



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 (V/TDD: Dial 711 for Relay Colorado) for assistance.

Regular Meeting January 19, 2016

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring March 4-6, 2016 as Shen Yun Performing Arts Celebration.
- B. Proclamation Declaring January 24-30, 2016 as School Choice 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 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. Second 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.

This Ordinance, unanimously adopted on First Reading on January 5, 2016, appropriates \$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.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on January 5, 2016, appropriates \$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.

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

This Ordinance, unanimously adopted on First Reading on January 5, 2016, appropriates \$37,000 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.

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

- A. Second 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.
- B. Second 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.

Ordinance No. 004, 2016, creates a municipal misdemeanor offense that mirrors the state law on underage possession and consumption of alcohol. Ordinance No. 005, 2016, brings the current underage possession and consumption of marijuana municipal misdemeanor offenses into conformity with state law. Both Ordinances were unanimously adopted on First Reading on January 5, 2016.

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

- A. Second 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. Second 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.

These Ordinances, unanimously adopted on First Reading on January 5, 2016, 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.

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

This Ordinance, unanimously adopted on First Reading on January 5, 2016, releases 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.

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

This Ordinance, unanimously adopted on First Reading on January 5, 2016, declares a strip of property owned by the City as part of the Running Deer Natural Area, 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 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.

8. First Reading of Ordinance No. 012, 2016, Appropriating Unanticipated Grant Revenue in the Recreation Fund for the Adaptive Recreation Opportunities Program Paralympic Sport Club.

The purpose of this item is to appropriate \$15,000 of unanticipated grant revenue in the Recreation Fund to be used for general operating support for the Adaptive Recreation Opportunities (ARO) program Paralympic Sport Club. ARO has been selected to receive a renewal grant of \$15,000 from the U.S. Department of Veterans Affairs (VA) for Veterans Adaptive Sports Programs serving disabled Veterans and disabled members of the Armed Forces for the funding cycle of October 2015- September 2016.

9. Items Relating to City Property at the College Avenue and Prospect Road Intersection.

- A. First Reading of Ordinance No. 013, 2016, Authorizing the Conveyance of City Property at College Avenue and Prospect Road to Colorado State University.
- B. First Reading of Ordinance No. 014, 2016, Declaring Certain City-Owned Property at College Avenue and Prospect Road as Road Right-of-Way.

The purpose of this item is to authorize the conveyance of a portion of City property located at the northwest corner of College Avenue and Prospect Road to Colorado State University and declare the remaining City property as road right-of-way. Colorado State University (CSU) is developing a medical center on property it owns at the northwest corner of the College Avenue and Prospect Road intersection. This development will require the construction of ultimate road improvements adjacent to its development. The City owns a small parcel of land located at the northwest corner of College Avenue and Prospect Road. The property was purchased in 1995 as part of the College Avenue/Prospect Road Choices 95 Project. A portion of the City property will be needed for right-of-way purposes as part of the ultimate road improvements. The remaining portion of the City property is not needed for current or future right-of-way needs. City staff desires to release the City's obligations related to the fee simple ownership of the remnant parcel and proposes conveying the remnant portion of the property to the surrounding property owner, CSU, while retaining a utility easement over the remnant parcel. Staff proposes conveying the remnant portion at a minimal cost due to the overall benefits to the public and supporting the City's goals and projects in the area. As part of the medical center project CSU will dedicate the ultimate right-of-way along Prospect Road adjacent to the development. Ordinance No. 013, 2016 will authorize the conveyance of the remnant portion of the City property to Colorado State University. Ordinance No. 014, 2016 will officially establish the remaining portion of the City property as public road right-of-way.

10. Resolution 2016-004 Authorizing the Initiation of Exclusion Proceedings of Annexed Properties Within the Territory of the Poudre Valley Fire Protection District.

The purpose of this item is to authorize the City Attorney to file a petition in Larimer County District Court to exclude properties annexed into the City in 2015 from the Poudre Valley Fire Protection District (the "District") in accordance with state law. The properties affected by this resolution are Kechter Farm Second Annexation and Wood Street Second Annexation. C.R.S. Section 32-1-502 requires an order of exclusion from the district court to remove these annexed properties from special district territories. The properties have been receiving fire protection services from the Poudre Fire Authority and will continue to do so. The City Attorney's Office files the petition in Larimer County District Court each year seeking exclusion for all properties annexed in the previous year that should be removed from the District to avoid double taxation.

11. Resolution 2016-005 Authorizing the City Manager to Execute an Intergovernmental Agreement with the East Larimer County Water District Regarding the Coy Measurement Station.

The purpose of this item is to authorize the City Manager to sign an agreement between the City of Fort Collins (City) and the East Larimer County Water District (ELCO) regarding the Coy Measurement Station. The City and ELCO each own one half (1/2) of the Coy Ditch Water Right. Two Water Court cases have been undertaken and completed by ELCO regarding the portion of the Coy Ditch Water Right it owns. Through the Water Court and district court processes, the City and ELCO have entered into several stipulations regarding the Coy Ditch, including the requirement to install the Coy Ditch Measurement Station in the vicinity of the headgate. Each stipulation also contemplates the City's use of the measurement station subject to an agreement between the City and ELCO that details the terms and conditions of such use. The City has a pending Water Court application which will necessitate the City's use of the Coy Ditch Measurement Station. The City and ELCO have worked together to develop the agreement and City Council approval of this intergovernmental agreement is required.

12. Resolution 2016-006 Approving an Exception to the Use of a Competitive Process for the Purchase of Animal Control Services from the Larimer County Humane Society for 2016.

The purpose of this item is to request an exception to the competitive bid process for the purchase of services for a one-year term beginning February 1, 2016 from the Larimer Humane Society for the operation and management of the animal shelter. Approval of this exception may be used as authorized in City Code Section 8-161(d)(4) as the basis for the City Manager and the Purchasing Agent to negotiate and agree to the additional purchase of animal control services from the Larimer Humane Society through January 2021 without further Council approval.

13. Resolution 2016-007 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Planning and Zoning Board Decision Approving the Uncommon Project Development Plan, PDP15-0013.

The purpose of this item is to make Findings of Fact and Conclusions regarding the appeal of the Planning and Zoning Board’s decision to approve the Uncommon Project Development Plan. The appeal was heard by City Council on January 12, 2016.

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.

14. Second 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; no staff presentation; 5 minute discussion)

This Ordinance, adopted on First Reading on January 5, 2016 by a vote of 6-1 (Nays: Martinez) changes 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.

15. Consideration of an Appeal of the Building Review Board Regarding the Coy-Hoffman Silos. (staff: Tom Leeson; 5 minute staff presentation; 2 hour discussion)

Woodward, Inc. has appealed the Building Review Board (BRB) decision to uphold the Chief Building Official's declaration that two historic farm silos are "dangerous structures" and not structures that pose an "imminent danger" at 1041 Woodward Way.

16. First Reading of Ordinance No. 011, 2016, Amending Chapter 14 of the Code of the City of Fort Collins Regarding Landmark Preservation. (staff: Laurie Kadrich, Karen McWilliams; 10 minute staff presentation; 30 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 City Code to make the landmark designation process more efficient in cases where a property owner does not consent to landmark designation ("non-consensual" designation) and the property is already designated on the National and/or State Historic Registers, either individually or as a part of a historic district.

17. First Reading of Ordinance No. 015, 2016, Amending the City of Fort Collins District-Precinct Map. (staff: Wanda Winkelmann, Rita Knoll; 5 minute staff presentation; 15 minute discussion)

The purpose of this item is to amend the City of Fort Collins District-Precinct Map to (1) align the City precinct boundaries with the County precinct boundaries, which were amended in May 2015; and (2) adjust Council district boundaries to achieve a required population deviation between the most populous district and the least populous district. The district boundaries were last adjusted in August 2012.

- **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.)
- B. Council will consider a motion to adjourn to 6:00 p.m., Tuesday, January 26, 2016.

- **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.