



Karen Weitkumat, 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
Fort Collins, Colorado

Cablecast on City Cable Channel 14
on the Comcast cable system

Darin Atteberry, City Manager
Steve Roy, City Attorney
Wanda Nelson, 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. Please call 221-6515 (TDD 224-6001) for assistance.

ADJOURNED MEETING

March 26, 2013

6 p.m.

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. 7)
- Citizen opportunity to pull Consent Calendar items.
(will be considered under Item. No. 13)

CONSENT CALENDAR

The Consent Calendar consists of Items 4 through 5. 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.

4. Second Reading of Ordinance No. 047, 2013, Enacting Water Rates Adjustments for the Water Supply Shortage Response Levels Established in the Water Supply Shortage Response Plan and Amending the Plan.

Based on the uncertainty of how much water supply will be available from the two main sources of supply, the Poudre River and Colorado-Big Thompson Project (CBT), which was presented to City Council as a staff report on February 5, the City Manager will declare Response Level 1 water restrictions for the City of Fort Collins on March 6 for the water restrictions to be effective on April 1, 2013.

The Water Supply Shortage Response Plan, Ordinance No. 048, 2003, recommends water rate adjustments for Response Levels 2, 3 and 4. In preparing for the potential of moving to Response Level 2 or higher, Fort Collins Utilities staff has determined the amount that water rates need to be increased for each Response Level. Revising rates to be revenue neutral is consistent with the intent of the Water Supply Shortage Response Plan and how the rates were developed in 2003. This Ordinance, unanimously adopted on First Reading on March 18, 2013, attempts to maintain revenues at the 2013 budgeted level for each possible Response Level. The Ordinance also increases the Excess Water Use Surcharge for each Response Level beginning with Response Level 1.

At the time the City Council declares that municipal water supply conditions are such that water restrictions are no longer needed, all water rates will revert to the rates shown in Chapter 26 of the City Code.

In preparation for the implementation of the Water Supply Shortage Response Plan in the coming months, the City Manager has recommended two amendments be made to Ordinance No. 048, 2003. One involves changes to the definition and use of "water fountains" (changed to "water features") and the other involves changes to the terms of permits for large acreage and parks and athletic/playing fields.

5. Resolution 2013-027 Making an Appointment to the Senior Advisory Board.

A vacancy currently exists on the Senior Advisory Board due to the resignation of Rebecca Lindsey. Mayor Karen Weitkunat and Councilmember Gerry Horak opted to readvertise and interview new applicants for the vacancy. The interview team is recommending Joann Thomas to fill the vacancy, with a term to begin immediately and set to expire on December 31, 2014.

END CONSENT

6. Consent Calendar Follow-up.

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

7. 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.

8. Items Relating to an Agreement Between the City of Fort Collins, the Fort Collins Downtown Development Authority, and Woodward, Inc. to Provide Business Investment Assistance for the Relocation and Construction of the Company's Headquarters and Expanding its Manufacturing and Office Facilities. (staff: Darin Atteberry, Bruce Hendee, Josh Birks, Mike Beckstead; 20 minute staff presentation; 90 minute discussion)

- A. First Reading of Ordinance No. 55, 2013, Authorizing and Approving the Execution and Delivery by the City of an Agreement with Woodward, Inc. and Related Documents, Including the Authorization of a Borrowing, in Connection with an Economic Development Project Relating to Woodward, Inc., and Providing Other Matters Related Thereto.
- B. First Reading of Ordinance No 56, 2013, Appropriating General Fund Reserves to Fund Capital Public Improvements in Connection with a Community Development Business Assistance Agreement Between the City, Downtown Development Authority, and Woodward, Inc. Regarding the Link-n-Greens Development.

City Council will consider two items related to providing business investment assistance to Woodward, Inc. to encourage the relocation and construction of the company's headquarters and expanding its manufacturing facilities in Fort Collins. The project will retain or create between 1,400 and 1,700 primary jobs in the community, provide 29 acres of improved open space along the river (including habitat restoration), and anchor the southeastern edge of the River District with a major employer. The two items include:

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- A. An Agreement between the City, Downtown Development Authority, and Woodward, Inc.; and
 - B. An appropriation of \$2.27 million in General Fund Reserves in connection with the Agreement with Woodward, Inc.
9. First Reading of Ordinance No. 044, 2013, Authorizing the Conveyance to Woodward, Inc. of Two Non-Exclusive Permanent Drainage Easements and a Temporary Construction Easement on City-Owned Property. (staff: Jon Haukaas, Daylan Figgs, Helen Matson; 5 minute staff presentation; 10 minute discussion)

The proposed Woodward Link-N-Greens Campus (“Woodward”) will be a master-planned campus providing the ability to retain and grow primary jobs for the community. The campus will accommodate Woodward’s continued growth of its current operations in Fort Collins. It also includes adjacent commercial services that can be used by Woodward employees and the public with close access to downtown and the Mulberry corridor. The planned campus will help to improve the river corridor through the site including restoration of the natural river corridor landscape, habitat, and appropriate recreation opportunities.

The proposed use is compatible with existing and anticipated development, and supports the City’s vision for this area. Fort Collins’ City Plan (Plan Fort Collins) identifies this site in its Targeted Infill and Redevelopment Areas Map and denotes the Lincoln Avenue Area as one of its “Catalyst Project Areas”. These Areas are identified as locations in the city having potential to showcase opportunities to embrace the Plan Fort Collins vision themes of Innovate, Sustain, and Connect. They are viewed as potential places for public/private initiatives using a triple bottom line approach addressing economic, environmental, and social factors in a balanced manner.

For this development, Woodward has requested that the City grant Woodward two permanent drainage easements for stormwater flows, one which would include construction of a buried drainage pipe and the other for a graded swale. In addition, a temporary construction easement is needed for grading, landscaping, and associated restoration work on City-owned property adjacent to the Poudre River.

10. Hearing and Resolution 2013-027 Adopting the Affordable Housing Redevelopment Displacement Mitigation Strategy, a Strategic Plan for Preserving Affordable Housing, including Mobile Home Parks and Other Types of Affordable Housing. (staff: Ken Waido; 10 minute staff presentation; 1 hour discussion)

The City Council placed the development of an “Affordable Housing Relocation Strategic Plan” on its 2012 Work Plan. The purpose of the Strategic Plan was to develop City policies and requirements applicable to redevelopment projects by defining the City’s role, responsibilities, obligations, and involvement in redevelopment projects which cause the displacement of low-income people from their homes (with an emphasis on mobile home parks), whether they are located inside the city limits or within the City’s Growth Management Area (GMA), within the restrictions of the City Charter.

The *Affordable Housing Redevelopment Displacement Mitigation Strategy* identifies strategies to preserve existing affordable housing units. It also clarifies City and property-owner/redeveloper responsibilities and obligations to residents when redevelopment projects cause the displacement of low-income people from their homes.

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11. Second Reading of Ordinance No. 048, 2013, Amending Chapter 10 of the City Code Relating to Development in the Poudre River Floodplain. (staff: Jon Haukaas, Ken Sampley, Marsha Hilmes-Robinson, Brian Varrella; 5 minute staff presentation; 10 minute discussion)

The final component of the Stormwater Repurposing program is to review the level of regulation protecting life and property for areas within the Poudre River floodplain. This Ordinance, adopted on First Reading on March 18, 2013 by a vote of 5-1 (Nays: Ohlson), revises City Code to establish a “performance-based” criteria and regulation that places more emphasis on life safety through advance warning and evacuation. An effective date of July 1, 2013 has been established so that advance notice can be provided to property owners and applicants for development submittals.

The Ordinance contains revised Code language to include an additional provision described in the staff presentation on First Reading at the March 18, 2013 Council meeting. The provision states that an Emergency Response and Preparedness Plan (ERPP) will not be required in situations where structures or portions of structures will be removed from the 100-year floodplain and dryland access will be provided through the construction of new improvements associated with a FEMA-approved Conditional Letter of Map Revision in advance of a Letter of Map Revision or Physical Map Revision pursuant to §10-80(a)(1).

12. Resolution 2013-026 Making Findings of Fact and Conclusion Regarding 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; no staff presentation; 5 minute discussion)

On February 7, 2013, the Planning and Zoning Board approved three modification of standards requests pertaining to two electronic message center ground signs proposed to be located along the South College Avenue frontage of the Foothills Mall Redevelopment project. On February 21, 2013, Mayor Pro Tem Kelly Ohlson filed a Notice of Appeal with the City Clerk, appealing the Planning and Zoning Board’s approval of the three modifications.

On March 19, 2013, City Council took the following actions:

1. Mayor Pro Tem Ohlson, the Appellant, withdrew his appeal of the Planning and Zoning Board’s decision to grant a modification to allow two electronic message center signs to exceed fifty percent (50%) of the total area of the sign face (Section 3.8.7(M)(4)(d) of the Land Use Code).
2. By a vote of 5 - 0, the City Council upheld the Planning and Zoning Board’s decision to grant a modification to allow two electronic message center signs along the South College Avenue frontage of the development (Section 3.8.7(M)(4)(h) of the Land Use Code).
3. With regard to the Planning and Zoning Board’s decision to grant a modification to allow two electronic message center signs to display messages in full color, the City Council, by a vote of 3 – 2 (Nays: Troxell, Kottwitz), determined that the Planning and Zoning Board failed to properly interpret and apply the relevant provisions of the Land Use Code, the unique hardship standard in particular, and that the Board erred in its determination that the granting of the modification would not be detrimental to the public good. This vote resulted in the City Council overturning the decision of the Planning and Zoning Board to allow full color message displays.

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4. The City Council modified the approval by the Planning and Zoning Board of the Foothills Mall Redevelopment Project Development Plan by adding a new condition to that approval which requires that electronic message center signs must comply with the manner of display required by Section 3.8.7(M)4)(c).

In order to finalize this appeal process, Council is required to adopt a Resolution making findings of fact and finalizing its decision on the Appeal.

13. Consideration of Citizen-Pulled Consent Items.
14. Other Business.
15. 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.