



Wade Troxell, Mayor
Gerry Horak, District 6, Mayor Pro Tem
Bob Overbeck, District 1
Ray Martinez, District 2
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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 21, 2015

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring August 4, 2015 as Neighborhood Night Out.
- B. Proclamation Declaring August 2015 as Cancer Awareness Month.

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. Second 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.

This Ordinance, unanimously adopted on First Reading on July 7, 2015, approves 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).

2. Items Relating to the Appropriation of Federal Funds in the Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Program Funds.

- A. Second Reading of Ordinance No. 072, 2015, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund.

- B. Second Reading of Ordinance No. 073, 2015, Appropriating Unanticipated Revenue in the HOME Investments Partnerships Fund.

These Ordinances, unanimously adopted on First Reading on July 7, 2015, appropriate the 2015 CDBG and HOME grant funds and CDBG and HOME program income.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on July 7, 2015, transfers and consolidates 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.

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

This Ordinance, unanimously adopted on First Reading on July 7, 2015, appropriates \$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.

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

This Ordinance, unanimously adopted on First Reading on July 7, 2015, appropriates funds received from the 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. The City will 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.

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

This Ordinance, unanimously adopted on First Reading on July 7, 2015, updates 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.

7. Second 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.

This Ordinance, unanimously adopted on First Reading on July 7, 2015, implements a residential time-of-use (TOU) pilot rate study. The pilot study will implement 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.

8. Second Reading of Ordinance No. 082, 2015, Amending the Land Use Code with Regard to City Development Projects.

Ordinance No. 082, 2015, unanimously adopted on First Reading on July 7, 2015, amends 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.

9. First Reading of Ordinance No. 084, 2015, Appropriating Prior Year Reserves in the Capital Projects Fund to Award Landscaping Contracts for the Building on Basics (BOB) Intersection Improvements Project, Specifically for the Horsetooth Road and Timberline Road Intersection and the Vine Drive and Shields Street Intersection, and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program.

The purpose of this item is to appropriate \$700,000 of available Building on Basics funds into the Building on Basics Intersection Improvements Project to award landscaping and irrigation contracts for the Horsetooth / Timberline and Vine / Shields Intersection Improvements Projects. Initial project budgets for these two intersections were established in 2012. Both of these intersections are currently under construction. Between conceptual planning in 2012 and construction in 2015, landscaping and irrigation construction prices have risen between 30% and 50%. This appropriation will allow staff to make the projects whole by awarding and constructing the landscape and irrigation packages for both intersections.

10. First Reading of Ordinance No. 085, 2015, Authorizing the Transfer of Previously Appropriated Funds in the Wastewater Fund from the Collection System Replacement Project to the Water Reclamation Replacement Project.

The purpose of this item is to transfer \$350,000 in the Wastewater Fund from the Collection System Replacement Project to the Water Reclamation Replacement Project. This transfer would be used for unanticipated equipment replacement at the Drake Water Reclamation Facility.

11. First Reading of Ordinance No. 086, 2015, Amending Chapters 17 and 23 of the Code of the City of Fort Collins to Create an Exception for the Possession and Discharge of Firearms for a City-Managed Pronghorn Hunting Program on Soapstone Prairie Natural Area.

The purpose of this item is to propose amendments to the City Code to facilitate a limited pronghorn hunting season at Soapstone Prairie Natural Area (SPNA). The Soapstone Prairie Natural Area Management Plan (2007) identified pronghorn hunting as a potential recreation activity at SPNA. Over the last few years, Natural Areas has worked in collaboration with Colorado Parks and Wildlife (CPW) and Larimer County's Natural Resources Department to explore and develop a potential approach to pronghorn hunting on Soapstone Prairie Natural Area (SPNA) and the County's Red

Mountain Open Space (RMOS) that could begin in 2016. Hunting access to SPNA and RMOS would provide an additional recreation opportunity to the community, assist CPW in maintaining pronghorn population objectives, and support the respective management plans of the properties. Changes to City Code are necessary to allow for the carry and discharge of firearms when participating in the hunting season on City-owned property. The specific program parameters will be adopted administratively by the Natural Areas Department.

12. First Reading of Ordinance No. 087, 2015, Vacating Right of Way as Dedicated on the Timbervine Plat.

The purpose of this item is to vacate right-of-way that was dedicated on the Timberline plat located west of Timberline Road and north of International Boulevard. Lager Street, Lambic Street, Bock Street, Macinac Street, Saison Street, Stout Street, Dunkel Street, and Mexico Way right-of-way is no longer necessary or desirable to retain for street purposes. The property is proposed to be replatted as Timbervine Second Filing, which was approved through an Administrative Hearing on June 18, 2015.

13. First Reading of Ordinance No. 088, 2015, Designating the Ault/Thode Property, 714 West Mountain 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 the property, Henry Thode III, is initiating this request for Fort Collins Landmark designation of the Ault/Thode Property at 714 West Mountain Avenue.

14. First Reading of Ordinance No. 089, 2015, Calling a Special Municipal Election to Be Held in Conjunction with the November 3, 2015 Larimer County Coordinated Election.

The purpose of this item is to call a Special Municipal Election to be held in conjunction with the November 3, 2015 Larimer County Coordinated Election, and preserves the opportunity for Council to place initiated or referred issues on the November ballot. If Council decides to place any measures on the ballot, it would need to do so no later than at its August 18 meeting. If Council does not take action by ordinance or resolution before the statutory deadline (September 4) to certify ballot language to Larimer County, the election will be cancelled and the provisions of this Ordinance will be of no further force and effect.

This Ordinance does not submit a specific measure to the November 3, 2015 ballot. However, Council is considering whether to seek voter authorization to set aside statutory limitations on direct or indirect local government competition in utility, entertainment, and telecom services within the City's growth management area, pursuant to §§ 29-27-101 to 304, C.R.S. Adoption of this Ordinance is a required step in preserving the option for City Council to submit the initiated ordinance, and/or any other ballot measures that Council may desire, at the November 3, 2015 Coordinated Election.

15. Resolution 2015-067 Approving an Art Project for the North College Improvement Project and Authorizing Expenditures from the Cultural Services and Facilities Fund to Commission an Artist to Create the Art Project.

The purpose of this item is it to approve expenditures from the Art in Public Places Reserve Account to commission an artist to create art for the second phase of the APP North College Improvement Project. The expenditures of \$33,542 will be for design, materials, fabrication, installation and contingency for Andy Dufford of Chevo Studios to create five stone and metal monuments for the North College Improvement Project.

16. Resolution 2015-068 Approving Fort Fund Grant Disbursements.

The purpose of this item is to adopt the recommendations of the Cultural Resources Board to disburse Fort Fund grants to community events from the Cultural Development and Programming and Tourism Programming Accounts.

17. Resolution 2015-069 Approving the 2015 Certification to the Larimer County Assessor Pursuant to C.R.S. Section 31-25-807(3)(a)(IV)(B) for the Downtown Development Authority Property Tax Increment.

The purpose of this item is to certify for 2015 to the Larimer County Assessor the percentages of property tax distributions that are to be allocated for the Downtown Development Authority by the Assessor as tax increment from the property taxes of the City and of all other affected taxing entities.

18. Resolution 2015-070 Authorizing the City Manager to Execute the 2015 Grant Agreement (AIP Project No. 3-08-0023-034-2015) with the Federal Aviation Administration and a State of Colorado Division of Aeronautics Grant for Improvements at the Fort Collins-Loveland Municipal Airport.

The purpose of this item is to authorize the City Manager to execute Grant Agreement No. 3-08-0023-034-29015 from the Federal Aviation Administration (FAA) for \$760,000. The FAA grant will be used for a capital construction project that includes the construction of a snow removal equipment storage facility. This item also authorizes the City Manager to sign a State of Colorado Division of Aeronautics Grant ("CDAG") Agreement for \$42,222.

19. Resolution 2015-071 Making Appointments to the Land Conservation and Stewardship and Water Boards.

The purpose of this item is to appoint David Tweedale to the Land Conservation and Stewardship Board and Kent Bruxvoort to the Water 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**

- **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.

20. Consideration of Three Appeals of the Zoning Board of Appeals Decision Regarding the "Change of Use-Building Permit" for Fraternity Use, 201 East Elizabeth Street. (staff: Cameron Gloss, Tom Leeson; 15 minute staff presentation; 2 hour discussion)

On May 14, 2015, in a 6-1 vote, the Zoning Board of Appeals (ZBA) approved the motion to uphold the decision of the Community Development and Neighborhood Services (CDNS) Director. Three separate appeals of the ZBA's decision were filed with the City Clerk. The three parties of appellants are as follows:

- McGrew Appeal: Aaron McGrew, Ashley McGrew, Joseph Piesman, Ray Frush, Lisa Moravan, and Mark Havens
- Snyder Appeal: John Snyder
- Laupa Appeal: Cindy Laupa and John Laupa (represented by: Jamie Baker Roskie, Attorney at Law)

The City Code outlines six errors that can occur during the decision making process. The three parties have filed an appeal on the following alleged errors:

- Failure to properly interpret and apply relevant provisions of the Land Use Code. (McGrew, Snyder and Laupa Appeals)
- Failure to conduct a fair hearing, in that the Board exceeded its authority or jurisdiction as contained in the Code or Charter. (Snyder and Laupa Appeals)
- Failure to conduct a fair hearing in that, the Board considered evidence, relevant to its findings, which was substantially false or grossly misleading. (McGrew, Snyder and Laupa Appeals)

These are the issues for Council's consideration in connection with these appeals.

21. Items Relating to the Addition of Permitted Use Amended Process. (staff: Cameron Gloss; 5 minute staff presentation; 15 minute discussion)
- A. Second 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.
 - B. Second Reading of Ordinance No. 080, 2015, Amending Section 1.3.4 of the Land Use Code Pertaining to the Addition of Permitted Uses in Eight Zone Districts.

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 eight residential zone districts and to enact a moratorium on such applications for a period of ninety (90) days from the effective date of Ordinance No. 79, 2015 or until the effective date of Ordinance No. 80, 2015, whichever occurs first. Ordinance No. 079, 2015 was adopted on First Reading on July 7, 2015 by a vote of 5-2 (Nays: Campana, Troxell). Ordinance No. 080, 2015 was unanimously adopted on First Reading on July 7.

22. First Reading of Ordinance No. 090, 2015, Amending Chapter 23 of the Code of the City of Fort Collins with Regards to Facility and Property Naming Policies. (staff: Dan Weinheimer; 10 minute staff presentation; 15 minute discussion)

The purpose of this item is to consider amendments to the policy for naming City-owned facilities. Proposed amendments seek to clarify opportunities for public input and the process for selecting facility names. Staff recommendations include removing the City Council ad hoc naming committee and the ability to name facilities for living people. In place of a City Council committee, staff recommends that the department responsible for managing the property or facility to be named conduct a public input process and that each site receive a historical review to help solicit possible names.

23. First Reading of Ordinance No. 083, 2015, Adopting a Policy Related to Initiation of Ordinances and Resolutions and Making Related Clarifying Amendments to Section 2-32(d) of the Code of the City of Fort Collins. (staff: Darin Atteberry, Carrie Daggett; 5 minute staff presentation; 10 minute discussion)

The purpose of this item is to adopt a policy relating to Council or Councilmember action initiating ordinances and resolutions and make related clarifying amendments to Section 2.32(d) of the City Code. Two options (A – majority vote required; or B – three Councilmembers’ support required) are provided based on the Council’s discussion at its July 7 meeting. This item was postponed to July 21st at that time.

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

- **OTHER BUSINESS**

- A. Council will consider a motion to cancel the August 4, 2015 Regular Meeting for Neighborhood Night Out.
- B. Council will consider a motion to call a special meeting at 6:00 p.m., Tuesday, August 11, 2015.

- **ADJOURNMENT**

- A. Council will consider a motion to adjourn to 6:00 p.m., Tuesday, July 28, 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.