



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 17, 2015

Proclamations and Presentations 5:30 p.m.

- None.

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 of the January 20, 2015 Regular Council Meeting.

The purpose of this item is to approve the minutes from the January 20, 2015 Regular Council meeting.

2. Second Reading of Ordinance No. 012, 2015, Amending the Code of the City of Fort Collins to Modify On-Bill Utility Financing Terms and Allow for On-Bill Utility Financing of Business Customers.

This Ordinance, unanimously adopted on First Reading on January 20, 2015, amends City Code to update and expand the on-bill financing pilot program per the recommendations reviewed by Council at the October 28, 2014 work session and subsequent November 17, 2014 Finance Committee meeting. The objective of the On-Bill Financing pilot program (also known as the Home Efficiency Loan Program) is to provide residential utility customers with low-cost financing for energy efficiency, solar photovoltaic, and water conservation improvements to support the outcomes adopted in City of Fort Collins policies and plans, such as the Climate Action Plan, Energy Policy and Water Conservation Plan. The City Code revisions adjust interest rate and fee language and add on-bill financing sections for small business customers. On First Reading, Council discussed two specific topics: increasing the maximum allowable term to twenty years (not to exceed the useful life of the improvements) and reducing the 2015 interest rate from the proposed 4% to 2.5%. Council requested additional information regarding the financial implications of these topics which has been added to the background section. The Ordinance language has been modified to clarify the maximum term (20 years, not to exceed the measure life).

3. Second 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.

This Ordinance, unanimously adopted on First Reading on February 3, 2015, appropriates 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.

4. First Reading of Ordinance No. 017, 2015, Appropriating Unanticipated Grant Revenue and Prior Year Reserves in the Equipment Fund for Electric Vehicle Charging Stations and Natural Gas Vehicles.

The purpose of this item is to appropriate \$67,920 and \$12,177 in grant funds plus the local match of \$16,950 and \$2,435 into the Equipment fund for the purchase of two Natural Gas dump trucks and three Fleet vehicle charging stations.

5. First Reading of Ordinance No. 018, 2015, Appropriating Prior Year Reserves in the General Fund for the Purpose of Supplementing Construction Costs Associated with the Foothills Activity Center and to Transfer Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program.

The purpose of this item is to increase 2015 appropriations in the City's General Fund by \$404,000 for the purposes of supplementing construction costs of the Foothills Activity Center to transfer appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program. This appropriation is necessary to comply with the Second Amendment to the Foothills Mall Redevelopment and Reimbursement Agreement dated August, 2014 in which the City agreed to pay up to \$400,000 of the estimated additional cost to the Activity Center.

6. First Reading of Ordinance No. 019, 2015, Amending Sections 8-106 and 8-108 of the Code of the City of Fort Collins Pertaining to Implementation and Administration of the City's Risk Management Program.

The purpose of this item is to modify City Code Sections 8-106 and 8-108 so that responsibilities related to the management and administration of the City's risk management program are shifted from the City's Purchasing Agent to the Financial Officer or his or her designee.

7. First Reading of Ordinance No. 020, 2015, Extending the Terms of a Non-Exclusive Franchise by the City of Fort Collins to Comcast of California/Colorado LLC and its Successors and Assigns for the Right to Make Reasonable Use Of, and Erect, Construct, Operate and Maintain Through, the Public Rights-of-Way, Easements and Other Public Property Any Equipment Necessary and Appurtenant to the Operation and Maintenance of a Cable System and the Provision of Cable Services to Citizens Within the City.

The purpose of this item is to request the extension of the current Cable Franchise Agreement between the City of Fort Collins and Comcast of California/Colorado, LLC (Comcast) for a period of 90 days. The current agreement expires March 16, 2015. City staff and Comcast representatives are in the very final stages of negotiations, anticipating mutual agreement on the final elements of the new agreement very soon. The proposed extension will maintain the terms and conditions of the existing Franchise for the duration of the extension.

8. First Reading of Ordinance No. 021, 2015, Authorizing the Conveyance of 93 Square Feet of City-Owned Property to Loco Ventures LLC.

The purpose of this item is to authorize the conveyance of 93 square feet of City-owned property to Loco Ventures LLC in order to resolve an encroachment that was a pre-existing condition on property that the City acquired in 2014 as part of the North College Improvements Project - Conifer to Willox.

9. Items Relating to Pineridge Natural Area Encroachments.

- A. First Reading of Ordinance No. 022, 2015, Authorizing the Conveyance of a Portion of City-Owned Property at Pineridge Natural Area to Thomas and Sandra Gerrard.
- B. First Reading of Ordinance No. 023, 2015, Authorizing the Conveyance of a Portion of City-Owned Property at Pineridge Natural Area to Sharon and David Bottoms.
- C. First Reading of Ordinance No. 024, 2015, Authorizing the Conveyance of a Portion of City-Owned Property at Pineridge Natural Area to Mark and Leslie Haynam.
- D. First Reading of Ordinance No. 025, 2015, Authorizing the Conveyance of a Portion of City-Owned Property at Pineridge Natural Area to Barry Johnson and Jane Pollack.
- E. First Reading of Ordinance No. 026, 2015, Authorizing the Conveyance of a Portion of City-Owned Property at Pineridge Natural Area to Martin and Judith Gutschenritter.
- F. First Reading of Ordinance No. 027, 2015, Authorizing the Conveyance of a Portion of City-Owned Property at Pineridge Natural Area to Ward and April Whicker.

The purpose of this item is to resolve six encroachments on Pineridge Natural Area. Six property owners who have significant and long standing encroachments on Pineridge Natural Area are requesting that City Council approve selling them the land they are encroaching upon. While this is highly unusual and certainly not something Natural Areas would normally recommend, both Natural Areas staff and the Land Conservation and Stewardship Board are recommending approval due to the unique circumstances.

10. Resolution 2015-023 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

The purpose of this item is to update and simplify the Rules of Procedure for Council meetings, and to clarify that certain provisions also apply to City Council work sessions.

11. Resolution 2015-026 Making Appointments to the Natural Resources Advisory Board and the Women's Commissions of the City of Fort Collins.

The purpose of this item is to appoint Luke Caldwell and Kelly McDonnell to the Natural Resources Advisory Board; and Elizabeth Donovan, Molly Alderton, and Huston Morse to the Women's Commission. These individuals fill vacancies that currently exist on the respective commission or board, due to resignations of boardmembers and expiration of terms. Applications have been solicited from September 2014 to present. Council teams have conducted interviews from November 2014 to present.

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. Second 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; 5 minute staff presentation; 10 minute discussion)

This Ordinance, adopted on First Reading on February 3, 2015, by a vote of 6-1 (Nays: Weitkunat) expands the City's Smoking Ordinance to include a complete smoking ban within the proposed Downtown Smoke-Free Zone, for all City-owned and operated facilities and related grounds, for all Natural Areas, Parks, and Trails, and at all City-approved special events.

13. Second 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, Pete Wray, Karen Cumbo; no staff presentation; 20 minute discussion)

This Ordinance, adopted on First Reading on February 3, 2015, by a vote of 4-2 (Nays: Cunniff, Overbeck; Poppaw recused) appropriates revenue from the General Fund Reserves 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. First Reading of Ordinance No. 028, 2015, Appropriating Prior Years Reserves in the General Fund for Transfer to the Capital Projects Fund and Authorizing the Transfer of Existing Appropriations from the Street Oversizing Fund to the Capital Projects Fund for the Lincoln Corridor Improvements Project and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program. (staff: Dean Klingner; 5 minute staff presentation; 20 minute discussion)

The purpose of this item is to appropriate partial funding for design, right of way acquisition and construction of the Lincoln Avenue Improvements from 1st Street to Lemay Avenue. The *Lincoln Corridor Plan*, approved by City Council in 2014 (Resolution 2014-040), developed a vision and a preliminary multi-modal design for Lincoln Avenue between Jefferson Street and Lemay Avenue. The scope of the proposed improvements is based on the concepts approved in the *Lincoln Corridor Plan* with a reduced level of enhancement consistent with the proposed budget.

Based on the *Lincoln Corridor Plan* estimated cost of \$19.3 million for the entire project from Jefferson to Lemay, the cost to improve the section from 1st Street to Lemay Avenue is \$8 million. With the reduced level of enhancements currently proposed, the project is estimated to cost \$6.5 million. This Council action appropriates \$3 million from General Fund Reserves and an additional \$1.106 million from the Street Oversizing Fund. \$155,881 is available from previous developer Local Street Obligations along the project limits, and \$2,238,119 is currently unfunded.

15. Items Relating to Marijuana Code Amendments. (staff: Ginny Sawyer, Don Vagge; 5 minute staff presentation; 40 minute discussion)

A. First Reading of Ordinance No. 029, 2015, Amending the Code of the City of Fort Collins to Regulate Cultivation of Marijuana in Locations Other Than Retail Marijuana Establishments and Medical Marijuana Businesses.

B. First Reading of Ordinance No. 030, 2015, Adding Section 17-194 to the Code of the City of Fort Collins to Prohibit the Use of Flammable Gases, Flammable Solvents, Flammable Liquids, and/or Alcohol in the Extraction of THC or Other Cannabinoids in Locations Other Than Licensed Medical and Retail Marijuana Manufacturing Products Facilities and Deleting Subsection (b)(5) of Section 12-142 of the Code.

C. **[OPTION A]**

First Reading of Ordinance No. 031, 2015, Amending Section 15-609 of Article XVII of the Code of the City of Fort Collins to Allow the Sale or Distribution of Retail Marijuana from Retail Marijuana Cultivation Facilities to Certain Retail Marijuana Stores or Retail Marijuana Cultivation Facilities.

Or:

[OPTION B]

First Reading of Ordinance No. 032, 2015, Amending Section 15-609 of Article XVII of the Code of the City of Fort Collins to Allow the Sale or Distribution of Retail Marijuana from Retail Marijuana Cultivation Facilities to Certain Retail Marijuana Stores or Retail Marijuana Product Manufacturing Facilities.

The purpose of this item is to address safety and nuisance gaps in the existing codes and to offer options for potential changes to the existing marijuana wholesale prohibition.

Ordinance No. 029, 2015, amends City Code to address non-licensed growing (caregivers or personal use) in non-residential settings. It also allows for greater flexibility in determining what lighting is deemed safe for residential growing.

Ordinance No. 030, 2015, prohibits the use of flammable gases and liquids, carbon dioxide, and alcohol in the extraction of THC except in a licensed facility.

Ordinances Nos. 031 and 032, 2015, remove the existing prohibition on the wholesale of marijuana between licensed businesses. Option A allows sales only to City-licensed establishments; Option B is not limited to Fort Collins establishments.

16. Resolution 2015-025 Forming an Airport Commission Selection Committee and Appointing Two Councilmembers to Serve on the Committee. (staff: Wanda Nelson; no staff presentation; 5 minute discussion)

The purpose of this item is to appoint two Councilmembers to the Airport Commission Selection Committee. The Intergovernmental Agreement (IGA) between the owners of the Municipal Airport, the cities of Fort Collins and Loveland, provides for a committee of two Councilmembers from each City to make recommendations for appointment to the Airport Commission.

17. Resolution 2015-024 Directing Staff and the Recruiter to Begin Negotiations Regarding the Terms and Conditions of an Employment Agreement with a Selected Candidate for the City Attorney Position. (staff: Janet Miller; no staff presentation; 10 minute discussion)

The purpose of this item is to seek direction from Council on whether staff and the executive recruiter should engage in negotiation discussions related to the terms and conditions of employment between the City and a selected candidate for the City Attorney position.

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

● **OTHER BUSINESS**

● **ADJOURNMENT**

Council will consider a motion to adjourn to 6:00 p.m., Tuesday, February 24, 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.