



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

Carrie Daggett
Interim 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 September 16, 2014 6:00 PM

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring September as Suicide Awareness Month.
- B. Proclamation Declaring September 15-21, 2014 as Drive Electric Week.
- C. Proclamation Declaring September 20, 2014 Cemetery Stroll Day, with the theme of "A Fort is Born".
- D. Proclamation Declaring September 17-23 as Constitution Week.

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. Items remaining on the Consent Calendar will be approved by City Council with one vote. 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 August 19 and September 2, 2014 Regular Council Meetings and the September 9, 2014 Adjourned Meeting

The purpose of this item is to approve the minutes from the August 19 and September 2, 2014 Regular Council Meetings and the September 9, 2014 Adjourned Meeting.

2. Second Reading of Ordinance No. 113, 2014, Approving the Seventh Amendment to the Fort Collins-Timnath Intergovernmental Agreement Regarding Cooperation on Annexation, Growth Management and Related Issues.

This Ordinance, adopted unanimously on First Reading on September 2, 2014, updates a 2009 Intergovernmental Agreement (IGA) with the Town of Timnath to incorporate several amendments and new land use provisions. The Land Use portions of the agreement are intended to provide planned and orderly development of urban services along the I-25 Corridor and to establish appropriate Growth Management and Influence Areas to support such development.

3. Second Reading of Ordinance No. 115, 2014 Amending Sections 19-66, 19-67, and 19-69 of the City Code Pertaining to the Rules for Civil Infractions.

This Ordinance, unanimously adopted on First Reading on September 2, 2014, transfers civil infraction payment processing functions to the Municipal Court from Neighborhood Services and the Forestry Division in order to more efficiently process and track those citations and reduce redundancy since the Municipal Court is better equipped to handle this function.

4. Second Reading of Ordinance No. 116, 2014, 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.

This Ordinance, unanimously adopted on First Reading on September 2, 2014, requests a twelve-month extension of the Planned Development Overlay District pilot to September 9, 2015.

5. Second Reading of Ordinance No. 117, 2014, Appropriating Unanticipated Grant Revenue in the Transportation Services Fund for the FY 2013-14 Safe Routes to School Program 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 September 2, 2014, appropriates \$314,903 in Safe Routes to School grant funding to design and build a new multi-use path along Lindenmeier Road serving Tavelli Elementary School.

6. Items Relating to Larimer County's Request for Right-of-Way and Temporary Construction Easements Across Five City Properties to Construct, Operate and Maintain Improvements Associated with the North Shields Street Widening and Cache la Poudre Bridge Replacement.

- A. Second Reading of Ordinance No. 118, 2014, Authorizing the Conveyance of a Deed of Dedication and a Temporary Construction Easement on McMurry Natural Area to Larimer County.

- B. Second Reading of Ordinance No. 119, 2014, Authorizing the Conveyance of a Deed of Dedication and a Temporary Construction Easement on North Shields Pond Natural Area to Larimer County.

- C. Second Reading of Ordinance No. 120, 2014, Authorizing the Conveyance of a Deed of Dedication and a Temporary Construction Easement on Poudre River Trail Property to Larimer County.

- D. Second Reading of Ordinance No. 121, 2014, Authorizing the Conveyance of a Deed of Dedication and a Temporary Construction Easement on City Property Located at 812 North Shields Street to Larimer County.

- E. Second Reading of Ordinance No. 122, 2014, Authorizing the Conveyance of a Deed of Dedication and a Temporary Construction Easement on City Railbanking Property to Larimer County.

These Ordinances, unanimously adopted on First Reading on September 2, 2014, convey permanent rights-of-way and temporary construction easements to Larimer County for improvements related to the North Shields Street widening and Cache la Poudre River bridge replacement.

7. First Reading of Ordinance No. 124, 2014, Appropriating Unanticipated Grant Revenue in the General Fund and Transferring and Appropriating Funds from the Community Development and Neighborhood Services Operating Budget 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 \$56,192 has been received from the Colorado Division of Criminal Justice (DCJ) Juvenile Diversion fund for 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.

Required cash match is 25% or \$18,730. This will be met by appropriating \$11,170 in funds from the Community Development and Neighborhood Services operating budget designated for restorative justice. In addition, \$7,560 cash match is designated from the Eighth Judicial District Probation Department in the form of donated staff time of the Probation restorative justice specialist. The Probation staff co-coordinates the RESTORE Program with the RJS program director.

8. First Reading of Ordinance No. 125, 2014, Amending Section 1.3.4 of the Land Use Code to Conform the Text to Previously Adopted Revisions.

The purpose of this item is to expand prohibited uses in Section 1.3.4 of the Land Use Code to include the full scope of retail and medical marijuana uses that was defined in Ordinance No. 042 that were not included in Ordinance No. 086.

9. First Reading of Ordinance No. 126, 2014, Designating the Bode Property, 220 Remington Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Colleen Scholz, is initiating this request for Fort Collins Landmark designation of the Bode Property at 220 Remington Street.

10. First Reading of Ordinance No. 127, 2014, Designating the Juan and Mary Barraza Property, 412 Wood Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Mary Barraza, is initiating this request for Fort Collins Landmark designation of the Juan and Mary Barraza Property at 412 Wood Street.

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. Old Town Square Renovation 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.

11. Second Reading of Ordinance No. 123, 2014, Authorizing the Conveyance of a Waterline Easement, Access Easement, and Temporary Construction Easement on City property to the City of Greeley. (staff: Lindsay Kuntz, Helen Matson; no staff presentation; 10 minute discussion)

This Ordinance, adopted on September 2, 2014, by a vote of 5-1 (Nays: Overbeck; Poppaw absent) authorizes the conveyance of easements to the City of Greeley across the City property known as the City Ditch. The City of Greeley is acquiring necessary easements for its Greeley Bellvue Pipeline Project. Greeley has requested easements for its project across a strip of property owned by the City's Utility Department extending south from the Poudre River. The property lies outside City limits and is the location of the City Ditch. The Larimer County Canal No. 2 Irrigating Company utilizes this ditch through an existing easement agreement with the City. The easements requested by Greeley include a .19 acre (8,265 square feet) permanent waterline easement, a .133 acre (5,808 square feet) temporary construction easement, and an access easement across the existing ditch access road.

12. First Reading of Ordinance No. 128, 2014, Establishing Regulations for Persons Cultivating Marijuana in Non-Residential Structures. (staff: Ginny Sawyer; 2 minute staff presentation; 15 minute discussion)

The purpose of this item is to prohibit two or more people from growing marijuana in a non-residential structure without having complete physical separation within the structure. Marijuana grown by caregivers and for personal use is not tracked or inventoried. The proposed ordinance is recommended by staff in an effort to prevent large, unregulated marijuana grows.

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

● **OTHER BUSINESS**

● **ADJOURNMENT**

- A. Council will consider a motion to adjourn to Tuesday, September 23, 2014, at 6:00 p.m.

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.