



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

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. Assisted hearing devices are available to the public for Council meetings. Please call 221-6515 (TDD 224-6001) for assistance.

REGULAR MEETING

January 17, 2012

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Declaring 2012 as the Year of Water.

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. 15)
- Citizen opportunity to pull Consent Calendar items.
(will be considered under Item. No. 17)

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 11. 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:

- 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 December 20, 2011 and January 3, 2012 Regular Meetings and the December 13, 2011 and January 10, 2012 Adjourned Meetings.

7. Second Reading of Ordinance No. 001, 2012, Appropriating General Fund Reserves for Additional City Contribution to the Poudre Fire Authority Budget for the Year 2012 for Operations and Maintenance.

This Ordinance, unanimously adopted on First Reading on January 3, 2012, outlines the contribution from the City of Fort Collins to the Poudre Fire Authority for the Southwest Enclave Annexation in the amount of \$158,009 to contribute funding for operating and maintenance of the Poudre Fire Authority.

8. Second Reading of Ordinance No. 002, 2012, Appropriating Unanticipated Grant Revenue in the General Fund for the Police Services Victim Services Team.

The City has received a grant in the amount of \$30,000 from the Eighth Judicial District Victim Assistance and Law Enforcement Board to help fund victim services activities. This Ordinance, unanimously adopted on First Reading on January 3, 2012, appropriates the grant funds. No cash match is required.

9. Second Reading of Ordinance No. 003, 2012, Appropriating Prior Year Reserves in the Transportation Services Fund for the Construction of the East Harmony Road Maintenance Improvements - College Avenue to Timberline Road.

The East Harmony Road Maintenance Improvements Project will provide congestion relief and rehabilitate the pavement on East Harmony Road from College Avenue to Timberline Road by completing the following major work items: turn lane construction, utility relocations, asphalt overlay and restriping. Council approved this Project as part of the 2011/2012 Budgeting for Outcomes process. \$2.4 million was allocated from the Harmony Maintenance Fund for the 2011 calendar year. A portion of this money was spent in 2011 on maintenance, operations and engineering design. This Ordinance, unanimously adopted on First Reading on January 3, 2012, appropriates the remaining \$2,182,287 to the 2012 calendar year to be used for construction.

10. Second Reading of Ordinance No. 004, 2012, Amending Section 14-72(b)(6) of the City Code to Correct an Error in the Procedures for Review of Applications for Demolition or Relocation of Historic Structures.

This Ordinance, unanimously adopted on First Reading on January 3, 2012, amends Section 14-72(b)(6) of the City Code to correct an error regarding a citation cross-reference to requirements for the final Landmark Preservation Commission hearing needed in the event that the Landmark Preservation Commission fails to make a decision within 60 days of the submittal of these requirements. As the City Code currently stands, this error requires the Landmark Preservation Commission to make a decision regarding a historic structure demolition application upon the submittal of only one part of a submittal requirement outlined in 14-72(2)(b). This amendment corrects the error and requires the Landmark Preservation Commission to make a decision pursuant to fulfillment of all the submittal requirements.

11. First Reading of Ordinance No. 005, 2012, Amending Chapter 27 of the City Code to Modify the Requirements for Arborist Licenses, Designate Additional Violations of Chapter 27 as Civil Infractions, and Make Updates.

Section 27-34 of the City Code requires businesses that wish to apply pesticides to trees for commercial gain or profit to have a City arborist license. The Colorado Department of Agriculture has conducted a review of the City Code provisions and Forestry policies related to the regulation of pesticides and pesticide application and notified the City Forester of its conclusion that this requirement conflicts with state statutes regarding the regulation of pesticide applicators. The proposed change to Chapter 27 would remove this conflict.

The other proposed changes to Chapter 27 are: (1) decriminalizing most violations of Chapter 27 by making every violation of Chapter 27 a civil infraction instead of a misdemeanor with the exception of those pertaining to arborist licenses; and (2) updating a position title and cross references, and removing unnecessary detail regarding department structure.

END CONSENT

12. Consent Calendar Follow-up.

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

13. Staff Reports.

14. Councilmember Reports.

15. 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.

16. Second Reading of Ordinance No. 183, 2011, Authorizing the Lease of City-owned Property at 430 North College Avenue and 100 Willow Street to the Colorado State University Research Foundation. (staff: Bruce Hendee, Ken Mannon, Helen Matson; 10 minute staff presentation; 30 minute discussion)

Colorado State University (CSU) has leased the City-owned property known as the Old Power Plant at 430 North College Avenue for the last 17 years. CSU has used this site as the Engines and Energy Conversion Lab (EECL). This program has grown over the years and it is Colorado State University Research Foundation's (CSURF) desire to construct a new building that will be used to house additional labs, office and incubator companies sharing the vision of the EECL. A new lease agreement is necessary to accommodate these changes. This Ordinance, authorizing a new lease, was unanimously adopted on First Reading on December 20, 2011 (6-0, Troxell withdrew due to a conflict of interest).

Second Reading of Ordinance No. 183, 2011, was postponed from January 3 to January 17, 2012, since Council expressed concern with portions of the Lease on First Reading. Staff has met with CSURF to discuss the reduction of items in the River Buffer Zone and the proposed improvements for the access drive to the east door of the existing building. New language for the Lease Agreement is being drafted and CSURF is working on new exhibits showing suggested changes to the access drive. This information will be provided to Council by January 17.

17. Consideration of Citizen-Pulled Consent Items.

18. Other Business.

a. Council will consider adjourning into executive session for the purposes of:

- (1) meeting with the City Attorney regarding pending litigation, as permitted under Section 2-31(a)(2) of the City Code
- (2) conducting the annual performance review of the City Attorney, as permitted under Section 2-31(a)(1)(a) of the City Code.

19. 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.



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PUBLIC NOTICE

Posted on January 13, 2012

At its regular meeting on January 17, 2012, the Fort Collins City Council will consider a possible executive session for the purposes of:

- (1) meeting with the City Attorney regarding pending litigation, as permitted under Section 2-31(a)(2) of the City Code
- (2) conducting the annual performance review of the City Attorney, as permitted under Section 2-31(a)(1)(a) of the City Code.

The regular City Council meeting will begin at 6:00 p.m. in the Council Chambers, City Hall West, 300 LaPorte Avenue.

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