

Karen Weitkumat, Mayor  
Kelly Ohlson, District 5, Mayor Pro Tem  
Ben Manvel, District 1  
Lisa Poppaw, District 2  
Aislinn Kottwitz, District 3  
Wade Troxell, District 4  
Gerry Horak, District 6

Council Chambers  
City Hall West  
300 LaPorte Avenue

Cablecast on City Cable Channel 14  
on the Comcast cable system

Darin Atteberry, City Manager  
Steve Roy, City Attorney  
Wanda Nelson, City Clerk

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## **REGULAR MEETING**

**Tuesday, November 6, 2012**

### **Proclamations and Presentations**

**5:30 p.m.**

- A. Proclamation Declaring November 2012 through November 2013 as Year of the Natural Areas.
- B. Proclamation Declaring November as American Music Month.
- C. Proclamation Declaring November as National Family Caregiver Month.
- D. Proclamation Declaring November as Alzheimer's Awareness Month.
- E. Proclamation Declaring November 10-18 as National Homelessness Awareness Week.

### **Regular Meeting**

**6:00 p.m.**

#### **PLEDGE OF ALLEGIANCE**

- 1. CALL MEETING TO ORDER.
- 2. ROLL CALL.

3. AGENDA REVIEW:

- 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 opportunity to pull Consent Calendar items.  
(will be considered under Item No. 34)
- Citizen opportunity to pull Consent Calendar items.  
(will be considered under Item. No. 38)

4. CITIZEN PARTICIPATION

Individuals who wish to make comments regarding items remaining 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 are not allowed
- Keep comments brief; if available, provide a written copy of statement to City Clerk

5. CITIZEN PARTICIPATION FOLLOW-UP

This is an opportunity for the Mayor or Councilmembers to follow-up on issues raised during Citizen Participation.

## CONSENT CALENDAR

The Consent Calendar consists of Items 6 through 30. This 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. 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.

### BUDGET CONSENT ITEMS

6. Second Reading of Ordinance No. 107, 2012, Being the Annual Appropriation Ordinance of the Fort Collins Downtown Development Authority Relating to the Annual Appropriations for the Fiscal Year 2013 and Fixing the Mill Levy for the Downtown Development Authority for Fiscal Year 2013.

Ordinance No. 107, 2012, unanimously adopted on First Reading on October 16, 2012, sets the Downtown Development Authority (DDA) 2013 Operations and Maintenance Budget amount of \$769,440 to be appropriated for fiscal year 2013 for the administrative operations budget; appropriates the 2013 Line of Credit Draw in the amount of \$1,000,000; sets the amount of \$3,197,535 for debt service payments to be appropriated for fiscal year 2013; and sets the 2013 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2013.

7. Items Relating to Water and Electric Development Fees and Charges for 2013.

- A. Second Reading of Ordinance No. 113, 2012, Amending Chapter 26 of the City Code to Revise Water Rates and Charges.
- B. Second Reading of Ordinance No. 115, 2012, Amending Chapter 26 of the City Code to Revise Electric Development Fees and Charges.

The proposed water increase is a flat 4% across the board to all customer classes. Electric development fees are proposed to decrease an average of 2.4% for residential and decrease an average of 1.6% for commercial development. There are no changes in the monthly rates for wastewater or stormwater services being proposed for 2013. Both Ordinances were unanimously adopted on First Reading on October 16, 2012.

### NON- BUDGET CONSENT ITEMS

8. Consideration and Approval of the Minutes of the October 16, 2012 Regular Meeting and the October 23, 2012 Adjourned Meeting.

9. Second Reading of Ordinance No. 108, 2012, Appropriating Unanticipated Grant Revenue from Colorado Parks and Wildlife in the Conservation Trust Fund for the Fossil Creek Trail at East Trilby Road.

This Ordinance, unanimously adopted on First Reading on October 16, 2012, appropriates a \$200,000 trail grant received from Colorado Parks and Wildlife for the completion of the Fossil Creek Trail at East Trilby Road.

10. Second Reading of Ordinance No. 109, 2012, Appropriating a Grant from Great Outdoors Colorado for the City's Portion of Larimer County's Poudre River Corridor and Regional Trail Initiative Grant.

This Ordinance, unanimously adopted on First Reading on October 16, 2012, appropriates a grant received from Great Outdoors Colorado in the amount of \$737,597. The funds will be used as part of Fort Collins' portion of the Poudre River Corridor & Regional Trail Initiative project. The grant request includes open space acquisitions, trail easements, and trail development along the Poudre River from Fort Collins to Greeley. The total grant project cost is \$8,074,826, with the Great Outdoors Colorado grant being in the amount of \$5,098,150. The City of Fort Collins portion of the project is \$1,558,880, with the Great Outdoors Colorado grant amount being \$737,597.

11. Second Reading of Ordinance No. 110, 2012, Approving a Fourth Amendment to the Fort Collins-Timnath Intergovernmental Agreement Regarding Cooperation on Annexation, Growth Management, and Related Issues, Eliminating Original Terms Related to the Boxelder Overflow Project and Establishing the Terms of Cost Sharing for Design Engineering of Substituted Improvements in the Boxelder Basin.

On February 17, 2009, the City of Fort Collins (City) and the Town of Timnath (Timnath) entered into an intergovernmental agreement (IGA) regarding annexations, growth management, and related issues. The IGA resolved certain differences that had arisen between the City and Timnath

25. Resolution 2012-101 Authorizing a Revocable Permit for Brinkman Construction, Inc. to Access City Property to Complete Mitigation Activities for the Construction of Tilden Street.

In 2008, Council adopted Ordinance No. 030, 2008, authorizing the dedication of a portion of City property located at 2313 Kechter Road as Tilden Street. The property located west of the City property has been planned as the Kechter Crossing development. Tilden Street is located along the property boundary between the two properties. The developer of Kechter Crossing, Brinkman Construction, Inc., plans to begin construction of its development soon, including work within the new right-of-way of Tilden Street. This work will require the relocation of a number of site improvements in the right-of-way areas that are owned by the City. City staff has asked the Developer to relocate and replace a number of these site improvements elsewhere on the City property. The revocable permit will allow the developer access to the City property to perform the requested mitigation activities.

26. Resolution 2012-102 Naming Three Alleys Within the Block Bounded by South College Avenue, West Laurel Street, South Mason Street and West Myrtle Street.

The Downtown Development Authority has completed a capital improvement project to enhance three public alleys in the aforementioned block. In conjunction with this project, the City of Fort Collins is preparing to name these three alleys. The three proposed names are "Dalzell Alley," "Corbin Alley," and "Wattles Alley." If approved, the alley naming will simplify way-finding for pedestrians, bicyclists, drivers, delivery personnel and emergency responders.

27. Resolution 2012-103 Making Findings of Fact and Related Determinations Regarding the Appeal of the August 7, 2012 Administrative Hearing Officer's Decision Regarding the Aspen Heights PDP.

On August 16, 2012, the City of Fort Collins Hearing Officer issued a written decision approving Aspen Heights PDP, with one condition ensuring proper landscaping associated with the clubhouse. On August 30, 2012, Mr. Tom Lawton filed a Notice of Appeal seeking redress of the Hearing Officer's decision.

On October 30, 2012, City Council voted 5 - 0 to modify the Hearing Officer's decision by requiring the following:

1. It shall be a condition of approval of the PDP that the applicant provide a shuttle bus for use of project residents, with the understanding that if there is insufficient ridership demand to sustain such shuttle bus, then the applicant may apply for a minor amendment to the approved Final Plan to reduce or eliminate the shuttle bus requirements of this condition.
2. It shall be a condition of approval of the P.D.P. that the applicant shall, at the time of submittal of the Final Plan and in consultation with City staff, enhance the design of the naturalized drainage channel transecting the property in such a manner as to provide an increased width and vegetation diversity; and to enhance the regional stormwater detention pond through variation in grading patterns and vegetation diversity, to the extent reasonably feasible.

In order to complete the record regarding this appeal, Council should adopt a Resolution making findings of fact and finalizing its decision on the Appeal.

28. Postponement of Resolution 2012-099 Adopting a Water Supply and Demand Management Policy to November 20, 2012.

At the October 30, 2012 Adjourned Meeting, Council voted to postpone consideration of this Resolution to November 6 to allow time for staff to revise the Water Supply and Demand Management Policy, based on Council's input. There is not adequate time to make these revisions and provide supporting material before the publication of the November 6 agenda. Staff requests postponement of consideration of this Resolution to November 20, 2012.