



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 July 7, 2015

Proclamations and Presentations 5:30 p.m.

A. Proclamation Declaring July 11-17, 2015 as Flood Awareness Week.

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 June 2, 2015 Regular Council Meeting and the June 15, 2015 Special Council Meeting.

The purpose of this item is to approve the minutes from the June 2, 2015 Regular Council meeting and the June 15, 2015 Special Council meeting.

2. Second Reading of Ordinance No. 062, 2015, Appropriating Unanticipated Revenue Received from the Estate of Paul N. Gwyn in the Recreation Fund for the Senior Center and in the General Fund for the Poudre River Public Library District.

This Ordinance, unanimously adopted on First Reading on June 2, 2015, appropriates two gifts the City has received from the Estate of Paul N. Gwyn. As required in Mr. Gwyn's will, the first gift is to be used for the exclusive benefit of the Fort Collins Senior Center in the amount of \$398,233. The second gift is to be used for the exclusive benefit of the Poudre River Library District (Library), also in the amount of \$398,233. The Ordinance has been amended to add language to more clearly acknowledge and agree that Mr. Gwyn's gifts, as expressly stated in his will, are required to be used for the exclusive benefit of the Senior Center and the Library.

3. Second Reading of Ordinance No. 063, 2015, Appropriating Unanticipated Grant Revenue into the Transportation Services Fund for the Safe Routes to School Program.

This Ordinance, unanimously adopted on First Reading on June 2, 2015, appropriates unbudgeted funds received through a grant for the Safe Routes to School program (part of the City's FC Moves Department). The Colorado Department of Transportation (CDOT) has awarded a \$55,038 grant for implementation of a new school-rotation schedule in Fort Collins schools. This school-rotation plan ensures that students in all public schools in Fort Collins receive bike-pedestrian safety education on a regular basis.

4. Second Reading of Ordinance No. 064, 2015, Appropriating Unanticipated Revenue in the Capital Projects Fund for the Vine Drive and Shields Street Intersection Improvements Project and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program.

This Ordinance, unanimously adopted on First Reading on June 2, 2015, appropriates additional funding into the Capital Project Fund for the Vine Drive and Shields Street Intersection Improvement Project. The City received a federally funded grant through the North Front Range Metropolitan Planning Organization (NFRMPO) for operational and safety improvements at the Vine Drive and Shields Street intersection, previously appropriated through Ordinance No. 076, 2012. Building on Basics (BOB) Intersection Funds and the Regional Road Impact Fee funds were used as matching funds for the grant. A construction cost estimate was developed in 2012. Due to escalating construction costs, the current estimate has increased by approximately 15%. City and County staff have identified the Regional Road Impact Fee as a supplemental funding source for the project.

5. Second Reading of Ordinance No. 065, 2015, Making Various Amendments to the Land Use Code.

This Ordinance, unanimously adopted on First Reading on June 2, 2015, adopts a variety of revisions, clarifications and additions to the Land Use Code that are housekeeping and routine in nature and that have been identified since the last update in December 2014.

6. Second Reading of Ordinance No. 066, 2015, Authorizing the Conveyance of a Permanent Access Easement on City Property to the City of Greeley.

This Ordinance, unanimously adopted on First Reading on June 2, 2015, authorizes the conveyance of a permanent access easement to the City of Greeley along a dirt road on City Property known as the City Ditch. The City conveyed easements in 2014 to the City of Greeley ("Greeley") to facilitate its Greeley Bellvue Pipeline Project (the "Project") across a strip of property owned by the City's Utility Department located south of the Poudre River and north of Bingham Hill Road, known as the City Ditch property. At that time, Greeley was also in negotiations with the neighboring property owner for easements across their property, including an access easement in order for Greeley to access the Project site. Greeley has reached an agreement for possession of the easements needed from the neighboring property owner; however, as part of that agreement, Greeley agreed to reroute its planned access route to instead use the dirt road on the City Ditch property. As such, Greeley has requested a permanent access easement for use of the dirt road on the City Ditch property to access its pipeline site.

7. Items Relating to the Renewal of the Cable Franchise Agreement with Comcast of California/Colorado LLC.
 - A. Public Hearing and Second Reading of Ordinance No. 067, 2015, Granting a Non-Exclusive Franchise 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.
 - B. Second Reading of Ordinance No. 068, 2015, Establishing New City of Fort Collins Customer Service Standards for Cable Television.

Ordinance No. 067, 2015, renews the Cable Franchise Agreement from the City of Fort Collins to Comcast of California/Colorado LLC. Ordinance No. 068, 2015, establishes new Customer Service Standards - Cable Television. The current agreement will expire on July 31, 2015. Following extensive community outreach, staff and Council identified a number of priorities for the negotiation process. With the assistance of outside legal counsel, staff has negotiated a proposed 10-year agreement with Comcast that addresses the majority of these priorities. Both Ordinances were unanimously adopted on First Reading on June 2, 2015.

8. Items Relating to the Appropriation of Federal Funds in the Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Program Funds.
 - A. First Reading of Ordinance No. 072, 2015, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund.
 - B. First Reading of Ordinance No. 073, 2015, Appropriating Unanticipated Revenue in the HOME Investments Partnerships Fund.

The purpose of this item is to appropriate the 2015 CDBG and HOME grant funds and CDBG and HOME program income.

9. First Reading of Ordinance No. 074, 2015, Authorizing the Transfer of Previously Appropriated Funds in the Storm Drainage Fund From Individual Stormwater Basin Capital Projects into the Stormwater Basin Improvement Capital Project.

The purpose of this item is to transfer and consolidate previously appropriated funds from the nine individual stormwater basin capital projects and the Drainage System Replacement Project into the citywide Stormwater Basin Improvement Capital Project. All appropriations will continue to be used for stormwater basin management improvement projects, while improving transparency and flexibility to fund and construct the highest priority stormwater improvements that are required citywide.

10. First Reading of Ordinance No. 075, 2015, Appropriating Prior Year Reserves in the Water Fund for 2015 Water Distribution Infrastructure Replacement Projects.

The purpose of this item is to appropriate \$745,000 in prior year reserves to be used for water distribution system infrastructure replacement projects in 2015. The current funding shortfall is due to unanticipated projects and escalating construction costs. There are sufficient water plant investment fee revenues in reserve available and appropriately utilized for this purpose, particularly in light of unanticipated fee revenues received in 2015.

11. Items Relating to Parking Enforcement at the Harmony Transfer Center.

- A. Resolution 2015-060 Authorizing the Execution of an Intergovernmental Agreement Between the City and the Colorado Department of Transportation to Provide Parking Enforcement at the Harmony Transfer Center Park and Ride.

- B. First Reading of Ordinance No. 076, 2015, Appropriating Unanticipated Revenue into Parking Fund for Parking Enforcement Services at the Harmony Transfer Center.

The purpose of this item is for the City of Fort Collins to enter into a funding agreement with Colorado Department of Transportation (CDOT) to provide daily parking enforcement at the Harmony Transfer Center (Park and Ride). All costs for this parking enforcement are borne by CDOT. This agreement allows the City to provide parking enforcement for CDOT's new interregional bus service, "Bustang", once a notice to proceed is received from CDOT. No physical expansion of the Harmony Transfer Center Park and Ride is planned at this time.

12. First Reading of Ordinance No. 077, 2015, Adopting New Bus Stop Design Standards and Guidelines.

The purpose of this item is to update Transfort's Bus Stop Design Standards and Guidelines. The update integrates Americans with Disability Act (ADA) requirements and provides guidance for the distribution of passenger amenities at bus stops.

13. First Reading of Ordinance No. 078, 2015, Making Certain Amendments to Chapter 26 of the Code of the City of Fort Collins Pertaining to Electric Rates, Fees and Other Charges Associated with the Time of Use Pilot Rate Study.

The purpose of this item is to bring an ordinance forward to implement a residential time-of-use (TOU) pilot rate study. Staff presented information detailing the proposed TOU pilot study at the City Council work session on January 27, 2015, where an ad hoc committee was formed allowing Councilmen Campana and Cunniff to meet separately with City staff to discuss alternatives for TOU electric rates. Resolution 2015-022, creating the ad hoc committee, was signed by Mayor Weitkunat on February 3. The ad hoc meeting between Councilmen Campana and Cunniff and members of staff was held on February 24. Following this meeting, a memo was provided to Council summarizing the meeting discussions and outlined recommendations. The proposal for discussion outlines four objectives of the TOU pilot study and includes implementing two parallel TOU rate structures for pre-selected residential customers for a 12-month period. Customers will have the option to opt-out. Staff is recommending a "best-bill" guarantee to encourage participation throughout the life of the study. A sampling of net metering solar photovoltaic (PV) customers will be included within each pilot rate group.

14. First Reading of Ordinance No. 083, 2015, Adopting a Policy Related to Council Action Initiating Ordinances and Resolutions and Making Related Clarifying Amendments to Section 2.32(d) of the Code of the City of Fort Collins.

The purpose of this item is to adopt a policy relating to Council action initiating ordinances and resolutions and making related clarifying amendments to Section 2.32(d) of the City Code.

15. First Reading of Ordinance No. 071, 2015, Authorizing the Execution of an Intergovernmental Agreement Pertaining to Stormwater Utility Service Fees Due by Colorado State University for Services Provided by the City of Fort Collins.

The purpose of this item is to approve an intergovernmental agreement to establish a Stormwater Utility Service Agreement between the City of Fort Collins Utilities and Colorado State University (CSU). Under this IGA, CSU will agree to follow the standards, requirements, and conditions related to stormwater management set forth in Chapter 26 of the City Code. The IGA establishes a baseline of impervious area above which an additional Plant Investment Fee would be required for an increase of impervious surface. Finally, CSU will be required to pay monthly Stormwater Utility Fees adjusted by a rate formula that reflects the benefits to the City system by the additional detention provided on the CSU campus and the costs associated with the operation of CSU's own Municipal Separate Storm Sewer System (MS4).

16. Resolution 2015-061 Finding Substantial Compliance and Initiating Annexation Proceedings for the Kechter Farm Second Annexation.

The purpose of this item is to annex the second phase of Kechter Farm. The applicants, Toll CO 1 LLC, the property owners, have submitted a written petition requesting annexation of 78.58 acres located on the west side of Ziegler Road, south of Kechter Road and north of Fossil Creek Reservoir. Trilby Road bisects the site. The requested zoning for this annexation is L-M-N, Low Density Mixed-Use Neighborhood (37.48 acres) and U-E, Urban Estate (41.1 acres). The property is located within the Fossil Creek Reservoir Area Plan. In accordance with the Intergovernmental Agreement for the Fort Collins Growth Management Area with Larimer County, adopted in 1999, properties within this subarea are to receive their land use approval in the County and are then to be annexed prior to the issuance of building permits. Kechter Farm First Annexation, 88.21 acres, was annexed in May 2014. The Second Annexation consists of 78.58 acres.

17. Resolution 2015-062 Authorizing the Assignment of the City's Private Activity Bond Allocation for 2015 to the Fort Collins Housing Authority to Finance the Development and Rehabilitation of Affordable Housing Units at The Village on Cunningham Corner and The Village on Redwood.

The purpose of this item is to assign the City's 2015 Private Activity Bond Allocation (PAB) in the amount of \$7,610,250 to the Fort Collins Housing Authority (FCHA) for the purpose of affordable housing development and rehabilitation. Specifically, the bond proceeds will be used to finance the rehabilitation of 284 affordable housing units located at the Villages on Cunningham Corner and the development of 72 new units located at the Village on Redwood. There have been no other requests to use the 2015 PAB allocation.

18. Public Hearing and Resolution 2015-063 Adopting the 2015-2019 Five-Year Consolidated Plan Required by the U.S. Department of Housing and Urban Development.

The purpose of this item is to hold a required public hearing and adopt the 2015-2019 Five-Year Consolidated Plan. The Plan is required by the US Department of Housing and Urban Development (HUD), since the City is an annual recipient of federal entitlement funds for affordable housing, human services, and community development activities. The document outlines a high level community snapshot of affordable housing and human services, assesses needs and gaps, and sets courses of action and priorities for achieving goals in these areas. The Plan is designed to complement and enhance current City documents, policies and priorities in these arenas. The six major goals outlined in the document are:

- Increase the supply of affordable rental housing (includes housing for special sub-populations such as seniors and persons with disabilities)
- Increase housing opportunities for persons experiencing homelessness
- Provide programs for homelessness prevention
- Preserve existing affordable housing inventory
- Provide assistance for programs that support affordable homeownership
- Supportive [human] services to improve living conditions

19. Resolution 2015-064 Approving an Exception to the Use of a Competitive Purchasing Process for Design and Construction of a Hybrid DC Power Microgrid Electrical System for the New Utilities Administration Building with Positive Energies LLC.

The purpose of the item is to request an exception to the competitive purchasing process for the contracting of design and construction services for a hybrid DC power electrical system with Positive Energies, LLC (Pos-En), as the alternative is contrary to the City's best interests. The City has awarded the contract for design and construction of the new 37,500 SF Utilities Administration Building (UAB) at 222 LaPorte Avenue to Adolfsen and Peterson in accordance with the City competitive purchasing process. The project is pursuing a transformational and innovative electrical systems approach using a Hybrid DC Power Microgrid. The alternative electrical design has been selected for implementation. Pos-En has provided a not-to-exceed price for a complete building electrical system that is lower in cost than the traditional AC (alternating current) power approach.

Operation Services, Utilities and Purchasing staff have determined that using the City's competitive purchasing process would substantially increase the project schedule and technical risks for this innovative power system. .

20. Resolution 2015-065 Making Appointments to the Economic Advisory Commission, Golf Board and Transportation Board.

The purpose of this item is to appoint Kristin Owens to the Economic Advisory Commission, John Lyttle to the Golf Board and Tim Sutton to the Transportation Board to fulfill vacancies created through resignations.

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. Update on Homeward 2020 Partnership and related homelessness initiatives.

- **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 (three 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.

21. Resolution 2015-066 Adopting Council Retreat Priorities for 2015-2017. (staff: Darin Atteberry; minute staff presentation; minute discussion)

The purpose of this item is to adopt the City Council Priorities as identified during the May 2015 retreat.

22. Second Reading of Ordinance 070, 2015, Appropriating Prior Year Reserves in the General Fund for Transfer 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: Rich Richter, Erika Keeton; no staff presentation; 5 minute discussion)

This Ordinance, adopted on First Reading on June 2, 2015, by a vote of 6-1 (Nays: Cunniff) appropriates the remaining funding for design, right of way acquisition and construction of the Lincoln Avenue Improvements from 1st Street to 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 approved, the project is estimated to cost \$6.5 million. This Ordinance appropriates \$1,968,119 from General Fund Reserves.

23. Items Relating to the Addition of Permitted Use Amended Process. (staff: Cameron Gloss; 5 minute staff presentation; 1 hour discussion)

- A. First Reading of Ordinance No. 079, 2015, Imposing a Moratorium Upon the Application or Effectiveness of Section 1.3.4(D) of the Land Use Code Pertaining to the Addition of Permitted Uses by the Planning and Zoning Board. **(OPTION 1)**

or

- B. First Reading of Ordinance No. 080, 2015, Amending Section 1.3.4 of the Land Use Code Pertaining to the Addition of Permitted Uses in Nine Zone Districts. **(OPTION 2 - Residential Zones Only)**

or

- C. First Reading of Ordinance No. 081, 2015, Amending Section 1.3.4 of the Land Use Code Pertaining to the Addition of Permitted Uses in All Zone Districts. **(OPTION 3 – All Zones)**

The purpose of this item is to amend the Land Use Code to require City Council review of Addition of Permitted Use (APU) applications in nine residential zone districts or in all zone districts or, alternatively, enact a moratorium on such applications for a period no longer than five years.

24. First Reading of Ordinance No. 082, 2015, Amending the Land Use Code with Regard to City Development Projects. (staff: Cameron Gloss; 5 minute staff presentation; 30 minute discussion)

The purpose of this item is to amend 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 eliminate formal appeals to the City Council while allowing a Council override of a P&Z decision.

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

- **OTHER BUSINESS**

- **ADJOURNMENT**

- A. Council will consider a motion to adjourn to 4:45 p.m., Tuesday, July 14, 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.