



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 December 6, 2016 (amended 12/5/16)

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

- A. Proclamation Declaring December 10, 2016, as Human Rights Day.
- B. Proclamation Declaring December 2016 as Student Media Celebration Month.
- C. Proclamation Declaring December 6, 2016, as the official start of the "You Hold the Key, Be Idle Free" Anti-Idling Campaign and signing of the Anti-Idling Challenge.

### 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 November 1 and November 15, 2016, Regular Council Meetings and the November 29, 2016 Adjourned Council Meeting.

The purpose of this item is to approve the minutes from the November 1 and November 15, 2016 Regular Council meetings and the November 29, 2016 Adjourned Council meeting.

2. Second Reading of Ordinance No. 127, 2016, Appropriating Prior Year Reserves in the General Fund for the Purpose of Equipment Upgrades for FCTV.

This Ordinance, unanimously adopted on First Reading on November 15, 2016, transfers \$30,000 in restricted PEG funds from FCTV (Cable 14) reserves to 2016 Budget to cover needed equipment upgrades.

3. Items Relating to the Completion of the 2016 Fall Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing Activities Utilizing Funds from the Federal Community Development Block Grant (CDBG) Program, Federal HOME Investment Partnership (HOME), and the City's Affordable Housing Fund (AHF).

A. Second Reading of Ordinance No. 128, 2016, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund.

B. Second Reading of Ordinance No. 129, 2016, Appropriating Unanticipated Revenue in the HOME Investment Partnerships Fund.

These Ordinances, unanimously adopted on First Reading on November 15, 2016, appropriate an adjustment of to the FY2016 HOME Participating Jurisdiction Grant from the Department of Housing and Urban Development (HUD) and Community Development Block Grant (CDBG) Program Income from FY2015.

4. Second Reading of Ordinance No. 130, 2016, Amending Certain Labeling and Testing Provisions of the Code of the City of Fort Collins Related to Retail Marijuana Businesses to Eliminate Duplication of and Conflict with State Law.

This Ordinance, unanimously adopted on First Reading on November 15, 2016, repeals marijuana testing provisions in the City Code to be in conformity with state law.

5. Second Reading of Ordinance No. 131, 2016, Declaring Certain City-Owned Property as Road Right-of-Way for Timberline Road.

This Ordinance, unanimously adopted on First Reading on November 15, 2016, declares Tract B of Community Recycle Center Subdivision, which is owned by the City, as road right-of-way. The Timberline Road project is currently being constructed on the property. The City owns a parcel of property located at the southwest corner of Timberline Road and Prospect Road. In 2015, the City designed ultimate improvements for Timberline Road across a portion of the City's property. This Ordinance officially establishes this portion needed for Timberline Road on the City's property as public road right-of-way.

6. Items Relating to Capital Improvement Expansion Fees.

A. First Reading of Ordinance No. 132, 2016, Amending the Code of the City of Fort Collins to Increase the Amounts of Capital Improvement Expansion Fees Contained in Chapter 7.5 of the City Code so as to Reflect Inflation in Associated Costs of Services.

B. First Reading of Ordinance No. 137, 2016, Amending Section 7.5-18 of the Code of the City of Fort Collins to Provide that the Street Oversizing Capital Improvement Expansion Fee will be Increased or Decreased Annually Based on the Engineering News Denver Regional Construction Cost Index Instead of the Denver-Boulder Consumer Price Index for Urban Consumers.

The purpose of this item is to update City Code Chapter 7.5 related to the annual inflation increases in the capital improvement expansion fees and the Neighborhood Parkland Fee established in Chapter 7.5. In Ordinance No. 132, 2016, the Community Parkland, Police, Fire Protection, and General Government capital improvement expansion fees and the Neighborhood Parkland Fee are being revised to reflect a 3.0% increase based on the change in the Denver-Boulder-Greeley Consumer Price Index (CPI) since the last adjustment. The Street Oversizing Capital Improvement Expansion Fee, however, is only being increased by 1.3% to reflect the change in the Engineering News Record Denver Regional Construction Cost Index (ENR) since the last adjustment of this fee. In Ordinance No. 137, 2016, Code Section 7.5-18 is being amended to reflect the City Council's past practice and intended future practice of basing the annual increases or decreases in the Street Oversizing Capital Improvement Expansion Fee on the ENR instead of the CPI, since the ENR is a better measure than the CPI of the changes in costs to construct street improvements in the City.

7. Resolution 2016-089 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 Rennat Annexation.

#### **ITEM WITHDRAWN AND MOVED TO DECEMBER 20, 2016**

~~This is a City-initiated request to annex 57.83 acres at 6015 South Timberline Road into the City of Fort Collins. The parcel became an enclave with the annexation of the Hansen Farm Annex on May 21, 2013. As of May 21, 2016, the City became authorized to annex the enclave by ordinance in accordance with State Statute 31-12-106. The Rennat Annexation abuts the Union Pacific Railway and Southridge Golf Course to the west. The requested zoning for this annexation is the Low Density Mixed Use (LMN) zone district, which is in consistent with the City of Fort Collins Structure Plan. The surrounding properties are existing residential, educational, and agricultural land uses in the City of Fort Collins. The property owner has expressed no objections to the annexation.~~

~~The proposed Resolution makes a finding that the property at issue has been completely contained within the boundaries of the City for not less than three years, initiates annexation proceedings, sets a hearing date for the annexation ordinance and directs the City Clerk to publish notice. The hearing will be held at the time of first reading of the annexation and zoning ordinances; not less than thirty days of prior notice is required by state law.~~

8. Resolution 2016-090 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the Town of Timnath Defining the Responsibility for the Future Construction of Larimer County Road 5/Main Street Adjacent to Serratoga Falls Subdivision.

The purpose of this item is to authorize the Mayor to execute an Intergovernmental Agreement (IGA) with the Town of Timnath defining the responsibility for the future construction of Main Street/CR5 adjacent to Serratoga Falls Subdivision. Timnath approved Serratoga Falls Subdivision along, and immediately adjacent to, Main Street/Larimer County Road 5, north of Prospect Road. Timnath entered into a Subdivision Improvement Agreement with the developers of Serratoga Falls requiring the Developers to improve Main Street/CR5 per the Timnath Land Development Code. Portions of Main Street/CR5 lie within Timnath's jurisdiction, and portions lie within Fort Collins' jurisdiction. Both the Town and the City seek to have Main Street/CR5 improved to comparable standards and cross-sections for an ultimate four lane arterial.

9. Resolution 2016-091 Making Appointments to Various Boards, Commissions and Authorities of the City of Fort Collins.

The purpose of this item is to appoint individuals to fill vacancies that currently exist on various boards, commissions, and authorities due to resignations of board members and vacancies to be created upon the expiration of terms of current members. Back up candidates are occasionally recommended by Council during the application process. Applications were solicited during September and October. Council teams interviewed applicants during October and November. This Resolution appoints individuals to fill current vacancies and expiring terms.

This Resolution does not fill all vacancies. Interviews are continuing, and any remaining vacancies will be advertised as needed.

## 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**

- **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.

10. Consideration of Two Appeals of the Planning and Zoning Board Decision to Approve the Brick Stone Apartments on Harmony Project Development Plan. (staff: Tom Leeson; 10 minute staff presentation; 2 hour discussion)

The purpose of this item is to consider two appeals of the Planning and Zoning Board (the "Board") decision to approve the Brick Stone Apartments on Harmony Project Development Plan. On October 27, 2016, three appellants, Amanda Morgan, David Agee and David Ramsey filed two separate Notices of Appeal of the Planning and Zoning Board decision approving the Brick Stone Apartments on Harmony Project Development Plan.

### **Appeal No. 1 - Amanda Morgan**

This appeal asserts that the Board failed to properly interpret and apply Land Use Code ("LUC") Section 1.2.2(C). Specifically, that the access proposed to be shared by Brick Stone and Harmony Road Apartments creates safety issues for the residents of Harmony Road Apartments.

## Appeal No. 2 - David Agee and David Ramsey

This appeal makes the following two assertions:

1. The Board failed to properly interpret and apply LUC Sections 1.2.2 (C), (E), (I), (M), and (N). Specifically, this appeal raises issues related to traffic safety, pedestrian safety, environmental impact, and storm drainage.
  2. The Board failed to conduct a fair hearing, by considering evidence relevant to its findings which was grossly misleading. Specifically, the Appellants intend to introduce new testimony (1) from a traffic engineer that Brick Stone's traffic study was grossly misleading as to current and future traffic conditions; and (2) from a stormwater engineer that the Drainage Report for the project does not address the dangers of building such a project in close proximity to the floodway.
11. First Reading of Ordinance No. 133, 2016, Adopting the 2017 Classified Employees Pay Plan. (staff: Teresa Roche; 3 minute staff presentation; 15 minute discussion)

The purpose of this item is to recommend changes to the City's Classified Employee Pay Plan based on results of the annual market analysis. The City of Fort Collins utilizes a common compensation methodology to assess jobs, combine them into occupational groups and establish pay range structures. The result of this work is a Classified Employee Pay Plan which sets the minimum, midpoint and maximum of pay ranges within each occupational group. Each year, staff conducts a detailed analysis of benchmark data to determine if the market is moving sufficiently to recommend structure adjustments. Actual employee pay increases are awarded through a separate administrative process in accordance with the budgeted amount approved by Council. As a result of the market analysis, staff is recommending a 2.5% structure adjustment for all Skill Based/Step Level Jobs in the Classified Employee Pay Plan and no movement for Open Pay Range positions.

12. Items Relating to the Employment of the Municipal Judge. (staff: Teresa Roche, Janet Miller; 3 minute staff presentation; 5 minute discussion)
- A. Resolution 2016-092 Reappointing Kathleen M. Lane as Municipal Judge and Authorizing the Thirteenth Addendum to the Judge's Employment Agreement.
  - B. First Reading of Ordinance No. 134, 2016, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Compensation of the Municipal Judge.

The purpose of this item is to reappoint Kathleen M. Lane as Municipal Judge and establish compensation for 2017. City Council met in executive session on November 29, 2016, to conduct the performance review of Municipal Judge Kathleen M. Lane. Resolution 2016-093 reappoints Judge Lane for another two-year term to expire December 31, 2018 and authorizes the Mayor to execute an addendum to the Judge's employment agreement to reflect the change in term. Ordinance No. 134, 2016, establishes the 2017 compensation of the Municipal Judge.

13. First Reading of Ordinance No. 135, 2016, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Compensation of the City Attorney. (staff: Teresa Roche, Janet Miller; 3 minute staff presentation; 5 minute discussion)

The purpose of this item is to establish the 2017 salary of the City Attorney. City Council met in executive session on November 29, 2016, to conduct the performance review of Carrie Daggett, City Attorney. This Ordinance sets the 2017 compensation of the City Attorney.

14. First Reading of Ordinance No. 136, 2016. Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Compensation of the City Manager. (staff: Teresa Roche, Janet Miller; 3 minute staff presentation; 5 minute discussion)

The purpose of this item is to establish the 2017 compensation of the City Manager. City Council met in executive session on November 29, 2016, to conduct the performance review of Darin Atteberry, City Manager. This Ordinance sets the 2017 compensation of the City Manager.

- **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, December 13, 2016.

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.