



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 October 20, 2015

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring October as National Cyber Security 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. Consideration and Approval of the Minutes of the September 29, 2015 Special Council Meeting and the October 6, 2015 Regular Council Meeting.

The purpose of this item is to approve the minutes from the September 29, 2015 Special Council meeting and the October 6, 2015 Regular Council meeting.

2. Second Reading of Ordinance No. 113, 2015, Appropriating Prior Year Reserves in the General Fund to Reimburse Woodward, Inc. For Development Fees and Capital Improvement Expansion Fees.

This Ordinance, unanimously adopted on First Reading on October 6, 2015, appropriates \$180,994 of prior year reserves from the General Fund for a rebate to Woodward for fees under an agreement that City Council approved on April 2, 2013 (Ordinance No. 055, 2013). The agreement provides business investment assistance for the relocation of Woodward's headquarters, as well as an expansion of its manufacturing and office facilities to a new location at the corner of Lincoln Avenue and Lemay Avenue. The project will retain or create between 1,400 and 1,700 primary jobs in the City. Changes have been made to this Ordinance to edit language amended on First Reading reflecting that all of the prior year reserves to be appropriated will be from the General Fund and not from affected capital improvement expansion fee funds.

3. Second Reading of Ordinance No. 123, 2015, Appropriating Prior Year Reserves and Unanticipated Revenue in Various City Funds and Authorizing the Transfer of Appropriated Amounts between Funds or Projects.

This Ordinance, unanimously adopted on First Reading on October 6, 2015, combines dedicated and unanticipated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and, therefore, not included in the 2015 annual budget appropriation. The unanticipated revenue is primarily from fees, charges, rents, contributions and grants that have been paid to City departments to offset specific expenses.

4. Second Reading of Ordinance No. 124, 2015, Appropriating Prior Year Reserves in the Street Oversizing Fund for Transfer to the Capital Project Fund for the Lemay and Vine Intersection Project.

This Ordinance, unanimously adopted on First Reading on October 6, 2015, appropriates \$244,723 of prior year reserves from the Street Oversizing Fund and authorizes the transfer of appropriations from the Street Oversizing Fund into the Capital Project Fund for the Lemay and Vine Intersection Project. The Engineering Department is currently working on the conceptual design and alternatives analysis for realigned Lemay Avenue and Suniga Drive, northeast of the existing Lemay and Vine intersection. The City has an opportunity to purchase road right-of-way and utility easements for realigned Lemay Avenue and Suniga Drive within the Kederike parcel. The purchase of the road right-of-way and easements has been portioned out between an Engineering Capital obligation and a Street Oversizing obligation.

5. Second Reading of Ordinance No. 126, 2015, Appropriating Unanticipated Grant Revenue into the Storm Drainage Fund for the Flood Warning System Enhancements Project.

This Ordinance, unanimously adopted on First Reading on October 6, 2015, appropriates \$125,037 in grant revenues from the State of Colorado Department of Homeland Security - Office of Emergency Management. The project consists of Stormwater Flood Warning System capital outlays that include purchase of new data management software, new communications hardware, and installation of three new gauges.

6. Second Reading of Ordinance No. 127, 2015 Authorizing a Lease of City-Owned Property at City Park North Ball Field to Verizon Wireless (VAW) LLC for the Installation of Antennas and Related Facilities, and Associated Access and Utility Easements.

This Ordinance, unanimously adopted on First Reading on October 6, 2015, adds an antenna array to an existing City-owned light pole, located at City Park north ball field, 137 South Bryan Avenue, and authorizes the lease of 375 square feet of ground space to Verizon Wireless. The array will be located approximately 65 feet above the ground and accompany two other arrays currently on the pole. Additional ground space for related communication equipment cabinets will be installed adjacent to the current carriers' equipment.

7. First Reading of Ordinance No. 128, 2015, Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority Relating to the Annual Appropriations for the Fiscal Year 2016 and Fixing Mill Levy for the Downtown Development Authority for Fiscal Year 2016.

The purpose of this item is to set the Downtown Development Authority ("DDA") Budget.

The following amounts will be appropriated:

DDA Public/Private Investments & Programs	\$ 725,394
DDA Operations & Maintenance	\$ 791,717
Revolving Line of Credit Draws	\$ 2,100,000
DDA Debt Service Fund	\$ 4,521,012

The Ordinance sets the 2016 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2016.

8. First Reading of Ordinance No. 129, 2015, Appropriating Prior Year Reserves in the Downtown Development Authority Fund for Expenditure on Projects and Programs in Fiscal Year 2015 in Accordance with the Downtown Plan of Development.

The purpose of this item is to appropriate unanticipated revenue from interest earnings in the amount of \$13,508 and from project savings in the amount of \$63,836 for a total appropriation of \$77,344. The Downtown Development Authority ("DDA") Board has authorized the expenditure of these funds for various DDA projects and programs in fiscal year 2015.

9. First Reading of Ordinance No. 130, 2015, Appropriating Prior Year Reserves in the Transit Services Fund and Prior Year Reserves in the Transportation Fund and Authorizing the Transfer of Appropriations into the Capital Projects Fund and Appropriating Therein for the Mason Corridor Project for the Purchase of Two Rapid Transit Buses.

The purpose of this item is to request appropriations and transfers in the amount of \$1,473,887 to help pay for two recently-delivered Bus Rapid Transit (BRT) 60-foot Compressed Natural Gas (CNG) buses for MAX. The total cost for the two buses is \$1,734,598 and the balance will be paid from an existing Capital Projects Fund appropriation of \$260,711. The requested funding sources and amounts are as follows: Transportation Fund Reserves in the amount of \$741,288; and Transit Fund Reserves in the amount of \$732,599. The appropriated amounts would then be transferred to the Capital Projects Fund.

10. First Reading of Ordinance No. 131, 2015, Amending Section 25-75(a) of the Code of the City of Fort Collins to Extend the Expiration Date of the City's 0.25% Street Maintenance Sales and Use Tax as Approved by the Voters at the City's April 7, 2015, Regular Election and to Correct an Error in the Expiration Date of the City's 0.85% Sales and Use Tax Increase Approved by the Voters at the City's November 2, 2010, Special Election.

The purpose of this item is to amend Section 25-75(a) of the City Code to reflect the appropriate tax expirations dates as approved by the electors. The expiration date of the street maintenance tax

needs to reflect the extension to December 31, 2025. The expiration date for the Keep Fort Collins Great (KFCCG) tax increase of .85% needs to be corrected to December 30, 2020.

11. First Reading of Ordinance No. 132, 2015, Amending Section 25-65 of the Code of the City of Fort Collins to Change the Application Filing Deadline for the City's Manufacturing Equipment Use Tax Rebate Program.

The purpose of this item is to amend City Code Section 25-65 to change the deadline for filing with the City an application for the manufacturing equipment use tax rebate (MUTR) from December 31st to June 30th.

12. Public Hearing and First Reading of Ordinance No. 133, 2015, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Houska Automotive Rezoning.

The purpose of this item is to rezone one parcel of land, 1005 Riverside Drive, near the southwest corner of the Riverside Drive and Lemay Avenue intersection. Existing zoning is N-C, Neighborhood Commercial District. Proposed zoning is C-L, Limited Commercial District. The parcel is 2.5 acres in size and is currently vacant.

13. Resolution 2015-089 Supporting the Colorado Department of Transportation's Northern Colorado Connectivity Project and Recommending it be Submitted for Federal Grant Funding Consideration.

The purpose of this item is to consider a Resolution and letter in support for a Colorado Department of Transportation (CDOT) grant application for federal resiliency funds (Northern Colorado Connectivity Project) to be used to improve I-25 infrastructure. These funds will help make improvements needed to maintain critical I-25 connectivity to Northern Colorado in times of emergency, weather event, disaster, or crisis.

14. Resolution 2015-090 Setting for December 1, 2015, a Noticed Public Hearing for the City Council's Consideration of a Resolution to Substantially Modify the Midtown Urban Renewal Plan.

The purpose of this item is for City Council to consider the adoption of a resolution setting a public hearing date for December 1, 2015 to consider two modifications of the Midtown Urban Renewal Plan (the "Midtown Plan"). One modification would reduce the Midtown Plan area by removing territory that is currently not in either of the two approved tax increment financing (TIF) districts within the Midtown Plan (Prospect South and Foothills Mall). The other modification would amend wording in the Midtown Plan to clarify that the Plan identifies and describes only one urban renewal project.

Adoption of the Resolution only sets the public hearing date for December 1, 2015, for Council's consideration of these modifications and does not take any action on either of the two modifications.

15. Resolution 2015-091 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

The purpose of this item is to amend the rules of procedure for City Council meetings for review of Additional Permitted Uses and Rezoning of 640 acres or less. The amended rules also provide for the order of items for special Council meetings.

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.

16. Second Reading of Ordinance No. 125, 2015, Appropriating Prior Year Reserves in the Capital Project Fund for the Building on Basics Intersection Improvements and the Street Oversizing Fund into the Capital Projects Fund for the Timberline Road–Drake Road to Prospect Road Improvement Project, and the Cultural Services and Facilities Fund for the Art in Public Places Program. (staff: Tim Kemp; no staff presentation; 3 minute discussion)

This Ordinance, unanimously adopted on First Reading on October 6, 2015 (Campana recused) appropriates \$1,300,000 of prior year reserves from the Building on Basics Fund and appropriates \$200,000 of prior year reserves from the Street Oversizing Fund into the Capital Project Fund for the “Timberline Road-Drake Road to Prospect Road” Improvement Project. The initial budget for this project was established in 2013. Between conceptual planning in early 2013 and final design in late 2015, construction prices have risen between 30% and 50%. This appropriation allows staff to finalize the design and construction of safety, multi-modal, operational, and landscape improvements. The project will be constructed in 2016.

17. Resolution 2015-088 Stating the Intent of the City of Fort Collins to Annex Certain Property and Initiating Enclave Annexation Proceedings for Such Property to be Known as the Wood Street Second Annexation. (staff: Clay Frickey; 3 minute staff presentation; 5 minute discussion)

The purpose of this item is to initiate the annexation process for the Wood Street Second Annexation. This is a City-initiated request to annex a 16.267 acre parcel at 832 Wood Street, owned by Jeffrey Lebesch, into the City of Fort Collins. The parcel became an enclave with the annexation of the Pateros Creek subdivision on September 18, 2012. As of September 18, 2015, the City is authorized to initiate and annex the enclave in accordance with State Statute 31-12-106.

18. First Reading of Ordinance No. 134, 2015, Making Certain Amendments to Section 17-142 of the Code of the City of Fort Collins Related to Public Nudity. (Option 1 or Option 2) (staff: Tyler Marr; 5 minute staff presentation; 90 minute discussion)

The purpose of this item is to bring forth two potential options to the current City Code provisions concerning public nudity for consideration in light of recent citizen concerns regarding the prohibition on female toplessness in Fort Collins. Both options would update the section of the Code to read as "Public Nudity" rather than "Public Indecency." Both options also include exceptions to the provisions for young children, changing areas, medical situations, and performance venues.

Option 1 would keep the provision in the Code that does not allow for female toplessness, while adding exceptions, including an exception for breastfeeding mothers.

Option 2 would update the Code provisions by allowing female toplessness within the City and specifically prohibiting all nudity below the waist for both sexes, with certain limited exceptions.

19. Resolution 2015-092 Appointing Three Councilmembers to Serve on an Ad Hoc Council Committee to Study and Consider Election Code Changes. (staff: Wanda Winkelmann; 3 minute staff presentation; 5 minute discussion)

The purpose of this item is to appoint three City Councilmembers to the ad hoc Election Code Changes Council Committee.

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

- **OTHER BUSINESS**

A. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers

(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 staff.)

- **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.