



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

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and Channel 881 on the Comcast cable system

Carrie Daggett  
City Attorney

Darin Atteberry  
City Manager

Wanda Winkelmann  
City Clerk

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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.

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## Regular Meeting April 19, 2016

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

- A. Proclamation Declaring April 19, 2016 as Bob Everitt Day.
- B. Proclamation Declaring April 22, 2016, as Arbor Day.
- C. Proclamation Declaring April as Local Music Appreciation Month.
- D. Proclamation Declaring April 19, 2016, as Everyone Matters Day.
- E. Proclamation Declaring April 22, 2016, as Michael Powers Day.

### 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. Second Reading of Ordinance No. 040, 2016, Reappropriating Funds Previously Appropriated in 2015 But Not Expended and Not Encumbered in 2015.

This Ordinance, unanimously adopted on First Reading on April 5, 2016, reappropriates 2015 appropriations approved by City Council that lapsed at the end of 2015. The authorized expenditures were not spent and could not be encumbered in 2015 because there was not sufficient time to complete bidding in 2015 and therefore, there was no known vendor or binding contract as required to expend or encumber the monies, or the project for which the dollars were originally appropriated by Council could not be completed during 2015 and reappropriation of those dollars is necessary for completion of the project in 2016.

2. Second Reading of Ordinance No. 041, 2016, Appropriating Prior Year Reserves and Unanticipated Revenue in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and Convention and Visitor Program Services.

This Ordinance, unanimously adopted on First Reading on April 5, 2016, appropriates \$378,605, of which \$159,265 is proposed for 2016 Cultural Development and Programming Activities (Fort Fund), \$19,868 is proposed for 2016 Tourism Programming (Fort Fund), and \$199,472 is proposed for 2016 Convention and Visitors Program activities, from a combination of Unanticipated Revenue (Lodging Tax) and Prior Year Reserves (unspent appropriations) in the General Fund Lodging Tax Reserves.

Lodging taxes are annually collected by the City of Fort Collins for Cultural Development and Tourism Programming activities. Between April 2011 and March 2016, based on the prior years' actual collections, lodging tax revenues were paid to the Fort Collins Convention and Visitors Bureau under a contract for Cultural Development and Tourism Programming. Anticipated revenue has been projected through each Budgeting for Outcomes cycle and then adjusted annually as needed based on actual collections. Lodging tax revenues collected in 2015 equaled \$1,450,960, which was \$378,605 above projected collections.

3. Second Reading of Ordinance No. 042, 2016, Appropriating Prior Year Reserves in the General Fund for Pool Chlorination System Conversion at Three City of Fort Collins Pools.

This Ordinance, unanimously adopted on First Reading on April 5, 2016, appropriates \$200,000 from prior year reserves in the General Fund to switch pool chlorination systems from chlorine gas to liquid chlorine. During a routine safety audit of the City pools, it was discovered that gaseous chlorine is being used to treat the pool water at all City pools except the Senior Center pool. As safety standards have evolved, best practice is to avoid gaseous chlorine due to the hazard posed to employees and citizens in the event of a failure incident. Conversion of the three City pools now using chlorine gas will enable the City to follow this updated best practice.

4. Postponement of Items Relating to Dust Prevention and Control to May 3, 2016.

- A. Second Reading of Ordinance No. 044, 2016, Amending Chapter 12 of the Code of the City of Fort Collins Related to Particulate Matter Emissions.
- B. Second Reading of Ordinance No. 045, 2016, Amending the Fort Collins Land Use Code by the Addition of Provisions Pertaining to Dust Prevention and Control.

Staff is requesting postponement of Second Reading of these Ordinances to May 3, 2016. During First Reading of the Ordinances on April 5, in addition to unanimously adopting the proposals based on revised language, Council also requested additional data and analyses to develop the right size threshold for when the Dust Control Manual should apply to dust generating activities. This postponement allows staff the necessary time to gather the requested data, conduct the analyses, and provide Council with a recommendation for a revised threshold.

5. Second Reading of Ordinance No. 046, 2016, Appropriating Prior Year Reserves in the General Fund and the Light and Power Fund and Transferring Appropriations from the Light and Power Fund to the General Fund for 2016 Projects Associated with the 2020 Climate Action Plan (CAP) Strategic Plan.

This Ordinance, unanimously adopted on First Reading on April 5, 2016, appropriates \$230,510 from the General Fund and \$245,483 from the Light and Power Fund to initiate four projects in the CAP that have been identified for immediate action and investment based on guidance provided by the City Council.

6. First Reading of Ordinance No. 049, 2016, Appropriating Prior Year Reserves in the Recreation Fund for Remodeling the Lobby of the Edora Pool Ice Center and Authorizing the Transfer of Appropriated Amounts Between Projects for the Art in Public Places Program.

The purpose of this item is to appropriate \$410,820 in Recreation Reserve funds for the Edora Pool Ice Center (EPIC) Lobby Improvements. The funds will be used to remodel and relocate the front desk, repurpose the snack bar area, create a recessed trash and recycling area, install new lockers, and renovate the overall appearance of the lobby area.

7. Items Relating to the Fossil Creek Trail - College Avenue to Shields Street Project.

- A. Resolution 2016-036 Authorizing the City Manager to Enter Into a Grant Agreement with the State Board of the Great Outdoors Colorado Trust Fund for the Fossil Creek Trail from College Avenue to Shields Street.
- B. First Reading of Ordinance No. 050, 2016, Appropriating Unanticipated Grant Revenue from Great Outdoors Colorado (GOCO) in the Capital Projects Fund for the Fossil Creek Trail-College Avenue to Shields Street Project.

The purpose of this item is to authorize the City Manager to enter into an intergovernmental agreement with Great Outdoors Colorado (GOCO) for purposes of accepting grant funding and to appropriate the grant funds for the construction of the Fossil Creek Trail from College Avenue to Shields Street. GOCO has awarded the City a \$1,000,000 trail grant. The proposed project would complete a major connection of the Fossil Creek Trail from College Avenue to Shields Street. The project involves 1.25 miles of new concrete trail and a major tunnel underpass structure at the Burlington Northern Santa Fe (BNSF) Railroad. The trail will connect to the existing Fossil Creek Trail just west of College Avenue and terminate at the existing trail on the east side of Shields Street. The layout of the trail has been discussed with appropriate City staff and area residents. Design of the trail tunnel underpass phase of the project has reached the final stage. Construction of the trail tunnel underpass will begin in 2016. GOCO requires a City resolution authorizing the City to enter into the grant agreement. Pursuant to the grant agreement the City has until June 2017 to complete the project.

8. First Reading of Ordinance No. 052, 2016, Authorizing the Transfer of Previously Appropriated Funds in the Capital Project Fund from the Timberline Recycling Center Project to the Timberline Road – Drake Road to Prospect Road Improvement Project

The purpose of this item is to transfer previously appropriated funds in the amount of \$87,102 from the Timberline Recycling Center into the Capital Projects Fund for the Timberline Road–Drake Road to Prospect Road Improvement Project. This funding constitutes the Local Street contribution, in aid of construction, for the Timberline Recycling Center on Timberline Road. The Timberline Road frontage improvements along the Timberline Recycling Center frontage will be constructed with this year's Capital Improvement Project.

9. First Reading of Ordinance No. 053, 2016, Vacating the East Ridge Plat.

The purpose of this item is to vacate various streets dedicated on the East Ridge plat that are no longer necessary or desirable to retain for street purposes. The right-of-way vacation includes various public streets, alleys and a portion of Timberline Road in an area bounded by Timberline

Road to the west and Vine Drive to the north. The property is proposed to be replatted as East Ridge Second Filing which was approved through an Administrative Hearing on January 27, 2016.

10. Resolution 2016-037 Authorizing the Purchasing Agent to Lease Additional Vehicles and Equipment Under the City's Standard Master Lease Agreement with Pinnacle Public Financing, Inc. For Schedule of Equipment No. 11.

The purpose of this item is to request approval of the lease-purchase of vehicles and equipment for the cost of \$2,781,629 under the City's Master Lease Agreement with Pinnacle Public Finance and the "First Amendment" to that Agreement (jointly, the "Agreement"). Quarterly payments of \$146,687 at the 2.05% interest rate will not exceed \$293,374 in 2016. Money for 2016 lease-purchase payments is included and appropriated as part of the 2016 budget. A competitive process was used to select Pinnacle Public Finance for this Agreement. A 2016 Finance Department analysis of current and historical equipment lease financing arrangements showed that lease-purchase is in the best interest of the City given the interest rate offered for the lease. Staff believes acceptance of this lease rate is in the City's best interest.

## 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. Police Response to a Citizen's Allegations made at the April 5, 2016 Council meeting. (staff: John Hutto)

### ● 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.

11. First Reading of Ordinance No. 054, 2016, Appropriating Prior Year Reserves in the Street Oversizing Fund to be Transferred Into the Capital Projects Fund and Appropriated Therein for the Construction of the Sharp Point/Nancy Gray Connection Project. (staff: Tim Kemp, Caleb Feaver; no staff presentation; 5 minute discussion)

The purpose of this item is to appropriate \$984,000 of prior year reserves in the Street Oversizing Fund and \$116,000 from the Street Oversizing Fund Contributions & Aid into the Capital Project Fund for the Sharp Point/Nancy Gray Connection Project. The currently adopted Master Street Plan identifies Sharp Point Drive connecting Midpoint Drive with Nancy Gray Avenue. This identified connection includes an at-grade crossing of the Great Western Railroad tracks. Right-of-way has previously been dedicated for the roadway connection. Due to recent development to the south as well as support from the Larimer County Sheriff's Office (LCSO), staff has identified this connection as an immediate need.

12. Second Reading of Ordinance No. 043, 2016, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements in Connection with the Prospect Road and College Avenue Intersection Improvements Project. (staff: Lindsay Kuntz, Dean Klingner, Dan Woodward; no staff presentation; 5 minute discussion)

This Ordinance, adopted on First Reading on April 5, 2016 by a vote of 6-1 (Nays: Overbeck) authorizes the use of eminent domain, if deemed necessary, to acquire property interests needed to construct improvements to the intersection of Prospect Road and College Avenue. The authorization is only for the six commercial properties at this location. There are two residential properties at the east end of the project that are not included here since work is still underway to further define impacts. These properties will be brought to Council at a later date for authorization.

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 the six commercial property acquisitions for the Project only if such action is deemed necessary.

13. Items Relating to the Social Host Civil Citation. (staff: Delynn Coldiron, Jeremy Yonce; 10 minute staff presentation; 30 minute discussion)
  - A. Second Reading of Ordinance No. 047, 2016, Amending Chapter 17 of the Code of the City of Fort Collins to Prohibit a Social Host from Allowing the Possession or Consumption of Ethyl Alcohol or Marijuana by Persons Under Twenty-One Years of Age.
  - B. Second Reading of Ordinance No. 048, 2016, Amending Chapter 19 of the Code of the City of Fort Collins to Modify the Rules for Civil Infractions Related to Immediate Service of a Social Host Civil Citation.

These Ordinances, adopted on First Reading on April 5, 2016 by a vote of 6-1 (Nays: Martinez) amend City Code to prohibit a person from allowing the possession or consumption of ethyl alcohol or marijuana by persons under the age of twenty-one, and to allow for the immediate service of a civil citation in the event of a violation of such Ordinance.

Ordinance No. 047, 2016, has been revised to improve and clarify wording as discussed briefly during the Council's consideration of the Ordinance on First Reading. The revisions are not intended to modify the meaning or effect of the Ordinance.

14. Consideration of an Appeal of the Building Review Board's March 7, 2016, Decision Regarding the Coy-Hoffman Silos, 1041 Woodward Way. (staff: Laurie Kadrich, MIke Gebo; 10 minute staff presentation; 2 hour discussion)

Woodward, Inc. (Woodward) is appealing the Building Review Board's (BRB) decision, on remand from a January 19, 2016 appeal, to uphold the Chief Building Official's determination that two historic

farm silos, located at 1041 Woodward Way, are “dangerous structures” and not structures that pose an “imminent danger.”

15. First Reading of Ordinance No. 055, 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.)

- **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.