



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 (REVISED)**

**August 20, 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. 32)
- Citizen opportunity to pull Consent Calendar items.  
(will be considered under Item. No. 37)

3A. Staff report - West Nile Virus Update

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 28. 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 July 2 and July 16, 2013 Regular Meetings and the July 30, 2013 Special Meeting.
- 7. Second 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 Ordinance, unanimously adopted on First Reading on July 16, 2013, authorizes a lease for City-owned property at 212 Laporte Avenue to Feeding Our Community Ourselves, Inc. 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.

- 8. Items Relating to Appropriations for Woodward Related Public Improvements.
  - A. Second Reading of Ordinance No. 098, 2013, Appropriating Unanticipated Revenue in the Capital Projects Fund and Authorizing the Transfer of Existing Appropriations from the Natural Areas Fund to the Capital Projects Fund for Woodward Related Public Improvements.
  - B. Second Reading of Ordinance No. 109, 2013, Waiving the Application of the Art in Public Places Requirements in Article XII of Chapter 23 of the City Code to Improvements Constructed Pursuant to the City's Agreement with Woodward, Inc., and the Downtown Development Authority Regarding the Link-N-Green Development.

Council approved the public improvement portion of the Woodward incentive package in April 2013. The City agreed to provide assistance for Woodward's relocation, construction and expansion. Ordinance No. 098, 2013 appropriates funding for the following projects:

Transmission Line Relocation	\$1,297,080
Right-of-Way Improvements	1,750,000
Open Space Improvements	3,500,000
	<u>\$6,547,000</u>

The projects will be funded through two sources: \$6,047,080 from DDA contributions and \$500,000 from 2013 appropriations existing in the Natural Areas Fund.

Ordinance No. 109, 2013, exempts the right-of-way improvements under the Woodward Agreement from the requirement to contribute 1% to Art in Public Places because the contribution would not be required if the developer were constructing the improvements and the City's management of the right-of-way improvement project is being provided as part of the Woodward incentive package. Both Ordinances were unanimously adopted on First Reading on July 16, 2013.

- 9. Items Relating to the Completion of the 2013 Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing and Community Development Activities Utilizing Funds from the Federal Community Development Block Grant (CDBG) Program, and the City's Human Services Program (HSP).
  - A. Second Reading of Ordinance No. 099, 2013, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund.
  - B. Second Reading of Ordinance No. 100, 2013, Appropriating Unanticipated Revenue in the Home Investment Partnerships Fund.

Ordinance No. 099, 2013 appropriates the City's FY 2013 CDBG Entitlement Grant from the Department of Housing and Urban Development (HUD). Ordinance No. 100, 2013 appropriates the City's FY 2013 HOME Participating Jurisdiction Grant from HUD. Both Ordinances were unanimously adopted on First Reading on July 16, 2013.

10. Second Reading of Ordinance No. 101, 2013, Calling a Special Municipal Election to Be Held in Conjunction with the November 5, 2013 Larimer County Coordinated Election.

This Ordinance, unanimously adopted on First Reading on July 16, 2013, calls a Special Municipal Election to be held in conjunction with the November 5, 2013 Larimer County Coordinated Election, and preserves the opportunity for Council to place initiated or referred issues on the November ballot. If Council decides to place any measures on the ballot it would need to do so no later than at its August 20 meeting. If Council does not take action by ordinance or resolution before the statutory deadline (September 4) to certify ballot language to Larimer County, the election will be cancelled and the provisions of this Ordinance will be of no further force and effect.

This Ordinance does not submit a specific measure to the November 5, 2013 ballot. However, a group of citizens has been successful in collecting enough signatures on an initiative petition relating to a moratorium on the use of hydraulic fracturing. *Resolution 2013-072 Submitting a Proposed Citizen-Initiated Ordinance to Place a Five-Year Moratorium on the Use of Hydraulic Fracturing Within the City of Fort Collins or Under its Jurisdiction to Extract Oil, Gas, or Other Hydrocarbons and to Store and Dispose of Its Waste Products at a Special Municipal Election to Be Held on November 5, 2013, In Conjunction with the Larimer County Coordinated Election* will be considered on this agenda as a Discussion item.

Adoption of this Ordinance is a required step in preserving the option for City Council to submit the initiated ordinance, and/or any other ballot measures that Council may desire, at the November 5, 2013 Coordinated Election.

11. Items Relating to the Residential Parking Permit Program.

- A. Second Reading of Ordinance No. 102, 2013, Establishing a Residential Parking Permit Zone Program.
- B. Second Reading of Ordinance No. 103, 2013, Amending Various Provisions of the Fort Collins Traffic Code.

The purpose of this item is to authorize the City Manager or a designee to implement residential parking permit programs in neighborhoods with parking problems.

These Ordinances, unanimously adopted on First Reading on July 16, 2013 establish a residential parking permit program. City staff will develop administrative procedures for the program by working with neighborhoods and residents. The Traffic Code ordinance is needed to make the program enforceable. This program will be phased in over a two-year period as problem areas are identified and residents request assistance.

12. Second Reading of Ordinance No. 104, 2013, Expanding the Boundaries of the Fort Collins Downtown Development Authority and Amending the Plan of Development of the Authority.

This Ordinance, unanimously adopted on First Reading on July 16, 2013, expands the boundaries of the Fort Collins Downtown Development Authority (DDA) and amends the Plan of Development of the Authority to include a property in the 100 block of West Laurel Street and adjacent right-of-way on South Mason Street and West Laurel Street. The property includes the current location of Ram Bookstore (northeast corner of West Laurel and South Mason Streets).

13. Second Reading of Ordinance No. 105, 2013, Vacating a Portion of Lady Moon Drive Right-of-Way as Dedicated on the Ricketts Harmony Minor Subdivision.

The purpose of this item is to vacate a portion of right-of-way along Lady Moon Drive that is no longer necessary or desirable to retain for street purposes.

In 1993, the Ricketts Harmony Minor Subdivision, located southeast of Harmony Road and Lady Moon Drive, platted two lots and dedicated additional right-of-way for Cambridge Avenue (now known as Lady Moon Drive). Cambridge Avenue was realigned and constructed in its current alignment with the approval of Harmony Technology Park Second Filing Development Plans on the west side of

Cambridge Avenue, which left the portion to be vacated no longer necessary for street purposes. This Ordinance, unanimously adopted on First Reading on July 16, 2013, vacates this portion of Lady Moon Drive.

The adjacent property owners have been contacted regarding this vacation and have no objections. All public and private utilities have been notified of the proposed vacation and they report no objections, provided the area is retained as a utility easement. With this Ordinance, the entire area proposed to be vacated will be retained as a utility easement.

14. Second Reading of Ordinance No. 108, 2013, Amending the Land Use Code to Include Additional Regulations for Development in Close Proximity to Oil and Gas Operations.

The purpose of this item is to establish requirements for proposed residential developments in close proximity to existing oil and gas operations.

The proposed Land Use Code changes were unanimously adopted on First Reading on July 16, 2013. These changes establish a tiered approach to requirements for new residential developments in close proximity to oil and gas operations. Disclosure to future residents is required for any proposed oil and gas development within one thousand feet (1,000') of an existing operation. If the development is proposed to be closer than five hundred feet (500') of an existing oil and gas operation, additional screening and protection measures are required. If the subdivision is proposed to be less than three hundred fifty feet (350') from an existing operation, a Modification of Standard would be required.

15. First Reading of Ordinance No. 110, 2013, Appropriating Unanticipated Grant Revenue in the General Fund for the Restorative Justice Program.

The purpose of this item is to appropriate grant money to fund Restorative Justice Services within Community Development and Neighborhood Services.

A grant in the amount of \$45,000 has been received from the Colorado Division of Criminal Justice (DCJ) Juvenile Diversion 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 (RJCP) for all other offenses. Restorative Justice is an alternative method of holding a young offender accountable by facilitating a meeting with the offender, the victim/victim representative and members of the community to determine the harm done by the crime, and how to repair the harm. By identifying and repairing the harm caused by the crime, Criminal Justice Officials are optimistic repeat offenses by these youth will be reduced and the needs and concerns of the victims and affected community will be addressed. A \$7,440 cash match is required and will be met by appropriating funds from the Community Development and Neighborhood Services operating budget designated for restorative justice. Total required match is 25% so an additional \$7,560 in-kind match is designated from the Eighth Judicial Probation Department.

16. First Reading of Ordinance No. 111, 2013, Appropriating Unanticipated Revenue in the General Fund for Building Remodel Costs at 281 North College Avenue.

The purpose of this Ordinance is to appropriate unanticipated building permit and plan check fee revenues to facilitate co-location efforts for Community Development and Neighborhood Services (CDNS) staff.

17. First Reading of Ordinance No. 112, 2013, Appropriating Unanticipated Grant Revenue into the Transportation Services Fund for the Safe Routes to School Program and Transferring Appropriations in the Keep Fort Collins Great Fund from the Operating Budget to the Grant Program.

The purpose of this ordinance is to request appropriation of unbudgeted funds received through a grant for the Safe Routes to School Program.

The City of Fort Collins FC Moves Dept. has received a \$22,700 federal grant through the Colorado Department of Transportation (CDOT) for the 2013–14 Safe Routes to School (SRTS) program. This

funding will allow the City's Safe Routes to School Program (administered and staffed by FC Moves) to enhance its pedestrian and bicycle safety education programs.

18. First Reading of Ordinance No. 113, 2013, Authorizing the City Manager to Extend the Term of the Agreement Between the City and Kubra Data Transfer for Utilities Electronic Customer Billing Software.

The purpose of this item is to request a one-year extension of the contract for Fort Collins Utilities' e-Bill vendor, from October 23, 2013, to October 23, 2014, with the option to extend for additional one year periods not to exceed four additional one-year renewals.

This extension will give the Fort Collins Utilities staff time to complete necessary research and development for future e-Bill services, as well as support alignment of customer interface services related to advanced meters and related customer software systems.

19. First Reading of Ordinance No. 114, 2013, Amending the Definition of Large Base Industry as Contained in Article 5 of the Land Use Code.

This Ordinance amends the definition of *Large Base Industry* in the Land Use Code to expand the types of firms that may qualify beyond manufacturing to also include firms that provide products or services for local and regional users that are not manufactured but are of comparable economic value to manufactured goods, or by establishing corporate offices.

20. First Reading of Ordinance No. 115, 2013, Extending Ordinance No. 024, 2013, Which Amended the Land Use Code by the Addition of a Temporary Planned Development Overlay Zone District for One Additional Year.

The purpose of this item is to extend the pilot for the Planned Development Overlay District for one additional year.

This Ordinance would provide for an additional twelve months for the Planned Development Overlay District (PDOD) pilot. The PDOD is a unique zoning mechanism designed to address the challenges of infill and redevelopment, blending the concepts of Planned Unit Developments (PUDs) and performance-based zoning. The pilot was originally established by Ordinance No. 24, 2013 and provided a six-month timeframe to accept PDOD development submittals; it is currently set to expire on September 9, 2013. However, Ordinance No. 024, 2013 provided City Council the ability to extend the pilot in the event that an insufficient number of PDOD projects were submitted. Since there have been no submittals and none are expected within the remaining month of the pilot, Council is asked to consider extending the pilot by an additional year.

21. First Reading of Ordinance No. 116, 2013, Authorizing Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements in Connection with the Kechter Road and Timberline Road Intersection Improvements Project.

The purpose of this item is to obtain authorization from City Council to use eminent domain, if deemed necessary, to acquire property interests needed to construct improvements at the Kechter Road and Timberline Road intersection.

The Kechter Road and Timberline Road Intersection Improvements will construct interim safety and congestion mitigation improvements at the intersection. The project is planned to begin construction in the spring of 2014 and be completed within sixty (60) days. To construct these improvements, the City will need to acquire certain property interests adjacent to the project area. The acquisitions include right-of-way and a permanent easement from owners of the property at the southeast corner of the intersection. Timely acquisition of the property is necessary to meet the anticipated construction schedule. Staff fully intends to negotiate in good faith with the affected owners and is optimistic that all property negotiations can be completed prior to the start of the Project. Staff is requesting authorization of eminent domain for all property acquisitions for the Project only if such action is deemed necessary.

22. First Reading of Ordinance No. 117, 2013, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements in Connection with the North College Improvements Project – Conifer to Willox Access Road.

The purpose of this item is to obtain authorization from City Council to use eminent domain, if deemed necessary, to acquire property interests needed to construct rear access road improvements associated with the North College Improvement Project – Conifer to Willox.

This project will construct an access road on the west side of College Avenue between Hickory Street and the mobile home park located at 1601 North College Avenue. During the conceptual design process of the project, raised, landscaped medians were included as a critical project component to accomplish the goals of improving the urban character and safety of the corridor.

Raised medians are a part of both the City's Master Street Plan and the US 287/SH 14 Access Management Report. Because the raised medians limit left turn access to many of the properties along the Project, the plans have also identified the need for new access roads along the rear of the properties. The project is planned to begin construction as soon as possible in 2014, depending on the timing of the property acquisition. To construct these improvements, the City will need to acquire certain property interests adjacent to the project area. The acquisitions include permanent easements and temporary easements. Timely acquisition of the property interests is necessary to meet the anticipated construction schedule. Staff fully intends to negotiate in good faith with all affected owners and is optimistic that all property negotiations can be completed prior to the start of the Project. Staff is requesting authorization of eminent domain for all property acquisitions for the Project only if such action is deemed necessary.

23. First Reading of Ordinance No. 118, 2013, Authorizing the Lease of City-owned Property at 328 West Mountain Avenue and 108 North Meldrum Street to Poudre Landmarks Foundation, Inc.

The purpose of this item is to continue leasing the Avery House and Carriage House.

Poudre Landmarks Foundation ("The PLF") wishes to continue leasing from the City the Avery House and the Carriage House, located at 328 West Mountain Avenue and 108 North Meldrum Street, respectively. The term of the Lease shall be for fifteen (15) years. The yearly lease payment will be \$25 or \$375 for the full term of the lease. The PLF maintains the interior of the buildings and the City will continue to pay all utility costs, as budgeted.

24. Resolution 2013-069 Authorizing the Assignment of the City's Private Activity Bond Allocation for 2013 to the Fort Collins Housing Authority to Finance Multi-Family Housing Revenue Bonds for the Villages on Plum and Villages at Cunningham Corner Projects.

The purpose of this item is to assign the City's 2013 Private Activity Bond Allocation to the Fort Collins Housing Authority.

The City has been notified that it has an allocation of a portion of the State ceiling Private Activity Bonds (PAB) for 2013 in the amount of \$6,962,218. The City received a request from the Fort Collins Housing Authority (FCHA) for the assignment of the City's 2013 Allocation for the purpose of affordable housing rehabilitation. Specifically, these funds will be used to finance the rehabilitation of 95 affordable housing rental units located in the Village on Plum project, and any remaining funds will be carried over for the rehabilitation of additional specific affordable housing projects.

Annually, the state allocates a portion of its ceiling for PAB to the City. If the City does not use or assign this allocation, it is returned to the state on September 15. The City has not received any other requests for the 2013 Allocation.

25. Resolution 2013-070 Approving an Intergovernmental Agreement Between the City of Fort Collins and the Fort Collins Downtown Development Authority Regarding the Implementation of DDA and City Financing of Certain Costs in Connection with the Woodward, Inc., Project at Lincoln and Lemay.

The purpose of this item is to authorize the City Manager to sign the Intergovernmental Agreement (IGA) between the City and the DDA in connection with the Woodward Inc. Project.

This IGA jointly establishes the following internal procedures between the City and DDA which are necessitated by the Agreement with Woodward, Inc. adopted April, 2013 by Ordinance No. 055, 2013:

- process for drawing proceeds on the \$6,050,000 bond being purchased by Woodward, Inc. to fund the Improvement Projects
- communication and timing steps associated with calculation of the variable interest rate bond
- protocol for how Woodward has selected to transfer bond proceeds to the DDA
- process for payments by City project manager consultant of contractor invoices related to construction of Improvement Projects
- process for debt payment and facade easement reimbursement to Woodward
- acknowledgment and/or establishment of projected dates for City and DDA appropriation of bond proceeds for use in funding Improvement Projects and facade easement payments.

26. Resolution 2013-073 Approving an Agreement Between the City and Custom Blending, Inc., to Provide Business Investment Assistance.

The purpose of this item is to request business assistance to Custom Blending, a primary Fort Collins employer, by means of tax rebates of \$43,500 over a 7-year period.

Custom Blending, Inc., a primary employer in Fort Collins, CO, is seeking assistance of \$43,500 for the expansion of its facility. The Custom Blending expansion will consist of adding an additional 34,000 square feet to its existing facility and making substantial equipment purchases, representing a total investment of approximately \$5.9 million and adding an additional 16 full-time jobs with average annual salaries between \$45,000 - \$47,000.

Based on information provided by Custom Blending representatives, City staff is estimating a potential business assistance package of approximately \$43,500, which includes \$31,100 in manufacturing use tax rebates and \$12,400 in personal property tax rebates (over a 7-year depreciable useful life). Both investments relate to revenues the City would not otherwise collect if the expansion did not occur within the city. In terms of evaluating the investment agreement, the ratio of private investment to total public investment is \$138:\$1, or \$2,719 per job. Additional savings that could not be estimated but could be provided include utility efficiency performance incentive and the Fort Collins Solar Program.

27. Resolution 2013-071 Making Appointments to the Building Review Board and the Parking Advisory Board.

The purpose of this item is to make appointments for vacancies on the Building Review Board and the Parking Advisory Board.

28. Routine Deed.

Quit Claim Deed from The Ryland Group, Inc., dedicating 790 square feet to the City of Fort Collins for the City's public trail construction, located in McClelland's Creek 3<sup>rd</sup> Filing.

<b>END CONSENT</b>
--------------------

29. Consent Calendar Follow-up.

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

30. Staff Reports.

a. USA Pro Challenge.

b. ~~West Nile Virus Update.~~ (This staff report will be given at the beginning of the meeting, after Agenda Review)

31. Councilmember Reports.
32. 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.

33. Items Relating to a Citizen-Initiated Ordinance to Place a Five-Year Moratorium on the Use of Hydraulic Fracturing Within the City of Fort Collins or Under Its Jurisdiction to Extract Oil, Gas, or Other Hydrocarbons and to Store and Dispose of Its Waste Products. (staff: Wanda Nelson; 5 minute staff presentation; 1 hour discussion)
- A. Presentation of a Petition for a Citizen-Initiated Ordinance to Place a Five-Year Moratorium on the Use of Hydraulic Fracturing Within the City of Fort Collins or Under Its Jurisdiction to Extract Oil, Gas, or Other Hydrocarbons and to Store and Dispose of Its Waste Products. (No Action Needed)
- B. First Reading of Ordinance No. 119, 2013 Placing Five-Year Moratorium on the Use of Hydraulic Fracturing to Extract Oil, Gas and Other Hydrocarbons and on the Storage of the Waste Products of Hydraulic Fracturing Within the City of Fort Collins or on Lands Under the City's Jurisdiction. (Option 1)

**OR**

Resolution 2013-072 Submitting to the Registered Electors of the City, at a Special Municipal Election on November 5, 2013, a Proposed Citizen-Initiated Ordinance Placing a Five-Year Moratorium on the Use of Hydraulic Fracturing to Extract Oil, Gas and Other Hydrocarbons and on the Storage of the Waste Products of Hydraulic Fracturing Within the City of Fort Collins or on Lands Under the City's Jurisdiction. (Option 2)

The City Clerk's Office received an initiative petition on August 5, 2013, which has been determined to contain a sufficient number of signatures to place an initiated measure before the registered electors of the City at a special election. Pursuant to the City Charter, upon presentation of an initiative petition certified as sufficient by the City Clerk, the Council must either (1) adopt the proposed ordinance without alteration within 30 days; or (2) submit such proposed measure, in the form petitioned for, to the registered electors of the city.

34. First Reading of Ordinance No. 120, 2013, Amending the City Code to Adjust the Amounts of the Capital Improvement Expansion Fees Contained in Chapter 7.5 of the City Code so as to Reflect Inflation in Associated Costs of Service. (staff: Jessica Ping-Small, Mike Beckstead; 15 minute staff presentation; 45 minute discussion)

The purpose of this item is to update the Capital Improvement Expansion fees to include current infrastructure costs and updated methodology.

Capital Improvement Expansion (CIE) Fees were first implemented in 1996. In 2012, staff initiated a comprehensive review of the original study. The goal of the review was to ensure that the methodology first implemented was still applicable and to assess the fee structure to confirm that it was consistent with the current level of service.

35. First Reading of Ordinance No. 121, 2013, Amending Section 3.2.2(k) of the Land Use Code Regarding Minimum Parking Requirements in the Transit-Oriented Development Overlay Zone District. (staff: Seth Lorson; 10 minute staff presentation; 45 minute discussion)

The purpose of this item is to propose minimum parking requirements for multi-family dwellings in the Transit-Oriented Development (TOD) Overlay Zone.

At the July 9, 2013 Joint Work Session of City Council and Planning and Zoning Board, direction was given to implement interim minimum parking requirements for multi-family dwellings in the TOD Overlay Zone, while maintaining that the long-term vision for the TOD should stay intact. At the August 8, 2013 Planning and Zoning Board Hearing, the Board recommended revising the Land Use Code (LUC) to require minimum ratio of 60% - 70% parking spaces to the proposed number of bedrooms, a provision to meet the standard through alternative compliance, and a one year sunset in which time a TOD Parking Plan will be created. Accordingly, the City Council will need to select the ratio and fill in the blank on page 2 of the Ordinance.

36. Items Relating to Advisory Opinion and Recommendation No. 2013-02 and 2013-03 of the Ethics Review Board. (staff: Steve Roy; 2 minute staff presentation; 10 minute discussion)

- A. Resolution 2013-074 Accepting Advisory Opinion and Recommendation No. 2013-02 of the Ethics Review Board.
- B. Resolution 2013-075 Accepting Advisory Opinion and Recommendation No. 2013-03 of the Ethics Review Board.

The purpose of this item is to submit two opinions of the Ethics Review Board to Council for its consideration and possible approval.

37. Consideration of Citizen-Pulled Consent Items.

38. Other Business.

- a. Council will consider going into Executive Session.

39. 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.