



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

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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 December 2, 2014**

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

- A. Proclamation Declaring December 9, 2014 as Colorado Gives Day.
- B. Proclamation Declaring December 10, 2014 as International Human Rights Day and Recognizing the Winners of the Human Rights Awards.

### **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 November 4, 2014 Regular Council Meeting and the November 12, 2014 Adjourned Council Meeting.

The purpose of this item is to approve the minutes from the November 4, 2014 Regular Council meeting and the November 12, 2014 Adjourned Council meeting.

2. Second Reading of Ordinance No. 165, 2014, Appropriating Unanticipated Revenue for the Senior Center Expansion Project and Transferring Appropriations to the Cultural Services and Facilities Fund for Art in Public Places Program.

This Ordinance, unanimously adopted on First Reading on November 18, 2014, appropriates an additional \$10,000 to the Senior Center Expansion Project. These additional funds were raised by the Senior Center Expansion Committee and will be used toward the cost of constructing a 22-foot x 46-foot storage garage at the far west end of the new parking lot.

3. Second Reading of Ordinance No. 166, 2014 Amending Section 20-92 of the Code of the City of Fort Collins Pertaining to Inoperable Motor Vehicles.

This Ordinance, unanimously adopted on First Reading on November 18, 2014, amends the inoperable motor vehicle ordinance to improve its enforceability in light of the general purpose for the provision, which is to prohibit the storage of inoperable vehicles within ordinary public view.

4. Second Reading of Ordinance No. 167, 2014, Appropriating Unanticipated Revenue in the Home Investment Partnership Program Fund.

Ordinance No. 167, 2014, unanimously adopted on First Reading on November 18, 2014, appropriates HOME Program Income received between April 1, 2014 and September 30, 2014 for affordable housing and planning/administration uses.

5. Second Reading of Ordinance No. 168, 2014, Designating the William and Violet Jackson/Robert Bailey Property, 1306 West Mountain Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

This Ordinance, unanimously adopted on First Reading on November 18, 2014, designates the William and Violet Jackson/Robert Bailey Property at 1306 West Mountain Avenue as a Fort Collins landmark. The owner of this property, Robert Bailey, is initiating this request.

6. First Reading of Ordinance No. 169, 2014, Appropriating Funds from the City's General Fund Reserves for Transfer to the Fort Collins Urban Renewal Authority for the Purpose of URA Reimbursements for the Prospect Station Project, and Approving a Loan Agreement for that Purpose.

The purpose of this item is to appropriate funds from the City's General Fund Reserves for transfer to the Fort Collins Urban Renewal Authority for the purpose of URA Reimbursements for the Prospect Station Project, and approve a Loan Agreement for that purpose.

7. First Reading of Ordinance No. 170, 2014, Amending Ordinance No. 143, 2014, to Correct the Appropriation of Prior Year Reserves to be From the Self-Insurance Fund Rather than from the General Fund for Insurance Expenses

The purpose of this item is to make a correction to adopted Ordinance No. 143 so that \$610,000 of prior year reserves needed to fund the City's worker's compensation, property and liability claim payments for the remainder of 2014 are appropriated from the Self-Insurance Fund rather than from the General Fund.

8. First Reading of Ordinance No. 171, 2014, Adopting the 2014 Larimer County Transportation Capital Expansion Fee Schedule.

The purpose of this item is to adopt the 2014 Larimer County Transportation Capital Expansion Fee Schedule (Regional Road Fee) as determined by the Intergovernmental Agreement with Larimer County.

9. First Reading of Ordinance No. 172, 2014, Amending the Code of the City of Fort Collins to Increase the Amounts of the Capital Improvement Expansion Fees Contained in Chapter 7.5 of the Code so as to Reflect Inflation in Associated Costs of Services.

The purpose of this item is to update the City Code, which requires an annual adjustment to certain building permit related fees. Capital Improvement Expansion fees and Neighborhood Parkland fees are to reflect the changes in the Denver-Boulder-Greeley Consumer Price Index (CPI). Street Oversizing fees are adjusted by the changes posted in the Engineering News Record (ENR). The CPI has increased 2.9% since its last adjustment and the ENR has not changed significantly enough to warrant an adjustment.

10. First Reading of Ordinance No. 173, 2014, Amending Various Provisions in Chapter 7 of the Code of the City of Fort Collins Relating to Elections.

The purpose of this item is to amend City Code provisions relating to the registration of municipal electors, the conduct of mail ballot elections, and the filing of campaign finance reports.

11. First Reading of Ordinance No. 174, 2014, Amending Chapter 15, Article XIV of the Code of the City of Fort Collins Regarding Outdoor Vendors.

The purpose of this item is to amend Chapter 15 of the City Code regarding Outdoor Vendors with amendments to further support the outdoor vending community. In 2012, City Council adopted new outdoor vendor regulations based on a comprehensive study completed by staff. Since the inception of the new regulations, staff has been monitoring the activity and working with the mobile vending community to address opportunities for improvement to the Code. In May 2014, City Council adopted two minor amendments as part of a phased approach. Staff is recommending an additional amendment to further support the outdoor vending community's request to hold larger gatherings on a more frequent basis. A corresponding amendment is being recommended to the City's Land Use Code.

12. First Reading of Ordinance No. 176, 2014, Authorizing the Conveyance of a Non-Exclusive Utility Easement on North Shields Ponds Natural Area to East Larimer County Water District .

The purpose of this item is to authorize the conveyance of a non-exclusive utility easement to East Larimer County Water District on North Shields Ponds Natural Area. Larimer County has requested that East Larimer County Water District (ELCO) relocate an existing meter vault that resides in the right of way along the western side of North Shields Street as a part of the larger North Shields Street widening project. The new vault will reside in a location within the same gravel parking lot as it is currently located at North Shields Ponds Natural Area. Because the new location will be outside the right-of-way, a non-exclusive easement will be needed from the City.

13. First Reading of Ordinance No. 177, 2014, Authorizing the Conveyance of a Shared Access Easement to Michael and Carleen Birchette across City Property on Ackerman Court.

The purpose of this item is to authorize the conveyance of a shared access easement between the City and Michael and Carleen Birchette across a private road called Ackerman Court. The City of Fort Collins Natural Areas Department owns property immediately north of the Poudre River and east of Shields Street known as McMurry Natural Area. Michael and Carleen Birchette own a small tract of adjoining land. The access to the two properties is by means of an existing private road, Ackerman Court, of which a portion falls on to each property. In order to establish an easement of record and the allowed use of the private road by each party, the Natural Areas Department and Birchettes have proposed the conveyance of a shared access easement allowing both parties the right to use the private road for access purposes.

14. Resolution 2014-108 Authorizing the Purchasing Agent to Lease Additional Equipment Under the City's Standard Master Lease Agreement with Pinnacle Public Financing, Inc. and to Enter Into a First Amendment to that Standard Master Lease Agreement.

The purpose of this item is to request approval of the lease-purchase of vehicles and equipment for the cost of \$1,255,550 under the City's Master Lease Agreement with Pinnacle Public Finance (the "Agreement") and to approve a "First Amendment" to that Agreement. Quarterly Payments of \$66,551.14 at the 2.25% interest rate will not exceed \$266,205 in 2015. Money for 2015 lease-purchase payments is included and appropriated in the 2015 budget. A competitive process was used to select Pinnacle Public Finance for this Agreement. A 2014 Finance Department analysis of current and historical equipment lease financing arrangements showed that lease-purchase is in the best interest of the City given the interest rate offered for the lease. Staff believes acceptance of this lease rate is in the City's best interest.

15. Routine Deed and Easement

The purpose of this item is to have Council accept a Deed of Dedication for road right-of-way and drainage easement from Cottonwood Land and Farms, LLC (Cottonwood).

## 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.

16. Consideration of Two Appeals of the Administrative Hearing Officer's September 9, 2014 Remand Hearing Decision to Approve the Summit on College Parking Structure, Major Amendment. (staff: Seth Lorson; 15 minute staff presentation; 2 hour discussion)

Two separate parties filed a Notice of Appeal; the grounds for appeal are as follows:

Appellant Councilmember Cunniff:

- Failure to properly interpret and apply relevant provisions of the City Code, the Land Use Code and Charter.

Appellant Jeffrey Leef et al.:

- Failure to conduct a fair hearing in that:
  - The board, commission or other decision maker exceeded its authority or jurisdiction as contained in the Code or Charter;
  - The board, commission or other decision maker considered evidence relevant to its findings which was substantially false or grossly misleading.
- Failure to properly interpret and apply relevant provisions of the City Code, the Land Use Code and Charter.

17. First Reading of Ordinance No. 175, 2014, Making Various Amendments to the Land Use Code. (staff: Ted Shepard; 5 minute staff presentation; 30 minute discussion)

The purpose of this item is to adopt a variety of revisions, clarifications and additions to the Land Use Code that have been identified since the last update in July 2014.

18. Resolution 2014-109 Approving and Accepting the Colorado State University On-Campus Stadium Mitigation Report and Expressing the Policy of the City with Respect to Necessary Methods of Mitigation of Impacts Generated by an On-Campus Stadium. (staff: Karen Cumbo, Mark Jackson, Laurie Kadrich; 10 minute staff presentation; 1 hour discussion)

The purpose of this item is to provide a report on the impacts of a proposed on-campus stadium, and to establish a framework for an intergovernmental agreement with Colorado State University (CSU) to mitigate the impacts through operational planning and management, implementation of infrastructure improvements, and establishment of neighborhood mitigation advisory groups and funding. If CSU elects to build an on-campus stadium, staff recommends the City negotiate a detailed intergovernmental agreement to address the impacts, including the funding of infrastructure improvements, operational needs, and neighborhood mitigation.

19. Second 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. (staff: Steve Catanach, Lance Smith, Janet McTague; no staff presentation; 5 minute discussion)

This Ordinance, adopted on First Reading on November 18, 2014, by a vote of 3-2 (Nays: Weitkunat, Troxell; Campana recused; Poppaw absent) revises the City Code provisions relating to Electric Development Fees, in particular, Electric Capacity Fee Charges. The Ordinance clarifies that the fees due are based on the rates effective on the date of final payment.

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

A. Council will consider motion to adjourn to December 9, 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.