

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
August 16, 2016
(Revised August 16, 2016)

Proclamations and Presentations
5:30 p.m.

- A. Proclamation Proclaiming Every Friday of the School Year as "Get Your Green On".
B. Historic Preservation Awards.

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, 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 July 5 and 19, 2016 Regular Council Meetings and the July 12 and 26, 2016 Adjourned Council Meetings.

The purpose of this item is to approve the minutes from the July 5 and July 19, 2016 Regular Council meetings and the July 12 and July 26, 2016 Adjourned Council meetings.

2. Second Reading of Ordinance No. 085, 2016, Amending Sections 26-98 and 26-128 of the Code of the City of Fort Collins Regarding Fire Sprinkler Systems for Single Family Attached Homes.

This Ordinance, unanimously adopted on First Reading on July 19, 2016, creates a new rate class to accommodate the short-term high flow rate water service demands for single family attached homes with residential fire suppression systems and to make related changes regarding water meter requirements and installation. Changes to the International Residential Code adopted by the City in 2014 increased the short-term high flow rate water service demands for single family attached homes (such as townhomes and condominiums) due to the inclusion of residential fire suppression systems. A new rate class will be created in order to accommodate these demands and to make related changes regarding water meter requirements and the installation related to fire sprinkler systems for single family attached homes. Staff will provide a report to Council in September 2017 after one year of implementation to compare the average monthly usage of any new 1-inch residential services installed under the new rate code adopted through this Ordinance to the usage of similar previous standard ¾-inch residential services.

3. Second Reading of Ordinance No. 089, 2016, Appropriating Unanticipated Grant Revenue in the General Fund and Transferring Funds from the Community Development and Neighborhood Services Operating Budget in the General Fund to the Restorative Justice Grant Project.

This Ordinance, unanimously adopted on First Reading on July 19, 2016, appropriates grant revenue to fund Restorative Justice Services within Community Development and Neighborhood Services (CDNS). A grant in the amount of \$56,192 has been received from the Colorado Division of Criminal Justice (DCJ) Juvenile Diversion fund for the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program (RJCP) for all other offenses. Required match is \$18,731, which is 25% of the total grant (total grant = state funds \$56,182 + match \$18,731). The match requirement will be met by transferring \$9,646 in appropriated funds from the CDNS operating budget designated for restorative justice to the grant project, and by a \$9,085 match designated in the form of office space provided by the City for grant funded services. The grant period for is July 1, 2016 to June 30, 2017. This is the third year in a 3-year cycle for the Juvenile Diversion grant.

4. Second Reading of Ordinance No. 090, 2016, Annexing the Property Known as the Majestic Place Annexation to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on July 19, 2016, annexes 19.93 acres located at 2150 Rock Castle Lane (southeast of Timberline Road and Trilby Road) which is presently vacant. The Initiating Resolution was adopted on June 7, 2016. The property is located within the Fossil Creek Reservoir Area Plan. A related item to zone the annexed property is presented as the next item on this Agenda.

5. Second Reading of Ordinance No. 091, 2016, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Majestic Place Annexation to the City of Fort Collins, Colorado.

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 July 19, 2016, zones the property included in the Majestic Place Annexation, located at 2150 Rock Castle Lane (southeast of Timberline Road and Trilby Road), into the Urban Estate zone district.

6. Second Reading of Ordinance No. 092, 2016, Authorizing the Conveyance of a Permanent Utility Easement and a Temporary Construction Easement on City Property at the Northern Colorado Regional Airport to the City of Loveland.

This Ordinance, unanimously adopted on First Reading on July 19, 2016, authorizes the conveyance of a permanent utility easement and a temporary construction easement to the City of Loveland at the Northern Colorado Regional Airport. The City of Fort Collins and the City of Loveland each own a 50% interest in the Airport property. The City of Loveland is extending its electrical service to this area. The proposed permanent easement area borders Boyd Lake Avenue and County Road 30 and the temporary construction easement is along the easement on County Road 30.

7. Second Reading of Ordinance No. 093, 2016, Amending the City Code Pertaining to the Disposition of Tangible Personal Property.

This Ordinance, unanimously adopted on First Reading on July 19, 2016, amends the City Code to eliminate the current provisions pertaining to disposition of tangible personal property and replace with a reference to administrative procedures. The disposition of lost, abandoned, unclaimed or unattended tangible personal property found within a natural area, park, trail, other outdoor City property, and within a City facility will be governed by administrative policies adopted by the City Manager and on file in the City Clerk's Office. The disposition of firearms, illegal property, identification documents, financial transaction devices, computers or electronic items that store personal identification information will be governed by Fort Collins Police Services Standard Operating Procedures.

8. Second Reading of Ordinance No. 094, 2016, Appropriating Prior Year Reserves in the Capital Expansion Fund for Transfer to the Capital Projects Fund and the Cultural Services and Facilities Fund for the Art in Public Places Program for the Southeast Community Park.

This Ordinance, unanimously adopted on First Reading on July 19, 2016, appropriates funds for the Southeast Community Park Project in the amount of \$1.6M from the Community Parkland Capital Expansion Reserves. The park is currently under construction and scheduled to open in 2017. An additional appropriation is needed to fully fund the park as designed.

9. Second Reading of Ordinance No. 097, 2016, Calling a Special Municipal Election to be held in Conjunction with the November 8, 2016 Larimer County General Election.

This Ordinance, unanimously adopted on First Reading on July 26, 2016, calls a Special Municipal Election to be held in conjunction with the November 8, 2016 Larimer County General Election, and preserves the opportunity for Council to place Council-initiated or referred issues on the November ballot. If Council decides to place any measures on the ballot, it would need to do so no later than at its September 6 meeting. If Council does not take action by ordinance or resolution before the statutory deadline (September 9) to certify ballot language to Larimer County, the election will be cancelled and the provisions of this Ordinance will be of no further force and effect.

This Ordinance does not submit a specific measure to the November 8, 2016 ballot. Adoption of this Ordinance is a required step in preserving the option for City Council to submit any ballot measures that Council may desire, at the November 8, 2016 General Election.

10. First 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.

The purpose of this item is to appropriate \$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.

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

The purpose of this item is to appropriate \$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.

12. First 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.

The purpose of this item is to appropriate \$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.

13. First 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.

The purpose of this item is to authorize 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.

14. First Reading of Ordinance No. 102, 2016, Authorizing the Conveyance of a Permanent Stormwater Easement on City Property at the Gardens on Spring Creek to Colorado State University.

WITHDRAWN FROM CONSIDERATION

~~The purpose of this item is to authorize the conveyance to Colorado State University of a permanent stormwater easement on City property at the Gardens on Spring Creek. Colorado State University (CSU) needs to construct a water quality pond to handle the flows from its new construction at CSU, including the new stadium. The Center Outfall Water Quality Pond (Pond) will be constructed on land owned by CSU, as well as on a portion of the City's property at the Gardens on Spring Creek. The Pond will handle flows from both entities.~~

15. Resolution 2016-059 Approving an Art Project for the Timberline and Prospect Intersection Improvements Project and Approving Expenditures from the Cultural and Services and Facilities Fund to Commission an Artist Team to Create the Art Project.

The purpose of this item is to approve an art project for the Timberline and Prospect Road Project and authorize expenditures from the Art in Public Places Reserve Account to commission an artist team to create the art project. The expenditures of \$40,560 will be for design, materials, fabrication, installation, and contingency for Tim Upham and Todd Kundla to create a sculpture at the site of the Timberline and Prospect Intersection.

16. Resolution 2016-060 Stating the Intent of the City of Fort Collins to Annex Certain Property and Initiating Enclave Annexation Proceedings for Such Property to be Known as the Poudre River Annexation.

The purpose of this item is to initiate the annexation process for the Poudre River Annexation. This is a City-initiated request to annex 12.01 acres located within the banks of the Poudre River between Lee Martinez Community Park and Linden Street. The land became an enclave upon annexation of

the Wood Street Annexation on September 17, 2012. As of September 17, 2015, the City is authorized to initiate and annex the enclave in accordance with State Statute 31-12-106.

17. Resolution 2016-061 Authorizing the City Manager to Execute an Agreement Between the City of Fort Collins and New Belgium Brewing Company, Inc. Regarding Temporary Authorization to Use a Portion of Pretreated Wastewater in a Cooling Tower.

The purpose of this item is to temporarily authorize New Belgium Brewing Company (New Belgium), as a customer of Fort Collins Utilities (Utilities), to use a portion of the pretreated wastewater from its brewery in an onsite cooling tower. Utilities has reviewed the request and recommends that temporary authorization for New Belgium's use of pretreated wastewater be granted, subject to various terms and conditions. This temporary authorization will help Utilities evaluate whether a permanent program involving the use of pretreated wastewater by New Belgium and other similarly-situated customers can or should be pursued.

18. Resolution 2016-062 Authorizing the City Manager to Execute Agreements Between the City of Fort Collins and the Northern Colorado Water Conservancy District Regarding the Sharing of Water Quality Modeling for the Halligan Water Supply Project.

The purpose of this item is to authorize the City Manager to execute an intergovernmental agreement (IGA) between the City of Fort Collins and the Northern Colorado Water Conservancy District (Northern Water) concerning shared use of certain water quality models between the Halligan Water Supply Project and the Northern Integrated Supply Project (NISP). Staff estimates that sharing certain NISP and Halligan Project water quality models will save the City \$400,000 or more and prevent delays of up to four months to the Halligan Project's draft Environmental Impact Statement (EIS), as well as ensure more accurate, consistent, and ultimately defensible modeling for the Halligan Project. The IGA sets forth the framework for sharing certain water quality models between the Halligan Project and NISP, and contains protective terms and conditions for both entities. One key term sets forth conditions on to the extent to which the City and Northern Water may comment on the construction of the shared water quality models during federal or state permitting processes. The IGA does not express support for NISP or change the City's position with respect to NISP.

19. Resolution 2016-063 Adopting the 2016 City of Fort Collins Strategic Plan.

The purpose of this item is to request City Council's approval of the City's 2016 Strategic Plan. Council reviewed the City's draft 2016 Strategic Plan at a work session on March 22, 2016. Based on that review, staff provided Council a red-line version of the proposed changes from the document reviewed on the 22nd and asked for additional input or changes. Staff provided a final version reflecting Council's input on May 31st and has moved forward with the 2016 Strategic Plan document as an integral input to the City's Budgeting For Outcomes (BFO) process.

Council has asked to formally adopt the 2016 Strategic Plan. It reflects the City's Strategic Objectives, priorities and focus over the next 3-5 years and is used as a foundation document within other efforts across the City.

20. Resolution 2016-064 Acknowledging Receipt of the City's 2015 Audited Comprehensive Annual Financial Report and Federal Compliance Audit Report Prepared by RSM US LLP, an Independent Public Accounting Firm.

The purpose of this item is to accept delivery of the City's 2015 audited financial reports provided by the independent public accounting firm, RSM US LLP.

21. Resolution 2016-065 Expressing the City Council's Support for the Passage of a Larimer County Ballot Issue Imposing a Twenty Five One-Hundredths of One Percent Countywide Sales and Use Tax for the Construction, Improvement, Maintenance, and Operations of a Mental Health, Detox and Substance Abuse Treatment Facility and Related Community Services, and Urging the Citizens of Fort Collins to Vote "Yes" on this Ballot Issue.

The purpose of this item is for the City Council to express its support of the Larimer County proposal for the imposition of a 0.25% countywide sales and use tax for the construction, improvement, maintenance, and operations of a mental health, detox and substance abuse treatment facility and related community services which was referred by the Larimer County Commissioners to the 2016 general election ballot for the approval of such proposal.

22. Resolution 2016-066 Appointing Two Representatives to the Colorado Municipal League Policy Committee.

The purpose of this item is to appoint Councilmember Ray Martinez and City Manager Darin Atteberry to represent the City of Fort Collins on the Colorado Municipal League Policy Committee.

23. Resolution 2016-067 Making Appointments to the Citizen Review Board.

The purpose of this item is to appoint Sarah Harris, Don Whitson, and Pranaya Sathe to the Citizen Review Board to fill board vacancies which currently exist due to the resignations of Ethan Schlemmer, Jason Sydoriak, and John Heilman.

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. Healthy Homes/Indoor Air Quality Programs. (staff: Mary Pat Aardrup)
- B. Restorative Justice Program. (staff: Perrie McMillen)

- **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.

24. First 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)

The purpose of this item is to vacate 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, which was approved through the Planning and Zoning Board on February 11, 2016.

25. Second Reading of Ordinance No. 096, 2016, Appropriating Prior Year Reserves in the General Fund and in the Light and Power Fund for Continuation of Energy Efficiency Initiatives Associated with the 2020 Climate Action Plan (CAP) Strategic Plan and Rescinding Ordinance No. 081, 2016. (staff: John Phelan, Kevin Gertig; no staff presentation; 10 minute discussion)

This Ordinance, adopted on First Reading by a vote of 4-2 (Nays: Campana, Martinez; Overbeck absent) rescinds Ordinance No. 081, 2016 (Adopted on July 19, 2016) and amends the \$1,460,000 appropriated by Ordinance No. 081, 2016; appropriating from the General Fund \$730,000, and \$730,000 from the Electric Utility Light & Power fund, for continuation of energy efficiency programs in 2016, as outlined in the draft 2020 Climate Action Plan (CAP) Strategic Plan. Ordinance No. 081, 2016 will become effective as originally adopted and shall provide funding until this Ordinance becomes effective, i.e., funding for the Energy Efficiency Programs up to \$730,000 will not be further delayed pending Second Reading of this Ordinance.

26. 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. (staff: Lisa Rosintoski, Randy Reuscher; 10 minute staff presentation; 30 minute discussion)

The purpose of this item is to seek adoption of an ordinance implementing a two year Income-Qualified Rate (IQR) pilot study, effective January 1, 2017. IQR is a discount rate structure for qualified low-income households for electric, water, and wastewater utility services. The rate is designed to increase the adoption of efficiency and resource conservation practices by providing affordable utility services to income-qualified customers. In order to manage IQR administrative costs effectively and provide a convenient and accessible application process, staff recommends partnering with the state sponsored Low-Income Energy Assistance Program (LEAP), locally administered by Larimer County Department of Human Services, to qualify customers for IQR. Using LEAP to qualify customers for the IQR will also increase the number of local locations at which customers may apply for assistance, from one to four.

Staff has determined that adequate utility enterprise fund reserves are available to offset the revenue impact of the proposed IQR discounts during the 2017-2018 two-year pilot study, at an estimated total cost of \$2,544,145 based on a 65% enrollment rate, thus no 2017 or 2018 rate increases related to IQR are proposed. If adopted, the pilot study will occur between 2017 through end of year 2018. Staff will provide City Council with a one-year evaluation memorandum in the first quarter of 2018, and a two-year evaluation in the first quarter of 2019, in order to assess the impact of the IQR, the efficacy of the IQR in serving the energy and resource conservation purposes, and determine whether the IQR should be continued. If after the pilot study, it is determined the IQR effectively serves its intended resource conservation and utility affordability purposes, staff propose adjusting rates across all classes to continually fund the IQR.

● **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. Council will consider a motion to adjourn to 6:00 p.m., Tuesday, August 23, 2016, for the purpose of adjourning into executive session to seek legal advice regarding TABOR issues related to the Keep Fort Collins Great (KFCG) Sales and Use Tax and such other business as may come before 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.