

Wade Troxell, Mayor
Gerry Horak, District 6, Mayor Pro Tem
Susan Gutowsky, District 1
Ray Martinez, District 2
Ken Summers, 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

Delynn Coldiron
City Clerk

Regular Meeting
March 19, 2019
(Amended 3/19/19)

Persons wishing to display presentation materials using the City's display equipment under the Citizen Participation portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City's display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.

NOTE: All presentation materials for appeals, addition of permitted use applications or protests related to election matters must be provided to the City Clerk no later than noon on the day of the meeting at which the item will be considered. See Council Rules of Conduct in Meetings for details.

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.

Proclamations and Presentations
5:30 p.m.

- A. Proclamation Declaring April 7-13, 2019 as National Volunteer Week.
B. Proclamation Declaring the week of April 14-20, 2019 as National Public Safety Telecommunications Week.
C. Proclamation Declaring March 31-April 7, 2019 as International Dark Sky Week.
D. Proclamation Declaring April 2, 2019, as Equal Pay 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.

- **PUBLIC COMMENT**

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.]

- **PUBLIC COMMENT 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. Second Reading of Ordinance No. 036, 2019, Reappropriating Funds Previously Appropriated in 2018 But Not Expended and Not Encumbered in 2018.

This Ordinance, unanimously adopted on First Reading on March 5, 2019, reappropriates monies in 2019 that were previously authorized by City Council for various expenditures in 2018 for various purposes. The authorized expenditures were not spent or could not be encumbered in 2018 because:

- there was not sufficient time to complete bidding in 2018 and therefore, there was no known vendor or binding contract as required to expend or encumber the monies,
- the project for which the dollars were originally appropriated by Council could not be completed during 2018 and reappropriation of those dollars is necessary for completion of the project in 2019, or
- to carry on programs, services, and facility improvements in 2019 with unspent dollars previously appropriated in 2018

In the above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2018 and reflect no change in Council policies.

2. Second Reading of Ordinance No. 037, 2019, Making Amendments to the Land Use Code Planned Unit Development Regulations.

This Ordinance, unanimously adopted on First Reading on March 5, 2019, amends the Land Use Code Planned Unit Development (PUD) regulations to clarify the vested rights process and who is eligible to seek an amendment to an approved PUD Master Plan.

3. Second Reading of Ordinance No. 038, 2019, Authorizing the Mayor to Execute the First Amendment to the Intergovernmental Agreement for Water Treatment Service Capacity Between the City of Fort Collins, Colorado, and the Fort Collins-Loveland Water District.

This Ordinance, unanimously adopted on First Reading on March 5, 2019, amends the existing agreement signed in 2013 between the City and the Fort Collins–Loveland Water District (FCLWD) concerning FCLWD’s acquisition of 5 million gallons per day of water treatment capacity at the City’s Water Treatment Facility. The proposed amendment to the 2013 Agreement will allow for FCLWD to make an early payment of the entire outstanding principal associated with the financing of the Plant Investment Fee.

The City, FCLWD, and their respective enterprises were all parties to the 2013 Agreement. The amendment thus likewise must be approved by both City Council and the City of Fort Collins Water Utility Enterprise Board. The FCLWD Board and the FCLWD Enterprise Board approved the proposed amendment on Tuesday, February 19, 2019.

4. Second Reading of Ordinance No. 039, 2019, Authorizing the Sale of Seven Water Taps and One Sewer Tap Owned by the City's Natural Areas Department.

This Ordinance, unanimously adopted on First Reading on March 5, 2019, authorizes the sale of seven water taps and one sewer tap. The taps were acquired with various parcels purchased by the City's Natural Areas Department over the last decade or so. The Department has no use for the taps and recommends selling them and using the proceeds for land conservation. Additionally, the taps have monthly fees costing the Department approximately \$1,425 per year. The Department checked with the Affordable Housing Land Bank to ascertain its interest prior to placing the taps on the market. The Affordable Housing Land Bank does not have a use for the taps at this time.

5. First Reading of Ordinance No. 046, 2019, Appropriating Unanticipated Grant Revenue in the Light and Power Fund from Bloomberg Philanthropies for Capitalization of the EPIC Efficiency Loan Program.

The purpose of this item is to appropriate \$100,000 in grant award revenues from Bloomberg Philanthropies, as part of the Bloomberg Mayor's Challenge, into the Fort Collins Utilities Light and Power fund for the purposes of continued capitalization of the EPIC Loan program.

6. Public Hearing and First Reading of Ordinance No. 047, 2019, Amending Chapter 9 of the Code of the City of Fort Collins and Adopting by Reference the 2018 International Fire Code, with Amendments.

The purpose of this item is to adopt the 2018 International Fire Code ("IFC"), as amended. The International Code Council ("ICC") publishes updated codes every three years. The Poudre Fire Authority Board of Directors has reviewed and approved the IFC and is requesting it be adopted as amended. Poudre Fire Authority ("PFA") is responsible for the enforcement and administration of the IFC within the City. PFA routinely reviews new codes, proposes local amendments, and seeks adoption of the IFC changes by the City Council. The proposed amendments, developed in conjunction with the local Fire Code Review Committee, include several changes to the City Code. There were a few significant changes to the IFC, including provisions related to mobile food vendors, higher education laboratories, plant material processing and extraction (cannabis), mobile fueling service, energy systems and the retroactive installation of fire suppression systems in eating and drinking establishments with an occupant load in excess of 299. A proposed City Code amendment mandates at least one means of egress (stairs) be provided in buildings under construction that exceed one story in height.

7. Items Relating to the Affordable Housing Board and the Community Development Block Grant Commission.

ITEM WITHDRAWN FROM CONSIDERATION

~~A. First Reading of Ordinance No. 048, 2019, Amending Chapter 2, Article III, Division 11 of the Code of the City of Fort Collins Regarding the Community Development Block Grant Commission.~~

~~B. First Reading of Ordinance No. 049, 2019, Amending Chapter 2, Article III, Division 2 of the Code of the City of Fort Collins Regarding the Affordable Housing Board.~~

~~The purpose of this item is to amend the Code of the City of Fort Collins to update the authorized duties, functions and name of the Community Development Block Grant (CDBG) Commission, as well as the membership requirements and authorized duties and functions of the Affordable Housing Board.~~

~~These Code updates will specifically address the advisory roles of the CDBG Commission and Affordable Housing Board to include City staff and other entities. Additionally, the CDBG Commission would be renamed to the Social Investment Commission, and its authority to make funding recommendations would be modernized to include the diverse funding sources within its grant making purview. The Affordable Housing Board's membership requirements would be amended to express a preference for having at least one member who lives or has lived in affordable housing.~~

8. First Reading of Ordinance No. 050, 2019, Authorizing an Annual Water Allotment Management Program by Amending Section 26-129 of the Code of the City of Fort Collins to Authorize the Utilities Executive Director to Waive All or Part of the Excess Water Use Surcharge for Certain Qualifying Customers in Limited Circumstances.

The purpose of this item is to consider an Ordinance that gives discretion to the Utilities Executive Director to provide qualified customers a temporary waiver from Excess Water Use (EWU) surcharges for up to three years, provided the customer participates in the proposed Allotment Management Program (AMP) to implement a project that permanently reduces the customer's water use by managing landscape water use to an existing allotment. The Ordinance and supporting program create a solution for a specific group of customers that were highly impacted by changes to the Water Supply Requirements (formally Raw Water Requirements) adopted in September 2017 and implemented in 2018.

9. First Reading of Ordinance No. 051, 2019, Amending Section 8-161 of the Code of the City of Fort Collins to Add an Exception to the Competitive Purchasing Process for Purchases of Video Content Licensing.

The purpose of this item is to amend City Code to create a limited exception to the competitive bid and purchasing process for the purchase of video content licensing and services, as needed for delivery of video services by Fort Collins Connexion. To provide video services, Fort Collins Connexion must secure license agreements with local channels, national networks, and independent content producers. While most video content will be acquired through membership in the National Cable Television Cooperative (NCTC), there are some channels, groups of channels, and networks that will require direct individual license negotiations.

10. First Reading of Ordinance No. 052, 2019, Amending Article I of Chapter 6 of the Code of the City of Fort Collins Regarding Cable Communications Systems.

The purpose of this item is to amend the City Code provisions related to cable television franchises, which have not been modified since they were first adopted in 1978, to update them and make them consistent with the current language of the City Charter and applicable federal law.

11. Items Relating to Platte River Power Authority Organic and Power Supply Contracts.

- A. First Reading of Ordinance No. 053, 2019, Authorizing an Amended and Restated Organic Contract with Platte River Power Authority.
- B. First Reading of Ordinance No. 054, 2019, Authorizing an Amended and Restated Contract with Platte River Power Authority for the Supply of Electric Power and Energy.

The purpose of this item is for City Council to consider the request by Platte River Power Authority (Platte River) to extend and amend the Organic Contract between Fort Collins, Loveland, Longmont, and Estes Park (the member cities); and the Power Supply Agreement between Fort Collins and Platte River

12. First Reading of Ordinance No. 055, 2019, Authorizing the Conveyance of an Easement to Larimer County for Groundwater Monitoring Wells on Cathy Fromme Prairie Natural Area.

The purpose of this item is to authorize conveyance of an easement to Larimer County for groundwater monitoring wells on Cathy Fromme Prairie Natural Area. In August 2018, the Natural Areas Department was approached by Larimer County Solid Waste at the direction of the Colorado Department of Public Health and Environment (CDPHE) regarding a 1,4-dioxane plume. The County requested a revocable permit from the Department to insert temporary groundwater test wells to determine the location and extent of the plume, which the City Manager granted on February 5, 2019. The new permanent monitoring wells are required for continued monitoring of the contaminant plume.

13. First Reading of Ordinance No. 056, 2019, Designating the Newman Property, 1019 West Mountain Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

This item is a quasi-judicial matter and if 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 2018-034.

The purpose of this item is to consider the request for landmark designation of the Newman Property, 1019 West Mountain Avenue, for its early twentieth-century vernacular architecture. This is a voluntary designation at the property owner's request. The Landmark Preservation Commission unanimously recommends approving this landmark designation.

14. Resolution 2019-035 Authorizing the City Manager to Execute an Intergovernmental Agreement Between the City and Poudre School District for the Nature in the City Program.

The purpose of this item is to authorize the City of Fort Collins Nature in the City Program to enter into an intergovernmental agreement with the Poudre School District. The Agreement sets the terms by which Poudre School District and The City of Fort Collins Nature in the City Program will collaborate to build outdoor educational program spaces, called Learning Habitats, at District schools. These Learning Habitats will provide engaging outdoor features that connect students to nature, create functional micro-habitat for local wildlife, increase academic achievement, and drive community engagement.

15. Resolution 2019-036 Naming the Poudre River Whitewater Park Pedestrian Bridge in Honor of the Graham Family.

The purpose of this item is to approve a proposed donor recognition concept for the pedestrian bridge at the Poudre River Whitewater Park. Jack and Ginger Graham have provided a generous donation in the amount of \$1 million toward the construction of the pedestrian bridge, which more than covers the cost of the \$700,000 bridge that is part of the Project. The Grahams have requested the pedestrian bridge be named the "Graham Family Bridge" in order to honor their family.

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. Staff report: Community Dashboard Metric: Golf Courses-Total Cumulative Participation. (staff: Mike Calhoon)

B. Staff report: Human Services Grant Process Improvements (staff: Adam Molzer)

- **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.

16. Items Relating to Regulating Electric Scooters and Other Shared and/or Portable Mobility Devices. (staff: Amanda Mansfield, Paul Sizemore; 10 minute staff presentation; 20 minute discussion)

- A. Second Reading of Ordinance No, 028, 2019, Amending Chapter 24 of the Code of the City of Fort Collins to Add a New Article VI Related to the Parking of Shared Mobility Devices.
- B. Second Reading of Ordinance No. 029, 2019, Amending Sections 1410 and 2106 of the Fort Collins Traffic Code to Allow for Signage Designating an Area in the City as a "Dismount Zone" for Any Form of Conveyance.

Ordinance No. 028, 2019, adopted on First Reading on February 19, 2019 by a vote of 6-1 (nays: Summers) amends City Code relating to the regulation of electric scooters and other shared and/or portable mobility devices. Ordinance No. 029, 2019, unanimously adopted on First Reading on February 19, 2019, amends Traffic Code to allow for signage designating areas of the city as a dismount zone for all forms of conveyance, including e-scooters.

When discussing this item on March 5, Councilmembers requested that staff forward an amendment to City Traffic Code to require operators of shared mobility devices including e-scooters to dismount their conveyances at crosswalks regardless of whether there is a traffic control device requiring them to do so, which is the only situation under which an operator must dismount under current City Traffic Code.

To make this amendment, Council will need to move to amend Ordinance No. 029, 2019, to add the following to the end of Section 3:

"A person riding a shared mobility device or toy vehicle shall dismount before entering any crosswalk."

17. Items Relating to Electrical Assisted Bicycles. (staff: Tessa Greigor, Paul Sizemore; 10 minute staff presentation; 30 minute discussion)

- A. First Reading of Ordinance No. 045, 2019, Enacting a Temporary Exemption from Certain Restrictions in Chapter 23 of the Code of the City of Fort Collins to Allow Electrical Assisted Bicycles on Paved Trails in City Natural Area and Recreation Areas.
- B. First Reading of Ordinance No. 041, 2019, Amending Section 2106(2)(d) of the Fort Collins Traffic Code Relating to Electrical Assisted Bicycles.

The purpose of this item is to present two Ordinances for Council consideration to implement a one-year pilot period to allow Class 1 and Class 2 electrical assisted bicycles (“e-bikes”) on City paved trails. In response to the growing popularity of e-bikes across the country, and the benefits e-bikes can provide to individuals and communities in terms of health, mobility, and environmental sustainability, staff recommends adoption of Ordinances allowing the use of Class 1 and Class 2 e-bikes on paved trails through a one-year pilot program. E-bikes are allowed on paved trails in most Colorado communities, including neighboring jurisdictions of Larimer County, Boulder County, Loveland, Longmont and Boulder. Eight Fort Collins City boards and commissions have voted in favor of a pilot program to allow e-bikes on paved trails in Fort Collins. In addition to the two Ordinances relating to the e-bike pilot program, an Ordinance is presented to update the City Traffic Code to remove the outdated term “motorized bicycle”.

18. Items Relating to Outdoor Residential Wood Burning. (staff: Cassie Archuleta, Jeff Mihelich; 10 minute staff presentation; 30 minute discussion)

- A. Second Reading of Ordinance No. 042, 2019, Amending Chapter 20 of the Code of the City of Fort Collins Pertaining to Nuisances.
- B. Second Reading of Ordinance No. 043, 2019, Appropriating Prior Year Reserves in the General Fund to Increase Staffing for Outdoor Residential Wood Burning Program Support.

These Ordinances, unanimously adopted on First Reading on March 5, 2019, modify the current air pollution nuisance Code provision to make it more enforceable for smoke impacts from outdoor residential wood fires. Code changes proposed include decriminalization, a curfew and a property line setback for outdoor wood burning. Between First and Second Reading, staff reviewed and revised the wording of the new Code language and clarifying changes are noted in the Ordinance. Additionally, resources in the form of an 0.25 FTE increase, are being requested to support education, outreach and compliance with the Code.

19. Resolution 2019-034 Establishing an Ad Hoc Committee Known as the Direct Reports Compensation Committee. (staff: Teresa Roche; 2 minute staff presentation; 10 minute discussion)

The purpose of this item is to establish an ad hoc committee to review compensation practices for Council direct report employees. Council may also choose to appoint Councilmembers to the committee.

20. Resolution 2019-037 Setting a Time Frame and Giving Policy Direction Regarding the Consideration of Digital Billboard Regulations. (staff: Noah Beals; 5 minute staff presentation; 20 minute discussion)

The purpose of this item is to establish a time frame for City Council to hear an ordinance regarding Digital Billboard Regulations.

21. Resolution 2019-038 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Hearing Officer’s Decision Approving the Hansen Farm Project Development Plan PDP170036. (staff: Tom Leeson, Pete Wray; no staff presentation; 5 minute discussion)

The purpose of this item is to make findings of fact and conclusions of law regarding the appeals of the Hansen Farm Project Development Plan PDP170036. The hearing for the appeals was held March 5, 2019. Councilmember Summers recused himself from consideration of the appeals.

22. Items Relating to the Downtown Rezoning and Development Standards for the Downtown and Neighborhood Conservation Buffer Transition Areas. (staff: Cameron Gloss; 10 minute staff presentation; 20 minute discussion)

Part A of 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 2018-034.

- A. Public Hearing and First Reading of Ordinance No. 057, 2019, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Downtown Rezoning.
- B. First Reading of Ordinance No. 058, 2019, Amending the Land Use Code Relating to Development Standards for the Downtown and Neighborhood Conservation Buffer Transition Areas.

The purpose of this item is to consider a City-initiated request to rezone 467 acres into an expanded Downtown (D) zone district and to amend interrelated Land Use Code sections that together address design standards for Downtown and the Neighborhood Conservation Buffer ("NCB") transition areas that interface between downtown and the predominantly single-family housing within the Old Town Neighborhoods.

- **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**

- A. Consideration of a motion to cancel the regular Council meeting of Tuesday, April 2, 2019 for the Municipal Election.

"I move that Council cancel its regular meeting of April 2, 2019, pursuant to City Code Section 2-28(a), due to the municipal election."

- B. Consideration of a motion to adjourn to 6:00 p.m., Tuesday, March 26, 2019.

"I move that Council adjourn this meeting to 6:00 p.m., on Tuesday, March 26, for consideration of a possible executive session and for such other business as may come before the Council."

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.



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Water Utility Enterprise Board Meeting March 19, 2019 (after the Regular Council Meeting)

- **CALL MEETING TO ORDER**

1. First Reading of Ordinance No. 008, of the Board of the City of Fort Collins Water Utility Enterprise Authorizing the President of the Board to Execute the First Amendment to the Intergovernmental Agreement for Water Treatment Service Capacity Between the City of Fort Collins, Colorado and the Fort Collins-Loveland Water District. (staff: Lance Smith; no staff presentation; 3 minute discussion)

The purpose of this item is to amend the existing agreement signed in 2013 (the "2013 Agreement") between the City and the Fort Collins–Loveland Water District (FCLWD) concerning FCLWD's acquisition of 5 million gallons per day (MGD) of water treatment capacity at the City's Water Treatment Facility. The proposed amendment to the 2013 Agreement will allow for FCLWD to make an early payment of the entire outstanding principal associated with the financing of the Plant Investment Fee (PIF).

The City, FCLWD, and their respective enterprises were all parties to the 2013 Agreement. The amendment thus likewise must be approved by City Council and the City of Fort Collins Water Utility Enterprise Board. The FCLWD Board and the FCLWD Enterprise Board approved the proposed amendment on Tuesday, February 19, 2019.

- **OTHER BUSINESS**
- **ADJOURNMENT**



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Electric Utility Enterprise Board Meeting March 19, 2019 (after the Water Utility Enterprise Board Meeting)

- **CALL MEETING TO ORDER**

1. First Reading of Ordinance No. 005, Authorizing an Amended and Restated Contract with Platte River Power Authority for the Supply of Electric Power and Energy. (staff: Tim McCollough; no staff presentation; 5 minute discussion)

The purpose of this item is for the Electric Utility Enterprise Board to consider the request by Platte River Power Authority (Platte River) to extend and amend the Power Supply Agreement between Fort Collins and Platte River.

- **OTHER BUSINESS**

- **ADJOURNMENT**

-