



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 Nelson, City Clerk

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## **REGULAR MEETING**

### **February 5, 2013**

### **Proclamations and Presentations**

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

- A. Proclamation Declaring February 14, 2013 as "Congenital Heart Defect and Children's Heart 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. 30)
- Citizen opportunity to pull Consent Calendar items.  
(will be considered under Item. No. 33)

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 26. 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.

6. Consideration and Approval of the Minutes of the January 15, 2013 Regular Meeting and the January 22, 2013 Adjourned Meeting.

7. Postponement of Second Reading of Items Relating to the 2012 Streets and Stormwater Site Development Initiatives to February 19, 2013.

A. Second Reading of Ordinance No. 151, 2012, Adopting an Update to Appendix C of the Larimer County Urban Area Street Standards Pertaining to "Streetscape Standards" for the City of Fort Collins.

B. Second Reading of Ordinance No. 152, 2012, Amending Chapter 26 of the City Code and the Fort Collins Stormwater Criteria Manual to Incorporate Provisions Implementing Low Impact Development Principles.

Staff is requesting postponement of Second Reading of these Ordinances to February 19, 2013, in order to allow needed time to clarify options regarding changes to development plans that specify parkway landscaping in neighborhoods.

8. Second Reading of Ordinance No. 001, 2013, Appropriating Unanticipated Grant Revenue in the Recreation Fund for the Vida Sana Program.

This Ordinance, unanimously adopted on First Reading on January 15, 2013, appropriates a \$54,052 grant from the Coalition for Activity and Nutrition to Defeat Obesity (CANDO). The Recreation Division will utilize these funds to hire a part-time program coordinator, two bilingual program staff and to fund program participant admissions to the Northside Atzlan Community Center.

9. Second Reading of Ordinance No. 002, 2013, Appropriating Unanticipated Grant Revenue and Prior Year Reserves in the General Fund for the Restorative Justice Program.

Ordinance No. 002, 2013, unanimously adopted on First Reading on January 15, 2013, appropriates a grant in the amount of \$30,000 from the Colorado Division of Criminal Justice Juvenile Accountability Incentive Block Grants fund for salaries associated with the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program for all other offenses.

10. Second Reading of Ordinance No. 003, 2013, Appropriating Unanticipated Grant Revenue in the General Fund for the Police Services Victim Services Team.

This Ordinance, unanimously adopted on First Reading on January 15, 2013, appropriates a grant received by the Fort Collins Police Services Victim Services Unit in the amount of \$32,000 from the Eighth Judicial District Victim Assistance and Law Enforcement (VALE) Board to help fund services provided by this team. This grant will fund part of the salary for the victim advocate who provides crisis intervention services during weekday hours and is housed in the Victim Services office. These funds will also pay for some of the operational expenses needed to provide 24-hour a day, 7-day a week services to victims of crime in the community.

11. Second Reading of Ordinance No. 004, 2013, Authorizing the Lease of City-owned Property at 208 North Howes Street and a Portion of 230 Laporte Avenue for up to Five Years.

This Ordinance, unanimously adopted on First Reading on January 15, 2013, authorizes a lease of City-owned property located at 208 North Howes Street and a portion of 230 Laporte Avenue for up to five years.

12. Second Reading of Ordinance No. 005, 2013, Approving a Fifth Amendment to the Fort Collins-Timnath Intergovernmental Agreement Regarding Cooperation on Annexation, Growth Management, and Related Issues, Extending the Deadlines for the City and Town to Amend Their Growth Management Area Boundaries.

On February 17, 2009, the City of Fort Collins and the Town of Timnath entered into an intergovernmental agreement regarding annexations, growth management, and related issues. The

agreement resolved certain differences that had arisen between the City and Town concerning a variety of planning and growth management issues. The agreement set one-year deadlines for the parties to amend their Growth Management Area boundaries and for Timnath to exercise an option to purchase the Vangbo property from the City. In early 2010, the parties approved an amendment to this intergovernmental agreement that extended the deadlines for approval of the Fort Collins GMA and for Timnath to decide whether to exercise its option. In early 2011, a second amendment was approved by the City and Timnath that extended the deadline for the parties to amend their Growth Management boundaries and deleted all references to Timnath's possible purchase of the Vangbo property because Timnath decided not to move forward with the purchase. In late February 2012, a third amendment was approved by the City and Timnath that extended the deadline for the parties to amend their Growth Management boundaries.

Another extension of the intergovernmental agreement is needed, and Ordinance No. 005, 2013, unanimously adopted on First Reading on January 15, 2013, extends the period of time within which the parties' Growth Management Area boundaries are to be amended for an additional six months. The Town of Timnath has requested that a change be made to the Fifth Amendment to the IGA between Fort Collins and Timnath that Council approved on First Reading on January 15. The purpose of that amendment is to further extend the deadline for amending the respective growth management area boundaries of the two municipalities. The version of the Fifth Amendment that Council approved on First Reading authorizes the City Manager and the Town Manager to administratively approve any additional extensions that they believe are necessary, as long as the City and the Town are diligently pursuing the boundary amendments. While the Timnath Town Council agrees with the City Manager being given that authority on behalf of Fort Collins, it would like to defer its own decision as to which officer or employee it may wish to authorize to approve additional extensions on behalf of the Town. The revised version of the Fifth Amendment has been modified to address that concern.

13. Items Relating to the Hansen Farm Annexation and Zoning.

- A. Second Reading of Ordinance No. 006, 2013, Annexing Property Known as the Hansen Annexation.
- B. Second Reading of Ordinance No. 007, 2013, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included In the Hansen Annexation to the City of Fort Collins, Colorado.

These Ordinances, unanimously adopted on First Reading on January 15, 2013, annex and zone 69.42 acres located on the west side of Timberline Road, approximately 1.5 miles south of Harmony Road. The proposed zoning for this annexation is NC – Neighborhood Commercial (6.33 acres), MMN – Medium Density Mixed-Use Neighborhood (16.69 acres), and LMN – Low Density Mixed-Use Neighborhood (46.40 acres).

14. Items Relating to Public Service Company of Colorado's Request for Utility Easements and Temporary Construction Easements Across Four Natural Areas Owned by the Natural Areas Department to Construct, Operate, and Maintain Approximately 2.6 Miles of High Pressure Gas Pipeline.

- A. Second Reading of Ordinance No. 008, 2013, Authorizing the Conveyance of a Non-Exclusive Utility Easement and a Temporary Construction Easement on Coyote Ridge Natural Area to Public Service Company of Colorado.
- B. Second Reading of Ordinance No. 009, 2013, Authorizing the Conveyance of an Exclusive Utility Easement, a Non-Exclusive Utility Easement, and a Temporary Construction Easement on Colina Mariposa Natural Area to Public Service Company of Colorado.
- C. Second Reading of Ordinance No. 010, 2013, Authorizing the Conveyance of a Non-Exclusive Utility Easement and a Temporary Construction Easement on Hazaleus Natural Area to Public Service Company of Colorado.

- D. Second Reading of Ordinance No. 011, 2013, Authorizing the Conveyance of Two Non-Exclusive Utility Easements on Kingfisher Point Natural Area to Public Service Company of Colorado.

These Ordinances, unanimously adopted on First Reading on January 15, 2013, authorize easements within four Natural Areas owned by the City of Fort Collins Natural Areas Department to Public Service Company of Colorado to construct, operate, and maintain approximately 2.6 miles of high pressure gas pipeline. The proposed project is part of the larger West Main Natural Gas Pipeline Replacement Project (West Main Project) that encompasses Larimer, Weld, and Boulder Counties. The project will replace an existing 8-inch gas pipeline that is 83 years old and at the end of service life with a 16-inch high pressure gas pipeline.

The proposed project will traverse the city north to south and will impact the road surface and traffic along Shields Street, Horsetooth Road, and Timberline Road.

As proposed, approximately 2.6 miles of the gas transmission pipeline will require new easements to cross four City Natural Areas: Coyote Ridge, Colina Mariposa, Hazaleus, and Kingfisher Point. Existing easements for the gas pipeline are located within Kingfisher Point and portions of Coyote Ridge. The portion of the pipeline to be constructed within NAD properties will affect approximately 31 acres.

15. Second Reading of Ordinance No. 012, 2013, Authorizing the Conveyance of a Non-Exclusive Utility Easement and a Temporary Construction Easement on City Utility Property to Public Service Company of Colorado.

Public Service Company of Colorado has planned the West Main High Pressure Natural Gas Line Replacement Project to install an underground 16-inch high pressure gas transmission pipe from southwest Loveland north through Fort Collins to Vine Street. This Ordinance, unanimously adopted on First Reading on January 15, 2013, authorizes a utility easement and a temporary construction easement across the eastern portion of two properties owned by the City for stormwater purposes located adjacent to McClelland Drive. Construction of the pipeline will occur during a similar timeframe as the construction of the MAX Bus Rapid Transit project improvements within McClelland Drive. The majority of the pipeline will be bored underneath the City property to avoid above-grade disturbances.

16. Items Relating to the Timberline Road/Horsetooth Road Intersection Improvements Project.

- A. Resolution 2013-003 Authorizing the Mayor to Execute an Intergovernmental Agreement with the Colorado Department of Transportation for the Purpose of Receiving Funding for the Timberline Road/Horsetooth Road Intersection Improvements Project.
- B. First Reading of Ordinance No. 013, 2013, Appropriating Unanticipated Grant Revenue into the Capital Projects Fund for the Building on Basics Intersection Improvements and Traffic Signals Project for Timberline Road and Horsetooth Road Intersection Improvements.

The City has received a federally funded grant through the North Front Range Metropolitan Planning Organization (NFR-MPO), category Congestion Mitigation and Air Quality (CMAQ), for operational and safety improvements at the Timberline Road and Horsetooth Road intersection. The grant application was based upon the addition of a southbound, dedicated right turn lane. Additionally, the project may include left turn lane improvements, median and landscaping improvements, sidewalk and bicycle lane improvements and pavement improvements. This Resolution will authorize the Mayor to sign an Intergovernmental Agreement with the Colorado Department of Transportation (CDOT) to receive federal grant revenue and the Ordinance will appropriate the grant funds.

17. First Reading of Ordinance No. 014, 2013, Amending the Land Use Code Regarding Trees and Correcting a Cross-Referencing Error.

In the summer of 2012, staff was asked to consider a change to the Land Use Code acknowledging the ecological value of non-native trees, specifically Russian olive and Siberian elms. As staff evaluated these potential Land Use Code changes, other suggestions for improvements to the Land

Use Code arose, including amending the tree mitigation radius, requiring mitigation of native cotton-bearing cottonwood trees and female box elder trees, and correcting minor clerical errors in the Land Use Code.

18. First Reading of Ordinance No. 015, 2013 Authorizing the Extension of the Purchasing Card Services Agreement with UMB Bank for an Additional Five Year Period.

In 2007, the City and Poudre School District did a cooperative request for proposal process for Procurement Card (PCard) Services. The solicitation was for a five-year period with an option to renew for an additional five years with the approval of City Council. This cooperative bid was also open for participation of other governmental entities. Each entity contracts separately with the selected bank but shares in the value of the combined spending and services offered by the bank. The bank selected was UMB Bank. The contract was signed in March 2008. Services provided by UMB Bank have been outstanding. Participation in this cooperative contract has grown from the original 2 to over 70 governmental agencies in Colorado. The participants in the cooperative combine their volume of purchases which results in a higher rebate to each participant based on their individual volume of purchases. The City's estimated 2013 rebate amount is over \$130,000.

19. First Reading of Ordinance No. 016, 2013, Authorizing the Lease of City-Owned Property at 6916 South College Avenue for up to Five Years.

The City desires to continue leasing this 17+ acre property, which is part of the Affordable Housing/Land Bank Program, located at 6916 South College Avenue, as a ground lease for another five year period.

20. First Reading of Ordinance No. 017, 2013, Designating the Zimmerman Property, 712 Dartmouth Trail, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Jason Franikowski and Jennifer Haussmann, are initiating this request for Fort Collins Landmark designation for the Zimmerman Property, 712 Dartmouth Trail. The property is eligible for designation as a Landmark under Designation Standard 3, as an excellent representation of late 1960s Ranch-style architecture in Fort Collins.

21. First Reading of Ordinance No. 018, 2012, Designating the Crose-Scott-Dickey House and Attached Garage, 618 West Mountain Avenue, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, William and Kathleen Whitley, are initiating this request for Fort Collins Landmark designation for the Crose-Scott-Dickey House and attached garage at 618 West Mountain Avenue. 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.

22. First Reading of Ordinance No. 019, 2013, Designating the Olyn and Ann Price Property, 1509 Westview Avenue, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Anne C. Colwell, is initiating this request for Fort Collins Landmark designation for the Olyn and Ann Price Property at 1509 Westview Avenue. 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.

23. Resolution 2013-004 Authorizing the Lease of Space at the City-owned Carnegie Building Located at 200 Mathews Street to Beet Street, Inc., for up to Two Years.

The historic Carnegie Building at 200 Mathews Street in Fort Collins has been vacated by the Fort Collins Museum. Council has supported repurposing this building as a community creative center. Leasing a portion of the building to Beet Street and its Arts Incubator of the Rockies professional development program helps achieve the transition to a creative center. This Resolution approves a lease of specific areas of the building to Beet Street for up to two years.

24. Resolution 2013-005 Adopting the Second Amendment to the City of Fort Collins General Employees' Retirement Plan as Amended and Restated Effective January 1, 2012, to Incorporate Technical Changes Related to Military Service of Plan Members.

This Resolution will amend the current General Employees' Retirement Plan to include the Heroes Earnings Assistance and Relief Tax Act of 2008, as amended (Heart Act). This provision clarifies the qualified military service Plan member's compensation, vesting accruals, and beneficiary death benefit.

25. Resolution 2013-006 Acknowledging Councilmember Lisa Poppaw's Resignation from the Board of Directors of Beet Street and Withdrawing Any Further City Representation on the Board.

In 2008, Councilmember Lisa Poppaw was appointed to the Board of Directors of Beet Street, a private, non-profit organization formed by the Downtown Development Authority to foster the performing arts, local culture and participative sciences community, and promote intellectual, cultural, physical and spiritual rejuvenation and growth in downtown Fort Collins. Councilmember Poppaw has resigned from the Board and Council feels that it is no longer necessary for the City to have an official representative on the Board, as the Board is now well established with a Board of Directors from a variety of backgrounds.

26. Resolution 2013-007 Making Appointments to the Affordable Housing Board.

This Resolution fills three vacancies on the Affordable Housing Board.

## END CONSENT

27. Consent Calendar Follow-up.

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

28. Staff Reports.

a. Water Supply Management Plan

29. Councilmember Reports.

30. 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.

31. Items Relating to the Citizen Participation at City Council Meetings. (staff: Steve Roy, Wanda Nelson; 5 minute staff presentation; 30 minute discussion)
- A. Resolution 2013-008 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings with Regard to Citizen Comment.
  - B. First Reading of Ordinance No. 020, 2013, Amending Section 2-35 of the City Code with Regard to the Removal of Persons from City Council Meetings.

This Resolution amends the Rules of Procedure governing City Council meetings to give greater clarity to the expectations and responsibilities of citizens participating in such meetings. The Ordinance amends City Code to allow the presiding officer of a City Council meeting or City Council committee meeting to order the removal of any person who significantly and intentionally disrupts such meeting by failing to comply with the requirements of the presiding officer in maintaining order during the meeting.

32. Items Relating to Animal Control. (staff: Beth Sowder; 10 minute staff presentation; 45 minute discussion)
- A. First Reading of Ordinance No. 021, 2013, Amending Chapter 4, Article II and Chapter 19, Article V of the City Code so as to Decriminalize Certain Offenses Related to the Care and Keeping of Animals.
  - B. First Reading of Ordinance No. 022, 2013, Making Certain Amendments to Chapter 4, Article II, of the City Code.

Ordinance No. 021, 2013 amends Chapter 4, Article II of the City Code to decriminalize all offenses related to the care and keeping of animals, except for the vicious, dangerous, public nuisance, and cruelty sections, to provide better, more responsive customer service. The recommended changes in the Animal Protection and Control (APC) protocol would ensure responsiveness and flexibility to citizen concerns and complaints. City staff also recommends transferring the management of the APC contract from Police Services to Neighborhood Services. These changes will enable the City to make progress in addressing the issues of barking dogs and other animal nuisances in the community.

Ordinance No. 022, 2013, clarifies the licensing and rabies vaccinations requirements, and adds a numerical distinction of 80 degrees Fahrenheit to indicate when it is illegal to confine an animal within a parked vehicle.

33. Consideration of Citizen-Pulled Consent Items.
34. Other Business.
35. Adjournment.
- a. Motion to Adjourn Meeting to 6:00 p.m., Tuesday, February 12, 2013.

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.