



Karen Weitkunat, Mayor
Gerry Horak, District 6, Mayor Pro Tem
Bob Overbeck, District 1
Lisa Poppaw, District 2
Gino Campana, District 3
Wade Troxell, District 4
Ross Cunniff, District 5

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

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

June 18, 2013

Proclamations and Presentations

5:30 p.m.

No Proclamations are scheduled.

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. 20)
- Citizen opportunity to pull Consent Calendar items.
(will be considered under Item. No. 22)

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 16. 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 May 21, 2013 Regular Meeting.
7. Second Reading of Ordinance No. 077, 2013 Appropriating Prior Year Reserves in the General Fund for Waste Reduction and Diversion Projects Approved by the Waste Innovation Program.

This Ordinance, unanimously adopted on First Reading on June 4, 2013, shifts \$135,560 that has accumulated in the Waste Innovation Program's reserve account into the City's General Fund account so that the money can be used for the purposes intended. Revenues are paid into the Waste Innovation Program by City departments that "self haul" trash from municipal operations for disposal in the Larimer County Landfill. The fund is designated to pay for projects that enhance these same departments' ability to divert more waste away from the landfill. Unspent funds from several previous years had been moved into a "reserve" account; this action moves the funds back into the General Fund.

8. Second Reading of Ordinance No. 078, 2013 Appropriating Unanticipated Grant Revenue into the Stormwater Fund, and Authorizing the Transfer of Existing Appropriations from the Flood Mapping/Stream Gaging Capital Project to the Post Fire Flood Warning Grant Project for Early Flood Warning Capabilities.

This Ordinance, unanimously adopted on First Reading on June 4, 2013, appropriates funds received from a State of Colorado grant totaling \$17,881. The grant funds will be used to enhance early flash flood warning capabilities due to the increased risk of flooding caused by the High Park Fire. Existing appropriations will be used for the match of \$5,960.

9. Second Reading of Ordinance No. 079, 2013, Authorizing the Use of the Noonan Tract and the Bowes Homestead Tract as Match for a Neotropical Migratory Bird Conservation Act Grant Administered by the U.S. Fish and Wildlife Service.

This Ordinance, unanimously adopted on First Reading on June 4, 2013, authorizes the use of a recent acquisition of 280 acres at Soapstone Prairie Natural Area as match towards a Neotropical Migratory Bird Conservation Act grant, as well as management funds currently obligated in the Natural Areas Department (NAD) budget. Using the funds already spent as match towards this grant is a great secondary benefit for the City. The \$200,000 grant will expand upon Rocky Mountain Bird Observatory's (RMBO) research and monitoring work to implement conservation strategies and management for 19 high priority grassland birds that breed within the Laramie Foothills Mountains to Plains Project and 27 high priority species at wintering sites in the Chihuahu Desert of Mexico.

10. Second Reading of Ordinance No. 080, 2013, Authorizing Amendments to the Intergovernmental Agreement Between the City and Poudre School District Pertaining to the Land Dedication and In-Lieu Fee Requirements Contained in Such Agreement.

Since 1998, the City of Fort Collins has collected a fee-in-lieu of land dedication for both Poudre School District and Thompson School District. These fees allow a residential developer to pay a school site fee to the School Districts rather than dedicate a parcel of land to the District for development of future schools. The ability of the school districts to require land dedication is authorized under Colorado Law.

Fees are reviewed every two years and, in 2011, the Poudre School District reduced fee amounts by 11 percent. This Ordinance, unanimously adopted on First Reading on June 4, 2013, will increase the amount of the fees the District receives by 6.9 percent. The School District is requesting an increase in the fees collected because of an increase in land values and cost per acreage. This fee amount was reviewed and approved by the Poudre School Board in February 2013. Thompson School District will not be adjusting fees in 2013.

11. Second Reading of Ordinance No. 081, 2013 Authorizing Dryland Farm Leases to Harry Sauer on Long View Farm Open Space, Prairie Ridge Natural Area, and Coyote Ridge Natural Area.

The City of Fort Collins Natural Areas Department is a minority owner in Long View Farm Open Space and Prairie Ridge Natural Area, and is the sole owner of the McKee parcel within Coyote Ridge Natural Area. The majority owners of Long View and Prairie Ridge are Larimer County and the City

of Loveland respectively. All three properties are leased by Harry Sauer for dryland wheat production and have been since the time of purchase of the properties by the Cities and County. Intergovernmental Agreements state which agency has management authority and receives the lease revenues for each property. As current leases expire on the properties, all three entities have worked collaboratively to create leases with similar terms and have advertised the properties for lease via one Request for Proposals process. This Ordinance, unanimously adopted on First Reading on June 4, 2013, authorizes dryland farm leases to Harry Sauer on these areas. The new leases have a higher lease rate and more contemporary language. Restoration of the dryland wheat to native grasses on the McKee parcel will continue at the same pace as in the past and it will nearly be completely restored to native grasslands by the end of the lease term of five years.

12. Second Reading of Ordinance No. 083, 2013, Designating the Johnson Farm Property, 2608 East Drake Road as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

This Ordinance, adopted by a vote of 6-0 (Campana recused) on First Reading on June 4, 2013, designates the Johnson Farm Property at 2608 East Drake Road as a Fort Collins Landmark. The owner of the property, Gino Campana of Johnson Farm LLC, is initiating this request.

13. Postponement of Second Reading of Ordinance No. 084, 2013 Authorizing the Conveyance of Four Easements, a Temporary Construction Easement and a Revocable Permit on City Right-of-Way and City-Owned Property to Linden Bridges LLC for the Encompass-River District Block One Mixed Use Development to July 2, 2013.

Encompass – River District Block One Mixed Use Development is a mixed use development at 418 Linden Street consisting of office space, residential space and a restaurant. The property is owned by Linden Bridges LLC. Several easements are required for this project for improvements in the right-of-way, bank stabilization and river enhancement, drainage and landscape areas. The Developer has requested that Second Reading of this Ordinance authorizing the conveyance of easements, be postponed until July 2, 2013, due to scheduling conflicts with the developer and the consultant.

14. First Reading of Ordinance No. 085, 2013, Appropriating Unanticipated Revenue in the General Fund to be Remitted to the Fort Collins Housing Authority to Fund Affordable Housing and Related Activities.

The Fort Collins Housing Authority paid the City of Fort Collins \$3,169 as the 2012 payments for public services and facilities. The Authority requests that the City refund those payments, also known as Payment in Lieu of Taxes (PILOT), to fund sorely needed affordable housing related activities and to attend to the low-income housing needs of Fort Collins residents.

Resolution 1992-093 reinstated the requirement that the Authority make annual PILOT payments to the City. The City may spend the PILOT revenues as it deems appropriate in accordance with law, including remitting the funds to the Authority if the Council determines that such remittal serves a valid public purpose. The Council has annually remitted the PILOT payment to the Authority since 1992.

15. First Reading of Ordinance No. 086, 2013, Authorizing the Conveyance of a Non-Exclusive Access Easement on Fossil Creek Wetlands Natural Area to Paragon Estates Homeowners Association.

The Natural Areas Department intends to formalize its verbal agreement with Paragon Estates Homeowners Association (HOA) for access across an existing two-track road off Trilby Road to the HOA's pumphouse. The pumphouse is located within an existing irrigation easement on Fossil Creek Wetlands Natural Area. The HOA's current access has minimal impact to the Natural Area and no additional impacts are anticipated. Access would be solely for maintenance and operation of the facilities associated with the existing irrigation easement. No other access rights are to be conveyed.

16. Resolution 2013-054 Making Findings of Fact and Conclusions Regarding the Appeal of the April 18, 2013 Planning and Zoning Board Approval of the Max Flats Project Development Plan.

On April 18, 2013, the Planning and Zoning Board considered and approved the application for the Max Flats, Project Development Plan. On May 2, 2013, a Notice of Appeal was filed seeking to modify the approval.

On June 4, 2013, City Council voted 5-2 (Nays: Cunniff, Overbeck) concluding that the evidence presented did not indicate the Board failed to conduct a fair hearing by considering evidence relevant to its findings which was substantially false or grossly misleading, nor did it substantially ignore its previously established rules of procedure. City Council voted 7-0 that the Planning and Zoning Board properly interpreted and applied the Land Use Code in approving the Plan, but that, based upon information presented to the City Council on appeal, the City Council determined that the decision of the Board should be modified by the addition of the following conditions of approval:

- a. Five trees must be planted along the west side boundary of the property.
- b. Juliet balconies must be installed along the west side of the building as shown on the elevation presented to the City Council on appeal.
- c. The tower elements must be added to the building as shown on the elevation presented to the City Council on appeal.
- d. All materials cladding the building must be consistent on all elevations around the building.

In order to complete the record regarding this appeal, Council should adopt a Resolution making findings of fact and finalizing its decision on the appeal.

END CONSENT

17. Consent Calendar Follow-up.

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

18. Staff Reports.

19. Councilmember Reports.

20. 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.

21. Resolution 2013-055 Concerning the Fort Collins Urban Renewal Authority and its Tax Increment Revenue Refunding Bonds (North College Avenue Project), Series 2013, Declaring the City Council's Present Intent to Appropriate Funds to Replenish the Reserve Fund Securing Such Bonds, If Necessary; and Authorizing a Cooperation Agreement and Other Actions Taken in Connection Therewith. (staff: John Voss; 10 minute staff presentation; 20 minute discussion)

The URA intends to refinance a portion of the debt it originally borrowed from the City in relation to the North College area. Now that an established revenue stream can be shown to investors, private money can be used to replace City money. The 2013 bonds require the URA to establish a debt reserve fund. To further facilitate the credit rating on the replacement debt, the City Council is asked to adopt the Resolution expressing the Council's intent to replenish the debt reserve fund if such funds are ever used to make debt payments. With this Resolution, the new URA debt is expected to have an effective interest rate of 3.3%.

22. Consideration of Citizen-Pulled Consent Items.
23. Other Business.
24. 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.



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**URBAN RENEWAL AUTHORITY
BOARD OF COMMISSIONERS MEETING
June 18, 2013
(after the Regular Council Meeting)**

1. Call Meeting to Order.
2. Roll Call.
3. Agenda Review:
 - Executive Director's Review of Agenda.
4. CITIZEN PARTICIPATION

Individuals who wish to address the Board on items not specifically scheduled on the agenda must first be recognized by the Chairperson or Vice Chair. **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 Chairperson 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 Secretary

5. CITIZEN PARTICIPATION FOLLOW-UP

This is an opportunity for the Chairperson and Commissioners to follow-up on issues raised during Citizen Participation.

6. Staff Reports.

7. Commissioner Reports.

DISCUSSION ITEMS

The method of debate for discussion items is as follows:

- Chairperson introduces the item number and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Chairperson requests citizen comment on the item (five-minute limit for each citizen)
- Board questions of staff on the item
- Board motion on the item
- Board discussion
- Final Board comments
- Board vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Chairperson, 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. Consideration and Approval of the Minutes of the May 8 and May 14, 2013 Urban Renewal Authority Meetings.

9. Resolution No. 058 of the Fort Collins Urban Renewal Authority Authorizing, Approving and Directing the Issuance, Sale and Delivery by the Authority of Tax Increment Revenue Refunding Bonds (North College Avenue Project) Series 2013, in the Maximum Aggregate Principal Amount of \$11,800,000; Approving Documents in Connection Therewith; and Ratifying Prior Actions. (staff: John Voss; 5 minute staff presentation; 10 minute discussion)

Property tax revenue in the North College Plan Area has matured and is therefore attractive to outside investors. The Resolution adopted by the City Council expresses the Council's intent to replenish the URA's debt service reserve fund if such funds are ever used to make debt service payments. Replenishment of the reserve fund is contingent upon annual appropriation of funds by the City Council in its sole discretion. The City Council's expression of intent improves the credit rating on the 2013 Bonds. With the City Council Resolution, the 2013 Bonds are expected to have an effective interest rate of 3.3%, which is slightly less than the weight average of the current loans, 3.44%.

10. Resolution No. 059 of the Fort Collins Urban Renewal Authority Adopting the Storefront Improvement Program for the North College Urban Renewal Area and Authorizing the Executive Director to Enter Into Project Reimbursement Agreements. (staff: Tom Leeson, Megan Bolin, Josh Birks; 5 minute staff presentation; 20 minute discussion)

This Resolution is a formal approval of the Storefront Improvement Program for the North College Urban Renewal Area. The purpose of the Program is to encourage the voluntary rehabilitation of commercial buildings, improvements and conditions within the North College Urban Renewal Area by offering financial assistance (50% of the total project cost, up to a maximum URA contribution of

\$5,000 per storefront) to property owners and/or business tenants seeking to renovate or restore their commercial storefronts and/or building facades.

11 Other Business.

12. Adjournment.