



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.

Adjourned Meeting February 9, 2016

(previously scheduled for February 2, 2016; meeting was adjourned to February 9, due to inclement weather)

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

None scheduled.

**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/development review](http://fcgov.com/development%20review), 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 January 5, 2016 Regular Council Meeting and the January 12, 2016 Adjourned Council Meeting.

The purpose of this item is to approve the minutes from the January 5, 2016 Regular Council meeting and the January 12, 2016 Adjourned Council meeting.

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

This Ordinance, unanimously adopted on First Reading on January 19, 2016, appropriates \$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 for Veterans Adaptive Sports Programs serving disabled veterans and disabled members of the Armed Forces for the funding cycle of October 2015-September 2016.

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

A. Second Reading of Ordinance No. 013, 2016, Authorizing the Conveyance of City Property at College Avenue and Prospect Road to Colorado State University.

B. Second Reading of Ordinance No. 014, 2016, Declaring Certain City-Owned Property at College Avenue and Prospect Road as Road Right-of-Way.

These Ordinances, unanimously adopted on First Reading on January 19, 2016, 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 authorizes the conveyance of the remnant portion of the City property to Colorado State University. Ordinance No. 014, 2016 officially establishes the remaining portion of the City property as public road right-of-way.

4. Items Relating to the Maverik First Annexation.

WITHDRAWN FROM CONSIDERATION

~~A. Resolution 2016-010 Setting Forth Findings of Fact and Determinations Regarding the Maverik First Annexation.~~

~~B. Public Hearing and First Reading of Ordinance No. 017, 2016, Annexing the Property Known as the Maverik First Annexation to the City of Fort Collins, Colorado.~~

~~The purpose of this item is to annex 1.26 acres located at 4333 East Mulberry Street at the southeast quadrant of I-25 and State Highway 14. The parcel is a portion of the America's Best Value and Inn and Suites hotel. The Initiating Resolution was adopted on December 15, 2015. The property is located within the I-25 Corridor Plan. A related item to zone the annexed property is presented as Item No. 5 on this Agenda.~~

5. Public Hearing and First Reading of Ordinance No. 018, 2016, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Maverik First Annexation to the City of Fort Collins.

WITHDRAWN FROM CONSIDERATION

~~The purpose of this item is to zone the property included in the Maverik First Annexation into the General Commercial zone district. This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2015-091.~~

- 5A. Resolution 2016-015 Finding Substantial Compliance and Initiating Annexation Proceedings for the Maverik First Annexation.

The purpose of this item is to annex the Maverik First Annexation. The applicant, Hanna DUL, Inc., has submitted a written petition requesting annexation of 1.26 acres located at 4333 East Mulberry Street which is the existing hotel and property located at the southeast quadrant of I-25 and East Mulberry Street. The site gains access from the Southeast Frontage Road. The requested zoning for this annexation is C-G, General Commercial. The property is located within the East Mulberry Corridor and I-25 Corridor Plans. In accordance with the Intergovernmental Agreement for the Fort Collins Growth Management Area with Larimer County, the City of Fort Collins agrees to annex land that meets the minimum contiguity requirement, and based on a voluntary petition to annex for the purpose of redeveloping the subject parcel. The subject parcel is part of a larger parcel which is bordered on three sides by the Interchange Business Park which was annexed in 2005.

On December 15, 2015, Council approved a substantially similar resolution (Resolution #2015-110) finding substantial compliance and initiating annexation proceedings. That resolution set February 2, 2016, as the date for the public hearing on the annexation. However, due to inclement weather, the February 2 Council meeting was continued. To comply with statutory notice requirements that require an annexation hearing to be held on the date set by Council and previously communicated to the public by published notice, a resolution finding substantial compliance and setting a new hearing date is being presented for Council consideration.

6. First Reading of Ordinance No. 019, 2016, Adding a New Section 1-23 to the Code of the City of Fort Collins to Establish a One-Year Limitation for the Prosecution of City Code Violations in Fort Collins Municipal Court.

The purpose of this item is to add a new Section 1-23 to the City Code to establish a one-year time limitation, subject to certain tolling provisions, for how long after a person violates a provision of the City Code that the person can be prosecuted in Fort Collins Municipal Court ("Municipal Court"). The City Charter places a one-year time limitation on prosecutions of Charter violations in Municipal Court, but neither the Charter nor the Code establishes a similar time limitation for Code violations. As a result, the current controlling time limitation for prosecutions of Code violations in Municipal Court is a one-year limitation with no tolling provisions that is set by state statute in C.R.S. Section 31-16-111. However, as a home rule municipality, the City can establish its own time limitation and tolling provisions for such prosecutions, as proposed in this Ordinance.

7. Resolution 2016-011 Approving Revised Costs and Fees for Fort Collins Municipal Court.

The purpose of this item is to add a new \$35 Active Condition Fee to the approved costs and fees for cases in Fort Collins Municipal Court. This new fee would apply to dispositions on certain non-traffic misdemeanor cases, including the new "Underage Possession of Alcohol" cases. The revenue from this fee would help cover the administrative cost of setting up and monitoring compliance with alternative sentencing conditions, such as alcohol and marijuana classes and useful public service, as well as sealing such cases when required. The Active Condition Fee is the only fee that staff is recommending be added or revised at this time.

8. Resolution 2016-012 Authorizing an Intergovernmental Agreement with Colorado State University for Stormwater Related Research Services.

The purpose of this item is to obtain Council approval for a new City-Colorado State University (CSU) agreement in the amount of \$65,840 for stormwater related research services that would be provided by CSU to the City in 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.

9. Second Reading of Ordinance No. 011, 2016, Amending Chapter 14 of the Code of the City of Fort Collins Regarding Landmark Preservation. (staff: Karen McWilliams, Laurie Kadrich; no staff presentation; 30 minute discussion)

This Ordinance, adopted on First Reading on January 19, 2016 by a vote of 4-3 (Nays: Cunniff, Overbeck, Stephens) amends 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.

10. First Reading of Ordinance No. 016, 2016, Appropriating Prior Year Reserves in the Water Fund for a Project to Repair a Piped Section of the Michigan Ditch Tunnel Project and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program. (staff: Kevin Gertig, Mike Beckstead; 10 minute staff presentation; 10 minute discussion)

The purpose of this item is to appropriate funds for the repair of a piped section of the Michigan Ditch (Ditch) near Cameron Pass in eastern Jackson County. The Ditch experienced a catastrophic failure in June 2015, when the mountainside on which the Ditch is constructed, slid downhill several feet. As a result, the City is not able to use the Ditch and its associated water rights to their full capacity to deliver water into Joe Wright Reservoir. The water is then released to meet City water supply needs either directly or by exchange. Repairing the Ditch and restoring deliveries to Joe Wright Reservoir is essential to ensure that the City fully utilizes its valuable Ditch supplies. Engineering assessments have been completed with the recommended course of action being a tunnel. The total cost is \$8.25M of which \$700K has already been spent on the assessment and preliminary design. The 2015-16 budget process appropriated \$1.25M toward the Ditch based on previous smaller landslides and additional funds for general source of supply and water production replacement projects of which \$766,695 was allocated to this project. This appropriation ordinance is for the remaining \$6,300,000 of necessary funds to build the tunnel.

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

This Ordinance, unanimously adopted on First Reading on January 19, 2016, amends 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. Due to concerns raised regarding the transparency of the process and information provided regarding this redistricting, staff requests this Ordinance be defeated on Second Reading to allow staff to initiate the notice process for a more targeted redistricting proposal for Council to consider. A new ordinance will be brought forward after the notice requirements have been met.

12. First Reading of Ordinance No. 021, 2016, Amending Chapter 7 of the Code of the City of Fort Collins to Update and Amend Requirements and Procedures for City Elections. (staff: Wanda Winkelmann, Rita Knoll; 5 minute staff presentation; 10 minute discussion)

The purpose of this item is to adopt changes to Chapter 7 of the City Code as recommended by the City Clerk and the ad hoc Council Committee, to update and amend the election code.

13. Resolution 2016-013 Appointing Two Councilmembers to Serve as Representatives on the North Front Range Wasteshed Policy Group. (staff: Honore Depew; no staff presentation; 5 minute discussion)

The purpose of this item is to appoint two City Councilmembers to represent the City of Fort Collins on an interagency policy working group, convened by Larimer County, to address the future of regional solid waste disposal and materials management.

- **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.