



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 March 1, 2016

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring March as Developmental Disability Awareness Month.
- B. Proclamation Declaring Fort Collins as a Heartsafe Community.

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 February 9, 2016 Adjourned Council Meeting and the February 16, 2016 Regular Council Meeting.

The purpose of this item is to approve the minutes from the February 9, 2016 adjourned Council meeting and the February 16, 2016 Regular Council meeting.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on February 16, 2016, appropriates 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.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on February 16, 2016, funds 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.

4. Second Reading of Ordinance No. 024, 2016, Adopting the 2016 Amended Classified Employees Pay Plan.

This Ordinance, unanimously adopted on First Reading on February 16, 2016, amends 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.

5. Second 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.

This Ordinance, unanimously adopted on First Reading on February 16, 2016, authorizes 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.

6. First Reading of Ordinance No. 026, 2016, Establishing Rental Rates and Delivery Charges for the Use of the City's Raw Water for the 2016 Irrigation Season.

The purpose of this item is to obtain City Council approval of rates and charges for the rental and delivery of the Utilities raw water supplies for the 2016 irrigation season. These rates are used to invoice agricultural, contractual, and other water users.

7. First Reading of Ordinance No. 027, 2016, Extending Ordinance No. 024, 2013, Which Amended the Land Use Code by the Addition of a Temporary Planned Development Overlay Zone District through March 9, 2017.

The purpose of this item is to consider a 12-month extension to the Planned Development Overlay District (PDOD) Pilot Process, as the current pilot will expire on March 9, 2016. A request has been received by a prospective applicant within the Planned Development Overlay District (PDOD) boundary to extend the pilot for an additional twelve months.

8. First Reading of Ordinance No. 028, 2016, Authorizing the Release of Restrictive Covenants on Property at 520 Cherry Street Owned by the Fort Collins Housing Corporation.

The purpose of this item is to authorize the release of the Agreement of Restrictive Covenants Affecting Real Property for the property located at 520 Cherry Street, Units A and B, currently owned by the Fort Collins Housing Corporation.

9. First Reading of Ordinance No. 029, 2016, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements in Connection with the Northeast College Corridor Outfall Project and the Lemay Avenue and Suniga Drive Right-of-Way Alignment.

The purpose of this item is to obtain authorization from City Council to use eminent domain, if deemed necessary, to acquire property interests needed to construct stormwater improvements associated with the Northeast College Corridor Outfall Project and the right-of-way alignment of Lemay Avenue and Suniga Drive. The City Utility and the City Engineering Department are collaborating on the design and implementation of two projects to provide public infrastructure in the area lying east of College Avenue and north of Vine Drive. The Northeast College Corridor Outfall Project (NECCO) will construct storm drainage improvements, including an underground pipe and detention pond, with the purpose of providing a regional stormwater outfall to serve the area east of College Avenue and north of Vine Drive. Additionally, the City is designing right-of-way improvements associated with the alignment of Lemay Avenue and Suniga Drive in accordance with the City's Master Street Plan. The overlapping alignment of the two projects has created an opportunity for the City to acquire the property interests necessary to construct the NECCO project in a timely manner, as well as, procure the right-of-way interests for the future construction of the Lemay Avenue and Suniga Drive intersection.

In order for the City to construct these improvements, the City will need to acquire certain property interests adjacent to the project area from three property owners. The acquisitions will include fee simple parcels, permanent easements for drainage, utilities, and elevation changes ("slope easements"), and temporary construction easements. Timely acquisition of the property is necessary to meet the anticipated construction schedule for the NECCO. 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.

10. Resolution 2016-019 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Hearing Officer Decision Approving the Capstone Cottages Project Development Plan, PDP 140004.

The purpose of this item is to make Findings of Fact and Conclusions regarding the appeal of the Administrative Hearing Officer's decision to approve the Capstone Cottages Project Development Plan. The appeal was heard by City Council on February 16, 2016.

11. Resolution 2016-020 Approving an Exception to the Use of a Competitive Purchasing Process for a Professional Services Contract with Anderson Consulting Engineering, Inc for the Poudre River Downtown Project.

The purpose of the item is to request an exception to the competitive purchasing process for the contracting of services with Anderson Consulting Engineering, Inc. to complete the design, permitting and construction administration of the Poudre River Downtown Project. Anderson Consulting Engineers is the lead consultant for the project and for the last three years has led the large interdisciplinary team responsible for preparation of preliminary design documents. Their work includes preparation of City development review drawings, hydraulic and stormwater modeling, construction documents, and coordination with multiple agencies including US Corp of Engineers, Colorado Parks and Wildlife and FEMA to secure the necessary permits for the project. The team has made considerable progress on the overall design, and developed collaborative partnerships with numerous stakeholders. In addition, the team has been instrumental in preliminary design of the river wave features and pools that incorporate fish passage structures and stormwater enhancements. Establishing a new contract with another consulting firm at this stage of the project would result in delays, additional cost to the City, and loss of coordination efforts with agencies conducted to date.

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.

12. Resolution 2016-021 Ratifying Appointments to the Poudre River Library District Board of Trustees.

The purpose of this item is to reappoint John Frey to a second term and to appoint Fred Colby and Joe Wise to the Poudre River Library District Board of Directors to fill vacancies that currently exists due to the March 2016 term expiration for Michael Liggett and Madeleine Wawro.

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.

13. First Reading of Ordinance No. 030, 2016, Regarding Adoption of a New Article VIII of Chapter 5 of the Code of the City of Fort Collins Involving the Establishment and Resolution of Construction Defect Claims. (staff: Tom Leeson; 10 minute staff presentation; 30 minute discussion)

The purpose of this item is to clarify that the failure to substantially comply with the City Building Code may not be used to support or prove any construction defect claim; to require provision of additional information to residential unit owners prior to any legal action involving a construction defect claim; and to prohibit modifying or eliminating any requirement for alternative dispute resolution in a common interest community declaration that meets certain requirements.

14. Resolution 2016-022 Authorizing the City Manager to Execute an Agreement Regarding Phase I (Development) of a Multi-Phase Plan for an Instream Flow Augmentation Plan on the Cache La Poudre River. (staff: John Stokes; 10 minute staff presentation; 30 minute discussion)

The purpose of the item is to seek Council approval of a proposed Agreement between various parties to implement Phase I of a three-phase project to develop an instream flow augmentation plan on the Poudre River through and near Fort Collins.

15. Resolution 2016-023 Approving and Adopting an Updated Water Efficiency Plan. (staff: Liesel Hans; 10 minute staff presentation; 20 minute discussion)

The purpose of this item is to adopt the 2015 Water Efficiency Plan (Plan), the draft of which was presented to Council at the October 13, 2015 work session. The Plan will replace the existing 2009 Water Conservation Plan. Based on feedback from the City Council October 13, 2015 work session and the completed public comment period ending January 15, 2016, which included presentations to City boards and select community organizations, staff recommends the approval and adoption of the Plan which includes the following:

- A new water efficiency goal of 130 gallons per capita per day by the year 2030
- New water efficiency metrics of total gallons saved and participation as the key metrics of water conservation performance
- A focus on programs, projects, and events that:
 - Leverage smart meter system capabilities and data
 - Promote and support greater outdoor water efficiency
 - Encourage greater integration of water efficiency into land use planning and building codes
 - Expand commercial and industrial sector strategies
 - Increase community water literacy.

16. 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. (staff: Wanda Winkelmann, Rita Knoll; 5 minute staff presentation; 10 minute discussion)

This Ordinance, unanimously adopted on First Reading on February 9, 2016, amends Chapter 7 of the City Code to update and amend the election code, as recommended by the City Clerk and the ad hoc Council Committee.

- **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.