

Wade Troxell, Mayor
Gerry Horak, District 6, Mayor Pro Tem
Bob Overbeck, District 1
Ray Martinez, District 2
Ken Summers, 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
April 18, 2017
(Amended 4/18/17)

Proclamations and Presentations
5:15 p.m.

- A. Proclamation Declaring April 23-29, 2017 as National Volunteer Week.
B. Proclamation Declaring the Month of April as Sexual Assault Awareness Month.
C. Proclamation Declaring April 2017 as Fair Housing Month.
D. Proclamation Declaring April 21, 2017 as Arbor Day.
E. Proclamation Declaring April 2017 as Local Music Appreciation Month.
F. Proclamation Declaring the Month of April 2017 as Child Abuse and Awareness Month.

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 February 21, 2017 Regular Council Meeting and the February 28, 2017 Special Council Meeting.

The purpose of this item is to approve the minutes from the February 21, 2017 Regular Council meeting and the February 28, 2017 Special Council meeting.

2. 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.

This Ordinance, unanimously adopted on First Reading on February 21, 2017, updates and revises Article XI of Chapter 15 of the Fort Collins City Code. Article XI addresses the regulation and licensure of dealers in secondhand property within the City of Fort Collins. The proposed changes will update the outdated provisions to comply with current state law, local practice and procedure, and fill in any gaps in the existing provisions. Such changes include modifying the definition of a secondhand dealer to include a person who buys secondhand property and eliminating the restriction on issuance or renewal of a license because of any felony by the licensee, to be consistent with state law.

Changes to this Ordinance were made between First and Second Reading to: (1) clarify the definition of secondhand property to exclude donated property, exclude cellular telephones passed between cellphone carriers and their customers, and to further clarify that secondhand property is property "previously owned and used by another person"; (2) place a limit of ten years on convictions in an applicant's criminal history for which they may be denied a Secondhand Dealer's License; and (3) clarify that dealers must have a separate license for each location at which they deal in secondhand property.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on March 28, 2017, appropriates 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.

4. Second 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.

This Ordinance, unanimously adopted on First Reading on March 21, 2017, appropriates 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: (1) from the North Front Range Metropolitan Planning Organization category Surface Transportation Program, for operational and safety improvements; and (2) a Highway Safety Improvement Program grant awarded through the Colorado Department of Transportation. 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.

5. Second 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, (Commonly Known as “Josh Ames Certificates”) to Meet Raw Water Requirements.

This Ordinance, unanimously adopted on First Reading on March 21, 2017, amends 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. These Code amendments 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.

The phrase “commonly known as Josh Ames Certificates” has been added to the title of the Ordinance for clarity and ease of future reference.

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

This Ordinance, unanimously adopted on First Reading on March 21, 2017, authorizes moving of funding from one fund to another. 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.

7. Second 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.

This Ordinance, unanimously adopted on First Reading on March 21, 2017, appropriates 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.

8. Second 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.

This Ordinance, unanimously adopted on First Reading on March 21, 2017, amends 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.

9. Public Hearing and Second 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.

This Ordinance, unanimously adopted on First Reading on March 28, 2017, adopts 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.

Three recitals have been added to this Ordinance between First and Second Reading to reflect the publication of the notice of public hearing required in Article II, Section 7 of the City Charter. Such publication is required when a code of laws, like the Colorado Rules of Civil Procedure, is being adopted by reference into the City Code. The published Notice of Public Hearing has also been attached as Exhibit “A” to the Ordinance.

Sections 3 and 4 of the Ordinance have also been amended to clarify that the Municipal Court civil actions to which the Colorado Rules of Civil Procedure will be applicable will not include any actions for violations, offenses or infractions of City ordinances. The Ordinance already provides that these new procedural rules are not applicable to actions for violations, offenses and infractions under the City Charter and Code.

10. First Reading of Ordinance No. 053, 2017, Appropriating Prior Year Reserves in the Transportation Fund for Consulting Services Related to Interstate 25 (I-25) Traffic Solution Efforts.

The purpose of this item is to renew a one-year contract with a lobbying and communications firm (Capitol Solutions) to advocate for solutions to Interstate 25 traffic congestion and to appropriate \$30,000 from the Transportation Fund reserves to pay for these services. City leaders are working in partnership with regional partners to identify and pursue funding for the I-25 corridor in Northern Colorado. Numerous regional efforts, initiatives, and actions have been taken or are underway to urge the Colorado legislature and Colorado Department of Transportation (CDOT) to accelerate improvements to Interstate 25 (I-25) and find long-term sustainable funding for the State's transportation infrastructure needs. This \$30,000 appropriation for services will continue to augment and enhance regional efforts and ensure Fort Collins has representation in discussions on I-25. This item supports the adopted recommendations of the 2011 North I-25 Environmental Impact Statement (EIS), and also supports Council priority for I-25 funding; Strategic Plan Objectives: Transportation 6.1, 6.4; and Council legislative priority re: I-25 funding.

11. First Reading of Ordinance No. 054, 2017, Appropriating Prior Year Reserves in the General Fund for Waste Reduction and Diversion Projects Approved as Part of the Waste Innovation Program.

The purpose of this item is to shift \$150,000 accumulated during 2016 in the Waste Innovation Fund account into the City's General Fund account for approved projects to develop new organizational processes that enable departments to divert more waste material from landfill disposal.

12. First Reading of Ordinance No. 055, 2017, Appropriating Prior Year Reserves in the Storm Drainage Fund to Perform Stream Rehabilitation Improvements on McClellands Creek in Connection with the Twin Silo Park Development Project and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program

The purpose of this item is to appropriate \$454,500 from prior year reserves in the Storm Drainage Fund to perform stream rehabilitation improvements on McClellands Creek and authorizing transfers to the Cultural Services Fund for the Art in Public Places (APP) program in connection with the Twin Silos Park project.

13. Public Hearing and First Reading of Ordinance No. 056, 2017, Amending Chapter 9 of the Code of the City of Fort Collins and Adopting by Reference the 2015 International Fire Code, with Amendments.

The purpose of this item is to adopt the 2015 International Fire Code as amended. The International Code Council (ICC) publishes updated codes every three years. The Poudre Fire Authority Board of Directors has reviewed and approved this code package and is requesting the code be adopted as amended.

Poudre Fire Authority (PFA) is responsible for the enforcement and administration of the International Fire Code (IFC) within the City of Fort Collins. Every three years, the IFC is updated by the International Code Council (ICC) with the most recent update published in 2015. Poudre Fire Authority routinely reviews new codes, proposes local amendments and then seeks adoption of the code changes by the City Council. The proposed amendments, developed in conjunction with the local Fire Code Review Committee, include several changes to the local code. There were a few significant changes to the published code including provisions related to hyperbaric facilities, removal of abandoned wiring in plenums, protection of elevators for fire service access and occupant evacuation, carbon dioxide systems and multi-story tents/membrane structures and temporary stage canopies. Local amendments include new provisions limiting bon fire size, restricting solid fuel outdoor fireplaces and fire pits at commercial properties and clarifying language to provide

consistency across PFA's jurisdiction as well as the long standing local provisions for fire sprinkler protection and egress.

14. First Reading of Ordinance No. 057, 2017, Adopting the Fort Collins Utilities Water and Wastewater Design Criteria Manual.

The purpose of this item is to adopt a Water and Wastewater Criteria Manual that establishes minimum standards for designing public improvements within the Fort Collins Utilities (FCU) water and wastewater service areas.

## 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.

15. Second 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; no staff presentation; 5 minute discussion)

This Ordinance, adopted on First Reading on March 21, 2017 by a vote of 6-0 (Troxell recused), appropriates 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.

16. First Reading of Ordinance No. 058, 2017, Reappropriating Funds Previously Appropriated in 2016 But Not Expended and Not Encumbered in 2016. (staff: Lawrence Pollack: 15 minute staff presentation; 30 minute discussion)

City Council authorized expenditures in 2016 for various purposes. The authorized expenditures were not spent or could not be encumbered in 2016 because:

- there was not sufficient time to complete bidding in 2016 and therefore, there was no known vendor or binding contract as required to expend or encumber the monies
- the project for which the dollars were originally appropriated by Council could not be completed during 2016 and reappropriation of those dollars is necessary for completion of the project in 2017
- to carry on programs, services, and facility improvements in 2017 with unspent dollars previously appropriated in 2016.

In the above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2016 and reflect no change in Council policies.

Monies reappropriated for each City fund by this Ordinance are as follows:

Fund	2016 Amended Budget	Reappropriation Amount	% of 2016 Amended Budget
General Fund	\$143,734,196	\$948,174	0.7%
Keep Fort Collins Great Fund	25,849,423	691,195	2.7%
Light and Power Fund	143,023,302	107,933	0.1%
Data and Communications Fund	11,544,230	301,600	2.6%
<b>TOTAL</b>	<b>\$324,151,151</b>	<b>\$2,048,902</b>	<b>0.6%</b>

17. First Reading of Ordinance No. 059, 2017, Making Various Amendments to the Land Use Code. (staff: Ted Shepard; 5 minute staff presentation; 30 minute discussion)

The purpose of this item is to adopt a variety of revisions, clarifications and additions to the Land Use Code that have been identified since the last update in December 2015.

18. Items Relating to the Sales Tax Code. (staff: Tiana Smith; 5 minute staff presentation; 15 minute discussion)

- A. First Reading of Ordinance No. 060, 2017, Amending Article II of Chapter 25 and Division 2 in Article IX of Chapter 26 of the Code of the City of Fort Collins Concerning the City's Tax and Utility Refund Programs.
- B. First Reading of Ordinance No. 061, 2017, Amending Article III of Chapter 25 of the Code of the City of Fort Collins Concerning the Imposition, Collection, and Enforcement of the City's Sale and Use Taxes.
- C. First Reading of Ordinance No. 062, 2017, Amending Article IV of Chapter 25 of the Code of the City of Fort Collins Concerning the City's Lodging Tax.

The purpose of this item is to amend Code Chapter 25 to update definitions and align for consistency the sales and use tax and lodging tax provisions related to the collection and enforcement of these taxes. It also makes various amendments to the City Code provisions providing for the City's tax and utility rebate programs established in Code Chapters 25 and 26 (City Rebate Programs). The philosophy of the Sales Tax department is to be business friendly in its operations and to ensure that

the processes in place are user-friendly and that taxpayers can remit taxes with ease. For the administration of the City Rebate Programs, the intention is to help as many qualified, low-income, disabled and senior individuals in the community as possible. In order to deliver on both of these objectives, the Sales Tax Department is recommending the following changes to City Code:

- Update definitions to allow more flexibility in the administration of the City Rebate Program resulting in the ability to help more income-qualified individuals
- Adopt definitions recommended by the Colorado Municipal League
- Align threshold amounts that set taxpayer filing frequency to align with the State of Colorado
- Revise the collection and enforcement provisions in the Sales and Use Tax Code to conform to the Sales Tax Department's current practices and to add these collection and enforcement provisions to the Lodging Tax Code for consistency.

19. Resolution 2017-037 Appointing an Unaffiliated Member to the Boxelder Basin Regional Stormwater Authority Board of Directors by Mutual Agreement of Fort Collins and Larimer County. (staff: Wanda Winkelmann; no staff presentation; 5 minute discussion)

**THIS ITEM IS WITHDRAWN FROM CONSIDERATION**

~~The purpose of this item is to appoint a Director to the Boxelder Basin Regional Stormwater Authority Board of Directors to fill the seat jointly appointed by the City of Fort Collins and Larimer County.~~

● **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. Consideration of a motion to postpone 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 to May 16, 2017.

This item was considered on First Reading on March 21, 2017, when Council decided to postpone further discussion until May 2. Staff has requested consideration of this item be postponed to May 16.

● **ADJOURNMENT**

- A. Council will consider a motion to adjourn to 6:00 p.m., Tuesday, April 25, 2017.

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.