



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 21, 2017

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring March 20-26, 2017 as Fix a Leak Week.
- B. Proclamation Declaring April 30, 2017 as Children's Day.
- C. Proclamation Declaring April 4, 2017 as Equal Pay Day.

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. 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.

2. 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.

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

This Ordinance, unanimously adopted on First Reading on March 7, 2017, approves 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.

4. Second 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.

This Ordinance unanimously adopted on First Reading on March 7, 2017, appropriating 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.

5. First Reading of Ordinance No. 047, 2017, Appropriating Funds Related to Additional 2017 Budget Transfers to Meet Fund Accounting Requirements.

The purpose of this item is to authorize additional appropriations for 2017 budget transfers required to authorize moving the source of funding to the funds where the appropriations for the 2017 Budget were actually approved. This action has no impact on service delivery of the programs and services funded in the 2017 Budget and there are no funding shortfalls. Rather, this appropriation moves funding from the fund where the Offer was funded to the fund where the actual expenses will occur.

6. 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.

7. 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.

8. Items Relating to the Riverside Bridge Replacement.

A. First Reading of Ordinance No. 048, 2017, Appropriating Unanticipated Grant Revenue from the Colorado Off-System Bridge Program in the Capital Projects Fund for the Riverside Avenue Bridge Replacement Project.

B. Resolution 2017-031 Authorizing the Execution of an Intergovernmental Agreement (IGA) between the City and the Colorado Department of Transportation (CDOT) for replacement of the Riverside Avenue Bridge.

The purpose of this item is to appropriate unanticipated grant funds in the Capital Projects Fund for the replacement of the Riverside Avenue Bridge because it is progressing towards deterioration and does not have the desired load carrying capacity. Additionally, this item authorizes the Mayor to execute an Intergovernmental Agreement (IGA) with the Colorado Department of Transportation (CDOT) related to the grant funds.

The City of Fort Collins Engineering Department has applied for, and was awarded, a grant from the federally funded Colorado Off-System Bridge Program in the amount of \$1,156,000. The IGA between the City and CDOT is for the replacement of the Riverside Avenue Bridge over Spring Creek.

9. Items Relating to the Horsetooth Road and College Avenue Intersection.

A. Resolution 2017-027 Authorizing the Execution of an Intergovernmental Agreement Between the City and the Colorado Department of Transportation for the Horsetooth Road and College Avenue Intersection Improvements Project.

- B. First Reading of Ordinance No. 040, 2017, Appropriating Unanticipated Grant Revenue From the North Front Range Metropolitan Planning Organization and the Colorado Department of Transportation in the Capital Projects Fund for the Horsetooth Road and College Avenue Intersection Improvements Project.

The purpose of this item is to authorize the Mayor to sign an intergovernmental agreement to receive grant funds (IGA), and to appropriate funds for the design, right-of-way acquisition, and construction of the Horsetooth Road and College Avenue Intersection Improvements Project. The City was approved for two federally funded grants, one through the North Front Range Metropolitan Planning Organization (“NFRMPO”), category Surface Transportation Program (STP-Metro), for operational and safety improvements; and the second a Highway Safety Improvement Program (HSIP) grant awarded through the Colorado Department of Transportation (CDOT). The grant applications were based on the addition of northbound and southbound dual left turn lanes. Single left turn lanes currently exist for northbound and southbound traffic. Additionally, the project may include right turn pockets, multi-modal improvements, median and landscaping improvements, and pavement improvements.

10. First Reading of Ordinance No. 049, 2017, Amending Chapter 7.5 and 8 of the Code of the City of Fort Collins for Phased Increases of the Capital Expansion Fees.

The purpose of this item is to adopt fee recommendations for increased capital expansion fees on a phased timeline determined by City Council. In early 2016, staff initiated comprehensive reviews of the Capital Improvement Expansion Fees, Transportation Capital Expansion (Street Oversizing) Fees and Electric Capacity Fees. In late 2016, staff conducted a thorough inventory of all fees across the City in order to better coordinate presentation of the holistic impact of fee recommendations to the community. Staff worked to integrate the messaging of these efforts to the community and to Council to illustrate the entire fee impact, as well as how Fort Collins compares to neighboring cities’ impact fees.

Phased increases in the Capital Expansion Fees, which include the Fire Protection, Police, General Government, Community Parkland and Neighborhood Parkland Capital Expansion Fees, are being presented to Council for adoption on First Reading. Due to additional time needed to address the phasing of the Electric Capacity Fees and Transportation Capital Expansion Fees, the issue of their phasing will be presented to Council at the April 25, 2017 Work Session.

11. First Reading of Ordinance No. 052, 2017, Amending Chapter 19 of the Code of the City of Fort Collins to Adopt the Colorado Rules of Civil Procedure to Govern the Procedures for Civil Actions Filed in Municipal Court and to Add City Code Section 1-24 to Clarify that Civil Actions Arising Under the City's Ordinances are not Intended to Create by Implication Claims for Monetary Damages for the Benefit of Third Parties.

The purpose of this item is to adopt for Municipal Court the Colorado Rules of Civil Procedure to be used to govern the procedures for civil actions filed in Municipal Court that do not arise from violations of the City Charter or Code.

12. First Reading of Ordinance No. 050, 2017, Amending Section 23-116 of the Code of the City of Fort Collins Regarding Permits and Licenses to Enter on Real Property.

The purpose of this item is to amend Section 23-116 of the City Code to authorize the City Manager to grant a permit or license for the use or occupation of any real property owned in the name of the City for a period of up to five years. The existing language in the City Code specifies that the City Manager may grant a permit or license for a period of up to one year.

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

- 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 Josh Ames Certificates in order to treat those certificates as being equivalent to three acre-foot 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.

14. Resolution 2017-032 Approving an Agreement Between the City of Fort Collins and the Community Foundation of Northern Colorado Concerning the Creation of the City of Fort Collins Foundation Fund.

The purpose of this item is to consider a resolution that would approve an agreement with Community Foundation of Northern Colorado for the creation of a City of Fort Collins Foundation Fund to be held and administered by the Community Foundation of Northern Colorado.

15. Resolution 2017-034 Authorizing an Intergovernmental Agreement Between the Cities of Fort Collins, Loveland, and Greeley for the Exchange of Judicial Services, and Appointing Temporary Judges.

The purpose of this item is to authorize an Intergovernmental Agreement (IGA) with the Cities of Loveland and Greeley for judicial services to be used in the event that a conflict of interest or other circumstance prevents the Municipal Judge and temporary judge from hearing a particular Municipal Court case. This agreement is intended to replace an existing 1994 IGA between the same cities.

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.

16. Second 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; no staff presentation; 3 minute discussion)

This Ordinance, unanimously adopted on First Reading on March 7, 2017 (Campana recused) appropriates Neighborhood Parkland Funds for the 2017-2018 budget cycle. 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.

17. Second 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; 5 minute staff presentation; 1 hour discussion)

This Ordinance was adopted on First Reading, with amendments, on March 7, 2017, by a vote of 6-1 (Nays: Overbeck). The Ordinance provides a set of regulations for shared public spaces in the pedestrian-friendly downtown area. The amendments (1) removed the prohibition on sitting, kneeling or lying on sidewalks or plazas in the downtown area; (2) removed the prohibition on placing attended personal property on sidewalks and plazas or public fixtures in the downtown area, or in or around public restrooms and transit facilities; and (3) modified the direction to the City Manager to report back to the City Council in a year on the impacts of the Ordinance.

Between First Reading and Second Reading City Attorney's Office staff has made additional edits, shown in highlighting and strike-out, to do the following:

- Remove additional language that was no longer needed because of the First Reading amendments, and adjust section numbering accordingly;
- Add an exception to the prohibition on sitting in areas not designed for sitting at a transit facility if enough seating is not available;
- Add "locker" to the list of examples of fixtures where it is permissible to leave personal property unattended; and
- Minor rearrangement of exceptions in subsections (f) and (g).

18. Items Relating to Short Term Rental Land Use Code and City Code Ordinances. (staff: Ginny Sawyer; 5 minute staff presentation; 1 hour discussion)
- A. Second Reading of Ordinance No. 044, 2017, Amending the City of Fort Collins Land Use Code Regarding Short Term Rentals.
 - B. Second 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.

These Ordinances, unanimously adopted on March 7, 2017, 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.

Included in the Ordinance on Second Reading are changes for clarity to the grandfathering provisions. The amendments required to Ordinance No. 045 (City Code) should Council choose to consider removing inspections and replacing with self-certification are attached as an exhibit to this AIS.

19. Resolution 2017-033 Adopting the Downtown Plan as an Element of the Comprehensive Plan (City Plan) and Repealing the 1989 Downtown Plan. (staff: Cameron Gloss. Clark Mapes; 10 minute staff presentation; 30 minute discussion)

The purpose of this item is to adopt the Downtown Plan. As an element of City Plan, the Plan represents a subarea of the community that provides a more specific vision, policy direction and implementation strategies. The Downtown Plan document includes a summary of community engagement, important issues and opportunities to be addressed, a long-range vision, and principles, policies, and implementation strategies to enact the vision.

20. First Reading of Ordinance No. 051, 2017, Appropriating Prior Year Reserves in the General Fund to Support the Idea 2 Product 3D Printing Community Center. (staff: Josh Birks; 5 minute staff presentation; 10 minute discussion)

The purpose of this item is to present City Council with an Ordinance appropriating General Fund Reserves to support the relocation of the Idea 2 Product ("I2P") laboratory and develop a 3D Printing Community Center. The City through the proposed appropriation will pledge \$150,000 to support the relocation and construction of the 3D Printing Community Center within the Fort Collins community. The funds will be pledged contingent upon the ability of I2P, the operator of the 3D Printing Community Center, to raise a total (including the City's pledge) of \$3.0 million from private sources, other communities, and grants. The pledge will terminate at the end of 2017 unless I2P has successfully raised funds and may be renewed at City Council's option in future years.

- **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. Motion to cancel the April 4, 2017 Regular Council meeting (Municipal Election)
- C. Call of Special Meeting for 6:00 p.m., Tuesday April 11, 2017 (Organizational Meeting)

- **ADJOURNMENT**

- A. Council will consider a motion to adjourn to Tuesday March 28, 2017, 6:00 p.m.

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.