



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

Cablecast on City Cable Channel 14
on the Comcast cable system

Steve Roy
City Attorney

Darin Atteberry
City Manager

Wanda Nelson
City Clerk

The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (TDD 224-6001) for assistance.

Regular Meeting June 3, 2014

Proclamations and Presentations 5:30 p.m.

- Proclamation Declaring June as Bike Month.

Regular Meeting 6:00 p.m.

- **PLEDGE OF ALLEGIANCE – Eagle Scout Honor Guard Presentation**
- **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 May 6, 2014 Regular Council Meeting.

The purpose of this item is to approve the minutes from the May 6, 2014 Regular Council meeting.

2. Second Reading of Ordinance No. 074, 2014, Appropriating Prior Year Reserves in the Natural Areas Fund for the Purpose of Providing Natural Areas Programming Not Included in the 2014 Adopted City Budget.

This Ordinance, unanimously adopted on First Reading on May 20, 2014, appropriates \$6,221,325 from prior year reserves in the Natural Areas Fund. Nearly 80% of the funds will be used for land conservation.

3. Second Reading of Ordinance No. 075, 2014, Appropriating Unanticipated Grant Revenue in the Capital Projects Fund for the North College Improvements - Conifer to Willox Project and Authorizing the Transfer of Appropriations from the North College Improvements - Vine to Conifer Project Into the North College Improvements - Conifer to Willox Project.

This Ordinance, unanimously adopted on First Reading on May 20, 2014, appropriates federal grant funds into the Capital Project Fund for the North College Improvements Project - Conifer to Willox. City Council appropriated the final piece of funding necessary for the North College Improvements Project - Conifer to Willox through budget revision actions at the end of 2013. Since that time, City staff successfully secured additional funding from the Colorado Department of Transportation (CDOT) via their Responsible Acceleration of Maintenance and Partnerships (RAMP) program. This Ordinance completes the final project budget with appropriations of new RAMP funding, previously secured fiscal year 2015 federal grant funding, and savings from the recently completed North College Improvements -- Vine to Conifer project.

4. Second Reading of Ordinance No. 076, 2014 Appropriating Prior Year Reserves and Unanticipated Revenue in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and the Fort Collins Convention and Visitors Bureau.

This Ordinance, unanimously adopted on First Reading on May 20, 2014, appropriates \$195,981, of which \$83,619 is for 2014 Cultural Development and Programming Activities (Fort Fund), \$8,977 is for 2014 Tourism Programming (Fort Fund), and \$103,385 is for 2014 Fort Collins Convention and Visitors Bureau (CVB) activities from Unanticipated Revenue (Lodging Tax) and Prior Year Reserves (unspent appropriations) in the General Fund Lodging Tax Reserves. Lodging taxes for 2013 were estimated at \$955,000 with actual lodging tax revenues collected equaling \$1,102,693 (\$147,693 over estimate).

5. Second Reading of Ordinance No. 077, 2014, Amending Chapter 3 of The City Code to Allow Spirituous Liquor Tastings and to Increase the Number of Days Tastings are Permitted.

This Ordinance, unanimously adopted on First Reading on May 20, 2014, amends the City Code to allow for spirituous (liquor) tastings, similar to what is currently allowed for beer and wine. This amendment will also extend the number of days tastings are permitted up to the maximum 104 tasting events per year.

6. Second Reading of Ordinance No. 078, 2014, Designating the Landblom Property, 116 North Pearl Street, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

This Ordinance, unanimously adopted on First Reading on May 20, 2014, designates the Landblom Property at 116 North Pearl Street as a Fort Collins Landmark. The owners of the property, Kenneth and Michele Christensen, are initiating this request.

7. Second Reading of Ordinance No. 079, 2014, Authorizing the Conveyance of City Property to CCF Investments, LLC in Exchange for a New Park Site.

Ordinance No. 079, 2014, unanimously adopted on First Reading on May 20, 2014, conveys property by Quit Claim Deed to CCF Investments, LLC. The City Property to be conveyed is near East Vine Drive and Turnberry and is located in Waterfield PUD Second Filing. This land was the location of a park in Waterfield Second Filing. The location of the park is moving with the Third Filing of Waterfield. The current park site will be conveyed to the developer, CCF Investments, LLC by Quit Claim Deed.

8. Items Relating to the Spring Competitive Process.

- A. Second Reading of Ordinance No. 080, 2014, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Projects in the Community Development Block Grant (CDBG) Program.

B. Second Reading of Ordinance No. 081, 2014, Appropriating Unanticipated Revenue in the Home Investment Partnerships (HOME) Program.

Ordinance No. 080, 2014, appropriates the City's FY2014 CDBG Entitlement Grant from the Department of Housing and Urban Development (HUD) and CDBG Program Income and transfers funds from FY2013 CDBG Reprogrammed funds and FY2012 CDBG Unprogrammed funds for allocation in FY2014. Ordinance No. 081, 2014, appropriates the City's FY2014 HOME Participating Jurisdiction Grant from HUD and HOME Program Income. Both Ordinances were unanimously adopted on First Reading on May 20, 2014.

9. First Reading of Ordinance No. 082, 2014, Appropriating Unanticipated Revenue for the Senior Center Expansion Project and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program.

The purpose of this item is to request an additional appropriation of \$150,000 to the Senior Center Expansion Project. This additional funding was raised by the Senior Center Expansion Committee. These additional funds will be put toward the cost of completing the Core and Shell space as an Education Center/Auditorium, which will seat 120+ people with state of the art technology and can be used for presentations, distance learning, seminars or movies, and athletic events. Additional funds will be used for other building furnishings to make this a World Class Facility.

10. First Reading of Ordinance No. 083, 2014, Appropriating Prior Year Reserves in the Benefits Fund for the Employee Wellness Center.

The purpose of this item is to appropriate funds from the Benefits Fund reserves for facility/infrastructure enhancements to 256 West Mountain and start-up costs for the Employee Wellness Center (commonly referred to as an Onsite Clinic). Advantages to offering a Center include:

- anticipated reduction in health care cost trends
- greater ability to manage health risks through coaching and onsite disease management program
- integrated medical records
- established medical home for employees and dependents making health information available to providers
- enhanced wellness efforts by supporting proactive health care management.

11. First Reading of Ordinance No. 084, 2014, Amending Section 28-17 of the City Code Regarding Traffic Code Violation Penalties.

The purpose of this item is to reconcile two sections of the City Code setting the maximum penalty for Traffic Code violations.

12. First Reading of Ordinance No. 085, 2014, Amending Article IV, Division 2 of Chapter 23 of the City Code Regarding Disposition of Real Property.

The purpose of this item is to amend Article IV of Chapter 23 of the City Code to authorize the City Manager to approve certain leases on City-owned property. The existing language in the City Code specifies that any disposition of real property, including leasing of real property, must be approved by City Council, with the exception of property at the Fort Collins-Loveland Airport.

13. First Reading of Ordinance No. 086, 2014, Making Various Amendments to the Land Use Code.

The purpose of this item is to adopt a variety of changes, additions and clarifications to the Land Use Code that have been identified since the last update in July 2013.

14. First Reading of Ordinance No. 087, 2014, Authorizing Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements in Connection with the Vine Drive and Shields Street 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 Vine Drive and Shields Street intersection. The Vine Drive and Shields Street Intersection Improvements Project will construct a single lane roundabout for safety and air quality improvements at the intersection. The project is planned to begin construction in the spring of 2015 and be completed in the fall of 2015. The project budget consists of both federal and local funds. 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 temporary easements from six property owners. Timely acquisition of the property 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 to comply with federal acquisition requirements. Eminent domain action will be used only if such action is deemed necessary.

15. Items relating to Water Supply Shortage Response Plan and City Code Updates.

- A. First Reading of Ordinance No. 088, 2014, Adopting a Water Supply Shortage Response Plan.
- B. First Reading of Ordinance No. 089, 2014, Amending Chapter 26, Article II, Division 6 of the City Code to Clarify Sections Relating to Water Conservation.

The purpose of these items is to update the City's Water Supply Shortage Response Plan that contains water restrictions to be put in place when a water shortage is anticipated, and to make City Code changes regarding the waste of water and water restrictions. Revisions to the Water Supply Shortage Response Plan are in response to employee and citizen feedback received during the 2013 water restrictions and more recent community outreach. Highlights include adding definitions and associated restrictions for food production, splash parks, outdoor swimming pools and essential power-washing.

The City Code changes provide a clearer definition of the "waste of water," extending beyond irrigation use to service line and indoor leaks. In addition, hoses will require a hand-activated hose nozzle for spraying impervious surfaces. This section will reference the Water Supply Shortage Response Plan and how restrictions are put in place and lifted. Two sections are out of date and are proposed to be deleted.

16. Resolution 2014-044 Approving an Intergovernmental Agreement Between the City of Fort Collins and Platte River Power Authority for Participation in a Joint Resource Planning Case Study.

In support of the development of a new Climate Action Plan, Fort Collins Utilities and Platte River Power Authority (Platte River) have developed the attached Intergovernmental Agreement (IGA). The intent of the Agreement is to define the terms for Platte River to provide electric supply network modeling assistance to the City. The models will identify a potential mix of electric resources and the associated costs to help the City achieve a 20% reduction of greenhouse Gases (GHG) below 2005 levels by 2020, 80% reduction by 2030, and 100% reduction by 2050.

Overall Climate Action Plan reduction measures include decreases in emissions related to transportation, building energy use, waste management and electricity. The focus of the work detailed in this IGA is to provide modeling to define the necessary changes to the City's existing electric energy supply that will be required in order to achieve the stated GHG reductions. The modeling done by PRPA will identify the portfolio of resources needed and their associated costs.

17. Resolution 2014-045 Approving an Amended and Restated Intergovernmental Agreement Between the City of Fort Collins and the Poudre Valley Fire Protection District Establishing the Poudre Fire Authority.

The purpose of this item is to approve the revised Intergovernmental Agreement (IGA) which forms the Poudre Fire Authority and the associated Revenue Allocation Formula (RAF) which allocates a share of City revenue toward the provision of fire and rescue services within Fort Collins.

18. Resolution 2014-046 Adopting the Fort Collins River Downtown Redevelopment Zone Design Guidelines.

The purpose of this item is to adopt the Design Guidelines for the River Downtown Redevelopment (R-D-R) zone district which will act as supplement to the new standards that are to be codified in the Land Use Code.

19. Resolution 2014-047 Approving an Intergovernmental Agreement with the Colorado Department of Transportation for Reimbursement of Wetland Mitigation Costs.

The purpose of this item authorizes the City to enter into an agreement to receive \$99,450 from Colorado Department of Transportation (CDOT) for wetland mitigation. Four local CDOT road projects impact a total of 1.02 acres of wetlands. These impacts must be mitigated through payment for the creation of additional wetlands of equal size and type. CDOT desires to keep the mitigation effort local and proposes to reimburse the City for wetlands created within the Poudre River floodplain.

20. Resolution 2014-048 Approving Expenditures from the Art in Public Places Stormwater Utilities Account to Commission an Artist to Create Art for the West Vine Basin Project.

The purpose of this item is to approve expenditures from the Art in Public Places Stormwater Utility Account to commission an artist to create art for the Art in Public Places West Vine Basin Project. The expenditures of \$24,960 will be for design, materials, fabrication, installation and contingency for an artist to create an interactive and interpretive plaza at the West Vine Basin site.

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. Xcel Project Update - Drake and Timberline Intersection
- B. Water Supply Shortage Response Plan

- **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.

21. Resolution 2014-049 Amending the West Nile Virus Management Policy and Providing Direction to the City Manager Regarding Implementation of the Program. (staff: Dan Weinheimer, Mike Calhoun; 15 minute staff presentation; 1 hour discussion)

The purpose of this item is to adopt enhancements to the West Nile Virus Management Program. Staff is presenting two options for Council consideration; both would update the West Nile Virus Management Policy. The program changes being offered include dividing the City into operational zones, considering changes to the program response guidelines (operational practices), implementing a limited business opt out and maintaining a residential opt-out program based on the pesticide sensitivity registry maintained by the Colorado Department of Agriculture, and eliminating the Advisory Panel that advises the City Manager on adulticide recommendations.

22. Resolution 2014-033 Superseding Resolution 2013-049 and Authorizing the Execution of a Revised First Amendment to the Intergovernmental Agreement Establishing the Boxelder Basin Regional Stormwater Authority. (staff: Ken Sampley; 10 minute staff presentation; 20 minute discussion)

The purpose of this item is to approve a revised First Amendment to the Boxelder Basin Regional Stormwater Authority (BBRSA) in place of the First Amendment that was authorized by the adoption of Resolution 2014-049. The Revised First Amendment:

- Authorizes the BBRSA to determine and make minor revisions to properties within the Service Area of the BBRSA by designating areas as "non-tributary areas", and to grant fee credits to other areas within the Service Area;
- Authorizes the BBRSA to accept loans from the Colorado Water Conservation Board (CWCB) to fund the design and construction of the remaining regional stormwater projects; and,
- Establishes a sunset provision that terminates collection of stormwater fees and charges either twenty years after the effective date of this Amendment, provided there is agreement regarding the operation and maintenance responsibilities for the projects, or upon completion of all regional stormwater projects, payment of all debt incurred by the BBRSA, agreement as to payment of any BBRSA obligations to Members and disbursement of any remaining revenues and agreement among the Members as to any continuing obligation for operation and maintenance of the projects.

23. First Reading of Ordinance No. 090, 2014, Appropriating Unanticipated Revenue in the Stormwater Fund to Design and Construct the Fort Collins / Timnath Boxelder Creek Flood Mitigation Projects. (staff: Ken Sampley, Ellen Switzer; 10 minute staff presentation; 20 minute discussion)

The purpose of this item is to appropriate funds in the amount of \$3,750,000 to design and construct the Fort Collins/Timnath Boxelder Creek Improvements, as outlined in the Sixth Amendment to the Fort Collins – Timnath Intergovernmental Agreement (IGA), as adopted by City Council under Ordinance No. 047, 2014 on April 1, 2014.

24. Consideration of the Appeal of the Planning and Zoning Board Hearing Decision to Approve the Bella Vira, Final Plan, Extension of Vested Rights. (staff: Pete Wray, Cameron Gloss; 10 minute staff presentation; 1 hour discussion)

The purpose of this item is to consider the appeal of the Planning and Zoning Board Hearing Decision to Approve the Bella Vira, Final Plan, Extension of Vested Rights requested by Richmond American Homes.

On April 24, 2014 an appeal was filed concerning the Planning and Zoning Board Hearing decision regarding a request for extension of vested rights to the Bella Vira, Final Plan, located at the southwest corner of South Overland Trail and West Elizabeth Street. An amended appeal was filed on May 14, 2014.

The Amended Appeal asserts that the Planning and Zoning Board failed to properly interpret and apply relevant provisions of the Land use Code, and failed to conduct a fair hearing.

25. Items Relating to Three Appeals of the Summit on College Project Development Plan Major Amendment Pertaining to a Parking Structure. (staff: Seth Lorson, Cameron Gloss; 5 minute staff presentation; 30 minute discussion)

A. Resolution 2014-050 Making Findings of Fact and Conclusions Regarding the three Appeals of the Administrative Hearing Officer's March 19, 2014 Decision to Approve the Summit on College Parking Structure, Major Amendment.

or

B. Motion to Continue to Adjourned Meeting on June 24, 2014, to Consider Motion to Amend Decision.

On April 29, 2014, three separate parties filed a Notice of Appeal concerning the Hearing Officer's March 19, 2014 Decision to Approve the Summit on College Parking Structure, Major Amendment.

On May 20, 2014, City Council voted 6-0 on the motion that the Hearing Officer conducted a fair hearing in approving the Major Amendment; and voted 5-1 (Nays: Weitkunat; Troxell absent) that the Hearing Officer failed to properly interpret and apply relevant provisions of the Land Use Code, specifically Section 3.4.1(I)(2) and 3.5.1(J), and remanded the decision to the Hearing Officer.

On May 24, 2014, the developer of the proposed parking structure, through his attorney, submitted a written request to the City that the City Council consider amending its decision on this appeal so as to modify the hearing officer's decision by approving the Major Amendment but adding two conditions.

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

- **OTHER BUSINESS**

- **ADJOURNMENT**

- A. Council will consider a motion to adjourn to 6:00 p.m., Tuesday, June 10, 2014.
- B. Council will consider a motion to cancel the June 17, 2014 Regular Council meeting.

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.