



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 December 16, 2014 (Revised 12/15/14)

Proclamations and Presentations 5:30 p.m.

A. Proclamation Declaring December as Cub Scout Pack 116 22nd Anniversary Celebration.

Regular Meeting 6:00 p.m.

- PLEDGE OF ALLEGIANCE – Colors will be presented by Cub Scout Pack 116
- 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 may comment regarding items scheduled on the Consent Calendar and items not specifically scheduled on the agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process** and not to the Council.

- Those who wish to speak are asked to sign in at the table in the lobby (for recordkeeping purposes).
- All speakers will be asked by the presiding officer to identify themselves by raising their hand, and then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).
- The presiding officer will determine and announce the length of time allowed for each speaker.
- Each speaker will be asked to state his or her name and general address for the record, and to keep comments brief. Any written comments or materials intended for the Council should be provided to the City Clerk.
- A timer will buzz once and the timer light will turn yellow to indicate that 30 seconds of speaking time remain, and will buzz again and turn red when a speaker's time to speak has ended.

[**For questions about the development review process or the status of any particular development, citizens should consult the Development Review Center page on the City's website at fcgov.com/developmentreview, or contact the Development Review Center at 221-6750.]

● **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 18, 2014 Regular Council Meeting and November 25, 2014 Adjourned Council Meeting.

The purpose of this item is to approve the minutes from the November 18, 2014 Regular Council meeting and the November 25, 2014 Adjourned Council meeting.

2. Second 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 Electric Utility's fiscal responsibility for providing municipal street lighting as an in-kind franchise fee payment to the General Fund. 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). The second 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.

The Ordinance was adopted on First Reading on October 28, 2014 by a vote of 4-2 (nays: Overbeck and Cunniff, absent: Poppaw) with direction that staff further review the item with the Council Finance Committee prior to Second Reading.

The City Council Finance Committee discussed this item on November 17, 2014 and recommended that if the Ordinance is approved, staff should provide more transparency to electric customers that the cost of street lighting is included in the electric rates. If approved, the back of the utility bill will be revised to show that approximately 1.2% of the electric bill is used to fund the operation and maintenance of the City's street lighting system. This is approximately \$0.78 per month for a typical residential customer. Staff will also highlight street lighting costs through additional customer outreach and communications.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on December 2, 2014, appropriates 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.

4. Second 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

This Ordinance, unanimously adopted on First Reading on December 2, 2014, corrects 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.

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

This Ordinance, unanimously adopted on First Reading on December 2, 2014, adopts the 2014 Larimer County Transportation Capital Expansion Fee Schedule (Regional Road Fee) as determined by the Intergovernmental Agreement with Larimer County.

6. Second 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.

This Ordinance, unanimously adopted on First Reading on December 2, 2014, updates 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.

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

This Ordinance, unanimously adopted on First Reading on December 2, 2014, amends City Code provisions relating to the registration of municipal electors, the conduct of mail ballot elections, and the filing of campaign finance reports.

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

This Ordinance, unanimously adopted on First Reading on December 2, 2014, amends 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.

9. Second Reading of Ordinance No. 175, 2014, Making Various Amendments to the Land Use Code.

This Ordinance, unanimously adopted on First Reading on December 2, 2014, adopts a variety of revisions, clarifications and additions to the Land Use Code that have been identified since the last update in July 2014.

10. Second 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.

This Ordinance, unanimously adopted on First Reading on December 2, 2014, authorizes 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.

11. Second 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.

This Ordinance, unanimously adopted on First Reading on December 2, 2014, authorizes 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.

12. First Reading of Ordinance No. 181, 2014, Authorizing the Acquisition by Eminent Domain of Certain Lands Necessary to Construct Public Improvements in Connection with the Drake and Shields Intersection Improvements Project.

The purpose of this item is to obtain authorization from City Council to use eminent domain, if deemed necessary, to acquire property interests needed to construct improvements at the Drake Road and Shields Street intersection. The Drake Road and Shields Street Intersection Improvements Project will construct right turn lanes on northbound and southbound Shields Street, bicycle lanes, and medians for safety and air quality improvements at the intersection. The project is planned to begin construction in the summer 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 three 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.

13. First Reading of Ordinance No. 182, 2014, Authorizing the Acquisition by Eminent Domain of Certain Lands Necessary to Construct Public Improvements Related to the Mason Corridor Bus Rapid Transit Project.

The purpose of this item is to provide City Council authorization to utilize eminent domain, if necessary, to acquire property interests which are necessary to provide intersection improvements at McClelland Drive and Drake Road in order to enhance safety and service for the MAX Bus Rapid Transit System (MAX). As a federally funded transportation project, acquisitions will conform to the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (Public Law 91-646). In accordance with this act, property owners must be informed about the possible use of eminent domain and their rights pursuant to the act through an official Notice of Interest Letter. Authorization from City Council is needed prior to sending this information to property owners. Staff requests authorization to utilize eminent domain for the MAX Project, if necessary, and only if good faith negotiations break down.

14. Resolution 2014-110 Adopting the 2014 Update to the Three-Mile Plan for the City of Fort Collins.

The purpose of this item is to update the *Three-Mile Plan for the City of Fort Collins, Colorado* (Plan). The Plan is a policy document for coordinating future annexation and provision of services, required to be updated annually per Colorado Revised Statutes. Section 31-12-105 of state statutes requires that cities complete a plan within three miles in any direction from any point of its municipal boundary. The Plan describes the general location, character, utilities, and infrastructure for areas of potential annexation. This state-required annual update is routine and recurring, and highlights the 2014 changes to approved plans and other documents applicable to those areas defined in the state statutes. There are very few changes in this year's annual update from the 2013 update.

15. Items Relating to Intergovernmental Agreements for Mutual Aid for Emergency and Non-Urgent Events.

- A. Resolution 2014-111 Approving an Intergovernmental Agreement Among the City of Fort Collins and Other Governmental Entities Regarding Disaster-Emergency Mutual Aid and Disaster-Emergency Funding Assistance.
- B. Resolution 2014-112 Approving an Intergovernmental Agreement with Platte River Power Authority and Other Local Governments Affiliated with Platte River Power Authority for Non-Emergency Responses for Utility Network Assistance.

The purpose of this item is to approve two separate mutual aid Intergovernmental Agreements (IGAs). Resolution 2014-111 approves a uniform IGA among government entities lying within or in close proximity to northern Colorado, establishing the protocol for disaster emergency mutual aid and disaster emergency funding assistance. Resolution 2014-112 approves a utility network

assistance IGA that provides cooperation and coordination with Platte River Power Authority and the four founding municipalities: the Cities of Fort Collins, Loveland, and Longmont; and the Town of Estes Park.

16. Resolution 2014-113 Making Findings of Fact and Conclusions of Law Regarding the Appeal of September 9, 2014, Administrative Hearing Officer Decision Regarding the May 20, 2014, City Council Remand of the Major Amendment to the Summit on College Project Development Plan.

The purpose of this item is to consider the Resolution making findings of fact and conclusions regarding the two Appeals of the Administrative Hearing Officer's September 4, 2014 Remand Decision to Approve the Summit on College Parking Structure, Major Amendment.

Two separate parties filed a Notice of Appeal concerning the Hearing Officer's September 4, 2014 Remand Decision to Approve the Summit on College Parking Structure, Major Amendment.

On December 2, 2014, City Council voted 7-0 on the motion that the Hearing Officer conducted a fair hearing in approving the Major Amendment; and voted 7-0 that the Hearing Officer did not fail to properly interpret and apply relevant provisions of the Land Use Code, specifically Section 3.4.1(I)(2) and 3.5.1(J), and added conditions to the project's approval.

17. Resolution 2014-114 Approving an Intergovernmental Agreement Between the City of Fort Collins and the Poudre Fire Authority Regarding the Provision of Legal Services.

The purpose of this item is to approve an intergovernmental agreement ("IGA") with the Poudre Fire Authority ("PFA") authorizing the City Attorney to provide legal advice to the PFA under certain circumstances. The IGA will authorize the City attorney and his or her staff to provide non-exclusive legal services on a matter-by-matter basis to the PFA in situations where there is not a direct conflict of interest between the two entities and where the City Attorney has the capacity and resources to provide the service. The PFA will pay the City an annual amount equal to 10% of the yearly salary of one full-time attorney in the City Attorney's Office. For 2015, the payment amount will be Seventeen Thousand Seven Hundred Fifty Dollars (\$17,750).

18. Resolution 2014-115 Making Appointments to Various Boards, Commissions and Authorities of the City of Fort Collins.

The purpose of this item is to appoint individuals to fill vacancies that currently exist on various boards, commissions, and authorities due to resignations of board members and the expiration of terms of current members. Applications were solicited during September and October. Council teams interviewed applicants during November and December. This Resolution appoints individuals to fill current vacancies and expiring terms.

This Resolution does not fill all vacancies. Interviews are continuing, and any remaining vacancies will be advertised as needed.

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.

19. Resolution 2014-116 Approving the 2014 Bicycle Master Plan. (staff: Tessa Greigor; 10 minute staff presentation; 30 minute discussion)

The purpose of this item is to seek City Council approval of the 2014 Bicycle Master Plan (2014 Plan). The 2014 Plan has been developed over the course of the past 14 months. The 2014 Plan is oriented around the year 2020, and recommends a comprehensive set of bicycle program, policy and network strategies to increase the safety and accessibility of bicycling in Fort Collins for people of all ages and abilities. The 2014 Plan reflects extensive input from the community, a data-driven process, and best practices for achieving a world-class city for bicycling.

20. Resolution 2014-117 Selecting a Name for a 31-Acre Natural Area. (staff: John Stokes; 5 minute staff presentation; 15 minute discussion)

The purpose of this item is to review and select a name for a new 31-acre Natural Area. The property is located next to Woodward Governor's new headquarters and the Poudre River. The staff recommended name for the site is "Homestead Natural Area." The Land Conservation and Stewardship Board supports this recommendation.

21. Items Relating to the a Leadership Committee with Colorado State University. (staff: Darin Atteberry; no staff presentation; 5 minute discussion)

A. Resolution 2014-118 Authorizing the Formation of a Leadership Committee with Colorado State University and Modifying the Composition of the Previously Established City/CSU Liaison Committee.

B. Resolution 2014-119 Appointing Two Representatives to the City/CSU Leadership Committee.

Resolution 2014-118 authorizes the formation of a Leadership committee with Colorado State University (CSU) to strengthen town/gown relationships and discuss and address matters of mutual interest to the City and CSU. The Committee will consist of two Councilmembers, the City Manager, the President of CSU, and a local CSU Board of Governors representative and will meet 2 or more times per year. This Resolution also modifies the previously established City/CSU Liaison Committee by removing the City Councilmember and City Manager's participation so as to provide for a more administrative focus of that committee's efforts. Resolution 2014-119 appoints two City Councilmembers to the newly formed City/CSU Leadership Committee.

22. Resolution 2014-120 Accepting Advisory Opinion and Recommendation No. 2014-2 of the Ethics Review Board. (staff: Carrie Daggett; 3 minute staff presentation; 10 minute discussion)

The purpose of this item is to submit the opinion of the Ethics Review Board to Council for its consideration and possible approval.

23. Items Relating to the Employment of the Municipal Judge. (staff: Amy Sharkey; 2 minute staff presentation; 10 minute discussion)

A. Resolution 2014-121 Reappointing Kathleen M. Lane as Municipal Judge and Authorizing the Eleventh Addendum to the Judge's Employment Agreement.

B. First Reading of Ordinance No. 178, 2014, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Municipal Judge.

City Council met in executive session on November 12, 2014, to conduct the performance review of Municipal Judge Kathleen Lane. Resolution 2014-111 reappoints Judge Lane for another two-year term to expire December 31, 2016 and authorizes the Mayor to execute an addendum to the Judge's employment agreement to reflect the change in term. Ordinance No. 178, 2014, establishes the 2015 salary of the Municipal Judge.

24. First Reading of Ordinance No. 179, 2014, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the Interim City Attorney. (staff: Amy Sharkey; 2 minute staff presentation; 10 minute discussion)

The purpose of this item is to set the 2015 salary for the Interim City Attorney. City Council met in Executive Session with Interim City Attorney Carrie Daggett on November 12, 2014. This Ordinance establishes the 2015 salary of the Interim City Attorney.

25. First Reading of Ordinance No. 180, 2014, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager. (staff: Amy Sharkey; 2 minute staff presentation; 10 minute discussion)

The purpose of this item is to set the 2015 salary for the City Manager. City Council met in executive session on November 12, 2014 to conduct the performance review of City Manager Darin Atteberry. This Ordinance establishes the 2015 salary of the City Manager.

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

● **OTHER BUSINESS**

A. ~~Council will consider a motion to adjourn into executive session.~~

● **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.