



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

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 July 1, 2014

Proclamations and Presentations 5:30 p.m.

- Proclamation Declaring July 2014 as Parks and Recreation 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 May 20 and June 3, 2014 Regular Council Meetings and the June 10, 2014 Adjourned Council Meeting.

The purpose of this item is to approve minutes from the May 20 and June 3, 2014 Regular Council Meetings and the June 10, 2014 Adjourned Council Meeting.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on June 3, 2014, appropriates \$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.

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

This Ordinance, unanimously adopted on First Reading on June 3, 2014, appropriates funds from the Benefits Fund reserves for facility/infrastructure enhancements and start-up costs for the Employee Wellness Center (commonly referred to as an Onsite Clinic).

A recital statement regarding the location of the Onsite Clinic is deleted from the Ordinance for Second Reading. The location of the Onsite Clinic may or may not be at 256 West Mountain. Further review of this location is being conducted by the City's Operations Services staff. Additional City-owned building options are available and will be included with the final review. In all of the options being considered, the requested funding is still needed to renovate the space once a final location is selected.

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

This Ordinance, unanimously adopted on First Reading on June 3, 2014, reconciles two sections of the City Code setting the maximum penalty for Traffic Code violations.

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

This Ordinance, unanimously adopted on First Reading on June 3, 2014, amends 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.

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

This Ordinance, unanimously adopted on First Reading on June 3, 2014, addresses a variety of changes, additions and clarifications to the Land Use Code that have been identified since the last update in July 2013.

7. Second 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.

This Ordinance, unanimously adopted on First Reading on June 3, 2014, obtains 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.

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

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

These Ordinances, unanimously adopted on First Reading on June 3, 2014, 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 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.

9. First Reading of Ordinance No. 091, 2014, Appropriating Unanticipated Grant Revenue into the Transportation Services Fund for the Safe Routes to School Program.

The purpose of this item is to appropriate unbudgeted funds received through a grant for the Safe Routes to School Program. The City of Fort Collins FC Moves Department has received a \$25,822 federal grant through the Colorado Department of Transportation for the 2014-15 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.

10. First Reading of Ordinance No. 092, 2014, Appropriating Prior Year Reserves in the Downtown Development Authority Fund for Expenditure on Projects and Programs in Accordance with the Downtown Plan of Development.

The purpose of this item is to appropriate unanticipated revenue for the Downtown Development Authority for projects and programs that enhance the downtown area. These funds, totaling \$1,822,273, are from interest earnings, project savings, and from prior year bond proceeds. The DDA Board has authorized the expenditure on various projects and programs.

11. Items Relating to an Intergovernmental Agreement with the Downtown Development Authority for the Willow Street Improvements Project.

- A. Resolution 2014-051 Authorizing the Mayor to Execute an Intergovernmental Agreement with the Downtown Development Authority to Transfer Funding to the Willow Street Improvements Project.
- B. First Reading of Ordinance No. 093, 2014, Appropriating Unanticipated Revenue in the Capital Projects Fund for the Willow Street Improvements Project and Authorizing the Transfer of Appropriations from the Building on Basics Pedestrian Plan and ADA Improvements Project into the Willow Street Improvements Project.

The purpose of this item is to authorize the Mayor to sign an Intergovernmental Agreement with the Downtown Development Authority (DDA) and to appropriate both DDA and local funds into the Willow Street Improvements Project. Previous planning efforts for the Downtown River District identified improvements along Willow Street as a top priority project within the River District. Engineering design is schedule to begin in summer of 2014.

12. First Reading of Ordinance No. 094, 2014, Adopting Design Standards for the Old Town Historic District.

The purpose of this item is to update the Old Town Fort Collins Historic District (Old Town District) Design Standards. The Old Town Design Standards, originally adopted in 1981, require substantial revisions to address current historic preservation practices and development concerns related to infill and redevelopment within and around the Old Town District. The update to the design standards will define and illustrate characteristics for compatible future development within the Old Town District and in the adjacent area, and a means for incorporating modern sustainable building practices into historic preservation projects.

13. First Reading of Ordinance No. 095, 2014, Amending the Zoning Map of the City by Changing the Zoning Classification for that Certain Property Known as the Harmony/I-25 Rezoning.

The purpose of this item is to rezone 264 acres located at the southwest corner of Harmony Road and Interstate 25 from Transition (T) to Harmony Corridor (H-C) and Rural Lands (R-U-L), in accordance with the Comprehensive Plan (*City Plan*).

14. First Reading of Ordinance No. 096, 2014, Authorizing the Mayor to Execute the First Amendment to the Amended and Restated Intergovernmental Agreement with the Fort Collins-Loveland Water District, the Fort Collins-Loveland Water District Enterprise and the Fort Collins Water Utility Enterprise.

The purpose of this item is to authorize the Mayor to execute the First Amendment to the amended and restated intergovernmental agreement (IGA) with the Fort Collins-Loveland Water District, the Fort Collins-Loveland Water District Enterprise, and the City of Fort Collins Water Utility Enterprise for the delivery of potable water. The item will require the party that exceeds the allotment of water allowed for exchange to provide raw water reimbursement in addition to the charges for treatment.

15. First Reading of Ordinance No. 097, 2014, Authorizing the Mayor to Execute an Intergovernmental Agreement with the North Weld County Water District, the North Weld County Water District Enterprise, and the Fort Collins Water Utility Enterprise for the Delivery of Potable Water.

The purpose of this item is to authorize the Mayor to execute an amended and restated intergovernmental agreement (IGA) with the North Weld County Water District (NWCWD), the North Weld County Water District Enterprise, and the City of Fort Collins Water Utility Enterprise for the delivery of potable water. The amendment makes adjustments to the costs associated with exchanging water between the City and the NWCWD to reflect actual expenses, adjusts the requirement to balance accounts from annually to monthly, adjusts the allocation of water that is allowed to be exchanged, and provides for the transfer of associated raw water for any imbalance in excess of the allocation.

16. Resolution 2014-052 Authorizing the Mayor to Execute a Contract Amendment with the Colorado Department of Transportation for the North College Improvements Project – Conifer to Willox.

The purpose of this item is to authorize the Mayor to sign a Contract Amendment with the Colorado Department of Transportation (CDOT) for the North College Improvements Project - Conifer to Willox. This action will amend the Intergovernmental Agreement (IGA) between the City of Fort Collins and CDOT, adding remaining North Front Range Metropolitan Organization (NFRMPO) federal grant funds and new Responsible Acceleration of Maintenance and Partnerships (RAMP) program funds into the agreement. These funds have already been appropriated into the project's budget through previous Council actions (Ordinance Nos. 016 and 112, 2012, No. 145, 2013, and No. 075, 2014). Amending the IGA is the final piece of the design phase which enables the use of these funds and the project to be bid.

The total funding amounts (previously appropriated) for the IGA will be amended as follows:

- Federal Grant Funds - \$2,934,000
- RAMP Federal Funds - \$3,894,000
- Local Matching Funds - \$5,038,859.

17. Resolution 2014-053 Authorizing a License to Enter for the Colorado Department of Transportation to Perform Work on City Property.

The purpose of this Resolution is to authorize the City Manager to execute a License to Enter and Perform Work to allow the Colorado Department of Transportation to enter and perform work at the east entrance of the Mulberry Water Reclamation Facility as part of its Mulberry Bridge Project. The Colorado Department of Transportation (CDOT) has planned a bridge project on Mulberry Street that is anticipated to begin in the late summer or early fall 2014. The project involves replacing the existing State Highway 14/Mulberry Street Bridge over the Cache La Poudre River. The bridge replacement project will require the reconstruction of the eastern entrance to the Mulberry Water Reclamation Facility. CDOT will need to obtain a License to Enter from the City, granting permission to enter the City's property to perform the work associated with the entrance reconstruction.

18. Resolution 2014-054 Authorizing the Mayor to Enter Into an Agreement with the Platte River Power Authority for the Design and Construction of a Perimeter Wall at the Harmony Substation.

The purpose of this item is to authorize the Mayor to enter into an Intergovernmental Agreement (IGA) between the City and the Platte River Power Authority (PRPA) for the design and construction of a perimeter wall around the Harmony electric utility substation, located at Harmony Road and Innovation Drive. The IGA provides that PRPA will design and construct the wall and the City will reimburse PRPA for the reasonable costs incurred for such work. Working through PRPA will ensure regional substation design consistency, as the work will be done under the same contract and with the same contractor as PRPA recently used to construct perimeter walls around the Dixon and Timberline electric utility substations.

19. Resolution 2014-055 Making Findings of Fact and Conclusions Regarding the Appeal of the April 10, 2014, Planning and Zoning Board Approval of the Bella Vira Final Plan, Extension of Vested Rights.

The purpose of this item is for Council to consider adoption of a resolution making findings of fact and conclusions pertaining to the Appeal of the April 10, 2014, Planning and Zoning Board's decision regarding a request for extension of vested rights to the Bella Vira Final Plan.

On April 24, 2014, an appeal was filed concerning the Planning and Zoning Board Hearing decision regarding a request for extension of vested rights for the Bella Vira, Final Plan. An Amended Appeal was received on May 14, 2014.

On June 3, 2014, City Council voted 7-0 on the motion to uphold the decision of the Planning and Zoning Board to approve the Bella Vira, Final Plan, extension of vested rights.

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**

- **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.

20. Second 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; no staff presentation; 10 minute discussion)

This Ordinance, adopted on First Reading on June 3, 2014, by a vote of 4-3 (Nays: Cunniff, Overbeck Poppaw), appropriates 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.

21. First Reading of Ordinance No. 098, 2014, Amending Article III of Chapter 12 of the City Code Pertaining to Smoking in Public Areas. (staff: Beth Sowder; 10 minute staff presentation; 45 minute discussion)

The purpose of this item is to propose expansions to the City's Smoking Ordinance to include electronic smoking devices and 100% smoke-free hotel/motel rooms.

This item proposes two City Code amendments to expand the City's Smoking Ordinance:

1. Prohibit the use of electronic smoking devices in all places where conventional smoking is prohibited.
2. Require 100% of hotel/motel rooms to be smoke-free.

This item provides background information, community feedback, and information about actions taken in other communities.

22. First Reading of Ordinance No. 099, 2014, Amending Chapter 12 of the City Code to Establish Regulations Regarding Disposable Bags. (staff: Susie Gordon; 10 minute staff presentation; 1 hour discussion)

The purpose of this item is to review a proposed ordinance that would require grocers to charge 10 cents for both single-use disposable plastic and paper bags at the check-out stand. All revenues from the sale of bags would be retained by the grocers, who would be required to use 50% of revenues to purchase durable shopping bags to be distributed for free to customers.

23. Resolution 2014-056 Establishing a City Council Mall Redevelopment Committee to Advise the City Manager in Connection with the Redevelopment and Reimbursement Agreement for the Redevelopment of Foothills Mall. (staff: Darin Atteberry; 5 minute staff presentation; 20 minute discussion)

The purpose of this item is to form a three-member committee of Councilmembers, to be known as the "Mall Redevelopment Committee," to be available to the City Manager for assistance with the implementation of the Foothills Mall Redevelopment and Reimbursement Agreement.

- **CONSIDERATION OF CITIZEN-PULLED CONSENT ITEMS**
- **OTHER BUSINESS**
- **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 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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Water Utility Enterprise Board Meeting July 1, 2014

(after the Regular Council Meeting, which begins at 6:00 p.m.)

- **CALL MEETING TO ORDER**
- **ROLL CALL**

1. Resolution No. 010 Authorizing the President of the Water Enterprise Board to Execute the First Amendment to the Amended and Restated Intergovernmental Agreement with the Fort Collins-Loveland Water District, the Fort Collins-Loveland Water District Enterprise and the City of Fort Collins for the Delivery of Potable Water. (staff: Jon Haukaas, Kevin Gertig, Carol Webb; 5 minute staff presentation; 5 minute discussion)

The purpose of this item is to authorize the President of the Water Enterprise Board to execute the First Amendment to the amended and restated intergovernmental agreement (IGA) with the Fort Collins-Loveland Water District, the Fort Collins-Loveland Water District Enterprise, and the City of Fort Collins Water Utility Enterprise for the delivery of potable water. The item will require the party that exceeds the allotment of water allowed for exchange to provide raw water reimbursement in addition to the charges for treatment.

2. Resolution No. 011 Authorizing the President of the Water Enterprise Board to Execute an Amended and Restated Intergovernmental Agreement with the North Weld County Water District, the North Weld County Water District Enterprise and the City of Fort Collins for the Delivery of Potable Water. (staff: Jon Haukaas, Kevin Gertig, Carol Webb; no staff presentation; 5 minute discussion)

The purpose of this item is to authorize the President of the Water Enterprise Board to execute an amended and restated intergovernmental agreement (IGA) with the North Weld County Water District (NWCWD), the North Weld County Water District Enterprise, and the City of Fort Collins Water Utility Enterprise for the delivery of potable water. The amendment makes adjustments to the

costs associated with exchanging water between the City and the NWCWD to reflect actual expenses, adjusts the requirement to balance accounts from annually to monthly, adjusts the allocation of water that is allowed to be exchanged, and provides for the transfer of associated raw water for any imbalance in excess of the allocation.

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