

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
January 5, 2016
(revised 1/4/16)

Proclamations and Presentations
5:30 p.m.

None.

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 beep once and the timer light will turn yellow to indicate that 30 seconds of speaking time remain, and will beep 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 December 15, 2015 Regular Council Meeting.

The purpose of this item is to approve the minutes from the December 15, 2015 Regular Council meeting.

2. Second Reading of Ordinance No. 149, 2015, Authorizing the Conveyance of an Easement on Maxwell Natural Area to the Board of Governors of the Colorado State University System.

This Ordinance unanimously adopted on First Reading on November 17, 2015, authorizes conveyance of a ten-year renewable easement to Colorado State University on Maxwell Natural Area that will replace a 99-year lease for access to maintain the Aggie "A" on the Natural Area. The Natural Areas Department proposed that the City grant a permanent easement to the Board of Governors of the Colorado State University System (CSU) on Maxwell Natural Area. The easement will also enable CSU and its students to carry out two other group activities that currently require annual permits from Natural Areas. CSU's current access typically has minimal impact to the Natural Area and no additional impacts are anticipated. No other access rights are to be conveyed.

On First Reading, Council amended the Ordinance to authorize the City to enter into a ten-year easement agreement with CSU that will automatically renew for successive ten-year terms unless either party elects to terminate the easement after notice to the other party. Second Reading was postponed to January 5, 2016 after CSU raised concerns regarding the easement terms. Those issues have since been resolved and CSU is willing to accept the language as approved by City Council on First Reading. Following First Reading minor edits were made to the Ordinance by the City Attorney's Office to improve the clarity of the Ordinance language. Those edits are shown in the Second Reading Ordinance.

3. Items Relating to the Lodgepole Investments LLC Annexation and Zoning.

A. Second Reading of Ordinance No. 163, 2015, Annexing Property Known as the Lodgepole Investments LLC Annexation to the City of Fort Collins.

B. Second Reading of Ordinance No. 164, 2015, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Lodgepole Investments LLC Annexation to the City of Fort Collins.

These Ordinances, unanimously adopted on First Reading on December 15, 2015, annex and zone 39.7 acres platted and approved in Larimer County as Fossil Creek Farm M.L.D., Tracts A and B. There are two tracts of land included in this annexation, located southwest of the intersection of I-25 and State Highway 392. The requested zoning for this annexation is G-C, General Commercial (10.0 acres) on Tracts A and (29.77 acres) on Tract B. The property is located within the Fossil Creek Reservoir Area Plan boundary.

4. Second Reading of Ordinance No. 165, 2015, Authorizing the Acquisition by Eminent Domain of Certain Lands Necessary to Construct Public Improvements in Connection with the Lincoln Corridor Improvements Project – Phase I.

This Ordinance, unanimously adopted on First Reading on December 15, 2015, authorizes the use of eminent domain, if deemed necessary, to acquire property interests needed to construct improvements to Lincoln Avenue between the Poudre River Bridge and Lemay Avenue. Lincoln Corridor Improvements Project - Phase I will construct road and intersection improvements, multimodal enhancements, utility improvements, and access control improvements in accordance with the Lincoln Corridor Plan. The project is planned to begin construction in the summer of 2016 and be completed in 2017. To construct these improvements, the City will need to acquire certain property interests adjacent to the project area. The acquisitions include right-of-way, permanent easements, and temporary easements from eleven property owners. Timely acquisition of the property is necessary to meet the anticipated construction schedule. Staff fully intends to negotiate in good faith with the affected owners and is optimistic that all property negotiations can be completed prior to the start of the Project. Staff is requesting authorization of eminent domain for all property acquisitions for the Project only if such action is deemed necessary.

5. Second Reading of Ordinance No. 166, 2015, Adopting Updates to the Larimer County Urban Area Street Standards.

This Ordinance, unanimously adopted on First Reading on December 15, 2015, updates the Larimer County Urban Area Street Standards (LCUASS). These updates include both technical/text updates, and correction of inconsistencies identified by staff since the last major update, as well as updates to the street cross-sections implementing recommendations from the 2014 Bicycle Master Plan. Additionally language was added aligning the City's policy towards "complete streets", as identified in City Plan and the Transportation Master Plan. This item corresponds to Strategic Plan Objectives; Safe Community 5.6 and Transportation 6.1, 6.3, 6.4. Once the City approves these updates the changes must also be approved by City of Loveland and Larimer County before they are incorporated into LCUASS, as these are a shared set of standards between the three jurisdictions.

6. First Reading of Ordinance No. 001, 2016, Appropriating Revenue in the Community Capital Improvement Fund for Initiation of the Various 2016 Approved Projects, Transferring a Portion of that Appropriation to the Capital Projects Fund and a Portion thereof to the Cultural Services and Facilities Fund for the Art in Public Places Program Contribution Associated with the 2016 Approved Projects.

The purpose of this item is to appropriate \$6,980,000 of Community Improvement Program funding for 2016 to initiate ten projects and programs identified as those of the highest priority during community outreach and guidance provided by City Council, and to transfer a portion of these appropriated funds to the Capital Projects Fund from which a portion will also be then transferred to the APP program.

7. First Reading of Ordinance No. 002, 2016, Appropriating Unanticipated Grant Revenue from the Congestion Mitigation and Air Quality Grant for the Extension of FLEX Regional Route Service and Authorizing Execution of Implementing Intergovernmental Agreements by the City Manager.

The purpose of this item is to request a 2016 appropriation in the amount of \$475,000 to facilitate additional service for the FLEX regional transit route. This additional service is being fully funded through a Congestion Mitigation and Air Quality (CMAQ) grant that was awarded to Boulder County for the extension of FLEX services to Boulder. Staff is not requesting any additional City funding because the local match is being provided by existing Transportation Management Association (TMA) partner contributions and by the City of Boulder. The additional service is set to begin in January 2016 under a three-year pilot program. Transfort is acting in the capacity of pass-through recipient of the CMAQ funding and will request from Council further appropriations for 2017 and 2018 service in the 2016 Budgeting for Outcomes (BFO) process. These further appropriations will again be fully funded with external revenue.

8. First Reading of Ordinance No. 003, 2016, Appropriating Unanticipated Grant Revenue in the General Fund for the Fort Collins Police Services Victim Services Unit.

The purpose of this item is to fund the Victim Services Unit of Fort Collins Police Services for victim advocacy services under the Colorado Victim Rights Amendment for victims of crime and their family members. The Fort Collins Police Services Victim Services Unit has been awarded a 12-month grant in the amount of \$37,000 for the period from January 1, 2016 to December 31, 2016, by the Eighth Judicial District Victim Assistance and Law Enforcement (VALE) Board to help fund services provided by this team. These funds will be used for part of the salary for the victim advocate who provides crisis intervention services during weekday hours and is housed in the Victim Services office. These funds will also pay for a portion of the operational expenses needed to provide 24-hour a day, 7-day a week services to victims of crime in the community.

9. Items Relating to Underage Possession and Consumption of Alcohol and Marijuana Offenses and Consistency with State Law.

- A. First Reading of Ordinance No. 004, 2016, Amending Chapter 17 of the Code of the City of Fort Collins to Establish an Offense for Underage Possession or Consumption of Ethyl Alcohol.

The purpose of this item is to create a municipal misdemeanor offense that mirrors the state law on underage possession and consumption of alcohol.

- B. First Reading of Ordinance No. 005, 2016, Amending Chapter 17 of the Code of the City of Fort Collins to Bring the Existing Underage Code Offenses for Possession or Consumption of Marijuana into Conformity with State Law.

The purpose of this item is to bring the current underage possession and consumption of marijuana municipal misdemeanor offenses into conformity with state law.

10. Items Relating to Revisions of Certain Detention and Development Policies in the Fort Collins Stormwater Criteria Manual.

- A. First Reading of Ordinance No. 006, 2016, Amending Chapter 26 of the Code of the City of Fort Collins and the Fort Collins Stormwater Criteria Manual to Modify the Criteria for Underground Detention Systems.

- B. First Reading of Ordinance No. 007, 2016, Amending Chapter 26 of the Code of the City of Fort Collins and the Fort Collins Stormwater Criteria Manual to Modify Provisions Implementing Low Impact Development Principles.

The purpose of this item is to formally adopt two updates to the Stormwater Criteria Manual. Ordinance No. 006, 2016, updates the criteria that govern when, where, and to what extent it is appropriate to design and construct underground stormwater detention systems in the City of Fort Collins. Ordinance No.007, 2016, updates the current Low Impact Development (LID) criteria. The two policies are consistent with sustainability goals for the City of Fort Collins which center on three themes: innovate, sustain and connect. The adoption of these updated policies will allow for more efficient use of space, thus allowing the City to meet its sustainability goals, provide innovative design flexibility for new development that will enhance community affordability and livability, and allow a more compact development pattern in Fort Collins enhancing connectivity and reducing sprawl.

11. First Reading of Ordinance No. 008, 2016, Authorizing the Release of a Covenant on the Murphy Center Property.

The purpose of this item is to release a covenant that is no longer needed following the loan payoff and Release of Deed of Trust for the Community Development Block Grant (CDBG) Public Facility project regarding the Sister Mary Alice Murphy Center for Hope.

12. First Reading of Ordinance No. 009, 2016, Declaring Certain City-Owned Property on Running Deer Natural Area as Road Right-of-Way.

The purpose of this item is to declare a strip of property owned by the City as road right-of-way. The right-of-way will be used for the construction of a new Boxelder bridge, stormwater improvements, and in the future for the ultimate 4-lane configuration of East Prospect Road. The City owns parcels of property located at the southwest corner of East Prospect Road and Southwest Frontage Road. The parcels are part of Running Deer Natural Area. The City of Fort Collins Utilities and Engineering Departments are working in tandem on two stormwater improvement projects in the area that are intended to eliminate the overtopping of Prospect Road during large flood events in Boxelder Creek and to facilitate the eventual widening of Prospect Road to the ultimate 4-lane configuration. Construction on the stormwater and Boxelder bridge improvements are anticipated to begin in spring

2016 and will be completed late summer 2016. This Ordinance officially establishes the portion needed for Prospect Road on the City's property as public road right-of-way.

13. Resolution 2016-001 Adopting the City Fort Collins General Employees' Retirement Plan as Amended and Restated Effective January 1, 2016.

The purpose of this item is to consolidate two amendments, one made in October 2012 and the other in February 2013, to the 2012 Restated General Employees' Retirement Plan (the Plan) into a newly restated Plan, effective January 1, 2016.

14. Resolution 2016-002 Making Appointments to Various Boards, Commissions and Authorities of the City of Fort Collins.

The purpose of this item is to appoint individuals to fill vacancies that currently exist on various boards, commissions, and authorities due to resignations of board members and vacancies to be created upon the expiration of terms of current members. Applications were solicited during September and October. Council teams interviewed applicants in December. This Resolution appoints individuals to fill current vacancies and expiring terms.

This Resolution does not fill all vacancies. Interviews are continuing, and any remaining vacancies will be advertised as needed.

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-POSTPONED**

~~A. Light and Power Reliability Update (staff: Tim McCollough, Chris Parton, Kevin Gertig; 10 minute presentation)~~

~~Staff will provide an overview of the Utilities Light and Power Operations reliability improvement efforts, opportunities, and accomplishments.~~

- **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.

15. First Reading of Ordinance No. 010, 2016, Amending Section 15-620 of the Code of the City of Fort Collins Relating to Retail Marijuana Establishments' Hours of Operation. (staff: Ginny Sawyer: 2 minute staff presentation; 10 minute discussion)

The purpose of this item is to change the allowable operating hours of retail marijuana businesses from 8:00 a.m. to 7:00 p.m. to 8:00 a.m. to 8:00 p.m.

16. First Reading of Ordinance No. 011, 2016, Amending Chapter 14 of the Code of the City of Fort Collins Regarding Landmark Preservation. (staff: Karen McWilliams; 10 minute staff presentation; 15 minute discussion)

The purpose of this item is to present to Council proposed changes to the landmark designation procedure set forth in Article II, Chapter 14, of the City Code to make the landmark designation process more efficient in cases where a property owner does not consent.

- **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, January 12, 2016.

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.