



Wade Troxell, Mayor  
Gerry Horak, District 6, Mayor Pro Tem  
Bob Overbeck, District 1  
Ray Martinez, District 2  
Gino Campana, District 3  
Kristin Stephens, District 4  
Ross Cunniff, District 5

City Council Chambers  
City Hall West  
300 LaPorte Avenue  
Fort Collins, Colorado

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Carrie Daggett  
City Attorney

Darin Atteberry  
City Manager

Wanda Winkelmann  
City Clerk

The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

## **Regular Meeting February 7, 2017 (Amended 2/6/2017)**

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

- A. Proclamation Declaring February 7, 2017, as Joe Zimlich Appreciation Day.
- B. Proclamation Recognizing the Recipient of Colorado State University Founders Day Award, the late Lieutenant Colonel John Mosley.

### **Regular Meeting 6:00 p.m.**

- **PLEDGE OF ALLEGIANCE**
- **CALL MEETING TO ORDER**
- **ROLL CALL**
- **AGENDA REVIEW: CITY MANAGER**

- City Manager Review of Agenda.

- Consent Calendar Review

This Review provides an opportunity for Council and citizens to pull items from the Consent Calendar. Anyone may request an item on this calendar be “pulled” off the Consent Calendar and considered separately.

- Council-pulled Consent Calendar items will be considered before Discussion Items.
- Citizen-pulled Consent Calendar items will be considered after Discussion Items.

- **CITIZEN PARTICIPATION**

Individuals may comment regarding items scheduled on the Consent Calendar and items not specifically scheduled on the agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process\*\* and not to the Council.

- Those who wish to speak are asked to sign in at the table in the lobby (for recordkeeping purposes).
- All speakers will be asked by the presiding officer to identify themselves by raising their hand, and then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).
- The presiding officer will determine and announce the length of time allowed for each speaker.
- Each speaker will be asked to state his or her name and general address for the record, and to keep comments brief. Any written comments or materials intended for the Council should be provided to the City Clerk.
- A timer will beep once and the timer light will turn yellow to indicate that 30 seconds of speaking time remain, and will beep again and turn red when a speaker’s time to speak has ended.

[\*\*For questions about the development review process or the status of any particular development, citizens should consult the Development Review Center page on the City’s website at [fcgov.com/developmentreview](http://fcgov.com/developmentreview), or contact the Development Review Center at 221-6750.]

- **CITIZEN PARTICIPATION FOLLOW-UP**

### **Consent Calendar**

The Consent Calendar is intended to allow the City Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Anyone may request an item on this calendar to be “pulled” off the Consent Calendar and considered separately. Agenda items pulled from the Consent Calendar will be considered separately under Pulled Consent Items. Items remaining on the Consent Calendar will be approved by City Council with one vote. The Consent Calendar consists of:

- Ordinances on First Reading that are routine;
- Ordinances on Second Reading that are routine;
- Those of no perceived controversy;
- Routine administrative actions.

1. Consideration and Approval of the Minutes of the January 3 and January 17, 2017 Regular Council Meetings.

The purpose of this item is to approve the minutes from the January 3 and January 17, 2017, Regular Council meetings.

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

This Ordinance, unanimously adopted on First Reading on January 17, 2017, appropriates a grant received by the Fort Collins Police Services Victim Services Unit in the amount of \$48,000. The grant, received from the Eighth Judicial District Victim Assistance and Law Enforcement (VALE) Board, runs for the period from January 1, 2017 to December 31, 2017, and helps fund services provided by this team. The 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 the 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.

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

This Ordinance, unanimously adopted on First Reading on January 17, 2017, appropriates \$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.

4. Second 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.

This Ordinance, unanimously adopted on First Reading on January 17, 2017, appropriates unanticipated grant revenue in the General Fund for the Environmental Services Radon Program and transfers existing and unexpended appropriated funds from the Environmental Services 2017 operating budget to the Radon Grant project. The 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.

5. Second 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.

This Ordinance, unanimously adopted on First Reading on January 17, 2017, authorizes 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.

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

- A. Second 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. Second 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. Second 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. Second 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. Second 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. Second 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. Second 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 Lavolette.

These Ordinances, unanimously adopted on First Reading on January 17, 2017, authorize 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.

7. Second 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.

This Ordinance, unanimously adopted on First Reading on January 17, 2017, amends 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.

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

The purpose of this item is to consider potential changes to various Land Use Code requirements related to the protection and mitigation of impacts to prairie dog colonies, sensitive and specially valued species, and other natural habitats and features on development sites.

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

The purpose of this item is the authorization of a lease agreement between the City of Fort Collins and the Landowners Association for Phantom Canyon Ranches (the Association) for recreational use of Halligan Reservoir and certain real property adjacent to Halligan Reservoir owned by the City (Halligan Property). The Association has leased the recreational rights to the Halligan Property for fishing, boating, and similar activities since 1988. Historically, the North Poudre Irrigation Company (NPIC) leased the recreational rights for Halligan Reservoir to the Association. Because the City now owns the Halligan Property, it has the right to lease recreational use of it. The Lease

Agreement would maintain historic leasing practices and will benefit the City in various ways, such as gaining certain rights to access to the Reservoir using the Association's Meadow Creek Road, assisting in the monitoring and maintenance of the Halligan Property, facilitating the ongoing federal permitting process for the enlargement of Halligan Reservoir, and generating a revenue stream. The Lease Agreement provides for three ten-year terms, but allows for early termination by the City, if the enlargement of Halligan Reservoir receives authorization or if the City decides to no longer pursue the enlargement of Halligan Reservoir.

10. Public Hearing and First Reading of Ordinance No. 023, 2017, Annexing Property Known as the Rennat Annexation to the City of Fort Collins, Colorado.

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

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

*This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2015-091.*

The purpose of this item is to zone the property included in the Rennat Annexation into the Low Density Mixed-Use Neighborhood (LMN), Medium Density Mixed-Use Neighborhood (MMN), and Neighborhood Commercial (NC) zone districts.

12. Items Relating to Gateway at Prospect Plan Amendment to the City Structure Plan Map and Rezoning of Two Parcels.

A. Resolution 2017-009 Amending the City's Structure Plan Map.

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

*This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2015-091.*

These actions are related to a development application being submitted for an Overall Development Plan (ODP) on a parcel of vacant land located at the northwest quadrant of I-25 and East Prospect Road. The purpose of this item is twofold: first to amend the City's Structure Plan map (which is a component of the City's comprehensive plan) to change two land use designations applicable to the site; and second to rezone the site.

The Structure Plan amendment proposes to change the existing land use designations applicable to the site to promote the public welfare and be consistent with the vision, goals, principles and policies of the City Plan and the elements thereof by reflecting land uses consistent with changed conditions within the neighborhoods surrounding and including the site.

The rezoning proposes to change the existing zoning of the entire 22.43-acre site, which includes 12.40 acres of land currently zoned L-M-N, Low Density Mixed-Use Neighborhood and 10.03 acres

of land currently zoned E, Employment. The proposed rezoning amends the zoning map for the entire site to M-M-M, Medium Density Mixed-Use Neighborhood Zone District. On January 12, 2017, the Planning and Zoning Board voted unanimously (6-0) to recommend approval to City Council.

13. Resolution 2017-010 Authorizing the Initiation of Exclusion Proceedings of Annexed Properties Within the Territory of the Poudre Valley Fire Protection District and Authorizing an Intergovernmental Agreement with Said District.

The purpose of this item is to authorize the City Attorney to file a petition in Larimer County District Court to exclude properties annexed into the City in 2016 from the Poudre Valley Fire Protection District (the District) in accordance with state law. The properties affected by this resolution are Lodgepole Investments, LLC Annexation, Maverik First Annexation, Mountain's Edge Annexation, East Prospect at Boxelder Creek Annexation, Majestic Place Annexation, and the Cache la Poudre River Annexation. C.R.S. Section 32-1-502 requires an order of exclusion from the district court to remove these annexed properties from special district territories. The properties have been receiving fire protection services from the Poudre Fire Authority and will continue to do so. The City Attorney's Office files the petition in Larimer County District Court each year seeking exclusion for all properties annexed in the previous year that should be removed from the District to avoid double taxation.

14. Resolution 2017-011 Make Findings of Fact and Conclusions Regarding the Appeal of the Planning and Zoning Board Decision to Approve the Landmark Apartments Expansion Project Development Plan.

The purpose of this item is to make Findings of Fact and Conclusions regarding the Appeal of the Planning and Zoning Board decision to approve the Landmark Apartments Expansion Project Development Plan.

15. Resolution 2017-012 Approving an Art Project for the Lincoln Corridor Plan Project and Authorizing Expenditures from the Cultural Services and Facilities Fund to Commission an Artist to Create the Art Project.

The purpose of this item is it to approve expenditures from the Art in Public Places Reserve Account to commission an artist to create art for the Lincoln Corridor Plan Project. The expenditures of \$91,995 will be for design, materials, signage, fabrication, installation, and contingency for Mark Leichter to create a series of artworks for the Lincoln Corridor Plan Project.

16. Resolution 2017-013 Approving an Art Project for the Twin Silos Park and Authorizing Expenditures from the Cultural Services and Facilities Fund to Commission an Artist to Create the Art Project.

The purpose of this item is it to approve expenditures from the Art in Public Places Reserve Account to commission an artist to create art for the Twin Silo Park Project. The expenditures of \$67,000 will be for design, materials, signage, fabrication, installation, and contingency for Tim Upham to create a sculpture at the site of Twin Silo Park.

17. Resolution 2017-014 Approving and Adopting an Open Data Policy.

The purpose of this item is to adopt an Open Data Policy in support of the City's commitment to improving the community by fostering open, valuable, effective, and accessible government through data transparency. Publishing structured, standardized data in machine-readable formats creates new opportunities for information from different sources to be combined and visualized in new and unexpected ways, creating a platform for innovation, and for citizens to browse, interpret and draw attention to trends or issues with greater ease and efficiency. This Policy also addresses the very real need to balance transparency with protecting privacy and security concerns.

18. Resolution 2017-015 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 boards and commissions due to the resignation of a board member and a vacancy created upon the expiration of a term. Applications were solicited from October through December. Council teams interviewed applicants in January. This Resolution appoints individuals to fill current vacancies.

## 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. Larimer County Annual Community Report. (presented by Commissioner Steve Johnson)

- **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.

19. Second 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. (staff: Jon Haukaas, Lance Smith, Ken Sampley; no staff presentation; 5 minute discussion)

This Ordinance, adopted on First Reading on January 17, 2017 by a vote of 6-1 (Nays: Cunniff) appropriates \$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.

Prior to expenditure of the funds appropriated under this Ordinance, it is anticipated that an intergovernmental agreement between the City and BBRSA will be negotiated clarifying the provisions on which a prepayment will be made. Such an intergovernmental agreement requires Council approval under City Code Section 1-22..

20. Items Relating to the Submission of a City-Initiated Ordinance Relating to Medical Marijuana Businesses to a Vote of the Registered Electors of the City at the April 4, 2017, Regular Municipal Election. (staff: Ginny Sawyer; 3 minute staff presentation; 10 minute discussion)

**ITEM WITHDRAWN FROM AGENDA**

~~A. Possible Public Hearing and Motions Regarding Protest(s) of Ballot Language.~~

~~B. Resolution 2017-016 Submitting a City-Initiated Ordinance Dealing with Medical Marijuana Businesses to a Vote of the Registered Electors of the City at the Municipal Election to be Held on April 4, 2017.~~

~~The purpose of this item is to submit a City-Initiated Ordinance to the registered electors of the City at the April 4, 2017 municipal election. The proposed Ordinance amends Section 15-491 (a) and (b) of Article XVI of the City Code to allow Council to change or add any provisions in Chapter 15, Article XVI to be consistent with state laws, rules and regulations relating to medical marijuana.~~

~~Any protest of the proposed ballot language must be received no later than Monday, February 6, at noon. The protest(s) shall be heard, considered, and resolved by Council prior to adoption of Resolution 2017-016. If protest(s) are received, copies will be included in Council's "Read before" packet.~~

21. Resolution 2017-017 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions. (staff: Carrie Daggett; 5 minute staff presentation; 15 minute discussion)

The purpose of this item is to update and simplify the Rules of Procedure for Council meetings, and to clarify that certain provisions also apply to City Council work sessions.

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

● **OTHER BUSINESS**

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

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

● **ADJOURNMENT**



Every Council meeting will end no later than 10:30 p.m., except that: (1) any item of business commenced before 10:30 p.m. may be concluded before the meeting is adjourned and (2) the City Council may, by majority vote, extend a meeting until no later than 12:00 a.m. for the purpose of considering additional items of business. Any matter which has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting which have not yet been considered by the Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.