



Wade Troxell, Mayor  
Gerry Horak, District 6, Mayor Pro Tem  
Bob Overbeck, District 1  
Ray Martinez, District 2  
Gino Campana, District 3  
Kristin Stephens, 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  
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  
April 21, 2015  
(Revised 4/20/15)**

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

- Proclamation Declaring April as Local Music Appreciation Month.
- Proclamation Declaring April 21, 2015 as Arbor Day.
- Proclamation Declaring April 2015 as Fair Housing Month.

**Regular Meeting  
6:00 p.m.**

- PLEDGE OF ALLEGIANCE
- CALL MEETING TO ORDER
- ROLL CALL
- OATH OF OFFICE - District 6 Councilmember

● **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](http://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 March 3 and March 17, 2015 Regular Council Meetings and the February 27 and March 24, 2015 Adjourned Council Meetings.

The purpose of this item is to approve the minutes of the March 3 and March 17, 2015 Regular Council meetings and the February 27 and March 24, 2015 Adjourned Council meetings.

2. Second Reading of Ordinance No. 041, 2015, Appropriating Reserves in the Wastewater Fund for the Replacement of Two Damaged Trucks.

This Ordinance, unanimously adopted on First Reading on March 17, 2015, appropriates \$272,794 in Reserves in the Wastewater Fund to replace two damaged trucks. In 2014, \$222,794 in unanticipated revenue was received from the Risk Management Fund and from insurance proceeds to compensate the Wastewater Utility for two trucks that were totaled in separate accidents. The \$222,794 in unanticipated revenue contributed to increased Wastewater Reserves at year-end 2014 in this same amount. Due to the cost of replacing one of the trucks, an additional \$50,000 is to be appropriated from the Wastewater Utility Capital Outlay Reserve which is reserved for equipment purchases. The Capital Outlay Reserve currently totals \$657,300. The 2015 supplemental appropriation will be used to replace both trucks.

3. Second Reading of Ordinance No. 042, 2015, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify the Conditions Under Which a Development May Defer Stormwater and Drainage Facility Requirements to Obtain a Certificate of Occupancy by Providing Certain Escrows as Assurance of Completion.

This Ordinance, unanimously adopted on First Reading on March 17, 2015, amends Chapter 26 of City Code, which provides developers an option for obtaining a certificate of occupancy prior to completion of installation, certification, and acceptance of stormwater and drainage facilities. This amendment provides clarification as to when this is allowable, initiates a non-refundable fee for processing and tracking the escrow, and timelines for completion of the work associated with the escrow.

4. Second Reading of Ordinance No. 043, 2015, Authorizing the Acquisition by Eminent Domain of Certain Lands Necessary to Construct Public Improvements in Connection with the Prospect Road and Timberline Road Intersection Improvements Project.

This Ordinance, unanimously adopted on First Reading on March 17, 2015, authorizes the use of eminent domain, if deemed necessary, to acquire property interests needed to construct improvements at the Prospect Road and Timberline Road intersection. The Prospect Road and Timberline Road Intersection Improvements will construct safety and congestion mitigation improvements at the intersection, and on Timberline Road from Prospect Road south to Blackbird Drive. The project is planned to begin construction in the spring of 2016 and be completed by the fall of 2016. To construct these improvements, the City will need to acquire certain property interests adjacent to the project area. The acquisitions include right-of-way, permanent easements, and temporary easements from four property owners. Timely acquisition of the property is necessary to meet the anticipated construction schedule. Staff fully intends to negotiate in good faith with the 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 only if such action is deemed necessary.

5. First Reading of Ordinance No. 044, 2015, Reappropriating Funds Previously Appropriated in 2014 But Not Expended and Not Encumbered in 2014.

The purpose of this item is to reappropriate 2014 appropriations approved by City Council that lapsed at the end of 2014. The authorized expenditures were not spent and could not be encumbered in 2014 because:

- there was not sufficient time to complete bidding in 2014 and therefore, there was no known vendor or binding contract as required to expend or encumber the monies

- the project for which the dollars were originally appropriated by Council could not be completed during 2014 and reappropriation of those dollars is necessary for completion of the project in 2015
- to carry on programs, services, and facility improvements in 2015 with unspent dollars previously appropriated in 2014

In the above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2014 and reflect no change in Council policies.

Monies reappropriated for each City fund by this Ordinance are as follows:

General Fund	\$ 1,197,690
Golf Fund	40,000
Keep Fort Collins Great Fund	771,519
Light & Power Fund	18,000
Transportation Fund	<u>28,000</u>
	\$ 2,055,209

6. First Reading of Ordinance No. 053, 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 a second extension of the current Cable Franchise Agreement between the City of Fort Collins and Comcast of California/Colorado, LLC (Comcast) for a period of 45 days. The current, extended agreement expires June 14, 2015. City staff and Comcast representatives have reached mutual agreement on the final elements of the new agreement. The additional 45 days will allow for more time for public input prior to the consideration of the new agreement by Council. The proposed extension will maintain the terms and conditions of the existing Franchise for the duration of the extension.

7. First Reading of Ordinance No. 048, 2015, Authorizing the Conveyance of City Property to Walnut Street 354, LLC.

The purpose of this item is to convey approximately 3,800 square feet of City property to Walnut Street 354, LLC for utilization in the development of a downtown hotel and convention center at 354 Walnut Street, the former location of the Armadillo Restaurant. The property will be purchased by the developer at fair market value, as determined by the City. Additionally, the conveyance will be subject to a public access and utility easement reservation which allows the subject property to continue to be utilized for these purposes, just as it is today.

8. First Reading of Ordinance No. 049, 2015, Designating the Holmes/Manges Property, 1202 LaPorte Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

The owner of this property, Sharon Manges, is initiating this request for Fort Collins Landmark designation of the Holmes/Manges Property, 1202 Laporte Avenue. Built in 1905-06 by J. B. Kuhn, the red brick residence is a nice example of early twentieth century Classic Cottage architecture. The historic wood frame garage, with narrow horizontal drop siding, contributes to the architectural significance of the property.

9. First Reading of Ordinance No. 050, 2015, Designating the Longyear Property, 719 Remington Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

The purpose of this item is to designate the Longyear Property, 719 Remington Street, as a Fort Collins Landmark. The property is eligible for Landmark recognition for its significance under Landmark Standard C, Design/Construction. The dwelling has great architectural merit as a well preserved representation of early twentieth century Victorian-era vernacular architecture. The locally rare two-bay garage contains a very unusual Mission style parapet façade. The Longyear Property has additional significance under Landmark Standard B, for its association with Colorado Agricultural College professor Burton O. Longyear, who contributed substantially to the fields of forestry and horticulture.

10. Resolution 2015-043 Determining That a Single-Lane, Modern Roundabout is the Preferred Alternative for the Intersection of Lincoln Avenue and the North-South Extension of "International Boulevard."

The purpose of this item is to approve a single-lane, modern roundabout intersection at Lincoln Avenue and the north-south extension of International Boulevard. The adopted Master Street Plan anticipates a new arterial-arterial intersection between Lincoln Avenue east of Lemay Avenue and a north-south extension of 'International Boulevard'. In accordance with Resolution 2001-120, an Alternatives Analysis was completed for this intersection. The conclusions of the Alternatives Analysis show that a single-lane, modern roundabout is the preferred alternative for this intersection. This project is not a part of, or within, the boundaries of the recently approved Lincoln Corridor Improvement Project.

11. Resolution 2015-044 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County for the Construction and Maintenance of the North Shields Street Trailhead Parking Lot and Trails.

The purpose of this item is to approve an intergovernmental agreement (IGA) with Larimer County which defines the cost sharing of the construction and maintenance of a trailhead parking lot and trails as part of Larimer County's North Shields Street and Bridge project. Natural Areas staff has been working for the last several years with Larimer County and Park Planning to partner on an effort to include a trail head parking lot as part of the County's North Shields Street bridge replacement and street widening project. In particular Natural Areas and Park Planning are working with the County to provide better and safer access to the Poudre River, Poudre Trail and adjoining natural areas for hiking, biking, tubing and fishing. Staff has prepared an IGA that outlines the cost sharing and maintenance responsibilities between Larimer County and the City's Natural Areas Department and Park Planning Department.

12. Resolution 2015-045 Approving the Acceptance of the Proposed Donation of a Sculpture to be Placed at Edora Pool Ice Center.

This Resolution accepts the donation of a bronze sculpture representing a swimmer, donated by the Thornton Family Foundation through the Fort Collins Area Swim Team (FAST). This sculpture will become part of the City's Art in Public Places collection and placed at the Edora Pool Ice Center (EPIC).

13. Resolution 2015-046 Approving the Acceptance of the Proposed Donation of a bronze sculpture to be placed at The Gardens on Spring Creek.

This Resolution accepts the donation of a bronze sculpture from Bernice Penney and Family that was selected and is currently on display in The Gardens on Spring Creek ARTiculture Exhibit. This sculpture will become part of the City's Art in Public Places collection.

14. Resolution 2015-047 Making an Appointment to the Commission on Disability.

The purpose of this item is to appoint Sherri Reichow to the Commission on Disability to fulfill the remaining term of resigning Commissioner Jeff Coons.

## 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. Streets ISO Certification.

- **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.

15. ~~First Reading of Ordinance No. 051, 2015, Amending the Land Use Code with Regard to City Development Projects.~~ (staff: Laurie Kadrich; 10 minute staff presentation; 20 minute discussion)

**THIS ITEM HAS BEEN WITDRAWN FROM CONSIDERATION**

~~The purpose of this item is to consider amending the Land Use Code to require any development review project in which the City is an applicant to be reviewed by the Planning and Zoning Board (P & Z) and eliminates formal appeals to the City Council, while allowing a Council override of a P & Z decision.~~

16. First Reading of Ordinance No. 052, 2015, Amending Chapter 26 of the Code of the City of Fort Collins to Allow for the Waiver of Certain Requirements for a Temporary Connection to the Water System as an Irrigation Source for the Establishment of Native Vegetation on Certain Projects. (staff: Jon Haukaas; 10 minute staff presentation; 20 minute discussion)

The purpose of this item is to allow the Utilities Executive Director the option to waive the water plant investment fee (WPIF) for projects that only require irrigation for the establishment of native vegetation during the first three years of growth. The City has actively pursued native vegetation for greenspaces and landscaping as a means to reduce long term demand and improve the sustainability of water availability in our region. Successful establishment of such vegetation typically requires irrigation in its first two to three years. After establishment, it can be successful with only the limited natural precipitation of the area. City Code requires that all connections to the water utility pay a WPIF. With this change, the Utilities Executive Director may waive the WPIF for projects that only require irrigation for the establishment of native vegetation during these first three years of growth. All charges for water use would be due by the requesting agency as well as the costs to disconnect at the end of that period. After further discussion, this item was modified to apply to any project meeting these goals.

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