



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 Winkelmann  
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  
August 18, 2015  
(Revised 8/18/15)**

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

- A. Proclamation Declaring 2015 as the Americans with Disabilities Act 25th Anniversary Celebration.
- B. Proclamation Declaring the Year of 2015 as Quota International Fort Collins Chapter 75th Anniversary Celebration.
- C. Proclamation Declaring September 7 through September 11, 2015 as Payroll 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](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 July 7 and July 21, 2015 Regular Council Meetings and the July 14 and July 28, 2015 Adjourned Council Meetings.

The purpose of this item is to approve the minutes from the July 7 and July 21, 2015 Regular Council meetings and the July 14 and July 28 Adjourned Council meetings.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on July 21, 2015, appropriates \$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.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on July 21, 2015, transfers \$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.

4. Second 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.

This Ordinance, unanimously adopted on First Reading on July 21, 2015, amends 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.

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

This Ordinance, unanimously adopted on First Reading on July 21, 2015, vacates 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.

6. Second 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.

This Ordinance, unanimously adopted on First Reading on July 21, 2015, authorizes landmark designation for the Ault/Thode Property at 714 West Mountain Avenue. The owner of the property, Henry Thode III, is initiating this request

7. First Reading of Ordinance No. 091, 2015, Appropriating Unanticipated Grant Revenue into the Recreation Fund for the Aging Mastery Program at the Fort Collins Senior Center.

The purpose of this item is to appropriate grant funds in the amount of \$7,500 received from the National Council on Aging to support a yearlong Aging Mastery Program at the Fort Collins Senior Center. The Aging Mastery Program has been designed by the National Council on Aging and empowers older adults to make and maintain small but impactful changes in their behaviors. The Program consists of two components, the Aging Mastery Academy and AMP Clubs, both of which will be planned and programmed at the Fort Collins Senior Center.

8. First Reading of Ordinance No. 092, 2015, Appropriating Prior Year Reserves and Unanticipated Revenue in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and the Fort Collins Convention and Visitors Bureau.

The purpose of this item is to appropriate \$392,184 of which \$123,448 is for 2015 Cultural Development and Programming Activities (Fort Fund), \$38,007 is for 2015 Tourism Programming (Fort Fund), and \$230,729 is for 2015 Fort Collins Convention and Visitors Bureau (CVB) activities from Unanticipated Revenue (Lodging Tax) and Prior Year Reserves (unspent appropriations) in the General Fund Lodging Tax Reserves. Lodging Taxes for 2014 were estimated at \$975,000 and actual Lodging Tax revenues collected equaled \$1,304,612.

9. First Reading of Ordinance No. 094, 2015 Appropriating Unanticipated Grant Revenue in the General Fund and Appropriating Funds From the Community Development and Neighborhood Services Operating Budget for the Restorative Justice Program.

The purpose of this item is to appropriate grant revenue to fund Restorative Justice Services within Community Development and Neighborhood Services. A grant in the amount of \$56,192 has been received from the Colorado Division of Criminal Justice (DCJ) Juvenile Diversion fund for the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program (RJCP) for all other offenses.

10. First Reading of Ordinance No. 095, 2015, Appropriating Grant Revenue into the Light and Power Fund for the Integrated Utility Services (IUS) Project.

The purpose of this item is to appropriate \$125,000 in grant revenues from the American Public Power Association into Fort Collins Utilities Light and Power Operations fund to pilot an enhanced delivery structure for energy efficiency and renewable energy projects. The project will be implemented through the Efficiency Works Home program in collaboration with Platte River Power Authority. Matching funds will come from existing appropriations in Resource Conservation and incorporate an additional \$25,000 from Platte River.

11. First Reading of Ordinance No. 096, 2015 Amending to Ordinance No. 090, 2010 Relating to the City of Fort Collins Downtown Development Authority Taxable Tax Increment Revenue Bonds, Series 2010A, and Tax-Exempt Tax Increment Revenue Bonds, Series 2010B, to Reduce the Respective Interest Rates on Such Bonds.

The purpose of this item is to amend the Downtown Development Authority's (DDA) 2010 bond series reducing the spread on the rate adjustment date. The DDA's 2010 bond series is set for a rate adjustment at the 5-year mark in 2015. Great Western Bank, the bond series purchaser, has offered

a rate reduction resulting in an estimated savings of \$143,000 in interest expense over the remaining 5-year life of the bonds. This adjustment would be executed through an amendatory ordinance encompassing each bond, Series 2010A (Taxable Tax Increment Revenue Bonds) and Series 2010B (Tax-Exempt Tax Increment Revenue Bonds). Currently these bonds are to reset at 4.5% over the 5 year U.S. Treasuries, the amendments would reduce the spread on the two series to 3.5% over the 5 year U.S. Treasuries on Series 2010A and 4.25% on Series 2010B.

12. 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.

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 adding a preference for using natural feature names for City natural areas, removing the City Council ad hoc naming committee and the ability to name facilities for living people other than donors. 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.

13. First Reading of Ordinance No. 097, 2015, Amending Provisions in Articles III and IV of City Code Chapter 25 Concerning the Exemption of Charitable Organizations from the City's Sales and Use Tax and Lodging Tax.

The purpose of this item is amend the definition of "charitable organization" as used in the City Code's sales and use tax and lodging tax provisions in order to mitigate the impact of current Colorado case law on a substantial number of the City's current tax exempt charitable organizations. Colorado case law was recently discovered to have a substantial impact on staff's interpretation of the charitable organization definition. Code changes related to the City's sales and use taxes were discussed with the Council Finance Committee on June 23, 2015, and the Committee concurred with the recommendation and supported staff bringing an ordinance to Council.

14. First Reading of Ordinance No. 098, 2015, Amending Article III of Chapter 12 of the Code of the City of Fort Collins Pertaining to Smoking in Public Areas.

The purpose of this item is to revise the current Smoking in Public Places Ordinance to include exemptions for retail tobacco establishments within the Downtown Smoke-Free Zone and for City facility users who smoke on City premises in a fully enclosed, privately-owned vehicle, as well as clarification on the City-owned or maintained sidewalks that are intended to be covered by the provisions in the Ordinance.

15. Items Relating to Traffic Code Amendments Regarding Accommodation of Low-speed Electric Vehicles and Parking Regulations.

A. First Reading of Ordinance No. 103, 2015, Amending Section 1410.1 of the Fort Collins Traffic Code Allowing Low-Speed Electric Vehicles.

B. First Reading of Ordinance No. 104, 2015, Amending Section 1205 and 1205.5 of the Fort Collins Traffic Code Amending Parking Restrictions.

The purpose of this item is to amend several sections of the Fort Collins Traffic Code. The amendment to Section 1410.1 will permit low speed electric vehicles on certain City streets. Section 1205 is proposed to be amended to permit parking configurations that will accommodate the potential for parking-protected bike lanes and back-in angle parking.

16. Items Relating to the Kechter Farm Second Filing Annexation and Zoning

A. Resolution 2015-073 Setting Forth Findings of Fact and Determinations Regarding the Kechter Farm Second Filing Annexation.

- B. Hearing and First Reading of Ordinance No. 099, 2015, Annexing Property Known as the Kechter Farm Second Filing Annexation to the City of Fort Collins.
- C. Hearing and First Reading of Ordinance No. 100, 2015, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Kechter Farm Second Filing Annexation to the City of Fort Collins.

The purpose of this item is to annex and zone 78.58 acres platted and approved in Larimer County as Kechter Farm Second Filing. The Initiating Resolution was adopted on July 7, 2015. There are three parcels all 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) on Parcels One and Two, and U-E, Urban Estate (41.1 acres) on Parcel Three. 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 sub-area are to receive their land use approval in the County and are then to be annexed prior to the issuance of building permits.

- 17. First Reading of Ordinance No. 101, 2015, Amending Ordinance No. 081, 2003, to Rename the Wiggins House and Garage at 1009 West Mountain Avenue, Fort Collins, Colorado, as the Wiggins/Taylor Property Pursuant to Chapter 14 of the Code of the City of Fort Collins.

The purpose of this item is to rename the Landmark property at 1009 West Mountain Avenue, currently known as the Wiggins House and Garage, to the Wiggins/Taylor Property, in recognition of long-time owner Patricia Taylor.

- 18. First Reading of Ordinance No. 102, 2015, Designating the Schlichter/Akin/Smith Property, 1312 South College 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, MaOIPh LLC, is initiating this request for Fort Collins Landmark designation of the Schlichter/Akin/Smith Property at 1312 South College Avenue.

- 19. Resolution 2015-074 Approving an Exception to the Use of a Competitive Purchasing Process for a Hydrostatic Tractor with Aerator Manufactured by Brown Bear Corporation for the Fort Collins Water Treatment Facility.

The purpose of this item is to request an exception to the competitive purchasing process for a Brown Bear brand 400 Hydrostatic Tractor with Aerator for the Fort Collins Water Treatment Facility. This specialized equipment is required to process byproduct from the Water Treatment Facility and will replace a 28-year old machine that has reached the end of its useful life.

Exception to Competitive Bidding Rationale:

City Code Section 8-161(d)(1)(a) authorizes the City's Purchasing Agent to award a contract without competition, if there exists only one (1) responsible source.

- 20. Resolution 2015-075 Authorizing the Execution of a Mineral Non-Development Lease at Soapstone Prairie Natural Area with the State Land Board.

The purpose of this item is to authorize the Execution of a Mineral Non-Development Lease at Soapstone Prairie Natural Area with the State Land Board.

- 21. Resolution 2015-079 Adopting an Updated Economic Health Policy.

The purpose of this item is to approve an update to the Economic Health Policy. The Fort Collins City Council has adopted Financial Management Policies pursuant to the provisions of Article V, Section 12 of the City Charter, to guide the administration, management, deposit and investment of City funds. In addition, City Council and staff have committed to regularly review and update these

Financial Management Policies. The current Economic Development financial policy was last updated in 1999. Staff presented revisions to Council Finance Committee on May 18 who approved the changes and recommended bringing the policy to the City Council. The bulk of the new policy comes from documents previously approved by City Council in recent years. The new financial policy will replace the existing policy in its entirety.

22. Resolution 2015-076 Authorizing One or More Intergovernmental Agreements With Other Colorado Cities for Special Legal Counsel Services.

The purpose of this item is to authorize an updated intergovernmental agreement with the Cities of Loveland and Greeley and the Town of Windsor for special legal services to be used in the event that a conflict of interest or other similar circumstance prevents the City Attorney or members of her office from representing the City in a particular matter. The Resolution also authorizes intergovernmental agreements in a similar form with other municipalities.

23. Resolution 2015-077 Appointing Two Representatives to the Colorado Municipal League Policy Committee.

The purpose of this item is to appoint Councilmember Ray Martinez and City Manager Darin Atteberry to represent the City of Fort Collins on the Colorado Municipal League Policy Committee.

**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. Updates regarding paved trail construction in the City and the English Ranch Community Garden.
- B. Presentation of the Colorado Government Association of Information Technology (CGAIT) Exceptional Customer Service Award.

● **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.

24. Consideration of an Appeal Regarding the Decision of the Administrative Hearing Officer Decision to Approve the River Modern Project Development Plan. (staff: Seth Lorson, Cameron Gloss; 10 minute staff presentation; 90 minute discussion)

The purpose of this item is to consider an Appeal of the Administrative Hearing Officer's July 10, 2015 Hearing Decision to Approve the River Modern Project Development Plan. On July 20, 2015, Max D. Oesterle et al., filed a Notice of Appeal on grounds that the Decision Maker made the following error:

- Failure to properly interpret and apply relevant provisions of the Land Use Code ("LUC"), and particularly LUC Sections 3.4.1(E)(2)(a) and (c) and 3.5.1(B),(C), (D) and (E).

25. Items Relating to the Special Municipal Election to be Held in Conjunction with the November 3, 2015, Larimer County Coordinated Election, Including a Public Hearing to Consider Any Timely Filed Protest Under Code Section 7-156 to Challenge the Ballot Title or Submission Clause Proposed in Resolution 2015-078. (staff: Ginny Sawyer, SeonAh Kendall; 5 minute staff presentation; 30 minute discussion)

A hearing on a ballot language protest filed by Eric Sutherland on August 17, 2015, will be held at the beginning of this item.

- A. Second 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.
- B. Resolution 2015-078 Submitting to the Registered Electors of the City A Ballot Title and Submission Clause for a City-Initiated Question Authorizing the City to Provide Directly, and/or Indirectly with Public and/or Private Sector Partners, High-Speed Internet Services, Telecommunication Services, and/or Cable Television Services Within the City Of Fort Collins Growth Management Area, as Permitted by Title 29, Article 27 of the Colorado Revised Statutes (SB 05-152), to be Presented at the November 3, 2015 Larimer County Coordinated Election.

Ordinance No. 089, 2015, unanimously adopted on First Reading on July 21, 2015, calls 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 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.



Resolution 2015-078 seeks voter authorization to permit the City to provide high-speed internet services, telecommunication services and/or cable television services within the City's growth management area, pursuant to §§ 29-27-101 to 304, C.R.S. (SB05-152)

26. Second 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; no staff presentation; 20 minute discussion)

This Ordinance, adopted on First Reading by a vote of 4-3 (nays: Cunniff, Overbeck, Stephens) adopts 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. On First Reading, a second option was presented that required the support of only three Councilmembers to direct initiation of resolutions and ordinances under Subsection 1.d of the Ordinance. Leadership Planning Team has requested that the language be provided for Council's convenience on Second Reading. The following is an updated alternate version for Subsection 1.d (presented on First Reading as Option B):

- d. Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by City staff, as described above, by each expressing his or her desire that such efforts move forward during related discussion of a specifically identified agenda item or under the "Other Business" portion of the meeting agenda at a regular or special Council meeting.

- **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.