

October 7, 2014

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PRESENT: Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

ABSENT: None

Staff: Atteberry, Daggett, Nelson

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry recommended postponement of Item No. 20, *First Reading of Ordinance No. 137, 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*, to the adjourned meeting scheduled for October 14.

● **CITIZEN PARTICIPATION**

Deborah Young, Women's Commission, expressed appreciation for work done by the Social Sustainability Office.

Lew Gaiter, Larimer County Commissioner, expressed appreciation for Council's consideration of a Resolution supporting the jail sales tax extension.

Lawrence Budd, 1436 Glen Haven, discussed the "water refugee" situation with regard to incoming residents from drought-stricken California.

Cheryl Distaso, Fort Collins Community Action Network, discussed widening income gaps in Fort Collins, particularly related to the mall redevelopment, and requested Police stop ticketing homeless individuals. Additionally, she requested Council consider funding for lockers for homeless individuals.

Devin Hirning, Fort Collins resident, presented a petition, signed by 977 Fort Collins residents, to reinstate aquatics in the southeast recreation and arts center.

The following citizens spoke in favor of the inclusion of aquatics in the southeast recreation center:

Emily Land, 637 Sandreed Court
Heidi Early, 6314 Tilden Street
Jenny McElwain, 2303 Chandler Street
Josie McElwain, 2303 Chandler Street
Jillian McElwain, 2303 Chandler Street
Janelle McElwain, 2303 Chandler Street
Matt Phillips, 6408 Tilden Street
Marcus Phillips, 6408 Tilden Street

Mark Morehouse, 2216 Vassar
Jenna Lee, 1406 Twin Oak Drive
Marty Jaskin, 2442 Hollingbourne Drive

Desiree Fisk, Fort Collins Homeless Coalition, supported better solutions for the city's homeless crisis and supported funding for lockers.

Kim Larson, Catholic Charities, expressed appreciation for the Social Sustainability Department and stressed the need for winter shelter for homeless residents.

Susan Wymer, Fort Collins resident, stated she is homeless and stressed the need for affordable housing in the city.

Kristianne Gale, 1301 Cherry Street, stressed the need for affordable housing in the city.

Tino Shiscler, 242 Conifer, stressed the need for affordable housing in the city.

Jeff Baumgardner, FoCo Café, provided a brief update on the status of the café and commended City employees for their assistance.

- **CITIZEN PARTICIPATION FOLLOW-UP**

Councilmember Cunniff stated he does not currently support the inclusion of a pool at the southeast recreation center as pool budgets do not include funding for major renovations and maintenance. He stated the expectation that the City would be the only source of funding for a new pool facility is not practical.

Councilmember Overbeck discussed the living wage and part-time employees in the community.

Councilmember Troxell thanked Commissioner Gaiter and Jeff Baumgardner for their comments.

Councilmember Campana thanked those who spoke regarding the pool.

Mayor Weitkumat asked what will occur internally with the presented citizen petition regarding the pool: City Manager Atteberry replied the ultimate decision rests with Council, which will be considering projects to be placed before voters for the Building on Basics 2.0 tax.

Mayor Pro Tem Horak noted there has been no approval of any type of plan for a southeast recreation facility. Additionally, he noted the creation of EPIC was started as a citizen initiative. He also requested follow-up regarding Ms. Wymer's comments and concerns.

Councilmember Poppaw noted Homeward 2020 and the Housing Authority have been funded to provide advocacy for homeless residents.

Councilmember Campana asked if the southeast community center is already part of a plan to be located at Fossil Creek Park. City Manager Atteberry replied there will be many conversations upcoming regarding this issue.

- **CONSENT CALENDAR**

RESULT: CONSENT CALENDAR ADOPTED [UNANIMOUS]
MOVER: Gerry Horak, District 6
SECONDER: Wade Troxell, District 4
AYES: Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

1. **Consideration and Approval of the Minutes of the September 16, 2014 Regular Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the September 16, 2014 Regular Council meeting.

2. **Second Reading of Ordinance No. 124, 2014, Appropriating Unanticipated Grant Revenue in the General Fund and Transferring and Appropriating Funds from the Community Development and Neighborhood Services Operating Budget for the Restorative Justice Program. (Adopted)**

This Ordinance, unanimously adopted on First Reading on September 16, 2014, appropriates grant money to fund Restorative Justice Services within Community Development and Neighborhood Services. A grant in the amount of \$56,192 has been received from the Colorado Division of Criminal Justice (DCJ) Juvenile Diversion fund for the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program (RJCP) for all other offenses.

3. **Second Reading of Ordinance No. 125, 2014, Amending Section 1.3.4 of the Land Use Code to Conform the Text to Previously Adopted Revisions. (Adopted)**

This Ordinance, unanimously adopted on First Reading on September 16, 2014, expands prohibited uses in Section 1.3.4 of the Land Use Code to include the full scope of retail and medical marijuana uses that was defined in Ordinance No. 042 that were not included in Ordinance No. 086, 2014.

4. **Second Reading of Ordinance No. 126, 2014, Designating the Bode Property, 220 Remington Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code. (Adopted)**

This Ordinance, unanimously adopted on First Reading on September 16, 2014, designates the Bode Property at 220 Remington Street a Fort Collins Landmark. The owner of the property, Colleen Scholz, initiated this request.

5. **Second Reading of Ordinance No. 127, 2014, Designating the Juan and Mary Barraza Property, 412 Wood Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code. (Adopted)**

This Ordinance, unanimously adopted on First Reading on September 16, 2014, designates the Juan and Mary Barraza Property at 412 Wood Street as a Fort Collins Landmark. The owner of the property, Mary Barraza, initiated this request.

6. **Items Relating to the West Mulberry Street Bridge Replacement Project. (Adopted)**

A. Resolution 2014-083 Authorizing the Mayor to Enter into a Contract with the Colorado Department of Transportation for the Construction of the West Mulberry Street Bridge Replacement.

B. First Reading of Ordinance No. 129, 2014, Appropriating Unanticipated Revenue from the Colorado Department of Transportation into the Capital Projects Fund - City Bridge Program Project for the West Mulberry Street Bridge Replacement.

The City has been awarded a grant from the federally funded Colorado Off-System Bridge Program in the amount of \$700,000. This funding contract between the City and Colorado Department of Transportation is for the replacement of a structurally deficient bridge owned by the City. The bridge is the West Mulberry Street Bridge over the New Mercer Ditch.

7. **Items Relating to the Clydesdale Park First and Second Annexations. (Adopted)**

- A. Resolution 2014-084 Setting Forth Findings of Fact and Determinations Regarding the Clydesdale Park First Annexation.
- B. Hearing and First Reading of Ordinance No. 131, 2014, Annexing Property Known as the Clydesdale Park First Annexation.
- C. First Reading of Ordinance No. 132, 2014, Amending the Zoning Map and Classifying for Zoning Purposes the Property included in the Clydesdale Park First Annexation.
- D. Resolution 2014-085 Setting Forth Findings of Fact and Determinations Regarding the Clydesdale Park Second Annexation.
- E. Hearing and First Reading of Ordinance No. 133, 2014, Annexing Property Known as the Clydesdale Park Second Annexation.
- F. First Reading of Ordinance No. 134, 2014, Amending the Zoning Map and Classifying for Zoning Purposes the Property included in the Clydesdale Park Second Annexation.

The purpose of this item is to consider the annexation of 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 annexation.

Residents are also requesting a 5 year "phase-in" of the storm water utility fee for Clydesdale Park upon annexation. The stormwater fee phase-in request was brought to the Water Board on September 18, 2014 for its consideration. Stormwater utility staff and the Water Board are recommending denial of the request for a "phased-in" stormwater fee.

8. **Resolution 2014-086 Expressing the City Council's Support for the Passage of Larimer County Proposition 100 Regarding Funding for Construction of a New Animal Shelter for Larimer County and Urging the Citizens of Fort Collins to Vote "Yes" on this Proposition. (Adopted)**

The purpose of this item is for the City Council to express its support of the passage of Larimer County Proposition 200 and urging the citizens of the City of Fort Collins to vote "yes" on this proposition supporting Larimer Humane Society and the construction of a new animal shelter for Larimer County.

9. **Resolution 2014-087 Expressing the City Council's Support for the Passage of Larimer County Ballot Issue 1B Extending a Fifteen One-Hundredths of One Percent County-Wide Sales and use Tax for the Operation of the Larimer County Jail and Urging the Citizens of Fort Collins to Vote "YES" on this Ballot Issue. (Adopted)**

The purpose of this item is for City Council to express its support of the passage of the countywide jail tax renewal and to encourage the citizens of the City of Fort Collins to vote "yes" on this measure.

10. **Resolution 2014-088 Requesting That the Colorado Municipal League Sponsor Legislation Before the Colorado General Assembly That Would Provide Local Emergency Responders with Advance Information Regarding Hazardous Materials Shipments Being Made on Rail Freight Routes Within the State. (Adopted)**

The purpose of this item is to seek the Colorado Municipal League to sponsor legislation in the Colorado General Assembly that would provide local emergency responders with information about railroad hazardous material shipments. The City's 2014 Legislative Policy Agenda does not explicitly call for Fort Collins to take a leadership role on this issue and so the Legislative Review Committee has asked staff to present this Resolution for Council consideration. Fort Collins has many freight trains traveling through the community that carry hazardous materials. The proposed legislation would seek information from railroads for emergency in advance of shipments of hazardous materials so that they are best able to protect the community.

11. **Resolution 2014-089 Adopting the 2014 Natural Areas Master Plan to Replace the "Land Conservation and Stewardship Master Plan" as a Component of the City's Comprehensive Plan. (Adopted)**

The purpose of this item is to seek Council adoption of the *Natural Areas Master Plan (Plan)*. Council reviewed the draft Plan at its August 12, 2014 Work Session and staff has completed the changes to the Plan that were suggested by Council at that time. This ten-year *Plan* will replace the current "Land Conservation and Stewardship Master Plan" which was adopted by Council in 2004. Natural Areas staff spent the last two years gathering input from the citizens of Fort Collins and Larimer County as to the future of the City's natural areas. The results of that research indicated a high level of community enthusiasm and satisfaction with the City's land and habitat conservation and outdoor recreation efforts. In survey data and in public forums, citizens clearly expressed a desire for the City to continue its efforts to conserve diverse lands and to provide outdoor recreation opportunities, in particular opportunities for walking, hiking, and biking. The proposed *Plan* identifies a series of priorities that align with citizen desires, the foundational language of the citizen-initiated sales taxes, City Plan Principles and Policies, and the Department's core conservation mission.

12. **Resolution 2014-094 Approving the Midtown-in Motion, College Avenue Transportation Study. (Adopted)**

The purpose of this item is to seek City Council approval of the Midtown in Motion, College Avenue Transportation Study. The limits of the Midtown in Motion study are College Avenue from Prospect Road to Harmony Road. The study addressed circulation for College Avenue, the adjacent frontage roads, and east/west connections to the MAX Bus Rapid Transit (BRT) stations. This study is the culmination of a year-long effort that included in-depth review of existing conditions and a comprehensive development of a variety of alternatives, ultimately resulting in recommendations for improved roadway, bicycle and pedestrian facilities for College Avenue. The study was conducted with extensive public input and feedback, and is a reflection of guidance from the community on the preferred future for College Avenue.

13. **Resolution 2014-090 Approving an Exception to the Use of a Competitive Process for the Purchase of ESRI GIS Software Enterprise License Agreement. (Adopted)**

The purpose of the item is to request an exception to the competitive bid process for the purchase of a three year Enterprise License Agreement (ELA) from ESRI, as the alternative is contrary to the City's interests. ESRI's suite of Geographic Information System (GIS) software products are used throughout the organization by many departments. The software and its data are integral to several other software solutions. The ELA is a cost effective approach that allows for an unlimited number of users to make use of this software and also provides for access to future upgrades, updates and patches. ESRI's software is proprietary and is only available through them; they do not work with resellers.

14. **Resolution 2014-091 Authorizing the Purchasing Agent to Enter Into a Professional Services Agreement With a Search Firm to Participate in the Recruitment and Selection of a City Attorney. (Adopted)**

The purpose of this resolution is for the Council Committee to identify its preferred option regarding the search firm to be chosen by the City Council and for the City Council to authorize the Purchasing Agent to enter into a professional services agreement with that search firm.

15. **Resolution 2014-092 Reappointing Teresa Ablao as Temporary Judge and Authorizing the Execution of an Employment Agreement. (Adopted)**

The purpose of this item is to reappoint Teresa Ablao as the temporary judge for the Fort Collins Municipal Court. The City Charter provides for the appointment of a temporary judge (commonly referred to as the Assistant Municipal Judge) to serve in the absence of the Municipal Judge. Teresa Ablao has served in this capacity since mid-2012. Municipal Judge Kathleen M. Lane recommends that Ms. Ablao be reappointed as the Assistant Municipal Judge.

- **END CONSENT**

- **CONSENT CALENDAR FOLLOW-UP**

Mayor Pro Tem Horak suggested supplementing the storm drainage fund with dollars from the Clydesdale Park residents, regarding Item No. 7, *Items Relating to the Clydesdale Park First and Second Annexations*. Additionally, he noted Council's support for Item Nos. 8 and 9, *Resolution 2014-086 Expressing the City Council's Support for the Passage of Larimer County Proposition 200 Regarding Funding for Construction of a New Animal Shelter for Larimer County and Urging the Citizens of Fort Collins to Vote "Yes" on this Proposition* and *Resolution 2014-087 Expressing the City Council's Support for the Passage of Larimer County Ballot Issue 1B Extending a Fifteen One-Hundredths of One Percent County-Wide Sales and use Tax for the Operation of the Larimer County Jail and Urging the Citizens of Fort Collins to Vote "YES" on this Ballot Issue*.

Mayor Pro Tem Horak also discussed and commended the passage of Item No. 12, *Resolution 2014-094 Approving the Midtown in Motion, College Avenue Transportation Study*.

- **STAFF REPORTS**

Rick Richter, Infrastructure Manager, briefly discussed the Mulberry bridge replacement project.

Jim Hoffman, Colorado Department of Transportation, discussed the need for the bridge replacement and stated the project is being funded by Colorado Bridge Enterprise. He detailed the sidewalk, bike lane, travel lane, and median plans; additionally, he discussed the detour routes for eastbound traffic and public relations regarding the project and detours.

Councilmember Cunniff asked if a link to the information has been provided on the City's website. Hoffman replied in the affirmative.

Councilmember Cunniff asked if there is a proactive means of communicating with truckers regarding the closure. Hoffman replied the Wyoming Department of Transportation has been contacted; however, they have not agreed to place a message up regarding the detour.

Councilmember Overbeck encouraged the use of public service announcements via various media sources.

Mayor Pro Tem Horak commended the use of double turn lanes from Riverside and suggested additional signage indicating those lanes. Hoffman replied signage will be added.

- **COUNCILMEMBER REPORTS**

Mayor Pro Tem Horak reported on the North Front Range Transportation Air Quality Metropolitan Planning Organization meeting regarding the possibility of adding a third lane to I-25.

- **DISCUSSION ITEMS**

16. **Public Hearing on the 2015-2016 Recommended Biennial Budget for the City of Fort Collins.**
(Hearing was Held)

This is the second official public hearing on the City Manager's 2015-2016 Recommended Biennial Budget for the City of Fort Collins. The purpose of this public hearing is to gather public input on the 2015-2016 Budget. Public input will also be taken during the budget adoption meetings on Tuesday, October 21 and Tuesday, November 18, 2012 at 6:00 p.m. in the Council Chambers.

The City Manager's 2015-2016 Recommended Budget can be reviewed at the Old Town Library, the Harmony Library, Council Tree Library, or the City Clerk's Office. The recommended budget can also be viewed online at www.fcgov.com/budget.

Stacy Poncelow, 620 Gilgalad Way, supported funding for Poudre School District's after-school enrichment programs.

Stacy Clark, Can Do, supported funding for the FC Walks program.

Maria Ortiz, 3808 Celtic Lane, supported funding for Poudre School District's after-school enrichment programs.

Bruce Walthers, Front Range Community College, supported funding for the Small Business Development Center.

Kevin Cross, Fort Collins Sustainability Group, supported funding for the LED street light replacement program and the community engagement and vision for a fossil-free future program.

Bob Flynn, Green Ride Airport Shuttle, supported funding for the Small Business Development Center.

Jeff Baumgardner, FoCo Café, supported additional funding for the Social Sustainability Department.

Evan Rau, 2929 Ross Drive, Crankenstein owner, supported funding for the Small Business Development Center.

Michael Murphy, Magic Bus Tours, supported funding for the Small Business Development Center.

Michael O'Connell, Small Business Development Center Director, supported funding for the Small Business Development Center.

Rob Cagen, Buttonwood Drive, supported funding for the Keep Fort Collins Great enhancement for Sustainability Services item.

Bevin Campbell, 504 Duke Lane, supported funding for the Safe Routes to School budget offers.

Irene Vernon, Northside Atzlan Advisory Community Board Chair, supported funding for Poudre School District's after-school enrichment programs.

Nancy York, 130 South Whitcomb, supported funding for Sunday MAX service and transit expansion. She suggested funding could be pulled from downtown landscaping and maintenance, convention and visitor's services, and the utilities demand response program.

Cheryl Distaso, Fort Collins Community Action Network, supported funding for the Poudre School District's after-school enrichment programs, Sunday and evening transit service, the integrated pest management program for West Nile mitigation, the LED street light replacement program, the community engagement fossil-free future coordinator, and lockers for homeless individuals.

Chris Winslow, 126 Sylvan Court, supported funding for the Executive Director position for the Fort Collins Public Access Network (FCPAN).

Julian Wang, People First President, supported funding for Dial-a-Ride, Sunday and evening transit, and additional Harmony park-n-ride service.

Eric Sutherland, 3520 Golden Currant, requested a budget book be placed in Council Chambers and questioned how the School District's budget would be affected given the existing use of tax increment financing. Additionally, he questioned the mall finance package.

Liz Prussner, NRAB representative on the West Nile Virus Technical Advisory Committee, supported funding for the integrated pest manager position.

Louis Sharp, Birky Place, spoke on behalf of Mike Devereaux, supported funding for Oak Street bathroom renovations.

Phillip Mayer, Loveland resident, supported funding for FCPAN.

Mayor Pro Tem Horak questioned the funding source options for the Poudre School District after-school enrichment programs.

RESULT: HEARING WAS HELD

17. Resolution 2014-093 Adopting the 2014 Poudre River Downtown Master Plan. (Adopted as Amended)

The purpose of this item is to review the final draft of the Poudre River Downtown Master Plan and to seek Council adoption by resolution.

Councilmember Campana withdrew from the discussion of this item due to a conflict of interest.

John Stokes, Natural Resources Director, discussed the major themes of the Poudre River Downtown Master Plan, including transitions, reconnecting habitat, sustainable river access, parking, and flood mitigation.

Liz Prussner, Fort Collins resident, expressed support for the Plan and staff's efforts.

Councilmember Cunniff commended the improvements made to the Plan and asked if improved pedestrian access along College was considered rather than the construction of a new bridge structure. Stokes replied it was considered; however, was not chosen as a preferred alternative as the College bridge is not a particularly pleasant pedestrian experience.

Councilmember Cunniff suggest placement of the pedestrian bridge as an option.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Troxell, to adopt Resolution 2014-093.

Councilmember Troxell asked if the hydrology meets the needs of the proposed kayak park. Stokes replied in the affirmative.

Councilmember Troxell expressed support for the pedestrian bridge.

Councilmember Cunniff made a motion, seconded by Councilmember Overbeck, to modify the language to allow a pedestrian bridge option, but to give more planning flexibility as to the design. He suggested language changes to lessen the importance of the bridge and focus more on its connection.

Councilmember Poppaw stated she has no problem with the wording changes, although it may not appreciably change the intent.

Mayor Weitkunat commended the inclusion of people and the utilization of the river as a place for community access and recreation.

Councilmember Poppaw commended the Plan's balance.

Mayor Pro Tem Horak accepted the proposed language changes as a friendly amendment; however, Councilmember Troxell did not.

The vote on the motion to amend was as follows: Yeas: Weitkunat, Poppaw, Cunniff, Overbeck and Horak. Nays: Troxell.

THE MOTION CARRIED.

Mayor Pro Tem Horak commended the overall Plan.

Councilmember Troxell commended staff work and the Plan.

Councilmember Cunniff commended staff work, the community, and Boards and Commissions' input.

RESULT: RESOLUTION 2014-093 ADOPTED AS AMENDED [6 TO 0]
MOVER: Gerry Horak, District 6
SECONDER: Wade Troxell, District 4
AYES: Weitkunat, Overbeck, Poppaw, Troxell, Cunniff, Horak
RECUSED: Campana

18. **First Reading of Ordinance No. 135, 2014, Appropriating Unanticipated Revenue in the General Fund and Authorizing the Transfer of Existing Appropriations From the General Fund to the Capital Projects Fund for the Woodward Related Transmission Line Relocation Project. (Adopted)**

The purpose of this item is to appropriate an additional \$254,000 for the Transmission Line Relocation portion of the Woodard Public Improvements Project.

Mike Beckstead, Chief Financial Officer, discussed the need for the appropriation.

Councilmember Cunniff stated he would like to ensure cost overruns are accounted for in future agreements so as to avoid the use of general funds.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Troxell, to adopt Ordinance No. 135, 2014, on First Reading.

Mayor Pro Tem Horak noted the original figures were estimates only.

Councilmember Troxell expressed appreciation for the complexities of the project and for the explanation provided.

RESULT: ORDINANCE NO. 135, 2014, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER: Gerry Horak, District 6
SECONDER: Wade Troxell, District 4
AYES: Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

(Secretary's note: The Council took a brief recess at this point in the meeting.)

19. **First Reading of Ordinance No. 136, 2014, Amending Chapter 26 of the City Code Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections. (Option A or B) (Postponed to November 18, 2014)**

The purpose of this item is to revise (Option A) or clarify (Option B) the City Code provisions relating to Electric Development Fees, in particular, Electric Capacity Fee Charges. The Ordinances clarify that the fees due are based on the rates effective on the date of final payment but Council is presented with two options on how the fee is to be collected.

- **Option A:** Option A is a timing change from current Code requirements. This option requires that 100% the Electric Capacity Fee (ECF) to be payable prior to the Utility initiating construction of the electric distribution system. Rates in effect at the time of payment would apply. Currently only 50% of the fee is payable prior to construction with the remainder due prior to the electric system being energized. Option A also addresses how invoices issued prior to the adoption of this ordinance would be addressed.
- **Option B:** Option B does not change the timing of current Code requirements. It requires at least 50% of the Electric Capacity Fee (ECF) to be paid as a deposit prior to the Utility initiating construction of the electric distribution system. The remaining ECF (final payment) would be due prior to the system being energized. Rates in effect at the time of final payment would apply to

the entire development. Because Option B is not a change from current practice or intent of the current code, it would apply to all invoices issued before or after the adoption.

No changes to the Electric Development Fee amounts are proposed as part of this ordinance. The ordinance changes the verbiage only. 2015 Electric Development Fee rate amounts will be presented to City Council for first reading on October 21, 2014 as a separate item.

Councilmember Campana withdrew from the discussion of this item due to a conflict of interest.

Lance Smith, Utilities Strategic Financial Planning Manager, discussed the current City policy and detailed the options for Council consideration to adjust the policy. He stated the Energy Board expressed support for Option A.

Councilmember Cunniff stated Option A has the benefit of simplicity; however, he questioned whether this option would result in a rush of fees being paid prior to a coming fee increase. Smith replied the fees are updated annually; therefore, each year does not have a substantial increase.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 136, 2014, Option A, on First Reading.

Councilmember Troxell asked what type of time delays would occur under Option B. Janet McTague, Utility Project Engineering Supervisor, replied Xcel is typically right behind the City in terms of installation, within a week.

Councilmember Troxell asked about the current 50/50 payment policy. McTague replied the City installs its infrastructure once a developer pays the first 50% and the transformers are not energized until the second 50% is paid, which is typically within a week. She stated the proposed up-front 100% payment will likely be a convenience to most developers.

Councilmember Cunniff expressed support for Option A.

Mayor Weitkunat stated she would not support the motion stating she does not believe 100% up-front payments are the way to do business.

Mayor Pro Tem Horak asked if any other development fees are paid in parts. McTague replied the only other fee paid in parts is the cost to run the secondary service from the transformer to the meter in a residential development. Interim City Attorney Daggett noted impact fees are generally paid in full for a building permit.

Councilmember Troxell asked when the 100% payment would be due. Smith replied it would be due prior to scheduling the infrastructure construction.

Councilmember Troxell asked what the expectation from developers should be in terms of timing of construction. McTague stated the 100% would not be expected to be paid until shovels are ready to be used based on the mutually-accepted design.

Councilmember Troxell asked about the timeline between the beginning of construction and energizing. McTague replied projects are most always taken through to completion once they begin and will be energized as soon as they are complete.

Councilmember Troxell stated he would like the Ordinance to include language relating to level of service expectations.

City Manager Atteberry suggested possible changes could be made prior to Second Reading.

Councilmember Poppaw asked if any developers have expressed concern regarding the proposed 100% payment. Additionally, she asked if there has ever been a concern relating to the City Utilities not delivering as promised.

Mayor Pro Tem Horak appreciated Councilmember Troxell's concerns and encouraged additional public outreach prior to Second Reading.

Councilmember Cunniff asked if Council would have the purview to change from Option A to Option B between readings.

Councilmembers and Mayor Weitkunat discussed the need for additional public outreach.

Councilmember Poppaw made a motion, seconded by Councilmember Overbeck, to postpone First Reading of Ordinance No. 136, 2014 to November 18, 2014.

RESULT: **ORDINANCE NO. 136, 2014 POSTPONED TO NOVEMBER 18, 2014 [6 TO 0]**
MOVER: Lisa Poppaw, District 2
SECONDER: Bob Overbeck, District 1
AYES: Weitkunat, Overbeck, Poppaw, Troxell, Cunniff, Horak
RECUSED: Campana

20. **First Reading of Ordinance No. 137, 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. (Postponed to October 14, 2014)**

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.

RESULT: ORDINANCE NO. 137, 2014, POSTPONED TO OCTOBER 14, 2014
[UNANIMOUS]
MOVER: Gerry Horak, District 6
SECONDER: Wade Troxell, District 4
AYES: Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

• **ADJOURNMENT**

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adjourn to the end of the Council work session on Tuesday, October 14, 2014, to consider such matters as may come before the Council.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Gerry Horak, District 6
SECONDER: Ross Cunniff, District 5
AYES: Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

The meeting adjourned at 9:14 PM.

Karen Weitkunat

Mayor

ATTEST:

Wanda Nelson

City Clerk

