



Karen Weitkunat, 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 Krajicek, City Clerk

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## **REGULAR MEETING**

### **September 20, 2011**

### **Proclamations and Presentations**

#### **5:30 p.m.**

- A. Proclamation Declaring September 17 through 23, 2011 as Constitution Week.
- B. Proclamation Declaring September 23, 2011 as Global Be(er) Responsible Day.
- C. Proclamation Declaring September 29 and 30, 2011, as the USDA Agricultural Research Service Water Management Research Centennial Celebration.

### **Regular Meeting**

#### **6:00 p.m.**

#### PLEDGE OF ALLEGIANCE

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

3. AGENDA REVIEW: CITY MANAGER
4. CITIZEN PARTICIPATION (limited to 30 minutes)

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 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 20. 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. Anyone may request an item on this Calendar be "pulled" off the Consent Calendar and considered separately. Agenda items pulled from the Consent Calendar will be considered separately under Item No. 26, Pulled Consent Items. The Consent Calendar consists of:

- Ordinance on First Reading that are routine
- Ordinances on Second Reading that are routine
- Those of no perceived controversy
- Routine administrative actions.

6. Consideration and Approval of the Minutes of the August 23, 2011, Adjourned Meeting and the August 31, 2011, Special Meeting.
7. Second Reading of Ordinance No. 107, 2011, Repealing Section 2-575 of the City Code Relating to the Compensation of Councilmembers.

This Ordinance, unanimously adopted on First Reading on September 6, 2011, repeals the City Code provision relating to Council compensation. This section is unnecessary because the method for adjusting compensation is set out in the City Charter, and such adjustment is accomplished through administrative action of the City Manager.

8. Second Reading of Ordinance No. 111, 2011, Appropriating Prior Year Reserves and Unanticipated Revenue in Various City Funds.

The purpose of this annual “clean-up” Ordinance is to combine dedicated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and, therefore, not included in the 2011 budget. The unanticipated revenue is primarily from fees, charges, rents, contributions and grants that have been paid to City departments to offset specific expenses. Prior year reserves are primarily being appropriated for unanticipated operation expenses from reserves that are set aside for that purpose. This Ordinance, adopted on First Reading on September 6, 2011, by a vote of 5-1 (nays: Horak) appropriates prior year reserves and unanticipated revenue in various City funds.

9. Items Relating to Updates, Amendments, Deletions and Additions to Chapter 17 of the City Code.

- A. Second Reading of Ordinance No. 112, 2011, Amending Article V of Chapter 17 of the City Code Pertaining to Abandoned Refrigerators and Similar Items.
- B. Second Reading of Ordinance No. 113, 2011, Adding a Section to Article IV of Chapter 17 of the City Code Pertaining to the Violation of Court Orders.
- C. Second Reading of Ordinance No. 114, 2011, Amending Articles VII and VIII of Chapter 17 of the City Code Pertaining to Disorderly Conduct, Harassment and Public Indecency.
- D. Second Reading of Ordinance No. 115, 2011, Adding a New Section in Article VII of Chapter 17 of the City Code Pertaining to Graffiti Crimes.
- E. Second Reading of Ordinance No. 116, 2011, Amending Article VII of Chapter 17 of the City Code Pertaining to Loitering.
- F. Second Reading of Ordinance No. 117, 2011, Adding a New Section to Article VII of Chapter 17 of the City Code Pertaining to Staying on Medians Prohibited.
- G. Second Reading of Ordinance No. 118, 2011, Amending Article III of Chapter 17 of the City Code Pertaining to Jurisdictional Amount of Various Criminal Offenses.

To maintain continuity with federal law, the revised statutes for the State of Colorado, and the needs of citizens of Fort Collins, the Fort Collins City Code must be regularly updated through amendments, deletions, and the creation of new ordinances. These Ordinances, unanimously adopted on First Reading on September 6, 2011, will allow law enforcement to more effectively and efficiently protect and serve the citizens of Fort Collins.

10. Second Reading of Ordinance No. 119, 2011 Amending Various Provisions of the Fort Collins Traffic Code.

The Colorado General Assembly amended certain statutory provisions this legislative session relating to state traffic laws. This Ordinance, unanimously adopted on First Reading on September 6, 2011, ensures that the Fort Collins Traffic Code is consistent with state traffic laws.

11. Second Reading of Ordinance No. 120, 2011, Making Various Amendments to the Land Use Code.

This Ordinance, unanimously adopted on First Reading on September 6, 2011, makes various changes, additions and clarifications in the 2011 annual update of the Land Use Code.

12. Second Reading of Ordinance No. 121, 2011, Authorizing the Conveyance of a Portion of a Tract of Stormwater Utility Property to Kevin P. Caffrey and Julia J. Caffrey.

In 1992, the final plat of Clarendon Hills Fifth Filing dedicated Tract E to the City of Fort Collins for the purposes of storm drainage, flood plain management and Department of Parks and Recreation use. The intended purpose of the Parks and Recreation use was for a bike trail. In 1998, the location of the bike trail was changed to be adjacent to Shields Street. To accommodate this change, the City acquired Tracts A, B, and D of Clarendon Hills Fifth Filing for the bike trail that has been constructed and is now in use. Due to the City's change of use for Tract E, the adjacent property owners, Kevin and Julia Caffrey, have expressed an interest to obtain the portion of Tract E that abuts their property at 5424 Hilldale Court. This Ordinance, unanimously adopted on First Reading on September 6, 2011, authorizes the conveyance to the Caffreys of two small triangular areas in Tract E, totaling 547 square feet in area, that are outside the erosion buffer limits, the City's floodway, and therefore are not required for flood plain management or for storm drainage by the City.

13. Items Relating to the Upgrade of the Computer Aided, Dispatch, Records Management and Jail Management System.

- A. Resolution 2011-085 Approving an Exemption to the Use of a Competitive Process for a Contract with Tiburon, Inc. For System Upgrades to the Computer Aided Dispatch, Records Management and Jail Management System.
- B. First Reading of Ordinance No. 122, 2011, Appropriating Prior Year Reserves and Unanticipated Revenue in the General Fund for the Building on Basics Police Computer Aided Dispatch, Records Management and Jail Management System Upgrade.

This Resolution authorizes Fort Collins Police Services to upgrade the current Computer Aided, Dispatch, Records Management and Jail Management System (CAD/RMS/JMS) systems (software, hardware and project manager costs) through Tiburon, Inc. which will allow the CRISP (Combined Regional Information Sharing Project) agencies to bring the current CAD/RMS/JMS system up-to-date. The current version of CAD/RMS/JMS is outdated and does not operate in the latest Windows or Internet Explorer environments. The Ordinance authorizes the appropriation of funds needed to complete this project.

14. First Reading of Ordinance No. 123, 2011, Amending Section 2-637 of the City Code to Expand the Financial Disclosure Requirements for Members of the City Council, the City Manager, and the City Attorney.

The Ordinance expands the financial disclosure requirements for City Council candidates, the elected City Council, City Manager, and City Attorney to include any and all interests in real property by the person making disclosure or the person's spouse, regardless of whether the property is held for the purpose of resale and profit, as currently required.

15. Items Relating to Turfgrass and Updating Related City Code References.

- A. First Reading of Ordinance No. 124, 2011, Amending Article IV of Chapter 20 of the City Code Regarding Weeds, Grass and Rubbish.
- B. First Reading of Ordinance No. 125, 2011, Amending Article VII of Chapter 12 of the City Code Regarding Resource Conservation.

In an effort to promote water conservation, lower greenhouse gas emissions, and provide options for Fort Collins residents who are interested in using water-wise turfgrass, these Code amendments allow certain grass types to be exempt from the current six inch height limit. The grass types that would be exempt are Blue Grama and Buffalograss, and they would have a height limit of twelve inches.

16. Items Relating to Civil Infraction and Abatement Procedures.

- A. First Reading of Ordinance No. 126, 2011, Amending Article V of Chapter 19 of the City Code Pertaining to Rules for Civil Infractions and Making Editorial Corrections to Article V.
- B. First Reading of Ordinance No. 127, 2011, Adding a Section in Article IV of Chapter 20 of the City Code to Allow for an Appeal Process to Contest the Assessment of Costs of Weed and Rubbish Abatements and Making Editorial Corrections to Article IV.

The amendments to Article V of Chapter 19 of the City Code will allow staff to make payment plan arrangements with defendants for the amount due for civil infractions, and to extend a defendant's timeframe within which to satisfy judgment after a final hearing to a reasonable period of time beyond thirty days.

The amendments to Article IV of Chapter 20 of the City Code will provide the option of an appeal process for weed and/or rubbish abatement invoices with the Director of Community Development & Neighborhood Services (CDNS) or with the Municipal Court Referee which is consistent with the appeal process for sidewalk snow removal abatements.

17. Resolution 2011-086 Authorizing the Initiation of Exclusion Proceedings of Annexed Properties Within the Territory of the Poudre Valley Fire Protection District and the Territory of the Windsor-Severance Fire Protection District.

This Resolution authorizes the City Attorney to file a petition in Larimer County District Court to exclude properties annexed into the City in 2010 from the Poudre Valley Fire Protection District and the Windsor-Severance Fire Protection District in accordance with state law and to allow for the provision of fire protection services to such properties by the Poudre Fire Authority.

18. Resolution 2011-087 Finding Substantial Compliance and Initiating Annexation Proceedings for the Leistikow Annexation.

The applicants, Wayne B. and Janice E. Leistikow, the property owners, have submitted a written petition requesting annexation of 18.035 acres located on the east side of South Timberline North Road, and on the south side of Trilby Road. The property contains a single family detached home approved in Larimer County under FA-1 zoning as part of the Leistikow Minor Residential Division approved in 1992. The requested zoning for this annexation is UE – Urban Estate. The parcel to the north is the Westchase P.U.D., zoned L-M-N and U-E and annexed into the City of Fort Collins in 2001. The properties to the east, south and west are currently zoned FA-1 and located in Larimer County.

19. Resolution 2011-088 Finding Substantial Compliance and Initiating Annexation Proceedings for the Courtney Annexation.

The applicants, C. Scott and Nancy E. Courtney, the property owners, have submitted a written petition requesting annexation of 3.13 acres located east of Ziegler Road and south of East Horsetooth Road. The property is Lot 3 of the Strobel M.R.D. and is addressed as 3256 Nite Court, which is at the east end of Charlie Lane. Portions of street right-of-way for Nite Court and Charlie Lane are included in the annexation boundary. The property is developed and is in the FA1 - Farming District in Larimer County. The requested zoning for this annexation is UE – Urban Estate. The surrounding properties are currently zoned FA1 – Farming in the Larimer County to the north, east and south; and, UE – Urban Estate in the City to the west.

20. Resolution 2011-089 Extending the Deadline for the City and Town of Windsor to Take Certain Actions Required by the Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange.

On December 21, 2010, the City Council approved an intergovernmental agreement with the Town of Windsor pertaining to the development of the I-25 interchange at the intersection of State Highway 392. The IGA states that the City and Windsor will take certain actions to implement the IGA by March 31, 2011. On March 15, 2011, Council extended the deadline for all actions to be taken under Section 4.2.2, 4.3.1 and 4.3.8 of the IGA to June 7, 2011.

On May 17, 2011, the City Council adopted Resolution 2011-041, extending the deadline for staff of both municipalities to complete their studies and public outreach until September 20, 2011. The staff of both municipalities recommend that the September 20, 2011, deadline be further extended to December 6, 2011, in order to allow additional time to complete their studies and public outreach and make their recommendations.

## END CONSENT

21. Consent Calendar Follow-up.

This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.

22. Staff Reports.

23. Councilmember Reports.

## 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.

24. Resolution 2011-090 Documenting and Presenting the City Council's Comments on the North I-25 Final Environmental Impact Statement. (staff: Kathleen Bracke; 10 minute staff presentation; 45 minute discussion)

The Colorado Department of Transportation (CDOT) Region 4 staff has been developing the North I-25 Environmental Impact Statement (EIS) for several years. Work on the EIS began in 2001. The purpose of the North I-25 EIS is to plan for long-range transportation needs to connect Northern Colorado with the Denver metropolitan area. The study area focuses on highway and transit plans for the Interstate 25 corridor, US287 corridor, and the US85 corridor.

CDOT published the Final EIS document on August 19 and is seeking agency and public comments through October 3. Staff has reviewed the Final EIS document and provided technical comments to share with City Council and CDOT as part of this public review period. The September 20 regular session action represents the City's opportunity to share staff, Council, and other potential community concerns with CDOT as part of the formal comment period on the Final EIS document.

25. Resolution 2011-091 Amending the Rules of Procedure Governing the Conduct of City Council Meetings. (staff: Steve Roy; 5 minute staff presentation; 30 minute discussion)

This Resolution would amend the rules of procedure that govern the conduct of City Council meetings with regard to citizen comment during the Citizen Participation segment of the meetings. The 30-minute time limit that currently exists for the Citizen Participation segment of the meetings would be eliminated and certain topics would be specified as not being appropriate for comment during that portion of the meeting: matters on the discussion agenda for the meeting and quasi-judicial matters.

26. Pulled Consent Items.
27. Other Business.
28. 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 Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.