



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 January 17, 2017

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

- A. Proclamation Declaring January 20, 2017 as Transforming Hate Day.
- B. Proclamation Recognizing the Water Treatment Plant as Winner of the Partnership for Safe Water President's Award for Plant Performance and Superior Water Quality.
- C. Proclamation Declaring January 22-28, 2017 as Fort Collins School Choice Week.

### 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 December 20, 2016 Regular Council Meeting.

The purpose of this item is to approve the minutes of the December 20, 2016 Regular Council meeting.

2. Items Relating to the Submission of Charter Amendments to a Vote of the Registered Electors of the City at the April 4, 2017, Regular Municipal Election.

- A. Second Reading of Ordinance No. 001, 2017, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 7 of Article VIII of the City Charter Pertaining to the Date of Certification of Election Results (the "Canvass"), Proposed Amendments to Section 1 (d) and Section 4 of Article II of the City Charter Pertaining Respectively to the Timing of the Council Organizational Meeting Following an Election, and when Councilmember Terms of Office Begin.
- B. Second Reading of Ordinance No. 002, 2017, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 11 of Article II of the City Charter Pertaining to the Process for Cancelling a Council Meeting.
- C. Second Reading of Ordinance No. 003, 2017, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 9 of Article IV of the City Charter Pertaining to Conflicts of Interest and Certain Prohibited Sales to the City.
- D. Second Reading of Ordinance No. 004, 2017, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 1 of Article VII of the City Charter Pertaining to Appointment of Municipal Judges.

These Ordinances, unanimously adopted on First Reading on January 3, 2017, submit various Charter amendments to the voters in April that will: (1) change the deadline for final certification of an election so that the City may implement signature verification, and corresponding changes to the date of the Council organizational meeting and the beginning of Councilmember terms of office; (2) outline a process for the cancellation of a Council meeting in the event of unforeseen circumstances (i.e., weather, natural disasters, emergencies); (3) clarifying when City officials and employees, and their relatives, have a conflict of interest in a sale of property or services to the City concerning which sale the officer or employee has decision-making or supervisory authority; and (4) to allow the Council to appoint additional Municipal Judges and to designate a Chief Municipal Judge.

3. Second Reading of Ordinance No. 005, 2017, Amending Chapter 7 of the Code of the City of Fort Collins to Amend Requirements and Procedures for City Elections.

This Ordinance, unanimously adopted on First Reading on January 3, 2017, adopts changes to Chapter 7 of the City Code as recommended by the ad hoc Council Committee and the City Clerk.

4. First Reading of Ordinance No. 006, 2017, Appropriating Unanticipated Grant Revenue in the General Fund for the Fort Collins Police Services Victim Services Unit.

The purpose of this item is to fund the Victim Services Unit of Fort Collins Police Services for victim advocacy services under the Colorado Victim Rights Amendment for victims of crime and their family members. The Fort Collins Police Services Victim Services Unit has been awarded a 12-month grant in the amount of \$48,000 for the period from January 1, 2017 to December 31, 2017, by the Eighth Judicial District Victim Assistance and Law Enforcement (VALE) Board to help fund services provided by this team. These funds will be used for part of the salary for the victim advocate who provides crisis intervention services during weekday hours and is housed in the Victim Services office. A part-time victim advocate will be hired from this grant to help with the growing demand our unit is facing. These funds will also pay for a portion of the operational expenses needed to provide 24-hour a day, 7-day a week services to victims of crime in the community.

5. First Reading of Ordinance No. 007, 2017. Appropriating Unanticipated Grant Revenue in the General Fund for the Encore Fellowship Program.

The purpose of this item is to appropriate \$25,000 of unanticipated grant revenues to the General Fund from the Encore Fellowship Program to the City of Fort Collins. Encore implements an innovative social purpose workplace initiative designed to utilize experienced and talented corporate employees in the non-profit sector. The Encore Fellowship Program will provide the City with 1,000 hours of paid hourly staff time in 2017 to support the City's Indoor Air Quality initiatives, including the Healthy Homes program. Indoor air quality is one of the four "High Priority" pollutants as identified in the City's 2011 Air Quality Plan.

6. First Reading of Ordinance No. 008, 2017, Appropriating Unanticipated Grant Revenue in the General Fund for the Environmental Services Radon Program and Authorizing the Transfer of Matching Funds Previously Appropriated in the Environmental Services Department Operating Budget.

The purpose of this item is to appropriate unanticipated grant revenue in the General Fund for the Environmental Services Radon Program and transfer existing and unexpended appropriated funds from the Environmental Services 2017 operating budget to the Radon Grant project. This Ordinance appropriates \$7,960 of unanticipated grant revenues in the General Fund. The Colorado Department of Public Health and Environment granted these funds to the City for a program to encourage radon testing and mitigation through media advertising and low-cost test kit sales. The grant directly supports radon activities identified in the Environmental Services Department's core budget offer. The grant requires a local match of \$5,307. Matching funds are appropriated and unexpended in the 2017 Environmental Services operating budget and will be transferred to the Environmental Services Radon Program.

7. First Reading of Ordinance No. 009, 2017, Appropriating Prior Year Reserves in the Storm Drainage Fund to Pay 2017 Fees for the City of Fort Collins Areas within the Boxelder Basin Regional Stormwater Authority.

The purpose of this item is to appropriate \$330,000 from prior year reserves in the Storm Drainage Fund to pay stormwater service and stormwater system development fees in advance to the Boxelder Basin Regional Stormwater Authority (BBRSA) for those developed areas of the City of Fort Collins that also are located within the BBRSA service area boundary based on existing development (i.e., impervious surface area) conditions.

8. First Reading of Ordinance No. 019, 2017, Adopting the 2017 Amended Classified Employees Pay Plan to Update Classified Positions as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

The purpose of this item is to recommend changes to the City's Classified Employee Pay Plan based on a market analysis conducted as agreed upon through the 2016-2017 Collective Bargaining Agreement with the Northern Colorado Lodge #3 of the Fraternal Order of Police (FOP). This agreement was approved by Council by Resolution 2015-104, on December 1, 2015. Although ratified in 2015, the bargaining agreement specifies a salary data collection method and evaluation process that included the postponement of final data collection and analysis until January 2017 when additional benchmark data became available. This data has been collected and analyzed, resulting in the revised 2017 Classified Employee Pay Plan.

9. Public Hearing and First Reading of Ordinance No. 011. 2017, Authorizing the Execution of an Amended and Restated Conservation Easement with Colorado Open Lands on the Kingfisher and Nix Natural Areas, Including Conveyance of a Conservation Easement on Additional Lands.

The purpose of this item is to authorize the execution of the amended and restated Nix Natural Area Conservation Easement, which is being renamed the Kingfisher Natural Area Conservation Easement. The amended and restated conservation easement offers a conveyance of a conservation easement on an additional 46.13 acres to Colorado Open Lands to mitigate the

building envelope on an additional 6.12 acres to allow for the future expansion of the Nix Farm Natural Areas Facility.

10. Items Relating to Cathy Fromme Prairie Natural Area Encroachments.

- A. First Reading of Ordinance No. 012, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Steven Jones.
- B. First Reading of Ordinance No. 013, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Frank and Lorenda Volker.
- C. First Reading of Ordinance No. 014, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Dane and Lynn Brandt.
- D. First Reading of Ordinance No. 015, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Barbara and Thomas Cynkar.
- E. First Reading of Ordinance No. 016, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Steven Huval.
- F. First Reading of Ordinance No. 017, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Robert and Yukari Samuel.
- G. First Reading of Ordinance No. 018, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Stephanie Yang and Scott LaValette.

The purpose of this item is to review and recommend the sale of seven small parcels of Cathy Fromme Prairie Natural Area Land, a total of 0.31 acres, to seven residents of the Fox Hills Subdivision to resolve long-standing and significant encroachments.

11. Resolution 2017-006 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 Lehman-Timberline Annexation.

This is a City-initiated request to annex the 5.684-acre enclave at 5830 South Timberline Road into the City of Fort Collins. The parcel became an enclave with the annexation of the Mail Creek Crossing Annexation on January 7, 2014. As of January 7, 2017, the City is authorized to annex the enclave by ordinance in accordance with Colorado Revised Statutes § 31-12-106. The Lehman-Timberline Annexation is located in southeast Fort Collins. The parcel abuts the Mail Creek Ditch to the north, South Timberline Road to the west and Bacon Elementary to the south. The requested zoning for this annexation is the Low Density Mixed-Use (LMN) zone district, which complies with the City of Fort Collins Structure Plan. The surrounding properties are existing residential, education (Bacon Elementary), and agriculture land uses in the City of Fort Collins.

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.

12. Resolution 2017-007 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 Mail Creek Crossing Second Annexation.

This is a City-initiated request to annex a 42.37-acre enclave consisting of 11 parcels into the City of Fort Collins. The parcels became an enclave with the annexation of the Mail Creek Crossing Annexation on January 7, 2014. As of January 7, 2017, the City is authorized to annex the enclave by ordinance in accordance with Colorado Revised Statutes § 31-12-106. The Mail Creek Crossing

Second Annexation is located in southeast Fort Collins, abuts the east side of South Timberline Road and is bisected by Kechter Road. The requested zoning for this annexation is the Urban Estate (UE) zone district, which complies with the City of Fort Collins Structure Plan. The surrounding properties are existing residential, education (Bacon Elementary), and agriculture land uses.

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.

13. Resolution 2017-008 Making Appointments to Various Boards and Commissions 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. Applications were solicited from October through December. Council teams interviewed applicants in January. This Resolution appoints individuals to fill current vacancies and expiring terms.

**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. ~~Advanced Metering Infrastructure (AMI) Annual Update. (staff: Tim McCollough)~~

● **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.

14. Resolution 2017-005 Expressing Support for the Mayors National Climate Action Agenda's Open Letter to President-Elect Donald Trump on Climate Action. (staff: Lindsay Ex, Jeff Mihelich, Jackie Kozak-Thiel, Lucinda Smith; no staff presentation; 30 minute discussion)

The purpose of this item is to consider a resolution endorsing and supporting the Mayors National Climate Action Agenda (MNCAA) open letter to President-elect Donald Trump on climate action.

As the letter makes reference to the Paris Agreement, which the Council had not reviewed, this resolution was postponed from the January 3, 2017 meeting. This postponement will allow for the Legislative Review Committee to meet on January 13, 2017, to evaluate the alignment between the Paris Agreement and the City's Legislative Policy Agenda and Strategic Plan and provide feedback to Council accordingly.

15. First Reading of Ordinance No. 020, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Running Deer Natural Area to Fence Post Big Foot Properties, LLC. (staff: John Stokes, Mark Sears; 10 minute staff presentation; 45 minute discussion)

The purpose of this item is for City Council to consider the proposed sale of approximately 11.85 acres of land to Fence Post Big Foot Properties, LLC, (Roger Hageman, Hageman Earth Cycle (HEC)). About seven months ago, the City Manager's Office inquired about the possibility of selling approximately 15 acres of land to HEC. The land was purchased by the City's Natural Areas Department eighteen years ago, along with additional land for Running Deer Natural Area. Prior to the City's purchase, the 15 acres was leased by HEC for the operation of a yard waste/organic material recycling business. The land has continued to be leased to HEC and the current lease will expire in 2017. The proposed sale area has been reduced to 11.85 acres after exclusion of a wetland and boundary adjustments.

- **CONSIDERATION OF CITIZEN-PULLED CONSENT ITEMS**

- **OTHER BUSINESS**

A. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers

(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

- B. Call of Special Meeting for 6:00 p.m., Tuesday, January 31, 2017, for the purpose of hearing two appeals of the Planning and Zoning Board approval of the Landmark Apartments Expansion.

● **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.