 per kWh (the combination of the Summer Tier 1 rate of \$0.0583 per kWh and one half the facilities charge rate - \$0.0131 per kWh). The difference between the two rates is that, because participants in the Fort Collins Community Solar Project will need to fully utilize the distribution infrastructure to deliver all of their household energy, the additional payment the facilities charge portion of the rate is proposed to be only half of that being given to rooftop net-metering customers.

10. First Reading of Ordinance No. 109, 2014, Authorizing the Mayor to Execute a Lease Agreement with Clean Energy Collective, LLC for the Use of City Property for a Community Solar Garden Project with an Associated Access Easement.

The purpose of this item is to authorize the lease of City property located at 500 Riverside Avenue to Clean Energy Collective, LLC (through its subsidiary, CEC Solar #1038, LLC), to build and operate a community solar farm project, including an access easement to enter the property from the Wastewater plant entry road on Mulberry Street. The City has entered into a Power Purchase Agreement with Clean Energy Collective, LLC (CEC) to develop a community solar project in Fort Collins. The City property located at 500 Riverside Avenue was determined by staff and CEC to be a feasible site for the location of the project. To facilitate the development of the solar garden, CEC has requested a lease agreement for the use of the City's property for a period of 25 years for the building and operation of the solar farm project.

11. First Reading of Ordinance No. 110, 2014, Authorizing the Exchange of a 9.33 Acre Portion of the Timberline Substation Property from the Electric Utility for a Comparably-Valued 3.03 Acre Site from the Parks Department.

The purpose of this item is to authorize the exchange of portions of property at the Timberline Substation property between the Utility Department and the Parks Department. The City of Fort Collins owns a parcel of land at the southwest corner of Prospect Road and Timberline Road which is the location of the Timberline Substation (the "City Property"). The Utility Department owns 19.92 acres of the City Property of which 7.43 acres are used for substation purposes. The Parks Department desires to develop a 9.33-acre portion of the property owned by Utilities for recreation purposes and has proposed to acquire this portion from the Utility Department. The Parks Department intends to maintain the property as a disc golf course. The Utility Department has determined that the proposed conveyance and recreation use will not adversely impact the portion of the City Property used for utility purposes. In exchange, the Utility Department desires to acquire a 3.03 acre portion of the City Property which is owned by the Parks Department. This Ordinance authorizes the exchange of the properties between the Utility Department and Parks Department,

recognizing that no funds will need to be paid between the departments, based on the comparable values of the two parcels, existing encumbrances on the 9.33-acre parcel, the value of all access reservations retained by the Utilities Department, the beneficial use each will realize in the land it acquires, and the value of additional services the Utility Department will provide to the Parks Department.

12. First Reading of Ordinance No. 111, 2014, Authorizing the Conveyance of a Shared Access Easement on City Property to Public Service Company of Colorado.

The purpose of this item is to authorize the conveyance of a shared access easement to Public Service Company of Colorado for an access road at the Timberline Substation Property. The City of Fort Collins Utility Department owns a property at the southwest corner of Prospect Road and Timberline Road which is the location of the Timberline Substation (the "City Property"). Public Service Company of Colorado, Inc. (PSCo) owns a small tract of land on Timberline Road which is surrounded on three sides by the City Property. The access to the two properties is by means of an existing driveway located on Timberline Road of which a portion falls on to each property. In order to establish an easement of record for the allowed use of the driveway by each party, the Utility Department and PSCo have proposed the conveyance of a shared access easement allowing both parties the right to use the driveway for access purposes.

13. Items Relating to Initiating Annexation Proceedings for the Clydesdale Park First and Second Annexations.

- A. Resolution 2014-067 Finding Substantial Compliance and Initiating Annexation Proceedings for the Clydesdale Park First Annexation.
- B. Resolution 2014-068 Finding Substantial Compliance and Initiating Annexation Proceedings for the Clydesdale Park Second Annexation.

The purpose of this item is to initiate annexation proceedings for the existing Clydesdale Park subdivision located east of Interstate 25, south of the intersection of East Mulberry Street and Carriage Parkway. Clydesdale Park includes 217 single-family residential lots on approximately 75 acres. Residents of the Clydesdale Park neighborhood have requested this annexation. In accordance with State law, the purpose of the Initiating Resolutions is to accept the Annexation Petitions and provide a schedule for upcoming Council hearings within a timeline that complies with State Statutes.

14. Resolution 2014-069 Authorizing a License to Enter to the Fort Collins Fire Museum Foundation for Access to City-Owned Property at 330 North Howes Street for Up to Two Years.

The purpose of this item is to authorize the Fort Collins Fire Museum Foundation to use a portion of the City's Car Barn for restoring historic fire equipment belonging to the City and Poudre Fire Authority (PFA). This License to Enter is effective for up to two years, but can also be terminated by either party at any time.

15. Resolution 2014-070 Authorizing Intergovernmental Agreements with the United States Fish and Wildlife Service Regarding Reintroducing Endangered Black-Footed Ferrets to Soapstone Prairie Natural Area and Meadow Springs Ranch.

The purpose of this item is to approve by resolution various agreements with the United States Fish and Wildlife Service (USFWS) that allow the City to reintroduced endangered black-footed ferrets to Soapstone Prairie Natural Area and Meadow Spring Ranch. The City of Fort Collins implemented a black-tailed prairie dog management plan on Soapstone Prairie Natural Area (Soapstone) and Meadow Springs Ranch (Meadow Springs) with a goal of reintroducing the federally endangered black footed ferret onto the properties (ferrets predate on prairie dogs almost exclusively). The prairie dog plan was implemented in cooperation with the U.S. Fish and Wildlife Service (USFWS) and Colorado Parks and Wildlife (CPW) and resulted in the selection of the City-owned properties as a new ferret recovery site in 2014 by USFWS. In addition, the City worked with State Representative Randy Fischer to introduce and pass HB14-1267 allowing for the reintroduction of ferrets to occur.

One requirement of the legislation is that reintroduction of the species must be done in accordance with a Programmatic Safe Harbor Agreement (Safe Harbor) with USFWS. The Certificate of Inclusion into the Safe Harbor and accompanying City of Fort Collins *Black-footed Ferret Reintroduction Plan for Soapstone Prairie Natural Area and Meadow Springs Ranch* are considered Intergovernmental Agreements and require City Council approval by resolution.

16. Resolution 2014-071 Authorizing the Assignment of the City's Private Activity Bond Allocation for 2014 to the Fort Collins Housing Authority to Finance the Rehabilitation of Affordable Housing Units at the Villages at Cunningham Corner.

The purpose of this item is to assign the City's 2014 Private Activity Bond Allocation (PAB) in the amount of \$7,408,350 to the Fort Collins Housing Authority (FCHA) for the purpose of affordable housing rehabilitation. Specifically, the bond proceeds will be used to finance the rehabilitation of 284 affordable housing units located at the Villages on Cunningham Corner.

Annually, the state allocates a portion of its ceiling for PAB to the City. If the City does not use or assign this allocation, it is returned to the state on September 15. The City will not incur debt and this will not affect the City's credit rating. There have not been any other requests to use the 2014 PAB allocation.

17. Resolution 2014-072 Approving an Intergovernmental Agreement Between the City of Fort Collins, Platte River Power Authority, the Town of Estes Park, the City of Longmont, and the City of Loveland for Demand Side Management Program Coordination.

The purpose of this item is to formalize the joint funding of demand side management (aka energy efficiency and conservation) (DSM) programs between the City of Fort Collins and Platte River Power Authority (Platte River).

Jointly developed efficiency programs which are administered by Platte River require supplemental or directive funding from Fort Collins Utilities on behalf of Fort Collins customers. This intergovernmental agreement (IGA) formalizes the authority to provide additional funding via a purchase order process between the City and Platte River. The IGA is a joint document between Platte River, Fort Collins, Loveland, Longmont and Estes Park.

18. Resolution 2014-073 Approving Expenditures from the Art in Public Places Reserve Account to Commission an Artist to Create Art for the Senior Center Expansion Project.

The purpose of this item is to approve expenditures from the Art in Public Places Reserve Account to commission an artist to create art for the APP Senior Center Expansion Project. The expenditure of \$50,238 will be for design, materials, fabrication, installation and contingency for an artist-designed steel art panel to be located in the main lobby of the Senior Center, and for artist-designed concrete form liners to be used on an exterior seat wall at this site.

19. Resolution 2014-074 Appointing Two Representatives to the Colorado Municipal League Policy Committee.

The purpose of this item is to appoint Councilmember Wade Troxell and City Manager Darin Atteberry to represent the City of Fort Collins on the Colorado Municipal League Policy Committee.

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.

20. Second Reading of Ordinance No. 100, 2014, Appropriating Prior Year Reserves in the General Fund to Fund High Priority Security Enhancements. (staff: Gerry Paul, Mike Beckstead; no staff presentation; 5 minute discussion)

This Ordinance, adopted on First Reading on July 15, 2014, by a vote of 5-1 (Nays: Cunniff) appropriates funds to address high priority security findings identified by a comprehensive security assessment of City buildings. Funding is requested to implement enhancements to address the high priority findings identified in a 2013/2014 City building security assessment performed by Lyon & Associates. Funding will be directed to access control, alarm systems, internal public address systems, security cameras, and minor remodels to increase security workspace hardening. For Second Reading, the amount has been decreased to \$190,360 because it was determined that two servers were not required.

21. Items Relating to Disposable Bags. (staff: Susie Gordon; 5 minute staff presentation; 90 minute discussion)

- A. Second Reading of Ordinance No. 099, 2014, Amending Chapter 12 of the City Code to Establish Regulations Regarding Disposable Bags. (**Option 1**)
- B. First Reading of Ordinance No. 112, 2014, Amending Chapter 12 of the City Code to Establish Regulations Regarding Disposable Bags (**Option 2**)

At the May 13, 2014 Work Session, City Council directed staff to prepare an ordinance to reduce the number of disposable bags distributed by grocery stores at checkout registers. On July 1, Ordinance No. 099, 2014 was adopted by a vote of 5-2 (nays: Weitkunat, Troxell) on First Reading.

Council directed staff to postpone Second Reading of Ordinance No. 099, 2014 to August 19, to allow more time for Councilmembers to review public input on disposable bags. An informational meeting held July 30 (attended by 50-60 people) allowed the public to receive answers from staff and Councilmembers on specific questions regarding the proposed ordinance.

The "Option 2" ordinance has also been developed for Council's consideration. Option 2 has been written at the request of multiple Councilmembers to take a new approach at an ordinance that could help reduce the use of disposable bags in Fort Collins.

22. Resolution 2014-075 Naming a Loop Trail Within a New 31-Acre Natural Area and Restarting the Process for Selecting an Overall Name for the New Natural Area. (staff: John Stokes; 5 minute staff presentation; 10 minute discussion)

The purpose of this agenda item is to restart the process with the Natural Areas Department and the Land Conservation and Stewardship Board to make a recommendation to Council of a name for a new 31-acre natural area on the Poudre River conveyed to the City by Woodward Governor and to name a loop trail within that natural area.

23. First Reading of Ordinance No. 113, 2014, Approving the Seventh Amendment to the Fort Collins-Timnath Intergovernmental Agreement Regarding Cooperation on Annexation, Growth Management and Related Issues. (staff: Laurie Kadrich, Karen Cumbo; 5 minute staff presentation; 15 minute discussion)

The purpose of this item is to update a 2009 Intergovernmental Agreement (IGA) with the Town of Timnath to incorporate several amendments and new land use provisions. The Land Use portions of the agreement are intended to provide planned and orderly development of urban services along the I-25 Corridor and to establish appropriate Growth Management and Influence Areas to support such development.

24. First Reading of Ordinance No. 114, 2014, Appropriating Capital Project Funding in the Light and Power, Water, Wastewater, and Stormwater Drainage Enterprise Funds and Authorizing the Transfer of Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program, for the Construction of a New Utilities Administration Building in Block 32 on LaPorte Avenue and Renovation of 700 Wood Street. (staff: Kevin Gertig, Ken Mannon; 10 minute staff presentation; 20 minute discussion)

The purpose of this Appropriation Ordinance is to provide funding for the construction of a new Utility Administration Building within Block 32 on LaPorte Avenue, as well as renovation of the existing Utility Service Center at 700 Wood Street. The total combined project costs are \$23,411,000 with \$4,500,000 already appropriated from Light and Power reserves, leaving \$18,911,000 to be appropriated with this ordinance.

A Utility Building Team comprised of internal staff and external subject matter experts has worked with the architectural firm RNL and Adolfson and Peterson Construction to assess the best way to address the current building performance and space issues facing Fort Collins Utilities' ongoing and future business operations. Balancing the city-wide goal to have high-performing office buildings with the need to be fiscally prudent has led the Building Team to recommend the two-pronged funding process proposed in this appropriation ordinance.

The four Utility Enterprise Funds (Light and Power, Water, Wastewater and Stormwater) will share the costs of the projects. All appropriations will come from the existing reserves in these four funds.

25. Resolution 2014-076 Creating a Council Committee to Make Recommendations to the Council, Commencing the Process to Select a Search Firm, and Adopting a Plan and Target Schedule for the Recruitment and Selection of a City Attorney. (staff: Janet Miller; 5 minute staff presentation; 10 minute discussion)

The purpose of this item is to begin the City Attorney recruitment and selection process by:

1. creating a Council Committee to screen search firm candidates and make recommendations to the City Council regarding the search firm to be chosen and to make recommendations regarding other matters related to the City Attorney recruitment and selection process;

2. directing staff to develop and implement a request-for-proposal process for search firms to aid the Council Committee in its recommendation to City Council; and
3. adopting a detailed plan and target schedule for the recruitment and selection of the City Attorney.

- **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.