



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

July 2, 2013

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Declaring July 7-14, 2013 as German-Russian Heritage Week.

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. 25)
- Citizen opportunity to pull Consent Calendar items.
(will be considered under Item. No. 30)

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 21. 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 June 4 and June 18, 2013 Regular Meetings and the June 11, 2013 Adjourned Meeting.

7. Second 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. This Ordinance, unanimously adopted on First Reading on June 18, 2013, refunds 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.

8. Second 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.

This Ordinance, unanimously adopted on First Reading on June 18, 2013, formalizes the Natural Areas Department 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.

9. First Reading of Ordinance No. 087, 2013, Appropriating Unanticipated Grant Revenue in the General Fund and Authorizing the Transfer of Appropriated Amounts Between Accounts and Projects for the Multi-jurisdictional Northern Colorado Drug Task Force.

Fort Collins Police Services applied to the Office of National Drug Control Policy and the Department of Justice on behalf of the Northern Colorado Drug Task Force (NCDTF) for federal grant monies to help fund the investigation of illegal narcotics activities in Larimer County. These grant awards will be used to offset operating expenses for each participating agency.

In addition, because of the significant decrease in federal funds available for drug enforcement, the drug task force is transferring \$170,888 from its forfeiture reserve account to its 2013 operating budget to cover unfunded expenses. The majority of the forfeiture reserve account is made up of assets seized from people engaged in illegal drug activities.

10. First Reading of Ordinance No. 088, 2013, Appropriating Unanticipated Revenue in the General Fund to Fund the Costs Associated with the Medical Marijuana Licensing Authority.

The purpose of this Ordinance is to appropriate medical marijuana application and licensing fees to fund the services provided by a contractual Medical Marijuana Licensing Authority.

11. First Reading of Ordinance No. 089, 2013, Appropriating Prior Year Reserves in the Transportation Services Fund and in the Stormwater Fund for the Restoration of 60 Feet of Frontage along the Poudre River Owned by the City of Fort Collins.

This Ordinance appropriates \$100,000 split evenly between Stormwater Reserves and Transportation Reserves for 60 feet of frontage restoration between the Block One area of responsibility and the Linden Street bridge. Reimbursement from the City shall be limited to 40% of the total actual costs, not to exceed \$100,000. Reimbursements are to cover the restoration of 60 feet of frontage owned by the City of Fort Collins. Eligible costs for reimbursement include design, a conditional letter of map revision (CLOMR) and construction costs.

12. Items Relating to Natural Area Appropriations.

- A. First Reading of Ordinance No. 090, 2013, Appropriating Prior Year Reserves and Unanticipated Revenues in the Natural Areas Fund for the Purpose of Providing Natural

Areas Programming Not Included in the 2013 Adopted City Budget.

- B. First Reading of Ordinance No. 091, 2013, Appropriating Prior Year Reserves in the Natural Areas Fund and Authorizing the Transfer of Appropriations to the Capital Project Fund for the Natural Areas Office Building Project and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program.

Prior to 2004, the Natural Areas Department was housed within the Capital Projects Fund and, therefore, funds did not lapse from year to year. During 2004, in order to comply with the Governmental Accounting Standards Board, Natural Areas appropriations and funding sources were moved into the Natural Areas Fund, a lapsing fund. Therefore, unspent funds need to be appropriated into the following year's budget before they can be spent. The purpose of the previously appropriated funds remains the same: land conservation, construction of public improvements, restoration of wildlife habitat and other natural area program needs to benefit the citizens of Fort Collins. Natural Areas has received unanticipated revenues in 2013 and has reasons to need these funds in 2013 to fund a number of land conservation efforts.

Ordinance No. 090, 2013, will appropriate \$7,310,000: \$5,380,000 from prior year reserves and \$1,930,000 from 2013 unanticipated revenues in the Natural Areas Fund for the purpose of providing Natural Areas Programming not included in the 2013 budget.

Ordinance No. 091, 2013, will appropriate \$1,420,000 from prior year reserves in the Natural Areas Fund for transfer to the Capital Project Fund for the purpose of constructing a new Natural Areas Office building.

13. First Reading of Ordinance No. 092, 2013, Making Various Amendments to the Land Use Code.

Staff has identified a variety of proposed changes, additions and clarifications in the 2013 annual update of the Land Use Code.

14. First Reading of Ordinance No. 093, 2013, Establishing User Fees for Public Use Electric Vehicle Charging Stations.

This Ordinance will establish user fee rates for public use electric vehicle charging stations operated through the City's public electric vehicle (EV) charging station pilot program. These user fees only apply to the public use charging stations owned and operated by the City of Fort Collins Utility Services. The user fees for use of 240 volt "Level 2" charging stations will be \$1.00 per 1 hour charging session and the fee for use of a 480 volt "Level 3" DC quick charger will be \$3.00 per session. These fees are calculated to recover the direct energy and payment processing costs associated with each charging session. While user fees for general fund services can be established administratively by the City Manager, Council must establish all Utility Services rates and fees by ordinance.

15. First Reading of Ordinance No. 094, 2013, Authorizing the Lease of City-Owned Property at 212 Laporte Avenue to Feeding Our Community Ourselves, Inc. for Up to Five Years. (This item has been withdrawn from consideration)

Feeding Our Community Ourselves, Inc. wishes to lease 212 West Laporte Avenue to house a non-profit café with a minimal food processing facility. The total yearly lease payment for the property will be a minimum of \$44,688. The term of the lease shall be for one (1) year, with renewals on a yearly basis for up to four (4) successive one-year terms. With this lease, either party will have the option to terminate at any time upon a one (1) year advance written notice to the other party. The tenant will be responsible for the taxes, all utilities, communication services, trash services and janitorial services.

16. First Reading of Ordinance No. 095, 2013, Amending Ordinance No. 068, 2013, Authorizing the Conveyance of a Non-exclusive Utility Easement in a Portion of South Shields Street to Public Service Company of Colorado, to Increase the Easement Term from Fifteen to Twenty Years.

The purpose of this Ordinance is to amend Ordinance No. 068, 2013, extending the period from fifteen to twenty years. Ordinance No. 068, 2013, authorizing conveyance of a Non-Exclusive Utility Easement to Xcel, was adopted in May, and follow-up conversations with Xcel (Public Service Company) require this extension.

This easement addresses the location of West Main pipeline at the northwest corner of Harmony Road and Shields Street and provides for the location in the right of way instead of on private property. The City has agreed to pay for any relocation of the approximately 2000 feet of line adjacent to the property that may be necessary in the next twenty years. This is a low-risk option and will be consistent with the location of the pipeline in the Shields Street right of way. In order to document this agreement between the City and Xcel, staff is recommending a Non-Exclusive Pipeline Easement within the Shields Street right of way.

17. Resolution 2013-056 Authorizing the City Manager to Execute the 2013 Grant Agreement (AIP Project No. 3-08-0023-32-2013) with the Federal Aviation Administration for Improvements at the Fort Collins-Loveland Municipal Airport.

This Resolution authorizes the City Manager to execute a Grant Agreement from the Federal Aviation Administration (FAA) for up to \$1,536,295. This FAA Grant will be used to for a capital construction project that includes the rehabilitation and repair of the Airport's primary aircraft apron and perimeter fence completion.

18. Resolution 2013-057 Authorizing the Mayor to Execute an Intergovernmental Agreement Between the City and the Colorado Department of Transportation for the Purpose of Establishing Performance, Monitoring and Mitigation Parameters for the Jefferson Street Corridor.

City Council approved the Jefferson Street Alternatives Analysis Study report on June 5, 2012. This included the recommended preferred corridor and intersection alternatives as well as actions needed to amend the Jefferson/Riverside (SH14) Access Management Plan. City staff worked with Colorado Department of Transportation (CDOT) over the past year to finalize an Intergovernmental Agreement (IGA) with CDOT regarding the recommended changes for Jefferson Street. This IGA spells out the conditions CDOT and the City agree to for converting Jefferson Street from a four lane street to a three lane street. This includes the required monitoring of traffic conditions before and after the conversion, mitigation measures to address problems if needed and if all mitigation measures fail the IGA allows CDOT to convert Jefferson Street back to four lanes (as a last measure).

19. Resolution 2013-058 Approving an Intergovernmental Agreement Between the City of Fort Collins and Fort Collins-Loveland Water District For Participation in a Joint Regional Water Treatment Solutions Study.

Staff proposes to enter into an intergovernmental agreement for a joint study to examine options for regional water treatment solutions between the Tri-Districts and the City of Fort Collins. The scope of any cooperative solution is strictly limited to creating a business model of receiving raw water, treating it, and returning a finished potable water product to the member entities at a wholesale rate. Options range from remaining independent, additional intergovernmental agreements, combining facilities, or other options to be determined during the investigation phase of the study. Acquisition and control of water rights or raw water storage is not part of this discussion.

20. Resolution 2013-059 Making a Liaison Appointment to the Planning and Zoning Board. (This item has been withdrawn from consideration)

This Resolution appoints Mayor Karen Weitkunat as the Liaison to the Planning and Zoning Board, replacing Councilmember Gino Campana.

21. Resolution 2013-060 Making Appointments to the Citizen Review Board and the Golf Board.

A vacancy currently exists on the Citizen Review Board due to the resignation of James O'Neill. Mayor Karen Weitkunat and Mayor Pro Tem Gerry Horak reviewed applicants on file and elected to interview the applicants. After conducting interviews, Mayor Weitkunat and Mayor Pro Tem Horak recommend Austin Saunders to fill the vacancy with a term to begin immediately and set to expire on December 31, 2016.

One vacancy currently exists on the Golf Board due to the resignation of Robert Visocky. Since there were no applicants on file, Mayor Pro Tem Gerry Horak and Councilmember Lisa Poppaw elected to

readvertise for the vacancy. After conducting interviews, Mayor Pro Tem Gerry Horak and Councilmember Lisa Poppaw recommend Tim Martinez to fill the vacancy with a term to begin immediately and set to expire on December 31, 2014.

END CONSENT

22. Consent Calendar Follow-up.

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

23. Staff Reports.

a. Fire Conditions Update.

24. Councilmember Reports.

25. 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.

26. Items Relating to Urban Agriculture. (staff: Laurie Kadrach, Lindsay Ex; 10 minute staff presentation; 30 minute discussion)

- A. First Reading of Ordinance No. 096, 2013 Amending the Land Use Code to by the Addition of Provisions Pertaining to Urban Agriculture.
- B. First Reading of Ordinance No. 097, 2013 Amending Chapter 4, Article II & III of the City Code Related to the Care and Keeping of Animals.

The purpose of this item is to better align the Land Use and City Code with City Plan by allowing urban agriculture land uses in all zone districts, expand the districts where farmers markets are allowed, and allow a broader range and number of animals to be raised in the City.

City Plan contains several principle and policy statements aimed at promoting local food production. Several City Departments are coordinating with numerous public, private, and academic entities to

implement these principles and policies. However, the Land Use Code is in direct conflict with City Plan as it only allows urban agriculture in four of the twenty-five zone districts as a primary use. While City Council amended the Land Use and City Code in 2008 to allow six chickens hens per lot (Ordinance No. 072, 2008), hundreds of citizens expressed the desire to practice urban agriculture in more zones in the City, allow farmers markets in more areas, and allow for a wider range and number of animals to be raised.

Based on City Plan and this feedback, staff proposes Land Use and City Code changes to implement City Plan. The proposed Land Use Code changes include (1) the establishment of an urban agriculture licensing system that will allow urban agriculture in all zone districts and (2) allowing farmers markets in more zone districts in the City. Proposed City Code changes include (1) scaling the number of chickens allowed based on lot size, (2) allowing duck hens to be raised, and (3) updating the beekeeping Ordinance to reflect current best practices.

27. Second Reading of Ordinance No. 082, 2013, Appropriating Prior Year Reserves in the General Fund to Be Used for Operation of the Sister Mary Alice Murphy Center of Hope. (staff: Joe Frank, Bruce Hendee; 2 minute staff presentation; 10 minute discussion)

This Ordinance, adopted on First Reading on June 11, 2013, by a vote of 5-2 (nays: Cunniff, Poppaw), appropriates funding in the amount of \$45,000 for the operation of the Sister Mary Alice Murphy Center of Hope, from January to July, 2013 (six months). Other funding partners include United Way (\$58,000), Bohemian Foundation (\$45,000) and Serve 6.8 (\$35,000). The Murphy Center, located at 242 Conifer Street, is the one-stop center in Fort Collins for homeless and near homeless persons. The operation of the Center is an important component in the community's network of housing and complimentary services so that homelessness is rare, short-lived and non-recurring in Fort Collins.

At Council's direction on First Reading, a new Section was added to the Ordinance, affirming that the provision of funds serves an important public purpose.

28. 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. (staff: Helen Matson, Craig Foreman; 5 minute staff presentation; 15 minute discussion)

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. This Ordinance, unanimously adopted on First Reading on June 4, 2013, authorizes the conveyance of several easements that are required for this project for improvements in the right-of-way, bank stabilization and River enhancement, drainage and landscape areas. At Council direction on First Reading, two alternatives for fees for the other proposed easements are provided.

29. Resolution 2013-061 Approving the Harmony Road Enhanced Travel Corridor Alternatives Analysis: Final Report. (staff: Aaron Iverson; 10 minute staff presentation; 30 minute discussion)

The Harmony Road Enhanced Travel Corridor (ETC) Alternatives Analysis Final Report is the culmination of an 18-month effort. This study has included in-depth review of existing conditions and a comprehensive development of a variety of alternatives, ultimately resulting in recommendations for improved roadway, bicycle, pedestrian and transit facilities for Harmony Road. The study was conducted with extensive public input and feedback; the Final Report is a reflection of guidance from the community on the preferred future for Harmony Road.

The draft Final Report, along with all the technical appendices, is available for review at www.fcgov.com/harmony.

30. Consideration of Citizen-Pulled Consent Items.

31. Other Business.

32. 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.



Karen Weitkunat, Chairperson
Gerry Horak, Vice-Chairperson
Bob Overbeck
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**URBAN RENEWAL AUTHORITY
BOARD OF COMMISSIONERS MEETING
July 2, 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 make comments regarding items remaining on the Consent Calendar or 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. Resolution No. 060 of the Fort Collins Urban Renewal Authority Expressing the Board's Intent Related to the Use of Tax Protest Covenants in Connection with Redevelopment Projects for the Fort Collins Urban Renewal Authority. (staff: John Voss; 5 minute staff presentation; 10 minute discussion)

Redevelopment agreements have generally required that an instrument be recorded to restrict the protest of property tax valuations on the redeveloped property, a restriction that protects the interests of the Authority by preventing the reduction of tax increment revenues. This restriction needs to be waived because, in certain circumstances, it could cause certain tax revenues to be viewed as "private payments," which could then make the bonds in URA refinancing "taxable." If taxable bonds are issued, the URA's borrowing cost increases. The proposed resolution will authorize the Executive Director to modify and waive Tax Protest Covenants for the benefit of the URA.

9. Other Business.

10. Adjournment.