

September 19, 2017

**COUNCIL OF THE CITY OF FORT COLLINS, COLORADO**

**Council-Manager Form of Government**

**Regular Meeting – 6:00 PM**

● **ROLL CALL**

PRESENT: Martinez, Stephens, Summers, Overbeck, Troxell, Cunniff  
ABSENT: Horak  
Staff present: Atteberry, Daggett, Coldiron

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry stated there were no changes to the published agenda.

● **CITIZEN PARTICIPATION**

Sarah Snead discussed a coalition, the Fort Collins Partners for Clean Energy, formed in Fort Collins with the goal of achieving 100% renewable electricity in the city.

Ian Score, Northern Colorado Renewable Energy Society, supported and encouraged Fort Collins to set a goal of sourcing 100% of its electricity from renewable sources by 2030.

Terry Hatfield, Fort Collins Sustainability Group, urged the City to increase its pace of emissions reductions by setting a goal of 100% clean, renewable electricity by 2030.

Will Walters, Sierra Club, supported the goal of 100% clean, renewable electricity in the city by 2030.

Vicky McLane, League of Women Voters, discussed environmental goals to increase the use of renewable resources.

Fred Kirsch, Fort Collins Community for Sustainable Energy, supported the goal of 100% clean energy in the city by 2030 and supported the Climate Action Plan goals. He requested Council direct Utilities staff to research the possibility of renting roof and parking lot space for utility owned, operated, and maintained solar panels. He provided letters of support for the idea.

Doug Henderson, 350 Northern Colorado, stated the most crucial climate solution is reducing the use of fossil fuels which release carbon into the atmosphere. He supported the 100% clean energy goal by 2030.

Adam Eggleston asked about the status of the “you plus two” ordinance.

Elizabeth Hudetz discussed concerns related to fracking and improperly plugged abandoned wells.

Erin Tompkins, Ram’s Crossing, stated apartment complexes should not be allowed to distribute more parking passes to residents than they have dedicated parking spaces available. She stated Ram’s Crossing should be required to build additional parking.

● **CONSENT CALENDAR**

Councilmember Martinez withdrew Item No. 13, *Resolution 2017-087 Authorizing Participation in the Compact of Colorado Communities*, from the Consent Agenda.

Councilmember Cunniff made a motion, seconded by Councilmember Overbeck, to adopt and approve all items not withdrawn from the Consent Agenda.

<b>RESULT:</b>	<b>CONSENT AGENDA ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Bob Overbeck, District 1
<b>AYES:</b>	Martinez, Stephens, Summers, Overbeck, Troxell, Cunniff
<b>ABSENT:</b>	Horak

1. **Items Relating to the North College Improvements Project—Canal to State Highway 1. (Adopted)**

- A. Second Reading of Ordinance No. 092, 2017, Appropriating Unanticipated Grant Revenue from the Colorado Department of Transportation, and Appropriating Unanticipated Revenue from Larimer County in the Capital Projects Fund for the North College Improvements Project – Canal to State Highway 1 Project and for Transfer from the Capital Projects Fund to the Cultural Services and Facilities Fund for the Art in Public Places Program, and Appropriating Reserves from the Capital Expansion Fund for Transfer to the Capital Projects Fund for the North College Improvements Project – Canal to State Highway 1 Project and for Transfer to the Cultural Services and Facilities Fund for the Art in Public Places Program.
- B. Second Reading of Ordinance No. 108, 2017, Authorizing the Acquisition by Eminent Domain of Certain Lands Necessary to Construct Public Improvements in Connection with the North College Improvements Project – Canal to State Highway 1.

Ordinance No. 092, 2017 appropriates \$810,000 in funding from a Federal Grant and Larimer County as well as appropriate \$400,000 in funding from the Transportation Capital Expansion Fee. These funds will be used for the design, property acquisition, and construction of the sidewalks and pedestrian bridges, and could include contributions to the overall roadway improvements. Ordinance No. 108, 2017 authorizes the use of eminent domain authorization, if deemed necessary, to acquire property interests needed for construction improvements. Both Ordinances were unanimously adopted on First Reading on September 5, 2017.

2. **Second Reading of Ordinance No. 093, 2017, Appropriating Unanticipated Grant Revenue From the North Front Range Metropolitan Planning Organization in the Capital Projects Fund for the Horsetooth Road and College Avenue Intersection Improvements Project. (Adopted)**

This Ordinance, unanimously adopted on First Reading on September 5, 2017, appropriates funds for the design, right-of-way acquisition, and construction of the Horsetooth Road and College Avenue Intersection Improvements Project.

3. **Second Reading of Ordinance No. 113, 2017, Amending Section 2-203 of the Code of the City of Fort Collins Relating to the Functions of the Cultural Resources Board. (Adopted)**

This Ordinance, unanimously adopted on First Reading on September 5, 2017, updates the functions of the Cultural Resources Board (CuRB) as described in City Code to better reflect the actual scale and responsibilities of the Cultural Services Department. The current City Code language is outdated. It references advising the Museum director, and matters pertaining to the operations of the Lincoln Center. The Cultural Services Director, staff liaison to the CuRB, is responsible for directing the Lincoln Center, Museum of Discovery, Gardens on Spring Creek,

Carnegie Creative Center, and Art in Public Places program. The proposed new language more accurately reflects the entire scope of functions currently performed by the Cultural Services Department.

4. **Second Reading of Ordinance No. 119, 2017, Appropriating Prior Year Reserves in Anticipation of Grant Revenue From the State of Colorado Department of Homeland Security-Office of Emergency Management and Authorizing a Transfer to the Cultural Services Fund for the Art in Public Places Program for the Mulberry/Riverside/Myrtle Storm Sewer Project. (Adopted)**

This Ordinance, unanimously adopted on First Reading on September 5, 2017, appropriates \$1,280,663 from prior year reserves in anticipation of grant revenue from the State of Colorado Department of Homeland Security-Office of Emergency Management (DHSEM) and authorizing transfers to the Cultural Services Fund for the Art in Public Places (APP) program. The grant will fund the construction of the Mulberry/Myrtle/Riverside Storm Sewer project to mitigate flooding.

5. **Second Reading of Ordinance No. 121, 2017, Annexing the Property Known as the Newton First Annexation to the City of Fort Collins, Colorado. (Adopted)**

This Ordinance, unanimously adopted on First Reading on September 5, 2017, annexes 0.07 acres located at 1516 West Vine Drive, between North Shields Street and North Taft Hill Road. The Newton First Annexation is the first of two sequential annexations, which are as follows: Newton First - 0.0703 acres; Newton Second - 1.3760 acres; Newton Annexation total area: 1.4463 acres.

6. **Second Reading of Ordinance No. 122, 2017, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Newton First Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Sign District Map. (Adopted)**

*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 2017-017.*

This Ordinance, unanimously adopted on First Reading on September 5, 2017, zones the property included in the Newton First Annexation into the Urban Estate (UE), zone district.

7. **Second Reading of Ordinance No. 123, 2017, Annexing the Property Known as the Newton Second Annexation to the City of Fort Collins, Colorado. (Adopted)**

This Ordinance, unanimously adopted on First Reading on September 5, 2017, annexes 1.3760 acres located at 1516 W Vine Drive in-between North Shields Street and North Taft Hill Road. The Newton Second Annexation is the second of two sequential annexations, which are as follows: Newton First - 0.0703 acres; Newton Second - 1.3760 acres; Newton Annexation total area: 1.4463 acres.

8. **Second Reading of Ordinance No. 124, 2017, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Newton Second Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Sign District Map. (Adopted)**

*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 2017-017.*

This Ordinance, unanimously adopted on First Reading on September 5, 2017, zones the property included in the Newton Second Annexation into the Urban Estate (UE), zone district.

9. **Second Reading of Ordinance No. 125, 2017, Designating the McCarty/Sheely/Dreher Property, 1300 West Mountain Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins. (Adopted)**

*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(e) of the Council's Rules of Meeting Procedures adopted in Resolution 2017-017.*

This Ordinance, unanimously adopted on First Reading on September 5, 2017, designates the McCarty/Sheely/Dreher Property, located at 1300 West Mountain Avenue, as a Fort Collins Landmark. The owners of this property, Anthony and Heather McNeill, have submitted this application requesting consideration of the property for such designation.

10. **Second Reading of Ordinance No. 126, 2017 Authorizing the Conveyance of a Permanent Utility Easement and a Temporary Construction Easement on City Property Located at 625 9th Street to Public Service Company of Colorado. (Adopted)**

This Ordinance, unanimously adopted on First Reading on September 5, 2017, authorizes the conveyance of easements to Public Service Company of Colorado d/b/a Xcel Energy. The easements are needed relating to the Xcel Energy project to provide Compressed Natural Gas for City vehicles, to the City Streets Department, located at 625 9<sup>th</sup> Street in Fort Collins.

11. **First Reading of Ordinance No. 129, 2017, Amending Articles 2, 3, 4 and 5 of the Land Use Code Regarding Off-Site Construction Staging. (Adopted)**

The purpose of this item is to revise the Land Use Code (LUC) to include off-site construction staging as a permitted use. This Ordinance will create a license process to establish this use and provide requirements for approval of off-site construction staging.

12. **Resolution 2017-086 Finding Substantial Compliance and Initiating Annexation Proceedings for the I-25 Third Annexation. (Adopted)**

The purpose of this item is to initiate annexation proceedings for the Highway I-25 Third Annexation. This is a voluntary annexation. The applicant, Colorado Department of Transportation Region Four Transportation Director, Johnny Olson, has submitted a written petition requesting a single annexation of approximately 282 acres of interstate right-of-way. The requested zoning for this annexation is a combination of Community Commercial (CC), Industrial (I), Public Open Lands (POL), and Rural Lands District (RUL). These are the zones that border I-25 and also conform to the City of Fort Collins Structure Plan. This annexation continues the City of Fort Collins' practice of annexing I-25 right-of-way.

13. **Resolution 2017-088 Appointing Teresa Ablao as an Assistant Municipal Judge of the Fort Collins Municipal Court. (Adopted)**

The purpose of this item is to appoint Teresa Ablao as an Assistant Municipal Judge.

● **STAFF REPORTS**

Heidi Wagner, Utilities Environmental Planner, stated ClimateWise is the longest running business-related climate action plan the City has supported. ClimateWise is a business engagement program that provides education, connection to resources, and technical support to reduce greenhouse gas footprints of operations. The new program model launched in October 2015. She discussed the successes of the program over the last two years.

● **COUNCILMEMBER REPORTS**

Councilmember Stephens reported on the Governor's proclamation at Poudre Fire Authority Station #1, naming September as Campus Safety Month. She also reported on the Northern Colorado AIDS Project breakfast, her participation in the Water Literate Leaders program, and a fundraiser for Child Safe.

Councilmember Overbeck reported on the Metropolitan Planning Organization meeting, the Business Appreciation breakfast, the Pitkin Bikeway ribbon cutting, the Open Streets event, and the public meeting on winter overflow shelter plans.

Councilmember Martinez reported on the Library Park meeting and Pitkin Bikeway ribbon cutting. He reported on the Alzheimer's Association chili cook-off at Morningstar Senior Living Center.

Mayor Troxell reported on the Business Appreciation breakfast and Governor Hickenlooper's visit to the Murphy Center. He discussed the small business employer visit and a meeting with the Federal Railroad Administration

● **CONSIDERATION OF COUNCIL-PULLED CONSENT ITEMS**

14. **Resolution 2017-087 Authorizing Participation in the Compact of Colorado Communities. (Adopted as Amended)**

*The purpose of this item is to consider a proposal to join the Compact of Colorado Communities. The Compact of Colorado Communities is a newly forming organization that will focus on building capacity in Colorado local governments and increasing community collaboration to rapidly scale up and advance climate action planning and implementation. Benefits include access to pro bono resources and tools made available exclusively through the Compact, the opportunity to identify and establish new partners and funding resources for climate action, and free climate trainings for up to 25 staff/year (in addition to free trainings required for participation.) To participate, the City would pay annual dues of \$3,600, participate in the annual meeting, commit to the annual training requirements, and announce a new goal or initiative that best fits Fort Collins needs by December 31, 2019.*

Jackie Kozak-Thiel, Chief Sustainability Officer, stated the Compact of Colorado Communities is a newly formed network focused on capacity building. The dues are supported within the City's existing budget.

Councilmember Summers asked about the role of the steering committee in dictating the Climate Action Plan. Kozak-Thiel replied Fort Collins staff has ensured the charter is aligned with the City's established goals and commitments.

Councilmember Summers asked if other cities and towns are likely to join the Compact. Kozak-Thiel replied this network is meant to fill a special niche to allow municipalities to learn from one another.

Councilmember Martinez asked if this membership will require the hiring of extra staff and requested input regarding the value of the membership. Kozak-Thiel replied staff will return in a year to report on the value received for the investment and no extra staff will need to be hired.

Councilmember Summers asked how many climate programs Fort Collins is involved with. Kozak-Thiel outlined the various programs and networks with which Fort Collins participates.

City Manager Atteberry stated an assessment of current organization participation will be provided to Council.

Councilmember Cunniff made a motion, seconded by Councilmember Overbeck, to adopt Resolution 2017-087.

Councilmember Cunniff supported joining the Compact as it fills an unfilled niche.

Mayor Troxell stated Fort Collins is a leader in terms of the climate economy.

Councilmember Stephens stated she would support the motion and would volunteer to be an alternate representative on the Compact.

Councilmember Overbeck supported the motion and stated it is a small fee to engage in a regional, local conversation on climate.

Councilmembers Cunniff and Overbeck accepted a friendly amendment to insert Councilmember Stephens as the alternate representative.

<b>RESULT:</b>	<b>RESOLUTION 2017-087 ADOPTED AS AMENDED [5 TO 1]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Bob Overbeck, District 1
<b>AYES:</b>	Martinez, Stephens, Overbeck, Troxell, Cunniff
<b>NAYS:</b>	Summers
<b>ABSENT:</b>	Horak

● **DISCUSSION ITEMS**

15. **Items Relating to the Gardens on Spring Creek. (Adopted on Second Reading)**

- A. *Second Reading of Ordinance No. 118, 2017, Modifying Ordinance No. 074, 2016, Which Modified 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 to Remove Two Conditions, Specifically the West Sound Wall and Central Override Component of the Sound System.*
- B. *Second Reading of Ordinance No. 104, 2017, Appropriating Unanticipated Revenue in the Capital Projects Fund and Appropriating Prior Year Reserves in the General Fund for Transfer to the Capital Projects Fund for Construction of the Final Five Acres of the Gardens on Spring Creek and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program.*

*These Ordinances, adopted on First Reading on August 15, 2017, by a vote of 6-1 (nays: Cunniff) modify the approved plan for the expansion of the Gardens on Spring Creek by removing the West Sound Wall and central override sound system; and appropriate \$2,431,000 for construction of the Gardens on Spring Creek facility including the Great Lawn, Undaunted Garden, Foothills and Prairie Gardens. This item also appropriates the funds needed for the Arts in Public Places artwork that is part of the capital project.*

Michelle Provaznik, Gardens on Spring Creek Manager, stated this item would complete the Master Plan for the Gardens. She discussed the public involvement process and Planning and Zoning Board's approval. Part of this item would complete funding for the remaining improvements. Staff has asked for the removal of the western sound wall as well as the sound override system due to the need for additional funds.

Vincent Kitch, Cultural Services and Facilities Director, discussed the design of the Great Lawn and stage. He noted staff will monitor sound levels at the mixing board as well as throughout the property to ensure events fully comply with City policies. Currently, eight ticketed events per year are planned and all need to be over by 8:00 PM.

Steven Sorensen, Cultural Resources Board Chair, stated the Board voted to encourage Council to support this agenda item.

Roger Warren stated the main goal for the Gardens is to become a better botanical garden.

Jessie Eastman, Fort Collins Nursery, supported the item and discussed the importance of horticulture in the community.

Dulcie Willis, Friends of the Gardens on Spring Creek President, thanked Council for its support of the project and requested Council approve the Ordinances.

Barbara Albert stated the Gardens have provided sound mitigation for every neighboring property except hers.

Korey Albert requested sound mitigation for his property and stated there are no serious consequences for breaking sound regulations.

Councilmember Stephens requested staff input regarding the Alberts' comments. Kitch shared information related to decibel levels and stated the volume will be mitigated at their property line.

Councilmember Stephens asked if acts will be in charge of their own sound or if staff will be present to take that responsibility. Provaznik replied the Lincoln Center will be managing the events with a separately hired company. Additionally, City staff will be present at property lines and around the site to monitor sound levels.

Councilmember Stephens asked if the 8 events would be music events. Provaznik replied there will be 8 music concert events.

Councilmember Cunniff asked if the stage and sound system could be rented out for events other than music events. Provaznik replied it could be rented out for a play or weddings, but for nothing else with music or amplified sound.

Councilmember Cunniff stated it may be desirable from neighbors' points of view for other ambient sounds, together with the music, to trigger a lowering of the amplified sounds.

Councilmember Cunniff asked about the distance of the bicycle trail from the property line. Provaznik replied the distance from the bridge going over the irrigation ditch is about 50 to 100 feet.

Councilmember Overbeck asked when staff would be returning before Council to report back should this item pass. Provaznik replied staff would return one year after a complete season of the Great Lawn.

Councilmember Overbeck suggested staff returning earlier with a report. City Manager Atteberry replied staff could return after each event should Council desire.

Mayor Troxell asked if speakers would be built into the stage. Provaznik replied in the negative.

Councilmember Martinez made a motion, seconded by Councilmember Summers, to adopt Ordinance No. 118, 2017, on Second Reading.

Councilmember Martinez stated he does not anticipate any issues, but is confident in the ability of staff to address problems should they arise.

Councilmember Cunniff stated he would not support the motion given process concerns and unanswered questions about the use of the General Fund reserves.

Councilmember Stephens stated she would support the motion as a good solution to eliminate the sound wall but mitigate sound issues.

Councilmembers and Chief Financial Officer Beckstead had a discussion regarding fund reserves.

Mayor Troxell stated he would support the motion.

Councilmember Martinez thanked the speakers and assured those with concerns they have been heard.

Councilmember Cunniff stated his concerns lie strictly with City management and processes.

City Attorney Daggett clarified the venue can have additional amplified events above the 8 concert events; however, they need to meet sound codes as well. Provaznik stated those types of events are already monitored and do not use a sound board.

<b>RESULT:</b>	<b>ORDINANCE NO. 118, 2017, ADOPTED ON SECOND READING [5 TO 1]</b>
<b>MOVER:</b>	Ray Martinez, District 2
<b>SECONDER:</b>	Ken Summers, District 3
<b>AYES:</b>	Martinez, Stephens, Summers, Overbeck, Troxell
<b>NAYS:</b>	Cunniff
<b>ABSENT:</b>	Horak

Councilmember Martinez made a motion, seconded by Councilmember Summers, to adopt Ordinance No. 104, 2017, on Second Reading.



<b>RESULT:</b>	<b>ORDINANCE NO. 104, 2017, ADOPTED ON SECOND READING [5 TO 1]</b>
<b>MOVER:</b>	Ray Martinez, District 2
<b>SECONDER:</b>	Ken Summers, District 3
<b>AYES:</b>	Martinez, Stephens, Summers, Overbeck, Troxell
<b>NAYS:</b>	Cunniff
<b>ABSENT:</b>	Horak

16. **Items Relating to Short Term Rental Ordinance Amendments: (Adopted on Second Reading)**

A. *Second Reading of Ordinance No. 127, 2017, Amending Chapter 15 of the Code of the City of Fort Collins Regarding Short Term Rental Licensing Regulations.*

B. *Second Reading of Ordinance No. 128, 2017, Amending the City of Fort Collins Land Use Code Short Term Rental Regulations.*

*These Ordinances, adopted on First Reading by a vote of 6-1 (Nays: Overbeck) amend the City Code and Land Use Code to allow short term rentals (STRs) that were in existence prior to March 31, 2017, but did not acquire sales and lodging tax licenses to apply for a STR license. Two other proposed amendments were removed on First Reading and will not be considered. A minor change to the recitals was made to reflect the fact that the amendments only address the extension of the date by which Short Term Rental operators may obtain City tax licenses.*

Andrew Walter spoke in favor of allowing short-term rentals.

Councilmember Cunniff made a motion, seconded by Councilmember Stephens, to adopt Ordinance No. 127, 2017, on Second Reading.

Councilmember Overbeck stated he will be supporting the motion.

<b>RESULT:</b>	<b>ORDINANCE NO. 127, 2017, ADOPTED ON SECOND READING [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Kristin Stephens, District 4
<b>AYES:</b>	Martinez, Stephens, Summers, Overbeck, Troxell, Cunniff
<b>ABSENT:</b>	Horak

Councilmember Cunniff made a motion, seconded by Councilmember Stephens, to adopt Ordinance No. 128, 2017, on Second Reading.

<b>RESULT:</b>	<b>ORDINANCE NO. 128, 2017, ADOPTED ON SECOND READING [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Kristin Stephens, District 4
<b>AYES:</b>	Martinez, Stephens, Summers, Overbeck, Troxell, Cunniff
<b>ABSENT:</b>	Horak

● **OTHER BUSINESS**

Councilmember Summers stated he has been a proponent of the potential of leasing rooftops for solar energy generation. He supported examining some type of pilot program.

Mayor Troxell supported a concerted effort looking a distributed generation within the community.

Councilmember Cunniff stated this would provide opportunities for the building owner of non-owner-occupied rentals to lease the roof and achieve benefits.

Mayor Troxell requested staff return with a scoping document outlining required resources and possible benefits.

Councilmember Summers discussed an email he received from a citizen referencing needles found at park playgrounds. City Manager Atteberry stated the City is considering contracting with a hazardous materials handling group to work to clean up in the Natural Areas and parks. He stated he has not heard specific concerns related to playgrounds.

Councilmember Stephens discussed the possibility of placing sharps containers in appropriate locations.

Councilmember Cunniff discussed the same issue and asked if improper disposal of hazardous materials is a crime in the city. City Manager Atteberry replied he has an upcoming meeting with Chief Jones and will provide an update.

Councilmember Overbeck suggested the creation of a list of sharps disposal locations throughout the city.

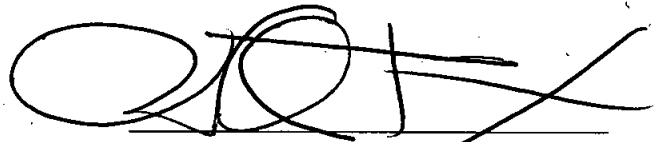
Councilmember Summers discussed a recent parking services issue. City Manager Atteberry replied he would return with information.

Councilmember Cunniff requested a new update on building standards related to existing wells and requested a report on the 100% renewable energy by 2030 topic. City Manager Atteberry noted an update on oil and gas regulations is scheduled for the October 24 Work Session.

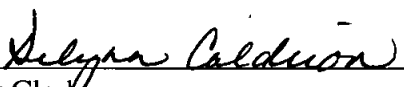
Mayor Troxell requested and received Council support for an update regarding funding partners for an occupancy (U+2) study.

● **ADJOURNMENT**

The meeting adjourned at 8:15 PM.

  
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Mayor

ATTEST:

  
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City Clerk