

**The order of the Discussion items
for the April 17 City Council Meeting
has been changed:**

The new order is:

- New Item #23:** First Reading of Ordinance No. 034, 2012, Amending Section 26-464 of the City Code to Establish a Medical Assistance Program for Electric Customers (Option A, B, or C).
- New Item #24:** First Reading of Ordinance No. 033, 2012, Amending Chapter 26 of the City Code to Allow for On-Bill Utility Financing.
- New Item #25:** Consideration of the Appeal of the Planning and Zoning Board's February 16, 2012 Denial of Two Stand-Alone Modifications Concerning the Proposed Remington Annex located at 705, 711 and 715 Remington Street.
- Item #26:** No Change.



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
Rita Harris, Interim 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

April 17, 2012

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Declaring April 17, 2012 as Equal Pay Day.
- B. Proclamation Declaring April 20, 2012 as Arbor Day.
- C. Proclamation Declaring May 1, 2012 as Respite Care, Inc. Day.

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. 22)
- Citizen opportunity to pull Consent Calendar items.
(will be considered under Item. No. 27)

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 18. 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 March 6 and March 20, 2012, Regular Meetings.

7. Second Reading of Ordinance No. 025, 2012, Appropriating Prior Year Reserves.

This Ordinance, unanimously adopted on First Reading on April 3, 2012, appropriates prior year's reserves for expenditures authorized in 2011 by Council but which could not be completed by the end of 2011. This Ordinance was amended on First Reading to remove the request of \$145,500 for a Transportation Utility Analysis.

8. Second Reading of Ordinance No. 026, 2012, Appropriating Prior Year Reserves in the Natural Areas Fund for the Purpose of Providing Natural Areas Programming Not Included in the 2012 Adopted City Budget.

This Ordinance, unanimously adopted on First Reading on April 3, 2012, appropriates prior year reserves in the Natural Areas Fund for the purpose of land conservation, construction of public improvements, restoration of wildlife habitat and other natural areas program needs to benefit the citizens of Fort Collins.

9. Second Reading of Ordinance No. 027, 2012, Appropriating Unanticipated Revenue in the Capital Projects Fund for the Fort Collins Museum/Discovery Science Center Exhibits Project.

Ordinance No. 027, 2012, unanimously adopted on First Reading on April 3, 2012, appropriates Non-Profit Partner revenue of \$225,000 into the Museum Exhibit Capital Project.

10. Second Reading of Ordinance No. 029, 2012, Authorizing the Purchasing Agent to Enter into an Agreement for the Financing by Lease-Purchase of Vehicles and Equipment and Appropriating the Amount Needed for Such Purpose.

This Ordinance, unanimously adopted on First Reading on April 3, 2012, authorizes the Purchasing Agent to enter into a lease-purchase financing agreement with Pinnacle Public Finance at 2.15% interest rate. The cost of the items to be lease-purchased is \$1,579,444. Payments at the 2.15% interest rate will not exceed \$167,010 in 2012. Money for 2012 lease-purchase payments is included in the 2012 budget. The effect of the debt position for the purpose of financial rating of the City will be to raise the total City debt by 1.03%. A competitive process was used to select Pinnacle Public Finance for this lease. Staff believes acceptance of this lease rate is in the City's best interest.

11. Second Reading of Ordinance No. 030, 2012, Amending Chapters 2 Through 27 of the City Code to Update Terminology and Titles Used in Various Code Provisions and to Eliminate Outdated References.

This Ordinance, unanimously adopted on First Reading on April 3, 2012, updates titles and terminology used in the City Code to correspond with current City organizational titles and department names. No substantive changes are included in the Ordinance. In addition, certain terminology used in the Code, such as the term "boarding house," is no longer consistent with corresponding references in other portions of the Code. These terms are updated in the Ordinance.

12. Second Reading of Ordinance No. 031, 2012, Authorizing Amendments to a Conservation Easement Held by the City on the Hansen Property.

In July 2011, the First National Bank of Omaha foreclosed on Parcel II (south parcel) of the Hansen Ranch property, on which the City of Fort Collins Natural Areas Department (NAD) holds a conservation easement (CE). NAD also holds a conservation easement on Parcel I (north parcel). Once the Bank took possession of Parcel II, Ric and Myrna Hansen, who reside on Parcel I, denied the Bank access through the existing driveway that bisects their parcel and serves as the only access

to Parcel II. This Ordinance, unanimously adopted on First Reading on April 3, 2012, authorizes an amendment to the easement to grant permission for a driveway to be constructed to access Parcel II, while allowing the NAD to make needed corrections and updates to the easement deed. In return, the development right for a secondary residence on the Parcel II will be extinguished. The City will also take this opportunity to amend language in the CE to increase its oversight and enforcement capability on the CE and update some of the terms of the CE.

13. Second Reading of Ordinance No. 032, 2012, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements in Connection with the North College Avenue Roadway Improvement Project - Vine to Conifer.

The North College Avenue Improvement Project – Vine to Conifer is a road improvement project that extends from Vine Drive on the south to the intersection of Hickory Street on the north. In 2010, Ordinance No. 085, 2010, authorized the use of eminent domain proceedings to acquire the necessary property interests for the Project. All property interests were secured for construction to move forward. While relocating existing utilities for the upcoming road work, City staff determined that additional right-of-way area containing approximately .011 acres is needed on one parcel to accommodate a realignment of a planned pedestrian bridge. City staff has contacted the affected property owner who is open to working with the City on the new acquisition. Since the Project is located on a Colorado Department of Transportation (CDOT) facility and the Project is partially funded by CDOT, this acquisition must follow the same eminent domain procedures used in the previous acquisitions for the Project. This Ordinance was unanimously adopted on First Reading on April 3, 2012.

14. Resolution 2012-023 Authorizing the Lease of City-Owned Property at 812 North Shields for Up to Two Years.

In 2000, the City purchased the property located at 812 North Shields as part of the Operations Services Master Plan. Leasing of the property has been continual from the time of purchase. Staff recommends that the City continue to lease this site.

15. Resolution 2012-024 Authorizing the Execution of an Intergovernmental Agreement Between the City and the Colorado Department of Transportation for the Maintenance of Traffic Signals Within the Fort Collins Growth Management Area.

The City has a long-standing contract with the Colorado Department of Transportation (CDOT) to maintain traffic control devices within the City's Growth Management Area. This update increases the amount that CDOT pays the City for maintenance of signs and pavement markings to more accurately reflect actual costs incurred by the City. Under this new contract, the amount paid to the City by CDOT will increase from \$193,440 to \$217,568 annually. The contract is for 5 years.

16. Resolution 2012-025 Making Findings of Fact Regarding the Appeal of the February 16, 2012, Planning and Zoning Board Denials of Two Stand-alone Modifications Concerning the Proposed Carriage House Apartments Located at 1305 to 1319 South Shields Street.

On March 1, 2012, an appeal of the February 16, 2012 decision of the Planning and Zoning Board to deny the Carriage House Apartments, Modification of Standards was filed by Charles A. Bailey with Catamount Properties, Ltd.

On April 3, 2012, City Council voted to uphold the decision of the Planning and Zoning Board. In order to complete the record regarding this appeal, the Council should adopt a Resolution making findings of fact and finalizing its decision on the appeal.

17. Resolution 2012-026 Making an Appointment to the Fort Collins Housing Authority Board of Commissioners.

Councilmember Lisa Poppaw's term on the Fort Collins Housing Authority expires on May 1, 2012. Councilmember Poppaw has expressed a desire to be reappointed. This Resolution will reappoint Councilmember Poppaw to the Fort Collins Housing Authority Board of Commissioners until May 1, 2017.

18. Resolution 2012-027 Making an Appointment to the Parks and Recreation Board.

A vacancy currently exists on the Parks and Recreation Board due to the resignation of Selena Paulsen. Mayor Pro Tem Kelly Ohlson and Councilmember Aislinn Kottwitz reviewed the applications on file. The interview team is recommending Todd Galbate to fill the vacancy with a term to begin immediately and set to expire on December 31, 2015.

END CONSENT

19. Consent Calendar Follow-up.

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

20. Staff Reports.

21. Councilmember Reports.

22. 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.

23. Consideration of the Appeal of the Planning and Zoning Board's February 16, 2012 Denial of Two Stand-Alone Modifications Concerning the Proposed Remington Annex located at 705, 711 and 715 Remington Street. (staff: Courtney Levingston, Karen McWilliams; 15 minute staff presentation, 2 hour discussion)

In January 2012, the Appellants submitted five stand-alone Modifications of Standards requests to the Planning and Zoning Board; however, only two of these requests are the subject of this Notice of Appeal. One of the two modifications requests is relating to the Historic and Cultural Resources, General Standard in the Land Use Code (LUC) (Section 3.4.7(B)), regarding the preservation of structures deemed individually eligible for local landmark designation; and, regarding the preservation of structures that are officially designated on the National Register of Historic Places and/or the State Register of Historic Properties, and/or which are located within an officially designated historic district. The second modification request is for the relocation of a structure that is individually eligible for local landmark designation, and/or relocation of a structure that is designated on the National or State Registers, and/or relocation of a structure that is located within an officially designated historic district (Section 3.4.7(E)). The Appellants requested to redevelop the properties located at 705, 711 and 715 Remington Street by demolishing or relocating three existing single family residences located within the Laurel School National and State Register Historic District, including one that is determined to be individually eligible for local landmark designation, and constructing one multi-family building with 42 units in their place.

On February 16, 2012, the Planning and Zoning Board considered five stand-alone Modification of Standard requests, including requested modifications to LUC Sections 3.4.7(B) and 3.4.7(E). After testimony from the applicants, the public and staff, the Planning and Zoning Board denied all five modifications of standards requests (5-1). On March 1, 2012, the Appellants filed a Notice of Appeal with the City Clerk's Office seeking redress of the action of the Planning and Zoning Board for two of these Modifications of Standard requests.

The Appellants allege that the Planning and Zoning Board failed to conduct a fair hearing because it considered evidence that was substantially false and grossly misleading and failed to properly interpret the relevant provisions of the Land Use Code when denying the two stand-alone Modifications of Standards requests in question.

24. First Reading of Ordinance No. 033, 2012, Amending Chapter 26 of the City Code to Allow for On-Bill Utility Financing. (staff: John Phelan, Mike Beckstead; 10 minute staff presentation; 45 minute discussion)

This Ordinance revises language in Chapter 26 of the City Code to enable Utilities to provide financing and on-bill servicing of loans for energy efficiency, water efficiency and renewable energy projects. Utilities is proposing to pilot a new program element for 2012, providing on-bill financing for residential customers participating in the Home Efficiency Program, the Solar Rebate Program and for customers who need to repair or replace a water supply line. The primary goal of the on-bill financing pilot is to facilitate more efficiency upgrades in the residential sector. These upgrades reduce our need for future energy resources, reduce our environmental footprint, promote local economic health by investing in our built environment and improve the health, comfort and safety of our homes.

Council approved a budget exception in fall 2011 for the 2012 budget to provide \$300,000 for on-bill financing, subject to bringing the necessary changes in the City Code and additional details of the pilot program. Funding for subsequent years will be addressed through the Budgeting for Outcomes process.

25. First Reading of Ordinance No. 034, 2012, Amending Section 26-464 of the City Code to Establish a Medical Assistance Program for Electric Customers (Option A, B, or C). (staff: Lance Smith, Patty Bigner; 10 minute staff presentation; 1 hour discussion)

The Medical Assistance Program is a pilot program which is aimed at providing financial assistance for customers who are in the tiered residential electric rate class and who have electric medical equipment in their home. Staff is presenting three options for consideration by Council. Fort Collins Utilities is seeking direction on the program details and approval from the City Council to implement this program. Specifically, staff is asking City Council to determine the scope of the program and to adopt the Ordinance allowing the establishment of the program.

The program is focused on reducing the cost associated with the additional electrical needs of those with life support equipment in their household. Options for other medical equipment and air conditioning needed to improve the quality of life for those with immune compromising diagnoses are also being presented for consideration.

- Option A limits coverage to electrical life support and mobility durable medical equipment. The maximum discount is \$12.50 per month.
- Option B extends coverage to all electrical durable medical equipment. The maximum discount is \$12.50 per month.
- Option C extends coverage to all electrical durable medical equipment and includes a discount for customers whose medical needs require air conditioning. The maximum discount during non-summer months is \$12.50 per month. The maximum discount during summer months is \$41.73 per month.

The key differences between the three options are shown in the Ordinance in bold-face type.

Fort Collins Utilities is recommending the implementation of Option C with an income limitation as a pilot program to be implemented by June 1, 2012 when the higher seasonal tiered rates become effective. Based on 2012 participation and costs of the program for the remainder of the year, the program can be adjusted prior to the 2013 cooling season for any necessary changes.

26. Second Reading of Ordinance No. 028, 2012, Appropriating General Fund Reserves for the Purpose of Rebating Use Tax to Hewlett Packard Company in Support of the Building Six Annex Expansion in Accordance with Resolution 2010-029. (staff: Mike Beckstead, Josh Birks; no staff presentation; 5 minute discussion)

This Ordinance, appropriates \$241,193 of General Revenue Funds for a Use Tax rebate approved by City Council on May 18, 2010 by Resolution 2010-029. The Resolution approved an agreement between the City and Hewlett Packard Company to provide Business Investment Assistance for the Building 6 Annex Expansion. The additional operations created approximately 100 jobs with an annual average wage of \$90,000. The City's assistance included both a one time use tax rebate and a personal property tax rebate on lab equipment for a total value of \$1.6 million. This Ordinance, adopted on First Reading on April 3, 2012 by a 6-0 vote (Poppaw withdrew) appropriates \$241,193 in use tax rebate, which is substantially less than the maximum rebate approved of \$600,000.

27. Consideration of Citizen-Pulled Consent Items.

28. Other Business.

29. 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.