



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 17, 2016

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring May as Geoexchange Energy Partnership Month.
- B. Proclaiming Declaring May as Older American Month.

Regular Meeting 6:00 p.m.

- PLEDGE OF ALLEGIANCE
- CALL MEETING TO ORDER
- ROLL CALL
Recognition of CityWorks Graduates
- 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 19, 2016 Regular Council Meeting and the April 26, 2016 Special Council Meeting.

The purpose of this item is to approve the minutes from the April 19, 2016 Regular Council meeting and the April 26, 2016 Special Council meeting.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on May 3, 2016, appropriates \$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, existing appropriations in 2016 will be used to cover the 1% of the project budget (\$2,625) to APP. This reflects a change in the APP amount from First Reading (1% of the local match - \$520), which was determined did not meet the APP Ordinance requirement.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on May 3, 2016, appropriates unanticipated revenue in the General Fund and authorizes 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.

4. Second 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.

This Ordinance, unanimously adopted on First Reading on May 3, 2016, appropriates \$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.

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

This Ordinance, unanimously adopted on First Reading on May 3, 2016, clarifies the 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.

6. Items Relating to the Southeast Community Park.

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

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

These Ordinances, adopted unanimously on First Reading, on May 3, 2015, declares certain City property as road right-of-way as part of the development of the City's Southeast Community Park property, and authorizes 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.

7. First Reading of Ordinance No. 061, 2016 Appropriating Prior Year Reserves in the Natural Areas Fund for the Purpose of Land Conservation, Public Improvements and Related Natural Areas Programming not Included in the 2016 Adopted City Budget.

The purpose of this item is to appropriate \$9,598,100 in prior year reserves and unanticipated revenues in the Natural Areas Fund for the purpose of land conservation, construction of public improvements, restoration of wildlife habitat and other NAD programs to benefit the citizens of Fort Collins.

8. Items Relating to the Completion of the 2016 Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing and Community Development Activities Utilizing Funds from the Federal Community Development Block Grant (CDBG) Program, Federal HOME Investment Partnerships (HOME) Program the City's Affordable Housing Fund (AHF) and the City's Human Services Program (HSP).

A. Public Hearing and Resolution 2016-040, Approving the Programs and Projects that Will Receive Funds from the Federal Community Development Block Grant Program, the HOME Investment Partnerships Program, and the City's Affordable Housing Fund and Human Services Program.

B. First Reading of Ordinance No. 062, 2016, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund.

C. First Reading of Ordinance No. 063, 2016, Appropriating Unanticipated Revenue in the HOME Investments Partnerships Fund.

The purpose of this item is to approve funding recommendations of the 2016 spring cycle of the Competitive Process and appropriate federal dollars. Resolution 2016-040 completes the 2016 spring cycle of the Competitive Process for allocating \$2,670,034 in City financial resources to affordable housing projects, public service programs and administration of the programs. Ordinance No. 062, 2016 appropriates the City's FY2016 CDBG Entitlement Grant from the Department of Housing and Urban Development (HUD), and CDBG unprogrammed funds and Program Income from FY2015 and FY2014. Ordinance No. 063, 2016, appropriates the City's FY2016 HOME

Participating Jurisdiction (PJ) Grant from HUD and HOME Program Income from FY 2015 and FY 2014.

9. Items Relating to Updating the Code of the City of Fort Collins Pertaining to Unclaimed and Abandoned Intangible Personal Property.

A. First Reading of Ordinance No. 064, 2016, Amending Section 23-130 of the Code of the City of Fort Collins and Adding a Division 4 to Article IV in City Code Chapter 23 to Provide New Procedures for the City's Disposition of Unclaimed and Abandoned Intangible Personal Property.

B. First Reading of Ordinance No. 065, 2016, Codifying the Utilities Payment Assistance Program and Amending Chapter 26 of the Code of the City of Fort Collins to Authorize Expenditure of Amounts Donated to the Program and Forfeited Unclaimed and Abandoned Intangible Personal Property Held by the Utilities Pursuant to Division 4, Article IV of Chapter 23 of the Code.

The purpose of this item is to update City Code for the processing of unclaimed and abandoned intangible personal property owned by others that is in the City's possession for various reasons. State law authorizes local governments to have formal procedures in place in order to assume ownership of unclaimed and abandoned intangible personal property. Alternatively, the City would have to turn the property over to the State of Colorado. Existing City Code Section 23-130 has provided these formal procedures but they are in need of updating. On April 18, 2016, the Council Finance Committee reviewed the proposed changes and recommended that this item be presented to the City Council for consideration. However, since the Committee reviewed these changes as found in Ordinance No. 064, 2016, this Ordinance has been revised to clarify how intangible property coming into the City's possession through law enforcement activities or as lost and found property will be disposed of under the Ordinance. Proposed changes to Chapter 26-Utilities are also included to recognize how unclaimed funds from the utility enterprises will be managed once they are declared forfeited under Chapter 23. Ordinance No. 065, 2016, amending Chapter 26 provides that such unclaimed and forfeited utilities funds are directed to the Payment Assistance Program.

10. First Reading of Ordinance No. 066, 2016, Repealing the Electric Service Rules and Regulations, Amending and Codifying Certain Provisions Formerly in the Electric Service Rules and Regulations, Amending and Renaming the Electric Construction Policies Practices and Procedures as the Electric Service Standards, and Making Certain Clarifying Amendments in Chapter 26 of the Code of the City of Fort Collins and the Electric Service Standards.

The purpose of this item is to clarify and consolidate policy and construction standards applicable to development of the City's electric network.

11. Items Relating to Amendment of the Airport Intergovernmental Agreement Recommended by the Northern Colorado Regional Airport Commission.

A. First Reading of Ordinance No.067, 2016, Approving the First Amendment to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport, to be Known Henceforth as the Northern Colorado Regional Airport, and Ratification of Previous Actions.

B. First Reading of Ordinance No. 068, 2016, Amending Various Sections of the Code of the City of Fort Collins Relating to the Delegation of Authority to the Northern Colorado Regional Airport Commission and Change of the Name of the Fort Collins-Loveland Municipal Airport to the Northern Colorado Regional Airport.

The purpose of this item is to amend the January 22, 2015 Amended and Restated Intergovernmental Agreement for the joint operation of the Airport ("IGA"), delegate, within specific parameters, the authority for the Northern Colorado Regional Airport Commission to enter into longer lease agreements, grant agreements, and make expenditures for Airport operations or capital needs from appropriated, but unassigned reserves. Ordinance No. 067, 2016, also ratifies and reaffirms the approval of the IGA and creation of the Commission under the IGA by Resolution 2015-003 to

comply with Article IV, Section 1 of the City Charter and actions taken by the Commission, its officers and members with respect to operation and management of the Airport pursuant to and within the scope of the IGA. Ordinance No.068, 2016, amends the City Code to address the impact the First Amendment has on the delegated authority with respect to Airport leases, grants, and expenditures. In addition, the change of the Airport name necessitates amendments to other provisions of the City Code to reflect that change.

12. Items Relating to the Mountain's Edge Annexation.

A. Resolution 2016-041 Setting Forth Findings of Fact and Determinations Regarding the Mountain's Edge Annexation.

B. Public Hearing and First Reading of Ordinance No. 069, 2016, Annexing the Property Known as the Mountain's Edge Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex 18.52 acres located at 2430 South Overland Trail at the northeast corner South Overland Trail and West Drake Road. The Initiating Resolution was adopted on April 5, 2016. A related item to zone the annexed property is presented as the next item on the agenda.

This annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins Comprehensive Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreements.

13. Public Hearing and First Reading of Ordinance No. 070, 2016, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Mountain's Edge Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to zone the property included in the Mountain's Edge Annexation into the Low Density Mixed-Use Neighborhood 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.

14. Items Relating to the East Prospect at Boxelder Creek Annexation.

A. Resolution 2016-042 Setting Forth Findings of Fact and Determinations Regarding the East Prospect at Boxelder Creek Annexation.

B. Public Hearing and First Reading of Ordinance No. 071, 2016, Annexing the Property Known as the East Prospect at Boxelder Creek Annexation to the City of Fort Collins, Colorado.

This is a request to annex a segment of East Prospect Road right-of-way. The request is related to a City Utilities and Engineering project to improve the Boxelder Creek crossing of the road for flood management purposes. The segment is located east of Summitview Drive and west of the Interstate 25 frontage road. The segment is approximately 1,000 feet in length. The Initiating Resolution was adopted on April 5, 2016. A related item to zone the annexed property is presented as the next item on this Agenda.

This annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins Comprehensive Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreements.

15. Public Hearing and First Reading of Ordinance No. 072, 2016, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the East Prospect at Boxelder Creek Annexation to the City of Fort Collins.

The purpose of this item is to zone the property included in the East Prospect at Boxelder Creek Annexation as a mix of Urban Estate (UE) and Employment (E).

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.

16. Resolution 2016-043, Approving Fort Fund Grant Disbursements.

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming and Tourism Programming Accounts for the selected community and tourism events based upon the recommendations of the Cultural Resources Board.

17. Resolution 2016-044, Approving an Art Project for the Utilities Administration Building and Approving Expenditures from the Utility Project Account to Commission Artists to Create the Art Project Pursuant to the Art In Public Places Program

The purpose of this item is it to approve expenditures from the Art in Public Places Utility Funds to commission an artist team to create art for the Utility Administration Building Project. The expenditures of \$48,800 will be for design, materials, fabrication, installation, and contingency for Creative Stained Glass Studio to create multiple art elements for the interior of the new Utility Administration Building.

18. Resolution 2016-045, Reappointing Teresa Ablao as Temporary Judge and Authorizing the Execution of an Employment Agreement.

The purpose of this item is to reappoint Teresa Ablao as the temporary judge for the Fort Collins Municipal Court. The City Charter provides for the appointment of a temporary judge (commonly referred to as the Assistant Municipal Judge) to serve in the absence of the Municipal Judge. Teresa Ablao has served in this capacity since mid-2012. Municipal Judge Kathleen M. Lane recommends that Ms. Ablao be reappointed as the Assistant Municipal Judge.

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.

19. First Reading of Ordinance No. 073, 2016, Authorizing the Acquisition by Eminent Domain of Additional Lands Necessary to Construct Public Improvements as Part of the Prospect Road and College Avenue Intersection Improvements Project. (staff: Laurie Kadrich, Dean Klingler; 10 minute staff presentation; 60 minute discussion)

The purpose of this item is to obtain authorization from City Council to use eminent domain, if necessary, to acquire property interests needed to construct improvements to the intersection of Prospect Road and College Avenue. This authorization is for the two residential properties at the east end of the project.

20. Alternate Review of the April 7, 2016, Planning and Zoning Board Decision Approving the Major Amendment to the Centre For Advanced Technology 22nd Filing, Community Horticulture Center #MJA 150006 Pertaining to the Gardens on Spring Creek and First Reading of Ordinance No. 074, 2016, Modifying the April 7, 2016, Planning and Zoning Board Decision Approving the Major Amendment to The Centre For Advanced Technology 22nd Filing, Community Horticulture Center #MJA 150006 Pertaining To The Gardens On Spring Creek With Conditions. (staff: Cameron Gloss; 15 minute staff presentation; 90 minute discussion)

The purpose of this item is to review the April 7 Planning & Zoning Board decision regarding the Gardens on Spring Creek amended Master Plan, formally known as the Major Amendment to the Centre for Advanced Technology 22nd Filing, Community Horticulture Center. The Board approved the Gardens amended master plan on the condition that: (1) the general standards related to time limitations, sound monitoring, and security and safety requirements set forth in attachment 3 (to the Board packet) be included in the notes set forth on the site plan; and (2) that the 14 foot high western sound mitigation wall be removed from the project.

Under Section 2.2.12 of the Land Use Code, the Planning & Zoning Board decision on this City project is not subject to appeal. Instead, Section 2.2.12(B) provides for an "Alternate Review" by Council as requested by a City Councilmember within the 14 days following the Board's decision. The Alternate Review permits the Council to review the Board's decision on the City's amended master plan as an exercise of its legislative power over a City development project and, after conducting a hearing, to adopt an ordinance overturning or modifying the Board's decision if Council so desires in its sole discretion.

21. Second Reading of Ordinance No. 055, 2016, Amending the City of Fort Collins District-Precinct Map. (staff: Wanda Winkelmann, Rita Knoll, Marcus Bodig, Carrie Daggett; 10 minute staff presentation; 30 minute discussion)

This Ordinance, adopted on First Reading on May 3, 2016, by a vote of 6-1 (Nays: Overbeck) 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.

- **CONSIDERATION OF CITIZEN-PULLED CONSENT ITEMS**

- **OTHER BUSINESS**

A. Consideration of a motion to waive the City Council's attorney-client privilege for the public disclosure of the May 6, 2016, confidential memorandum from the Boulder City Attorney's Office reporting the results of its investigation concerning the Greeley Municipal Court Judge presiding over a Fort Collins Municipal Court case under an intergovernmental agreement between the cities of Fort Collins and Greeley that provided for the exchange of judicial services in conflict-of-interest circumstances.

B. 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.)

C. Council will consider a motion to adjourn to 6:00 p.m., Tuesday, May 24, 2016.

- **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.