



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

Carrie Daggett  
Interim City Attorney

Darin Atteberry  
City Manager

Wanda Nelson  
City Clerk

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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.

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## Regular Meeting October 7, 2014

### Proclamations and Presentations 5:30 p.m.

- Proclamation Declaring October 11, 2014, as Poudre High School Day.
- Proclamation Declaring October 5-11, 2014 as Public Power Week.
- Proclamation Declaring October as Disability Awareness Month.
- Proclamation Declaring October as Conflict Resolution 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. 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 September 16, 2014 Regular Council Meeting.

The purpose of this item is to approve the minutes from the September 16, 2014 Regular Council meeting.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on September 16, 2014, appropriates 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.

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

This Ordinance, unanimously adopted on First Reading on September 16, 2014, expands 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, 2014.

4. Second 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.

This Ordinance, unanimously adopted on First Reading on September 16, 2014, designates the Bode Property at 220 Remington Street a Fort Collins Landmark. The owner of the property, Colleen Scholz, initiated this request.

5. Second 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.

This Ordinance, unanimously adopted on First Reading on September 16, 2014, designates the Juan and Mary Barraza Property at 412 Wood Street as a Fort Collins Landmark. The owner of the property, Mary Barraza, initiated this request.

6. Items Relating to the West Mulberry Street Bridge Replacement Project.

- A. Resolution 2014-083 Authorizing the Mayor to Enter into a Contract with the Colorado Department of Transportation for the Construction of the West Mulberry Street Bridge Replacement.
- B. First Reading of Ordinance No. 129, 2014, Appropriating Unanticipated Revenue from the Colorado Department of Transportation into the Capital Projects Fund - City Bridge Program Project for the West Mulberry Street Bridge Replacement.

The City has been awarded a grant from the federally funded Colorado Off-System Bridge Program in the amount of \$700,000. This funding contract between the City and Colorado Department of Transportation is for the replacement of a structurally deficient bridge owned by the City. The bridge is the West Mulberry Street Bridge over the New Mercer Ditch.

7. Items Relating to the Clydesdale Park First and Second Annexations.

- A. Resolution 2014-084 Setting Forth Findings of Fact and Determinations Regarding the Clydesdale Park First Annexation.
- B. Hearing and First Reading of Ordinance No. 131, 2014, Annexing Property Known as the Clydesdale Park First Annexation.
- C. First Reading of Ordinance No. 132, 2014, Amending the Zoning Map and Classifying for Zoning Purposes the Property included in the Clydesdale Park First Annexation.

- D. Resolution 2014-085 Setting Forth Findings of Fact and Determinations Regarding the Clydesdale Park Second Annexation.
- E. Hearing and First Reading of Ordinance No. 133, 2014, Annexing Property Known as the Clydesdale Park Second Annexation.
- F. First Reading of Ordinance No. 134, 2014, Amending the Zoning Map and Classifying for Zoning Purposes the Property included in the Clydesdale Park Second Annexation.

The purpose of this item is to consider the annexation of the existing Clydesdale Park subdivision located east of Interstate 25, south of the intersection of East Mulberry Street and Carriage Parkway. Clydesdale Park includes 217 single-family residential lots on approximately 75 acres. Residents of the Clydesdale Park neighborhood have requested annexation.

Residents are also requesting a 5 year "phase-in" of the storm water utility fee for Clydesdale Park upon annexation. The stormwater fee phase-in request was brought to the Water Board on September 18, 2014 for its consideration. Stormwater utility staff and the Water Board are recommending denial of the request for a "phased-in" stormwater fee.

- 8. Resolution 2014-086 Expressing the City Council's Support for the Passage of Larimer County Proposition 200 Regarding Funding for Construction of a New Animal Shelter for Larimer County and Urging the Citizens of Fort Collins to Vote "Yes" on this Proposition.

The purpose of this item is for the City Council to express its support of the passage of Larimer County Proposition 200 and urging the citizens of the City of Fort Collins to vote "yes" on this proposition supporting Larimer Humane Society and the construction of a new animal shelter for Larimer County.

- 9. Resolution 2014-087 Expressing the City Council's Support for the Passage of Larimer County Ballot Issue 1B Extending a Fifteen One-Hundredths of One Percent County-Wide Sales and use Tax for the Operation of the Larimer County Jail and Urging the Citizens of Fort Collins to Vote "YES" on this Ballot Issue.

The purpose of this item is for City Council to express its support of the passage of the countywide jail tax renewal and to encourage the citizens of the City of Fort Collins to vote "yes" on this measure.

- 10. Resolution 2014-088 Requesting That the Colorado Municipal League Sponsor Legislation Before the Colorado General Assembly That Would Provide Local Emergency Responders with Advance Information Regarding Hazardous Materials Shipments Being Made on Rail Freight Routes Within the State.

The purpose of this item is to seek the Colorado Municipal League to sponsor legislation in the Colorado General Assembly that would provide local emergency responders with information about railroad hazardous material shipments. The City's 2014 Legislative Policy Agenda does not explicitly call for Fort Collins to take a leadership role on this issue and so the Legislative Review Committee has asked staff to present this Resolution for Council consideration. Fort Collins has many freight trains traveling through the community that carry hazardous materials. The proposed legislation would seek information from railroads for emergency in advance of shipments of hazardous materials so that they are best able to protect the community.

- 11. Resolution 2014-089 Adopting the 2014 Natural Areas Master Plan to Replace the "Land Conservation and Stewardship Master Plan" as a Component of the City's Comprehensive Plan.

The purpose of this item is to seek Council adoption of the *Natural Areas Master Plan (Plan)*. Council reviewed the draft Plan at its August 12, 2014 Work Session and staff has completed the changes to the Plan that were suggested by Council at that time. This ten-year *Plan* will replace the current "Land Conservation and Stewardship Master Plan" which was adopted by Council in 2004. Natural Areas staff spent the last two years gathering input from the citizens of Fort Collins and Larimer County as to the future of the City's natural areas. The results of that research indicated a

high level of community enthusiasm and satisfaction with the City's land and habitat conservation and outdoor recreation efforts. In survey data and in public forums, citizens clearly expressed a desire for the City to continue its efforts to conserve diverse lands and to provide outdoor recreation opportunities, in particular opportunities for walking, hiking, and biking. The proposed *Plan* identifies a series of priorities that align with citizen desires, the foundational language of the citizen-initiated sales taxes, City Plan Principles and Policies, and the Department's core conservation mission.

12. Resolution 2014-094 Approving the Midtown in Motion, College Avenue Transportation Study.

The purpose of this item is to seek City Council approval of the Midtown in Motion, College Avenue Transportation Study. The limits of the Midtown in Motion study are College Avenue from Prospect Road to Harmony Road. The study addressed circulation for College Avenue, the adjacent frontage roads, and east/west connections to the MAX Bus Rapid Transit (BRT) stations. This study is the culmination of a year-long effort that included in-depth review of existing conditions and a comprehensive development of a variety of alternatives, ultimately resulting in recommendations for improved roadway, bicycle and pedestrian facilities for College Avenue. The study was conducted with extensive public input and feedback, and is a reflection of guidance from the community on the preferred future for College Avenue.

13. Resolution 2014-090 Approving an Exception to the Use of a Competitive Process for the Purchase of ESRI GIS Software Enterprise License Agreement.

The purpose of the item is to request an exception to the competitive bid process for the purchase of a three year Enterprise License Agreement (ELA) from ESRI, as the alternative is contrary to the City's interests. ESRI's suite of Geographic Information System (GIS) software products are used throughout the organization by many departments. The software and its data are integral to several other software solutions. The ELA is a cost effective approach that allows for an unlimited number of users to make use of this software and also provides for access to future upgrades, updates and patches. ESRI's software is proprietary and is only available through them; they do not work with resellers.

Exception to Competitive Bidding Rationale:

Code Section 8-161(d)(1)d. A particular material, professional service or service is required in order to standardize or maintain standardization for the purpose of reducing financial investment or simplifying administration.

14. Resolution 2014-091 Authorizing the Purchasing Agent to Enter Into a Professional Services Agreement With a Search Firm to Participate in the Recruitment and Selection of a City Attorney.

The purpose of this resolution is for the Council Committee to identify its preferred option regarding the search firm to be chosen by the City Council and for the City Council to authorize the Purchasing Agent to enter into a professional services agreement with that search firm.

15. Resolution 2014-092 Reappointing Teresa Ablao as Temporary Judge and Authorizing the Execution of an Employment Agreement.

The purpose of this item is to reappoint Teresa Ablao as the temporary judge for the Fort Collins Municipal Court. The City Charter provides for the appointment of a temporary judge (commonly referred to as the Assistant Municipal Judge) to serve in the absence of the Municipal Judge. Teresa Ablao has served in this capacity since mid-2012. Municipal Judge Kathleen M. Lane recommends that Ms. Ablao be reappointed as the Assistant Municipal Judge.

**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. Mulberry Bridge Traffic Detours

- **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.

16. Public Hearing on the 2015-2016 Recommended Biennial Budget for the City of Fort Collins. (staff: Darin Atteberry, Mike Beckstead; 60 minutes)

This is the second official public hearing on the City Manager's 2015-2016 Recommended Biennial Budget for the City of Fort Collins. The purpose of this public hearing is to gather public input on the 2015-2016 Budget. Public input will also be taken during the budget adoption meetings on Tuesday, October 21 and Tuesday, November 18, 2012 at 6:00 p.m. in the Council Chambers.

The City Manager's 2015-2016 Recommended Budget can be reviewed at the Old Town Library, the Harmony Library, Council Tree Library, or the City Clerk's Office. The recommended budget can also be viewed online at [www.fcgov.com/budget](http://www.fcgov.com/budget).

17. Resolution 2014-093 Adopting the 2014 Poudre River Downtown Master Plan. (staff: John Stokes; 10 minute staff presentation; 30 minute discussion)

The purpose of this item is to review the final draft of the *Poudre River Downtown Master Plan* and to seek Council adoption by resolution.

18. First Reading of Ordinance No. 135, 2014, Appropriating Unanticipated Revenue in the General Fund and Authorizing the Transfer of Existing Appropriations From the General Fund to the Capital Projects Fund for the Woodward Related Transmission Line Relocation Project. (Mike Beckstead, John Voss; 10 minute staff presentation; 20 minute discussion)

The purpose of this item is to appropriate an additional \$254,000 for the Transmission Line Relocation portion of the Woodard Public Improvements Project.

19. First Reading of Ordinance No. 136, 2014, Amending Chapter 26 of the City Code Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections. (Option A or B) (staff: Lance Smith; 5 minute staff presentation; 10 minute discussion)

The purpose of this item is to revise (Option A) or clarify (Option B) the City Code provisions relating to Electric Development Fees, in particular, Electric Capacity Fee Charges. The Ordinances clarify that the fees due are based on the rates effective on the date of final payment but Council is presented with two options on how the fee is to be collected.

- **Option A:** Option A is a timing change from current Code requirements. This option requires that 100% the Electric Capacity Fee (ECF) to be payable prior to the Utility initiating construction of the electric distribution system. Rates in effect at the time of payment would apply. Currently only 50% of the fee is payable prior to construction with the remainder due prior to the electric system being energized. Option A also addresses how invoices issued prior to the adoption of this ordinance would be addressed.
- **Option B:** Option B does not change the timing of current Code requirements. It requires at least 50% of the Electric Capacity Fee (ECF) to be paid as a deposit prior to the Utility initiating construction of the electric distribution system. The remaining ECF (final payment) would be due prior to the system being energized. Rates in effect at the time of final payment would apply to the entire development. Because Option B is not a change from current practice or intent of the current code, it would apply to all invoices issued before or after the adoption.

No changes to the Electric Development Fee amounts are proposed as part of this ordinance. The ordinance changes the verbiage only. 2015 Electric Development Fee rate amounts will be presented to City Council for first reading on October 21, 2014 as a separate item.

20. First Reading of Ordinance No. 137, 2014, Appropriating Capital Project Funding in the Light and Power, Water, Wastewater, and Stormwater Drainage Enterprise Funds and Authorizing the Transfer of Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program, for the Construction of a New Utilities Administration Building in Block 32 on LaPorte Avenue and Renovation of 700 Wood Street. (staff: Kevin Gertig, Ken Mannon, Mike Beckstead, Wendy Williams); 10 minute staff presentation; 30 minute discussion)

Administration Building within Block 32 on LaPorte Avenue, as well as renovation of the existing Utility Service Center at 700 Wood Street. The total combined project costs are \$23,411,000 with \$4,500,000 already appropriated from Light and Power reserves, leaving \$18,911,000 to be appropriated with this ordinance.

A Utility Building Team comprised of internal staff and external subject matter experts has worked with the architectural firm RNL and Adolfson and Peterson Construction to assess the best way to address the current building performance and space issues facing Fort Collins Utilities' ongoing and future business operations. Balancing the city-wide goal to have high-performing office buildings with the need to be fiscally prudent has led the Building Team to recommend the two-pronged funding process proposed in this appropriation ordinance.

The four Utility Enterprise Funds (Light and Power, Water, Wastewater and Stormwater) will share the costs of the projects. All appropriations will come from the existing reserves in these four funds.

- **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.