

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 May 16, 2017 (Amended 5/15/17)

Proclamations and Presentations

5:15 p.m.

- A. Proclamation Declaring the week of May 8-16, 2017 as Public Service Recognition Week.
- B. Proclamation Declaring the week of May 21-27, 2017 as Emergency Medical Services Week.
- C. Friends of Preservation Awards.

Regular Meeting 6:00 p.m.

- **PLEDGE OF ALLEGIANCE**
- **CALL MEETING TO ORDER**
- **ROLL CALL**
- **Recognition of 2017 City Employee Awards for Public Service Recognition Week.**

- **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. Consideration and Approval of the Minutes of the March 21 and April 18, 2017 Regular Council Meetings, the March 28 and April 25, 2017 Adjourned Meetings and the April 11, 2017 Special Council Meeting.

The purpose of this item is to approve the minutes from the March 21 and April 18, 2017 Regular Council meetings, the March 28 and April 25 Adjourned Council meetings and the April 11, 2017 Special Council meeting.

2. Items Relating to the Sales Tax Code.

- A. 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.
- B. 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.
- C. 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.

These Ordinances, unanimously adopted on First Reading on April 18, 2017, 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).

At First Reading, questions were raised about the definition of "disability" in Ordinance No. 060, 2017. Council requested staff meet with the Commission on Disabilities (COD) to discuss the change in definition. Staff is meeting with the COD on Thursday, May 11, 2017, and will provide a memo about that discussion and proposed Ordinance revision, if any, in the Read-before packet on May 16, 2017.

Between First and Second Reading of Ordinance No. 061, 2017, staff has proposed a change to Ordinance No. 061, 2017, Section 25-91(d) of the Code, replacing the phrase "an individual or business" with "a person." The version of the Ordinance presented to Council on First Reading revised the definition of the term "person" in Section 25-71 to include individuals and businesses. This new proposed change before Second Reading aligns the terms for consistency.

3. Second Reading of Ordinance No. 063, 2017 of the Council of the City of Fort Collins Amending Section 2-28 of the Code of the City of Fort Collins Pertaining to the Scheduling of Regular Meetings of the City Council.

This Ordinance unanimously adopted on May 9, 2017, amends Section 2-28(a) of the City Code to permit the City Council, by majority vote, to move the date of a regular meeting when the meeting falls on a holiday or other event.

The Ordinance has been amended on Second Reading to remove a phrase that was duplicated in the Code language.

4. First Reading of Ordinance No. 064, 2017, Appropriating Unanticipated Grant Revenue in the General Fund and Authorizing the Appropriation of Restricted Northern Colorado Drug Task Force General Fund Reserves for Fort Collins Police Services 2017 Task Force Programs and Services.

The purpose of this item is to appropriate unanticipated revenue in the General Fund and authorize the transfer of appropriated amounts between accounts and projects for the multi-jurisdictional Northern Colorado Drug Task Force (NCDTF). Fort Collins Police Services applied to the Office of National Drug Control Policy and the Department of Justice on behalf of the NCDTF for federal grant monies to help fund the investigation of illegal narcotics activities in Larimer County. These grant awards will be used to offset joint task force operations.

In addition, because of the significant decrease in federal funds available for drug enforcement, the drug task force is transferring \$288,853 from its forfeiture reserve account to its 2017 operating budget to cover unfunded expenses. The majority of the forfeiture reserve account is made up of assets seized from people engaged in illegal drug activities.

5. First Reading of Ordinance No. 065, 2017, Appropriating Prior Year Reserves in the Transportation Fund for the Elizabeth and Shields Underpass Improvement 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 \$280,000 from the Transportation Fund Reserves for traffic signal and pedestrian signal improvements associated with the Elizabeth and Shields Underpass improvement project. Colorado State University (CSU) is funding and constructing an \$8.7M pedestrian and bicycle underpass, and intersection lane improvements at the Elizabeth and Shields intersection. As part of this project, the City is upgrading the traffic signal system and constructing a new pedestrian / bicycle signal west of the intersection. The City's Traffic Operations Department will perform the construction work associated with this appropriation. The project is expected to be substantially complete in August, 2017.

6. Items Relating to the Completion of the 2017 Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing and Community Development Activities Utilizing Funds from the Federal Community Development Block Grant (CDBG) Program, Federal HOME Investment Partnerships (HOME) Program the City's Affordable Housing Fund (AHF) and the City's Human Services Program (HSP).

- A. Public Hearing and Resolution 2017-042 Approving the Programs and Projects that Will Receive Funds from the Federal Community Development Block Grant Program, HOME Investment Partnerships Program, the City's Affordable Housing Fund, the City's Human Services Program.
- B. Public Hearing and First Reading of Ordinance No. 066, 2017, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund.
- C. Public Hearing and First Reading of Ordinance No. 067, 2017, Appropriating Unanticipated Revenue in the HOME Investment Partnerships Fund.

The purpose of this item is to approve funding recommendations of the 2017 Spring Cycle of the Competitive Process and appropriate federal dollars. Resolution 2017-042 will complete the 2017 Spring Cycle of the Competitive Process for allocating \$4,233,039 in City financial resources to affordable housing and public facility projects, public service programs and administration of the programs. Ordinance No. 066, 2017 appropriates the City's FY2017 CDBG Entitlement Grant (estimated at 75% of prior year) appropriates Ordinance No. 067, 2017 FY2017 HOME Participating

Jurisdiction Grant (estimated at 75% of prior year) from the Department of Housing and Urban Development (HUD), and CDBG Reconciled funds and HOME Program Income from FY2016.

7. First Reading of Ordinance No. 069, 2017, Waiving Certain Fees for Housing Catalyst's Village on Redwood Affordable Housing Project and Appropriating Prior Year Reserves in Various City Funds to Refund Specified Fees.

The purpose of this item is to ask City Council to determine whether development fee waivers in the amount of \$100,708 will be provided to Housing Catalyst for their Village on Redwood affordable housing project pursuant to City Code, the Land Use Code and an Intergovernmental Agreement between the City of Fort Collins and the Fort Collins Housing Authority dated July 3, 2013 and, if granted, to make an appropriation to refund this amount to Housing Catalyst.

8. Resolution 2017-043 Authorizing an Intergovernmental Agreement with Colorado State University Regarding the Prospect Road and Centre Avenue Bicycle and Pedestrian Underpass.

The purpose of this item is to authorize the City Manager to sign a memorandum of understanding (MOU) agreement on behalf of the City, and in conjunction with the Board of Governors of the Colorado State University System (University), which defines the rights and responsibilities of the parties concerning the ownership and maintenance of the newly completed Prospect Road and Centre Avenue Bicycle and Pedestrian Underpass and adjoining right-of-way areas.

9. Resolution 2017-044 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Planning and Zoning Board Decision Approving the Water's Edge Project Development Plan PDP 160006.

The purpose of this item is to make Findings of Fact and Conclusions regarding the appeal of the Planning and Zoning Board's Decision Approving the Water's Edge Project Development Plan. The Appeal was heard by City Council on May 2, 2017.

10. Resolution 2017-045 Nominating Mayor Wade Troxell as a Candidate for Re-Election to the Executive Board of the Colorado Municipal League.

The purpose of this item is to formally endorse Mayor Wade Troxell for re-election to the Executive Board of the Colorado Municipal League. Mayor Troxell is an active participant and continues to be an excellent representative of the City as a member of the Colorado Municipal League Executive Board.

11. Resolution 2017-046 Making Appointments to Various Boards, Commissions, and Committees of the City of Fort Collins

The purpose of this item is to appoint individuals to fill vacancies that currently exist on the Energy Board, The General Employee's Retirement Committee (GERP), the Senior Advisory Board and the Youth Advisory Board due to resignations of board members and vacancies created by December 31, 2016, and May 31, 2017, expiration of terms. Applications were solicited during the first quarter of 2017. Council teams interviewed applicants during April and May. This Resolution appoints individuals to fill current and upcoming 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
- 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. Resolution 2017-048 Naming a New Street in Northeast Fort Collins and Updating the Existing List of Names for Arterial and Collector Streets. (staff: Kai Kleer, Ted Shepard; 10 minute staff presentation; 30 minute discussion)

The purpose of this item is to select a name for a new arterial street in northeast Fort Collins as "Cordova Street"; name an alley in the downtown area as "Harper Goff Alley", and update the existing List of Names for Arterial and Collector Streets by removing one recently-selected name (Suniga) and adding eight additional names.

13. Resolution 2017-047 Authorizing the Mayor to Execute a First Addendum to the Intergovernmental Agreement with Colorado State University Related to an On-Campus Stadium. (staff: Jeff Miheilich, Laurie Kadrich; 15 minute staff presentation; 30 minute discussion)

The purpose of this item is to approve an amendment to the intergovernmental agreement (IGA) between the City of Fort Collins and Colorado State University (CSU) regarding infrastructure improvements and neighborhood relationships related to the on-campus stadium. In 2015 Council authorized the original agreement in an effort to mitigate potential construction and operational impacts of the stadium. The addendum is proposed to update the infrastructure improvements, identify who will be paying for the improvements and other operational modifications related to the neighborhood relationship section of the agreement (the neighborhood relationship section established the Stadium Advisory Group (SAG) and related funding.)

14. Items Relating to Capital Expansion Fees and the Electric Capacity Fee. (staff: Tiana Smith; 15 minute staff presentation; 60 minute discussion)

- A. First Reading of Ordinance No. 049, 2017, Amending Chapters 7.5, 8 and 24 of the Code of the City of Fort Collins Concerning Revisions to Terminology and Decreases and Phased Increases of the Capital Expansion Fees and Amending Section 3.3.2(G) of the Land Use Code to Revise Related Terminology. **(Alternative 1 or Alternative 2)**

- B. First Reading of Ordinance No. 068, 2017, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections.

The purpose of this item is to consider adoption of fee recommendations for capital expansion and transportation expansion fees on a phased-timeline beginning October 1, 2017, and electric capacity fees effective beginning October 1, 2017, with no phasing. In early 2016, staff initiated comprehensive reviews of the Capital Expansion Fees, Transportation Expansion Fee (Street Oversizing) and the Electric Capacity Fee. 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. Fee studies were also conducted for the Capital Expansion Fees and the Transportation Expansion Fee. 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. Capital Expansion Fees include the impact fees charged for Fire, Police, General Government, Community Parks and Neighborhood Parks. The Transportation Expansion Fee is also a Capital Expansion Fee, but is determined differently than the other Capital Expansion Fees. The Electric Capacity Fee is an impact fee imposed by the City's Electric Utility.

Ordinance No. 049, 2017, which provides for the changes to the Capital Expansion Fees and the Transportation Expansion Fee, is proposed in two alternative ordinances. Alternative 1 proposes the phasing of the full fee amounts recommended in the fee studies, while Alternative 2 provides for fee increases without any phasing in amounts less than what is recommended in the study for the Capital Expansion Fees and for the Transportation Expansion Fee for the lesser amount recommended in its study.

- **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.)

- Consideration of Amendment to West Nile Virus (WNV) Policy.

- **ADJOURNMENT**

- A. Council will consider a motion to adjourn to 6:00 p.m., Tuesday, May 23, 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.