

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

Council Information Center (CIC)
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
May 2, 2017
(Amended 5/1/17)

Proclamation and Video
5:00 p.m.

- A. Proclamation Declaring May 2, 2017 as Hispanic Community Leadership Day. A video interviewing a few of the many Hispanic leaders in Fort Collins will be shown after the proclamation is read.

Proclamations and Presentations
5:30 p.m.

- B. Proclamation Declaring May 7-13 as Drinking Water Week.
C. Proclamation Declaring May 2, 2017 as Bethany Dykson Day.
D. Proclamation Declaring May as Historic Preservation Month.
E. Proclamation Declaring May 20, 2017 as Kids to Parks 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](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 March 7, 2017 Regular Council Meeting and the March 17, 2017 Special Council Meeting.

The purpose of this item is to approve the minutes from the March 7, 2017, Regular Council meeting and the March 17, 2017 Special Council meeting.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on April 18, 2017, renews a one-year contract with a lobbying and communications firm (Capitol Solutions) to advocate for solutions to Interstate 25 traffic congestion and appropriates \$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.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on April 18, 2017, appropriates \$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.

4. Second Reading of Ordinance No. 055, 2017, Appropriating Prior Year Reserves in the Storm Drainage Fund 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.

This Ordinance, unanimously adopted on First Reading on April 18, 2017, appropriates \$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.

5. Second 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.

This Ordinance, unanimously adopted on First Reading on April 18, 2017, adopts 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.

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

This Ordinance, unanimously adopted on First Reading on April 18, 2017, adopts 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.

7. Second Reading of Ordinance No. 058, 2017, Reappropriating Funds Previously Appropriated in 2016 But Not Expended and Not Encumbered in 2016.

This Ordinance, unanimously adopted on First Reading on April 18, 2017, reappropriates 2016 appropriations approved by City Council that lapsed at the end of 2016. 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.

8. Second Reading of Ordinance No. 059, 2017, Making Various Amendments to the Land Use Code.

This Ordinance, unanimously adopted on First Reading on April 18, 2017, adopts a variety of revisions, clarifications and additions to the Land Use Code that have been identified since the last update in December 2015.

9. Items Relating to the Tax Code.

A. Postponement of Second 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 to May 16, 2017.

B. Postponement of Second 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 to May 16, 2017.

C. Postponement of Second 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 to May 16, 2017.

Staff requests postponement of Second Reading of these Ordinances to May 16, 2017, due to additional time needed to vet the definition for "Disabled individual" with the Commission on Disability. **If these items are pulled from the Consent Calendar, Council may choose to postpone the Ordinances or consider them on Second Reading, in Council's discretion.**

10. Resolution 2017-039 Authorizing the Execution of the Third Amendment to First Amended Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange.

The purpose of this item is to amend the City of Fort Collins and Town of Windsor Intergovernmental Agreement pertaining to the development of the Interstate 25/State Highway 392 interchange to allow single-family residential as a permitted use on a portion of the Windsor side of the Corridor Activity Center Overlay Zone.

11. Resolution 2017-040 Repealing Resolution 2017-010 and Authorizing the Initiation of Exclusion Proceedings of Annexed Properties Within the Territories of the Poudre Valley Fire Protection District and the Windsor-Severance Fire Protection District.

The purpose of this item is to repeal Resolution 2017-010 and to enact a new Resolution to clarify that the Lodgepole Investments LLC Annexation is within the territory of the Windsor-Severance Fire Protection District rather than the Poudre Valley Fire Protection District. This Resolution will also authorize the City Attorney to file a petition in the Larimer County District Court to exclude five properties within the Poudre Valley Fire Protection District that were annexed into the City in 2016, and to file a petition in the Weld County District Court to exclude one property within the Windsor-Severance Fire Protection District that was annexed into the City in 2016. 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 petitions each year seeking exclusion for all properties annexed in the previous year that should be removed from the fire protection districts (Districts) to avoid double taxation.

## 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. Youth Advisory Board report on trip to Washington D.C. to attend the National League of Cities Conference (presented by Betsy Pruznick and Vivian Bear)
- B. Safety, Security and Risk Management Update (staff: Kelly Bernish)

- **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.

12. Consideration of an Appeal of the Planning and Zoning Board Decision Regarding the Water's Edge Project Development Plan. (staff: Tom Leeson, Jason Holland; 10 minute staff presentation; 3 hour discussion)

The purpose of this item is to consider an appeal of the Planning and Zoning Board (the "Board") decision to approve the Water's Edge Project Development Plan. On March 29, 2017, an appeal was filed challenging the Planning and Zoning Board Decision made at the March 16, 2017, hearing (the "Hearing").

The Appeal includes the following assertions:

The Planning and Zoning Board failed to conduct a fair hearing, in that:

1. The Board improperly failed to receive all relevant evidence offered by the Appellants.
2. The Board was biased against the Appellants by reason of a conflict of interest or other close business, personal or social relationship that interfered with the decision maker's independence of judgment. In support of this assertion, the Appellants intend to introduce new evidence stated as "Pattern of indifference toward, and bias against Serramonte Highlands by Fort Collins."

- **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**

- A. Council will consider a motion to adjourn to 6:00 p.m., Tuesday, May 9, 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.