



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 February 16, 2016

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

- A. Proclamation Declaring February 15-19, 2016 National Engineers Week.
- B. Proclamation Recognizing the 35th Anniversary of the World Culture Festival.

### 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](http://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 January 19, 2016 Regular Council Meeting and the January 26, 2016 Adjourned Council Meeting.

The purpose of this item is to approve the minutes of the January 19, 2016 Regular Council meeting and the January 26, 2016 Adjourned Council meeting.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on February 9, 2016, appropriates funds for the repair of a piped section of the Michigan 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 Ditch is currently not able to deliver the majority of the decreed water to Joe Wright Reservoir, which are 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 Michigan Ditch supplies. Engineering assessments have been completed with the recommended mitigation being a tunnel. The total mitigation 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 Michigan 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. The Water Enterprise Fund has already contributed its annual limit of 0.5% of its budgeted operating revenues. Thus, no additional appropriation to APP is allowed in 2016 from the Water Enterprise Fund for this or any other appropriation request.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on February 9, 2016, adds 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.

4. Second 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.

This Ordinance, unanimously adopted on First Reading on February 9, 2016, amends 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.

5. First Reading of Ordinance No. 022, 2016, Appropriating Prior Year Reserves in the Transportation Fund for Consulting Services Related to Interstate 25 (I-25) Traffic Solution Efforts.

The purpose of this item is to appropriate funds to contract with a lobbying and communications firm to advocate for solutions to Interstate 25 traffic congestion. City leaders have worked in partnership with regional partners to identify and pursue funding for years. Numerous efforts, initiatives, and actions have been taken or are underway to urge the Colorado legislature and Colorado Department of Transportation (CDOT) to accelerate improvements to Interstate 25 (I-25). This \$30,000 appropriation for advocacy would augment and enhance regional efforts and ensure Fort Collins has representation in discussions on I-25. This item supports the adopted recommendations of the 2011 North I-25 Environmental Impact Statement (EIS), and also supports Council priority for I-25 funding;

Strategic Plan Objectives: Transportation 6.1, 6.4; and Council legislative policy agenda. The funds would be appropriated from prior year reserves in the Transportation Fund.

6. First Reading of Ordinance No. 023, 2016, Appropriating Prior Year Reserves in the General Fund for the City of Fort Collins 2016 Contribution to the Employees' Retirement Health Savings Plans for Members of the Police Services Collective Bargaining Unit.

The purpose of this item is to fund the City's contribution to employees' Retirement Health Savings (RHS) plans for members of the Police Services Collective Bargaining Unit. On December 1, 2015, Council approved the Collective Bargaining Agreement with Bargaining Unit members of Police Services. As part of this contract, the City agreed to make contributions to the RHS plans of Bargaining Unit members. This Ordinance transfers the money from prior year reserves to pay this cost, which is estimated to be \$225,000.

7. First Reading of Ordinance No. 024, 2016, Adopting the 2016 Amended Classified Employees Pay Plan.

The purpose of this item is to recommend changes to the City's Classified Employee Pay Plan based on a market analysis conducted as agreed upon through the 2016-2017 Collective Bargaining Agreement with the Northern Colorado Lodge #3 of the Fraternal Order of Police (FOP). This agreement was approved by Council by Resolution on December 1, 2015. Although ratified in 2015, the bargaining agreement specifies a salary data collection method and evaluation process that included the postponement of final data collection and analysis until January 2016 when additional benchmark data became available. This data has been collected and analyzed, resulting in the revised 2016 Classified Employee Pay Plan.

8. First Reading of Ordinance No. 025, 2016, Authorizing the Sale of City-Owned Property at 1506 West Horsetooth Road, Fort Collins, Colorado, to the Housing Authority of the City of Fort Collins.

The purpose of this item is to authorize conveyance of the property at 1506 West Horsetooth Road to the Housing Authority of the City of Fort Collins (FCHA). The City purchased this property in 2003 as part of the Affordable Housing Land Bank program. Since its purchase, the City has leased this 8.3-acre property for residential/horse uses. This Ordinance follows from City Council's approval of Resolution 2016-008, which gave staff direction to continue to work with FCHA on this purchase and to bring forward an ordinance authorizing sale of the property to FCHA. An ordinance to make changes to the affordability requirements in the Land Bank Program Code language will be considered by City Council in March.

9. Resolution 2016-016 Adopting the Recommendations of the Cultural Resources Board Regarding Fort Fund Grant Disbursements.

The purpose of this item is to adopt the recommendations of the Cultural Resources Board to disburse Fort Fund grants out of the Cultural Development and Programming and Tourism Programming Accounts for the selected community and tourism events.

10. Resolution 2016-017 Approving an Exception From Competitive Process Requirements for the Purchase for the Consulting Services from Revolution Advisors.

The purpose of this item is to request an exception to the competitive purchase process for the contracting of services with Revolution Advisors to continue to implement recommendations of the 2014 Compensation and Career Progression Study.

Exception to Competitive Bidding Rationale:

Code Section 8-161(d)(1)(b). Although there exists more than one (1) responsible source, a competitive process cannot reasonably be used or, if used, will result in a substantially higher cost to the City, will otherwise injure the City's financial interests or will substantially impede the City's administrative functions or the delivery of services to the public.

11. Resolution 2016-018 Appointing Dru Van Doren to the Women's Commission.

The purpose of this item is to appoint Dru Van Doren to the Women's Commission to fill a vacancy that remained open after the routine recruitment process.

## 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**

A. Light and Power Reliability Update (staff: Tim Mccollough, Chris Parton, Kevin Gertig)

- **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.

12. Consideration of an Appeal of the Administrative Hearing Officer Decision to Approve the Capstone Cottages Project Development Plan. (Cameron Gloss, Pete Wray; 10 minute staff presentation; 2 hour discussion)

The purpose of this item is to consider an appeal of the Administrative Hearing Officer's decision to approve the Capstone Cottages Project Development Plan. On December 30, 2015, two appellants, Jerry Gavaldon and Betty Aragon-Mitotes filed a Notice of Appeal with two assertions regarding the Administrative Hearing Officer's decision to approve the proposed Capstone Cottages Project Development Plan.

The Appeal includes the following assertions:

1. Failure to conduct a fair hearing in that, specifically:
  - Article 2.2.7 - *Public Hearing*
  - Decision Maker substantially ignored its previously established rules of procedure, and was biased against the appellant
2. The Hearing Officer failed to properly interpret and apply relevant provisions of the Land Use Code, specifically:
  - A. Article 3, Section 3.5.1 - *Building and Project Compatibility*
  - B. Article 3, Section 3.6.4 - *Transportation Level of Service Requirements*

- **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 hold an executive session for legal advice.

- **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.