



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

City Council Chambers
City Hall West
300 LaPorte Avenue
Fort Collins, Colorado

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on the Comcast cable system

Steve Roy
City Attorney

Darin Atteberry
City Manager

Wanda Nelson
City Clerk

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Regular Meeting April 15, 2014 (Revised)

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring April 18, 2014 as Arbor Day.
- B. Proclamation Declaring May 1, 2014 as the National Day of Prayer.
- C. Proclamation Declaring April as Local Music Appreciation Month.

Regular Meeting 6:00 p.m.

- PLEDGE OF ALLEGIANCE
- CALL MEETING TO ORDER
- ROLL CALL

- **AGENDA REVIEW: CITY MANAGER**

- 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-pulled Consent Calendar items will be considered before Discussion Items.
- Citizen-pulled Consent Calendar items will be considered after Discussion Items.

- **CITIZEN PARTICIPATION**

Individuals who wish to make comments regarding items scheduled 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.

- State your name and address for the record
- Applause, outbursts or other demonstrations by the audience is not allowed
- Keep comments brief; if available, provide a written copy of statement to City Clerk

- **CITIZEN PARTICIPATION FOLLOW-UP**

Consent Calendar

The Consent 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. Anyone may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately. Agenda items pulled from the Consent Calendar will be considered separately under Pulled Consent Items. 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.

1. Consideration and Approval of the Minutes of the March 18, 2014 Regular Council Meeting.

The purpose of this item is to approve the minutes from the March 18, 2014 Regular Council meeting.

2. Postponement of Items Relating to the Kechter Farm Annexation and Zoning to May 6, 2014.

Staff requests that Second Reading of the Kechter Farm Annexation and Zoning Ordinances (Ordinance Nos. 005 and 006, 2014) be postponed until May 6, 2014. The final plat approval should be considered by the Board of County Commissioners in late April. Under the Intergovernmental Agreement (IGA) with Larimer County, the City has agreed to not annex lands within the Fossil Creek Reservoir Area Plan until after final plan approval by the County. Postponing this item until the May 6 meeting will honor the City's commitment in the IGA.

3. Second Reading of Ordinance No. 049, 2014, Appropriating Unanticipated Grant Revenue in the Recreation Fund for the Adaptive Recreation Opportunities Program Paralympic Sport Club.

This Ordinance, unanimously adopted on First Reading on April 1, 2014, appropriates unanticipated grant revenue in the recreation fund to be used for general operating support for the Adaptive Recreation Opportunities program *Paralympic Sport Club*.

4. Second Reading of Ordinance No. 050, 2014 Appropriating Prior Year Reserves in the General Fund for Waste Reduction and Diversion Projects to be Approved Through the Waste Innovation Program.

This Ordinance, unanimously adopted on First Reading on April 1, 2014, shifts \$18,794 accumulated during 2013 in the Waste Innovation Fund account into the City's General Fund account for approved projects to develop new organizational processes to enable departments to divert more waste material from landfill disposal.

5. Second Reading of Ordinance No. 051, 2014, Reappropriating Funds Previously Appropriated in 2013 But Not Expended or Encumbered in 2013.

This Ordinance, unanimously adopted on First Reading on April 1, 2014, authorizes appropriation of funds that were authorized in 2013 for various purposes, but were not spent or encumbered in 2013.

6. Second Reading Ordinance No. 053, 2014, Vacating a Portion of Plum Street Right-of-Way as Dedicated on the Dechairo Subdivision Plat.

VOTE TO POSTPONE TO MAY 6, 2014

This Ordinance, unanimously adopted on First Reading on April 1, 2014, vacates a portion of Plum Street right-of-way that is no longer necessary or desirable to retain for public street purposes. The property owner adjacent to this portion of right-of-way is requesting the vacation. This location is the future site of the Scott Plaza development project, which was approved at the Planning and Zoning Board Public Hearing on January 9, 2014.

7. Second Reading of Ordinance No. 054, 2014, Appropriating Prior Year Reserves in the General Fund for Municipal Court Reorganization.

This Ordinance, unanimously adopted on First Reading on April 1, 2014, authorizes funding of \$55,400 for a minor reorganization of the Municipal Court department.

8. Items Relating to Municipal Court Fines and Penalties.

A. Second Reading of Ordinance No. 055, 2014, Amending Section 19-4 of the City Code Regarding the Failure to Pay Fine or Penalty.

B. Second Reading of Ordinance No. 056, 2014, Amending Section 19-62 of the City Code Pertaining to the Handling of Civil Infractions and Misdemeanor Offenses.

Ordinance No. 055, 2014, amends the City Code to remove the specific dollar amount of credit a prisoner receives for jail served on failure to pay cases and, instead, specifies that said amount will be listed in the Schedule of Fines established by the Municipal Judge. This allows the Municipal Judge to periodically adjust that amount as appropriate.

Ordinance No. 056, 2014, amends the City Code to indicate that if an incident gives rise to charges which would normally be filed as a civil infraction and a misdemeanor, the charges are to be handled together as a misdemeanor case. This avoids the time and confusion of having two separate tickets filed with the Court, with separate procedures and costs relating to each. These Ordinances were unanimously adopted on First Reading on April 1, 2014.

9. Items Relating to Historic Preservation.

A. Second Reading of Ordinance No. 057, 2014, Amending Chapter 14 of the City Code Regarding Landmark Preservation.

B. Second Reading of Ordinance No. 058, 2014, Amending Section 2-278 of the City Code Pertaining to the Functions of the Landmark Preservation Commission.

C. Second Reading of Ordinance No. 059, 2014, Amending Section 3.4.7 of the Land Use Code Pertaining to New Construction as it Affects Historic and Cultural Resources.

These Ordinances, unanimously adopted on First Reading, on April 1, 2014, amend the City Code and the Land Use Code regarding the historic preservation program.

At the April 1, 2014 Council meeting, questions were raised by Council concerning the effect of certain Code changes, principally those related to dangerous condition and imminent threat. For Second Reading, staff has revised the Code language to make the intent of these Code provisions clearer.

Section 14-51 and a new Section 14-73 now state that, if the Building Official or another properly authorized public official or employee determines that a historic structure must be demolished because it presents an imminent threat to life, health or property, nothing in Chapter 14 will interfere with carrying out that order. However, if the official or employee determines that it is reasonable to repair the structure and that repairing it will make it safe, then the owner of the structure will need to comply with Chapter 14 before work is undertaken that will affect the exterior of the structure.

10. First Reading of Ordinance No. 060, 2014, Amending the Definition of "Publicly" Contained in Section 12-141 of the City Code Pertaining to the Cultivation of Marijuana.

The purpose of this item is to amend the definition of "publicly" in Section 12-141 of the City Code as it relates to the cultivation of marijuana so as to conform the definition to that which appears in Section 17-190 relating to offenses involving marijuana. This will correct a mistake in the drafting of Ordinance Nos. 038 and 039, 2014, adopted by Council on Second Reading on March 18, 2014.

11. First Reading of Ordinance No. 061, 2014, Authorizing the Mayor to Execute a Deed Conveying 12,391 Square Feet of City-Owned Property to Dillon Companies, Inc.

The purpose of this Ordinance is to obtain authorization from City Council to convey to Dillon Companies, Inc. a portion of a 1-acre tract of property that was originally acquired from BNSF Railway Company for MAX Bus Rapid Transit ("MAX") project purposes, but is no longer needed by the Project or the City as a result of an alternative design that has been developed.

12. First Reading of Ordinance No. 062, 2014, Vacating a Portion of Street Right-of-Way Dedicated to the City in 1974 as Part of the Kmart Development.

The purpose of this item is to vacate a portion of dedicated street right-of-way that has not been constructed as a street and is no longer needed for public street purposes. The location of this street right of way is located at the rear of the building at 2505 South College Avenue and east of the railroad tracks. The property owners of 2505 S. College Avenue have requested this vacation.

13. Resolution No. 2014-030 Renaming Sand Creek Drive to Cross Creek Drive.

The purpose of this item is to rename Sand Creek Drive to Cross Creek Drive, consistent with the City's naming policies. Sand Creek Drive is a local street within the Mail Creek Crossing PUD, which is located southeast of the intersection of Kechter Road and South Timberline Road.

14. Resolution 2014-031 Making Appointments to Various Boards and Commissions.

The purpose of this item is to make appointments to the Natural Resources Advisory Board, Water Board, and Youth Advisory Board. Vacancies were created through resignations.

END CONSENT

- **CONSENT CALENDAR FOLLOW-UP**

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

- **STAFF REPORTS**

A. 3-STAR Community Certification

B. RMI Report: 2013 Actuals/2014 Priorities

- **COUNCILMEMBER REPORTS**

- **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.

15. Second Reading of Ordinance No. 052, 2014, Vacating Scott Avenue Right-of-Way as Dedicated at Book 1174, Page 543 of the Larimer County Records. (staff: Tyler Siegmund; 5 minute staff presentation; 20 minute discussion)

VOTE TO POSTPONE TO MAY 6, 2014

This Ordinance, adopted on First Reading on April 1, 2014, by a vote of 4-3 (Nays: Cunniff, Overbeck, Poppaw) vacating Scott Avenue right-of-way that is no longer necessary or desirable to retain for public street purposes. This location will be the future site of the Scott Plaza development project, which was approved at the Planning and Zoning Board Public Hearing on January 9, 2014.

16. First Reading of Ordinance No. 063, 2014, Appropriating Prior Year Reserves in the General Fund to Fund Enhancements to the Fort Collins West Nile Virus Management Program for the 2014 Season. (staff: Dan Weinheimer, Kelly DiMartino, Mike Calhoon; 5 minute presentation; 20 minute discussion)

The purpose of this item is to appropriate funds to execute the City's West Nile Virus Management Program. Additional funds are sought to enhance the public outreach program, to increase the City's larval control boundary and to allow for a more flexible larval control season. In total, funds requested add \$75,100 to the program budget.

17. Resolution 2014-032 Amendment to the Foothills Mall Redevelopment Agreement. (staff: Darin Atteberry, Mike Beckstead; 10 minute staff presentation; 45 minute discussion)

The purpose of this item is to amend the Foothills Mall Redevelopment Agreement. The Developer has asked to amend Section 3.1 – Conditions Precedent to Issuance of District Bonds of the Agreement, to allow the Metro District Bonds to be issued with 155k square feet of executed leases vs. the 240k square feet required in the current agreement. The Developer is also asking for clarification to Section 4.3 – Construction of Residential Component of Project: Affordable Housing, concerning the period of time the Developer may be required to make payments to the City if there is a delay in the completion of the residential units.

- **CONSIDERATION OF CITIZEN-PULLED CONSENT ITEMS**
- **OTHER BUSINESS**

- **ADJOURNMENT**

A. Council will consider a motion to adjourn to 6:00 p.m., Tuesday, April 22, 2014

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 the 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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Gerry Horak, Vice-Chairperson
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URBAN RENEWAL AUTHORITY BOARD FORMAL MEETING April 15, 2014 (after the Regular Council Meeting)

- CALL MEETING TO ORDER
- ROLL CALL
- AGENDA REVIEW
 - Executive Director's Review of Agenda.
- 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
- Address your comments to Council, not the audience

- CITIZEN PARTICIPATION FOLLOW-UP
- STAFF REPORTS
- 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 and/or Applicant 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.

1. Consideration and Approval of the Minutes from the March 4, 2014 Urban Renewal Authority Board Meeting.

The purpose of this item is to approve the minutes from the March 4, 2014 Urban Renewal Authority meeting.

2. Resolution No. 070 Of The Board Of Commissioners Of The Fort Collins Urban Renewal Authority Resolution 070 Approving An Amendment To The Redevelopment And Reimbursement Agreement With The City , Walton Foothills Holdings Vi, L.L.C., And The Foothills Metropolitan District Regarding The Redevelopment of Foothills Mall. (staff: Darin Atteberry, Mike Beckstead; 3 minute staff presentation; 15 minute discussion)

The purpose of this item is to amend the Foothills Mall Redevelopment Agreement. The Developer has asked to amend Section 3.1 - Conditions Precedent to Issuance of District Bonds of the Agreement, to allow the Metro District Bonds to be issued with 155k square feet of executed leases vs. the 240k square feet required in the current agreement. The Developer is also asking for clarification to Section 4.3 - Construction of Residential Component of Project: Affordable Housing, concerning the period of time the Developer may be required to make payments to the City if there is a delay in the completion of the residential units.

- OTHER BUSINESS
- ADJOURNMENT



urban renewal authority

Karen Weitkunat, Chairperson
Gerry Horak, Vice-Chairperson
Bob Overbeck
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URBAN RENEWAL AUTHORITY BOARD WORK SESSION April 15, 2014 (after the Urban Renewal Authority Regular Meeting)

- **CALL TO ORDER.**

1. Urban Renewal Authority Financial Management Policy - Tax Increment Financing (TIF) Parameters.
(staff: Tom Leeson; 10 minute staff presentation; 30 minute discussion)

The purpose of this item is to discuss a series of new financial parameters to be used in developing the TIF commitments made to individual projects. The Fort Collins Urban Renewal Authority (URA) has been engaged in a process of continuous improvement since the beginning of 2012. Recent improvements include:

- Reorganization by moving the management of the URA from the Finance Department to Economic Health allowing for an independent review by Finance;
- Changes to the method for estimating Tax Increment generated by a project, consistent with the proven track record of the Downtown Development Authority's approach;
- Increased consultation with outside legal counsel relative to specific URA financing, operations, and formation issues; and
- Documentation and tracking of the Redevelopment Agreement negotiation, adoption, and execution process.

The item presented to the URA Board continues the process of improvement by presenting a series of parameters to be used in developing the TIF commitments made to individual projects by URA staff.

2. New Approach for URA Process. (staff; Tom Leeson; 10 minute staff presentation; 30 minute discussion)

The purpose of this item is to discuss a new URA process when forming urban renewal plan areas that goes well beyond the State requirements. The URA should engage in a new process when forming urban renewal plan areas that goes well beyond the state requirements. The process for forming new urban renewal areas should be more strategic with regards to the public improvements, land uses, design standards, as well as public and private amenities, and include a detailed implementation strategy that identifies timing of improvements, cost estimates, responsible parties and realistic approach to various financing mechanisms.

Furthermore, it is recommended this new urban renewal planning process be applied to a new and reconfigured Midtown Urban Renewal Plan. The Midtown Urban Renewal Plan should be amended to include only those areas that are currently within established tax increment districts (Prospect South and Foothills Districts). The URA should then engage in a community process to identify a new and more strategic area to be targeted for infill and redevelopment and develop a new urban renewal plan for that area.

- **OTHER BUSINESS.**
- **ADJOURNMENT.**