



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
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Carrie Daggett
Interim City Attorney

Darin Atteberry
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Wanda Nelson
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Regular Meeting October 21, 2014

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring October 20-26, 2014 as Colorado Cities & Towns Week.
- B. Proclamation Declaring October 21, 2014 as United Way of Larimer County's Give, Advocate, and Volunteer Day.

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 23, 2014 Adjourned Council Meeting and the October 7, 2014 Regular Council Meeting.

The purpose of this item is to approve the minutes from the September 23, 2014 Adjourned Council meeting and the October 7, 2014 Regular Council meeting.

2015 BUDGET-RELATED CONSENT ITEMS

2. First Reading of Ordinance No. 138, 2014, Authorizing the Appropriation of Fiscal Year 2015 Operating and Capital Improvement Funds for the Fort Collins-Loveland Municipal Airport.

The 2015 annual operating budget for the Airport totals \$844,530, and will be funded from Airport operating revenues, contributions from the Cities of Fort Collins and Loveland (\$177,500 from each City), and interest earnings. This Ordinance authorizes the City of Loveland to appropriate the City of Fort Collins contribution, which is a 50% share of the 2015 Airport budget and totals \$422,265.

This Ordinance also appropriates the City's 50% share of capital funds, totaling \$442,500 for the Airport from federal and state grants; contributions from Fort Collins and Loveland; and the Airport General Fund. Most of the 2014 Airport capital funds, totaling \$885,000, will be used to complete major Airport improvements including the second phase of the construction of a snow removal equipment storage facility, and the rehabilitation of roadways.

3. First Reading of Ordinance No. 139, 2014 Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority Relating to the Annual Appropriations for Fiscal Year 2015 and Fixing the Mill Levy for the Downtown Development Authority for Fiscal Year 2015.

The purpose of this item is to set the Downtown Development Authority ("DDA") 2015 Operations and Maintenance Budget amount of \$744,084 to be appropriated for fiscal year 2015 for the administrative operations budget, appropriate the 2015 Line of Credit Draw in the amount of \$1,000,000, set the amount of \$3,191,396 for debt service payments to be appropriated for fiscal year 2015 and set the 2015 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2015.

NON-BUDGET RELATED CONSENT ITEMS

4. Postponement of First Reading of Ordinance No. 128, 2014, Establishing Regulations for Persons Cultivating Marijuana in Non-Residential Structures Indefinitely.

Staff requests postponement of this item indefinitely to allow time to review suggestions brought forward by caregivers and to ensure regulations are consistent with the Fire Code, Building Code, and the intent of the regulations.

5. Second 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.

This Ordinance, unanimously adopted on First Reading on October 7, 2014, appropriates grant funds received from the federally funded Colorado Off-System Bridge Program in the amount of \$700,000. This funding is for the replacement of the West Mulberry Street Bridge over the New Mercer Ditch, a structurally deficient bridge owned by the City.

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

- A. Second Reading of Ordinance No. 131, 2014, Annexing Property Known as the Clydesdale Park First Annexation.
- B. Second Reading of Ordinance No. 132, 2014, Amending the Zoning Map and Classifying for Zoning Purposes the Property included in the Clydesdale Park First Annexation.
- C. Second Reading of Ordinance No. 133, 2014, Annexing Property Known as the Clydesdale Park Second Annexation.
- D. Second Reading of Ordinance No. 134, 2014, Amending the Zoning Map and Classifying for Zoning Purposes the Property included in the Clydesdale Park Second Annexation.

These Ordinances, unanimously adopted on First Reading on October 7, 2014, annex and zone 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. The requested zoning for these annexations is the Low Density Mixed-Use Neighborhood District (L-M-N), which is in compliance with the City of Fort Collins *Structure Plan*.

7. Second 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.

This Ordinance, unanimously adopted on First Reading on October 7, 2014, appropriates an additional \$254,000 for the Transmission Line Relocation portion of the Woodward Public Improvements Project.

8. Items Relating to Appropriating Prior Year Reserves and Unanticipated Revenue in Various City Funds and Authorizing the Transfer of Appropriated Amounts between Funds or Projects.

- A. First Reading of Ordinance No. 140, 2014, Appropriating Prior Year Reserves and Unanticipated Revenue in Various City Funds and Authorizing the Transfer of Appropriated Amounts Between Funds or Projects.
- B. First Reading of Ordinance No. 141, 2014, Appropriating Prior Year Reserves in the Benefits Fund for Unanticipated Expenditure Increases.
- C. First Reading of Ordinance No. 142, 2014, Appropriating Prior Year Reserves in the Transportation Services Fund to be Used to Cover Snow Removal Expenses.
- D. First Reading of Ordinance No. 143, 2014, Appropriating Prior Year Reserves in the Self-Insurance Fund for Insurance Expenses.

The purpose of this item is for the Annual Year-End Adjustment. This year it is comprised of 4 separate ordinances. Ordinance No. 140, 2014, is for the appropriation of non-controversial expenses related to unanticipated revenue, grants, and unforeseen costs that had not previously been budgeted. Ordinance No. 141, 2014, appropriates funds from the Benefits Fund to cover unanticipated expenditures and employee benefits. Ordinance No. 142, 2014, appropriates funds for snow removal for the remainder of 2014 as the entire snow removal budget has been spent. Ordinance No. 143, 2014, appropriates prior year reserves for property and liability claims that are expected to exceed budget.

9. Items Relating to Ethics Review Board Code Changes

- A. First Reading of Ordinance No. 144, 2014, Amending Section 2-569 of the City Code Pertaining to Procedures of the Ethics Review Board.
- B. First Reading of Ordinance No. 145, 2014, Amending Section 2-568(a) of the City Code Pertaining to Definitions Applicable to Ethical Rules of Conduct.

The purpose of the first ordinance is to adopt revisions to the City Code to simplify and expedite the process of initiating Ethics Review Board review of ethics complaints and to update provisions related to alternative composition of the Board in the event members of the Board are themselves the subject of a complaint. The second ordinance is intended to incorporate into the City Code the definitions related to conflicts of interest that are specified in the City Charter, and to add new definitions to assist in the interpretation and application of the conflicts of interest provisions in the City Charter and City Code.

10. First Reading of Ordinance No. 146, 2014, Revising Chapter 26 of the City Code Regarding Payments in Lieu of Taxes and Franchise Fees, and Specifying that the Operation and Maintenance of the Street Lighting System is an In Kind Payment by the Light & Power Fund in Lieu of Taxes and Franchise Fees.

The purpose of this item is to codify the longstanding City policy and practice whereby the Light & Power Fund has been responsible for providing municipal street lighting as an in-kind payment to the General Fund as part of the Electric Utility's payment in lieu of taxes and franchise fees. The Ordinance also revises the language related to the Water and Wastewater Funds' required 6% payment to the General Fund to clarify that this is a payment in lieu of taxes and franchise fees (as opposed to just a payment in lieu of taxes). This change is consistent with Article V, Section 23 of

the City Charter and with the wording used in City Code to reference the same fee paid by the Light & Power Fund.

11. Items Relating to City Code Clarifications for Plant Investment Fees.

- A. First Reading of Ordinance No. 147, 2014, Amending Chapter 26 of the City Code to Revise Water Plant Investment Fees, Excess Water Surcharge Rates and Raw Water Requirements for Meters Larger Than Two Inches in Size.
- B. First Reading of Ordinance No. 148, 2014, Amending Section 26-284 of the City Code to Clarify the Calculation of Infiltration and Inflow in Determining Sewer Plant Investment Fees.

The purpose of this item is to address several sections of Chapter 26 of the City Code relating to how plant investment fees are calculated and when the Excess Water Use Surcharge is applicable. These changes do not impact the amount charged for plant investment fees or the Excess Water Use Surcharge but rather seek to clarify the exact calculation of the fees.

12. First Reading of Ordinance No. 149, 2014 Approving a First Amendment to the Agreement with Woodward, Inc.

The purpose of this item is to amend the Agreement with Woodward, Inc. and the Fort Collins Downtown Development Authority by changing a key date in the requirement of the City Manager to present City Council with a package to renew the Building on Basics dedicated sales tax including funding for Lincoln Boulevard Improvements.

On April 2, 2013, City Council approved (6-1; Nays: Ohlson) on Second Reading the "Agreement with Woodward, Inc." relating to the relocation and construction of the company's headquarters and expanding its manufacturing and office facilities (the "Agreement"). The Fort Collins Downtown Development Authority ("DDA") is also a party to the Agreement. The Agreement authorized a business assistance package that includes the reimbursement and rebate of taxes and contemplates construction of several public improvement projects.

One aspect of the Agreement (Section 4.1(d)) relates specifically to improvements to Lincoln Boulevard. The Agreement contemplates that the City Manager will submit a package for City Council's consideration that would help fund these improvements "by a renewal of the Building on Basics dedicated sales tax...on a schedule to allow consideration of that measure by voters no later than November 2014." The current schedule contemplates consideration of a renewal of the Building on Basics dedicated sales tax in April 2015. Therefore, the Agreement requires amendment to reflect the new schedule and date.

13. First Reading of Ordinance No. 150, 2014, Vacating a City Trail Easement and Any Associated Rights on Colorado State University Property Between Centre Avenue and Bay Road.

The purpose of this item is to vacate a trail easement, located between Centre Avenue and Bay Road, that was obtained from Colorado State University Research Foundation (CSURF) in 1979 (including any prescriptive rights that may exist). This segment of the Spring Creek trail was replaced with a new and superior alignment in 2013 from an additional trail easement obtained from Colorado State University (CSU) and Colorado State University Research Foundation.

14. Resolution 2014-096 Adopting an Updated Process for City Council Evaluation of the Performance of the City Manager, City Attorney and Municipal Judge.

The purpose of this item is to modify the performance evaluation process for the City Manager, City Attorney and Municipal Judge (Employees) to allow for flexibility in the methods used to gather input from Councilmembers for the annual performance review and to remove the requirement for a separate meeting with the Mayor, Mayor Pro Tem and each Employee to discuss the Employee's compensation and benefits.

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, Police Accreditation Award.

- **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.

NON-BUDGET RELATED DISCUSSION ITEMS

15. Items Relating to the Disposable Bags Referendum Petition. (staff: Wanda Nelson; 5 minute staff presentation; 45 minute discussion)

A. Presentation of a Certified Petition Seeking to Repeal Ordinance No. 099, 2014, Amending Chapter 12 of City Code to Establish Regulations Regarding Disposable Bags. (No Action Needed)

AND

B. First Reading of Ordinance No. 151, 2014, Repealing Ordinance No. 099, 2014, Amending Chapter 12 of City Code to Establish Regulations Regarding Disposable Bags.

OR

C. First Reading of Ordinance No. 152, 2014, Calling a Special Election for the Purpose of Submitting to the Registered Electors a Citizen Referendum of Ordinance No. 099, 2014 Amending Chapter 12 of the Code of the City of Fort Collins Establishing Regulations Regarding Disposable Bags

OR

- D. Resolution 2014-097 Referring Ordinance No. 099, 2014, Amending Chapter 12 of City Code to Establish Regulations Regarding Disposable Bags to a Vote of the Registered Electors of the City at the Next Regular Municipal Election on April 7, 2015.

On September 29, 2014, a referendum petition was filed with the City Clerk's Office seeking to repeal Ordinance No. 099, 2014, Amending Chapter 12 of City Code to Establish Regulations Regarding Disposable Bags. On October 10, 2014, the City Clerk determined that the referendum petition was sufficient, absent a protest being filed by the October 9 deadline.

Upon presentation to the Council of a petition certified as sufficient for referendum, the operation of the ordinance in question is automatically suspended pending repeal by the Council or final determination by the voters. If the ordinance is not repealed, the Council must refer the ordinance to a vote of the registered electors at the next regular or special City election scheduled for any other purpose.

If the Council chooses to refer the measure to the voters, the Council may call a special election for this specific purpose. The earliest practical opportunity for a special election would be January 2015.

If the Council chooses to wait until April 2015 to have the voters consider this issue, Resolution 2014-097 is presented to place the issue on the ballot and set the ballot language. If Council opts for a special election on another date, a revised Resolution will be presented to Council on November 4 in conjunction with Second Reading of the Ordinance calling the special election.

16. Resolution 2014-098 Establishing Priority Actions to Create Zero Waste in Fort Collins. (staff: Susie Gordon; 10 minute staff presentation; 20 minute discussion)

The purpose of this item is to present a resolution that expresses commitment to Fort Collins' goal of Zero Waste by 2030. The resolution enumerates strategic actions for the City to take now and in coming years, which were developed for the Road to Zero Waste Plan to deliberately and systematically drive progress forward over the next decades.

17. Second 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: Mike Beckstead, Kevin Gertig, Ken Mannon, Wendy Williams; no staff presentation; 20 minute discussion)

This Ordinance, unanimously adopted on First Reading on October 14, 2014, provides funding for the construction of a new Utility 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.

2015 BUDGET-RELATED DISCUSSION ITEMS

18. First Reading of Ordinance No. 153, 2014, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2015; Adopting the Budget for the Fiscal Years Beginning January 1, 2015, and Ending December 31, 2016; and Fixing the Mill Levy for Fiscal year 2015. (staff: Darin Atteberry, Mike Beckstead; 5 minute staff presentation; 45 minute discussion)

The purpose of this item is to present the Annual Appropriation Ordinance for First Reading. This Ordinance sets the City Budget for the two-year period (2015–16) which becomes the City's financial plan for the next two fiscal years. This Ordinance sets the amount of \$552,694,350 to be appropriated for fiscal year 2015. Including the 2015 adopted budgets for the General

Improvement District (GID) #1 of \$1,193,565 and General Improvement District (GID) #15 (Skyview) of \$1,000 as well as the Urban Renewal Authority (URA) of \$2,408,457 the total City operated appropriations amount to \$556,297,372.

This Ordinance also sets the 2015 City mill levy at 9.797 mills, unchanged since 1991.

19. Items Relating to Utility Rates, Fees and Charges for 2015. (staff: Lance Smith; 5 minute staff presentation; 20 minute discussion)

- A. First Reading of Ordinance No. 154, 2014, Amending Chapter 26 of the City Code to Revise Electric Rates, Fees and Charges.
- B. First Reading of Ordinance No. 155, 2014, Amending Chapter 26 of the City Code to Revise Electric Development Fees and Charges.
- C. First Reading of Ordinance No. 156, 2014, Amending Chapter 26 of the City Code to Revise Wastewater Rates, Fees, and Charges.

The purpose of this item is to consider two Ordinances adjusting electric rates and fees and one Ordinance adjusting wastewater service rates for 2015. The City Manager's Recommended 2015 City Budget includes small rate increases in the electric and wastewater utilities. The 1.9% electric rate increase is necessary due to increased operation and maintenance costs associated with the generation and transmission of the energy. The 3.0% wastewater rate increase is necessary to meet long term capital improvement needs due to anticipated regulatory changes and aging infrastructure.

2015 Proposed Rate Adjustments		
Utility	Proposed Adjustment	Development Fees to Be Adjusted?
Electric	1.9%	Yes
Water	-	-
Wastewater	3.0%	-
Stormwater	-	-

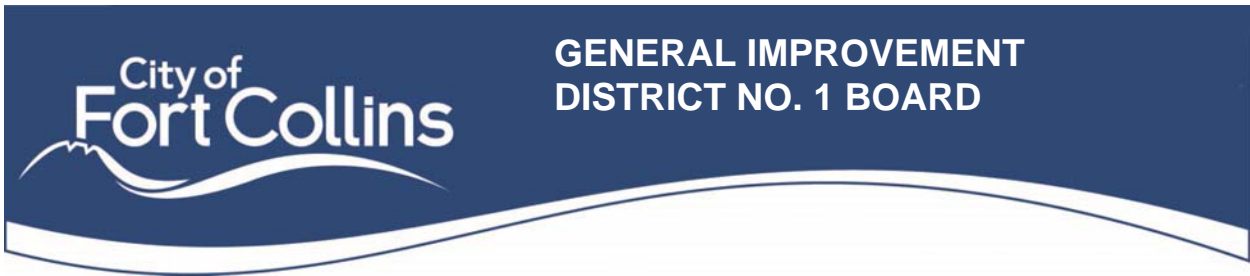
The table above shows the overall changes in the operational revenues for each utility due to the proposed rate increases. In the discussion below the rate class specific adjustments are given for electric service. The proposed wastewater rate increase would be the same for all rate classes based on the wastewater cost of service study adjustments which were made for 2014.

Electric development fee changes are proposed due to changes in material costs. Water and wastewater plant investment fees were updated for 2014 and will not be updated again until 2016.

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

A. Council will consider a motion to adjourn to 6:00 p.m., Tuesday October 28, 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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General Improvement District No. 1 Meeting October 21, 2014 (after the Regular Council Meeting)

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

1. First Reading of Ordinance No. 066, Determining and Fixing the Mill Levy for the General Improvement District No. 1 for the Fiscal Year 2015; Directing the Secretary of the District to Certify such Levy to the Board of Commissioners of Larimer County; and Making the Fiscal Year 2015 Annual Appropriation (staff: Mike Beckstead; 3 minute staff presentation; 5 minute discussion)

The sum of \$276,000 is anticipated to be collected from the mill levy of 4.924 mills for fiscal year 2015 imposed within the General Improvement District No. 1 (GID) boundaries. Additional revenue for GID No. 1 from automobile specific ownership taxes, ad valorem taxes, and interest earnings are anticipated to total \$38,000 resulting in an expected revenue total of \$314,000 for 2015.

In addition, the 2015 budget will include the use of \$920,000 from GID No. 1 reserves to contribute to the \$3 million makeover of Old Town Square that is being led by the Downtown Development Authority (DDA).

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



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Skyview South General Improvement District No. 15 Meeting October 21, 2014 (after the General Improvement District No. 1 Meeting)

- CALL MEETING TO ORDER**

- First Reading of Ordinance No. 006, Determining and Fixing the Mill Levy for the Skyview South General Improvement District No. 15 for the Fiscal Year 2015; Directing the Secretary of the District to Certify Such Levy to the Board of Commissioners of Larimer County; and Making the Fiscal Year 2015 Annual Appropriation. (staff: Mike Beckstead; 3 minute staff presentation; 5 minute discussion)

This Ordinance includes the annual appropriation for 2015 of \$1,000. The sum of \$24,700 is anticipated to be collected from the mill levy of 10.0 mills for fiscal year 2015. Additional revenue for the General Improvement District (GID) No. 15 ("GID No. 15") from interest earnings is anticipated to generate \$370. The total 2015 revenue for GID No. 15 is expected to be \$25,070. The total amount will be used in the future to maintain and repair roads in the Skyview subdivision.

- OTHER BUSINESS**

- ADJOURNMENT**