



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 FCTV 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  
September 6, 2016  
(revised 9/2/16)**

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

- A. Proclamation Declaring September, 2016 as Hunger Action Month.
- B. Proclamation Declaring September 10, 2016 as Historic Homes Tour Day.
- C. Proclamation Declaring September as Suicide Awareness Month.
- D. Proclamation Declaring October 28, 2016 through May 6, 2017 as the 40th Anniversary Season of the Larimer Chorale.

**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. Consideration and Approval of the Minutes of the August 9, 2016 Special Council Meeting, the August 16, 2016 Regular Council Meeting, and the August 23, 2016 Adjourned Council Meeting.

The purpose of this item is to approve the minutes from the August 9, 2016 Special Council meeting, the August 16, 2016, Regular Council meeting, and the August 23, 2016 Adjourned Council meeting.

2. Second Reading of Ordinance No. 098, 2016, Appropriating Prior Year Reserves in the General Fund to Reimburse Avago Wireless Technologies (U.S.A.) Manufacturing, Inc. For Use Tax and Business Personal Property Taxes as Provided in Business Investment Agreements.

This Ordinance, unanimously adopted on First Reading on August 16, 2016, appropriates \$413,781 of prior year reserves from the General Fund for a rebate to Avago Wireless Technologies (USA) Manufacturing, Inc. for use tax and business personal property tax rebates under two business investment agreements. The agreements provide business investment assistance to Avago for the expansion and retrofit of Avago's Building 4 for a wafer fabrication facility in 2012 and for a FBAR clean room facility in 2013. These two projects created an additional 227 primary jobs in the City.

3. Second Reading of Ordinance No. 099, 2016, Appropriating Prior Year Reserves in the General Fund to Reimburse Woodward, Inc. for Development Fees and Use Tax.

This Ordinance, unanimously adopted on First Reading on August 16, 2016, appropriates \$151,316 of prior year reserves for a rebate to Woodward, Inc. for use tax under an agreement that City Council approved on April 2, 2013 (Ordinance No. 055, 2013). The agreement provides Business Investment Assistance for the relocation of Woodward's headquarters, as well as an expansion of its manufacturing and office facilities to a new location at the corner of Lincoln Avenue and Lemay Avenue. The project will retain or create between 1,400 and 1,700 primary jobs in the City.

4. Second Reading of Ordinance No. 101, 2016, Authorizing an Exchange of Easements between the City and Brookhaven Homeowners Association to Resolve Encroachment Issues on Mallard's Nest Natural Area and Spring Creek Trail.

This Ordinance, unanimously adopted on First Reading on August 16, 2016, authorizes the City's conveyance of an easement to the Brookhaven Homeowners Association to resolve an encroachment issue on Mallard's Nest Natural Area and Spring Creek Trail. The Natural Areas Department intends to exchange easements with Brookhaven Homeowners Association to resolve long standing and significant encroachments on City property and enable a more favorable alignment of an existing fence along Spring Creek Trail.

5. Council Action Postponing Indefinitely First Reading of Ordinance No. 104, 2016, Making Certain Amendments to Chapter 26 of the Code of the City of Fort Collins Pertaining to Electric, Water and Wastewater Rates, Fees and Charges Associated with the Income Qualified Rate Pilot Study.

The purpose of this item is to postpone indefinitely an Ordinance presented to Council on August 16, 2016, and continued to the September 6, 2016 meeting, regarding a two year pilot Income-Qualified Rate (IQR).

An affirmative vote on this item will indefinitely postpone the proposed Ordinance and pilot study until such time as further action on the program is initiated.

6. Items Relating to the Vida Sana Grant.

- A. Resolution 2016-069 Authorizing the City Manager to Execute a Grant Agreement with the Poudre Valley Health Systems Foundation for Delivery of Vida Sana Project Programming.
- B. First Reading of Ordinance No. 105, 2016, Appropriating Unanticipated Grant Revenue in the Recreation Fund for the Vida Sana Program.

The purpose of this item is to approve a Vida Sana sub-grant agreement and appropriate sub-grant funds in the amount of \$64,646 from the Colorado Department of Public Health and Environment, through the Poudre Valley Health Systems' Community Health Improvement Department. The Vida Sana Grant will address the needs of targeted health disparate populations in Fort Collins by allowing specific discounted programming costs for Northside Aztlan Community Center fitness classes, fitness coaching and health screening programs.

7. First Reading of Ordinance No. 106, 2016 Appropriating Prior Year Reserves in the Recreation Fund for Therapy Pool Repair and Tile Replacement at the Edora Pool Ice Center and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program.

The purpose of this item is to appropriate \$600,000 in recreation reserve funds for the Edora Pool Ice Center (EPIC) therapy pool repair and tile replacement. The funds will be used to repair the water leaks discovered in the therapy pool and replace the tile on the natatorium (pool) deck to match the tile throughout the area. This appropriation includes a \$6,000 contribution to the APP program.

8. Items Relating to Proposed Design Standards for the I-25/SH 392 Interchange Corridor Activity Center Area.

A. Resolution 2016-070 Recommending to the Town Board of Windsor Approval of the Proposed Changes to the Corridor Activity Center Design Standards.

B. First Reading of Ordinance No. 107, 2016, Amending Article 3, Division 3.9.12 of the Land Use Code Regarding Corridor Activity Center Design Standards.

The purpose of this item is to forward a recommendation to the Windsor Town Board on proposed Corridor Activity Center (CAC) Design Standards for Windsor, east of I-25, and amend to the Land Use Code for proposed changes related to design standards, specifically for the Fort Collins CAC area located west of I-25.

9. Items Relating to Horsetooth Foothills Land Conservation Project.

A. Resolution 2016-071 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County for the Horsetooth Foothills Land Conservation Project.

B. First Reading of Ordinance No. 108, 2016, Authorizing the Conveyance of a Conservation Easement to Larimer County on Property to be Acquired by the City as Part of the Horsetooth Foothills Land Conservation Project.

The purpose of this item is to seek City Council authorization to enter into an Intergovernmental Agreement (IGA) with Larimer County for the Horsetooth Foothills Land Conservation Project. The Project will conserve about 2,726 acres in the foothills south and west of Fort Collins. Ordinance No. 108, 2016 will authorize the conveyance of a conservation easement on 500 acres to Larimer County as required by Great Outdoors Colorado.

10. Resolution 2016-072 Authorizing the Assignment of the City's Private Activity Bond Allocation for 2016 to the Colorado Housing and Finance Authority to Finance the Development and Rehabilitation of Affordable Housing Units.

The purpose of this item is to assign the City's 2016 Private Activity Bond capacity to the Colorado Housing Finance Authority for the purpose of constructing and rehabilitating affordable housing rental units in Fort Collins.

11. Resolution 2016-073 Setting the Dates of the Public Hearings on the 2017 and 2018 Proposed City of Fort Collins Biennial Budget.

The purpose of this item is to set two public hearing dates on the proposed 2017-2018 biennial budget. The City Charter requires that the City Council set a date for a public hearing on the

proposed budget. This Resolution sets that hearing date for the regular Council meeting of September 20, 2016. In an effort to receive further public input, this Resolution sets an additional hearing date for the October 4, 2016, regular Council meeting.

## 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. Poudre River Whitewater Park Project. (staff: Kurt Friesen)

- **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.

12. Second Reading of Ordinance No. 103, 2016, Vacating Portions of Right-of-Way as Dedicated on the Sidehill - Filing Two and Bucking Horse Filing Three Plats. (staff: Marc Ragasa; no staff presentation; 3 minute discussion)

This Ordinance, adopted on First Reading by a vote of 5-0 (Campana recused; Stephens absent) vacates various streets dedicated on the Sidehill-Filing Two plat and the Bucking Horse Filing Three plat that are no longer necessary or desirable to retain for street purposes. The right-of-way vacation includes various public streets in an area bounded by Nancy Gray Avenue to the south and Gooseberry Lane to the northwest. The property is proposed to be replatted as Bucking Horse Filing Four.

13. Second Reading of Ordinance No. 100, 2016, Appropriating Prior Year Reserves in the Storm Drainage Fund to Construct the Fort Collins/Timnath Boxelder Creek Flood Mitigation Projects and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program. (staff: Jon Haukaas, Lance Smith; no staff presentation; 5 minute discussion)

This Ordinance, adopted on First Reading on August 16, 2016, by a vote of 4-2 (Nays: Cunniff, Overbeck; Stephens absent) appropriates \$979,700 from prior year reserves in the Storm Drainage Fund to cover increased project costs due to a number of additional project scope changes necessary to complete the Boxelder Creek Outfall project as it crosses Prospect Road.

14. First Reading of Ordinance No. 109, 2016, Amending Certain Provisions of the Code of the City of Fort Collins Related to Collection and Disposal of Refuse, Rubbish and Recyclables, and Solid Waste Collection and Recycling Services, including Repealing and Reenacting Chapter 15, Article XV of City Code. (staff: Caroline Mitchell, Jackie Kozak-Thiel, Jeff Mihelich, Lucinda Smith, Susie Gordon; 10 minute staff presentation; 1 hour discussion)

The purpose of this item is to consider adoption of the Community Recycling Ordinance (CRO). This ordinance would allow private haulers the option to apply a service surcharge on residential trash and recycling bills; require private haulers to offer optional yard trimming collection to single family customers from April through November for a separate, opt-in fee; require private haulers to provide recycling service to businesses and apartment complexes by 2020; and require grocers to subscribe to compost collection service by the end of 2017. The CRO builds on existing policy and is designed to make progress toward Council's adopted waste reduction goals.

**NOTE: Highlighted blanks on page 12 of Ordinance No. 109, 2016, must be completed by adoption of a motion or as part of the vote on the Ordinance.**

- **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.)

- B. Possible consideration of motion to waive the attorney-client privilege on and release to the public a specified memorandum regarding the Keep Fort Collins Great tax and the Taxpayers' Bill of Rights.

- **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.