



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

March 19, 2013

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Declaring March as Ethics Awareness Month.
- B. Proclamation Declaring April 6, 2013 as the KRFC 10th Anniversary Birthday Bash.
- C. Proclamation Declaring April 9, 2013 as "Equal Pay Day".
- D. Proclamation Declaring April 9, 2013 as "National Service Recognition" Day.
- E. Proclamation Declaring April 18, 2013 as the day for the Fort Collins Area Interfaith Council Annual Awards.

Regular Meeting

6:00 p.m.

PLEDGE OF ALLEGIANCE

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

Presentation of the Stephen H. Hart Award from the Board of Directors History Colorado for the City's efforts to restore the Coca-Cola Ghost Sign.

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.

Speakers are asked to:

- State your name and address for the record.
- Keep comments brief; if available, provide a written copy of statement to City Clerk.
- Address your comments to Council, not the audience.
- Promptly cease your comments when the allotted time expires.
- You may not yield part or all of your time to another and another speaker will not be credited with time requested but not used by you.
- Applause, outbursts or other demonstrations by the audience are not allowed.

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:

- 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 February 19, and March 5, 2013 Regular Meetings, and the February 12, February 26, and February 28, 2013 Adjourned Meetings.
7. Second Reading of Ordinance No. 034, 2013, Appropriating Unanticipated Revenue from the Colorado Department of Transportation into the Mulberry to Lemay Pedestrian Bridge-Poudre Trail project in the Capital Projects Fund.

The City's Engineering and Park Planning Departments were awarded a grant from the federally funded North Front Range Metropolitan Planning Organization totaling \$368,000 for the relocation of two existing steel pedestrian bridges and the construction of a new concrete section of the Poudre trail. The general vicinity of the project is between Mulberry Street and Lemay Avenue, along the north side of the Poudre River. This project will build the trail, bridge abutments and piers to receive one of the relocated pedestrian bridges. This Ordinance, unanimously adopted on First Reading on March 5, 2013, appropriates the grant money for the project.

8. Second Reading of Ordinance No. 035, 2013, Establishing Rental Rates and Delivery Charges for the City's Raw Water for the 2013 Irrigation Season.

This Ordinance, unanimously adopted on First Reading on March 5, 2013, approves procedures and rates for the rental and delivery of the City's raw water supplies. The Water Utility uses these rates to assess charges for agricultural use, for various contractual raw water obligations and for raw water deliveries to City departments and other entities. The proposed rate for each type of water is based on several factors, including market conditions and assessments charged by irrigation companies. Rentals in 2013 will be substantially limited and different than past years due to fire and drought related water supply issues.

9. Second Reading of Ordinance No. 036, 2013, Authorizing the Purchasing Agent to Enter into an Agreement for the Financing of Vehicles and Equipment for Various City Departments by Lease-Purchase.

The City of Fort Collins is lease-purchasing vehicles and equipment for various City departments. This Ordinance, unanimously adopted on First Reading on March 5, 2013, authorizes the Purchasing Agent to enter into a lease-purchase financing agreement with Pinnacle Public Finance at an interest rate of 2.23%. The cost of the items to be lease-purchased is \$2,543,005. Payments at the 2.23% interest rate will not exceed \$269,450 in 2013. Money for 2013 lease-purchase payments is included in the 2013 budget requests. The effect of the debt position for the purpose of financial rating of the City will be to raise the total City debt by 2.0%. 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.

10. Second Reading of Ordinance No. 037, 2013 Repealing Ordinance No. 065, 1999, Resolution 1996-073 and Resolution 1988-081; Making Certain Amendments to the City Code and Land Use Code to Allow for the Discretionary Waiver of City Fees for Certain Kinds of Housing Authority Projects to Be Constructed in the City; and Authorizing an Agreement Between the City and the Housing Authority with Regard to Such Waivers.

Colorado statutes and a City ordinance exempt projects of the Fort Collins Housing Authority (FCHA) from City taxes and fees and, for many years, the City has waived fees for such projects. For the most part, the projects have been relatively small. In 2011, the Housing Authority partnered with CARE Housing, a non-profit agency, on an affordable housing project in the Provincetown subdivision. Although the interest of the Housing Authority in the project was small (technically a .001% partner), a waiver of City fees for the CARE Housing Provincetown Project was requested and granted by the City Council. The fee waiver totaled \$557,378. The magnitude of the waiver, as well as the fact that the Housing Authority held only a minor ownership interest in the project, prompted staff to examine the fee waiver policy for future Housing Authority projects. At a subsequent work session of the Council, staff was directed to provide some options for future projects, especially those in which the Housing Authority has only a minor interest. This Ordinance, unanimously adopted on First Reading on March 5, 2013, allows for the discretionary waiver of City fees for the Fort Collins Housing Authority and to limit waivers to certain kinds of projects.

11. Second Reading of Ordinance No. 038, 2013, Extending the Contract of the City's Employee Wellness Program Software Provider.

The City has contracted with the Mayo Foundation for Medical Education and Research (Mayo) to provide services associated with the assessment and management of existing and potential health risks of City employees. These services allow the City of Fort Collins Human Resources Department to collect and analyze data and support efforts to manage rising healthcare costs. Services provided by Mayo include employee health risk assessments, health information and education, support for behavior modification, and disease management. These services are an integral part of the City's wellness and employee health benefit programs. Additionally, some organizations are integrating these services with an Onsite Employee Medical Clinic. There may be possible cost savings, efficiency and effectiveness benefits associated with this model. As the first step toward evaluating costs, benefits and options associated with a possible Onsite Employee Medical Clinic, the City will release a Request for Proposal (RFP) in the spring of 2013. Vendors will be asked to respond to the City's interest in evaluating proposals that incorporate these services into the clinic model. This Ordinance, unanimously adopted on First Reading on March 5, 2013 will extend the City's contract and allow time to evaluate options associated with a clinic while continuing usage of services provided by Mayo.

12. Second Reading of Ordinance No. 039, 2013 Amending the City Code and Creating a Parking Advisory Board.

This Ordinance, unanimously adopted on First Reading on March 5, 2013, creates a Parking Advisory Board. During the discussion at the First Reading of the Ordinance, Council requested more information about the public process, membership, geographical area, and costs of the potential Board. The remainder of this agenda item summary contains the information requested by City Council.

The Ordinance has been amended for Second Reading to include "downtown employees" on the list of potential downtown members of the Board.

13. Second Reading of Ordinance No. 040, 2013, Amending Section 2.2.11(C) of the Land Use Code Regarding the Period of Time that Project Development Plans and Plats for Large Base Industries Remain in Effect.

This Ordinance, unanimously adopted on First Reading on March 5, 2013, amends Land Use Code (LUC) Section 2.2.11(c), regarding a Project Development Plan and Plat to allow for the approval of a final plan within a twenty-five (25) year period of time for a Large Base Industry to be constructed in phases and as defined in Article 5 of the LUC.

14. Second Reading of Ordinance No. 042, 2013, Authorizing the Conveyance of a Non-Exclusive Drainage Outfall Easement and a Temporary Construction Easement on Archery Range Natural Area to Cottonwood Land and Farms, LLC.

This Ordinance, unanimously adopted on First Reading on March 5, 2013, authorizes the conveyance of a twenty-foot wide permanent non-exclusive drainage easement and a twenty-foot wide temporary construction easement, both approximately sixty feet in length across a small portion of Archery Range Natural Area to Cottonwood Land and Farms. The purpose of the easement is to install a 12-inch buried pipe to convey water from Cottonwood's East Rigden Pit to the Cache la Poudre River. The buried outfall pipe crossing Archery Range is part of a larger 2,700 linear foot drainage outfall pipe constructed on adjacent properties. The project site is located generally on the "Rigden Pit" property and the "Port of Entry Pit" property northeast of Horsetooth Road and Ziegler Road. Alternatives to this preferred alignment proved prohibitive both from an economic and engineering standpoint

15. Items Relating to the Conveyance of Easements on Salyer Natural Area to Charles Meserlian.

- A. Second Reading of Ordinance No. 043, 2013, Authorizing the Conveyance of a Non-Exclusive Drainage Easement on Salyer Natural Area to Charles Meserlian.
- B. First Reading of Ordinance No. 051, 2013, Authorizing the Conveyance of a Non-Exclusive Drainage and Landscaping Easement and an Access Easement on the Hickory Trail Property to Charles Meserlian.

Charles Meserlian (the "Developer") is planning a 1.89 acre live/work residential development called Hickory Commons (the "Development") located in the 300 block of Hemlock Street, immediately north of the City's Salyer Natural Area and east of City-owned property known as the Hickory Trail. The Development requires off-site drainage and landscaping improvements on the Hickory Trail property. In order to complete the installation of the planned improvements, the Developer is requesting that the City grant a 3,601 square foot non-exclusive drainage and landscaping easement and an access easement on City-owned property.

The Development also requires a drainage easement on Salyer Natural Area for the discharge of stormwater that will be collected in a detention pond on the Development property and then released at a controlled rate through a buried pipeline within the Hemlock Street right-of-way. This easement only allows stormwater to cross the Salyer Natural Area Property to the Cache la Poudre River and does not involve construction of any improvements on Natural Areas Department property.

Ordinance No. 043, 2013, unanimously adopted on First Reading on March 5, 2013, authorizes the conveyance of the non-exclusive drainage easement on the Salyer Natural Area to the Developer. Ordinance No. 051, 2013, would authorize the conveyance of the non-exclusive drainage and landscaping easement and access easement on the Hickory Trail property.

16. Items Relating to Expanding the Boundaries of the Downtown Development Authority.

- A. Second Reading of Ordinance No. 045, 2013, Expanding the Boundaries of the Fort Collins Downtown Development Authority and Amending the Plan of Development of the Authority to Include Property Presently Known as the Max Flats Properties.
- B. Second Reading of Ordinance No. 049, 2013, Expanding the Boundaries of the Fort Collins Downtown Development Authority and Amending the Plan of Development of the Authority to Include Property Presently Known as the Link-N-Greens Property.

These Ordinances, unanimously adopted on First Reading on March 5, 2013, expand the boundaries of the Fort Collins Downtown Development Authority and amend the Plan of Development of the Authority to include a property in the 200 block of West Mulberry Street and a property in the 700 block of East Lincoln Avenue. The properties include the former locations of Mason Automotive and King's Auto (southwest corner of Mulberry and Mason Streets) and the Link-N-Greens golf course.

17. First Reading of Ordinance No. 052, 2013, Appropriating Prior Year Reserves in the Water Fund for the Construction of a Pre-Sedimentation Basin as Part of the High Park Fire Remediation.

The 2013 Budget for the Water Fund included \$987,953 for BFO Offer 244.1 – Fire Mitigation Capital Improvements. After further evaluation of the potential ways capital investment could improve the ability of Fort Collins Utilities to treat water from the Cache la Poudre watershed, a pre-sedimentation basin is being constructed. The total cost of this basin will be \$2,150,000.

This Ordinance appropriates \$1,250,000 from the Water Fund reserves so that the construction of the pre-sedimentation basin can be completed and operational before June 2013.

18. First Reading of Ordinance No. 053, 2013, Designating the Oliver and Leota Chandler Property, 710 Mathews Street, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Barbara Liebler, is initiating this request for Fort Collins Landmark designation for the Oliver and Leota Chandler Property at 710 Mathews Street.

19. First Reading of Ordinance No. 054, 2013, Authorizing Revisions to the Master Covenant for the Affordable Housing Units in the Provincetowne Condominiums Development.

This Ordinance authorizes revisions to the Master Covenant for the affordable housing units in the Provincetowne Condominiums development that would eliminate the requirement contained in the existing Covenant that future purchasers of the condominium units must qualify as being low-income families and modify the way that sales price limitations are calculated. The revised Covenant would retain the requirement that the units must be owner-occupied. The goal is to make it easier for owners of affordable units to find buyers for their units when they need or want to sell them. Staff is not recommending that the Covenant be released completely, because staff believes that the maximum sales price and owner-occupancy restrictions in the Covenant are useful to retain. The Affordable Housing Board recommends approval of the proposed changes to the Master Covenant.

20. Resolution 2013-021 Approving an Intergovernmental Agreement Between the City of Fort Collins, Platte River Power Authority, the Town of Estes Park, the City of Loveland and the City of Longmont for Participation in a Joint Compensation Study.

Fort Collins Utilities Light & Power is partnering with Platte River Power Authority, the Town of Estes Park, the City of Loveland, and the City of Longmont in hiring a consultant to perform a comprehensive compensation study for certain power utility positions. The results of this study will provide valuable market analysis, furthering the efforts to attract and retain key positions within the electric industry.

21. Resolution 2013-022 Directing that the Proceeds from the Public Service Company of Colorado Pipeline Project Be Used for Trails and Natural Areas.

Public Service Company of Colorado (PSCo) is constructing a high pressure gas pipeline through Fort Collins. PSCo has agreed to pay the City \$2 million as mitigation for the project impacts and as compensation for easements across four natural areas. Adoption of the Resolution directs the \$2 million PSCo payment shall be used only for trails and natural areas

22. Resolution 2013-023 Making an Appointment to the Landmark Preservation Commission.

This Resolution fills one vacancy on the Landmark Preservation Commission.

END CONSENT

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. Second Reading of Ordinance No. 041, 2013, Amending the Land Use Code to Address Certain Recommendations Contained in the Student Housing Action Plan. (staff: Seth Lorson; no staff presentation; 10 minute discussion)

The Student Housing Action Plan (SHAP), adopted by City Council on February 26, 2013, has identified both near-term and long-term action items to address concerns with compatibility between multi-family development and existing neighborhoods. This Ordinance, adopted on First Reading by a vote of 5-1 (Nays: Troxell), will (1) improve understanding of compatibility by modifying the LUC to include good examples (photos, drawings) of what is allowed in certain zones; (2) amend MMN district development standards and LUC Sec. 3.8.30 multi-family standards to specify that no vehicular use area can be placed in the said setback from single- and two-family dwellings. Also, consider landscape requirements for this setback; and (3) better define and amend the LUC Sec. 3.8.16 (E) (2) requirement that 4+ bedroom developments need to provide additional open space, recreation areas, parking areas and public facilities as are necessary to adequately serve the development and retain the parking exemption in the TOD Overlay Zone.

28. Items Relating to an Operator Agreement between the City and Prospect Energy, LLC. (staff: Laurie Kadrach; 15 minute staff presentation; 1 to 2 hour discussion)

- A. Resolution 2013-024 Approving an Oil and Gas Operator Agreement Between the City and Prospect Energy, LLC.
- B. First Reading of Ordinance No. 057, 2013, Terminating the Moratorium Imposed by Ordinance No. 145, 2012 with Respect to Oil and Gas Operations Conducted under an Oil and Gas Operator Agreement Between the City and Prospect Energy, LLC.

Council will consider approving an Operator's Agreement with Prospect Energy, permitting Prospect Energy to conduct oil and gas operations and production in the city limits. The terms of the Agreement ensures stringent public health and safety measures are in place through Best Management Practices (BMPs) which generally exceed current requirements mandated by the Colorado Oil and Gas Commission (COGCC) and provides strict controls on the release of methane gases and other volatile organic chemicals (VOCs). If Agreement is approved consider adopting Ordinance No. 057 2013 removing the Moratorium imposed by Ordinance No. 145 with respect to an Oil and Gas Operator Agreement with Prospect Energy.

29. Resolution 2013-025 Adopting a Policy for Developing Primary Employer Business Assistance Packages. (staff: Bruce Hendee, Josh Birks, SeonAh Kendall; 10 minute staff presentation; 45 minute discussion)

The City's historical approach to primary employer business assistance has served the community well in the past. Several businesses have been retained and expanded as a result of business assistance packages developed by the Economic Health Office and approved by City Council. However, the time has come to move towards a more sophisticated approach to development and oversight of future business assistance packages. Therefore, this policy is intended to outline the basics of a formal process for developing business assistance packages for primary employers that maintains the flexibility of the historical approach but applies additional rigor and structure to the process.

30. Consideration of the Appeal of the February 7, 2013 Planning and Zoning Board Decision to Approve Sign Modifications for the Foothills Mall Redevelopment Plan. (staff: Peter Barnes, Courtney Levingston; 5 minute staff presentation; 1 hour discussion)

The Planning and Zoning Board conducted a special meeting on February 7, 2013. A development application for the Foothills Mall Redevelopment Plan was one of the items for consideration on the agenda. The Plan is for a 76.3 acre mixed-use redevelopment of the existing Foothills Mall, consisting of a commercial component, a commercial parking structure, and 800 multi-family dwelling units. The development application also included a modification of standards request for sign regulations contained in Section 3.8.7 of the Land Use Code (LUC). The sign modifications that are the subject of this appeal were approved by the Board.

On February 21, 2013, Mayor Pro Tem Kelly Ohlson filed a Notice of Appeal with the City Clerk. The Notice did not contain any specific grounds for the appeal but did include a general description of the issues to be considered on appeal. The issues center on the Planning and Zoning Board's approval of modification requests to:

1. Allow two electronic message center signs (a.k.a. digital signs) to display messages in full color rather than in one color;
2. Allow two electronic message center signs to exceed 50% of the total area of the sign face; and
3. Allow two electronic message center signs along the South College Avenue frontage of the development instead of the one electronic message center sign allowed.

31. Consideration of Citizen-Pulled Consent Items.

32. Other Business.

- a. Motion to cancel the Regular Council Meeting of April 2, 2013 (Municipal Election)
- B. Call of Special Meeting for April 9, 2013 (Organizational Meeting)

33. Adjournment.

- a. Motion to adjourn meeting to 6:00 p.m., Tuesday, March 26, 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.