



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

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## **REGULAR MEETING**

### **June 5, 2012**

### **Proclamations and Presentations**

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

- A. Proclamation Declaring June 30, 2012 as Social Media Day.
- B. Proclamation Declaring June 2012 as Bike Month.
- C. Friends of Preservation awards.

### **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. 26)
- Citizen opportunity to pull Consent Calendar items.  
(will be considered under Item. No. 31)

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 22. 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 May 1 and May 15, 2012 Regular Meetings and the May 22, 2012 Adjourned Meeting.
7. Second Reading of Ordinance No. 041, 2012, Appropriating Unanticipated Revenue in the Street Oversizing Fund, Authorizing the Transfer of Existing Appropriations in the Street Oversizing Fund for Transfer to the Capital Projects Fund, Appropriating Unanticipated Revenue in the Capital Projects Fund for the Turnberry Road Improvements Project, and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program.

The Turnberry Road Improvements Project is a compilation of the City approved, developer required improvements along the three frontages of the Maple Hill, Brightwater Landings, and Richards Lake subdivisions. A new two lane arterial roadway east of the existing roadway between Country Club Road and Brightwater Drive will be constructed. In addition, a pedestrian underpass for a City Parks Trail will be constructed under Turnberry Road as part of this project. The project will also relocate and upgrade utility infrastructure, including the installation of storm sewer and street light improvements as per the approved development plans. Except for the pedestrian underpass which is funded by the Parks Planning Department and the relocation of a water main funded by the East Larimer County (ELCO) Water District, the project will be funded through developer contributions and the Street Oversizing Program. The improvements are in accordance with both the Master Street Plan and the Mountain Vista Subarea Plan. This Ordinance, unanimously adopted on First Reading on May 15, 2012, appropriates revenue for this project.

8. Second Reading of Ordinance No. 042, 2012, Amending the Zoning Map of the City and Classifying for Zoning Purposes the Property Included in the Wild Plum Farm Annexation Numbers 1 and 2 to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on May 15, 2012, zones 3.96 acres located on the east side of North Taft Hill Road, approximately 1,750 feet north of West Vine Drive. The requested zoning for these annexations is Urban Estate. Horse boarding facilities are an allowed use in the Urban Estate zone district.

Additionally, as a condition on the requested Urban Estate zoning, staff is recommending the restrictions placed on the property at the County's Special Review hearing are carried over as restrictions on the horse boarding facility use within the city.

9. Second Reading of Ordinance No. 043, 2012, Appropriating Prior Year Reserves and Unanticipated Revenue in the General Fund for Cultural Development and Programming Activities and the Fort Collins Convention and Visitors Bureau.

This Ordinance, unanimously adopted on First Reading on May 15, 2012, appropriates \$43,319 for 2012 Cultural Development and Programming activities (Fort Fund) and \$145,407 for the Fort Collins Convention and Visitors Bureau (FCCVB) from unanticipated revenues and unspent appropriations in the General Fund Lodging Tax Reserves. Approximately \$908,908 in Lodging Tax revenue was collected in 2011 that was distributed to the FCCVB (70%), Cultural Development and Programming – Fort Fund (25%), and Tourism Programming - Fort Fund (5%). After 2011 expenditures and miscellaneous revenue, there is unanticipated revenue and unspent appropriations of \$43,319 for Cultural Development and Programming -Fort Fund and \$145,407 for FCCVB available for activities in 2012.

10. Items Relating to the Completion of the 2012 Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing and Community Development Activities Utilizing Funds from the Federal Community Development Block Grant (CDBG) Program and the City's Human Services Program.

- A. Second Reading of Ordinance No. 044, 2012, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Community Development Block Grant Fund.

- B. Second Reading of Ordinance No. 045, 2012, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Home Investment Partnership Fund.
- C. Resolution 2012-037 Allocating Appropriated Monies from the 2012 Affordable Housing Fund for the Fort Collins Housing Authority's Supportive Housing Project.

Ordinance No. 044, 2012, appropriates the City's FY 2012 CDBG Entitlement Grant from the Department of Housing and Urban Development (HUD). Ordinance No. 045, 2012, appropriates the City's FY 2012 HOME Participating Jurisdiction Grant from HUD. Both Ordinances were unanimously adopted on First Reading on May 15, 2012.

Resolution 2012-037 will complete the 2012 spring cycle of the Competitive Process, by allocating City financial resources to the Fort Collins Housing Authority's Supportive Housing project. The additional allocation addresses a \$131,892 funding shortfall in currently available and allocated spring Competitive Process monies allowed for Council action on request and/or CDBG Commission recommendations for the Housing and Public Facility funding category. This action would fill the funding gap for the Housing Authority's requested amount of \$455,000 for its Supportive Housing project.

11. Items Relating to Rebates of Property Taxes, Sales Tax on Food, and Utilities.

- A. Second Reading of Ordinance No. 046, 2012, Amending Certain Sections of Chapter 25 of the City Code Relating to the City's Property Tax Rebate.
- B. Second Reading of Ordinance No. 047, 2012, Amending Certain Sections of Chapter 25 of the City Code Relating to the Rebate of the City's Sales Tax on Food.

The Finance Department currently administers three rebate programs for low income, senior and disabled residents. The rebates are for Property Tax, Utilities and Sales Tax on Food which were created in 1972, 1975 and 1985 respectively.

Ordinance No. 046, 2012, will change the income qualification for the Property Tax rebate from 30% of area median income (AMI) to 50% of AMI to increase the number of senior and disabled residents that qualify and to align with the Sales Tax on Food rebate income qualifications and will update the application period to August 1st through October 31st.

The income qualification for the Utility Refund will be changed from 30% of area median income (AMI) to 50% of AMI to allow for an increased number of senior and disabled residents to qualify and to align with the Sales Tax on Food rebate income qualifications. The application period will be updated to August 1 through October 31. No Code amendment is needed to make these changes because Code Section 26-613 states that applicants for utility rebates must meet the same qualifications requirements as applicants for property tax rebates. A Whereas clause has been added to Ordinance No. 046, 2012, that mentions that a utility refund program is available that follows the same guidelines as the property tax rebate guidelines.

Ordinance No. 047, 2012, will update the rebate amount of Sales Tax on Food from \$40 to \$54 per member of qualifying household, index the rebate amount moving forward to the local CPI and will update the application period to August 1 through October 31.

The Ordinances have been amended on Second Reading to add a provision that the City Manager will submit an annual report to City Council by March 31, 2013, reviewing the status of the programs, who is being reached and how participation in the programs has been increased. Both Ordinances were unanimously adopted on First Reading on May 15, 2012.

12. Second Reading of Ordinance No. 048, 2012 Establishing a Moratorium on the Acceptance or Processing of Land Use Applications, Permit Applications, and Other Applications Seeking Approval to Conduct Oil and Gas Extraction or Related Operations Within the City.

Although there has not been a great deal of oil and gas drilling in Larimer County until recently, the discovery of the resource-rich Niobrara formation in this region, and the increased use of horizontal hydraulic fracturing (“fracking”) and directional drilling increase the likelihood of oil and gas drilling in the City of Fort Collins. The State of Colorado has largely pre-empted the regulation of oil and gas drilling, even within municipal boundaries, but City staff is monitoring the recent legislative discussions as well as drilling activity, and proposes the development of regulations, and a moratorium on any oil and gas drilling until those regulations are adopted. This Ordinance, unanimously adopted on First Reading on May 15, 2012, establishes a moratorium until February 15, 2013 or upon the receipt by the City Council of a recommendation from City staff and legislative action taken by the City Council, whichever occurs first.

13. First Reading of Ordinance No. 049, 2012, Appropriating Prior Year Reserves in the Light & Power Fund and in the Water Fund for the Fort Collins Museum of Discovery Art in Public Places Project.

This Ordinance appropriates \$590,000 from the Art in Public Places (APP) Reserves in the Water Fund and Light & Power Fund for APP artist Ned Kahn to create unique educational art experiences as part of the exhibits at the Fort Collins Museum of Discovery. The artist will begin working with the project team to develop unique, inspiring educational displays using the themes of water, sustainability and energy. \$45,000 was previously appropriated in 2012 towards the design phase of this project. When completed, the final design concepts will be brought to Council for consideration and approval prior to fabrication and installation.

14. Items Relating to the Water and Sewer Line Relocations Required to Facilitate the Construction of a New Bridge over the Poudre River at Mulberry Street.

- A. First Reading of Ordinance No. 050, 2012, Appropriating Unanticipated Grant Revenue in the Water and Wastewater Funds to Relocate Certain Utility Facilities to Accommodate the Colorado Department of Transportation’s Proposed Construction of a New Bridge over the Poudre River at Mulberry Street.
- B. Resolution 2012-038 Authorizing the City Manager to enter into a Grant Agreement with Colorado Department of Transportation for the Funding of Design, Construction, and Project Management for State Highway 14 (Mulberry) Bridge-Related Utility Relocations.

The Colorado Department of Transportation (CDOT) is working with the City of Fort Collins Engineering Department to design and construct a new five or six lane bridge over the Poudre River on Mulberry Street. At this time construction on the bridge is scheduled to begin during the summer of 2013. As the bridge design progressed, it was discovered that the Fort Collins Utilities Department has a 42-inch sanitary sewer and a 12-inch water main that cross under the river parallel to and adjacent to the existing bridge. Both the sanitary sewer and the water main are in conflict with the alignment of the new proposed bridge.

This Ordinance appropriates funds from existing water and sewer funds to relocate utility lines in conflict with the proposed new CDOT Bridge over the Poudre River at Mulberry Street. The Resolution allows the City Manager to enter into a Grant Agreement with CDOT who will reimburse the Utilities Department based on actual design, construction, and project management costs. Relocation work will not proceed until authorization of work is issued by the CDOT project manager.

15. First Reading of Ordinance No. 051, 2012, Making Various Amendments to the Land Use Code.

Staff has identified a variety of proposed changes, additions and clarifications in the 2012 annual update of the Land Use Code.

16. Items Relating to the Wood Street Annexation and Zoning.
  - A. Resolution 2012-039 Setting Forth Findings of Fact and Determinations Regarding the Wood Street Annexation.
  - B. Hearing and First Reading of Ordinance No. 052, 2012, Annexing Property Known as the Wood Street Annexation to the City of Fort Collins.
  - C. Hearing and First Reading of Ordinance No. 053, 2012, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Wood Street Annexation to the City of Fort Collins.

This is a request to annex and zone 17.3443 acres located on the east side of Wood Street, approximately 1,320 feet east of North Shields Street. The property is developed and is in the O - Open District in Larimer County. The requested zoning for this annexation is UE – Urban Estate. The surrounding properties are currently zoned O – Open in Larimer County to the south and west, as well as E – Employment in the City to the west (City of Fort Collins Fleet Services Building), and POL – Public Open Lands in the City (Lee Martinez Park and McMurry Natural Area) to the east and north. This is a 100% voluntary annexation.

Staff is recommending that this property be included in the Residential Neighborhood Sign District. A map amendment will be necessary as this property is not already in the District.

17. First Reading of Ordinance No. 054, 2012, Designating the Lory/Coffin/Klender Residence and Garage, 621 East Locust Street, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Thomas Klender, is initiating this request for Fort Collins Landmark designation for the Lory/Coffin/Klender Residence and Garage at 621 East Locust Street. The property is eligible for designation as a Landmark under Designation Standards 2 and 3, for its association with significant persons and also for its architectural significance to Fort Collins.

18. First Reading of Ordinance No. 055, 2012, Authorizing the Lease of City-owned Property at 1715 West Mountain Avenue to the Fort Collins Housing Authority.

The Housing Authority has leased the City-owned property at 1715 West Mountain Avenue since January 1977. The Authority constructed its administrative headquarters on the property 35 years ago and is currently in the process of remodeling its headquarters. To secure permanent financing for this project, a new lease agreement is necessary.

19. First Reading of Ordinance No. 056, 2012, Authorizing the Lease of City-owned Property at 425 10th Street to the Museo de las Tres Colonias.

The property at 425 10th Street was donated to the City in 2002 for a living history museum recognizing and remembering the contributions of Hispanics, Latinos, and Mexicans in Northern Colorado. Poudre Landmarks Foundation has leased the property since 2002 and has completed its renovation of the house. The new lease agreement will be with the Museo de las Tres Colonias and the Poudre Landmarks Foundation will relinquish all rights, title and interest in the original Lease Agreement dated July 18, 2002.

20. Resolution 2012-040 Naming the MAX Bus Rapid Transit Station located near Bay Farm, Natural Resources Research Center, Whole Foods and Mason Trail.

MAX Bus Rapid Transit (BRT) will serve two Transfort transit centers and twelve MAX BRT stations. MAX stations are named according to cross-street location. This methodology is based on best practices in transit operations as well as emergency response location identification.

The station located near the Bay Farm/Natural Resources Research Center/Whole Foods/Mason Trail area is unique in that it is not directly related to a cross-street. In order to have a strong identity that is easy to remember and reflects the general vicinity of the station, staff recommends Spring Creek Station as the preferred option, per the City's Administrative Naming Policy 2.6 (geographic location).

21. Resolution 2012-041 Making an Appointment of Steering Committee Members for the North Front Range Transit Vision Project.

The Cities of Loveland and Fort Collins, the Town of Berthoud, Larimer County, and the North Front Range Metropolitan Planning Organization (NFRMPO) are conducting a study to develop a recommendation for regional decision making and funding structure for regional transit services. This study will take place between now and early 2013, and will ultimately provide a recommendation based on Steering Committee and other stakeholder direction. Each agency will have three representatives to serve on the Steering Committee which will include one elected official and two citizens.

This Resolution confirms the appointment of Councilmember Ben Manvel and Fort Collins citizens Yvonne Myers and Gary Thomas, as Steering Committee members to direct the project's progression and ultimately provide a recommendation based on the Steering Committee and other stakeholder direction. The citizen members recommended for participation on the Steering Committee have expressed an interest in Public Transportation or served as members of the Citizen Financial Advisory Committee during the 2009 Transfort Strategic Operating Plan.

22. Resolution 2012-042 Approving the Stipulated Determination of Vested Rights Between the City and Dry Creek, LLC.

Dry Creek, LLC is the developer of Dry Creek Subdivision, First Replat, and has completed most of Phases Two and Three of the project, but the public sidewalks remain to be constructed. The plan expired on November 2, 2011. Accordingly, Dry Creek, LLC has filed an application for a Determination of Vested Rights under Division 2.13 of the Land Use Code and the City Manager and City Attorney agree that the application for Determination of Vested Rights should be granted. The proposed resolution would formalize the determination of vested rights.

<b>END CONSENT</b>
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23. Consent Calendar Follow-up.

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

24. Staff Reports.

25. Councilmember Reports.

26. 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.

27. Resolution 2012-043 Approving the Jefferson Street Alternatives Analysis Study, Authorizing Revisions to the Jefferson Street/SH14 Access Management Plan and Existing Intergovernmental Agreement, Directing Staff to Update the City's Transportation Master Plan Capital Improvement Plan and Directing Staff to Pursue a New Intergovernmental Agreement with the Colorado Department of Transportation. (staff: Kathleen Bracke, Aaron Iverson; 10 minute staff presentation; 20 minute discussion)

The Jefferson Street/SH14 Alternatives Analysis Study is a joint effort of the City of Fort Collins, Downtown Development Authority (DDA), and the Colorado Department of Transportation (CDOT). This Alternatives Analysis Study included the development and evaluation of a thorough set of design options for the Jefferson Street/SH14 corridor, including the intersection of Jefferson/SH14 and Mountain/Lincoln Avenue, and the intersection of Jefferson and Linden streets.

In response to concerns raised by community stakeholders and partnering agencies, City staff has revised the recommendation for the proposed intersection improvements at this intersection of Jefferson Street and Mountain Avenue to be improvements to the existing signalized intersection, rather than the previous roundabout recommendation.

City staff continues to recommend reconfiguring Jefferson Street from the existing four lane configuration to a "3-lane" street, with landscaped medians, on-street parking, pedestrian streetscape and urban design features from North College to Mountain Avenue. This corridor alternative is agreeable to the City, CDOT, Downtown Development Authority, and Larimer County, and has strong support from the community.

This Resolution will include the Jefferson Street Alternatives Analysis Study report documenting the recommended preferred corridor and intersection alternatives as well as actions needed to amend the Jefferson/Riverside (SH14) Access Management Plan and Transportation Capital Improvement Plan to reflect these changes for Jefferson Street. Staff will also be seeking City Council support for entering into an Intergovernmental Agreement with CDOT regarding the recommended changes for Jefferson Street.



28. Items Relating to Implementation of the Outdoor Vendor Study. (staff: Pete Wray, Peter Barnes, Jessica Ping-Small; 10 minute staff presentation; 45 minute discussion)
- A. First Reading of Ordinance No. 057, 2012, Making Various Amendments to the Land Use Code Relating to Outdoor Vendors.
  - B. First Reading of Ordinance No. 058, 2012, Amending Article XIV of Chapter 15 of the City Code Regarding Licensing of Outdoor Vendors.

These Ordinances address actions needed to implement the Outdoor Vendor Study staff recommendations.

Ordinance No. 057, 2012 amends the Land Use Code. First, it adds a new section in Article 3, Supplementary Regulations for Outdoor Vendors. Second, it amends Article 4 by adding Outdoor Vendors as a permitted use in non-neighborhood zoning districts. Finally, it amends Article 5 to add a new definition for "Outdoor Vendor".

Ordinance No. 058, 2012 amends Chapter 15 of the City Code regarding licensing and regulations for outdoor vendor businesses. It revises the definition for outdoor vendors and exemptions, adds new definitions for outdoor vendor types, and revises licensing requirements.

29. Resolution 2012-044 Adopting an Economic Health Strategic Plan for the City of Fort Collins. (staff: Bruce Hendee, Josh Birks; 10 minute staff presentation; 30 minute discussion)

On February 15, 2011, City Council adopted revisions to *City Plan*, the City's Comprehensive Plan. *City Plan* updated the economic health vision for the City to "a healthy and resilient economy." The Economic Health Strategic Plan began in May 2011 funded through the Keep Fort Collins Great tax increase passed by the citizens in November 2010. The Economic Health Strategic Plan continues the evolution of the City's previous economic health planning efforts from 2005 and 2010.

30. Resolution 2012-045 Authorizing the Mayor to Enter Into an Intergovernmental Agreement to Assist in the Operation and Maintenance of a Regional Crime Laboratory. (staff: Don Vagge; 10 minute staff presentation; 20 minute discussion)

The members of the Northern Regional Laboratory Group (NRLG) are currently operating under an Intergovernmental Agreement titled "Intergovernmental Agreement Regarding Shared Facilities and Forensic Operating Guidelines of the Northern Regional Lab Group". The Agreement has been in place since November 2008. Since that time the NRLG has sought to combine the entire lab function in one location to improve the overall functionality of the group. In order to do so, a new Intergovernmental Agreement (IGA) has been drafted to cover this change when it occurs. Weld County is seeking acceptance of this IGA and has submitted an RFP for land and construction of the building. All other entities involved in the regional lab have already signed this IGA.

31. Consideration of Citizen-Pulled Consent Items.

32. Other Business.

- A. Motion to Cancel the Regular Council Meetings of June 19, 2012 and July 3, 2012.

33. Adjournment.

- A. Motion to Adjourn Meeting to Tuesday, June 26, 2012.

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.