



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 February 3, 2015 Revised 2/2/15

Proclamations and Presentations 5:30 p.m.

- Proclamation Declaring 2015 as Kiwanis Clubs of Fort Collins 100th Anniversary Celebration.

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 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 from the January 6, 2015 Regular Council Meeting and the January 13, 2015 Adjourned Council Meeting.

The purpose of this item is to approve the minutes from the January 6, 2015 Regular Council meeting and the January 13, 2015 Adjourned Council meeting.

2. Second Reading of Ordinance No. 008, 2015, Appropriating Unanticipated Grant Revenue in the Recreation Fund for the Adaptive Recreation Opportunities Program Paralympic Sports Club.

This Ordinance, unanimously adopted on First Reading on January 20, 2015, appropriates \$15,000 of unanticipated grant revenue in the Recreation Fund to be used for general operating support for the Adaptive Recreation Opportunities (ARO) program Paralympic Sport Club. ARO has been selected to receive a grant of \$15,000 from U.S. Department of Veterans Affairs (VA) for Veterans Adaptive Sports Programs serving Disabled Veterans and disabled Members of the Armed Forces, funding cycle of October 2014- September 2015.

3. Second Reading of Ordinance No. 009, 2015, Appropriating Unanticipated Revenue in the Capital Projects Fund for the North College Pedestrian Multi-Use Path Project, Authorizing the Transfer of Appropriations from the Building on Basics Pedestrian Plan and American with Disabilities Improvements Project Into the North College Pedestrian Multi-Use Path Project.

This Ordinance, unanimously adopted on First Reading on January 20, 2015, appropriates federal grant and local funds into the North College Pedestrian Multi-Use Path Project. This project will design and construct pedestrian amenities along North College Avenue between the northern city limits and State Highway 1.

4. Second Reading of Ordinance No. 010, 2015, Amending Chapter 10 of the Code of the City of Fort Collins Relating to Creating a Critical Facilities Floodplain Regulation Exception for Parallel-Connected Solar and Wind Power Generation.

This Ordinance, unanimously adopted on First Reading on January 20, 2015, amends City Code to provide an exception to the critical facilities floodplain regulation for "parallel-connected solar and wind power generation." This would allow solar and wind power generating stations that are also connected to the grid to be located in the floodplain and not prohibited under the critical facilities regulation of Chapter 10 of City Code.

5. Second Reading of Ordinance No. 011, 2015, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Article XIII of the City Charter Pertaining to the Definition of "Service Area".

This Ordinance, unanimously adopted on First Reading on January 20, 2015, proposes an amendment to the City Charter definition of "Service Area" that, if approved by voters, would correct the Charter definition of "Service Area" to conform to other Charter references providing that City Council shall designate Service Areas via ordinance.

6. First Reading of Ordinance No. 014, 2015, Appropriating Unanticipated Grant Revenue from Federal Fiscal Year 2014 Federal Transit Administration Section 5307 and Section 5339 Grants for Transit Operations and Pass-Through to Partner Transit Agencies.

The purpose of this item is to appropriate funds to provide: local funding in exchange for federal funding to the City's partner transit agencies in the Transportation Management Area (TMA) - the City of Loveland, the Town of Berthoud, and the North Front Range Metropolitan Planning Organization (NFRMPO) and to increase appropriations for Transit operations. The added appropriations for the swap arrangements amount to \$668,616 and the added appropriations for Transit operations amounts to \$210,827 - for a total appropriation request of \$879,443. All appropriations are fully funded with federal grant revenues.

7. Resolution 2015-014 Approving an Exception to the Use of a Competitive Purchasing Process for a Professional Services Contract with Western EcoSystems Technology, Inc.

The purpose of the item is to request an exception to the competitive bid process for the contracting of services for Western EcoSystems Technology, Inc. (WEST), as the alternative is contrary to the City's interests. The City has been pursuing the enlargement of Halligan Reservoir for several years to meet future water supply demands and to provide an emergency storage reserve. The project has been in the federal permitting process with the U.S. Army Corps of Engineers (Corps) since 2006,

which was jointly entered with the City of Greeley for the enlargement of their Seaman Reservoir. The Corps directs third party contractors (3PC) that are paid for by the applicants, which is currently WEST. Recently, the permitting for the two projects was separated, requiring the City to establish a new contract with WEST. Replacement of WEST and selection of a new 3PC would result in significant delays to the permitting process and substantial additional costs to the City.

Exception to Competitive Bidding Rationale:

Code Section 8-161(d)(1)(b). Although there exists more than one (1) responsible source, a competitive process cannot reasonably be used or, if used, will result in a substantially higher cost to the City, will otherwise injure the City's financial interests or will substantially impede the City's administrative functions or the delivery of services to the public.

8. Resolution 2015-015 Authorizing the Initiation of Exclusion Proceedings of Annexed Properties Within the Territory of the Poudre Valley Fire Protection District.

The purpose of this item is to authorize the City Attorney to file a petition in Larimer County District Court to exclude properties annexed into the City in 2014 from the Poudre Valley Fire Protection District (the "District") in accordance with state law. The properties affected by this resolution are Clydesdale Park First Annexation, Clydesdale Park Second Annexation, Kechter Farm Annexation, and Mail Creek Crossing Annexation. C.R.S. Section 32-1-502 requires an order of exclusion from the district court to remove these annexed properties from special district territories. The properties have been receiving fire protection services from the Poudre Fire Authority and will continue to do so. The City Attorney's Office files the petition in Larimer County District Court each year seeking exclusion for all properties annexed in the previous year that should be removed from the District to avoid double taxation.

9. Resolution 2015-016 Finding Substantial Compliance and Initiating Annexation Proceedings for the Interstate Land Holdings Annexation.

THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA

~~The purpose of this item is to determine substantial compliance and initiating annexation proceedings for the Interstate Land Holdings Annexation. The Interstate Land Holdings Annexation project represents an annexation to bring three properties and right of way totaling 22.7 acres located on the northwest corner of the 1-25 and State Highway 392 intersection into Fort Collins municipal boundaries.~~

~~The requested zoning for this annexation is the General Commercial (GC) for the Interstate Land Holdings properties and right of way, and Public Open Lands (P-O-L) for the City owned property. The requested zoning districts are in compliance with the City of Fort Collins *Structure Plan* and the *Fossil Creek Reservoir Area Plan Maps*. A specific project development plan proposal is not included with the annexation application.~~

~~The proposed Resolution makes a finding that the petition substantially complies with the Municipal Annexation Act, determines that a hearing should be established regarding the annexation, and directs that notice be given of the hearing. The hearing will be held at the time of first reading of the annexation and zoning ordinances; not less than thirty days of prior notice is required by State law.~~

10. Resolution 2015-017 Determining that a Single-Lane, Mini Roundabout is the Preferred Alternative for the Intersection of Remington Street and Laurel Street as Part of the Remington Greenway Project.

The purpose of this item is to gain Council approval for the construction of a single-lane, mini roundabout at the intersection of Remington Street and Laurel Street, as directed by Resolution 2001-120. Remington Street is classified as an arterial street, and Laurel Street is classified as a collector street. This intersection is being converted from a signalized intersection to a mini roundabout as part of the Remington Greenway Pilot Project.

11. Resolution 2015-018 Making Appointments to Various Boards and Commissions of the City of Fort Collins.

The purpose of this item is to appoint individuals to fill vacancies that currently exist on various boards and commissions, due to resignations of boardmembers and the expiration of terms of current members. Applications were solicited from September 2014 and Council teams interviewed applicants during November, December, 2014 and January 2015. This Resolution appoints individuals to fill current vacancies and expiring terms.

This Resolution does not fill all vacancies. Interviews are continuing, and vacancies will be readvertised 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.

12. First Reading of Ordinance No. 015, 2015, Amending Article III of Chapter 12 of the Code of the City of Fort Collins Pertaining to Smoking in Public Areas. (staff: Delynn Coldiron, Laurie Kadrich; 15 minute staff presentation; 45 minute discussion)

The purpose of this item is to request expansions to the City's Smoking Ordinance to include a complete smoking ban within the proposed Downtown Smoke-Free Zone, for all City-owned or operated facilities and related grounds, for all Natural Areas, Parks, and Trails, and at all City-approved special events.

This item provides background information, community feedback and survey results, and information about actions taken in other communities. Outreach conducted included the Downtown Development Authority, downtown businesses, and various City boards and commissions.

13. First Reading of Ordinance No. 016, 2015, Appropriating Prior Year's Reserves in the General Fund for Lincoln Neighborhood Improvement Projects and Directing the Formation of a Neighborhood Advisory Committee. (staff: Amy Lewin, Karen Cumbo, Pete Wray; 5 minute staff presentation; 30 minute discussion)

The purpose of this item is to request appropriation of General Funds for design and construction of neighborhood projects identified in the Lincoln Corridor Plan. The Lincoln Corridor Plan was adopted by City Council in May 2014. The Plan includes a list of recommended infrastructure projects in the surrounding neighborhoods. The adopted 2015-2016 budget includes \$556,000 to design and construct approximately half of the projects. Staff seeks appropriation of \$291,000 of General Fund Reserves to complete the remaining short-/mid-term projects.

14. Public Hearing on Ballot Question Protest and Consideration of Related Resolutions. (staff: Wanda Nelson, Ginny Sawyer; 2 minute staff presentation; 30 minute discussion)

ITEM AMENDED 2/2/15

- A. Public Hearing and Motions regarding Sutherland and Pruznick protests.
- B. Resolution 2015-019 Submitting to the Registered Electors of the City an Ordinance Extending the Expiring Twenty-Five Hundredths Percent (0.25%) "Building On Basics" Capital Projects Sales and Use Tax For a Period of Ten Years for the Purpose of Obtaining Revenue for the "Community Capital Improvement Program" Capital Projects and Related Operation and Maintenance, and Superseding Resolution 2015-012.
- C. Resolution 2015-020 Submitting to the Registered Electors of the City at the April 7, 2015 Regular City Election the Question of the Extension of the Expiring Quarter-Cent Sales and Use Tax Used to Fund the City's Street Maintenance Program, and Superseding Resolution 2015-013.

The purpose of this item is to (1) hold a hearing to address a protest of ballot questions and (2) adopt new resolutions establishing ballot language to supersede Resolution 2015-012 and Resolution 2015-013, which were adopted on January 20 concerning expiring taxes for capital projects and street maintenance.

New protests were filed by Eric Sutherland and Michael Pruznick on February 2, 2015.

15. Resolution 2015-021 Making an Appointment to the Art in Public Places Board. (staff: Wanda Nelson; no staff presentation; 5 minute discussion)

Two vacancies currently exist on the Art in Public Places Board due to the expiration of terms of members. By adopting Resolution 2015-018, Council has filled one of those vacancies. Councilmembers Bob Overbeck and Wade Troxell were unable to reach an agreement on a recommendation to fill one vacancy on the Art in Public Places Board. The Council interview team wishes to submit two names for Council's consideration for that position: Ray Tollison and Sabrina Zimmerman.

16. Resolution 2015-022 Appointing an Ad Hoc City Council Committee to Study Alternatives for Time-of-Use Electric Rates and Related Programs. (staff: Lance Smith, Lisa Rosintoski; 2 minute staff presentation; 5 minute discussion)

The purpose of this item is to establish an ad hoc City Council committee to study and make recommendations to the Council by the end of March 2015. This will allow Electric Utility staff to share advantages and disadvantages of different approaches and programs and gain input needed in order to prepare proposed Code changes for Council consideration in the coming months.

Discussions will be around implementing a time-of-use pilot study, how to set a monthly fixed charge as part of a time-of-use rate, and potential low-income rate structures.

17. Council will consider a motion to adjourn into executive session.
18. Council will consider a motion to waive attorney/client privilege regarding the City's authority over Colorado State University projects and will consider other possible actions related to Colorado State University projects.

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

- **OTHER BUSINESS**

- **ADJOURNMENT**

- A. Council will consider a motion to adjourn to 6:00 p.m., Tuesday, February 10, 2015.

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.