



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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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 February 21, 2017

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

- A. Proclamation Declaring the Week of February 21, 2017, as Fort Collins Startup Week.
- B. Proclamation Declaring February 19-25, 2017 as National Engineers Week.
- C. Proclamation Declaring March 1, 2017, as KRFC Fort Collins 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. Consideration and Approval of the Minutes of the January 31, 2017 Special Council Meeting and the February 7, 2017 Regular Council Meeting.

The purpose of this item is to approve the minutes from the January 31, 2017 Special Council meeting and the February 7, 2017 Regular Council meeting.

2. Second Reading of Ordinance No. 021, 2017, Amending Land Use Code Section 3.4.1, Natural Habitats and Features.

This Ordinance, unanimously adopted on First Reading on February 7, 2017, amends various Land Use Code requirements related to the protection and mitigation of impacts to prairie dog colonies, sensitive and specially valued species, and other natural habitats and features on development sites.

3. Second Reading of Ordinance No. 022, 2017, Authorizing the City Manager to Enter into a Lease Agreement with the Landowners Association for Phantom Canyon Ranches for Recreational Use of Halligan Reservoir and Certain Surrounding Lands.

This Ordinance, unanimously adopted on First Reading on February 7, 2017 authorizes a lease agreement between the City of Fort Collins and the Landowners Association for Phantom Canyon Ranches (the Association) for recreational use of Halligan Reservoir and certain real property adjacent to Halligan Reservoir owned by the City (Halligan Property). The Association has leased the recreational rights to the Halligan Property for fishing, boating, and similar activities since 1988. Historically, the North Poudre Irrigation Company (NPIC) leased the recreational rights for Halligan Reservoir to the Association. Because the City now owns the Halligan Property, it has the right to lease recreational use of it. The Lease Agreement would maintain historic leasing practices and will benefit the City in various ways, such as gaining certain rights to access to the Reservoir using the Association's Meadow Creek Road, assisting in the monitoring and maintenance of the Halligan Property, facilitating the ongoing federal permitting process for the enlargement of Halligan Reservoir, and generating a revenue stream. The Lease Agreement provides for three ten-year terms, but allows for early termination by the City, if the enlargement of Halligan Reservoir receives authorization or if the City decides to no longer pursue the enlargement of Halligan Reservoir.

4. Second Reading of Ordinance No. 023, 2017, Annexing Property Known as the Rennat Annexation to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on February 7, 2017, annexes 57.83 acres located at 6015 South Timberline Road into the City of Fort Collins. The parcel became an enclave with the annexation of the Hansen Farm Annexation on February 15, 2013. As of February 15, 2016, the City was authorized to annex the enclave in accordance with State Statute 31-12-106. Staff is recommending placement into the Residential Neighborhood Sign district. The Rennat Annexation is situated between the Union Pacific Railroad/Southridge Golf Course to the west and South Timberline Road to the east. A related item to zone the proposed annexation presented as the next item on this Agenda.

5. Second Reading of Ordinance No. 024, 2017, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Rennat Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Amendments to the Sign District Map.

*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.*

This Ordinance, unanimously adopted on First Reading on February 7, 2017, zones the property included in the Rennat Annexation into the Low Density Mixed-Use Neighborhood (LMN), Medium Density Mixed-Use Neighborhood (MMN), and Neighborhood Commercial (NC) zone districts.

6. Second Reading of Ordinance No. 025, 2017, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for That Certain Property Known as the Gateway at Prospect Rezoning and Making Corresponding Changes to the Sign District Map.

*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.*

This Ordinance, unanimously adopted on First Reading on February 7, 2017, amends the existing zoning on a parcel of vacant land located at the northwest quadrant of I-25 and East Prospect Road. The .43-acre site includes 12.40 acres of land currently zoned L-M-N, Low Density Mixed-Use Neighborhood and 10.03 acres of land currently zoned E, Employment. The proposed rezoning amends the zoning map for the entire site to M-M-N, Medium Density Mixed-Use Neighborhood Zone District.

A change was made to Section 4 of this Ordinance to correct a Land Use Code section number.

7. First Reading of Ordinance No. 027, 2017, 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.

The purpose of this item is to appropriate \$355,985, of which \$221,578 is proposed for 2017 Cultural Development and Programming Activities (Fort Fund), \$14,560 is proposed for 2017 Tourism Programming (Fort Fund), and \$119,847 is proposed for 2017 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. Anticipated revenue is projected through each Budgeting for Outcomes (BFO) cycle and then adjusted annually as needed based on actual collections. Lodging tax revenue collected in 2016 was \$355,985 above projected collections.

8. First Reading of Ordinance No. 028, 2017, Amending the Fort Collins Traffic Code Restricting Parking in Bicycle Lanes.

The purpose of this item is to amend sections of the Fort Collins Traffic Code to clarify regulations relating to bike lanes. The amendment to Section 1013 clarifies that bicycle lanes can be identified by signs or pavement markings and that parking in bike lanes is prohibited. The amendment to Section 1204 includes bike lanes in the list of locations where parking is prohibited.

9. First Reading of Ordinance No. 029, 2017, Amending Chapter 15, Article XI of the Code of the City of Fort Collins Related to the Regulation and Licensure of Dealers in Secondhand Property.

The purpose of this item is to update and revise Article XI of Chapter 15 of the Fort Collins City Code. Article XI addresses the regulation and licensure of dealers in secondhand property within the City of Fort Collins. The proposed changes will update the outdated provisions to comply with current state law, local practice and procedure, and fill in any gaps in the existing provisions. Such changes include modifying the definition of a secondhand dealer to include a person who buys secondhand property and eliminating the restriction on issuance or renewal of a license because of any felony by the licensee, to be consistent with state law.

10. First Reading of Ordinance No. 035, 2017, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges for Customers Participating in Community Solar Projects.

The purpose of this item is to expand the definition of "community solar projects" in Chapter 26 of the City Code to include both "subscriber-based" and "program-managed" community solar projects, and to establish a net metering rate applicable to the Solar Affordability Program (SAP), a new program-

managed community solar project. The SAP will rely on energy generated by the 64 kilowatt photovoltaic system installed at 518 N. Loomis Street (the "Loomis Project") to serve income qualified customers and be administered according to program objectives established by the Utilities Executive Director pursuant to City Code Sections 26-464(h) and 26-465(h).

In addition, this item provides background on the income qualified SAP which will provide participating Fort Collins electric customers with direct bill credits for a one year period. During that time, SAP households will participate in efficiency and conservation installations customized to each household, drawing on resources from Utility Services, Larimer County and the State of Colorado. Program households will also participate in energy saving education and complete efficiency upgrades. Combined, the efficiency and education opportunities will enable program households to permanently reduce their electric expenses and usage. Over the life of the SAP, hundreds of qualifying households will benefit from a reduced energy burden as individual participants in the program, and the benefits of additional renewable energy generation will be realized across the residential rate class. The proposed credit rate for SAP and other dedicated program-managed community solar project customers is the same rate as that currently available to customers of subscriber-owned community solar projects, like the Riverside Community Solar project.

11. First Reading of Ordinance No. 030, 2017, Annexing Property Known as the Mail Creek Crossing Second Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to is to annex 43.698 acres, consisting of 11 parcels located in the southeast quadrant into the City of Fort Collins. The initiating resolution was adopted on January 17, 2017. The subject properties are located on the eastern edge of South Timberline Road and bisected by Kechter Road. A related item to zone the annexed properties is presented as the next item on this Agenda.

12. First Reading of Ordinance No. 031, 2017, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Mail Creek Crossing Second Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Sign District Map.

*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.*

The purpose of this item is to zone 43.698 acre, 11-parcel enclave into the City of Fort Collins. The initiating resolution was adopted on January 17, 2017. The subject properties are located on the east edge of South Timberline Road and are bisected by Kechter Road.

13. First Reading of Ordinance No. 032, 2017, Annexing Property Known as the Lehman-Timberline Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex 5.684 acres, parcel located at 5830 South Timberline Road, between Mail Creek Ditch and Bacon Elementary School. The initiating resolution was adopted on January 17, 2017. A related item to zone the proposed annexation is presented as the next item on this Agenda.

14. First Reading of Ordinance No. 033, 2017, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Lehman-Timberline Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Sign District Map.

*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.*

The purpose of this item is to place the property included in the Lehman-Timberline annexation into the Low Density Mixed-Use Neighborhood (LMN), zone district.

15. First Reading of Ordinance No. 034, 2017, Expanding the Boundaries of the Fort Collins Downtown Development Authority and Amending the Plan of Development of the Authority.

The purpose of this item is to request an expansion of the boundaries of the Fort Collins Downtown Development Authority (DDA) and amend the DDA's Plan of Development to include the property at 221 East Oak Street and adjacent rights-of-way (ROW) on East Oak Street and Mathews Street. The property is a commercially zoned vacant lot at the southwest corner of East Oak Street and Mathews Street. The ROW is being added as a housekeeping step to more efficiently describe the overall DDA boundary. There is no impact to the City from the inclusion of this ROW.

16. Resolution 2017-018 Authorizing the Assignment of the City's Private Activity Bond Allocation for 2017 to Housing Catalyst to Finance the Rehabilitation of Affordable Housing Units at The Village on Shields.

The purpose of this item is to assign the City's 2017 Private Activity Bond (PAB) allocation in the amount of \$8,046,750 to Housing Catalyst (HC) for the purpose of the rehabilitation of 285 units of affordable housing located at the Village on Shields. Annually, the City receives a PAB allocation from the State of Colorado. If the City does not use or assign this allocation, it is returned to the State on September 15. Via this assignment, the City will not incur debt and this will not affect the City's credit rating. There have not been any other requests to use the 2017 PAB allocation.

17. Resolution 2017-019 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.

18. Resolution 2017-020 Ratifying the Appointment of Valerie Arnold to the Poudre River Library District Board of Trustees

The purpose of this item is to appoint Valerie Arnold to the Poudre River Library District Board of Directors to fill a vacancy that will exist due to the March 2017 term expiration for Jennifer Birks.

19. Resolution 2017-021 Making an Appointment to the Transportation Board of the City of Fort Collins.

The purpose of this item is to appoint Karl Ayers to fill a vacancy that currently exists on the Transportation Board due to the resignation of Tim Sutton.

## 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. Social Media Update (staff: Mayan Smith, Kate Kimble, Madeline Noblett)

- **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.

20. Items Relating to the Old Town Neighborhoods Plan. (staff: Pete Wray; 10 minute staff presentation; 45 minute discussion)
- A. Resolution 2017-022 Adopting the Old Town Neighborhoods Plan as an Element of the Comprehensive Plan (City Plan), and Repealing the 1986 East Side Neighborhood Plan, and the 1989 West Side Neighborhood Plan.
  - B. Resolution 2017-023 Adopting the Old Town Neighborhoods Design Guidelines, Representing an Implementation Action of the Old Town Neighborhoods Plan.
  - C. First Reading of Ordinance No. 036, 2017, Repealing Ordinance No. 013, 1996, Regarding Adoption of the Neighborhood Character Design Guidelines for the Eastside and Westside Neighborhoods in Fort Collins.

The purpose of this item is to adopt the Old Town Neighborhoods Plan (Plan) and the Old Town Neighborhoods Design Guidelines (Guidelines). The Old Town Neighborhoods Plan represents a combined update of the original East Side and West Side Neighborhood Plans developed in the 1980s. The Old Town Neighborhoods generally encompass the predominantly residential neighborhoods to the west and southeast of Downtown. The Plan provides a renewed vision and policy guidance for the two neighborhoods, and incorporates details on programs, strategies, and actions to support and implement the neighborhood vision. Extensive public engagement was conducted over the course of the planning process beginning in 2015. The process involved continuous feedback from residents in the neighborhoods, stakeholder groups, community organizations, and City leadership.

The Old Town Neighborhoods Design Guidelines represent a follow-up implementation item from both the 2013 Eastside Westside Character Study, and the Old Town Neighborhoods Plan. The Guidelines provide illustrations, ideas, and guidance on compatible design for historic resources, new construction, and home additions in the Neighborhood Conservation Low Density (NCL) and Neighborhood Conservation Medium Density (NCM) zone districts of the Old Town Neighborhoods. The application of the Design Guidelines is voluntary and advisory, not regulatory.

21. Resolution 2017-024 Directing the City Manager or His Designees to Meet with the Northern Colorado Water Conservancy District to Engage in Discussions and Negotiations Regarding the Northern Integrated Supply Project. (staff: John Stokes; 10 minute staff presentation; 2 hour discussion)

The purpose of this item is to consider a resolution that would direct the City Manager and/or his designees to discuss and explore the City's and Northern Colorado Water Conservancy District (Northern Water) Water's mutual interests pertaining to the Northern Integrated Supply Project (NISP). Staff would meet with Northern Water to discuss the City's key goals and issues related to NISP, while regularly reporting to City Council. If mutual interests can potentially be met, staff would be authorized to negotiate and prepare draft agreements that would be presented to Council for its review and possible approval.

22. First Reading of Ordinance No. 037, 2017, Amending Section 2-568 of the Code of the City of Fort Collins Proscribing Certain Actions in the Event a City Board or Commission Member has Declared a Conflict of Interest and Establishing a Related Variance Procedure. (staff: Carrie Daggett; 10 minute staff presentation; 30 minute discussion)

The purpose of this item is to amend Section 2-568(a) and 2-568 (c) of the City Code to clarify certain actions in the event a City board or commission member has declared a conflict of interest and establish a related variance procedure.

23. Resolution 2017-025 Accepting Advisory Opinion and Recommendation No. 2017-01 of the Ethics Review Board. (staff: Carrie Daggett; 5 minute staff presentation; 15 minute discussion)

The purpose of this item is to submit the opinion of the Ethics Review Board to Council for its consideration and possible approval.

- **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.