

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
September 2, 2014
6:00 PM
(Revised on 8/30/14)**

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

- Proclamation Declaring September as National Preparedness Month.
- Proclamation Declaring the Third Weekend in September as Colorado Moves to End Cancer Weekend.
- Proclamation Declaring September 13, 2014 as Historic Homes Tour Day.
- Proclamation Declaring September as Hunger Action Month.

**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. Second Reading of Ordinance No. 106, 2014, Appropriating Unanticipated Grant Revenue in the Recreation Fund for the Vida Sana Grant.

This Ordinance, unanimously adopted on First Reading on August 19, 2014 approving 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.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on August 19, 2014 approves a 90-day extension of the temporary parking requirements in the Transit Overlay Development (TOD) Overlay Zone. Ordinance 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 21 and Second Reading on November 4.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on August 19, 2014 approves establishing 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.

4. Second 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.

This Ordinance, unanimously adopted on First Reading on August 19, 2014 approves the authorization to lease 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.

5. Second 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.

This Ordinance, unanimously adopted on First Reading on August 19, 2014 authorizes 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.

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

This Ordinance, unanimously adopted on First Reading on August 19, 2014, authorizes 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.

7. First Reading of Ordinance No. 115, 2014 Amending Sections 19-66, 19-67, and 19-69 of the City Code Pertaining to the Rules for Civil Infractions

The purpose of this item is to transfer civil infraction payment processing functions to the Municipal Court from Neighborhood Services and the Forestry Division in order to more efficiently process and track those citations and reduce redundancy since the Municipal Court is better equipped to handle this function.

8. First Reading of Ordinance No. 116, 2014, Extending Ordinance No. 024, 2013, Which Amended the Land Use Code by the Addition of a Temporary Planned Development Overlay Zone District for One Additional Year.

The purpose of this item is to request a twelve-month extension of the Planned Development Overlay District pilot.

9. Items Relating to the FY 2013-14 Safe Routes to School Program

- A. Resolution 2014-077 Authorizing the Execution of a Project Construction Grant Agreement Between the City and the Colorado Department of Transportation (CDOT).
- B. First Reading of Ordinance No. 117, 2014, Appropriating Unanticipated Grant Revenue in the Transportation Services Fund for the FY 2013-14 Safe Routes to School Program and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program.

The purpose of these items is to enter into an intergovernmental agreement with CDOT and appropriate \$314,903 in Safe Routes to School grant funding to design and build a new multi-use path along Lindenmeier Road serving Tavelli Elementary School.

10. Items Relating to Larimer County's Request for Right of Way and Temporary Construction Easements across five City properties to Construct, Operate and Maintain Improvements Associated with the North Shields Street widening and Cache la Poudre bridge replacement.

- A. First Reading of Ordinance No. 118, 2014, Authorizing the Conveyance of a Deed of Dedication and a Temporary Construction Easement on McMurry Natural Area to Larimer County.
- B. First Reading of Ordinance No. 119, 2014, Authorizing the Conveyance of a Deed of Dedication and a Temporary Construction Easement on North Shields Pond Natural Area to Larimer County.
- C. First Reading of Ordinance No. 120, 2014, Authorizing the Conveyance of a Deed of Dedication and a Temporary Construction Easement on Poudre River Trail Property to Larimer County.
- D. First Reading of Ordinance No. 121, 2014, Authorizing the Conveyance of a Deed of Dedication and a Temporary Construction Easement on City Property Located at 812 North Shields Street to Larimer County.
- E. First Reading of Ordinance No. 122, 2014, Authorizing the Conveyance of a Deed of Dedication and a Temporary Construction Easement on City Railbanking Property to Larimer County.

The purpose of this item is to convey permanent rights-of-way and temporary construction easements to Larimer County for improvements related to the North Shields Street widening and Cache la Poudre River bridge replacement.

Larimer County will be widening the existing North Shields Street from a two-lane to a three-lane road to provide a median/left turn lane, a trailhead parking lot, bike lanes and sidewalks from the Arthur Ditch north to Willox Lane beginning in early 2015. The street and bridge construction will require one temporary construction easement and the conveyance of permanent right-of-way (by deed of dedication) on each of five City properties including McMurry Natural Area and North Shields Pond Natural Area.

This project is being completed in partnership with the City. In particular, the Natural Areas and Parks Departments are working with the County to provide better access to the river for hiking, tubing and fishing. The new bridge will feature sidewalks on the bridge and trails leading from the bridge to the river to provide improved pedestrian access across the bridge as well as to the river. A new approximately 40 car trailhead parking lot will be constructed on the northwest portion of the area on land owned by Larimer County Emergency Services and a sidewalk will connect the parking area with the Poudre River as well as the North Shields Pond Natural Area. An additional benefit of the project will be to fill a small portion of the eastern pond at North Shields Ponds Natural Area to accommodate the widening of North Shields Street and to construct a new trail along the east shore of the pond to improve access around the pond. This will require one temporary construction easement and the dedication of permanent right-of-way on North Shields Ponds Natural Area. Natural Areas has agreed to be responsible for maintaining the trailhead parking lot and the new paved trails providing access to McMurry Natural Area, North Shields Pond Natural Area, the Poudre

Trail and the Poudre River. Larimer County, Parks and Natural Areas will each be paying for a portion of these improvements. Council will be asked to approve an Inter-Governmental Agreement defining the cost sharing on the improvements and the ongoing maintenance of the trailhead parking lot and trails early next year.

11. Resolution 2014-078, Setting the Dates of the Public Hearings on the 2015 and 2016 Proposed City of Fort Collins Biennial Budget.

The purpose of this item is to set two public hearing dates on the proposed 2015-2016 biennial budget. The City Charter requires that the City Council set a date for a public hearing on the proposed budget. This Resolution sets that hearing date for the regular Council meeting of October 7, 2014. In an effort to receive further public input, this Resolution sets an additional hearing date for the September 23, 2014, adjourned Council meeting.

12. Resolution 2014-079, Supporting the Referred Ballot Measure to Renew the Help Preserve Open Spaces Sales and Use Tax.

The purpose of this item is to inform Council about the November 4, 2014, ballot measure to extend the Help Preserve Open Space tax, Larimer County's quarter-cent sales and use tax that supports County and local open lands program, including the City's Natural Areas Department.

13. Routine Deeds

The purpose of this item is for Council to accept two quit claim deeds from Poudre Valley Rural Electric Association Inc. conveying the rights to a total of 110 electric easements within the boundaries of Phase Three and Four of the Southwest Annexation.

A. Quit Claim Deed 1, from Poudre Valley Rural Electric Association Inc., conveying 57 easements to the City of Fort Collins.

B. Quit Claim Deed 2, from Poudre Valley Rural Electric Association Inc., conveying 53 easements to the City of Fort Collins

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**

"Special Agency Session" Update

● **COUNCILMEMBER REPORTS**

● **CONSIDERATION OF COUNCIL-PULLED CONSENT ITEMS**

Discussion Items

The method of debate for discussion items is as follows:

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

Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all citizens have an opportunity to speak. **Please sign in at the table in the back of the room.** The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

14. 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.

15. Items Relating to Initiating Annexation Proceedings for the Clydesdale Park First and Second Annexations. (staff: Jason Holland; 5 minute staff presentation; 15 minute discussion)

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.

These annexation requests are in conformance with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins Comprehensive Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreements.

16. 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.

17. Resolution 2014-080, Adopting the Recommendations of the Air Quality Advisory Board Regarding Comments to Colorado Department of Public Health and Environment on the Draft Construction Permit 13LR2446 for Martin Marietta Materials, Inc. Hot Mix Asphalt Plant. (Staff: Lucinda Smith; 10 minute presentation; 1 hour discussion)

The purpose of this item is to approve comments developed by the Air Quality Advisory Board and staff based on public input and technical review of permit documentation to be submitted to Colorado Department of Public Health and Environment regarding the draft air permit for the Martin Marietta Materials, Inc. hot mix asphalt plant.

18. Items Relating to the Greeley Bellvue Pipeline on City Property. (staff: Jon Haukaas, Helen Matson; 10 minute presentation; 1 hour discussion)

A. First Reading of Ordinance No. 123, 2014, Authorizing the Conveyance of a Waterline Easement, Access Easement, and Temporary Construction Easement on City property to the City of Greeley.

B. Resolution 2014-081, Authorizing the City Manager to Enter Into a Shared Location Agreement for the Greeley Bellvue Pipeline to Cross a City Utility Easement.

The purpose of this item is to authorize the conveyance of easements to the City of Greeley ("Greeley") across the City Property known as the City Ditch and authorize a shared location agreement for Greeley to cross a City utility easement.

The City of Greeley is acquiring necessary easements for its Greeley Bellvue Pipeline Project (the "Project"). Greeley has requested easements for their Project across a strip of property owned by the City's Utility Department extending south from the Poudre River. The property lies outside City limits and is the location of the City Ditch. The Larimer County Canal No. 2 Irrigating Company utilizes this ditch through an existing easement agreement with the City. The easements requested by Greeley include a .19 acre (8,265 square feet) permanent waterline easement, a .133 acre (5,808 square feet) temporary construction easement, and an access easement across the existing ditch access road.

Greeley also plans to install its pipeline across an existing utility easement containing a 27-inch waterline owned by the City. In order to protect the City's easement interest and existing utility improvements, Greeley has agreed to enter into a Shared Location Agreement regarding this crossing.

The requested easements and agreement were presented and approved by the City's Water Board at their December 2010 meeting. They were also presented to the Land Conservation and Stewardship Board meeting on December 8, 2010. These items were previously presented to Council in June 2011, but the items were withdrawn due to concerns from citizens and City Council, including that Greeley had not yet obtained authorization from the U.S. Army Corps of Engineers for the Project and had not reached agreement with a neighboring property owner. Since that time, Greeley has obtained authorization from the U.S. Army Corps of Engineers but has not yet reached an agreement with the neighboring property owner.

Greeley has agreed to pay the City for the value of the easements as well as City Real Estate staff time.

Because Greeley wants to begin construction on this section of the Project soon, it has indicated that it will use eminent domain if necessary to acquire the requested property interests from the City. If Greeley acquires the requested easements through an eminent domain action, the City will not get the benefit of the terms and conditions of those easements that City staff previously negotiated with Greeley.

- **CONSIDERATION OF CITIZEN-PULLED CONSENT ITEMS**

- **OTHER BUSINESS**

Council will consider a motion to adjourn into executive session.

- **ADJOURNMENT**

Council will consider a motion to adjourn to September 9, 2014 for a possible Executive Session

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.



Karen Weitkunat, President
Gerry Horak, District 6, Vice President
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
Executive Director

Wanda Nelson
Secretary

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.

Skyview South General Improvement District No. 15 Board Formal Meeting September 2, 2014 (after the Regular Council Meeting)

- CALL MEETING TO ORDER**

1. Second Reading of Ordinance No. 005 Appropriating Prior Year Reserves in the Skyview South GID No. 15 Fund for Road Improvements.

This Ordinance, unanimously adopted on First Reading, on August 26, 2014, appropriates funds in the Skyview South GID No. 15 Fund to repave Galaxy Way and Galaxy Court.

2. Resolution 001 of the Skyview South General Improvement District Number 15 Board Designating the Place for Posting Notices of Certain Public Meetings

The purpose of this item is to designate a place for posting notices of Skyview South GID Number 15 Board Meetings.

- OTHER BUSINESS**

- ADJOURNMENT**