



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
and Channel 881 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 May 3, 2016

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring May 1-7, 2016, as Drinking Water Week.
- B. Proclamation Declaring May 8-14, 2016, as National Women's Health Week.
- C. Proclamation Declaring May 2-6, 2016, as Public Service Recognition Week.
- D. Proclamation Declaring May 9-13, 2016, as Salvation Army Week.

Regular Meeting 6:00 p.m.

- PLEDGE OF ALLEGIANCE
- CALL MEETING TO ORDER
- ROLL CALL
- Recognition of 2016 City Employee Awards

- **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 April 5, 2016 Regular Council Meeting.

The purpose of this item is to approve the minutes from the April 5, 2016 Regular Council meeting.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on April 19, 2016, appropriates \$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. The lobby renovation is desired to take place during the aquatic renovation project occurring this summer from May 20-October 30, to minimize downtime at the EPIC and minimizing the negative impact on customer service.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on April 19, 2016, appropriates grant funds for the construction of the Fossil Creek Trail from College Avenue to Shields Street. Great Outdoors Colorado (GOCO) has awarded the City a \$1,000,000 trail grant. The proposed project completes 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. Pursuant to the grant agreement the City has until June 2017 to complete the project.

4. Second 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.

This Ordinance, unanimously adopted on First Reading on April 19, 2016, transfers 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.

5. Second Reading of Ordinance No. 053, 2016, Vacating the East Ridge Plat.

This Ordinance, unanimously adopted on First Reading on April 19, 2016, vacates 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.

6. First Reading of Ordinance No. 051, 2016, Appropriating Unanticipated Grant Revenue in the Transit Services Fund for a Bicycle Parking Facility at the Downtown Transit Center.

The purpose of this item is to request an unanticipated 2016 appropriation in the amount of \$210,000 to facilitate the design and construction of a secure bicycle parking facility at the Downtown Transit Center. In 2015, CDOT awarded the City of Fort Collins \$210,000 in Transportation Alternatives

Program (TAP) funding to design and construct the facility. Boulder County is the entity that entered into the grant agreement with CDOT and will reimburse the City up to \$210,000. The City and Boulder County executed an IGA to this effect in January 2016. Local match for the project in the amount of \$52,500 in KFCG capital funding was appropriated in the 2015-2016 BFO cycle. All of the funding will be directed towards design of the structure and site, and construction of the facility. A grant agreement was executed by CDOT on January 25, 2016, and a Notice to Proceed was approved on March 11, 2016. To comply with the City's Art in Public Places (APP) Ordinance, we will use existing appropriations in 2016 to cover the 1% of the local match (\$525) to APP.

7. First Reading of Ordinance No. 056, 2016, Appropriating Unanticipated Grant Revenue in the General Fund and Authorizing the Appropriation of Restricted Northern Colorado Drug Task Force General Fund Reserves for Fort Collins Police Services 2016 Task Force Programs and Services.

The purpose of this item is to appropriate unanticipated revenue in the General Fund and authorize the transfer of appropriated amounts between accounts and projects for the multi-jurisdictional Northern Colorado Drug Task Force (NCDTF). Fort Collins Police Services applied to the Office of National Drug Control Policy and the Department of Justice on behalf of the NCDTF for federal grant monies to help fund the investigation of illegal narcotics activities in Larimer County. These grant awards will be used to offset joint task force operations.

In addition, because of the significant decrease in federal funds available for drug enforcement, the drug task force is transferring \$279,915 from its forfeiture reserve account to its 2016 operating budget to cover unfunded expenses. The majority of the forfeiture reserve account is made up of assets seized from people engaged in illegal drug activities.

8. First Reading of Ordinance No. 057, 2016, Appropriating Unanticipated Grant Revenue in the Storm Drainage Fund for Conceptual Design of the Mulberry/Myrtle/Riverside Storm Sewer Project.

The purpose of this item is to appropriate \$44,615 in grant revenues from the State of Colorado Department of Homeland Security-Office of Emergency Management (DHSEM). The grant will fund city project management costs associated with conceptual design of the Mulberry/Myrtle/Riverside Storm Sewer project. The project is identified in the Old Town Master Drainage Plan to mitigate street and structure flooding.

9. First Reading of Ordinance No. 058, 2016, Amending the Code of the City of Fort Collins to Clarify On-Bill Utility Financing Terms.

The purpose of this item is to clarify interest rate language in relevant Utilities rate ordinances for the Home Efficiency Loan Program (HELP). Loan interest rates would be set at 4.0% starting on June 1, 2016. A 4% interest rate is within the range approved by Council for the program in January 2015 and remains the Chief Financial Officer's recommendation. The interest rate revision was reviewed by the Council Finance Committee, who recommended moving forward with this proposed change. Staff also plans to return to Council in the third quarter of 2016 with options and recommendations for the program, including a transition to third party capital.

10. Items Relating to the Southeast Community Park.

- A. First Reading of Ordinance No. 059, 2016, Declaring Certain City-Owned Property at the Southeast Community Park Site as Road Right of Way.

- B. First Reading of Ordinance No. 060, 2016, Authorizing the Conveyance of Two Waterline Easements on City Property to the Fort Collins-Loveland Water District.

The purpose of this item is to declare certain City property as road right-of-way as part of the development of the City's Southeast Community Park property, and to authorize the conveyance of two waterline easements to the Fort Collins-Loveland Water District on the City property. The City of Fort Collins owns a 54-acre property at the northeast corner of Kechter Road and Ziegler Road that is planned to be developed as the Southeast Community Park. Construction is scheduled to

begin in the spring of 2016. As part of the requirements for the development of the park, portions of the property need to be declared as road right-of-way for Kechter Road, Ziegler Road, and Lady Moon Drive. The Fort Collins-Loveland Water District will provide water service to a fire hydrant and restroom at the park. As such, the City needs to convey a waterline easement to the District to install the waterline for service. In addition, the District has requested an additional waterline easement to install a 24-inch waterline to provide service to their customers in the nearby region. The waterline will be installed while the City is completing the construction of the park to minimize disturbance to the City property.

11. Resolution 2016-039 Updating the Responsibilities of Council Liaisons to City Boards and Commissions and Superseding Resolution 2000-076.

The purpose of this item is to review and define expectations of Councilmembers in their role of Council Liaisons to their assigned City boards and commissions.

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. City/Downtown Development Authority (DDA) tour of the Denver Salvation Army Homeless Services Facilities. (staff: Matt Robenalt)

- **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. Second 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)

This Ordinance, adopted on First Reading on April 19, 2016, by a vote of 6-0 (Campana recused) appropriates \$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.

14. Items Relating to Amending the City of Fort Collins District-Precinct Map. (staff: Wanda Winkelmann, Rita Knoll; 5 minute staff presentation; 15 minute discussion)

- A. Public Hearing and Motion Regarding a Protest filed by Eric Sutherland.

- B. First Reading of Ordinance No. 055, 2016, Amending the City of Fort Collins District-Precinct Map.

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.

A protest of the proposed options for amending the District-Precinct map was filed by Eric Sutherland on April 18, 2016.

15. Items Relating to Dust Prevention and Control. (staff: Lindsay Ex, Lucinda Smith, Jackie Kozak-Thiel; 10 minute staff presentation; 30 minute discussion)

- A. Second Reading of Ordinance No. 044, 2016, Amending Chapter 12, Article X of the Code of the City of Fort Collins Related to Particulate Matter Emissions.

- B. Second Reading of Ordinance No. 045, 2016, Amending the Land Use Code by the Addition of Provisions Pertaining to Dust Prevention and Control.

These Ordinances, unanimously adopted on First Reading on April 5, 2016, implement regulations and a set of consistent best practices (Dust Control Manual) for (twelve) specific activities that generate dust to follow, in order to reduce health impacts and nuisances associated with dust generating activities. Per Council direction during First Reading, staff has revised Ordinance No. 044, 2016, to reflect a higher lot size exemption of 5 acres (from 10,000 square feet), whereby these projects do not have to employ the Dust Control Manual to prevent, control, and minimize dust generation unless two written warnings have been issued within a one year period. Staff continues to recommend lot size (as opposed to disturbed area) to measure the 5-acre threshold, as lot size is a recorded number that can be verified, tracked, and enforced.

In addition to the increase in the size threshold, staff has also amended the checklist in the Manual and included associated language in the Ordinance. Staff has also removed references to chemical stabilization and cover within the Manual. Finally, if adopted, staff will continue to track the implementation of the Ordinances and reevaluate the adopted threshold one year from when enforcement officially begins (November 1, 2017).

● **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.