



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 November 3, 2015 (Revised November 2, 2015)

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring November 2015 as American Music Month.
- B. Proclamation Declaring November 25-December 10 as 16 Days of Activism Against Gender Violence.
- C. Proclamation Declaring November 15 through November 21, 2015, as Geographic Awareness Week.
- D. Proclamation Declaring November 2015 as the "Month of Movember".

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. 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.

This Ordinance, unanimously adopted on First Reading on October 20, 2015, sets 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.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on October 20, 2015, appropriates 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 for use by the Downtown Development Authority. The Downtown Development Authority Board has authorized the expenditure of these funds for various DDA projects and programs in fiscal year 2015.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on October 20, 2015, appropriates and transfers \$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 will then be transferred to the Capital Projects Fund.

4. Second 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.

This Ordinance, unanimously adopted on First Reading on October 20, 2015 amends 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 will reflect the extension to December 31, 2025. The expiration date for the Keep Fort Collins Great (KFCG) tax increase of .85% needs to be corrected to December 30, 2020.

5. Second 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.

This Ordinance, unanimously adopted on First Reading on October 20, 2015, amends City Code Section 25-65 to change the deadline for filing an application for the manufacturing equipment use tax rebate (MUTR) with the City from December 31st to June 30th.

6. Second 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.

This Ordinance, unanimously adopted on First Reading on October 20, 2015, rezones 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.

7. Second 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.

This Ordinance, unanimously adopted on First Reading on October 20, 2015, updates Section 17-142 of the City Code to read as "Public Nudity" rather than "Public Indecency," and maintains the current prohibition of the exposure of the female breast in public, excluding from this prohibition children under the age of ten and breastfeeding mothers. There has been a slight modification to the language between First and Second Reading. The words "areola and" have been added before the word "nipple".

8. First Reading of Ordinance No. 135, 2015, Adopting the 2016 Budget and Appropriating the Fort Collins Share of the 2016 Fiscal Year Operating and Capital Improvement Funds for the Fort Collins-Loveland Municipal Airport.

The 2016 annual operating budget for the Airport totals \$931,890, and will be funded from Airport operating revenues, contributions from the Cities of Fort Collins and Loveland (\$177,500 from each City), and interest earnings. This Ordinance appropriates the City of Fort Collins 50% share of the 2016 Airport budget, which totals \$465,945. This Ordinance also appropriates the City's 50% share of capital funds, totaling \$83,334 for the Airport from Federal and State grants; contributions from Fort Collins and Loveland; and the Airport General Fund. The budgeted 2016 Airport capital funds, totaling \$166,668, will be used to complete a major Airport improvement including the second phase of the construction of a snow removal equipment storage facility.

9. First Reading Ordinance No. 136, 2015, Appropriating Prior Year Reserves in the General Fund to Reimburse Custom Blending, Inc. For Use Taxes and Business Personal Property Taxes as Provided in the Business Investment Agreement.

The purpose of this item is to appropriate \$13,130 of prior year reserves in the General Fund for a rebate to Custom Blending for use tax and business personal property tax rebates under an agreement approved by City Council on August 20, 2013 (Resolution 2013-073). The Agreement provides business investment assistance for the expansion of Custom Blending's manufacturing facility and investment in additional manufacturing equipment. Custom Blending has retained or created 63 primary jobs in the city.

10. First Reading of Ordinance No. 137, 2015, Authorizing the City Manager and the Mayor to Enter Into an Agreement Regarding the City Ditch, Including the Quit Claim of a Portion of the City Ditch and the Granting of an Updated Easement Across the Waterworks Property.

The purpose of this item is to request approval of a proposed agreement between the City, the Larimer County Canal No. 2 Irrigating Company ("Ditch Company"), and The James S. Brinks Trust formed under the Trust Agreement dated November 30, 2007 ("Trust"), the quit claim of a portion of the City Ditch, the granting of an updated easement across the Waterworks property, and the City's acquisition of carriage rights.

11. Resolution 2015-093 Finding Substantial Compliance and Initiating Annexation Proceedings for the Lodgepole Investments, LLC, Annexation.

The purpose of this item is to initiate annexation proceedings for the Lodgepole Investments LLC properties, located 670 feet southwest of the intersection of I-25 and State Highway 392, addressed as 7795 and 7801 SW Frontage Road, Fort Collins, CO. The applicant, Lodgepole Investments, LLC has submitted a written petition requesting annexation of two properties and right-of-way, totaling 39.7 acres.

The requested zoning for this annexation is G-C, General Commercial. The property is located within the Fossil Creek Reservoir Area Plan and the I-25/SH 392 Corridor Activity Center (CAC) overlay area. The requested zoning district is in compliance with the City of Fort Collins *Structure Plan* and the *Fossil Creek Reservoir Area Plan*. A specific project development plan proposal is not included with the annexation application.

The proposed Resolution makes a finding that the petition substantially complies with the Municipal Annexation Act, determines that a hearing should be established regarding the annexation, and directs that notice be given of the hearing. The hearing will be held at the time of first reading of the annexation and zoning ordinances; not less than thirty days of prior notice is required by state law.

12. Resolution 2015-094 Approving and Adopting an Updated Energy Policy.

ITEM WITHDRAWN

~~The purpose of this item is to adopt the 2015 Energy Policy (Policy), presented to Council at the September 22, 2015 work session. The Policy will replace the existing 2009 Energy Policy. In alignment with Ordinance No. 098, 2011, the scope of the Policy has expanded from past versions to include various types of energy sources and end uses delivered within the community, which include electricity, natural gas and transportation fuels. The Policy update was timed to allow for coordination with the Climate Action Plan Framework (CAP) and associated goals adopted by Council earlier in 2015. The Policy provides goals for the prioritization of decision making, programs and services related to the quantity of use and the energy sources for electricity, thermal end-uses and transportation. The Policy uses a systems approach to energy production and consumption, as well as triple bottom line metrics (economy, society, and environment) guiding City government in the development of plans promoting policy outcomes for residents, businesses and other type of organizations.~~

13. Resolution 2015-095 Approving the Bylaws of the Northern Colorado Regional Airport Commission.

The purpose of this item is to adopt the bylaws governing the responsibilities and duties of the Northern Colorado Regional Airport Commission.

14. Resolution 2015-096 Authorizing the Execution of an Intergovernmental Agreement Between the City and the Colorado Department of Transportation for Construction of the Mulberry Street Bridge Across the Poudre River.

The purpose of this item is to authorize the Mayor to execute an Intergovernmental Agreement (IGA) with the Colorado Department of Transportation (CDOT). This action will provide a repayment mechanism for City improvements currently being constructed by CDOT as part of the State Highway 14 Bridge over the Poudre River between Riverside and Lemay Avenue Project. All repayment funds associated with the IGA have been previously appropriated. Funds for the City's urban design improvements were appropriated through Council actions (Ordinance Nos. 112, 2012 and 153, 2014). Repayment funds associated with the City of Fort Collins Wastewater Facility frontage improvements will be paid from City of Fort Collins Wastewater Funds and Street Oversizing Funds.

Total funding amounts are as follows:

- Mulberry Bridge Urban Design Improvements Funds - \$647,000

- City of Fort Collins General Transportation Funds - \$75,000
- City of Fort Collins Wastewater Funds - \$318,000
- Street Oversizing Funds - \$70,000
- Total Amount to be Repaid - \$1,110,000

15. Resolution 2015-097 Designating a Voting Delegate and Alternate Delegate for National League of Cities Annual Business Meeting.

The purpose of this item is to officially designate a voting delegate and alternate delegate who are eligible to vote on behalf of the City at the National League of Cities (NLC) annual business meeting. NLC bylaws afford voting rights at the annual business meeting to member communities based upon population. Delegates will vote on changes to NLC bylaws, election of members of the Board of Directors and member resolutions.

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. First Reading of Ordinance No. 138, 2015, Appropriating Prior Year Reserves in the General Fund for the Design of the Police Regional Training Facility. (staff: Cory Christensen; John Hutto; 15 minute staff presentation; 45 minute discussion)

The purpose of this item is to seek adoption of the appropriation ordinance to fund the design phase of the Police Regional Training Facility. The request is for \$810,000 and authorization for funding for the Fort Collins portion of the design phase.

17. First Reading of Ordinance No. 139, 2015, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2016; Amending the Budget for the Fiscal Year Beginning January 1, 2016, and Ending December 31, 2016; and Fixing the Mill Levy for Fiscal Year 2016. (staff: Lawrence Pollack, Darin Atteberry, Mike Beckstead; 10 minute staff presentation; 30 minute discussion)

The purpose of this item is to amend the adopted 2016 Budget and set the amount of \$563,376,909 to be appropriated for fiscal year 2016. Including the 2016 adopted budgets for the General Improvement District No. 1 ("GID No. 1") of \$193,877, the Skyview General Improvement District No. 15 ("GID No. 15") of \$1,000, and the revised Urban Renewal Authority (URA) budget of \$2,889,600, the total City appropriations amount to \$566,461,386. The Net City Budget, which excludes the GID No.1, GID No. 15, URA, and internal transfers between City funds, is \$448,374,933 for 2016.

18. Items Relating to Utility Rates, Fees and Charges for 2016. (staff: Randy Reuscher, Lance Smith; 10 minute staff presentation; 20 minute discussion)

- A. First Reading of Ordinance No. 140, 2015, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges.
- B. First Reading of Ordinance No. 141, 2015, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Calculation and Collection of Development Fees imposed for New or Modified Electric Service Connections.
- C. First Reading of Ordinance No. 142, 2015, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees and Charges.
- D. First Reading of Ordinance No. 143, 2015, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Plant Investment Fees.
- E. First Reading of Ordinance No. 144, 2015, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees and Charges. (**Option A or Option B**)
- F. First Reading of Ordinance No. 145, 2015, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Sewer Plant Investment Fees.
- G. First Reading of Ordinance No. 146, 2015, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Plant Investment Fees.

The purpose of this item is for Council to consider adopting rate changes for electric and wastewater rates, and electric capacity fees, water plant investment fees (PIFs), wastewater PIFs and stormwater PIFs, along with other Code clarifications and formatting changes.

2016 Rates and Fees Summary		
Fund	Proposed Revenue Adjustment	Development Fee Adjustment?
Electric	3.2%	Yes
Water	0.0%	Yes
Wastewater	3.0%	Yes
Stormwater	0.0%	Yes

19. Resolution 2015-098 Directing City Staff to Participate in the Ongoing Colorado Oil and Gas Commission Rulemaking Related to the Governor's Oil and Gas Taskforce Recommendations 17 and 20 Endorsing and Adopting the Prehearing Statement Prepared by the City. (staff: Dan Weinheimer; 10 minute staff presentation; 45 minute discussion)

The purpose of this item is to consider a prehearing statement and provide staff direction for the Colorado Oil and Gas Conservation Commission rulemaking.

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

- **OTHER BUSINESS**

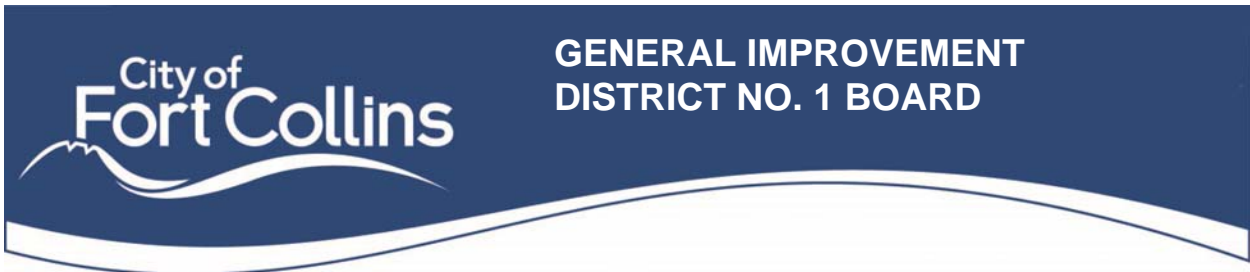
- A. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers

(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**

- A. Council will consider a motion to adjourn to 6:00 p.m., Tuesday, November 10, 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.



Wade Troxell, President
Gerry Horak, District 6, Vice President
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
Executive Director

Wanda Winkelmann
Secretary

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.

General Improvement District No. 1 Board Regular Meeting November 3, 2015 (after the Regular Council Meeting, which begins at 6:00 p.m.)

- **CALL MEETING TO ORDER**
- **ROLL CALL**
- 1. First Reading of Ordinance No. 067, Determining and Fixing the Mill Levy for the General Improvement District No. 1 for the Fiscal Year 2016; Directing the Secretary of the District to Certify such Levy to the Board of Commissioners of Larimer County; and Making the Fiscal Year 2016 Annual Appropriation. (staff: Mike Beckstead; 3 minute staff presentation; 5 minute discussion)

The sum of \$280,000 is anticipated to be collected from the mill levy of 4.924 mills for fiscal year 2016 imposed within the General Improvement District No. 1 (GID) boundaries. Additional revenue for the GID from automobile specific ownership taxes, ad valorem taxes, and interest earnings are anticipated in 2016 to total \$33,000 resulting in an expected revenue total of \$313,000 for 2016. The Ordinance appropriates funds in the amount of \$193,877 for the operation of the GID in 2016.

- **OTHER BUSINESS**
- **ADJOURNMENT**



Wade Troxell, President
Gerry Horak, District 6, Vice President
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
Executive Director

Wanda Winkelmann
Secretary

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.

Skyview South General Improvement District No. 15 Board Formal Meeting November 3, 2015 (after the General Improvement District No. 1 meeting)

- **CALL MEETING TO ORDER**
- **ROLL CALL**
- 1. First Reading of Ordinance No. 007, Determining and Fixing the Mill Levy for the Skyview South General Improvement District No. 15 for the Fiscal Year 2016; Directing the Secretary of the District to Certify Such Levy to the Board of Commissioners of Larimer County; and Making the Fiscal Year 2016 Annual Appropriation. (staff: Mike Beckstead; 3 minute staff presentation; 5 minute discussion)

This Ordinance includes the annual appropriation for 2016 of \$1,000 for the expenses of the Skyview South General Improvement District No. 15 (GID No. 15). The sum of \$25,200 is anticipated to be collected from the mill levy of 10.0 mills for fiscal year 2016. Additional revenue for GID No. 15 from interest earnings is anticipated to generate \$432. The total 2016 revenue for GID No. 15 is expected to be \$25,632. The total amount will be used in the future to maintain and repair roads in the Skyview subdivision.

- **OTHER BUSINESS**
- **ADJOURNMENT**