



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  
March 7, 2017  
Amended 3/6/2017**

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

- A. Proclamation Declaring March 2017, as Developmental Disability Awareness Month.
- B. Proclamation Recognizes and Thanking Front Range Community College for 30 Years of Larimer Small Business Development Center Sponsorship.

**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. Second Reading of Ordinance No. 027, 2017, Appropriating Prior Year Reserves and Unanticipated Revenue in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and Convention and Visitor Program Services.

This Ordinance, unanimously adopted on First Reading on February 21, 2017, appropriates \$355,985, from a combination of unanticipated revenue (Lodging Tax) and prior year reserves (unspent appropriations) in the General Fund Lodging Tax Reserves. \$221,578 will be used for 2017 Cultural Development and Programming Activities (Fort Fund); \$14,560 will be used for 2017 Tourism Programming (Fort Fund); and \$119,847 will be used for 2017 Convention and Visitors Program activities. Lodging taxes are annually collected by the City of Fort Collins for Cultural Development and Tourism programming activities. Anticipated revenue is projected through each Budgeting for Outcomes (BFO) cycle and then adjusted annually as needed based on actual collections. Lodging tax revenue collected in 2016 was \$355,985 above projected collections.

2. Second Reading of Ordinance No. 028, 2017, Amending the Fort Collins Traffic Code Restricting Parking in Bicycle Lanes.

This Ordinance, unanimously adopted on First Reading on February 21, 2017 amends sections of the Fort Collins Traffic Code to clarify regulations relating to bike lanes. The amendment to Section 1013 clarified that bicycle lanes can be identified by signs or pavement markings and that parking in bike lanes is prohibited. The amendment to Section 1204 included bike lanes in the list of locations where parking is prohibited.

3. Postponement of Second Reading of Ordinance No. 029, 2017, Amending Chapter 15, Article XI of the Code of the City of Fort Collins Related to the Regulation and Licensure of Dealers in Secondhand Property to April 18, 2017.

Staff requests postponement of Second Reading of this Ordinance to April 18, 2017, to allow time for additional research to address possible impacts to current businesses in town, including cell phone kiosks, cell phone stores, electronic stores and jewelers and the need to outreach to impacted parties.

4. Second Reading of Ordinance No. 030, 2017, Annexing Property Known as the Mail Creek Crossing Second Annexation to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on February 21, 2017, annexes 43.698 acres, consisting of 11 parcels located in the southeast quadrant into the City of Fort Collins. The initiating resolution was adopted on January 17, 2017. The subject properties are located on the eastern edge of South Timberline Road and bisected by Kechter Road. A related item to zone the annexed properties is presented as the next item on this Agenda.

5. Second Reading of Ordinance No. 031, 2017, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Mail Creek Crossing Second Annexation to the City of Fort Collins, Colorado, and Approving 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 2017-017.*

This Ordinance, unanimously adopted on First Reading on February 21, 2017, zones 43.698 acre, 11-parcel enclave into the City of Fort Collins. The initiating resolution was adopted on January 17, 2017. The subject properties are located on the east edge of South Timberline Road and are bisected by Kechter Road.

6. Second Reading of Ordinance No. 032, 2017, Annexing Property Known as the Lehman-Timberline Annexation to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on February 21, 2017, annexes 5.684 acres, located at 5830 South Timberline Road, between Mail Creek Ditch and Bacon Elementary School. The initiating resolution was adopted on January 17, 2017. A related item to zone the proposed annexation is presented as the next item on this Agenda.

7. Second Reading of Ordinance No. 033, 2017, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Lehman-Timberline Annexation to the City of Fort Collins, Colorado, and Approving 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 2017-017.*

This Ordinance, unanimously adopted on First Reading on February 21, 2017, zones the Lehman-Timberline annexation into the Low Density Mixed-Use Neighborhood (LMN), zone district.

8. Second Reading of Ordinance No. 034, 2017, Expanding the Boundaries of the Fort Collins Downtown Development Authority and Amending the Plan of Development of the Authority.

This Ordinance, unanimously adopted on First Reading on February 21, 2017, amends the boundaries of the Fort Collins Downtown Development Authority (DDA) and amends the DDA's Plan of Development to include the property at 221 East Oak Street and adjacent rights-of-way (ROW) on East Oak Street and Mathews Street. The property is a commercially zoned vacant lot at the southwest corner of East Oak Street and Mathews Street. The ROW is being added as a housekeeping step to more efficiently describe the overall DDA boundary. There is no impact to the City from the inclusion of this ROW.

9. Second Reading of Ordinance No. 035, 2017, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges for Customers Participating in Community Solar Projects.

This Ordinance, unanimously adopted on First Reading on February 21, 2017, expands the definition of "community solar projects" in Chapter 26 of the City Code to include both "subscriber-based" and "program-managed" community solar projects, and to establish a net metering rate applicable to the Solar Affordability Program (SAP), a new program-managed community solar project. In addition, this item provides background on the income qualified SAP which will provide participating Fort Collins electric customers with direct bill credits for a one year period. During that time, SAP households will participate in efficiency and conservation installations customized to each household, drawing on resources from Utility Services, Larimer County and the State of Colorado. Program households will also participate in energy saving education and complete efficiency upgrades. Combined, the efficiency and education opportunities will enable program households to permanently reduce their electric expenses and usage. Over the life of the SAP, hundreds of qualifying households will benefit from a reduced energy burden as individual participants in the program, and the benefits of additional renewable energy generation will be realized across the residential rate class. The proposed credit rate for SAP and other dedicated program-managed community solar project customers is the same rate as that currently available to customers of subscriber-owned community solar projects, like the Riverside Community Solar project.

10. Second Reading of Ordinance No. 036, 2017, Repealing Ordinance No. 013, 1996, Regarding Adoption of the Neighborhood Character Design Guidelines for the Eastside and Westside Neighborhoods in Fort Collins.

This Ordinance, unanimously adopted on First Reading on February 21, 2017, repeals the 1986 East Side Neighborhood Plan and the 1989 West Side Neighborhood Plan. The Old Town Neighborhoods Plan, adopted on February 21, 2017, represents a combined update of the original East Side and

West Side Neighborhood Plans developed in the 1980s. The Old Town Neighborhoods generally encompass the predominantly residential neighborhoods to the west and southeast of Downtown. The Plan provides a renewed vision and policy guidance for the two neighborhoods, and incorporates details on programs, strategies, and actions to support and implement the neighborhood vision.

11. Second Reading of Ordinance No. 037, 2017, Amending Section 2-568 of the Code of the City of Fort Collins Proscribing Certain Actions in the Event a City Board or Commission Member has Declared a Conflict of Interest and Establishing a Related Variance Procedure.

This Ordinance, unanimously adopted on First Reading on February 21, 2017, amends Section 2-568(a) and 2-568 (c) of the City Code to clarify certain actions in the event a City board or commission member has declared a conflict of interest and establish a related variance procedure.

12. First Reading of Ordinance No. 046, 2017, Appropriating Prior Year Reserves in the Keep Fort Collins Great Fund for the Police Campus West Substation Build-out.

The purpose of this item is to authorize and appropriate funding for the Campus West Substation build-out from the KFCG Police Reserves account. Funding for ongoing lease payments and associated O&M expenses was approved in the 2017-2018 budget; however, at inception it was anticipated that market timing would dictate that a lease would be signed before the end of the 2016 fiscal year, with lease payments beginning in 2017 and initial build-out costs paid in 2016 via off-cycle funding. The costs for initial build-out of the substation include demolition/renovation, IT infrastructure, electrical work, furnishing, etc. Delays during the budget process and higher than anticipated build estimates did not allow this money to be appropriated in 2016, as a lease agreement was not yet reached. An agreement has been finalized in principle for build-out costs, requiring an appropriation of \$218,750 from the KFCG Police Reserves account.

13. First Reading of Ordinance No. 039, 2017, Appropriating Prior Year Reserves in the Transportation Fund for Regional Contribution to Larimer County for North I-25 Improvements.

The purpose of this item is to appropriate Transportation Reserve funds in the amount of \$445,947, to be remitted to Larimer County as part of an annual regional contribution of local matching funds for the Colorado Department of Transportation's (CDOT) North I-25 Improvements Project. With Resolution 2016-077, adopted on October 4, 2016, Council authorized the Mayor to enter into an intergovernmental agreement (IGA) with Larimer County and participating local agencies, including the City, to contribute local matching funds for this purpose. This is the first of five annual installments of these payments to Larimer County under the IGA. Local matching fund commitments accelerate the improvements to I-25 in Northern Colorado.

14. Resolution 2017-026 Authorizing the Mayor to Execute an Intergovernmental Agreement Between the City of Fort Collins and the Colorado Department of Transportation for the City's Contribution of Funds for the North Interstate 25 Improvements.

The purpose of this item is to enter into an intergovernmental agreement/contract with CDOT to remit \$2.25 million in budgeted City funds (\$1.125M each year 2017-18), for the purpose of providing local matching funds for the North I-25 Improvements project. Local match funding contributions from Fort Collins and other regional agencies allow the I-25 improvements to be accelerated by as many as fifteen years. Funds were identified and appropriated as part of the 2017-2018 Budget.

15. First Reading of Ordinance No. 041, 2017, Establishing Rental Rates and Delivery Charges for Use of the City's Raw Water for 2017.

The purpose of this item is to obtain City Council approval of rates and charges for the rental and delivery of Utilities' raw water supplies for 2017. These rates are used to invoice agricultural, contractual, and other raw water users. Similar to the past two years, the rates and charges for water from ditch and reservoir companies and the Colorado-Big Thompson Water Project are calculated using formulas that are based on the cost to the Water Utility. These rates and charges

are generally slightly higher than last year due to increased annual assessments and other related fees imposed by the companies and the Northern Colorado Water Conservancy District. The rates and charges for the City's reusable and other "fully consumable" supplies are the same as last year.

16. Items Relating to the Resolution of Issues Concerning Josh Ames Water Certificates.

**POSTPONED TO MARCH 21, 2017**

~~A. Resolution 2017-028 Authorizing the City Manager to Execute Agreements with the Holders of Water Certificates Issued Pursuant to an Agreement Dated May 10, 1971.~~

~~B. First Reading of Ordinance No. 042, 2017, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify the Acceptance of Water Certificates Issued Pursuant to an Agreement Dated May 10, 1971, to Meet Raw Water Requirements.~~

~~The purpose of this item is to comprehensively address issues concerning water certificates the City issued under a May 10, 1971, agreement with The Josh Ames Ditch Company (Josh Ames Certificates), which have and will otherwise continue to raise disputes with the holders of such certificates. As set forth in this item, these issues and disputes are to be addressed through two related proposals. The first proposal is a resolution authorizing the City Manager to enter into agreements with the holders of water certificates created under a May 10, 1971, agreement between the City and The Josh Ames Ditch Company in order to convert those certificates to City water certificates at an "exchange rate" of three acre feet rights per Josh Ames Certificate. The second proposal is an ordinance amending certain sections of Chapter 26 of the City Code to clarify how Josh Ames Certificates are used to meet the City Code raw water requirements for treated water service.~~

17. Resolution 2017-029 Approving the Charter of the Regional Water Collaboration Steering Committee.

The purpose of this item is to seek City Council approval of the Charter of the Regional Water Collaboration Steering Committee (Steering Committee). The Steering Committee is composed of members of governing boards and staff of Fort Collins Utilities, East Larimer County Water District (ELCO), and Fort Collins-Loveland Water District (FCLWD). The proposed Steering Committee Charter articulates key regional water issues identified by the Steering Committee and the purpose and intended outcomes of regional water collaboration. The Charter outlines the Steering Committee's purpose, goals, membership, governance structure, and expected deliverables. The Charter formalizes a commitment from each water provider to investigate and pursue collaborative opportunities where it makes sense and where customers and residents within the Growth Management Area (GMA) will realize a benefit. All future meetings of the Steering Committee will be open to the public.

18. Resolution 2017-030 Approving the Boxelder Basin Stormwater Authority's Multiple Fiscal Year Payment Obligation to the John W. Day Family Partnership Settling Claims Related to Condemnation of Property for the Eastside Detention Facility.

**WITHDRAWN FROM AGENDA**

~~The purpose of this item is to approve the Authority's multiple fiscal year payment obligation of \$1,675,000 over a four year period to settle an eminent domain lawsuit with the John W. Day Family Partnership, finalizing acquisition of land and associated rights for property on which the Eastside Detention Facility (Facility) has been constructed. The approval of all members (Fort Collins, Wellington, and Larimer County) is required for any borrowing or multiple fiscal year financial obligation by the Authority under the 2008 Intergovernmental agreement (IGA) forming the Boxelder Basin Regional Stormwater Authority (BBRSA).~~

~~This item also authorizes the Mayor to approve and execute a memorandum of understanding or other agreement approving Authority's multiple fiscal year payment obligation described above and committing to negotiate with the members in good faith to agree upon a timeline for identifying, evaluating the impact of, and seeking agreement on a potential maximum amount of future obligations to be borne by the Town of Wellington under the IGA and other related matters.~~

## 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.

19. First Reading of Ordinance No. 038, 2017, Appropriating Prior Year Reserves in the Neighborhood Parkland Fund for Neighborhood Park Site Development and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program. (staff: Kurt Friesen; 3 minute staff presentation; 5 minute discussion)

The purpose of this item is to request appropriation of Neighborhood Parkland Funds for the 2017-2018 budget cycle. During the regular 2017-18 budget appropriation process, Councilmember Campana recused himself from the appropriation of funds for Sidehill Park, resulting in a neighborhood park offer that was only partially funded. This appropriation will complete the neighborhood park offer, providing funding in the New Park Site Development business unit for Sidehill Park and other neighborhood park projects.

20. First Reading of Ordinance No. 043, 2017, Amending Article III of Chapter 17 of the Code of the City of Fort Collins by Adding a New Section 17-46 Regulating Use of Public Facilities on Sidewalks, Plazas, Public Restrooms and Transit Facilities. (staff: Jeff Mihelich; 10 minute staff presentation; 2 hour discussion)

The purpose of this item is to provide a set of regulations for shared public spaces in the pedestrian-friendly downtown area.

21. Items Relating to Short Term Rental Land Use Code and City Code Ordinances. (staff: Ginny Sawyer; 10 minute staff presentation; 90 minute discussion)
- A. First Reading of Ordinance No. 044, 2017, Amending the City of Fort Collins Land Use Code Regarding Short Term Rentals.
- B. First Reading of Ordinance No. 045, 2017, Amending Chapter 15 of the Code of the City of Fort Collins to Add Short Term Rental Licensing Regulations.

The purpose of this item is to bring forward a licensing structure and the associated Land Use Code (LUC) changes to regulate short term rental (STR) activity in the City of Fort Collins. These Ordinances together provide regulations that address:

- Allowable zones for both primary and non-primary STRs
- Grandfathering of existing lawful STRs as nonconforming uses
- Parking requirements for STRs
- STR safety inspections
- Limiting STR licenses to property owners

● **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.