



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 July 5, 2017

Proclamations and Presentations 5:30 p.m.

None.

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. Consideration and Approval of the Minutes of the May 23, 2017 Adjourned Council Meeting and the June 6, 2017 Regular Council Meeting.

The purpose of this item is to approve the minutes from the May 23, 2017 Adjourned Council meeting and the June 6, 2017 Regular Council meeting.

2. Second Reading of Ordinance No. 070, 2017, Appropriating Prior Year Reserves in the Capital Improvement Expansion Fund and in the Keep Fort Collins Great Tax Fund For Disbursement to the Poudre Fire Authority.

This Ordinance, unanimously adopted on First Reading on June 6, 2017, appropriates funds from the Fire Capital Expansion Account to Poudre Fire Authority (PFA) for payment of debt on Fire Station 4. Station 4, located at 1945 West Drake Road, was built through a Lease/Purchase funding source at a rate of 4%, with 20 installments. The Fire Capital Improvement Expansion Fund has been used to make the annual Lease/Purchase payments. The Lease/Purchase agreement allows for prepayment after December 18, 2017. Paying off the Station 4 Lease/Purchase will save Poudre Fire Authority \$451,000 in interest payments over the next ten years, and will allow Capital Expansion Fees to build for the future construction of PFA's next fire station. During the 2017 PFA Budget process, the Board of Directors directed staff to pay off the outstanding debt on Station 4, utilizing Capital Expansion Fees that have been collected for the benefit of PFA and held in an earmarked account.

3. Second Reading of Ordinance No. 071, 2017, Appropriating Unanticipated Revenue in the Wastewater Fund for the State Highway 14 Bridge over the Poudre River Project.

This Ordinance, unanimously adopted on First Reading on June 6, 2017, appropriates \$83,044 into the Wastewater Fund for work performed by the City as part of the Colorado Department of Transportation's (CDOT) State Highway (SH) 14 Bridge over the Poudre River Project.

4. Items Relating to the Adoption of the 2015 International Codes.

- A. Second Reading of Ordinance No. 072, 2017, Amending Chapter 5, Article II, Division 2, of the Code of the City of Fort Collins for the Purpose of Repealing the 2012 International Building Code (IBC) and Adopting the 2015 International Building Code, with Amendments.

- B. Second Reading of Ordinance No. 073, 2017, Amending Chapter 5, Article II, Division 2, of the Code of the City of Fort Collins for the Purpose of Repealing the 2012 International Energy Conservation Code (IECC) and Adopting the 2015 International Energy Conservation Code, with Amendments.

- C. Second Reading of Ordinance No. 074, 2017, Amending Chapter 5, Article II, Division 2, of the Code of the City of Fort Collins for the Purpose of Repealing the 2012 International Residential Code (IRC) and Adopting the 2015 International Residential Code, with Amendments.

- D. Second Reading of Ordinance No. 075, 2017, Amending Chapter 5, Article IV, of the Code of the City of Fort Collins for the Purpose of Repealing the 2012 International Mechanical Code (IMC) and Adopting the 2015 International Mechanical Code, with Amendments.

- E. Second Reading of Ordinance No. 076, 2017, Amending Chapter 5, Article IV, of the Code of the City of Fort Collins for the Purpose of Repealing the 2012 International Fuel Gas Code (IFGC) and Adopting the 2015 International Fuel Gas Code, with Amendments.

These Ordinances unanimously adopted on First Reading on June 6, 2017, adopt the 2015 International Codes (I-Codes). The 2015 I-Codes represent the most up-to-date construction standards establishing minimum requirements to safeguard the public health, safety, and general welfare from hazards attributed to the built environment within the City of Fort Collins.

Subsequent to First Reading, IBC local amendment 903.3.1.2 has been edited at Exceptions 1 and 2 to change the reference from “fire wall” to “fire partition” to be consistent with the intent of the section.

5. Second Reading of Ordinance No. 077, 2017, Amending the Fort Collins Traffic Code Regarding Stadium Events.

This Ordinance, unanimously adopted on First Reading on June 6, 2017, adopts a new violation of the Residential Parking Permit Program (RP3) for Colorado State University’s (CSU) major stadium events. Consistent with the intergovernmental agreement (IGA) between the City and CSU, staff has worked with neighborhoods adjacent to the university campus to develop parking restrictions during major events at the new CSU stadium. Non-residents will not be permitted to park in participating neighborhoods during football games or any events with an expected attendance of 12,000 or greater. City Parking Services staff will be enforcing these restrictions four hours prior to the start of an event until the end of the event.

6. Second Reading of Ordinance No. 078, 2017, Designating the Dairy Gold Creamery Laboratory located at 212 Laporte Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

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(e) of the Council’s Rules of Meeting Procedures adopted in Resolution 2017-017.

This Ordinance, unanimously adopted on First Reading on June 6, 2017, designates the Dairy Gold Creamery Laboratory, 212 Laporte Avenue (currently the Butterfly Café) as a Fort Collins Landmark. The Operation Services Department of the City of Fort Collins is initiating this request on behalf of the City as the owner.

7. Second Reading of Ordinance No. 079, 2017, Designating the Continental Oil Company Property Located at 225 Maple Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

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(e) of the Council’s Rules of Meeting Procedures adopted in Resolution 2017-017.

This Ordinance, unanimously adopted on First Reading on June 6, 2017, designates the Continental Oil Company Property, 225 Maple Street, as a Fort Collins Landmark. This building currently houses FoCo Café. The Operation Services Department of the City of Fort Collins is initiating this request on behalf of the City as the owner.

8. Items Relating to the Lease Financing of the Firehouse Alley Parking Garage.

A. Second Reading of Ordinance No. 081, 2017, Authorizing the Leasing of Certain City Property and the Execution and Delivery by the City of a Site Lease, a Lease Purchase Agreement, and Other Documents and Matters in Connection with the Financing of the City’s Acquisition of Certain Parking Facilities; Setting Forth Certain Parameters and Restrictions with Respect to the Financing; and Providing for Other Matters Related Thereto.

B. Second Reading of Ordinance No. 082, 2017, Appropriating the Lease Financing Proceeds in the Capital Projects Fund to be Used for the Purchase of a Portion of the Firehouse Alley Parking Structure and to Pay for Related Lease Financing Costs.

C. Resolution 2017-062 Authorizing the City Manager to Execute an Intergovernmental Agreement with the Downtown Development Authority Regarding Contributions to the City for Public Parking Spaces and Parking Programs in Downtown Fort Collins.

These Ordinances, unanimously adopted on First Reading on June 6, 2017, authorize the financing and acquisition of the Firehouse Alley Parking Structure. Total costs are projected to be \$8,430,000. The City will acquire approximately 216 spaces located on the second and third floors. Resolution 2017-062 authorizes an intergovernmental agreement with the Downtown Development Authority (DDA) that outlines the DDA contribution of \$300,000 a year toward the lease payments, beginning in 2019.

9. Second Reading of Ordinance No. 084, 2017, Appropriating Prior Year Reserves in the General Fund for Larimer County Jail Services.

This Ordinance, unanimously adopted on First Reading on June 6, 2017, appropriates funding to pay for services relating to the City's use of the Larimer County Jail for municipal defendants for 2017.

10. First Reading of Ordinance No. 085, 2017, Appropriating Prior Year Reserves in the Natural Areas Fund for the Purpose of Land Conservation, Public Improvements and Related Natural Areas Programming Not Included in the 2017 Adopted City Budget.

The purpose of this item is to appropriate \$10,790,000 in prior year reserves and unanticipated revenues in the Natural Areas Fund for the purpose of land conservation, construction of public improvements, restoration of wildlife habitat and other Natural Area Department programs to benefit the citizens of Fort Collins.

11. First Reading of Ordinance No. 086, 2017, Appropriating Prior Year Reserves in the General Fund for Transfer to Various City Funds for Tree and Branch Cleanup Expenses.

The purpose of this item is to appropriate \$143,563 in General Fund reserves to cover the unanticipated costs associated with the tree and branch cleanup from the May 18th and 19th spring snowstorm to various City funds. This appropriation request will be used for the incremental costs (direct costs) associated with the cleanup effort but not covered in the operating budget. This includes personnel overtime and planned "work for other departments" costs that cannot be recouped, as well as other incremental costs associated with contractors, equipment rental, fuel, etc. that are uniquely and directly related to the snowstorm cleanup.

12. First Reading of Ordinance No. 087, 2017, Authorizing the Release of a Collateral Assignment of Note and Deed of Trust which Secures Performance of Certain Obligations Related to the 1999 Restoration of the Northern Hotel.

The purpose of this item is to authorize the release of a collateral assignment of the Note and Deed of Trust made by Funding Partners/NDC, in favor of the City of Fort Collins which secures performance obligations contained within the Northern Hotel Restoration Agreement, dated November 15, 1999. The release of the collateral assignment is requested by the property owner, an affiliate of Funding Partners and the National Development Council, in order to facilitate the sale and transfer of ownership of the Northern Hotel to an affiliate of Hendricks Communities LLC, an affordable housing developer with a strong local presence.

13. First Reading of Ordinance No. 088, 2017, Amending the Land Use Code Sign Regulations.

The purpose of this item is to update the Land Use Code (LUC) sign regulations with content neutral standards. This Ordinance will address the following:

- Eliminate standards that focus on the message of the sign
- Create two Code sections, a permanent and temporary sign section
- Introduce new standards based on the material classification for temporary signs
- Provide additional clarification to standards for permanent signs
- Add new terms with definitions related to temporary signs.

14. First Reading of Ordinance No. 089, 2017, Authorizing the Conveyance of an Amended Access Easement and a Utility Easement on City-Owned Property at Gustav Swanson Natural Area to Public Service Company of Colorado in Exchange for the Dedication of Land for Trail Purposes.

The purpose of this item is to authorize conveyance of a utility easement and an amended access easement to Public Service Company on Gustav Swanson Natural Area. Public Service Company provides natural gas service to a large portion of Fort Collins residents from a downtown regulator station along the Poudre River. The City has asked Public Service to realign its access easement to the regulator station and formalize its utility easements as part of the pending Whitewater Park project. Public Service is also dedicating almost 2,000 square feet of land for trail purposes.

15. Resolution 2017-059 Finding Substantial Compliance and Initiating Annexation Proceedings for the Interstate Land Holdings Annexation.

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for the Interstate Land Holdings Annexation. The Interstate Land Holdings Annexation project represents an annexation to bring two properties and State highway right-of-way totaling 12.2 acres, located on the northwest corner of the I-25 and State Highway 392 intersection, into Fort Collins municipal boundaries.

The requested zoning for this annexation is General Commercial (C-G) for the Interstate Land Holdings properties and right-of-way, and Public Open Lands (P-O-L) for the City-owned property. The requested zoning districts are in compliance with the City of Fort Collins *Structure Plan* and the *Fossil Creek Reservoir Area Plan* Maps. A specific project development plan proposal is not included with the annexation application.

The proposed Resolution makes a finding that the petition substantially complies with the Municipal Annexation Act, determines that a hearing should be established regarding the annexation, and directs that notice of the hearing be given. The hearing will be held at the time of First Reading of the annexation and zoning ordinances; not less than thirty days' prior notice is required by state law.

16. Resolution 2017-060 Approving the 2017 Certification to the Larimer County Assessor Pursuant to C.R.S. Section 31-25-807(3)(a)(IV)(B) for the Downtown Development Authority Property Tax Increment.

The purpose of this item is to certify to the Larimer County Assessor the percentages of property tax distributions that are to be allocated for the Downtown Development Authority by the Assessor as tax increment from the 2017 property taxes payable in 2018 to the City and to all other affected taxing entities.

17. Resolution 2017-061 Making Appointments to Cultural Resources Board and the Women's Commission of the City of Fort Collins.

The purpose of this item is to appoint Amy Cervenak to fill a vacancy that currently exists on the Cultural Resources Board due to the resignation of Gregg Adams and a vacancy that currently exists on the Women's Commission due to the resignation of Ginny Carroll. This Resolution appoints two selected citizens, Amy Cervenak to fill the current Cultural Resources Board vacancy and Emily Gorgol to fill the current Women's Commission vacancy.

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.

18. Second Reading of Ordinance No. 080, 2017, Designating the James Ross Proving-Up House Located at The Farm at Lee Martinez Park, 600 North Sherwood Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins. (staff: Cassandra Bumgarner; no staff presentation; 5 minute discussion)

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(e) of the Council's Rules of Meeting Procedures adopted in Resolution 2017-017.

This Ordinance, adopted on First Reading on June 6, 2017 by a vote of 5-0 (Cunniff, Overbeck recused) designates the James Ross Proving-Up House, currently located at The Farm at Lee Martinez Park, 600 North Sherwood Street, as a Fort Collins Landmark. The Recreation Department of the City of Fort Collins is initiating this request on behalf of the City as the owner.

19. Second Reading of Ordinance No. 083, 2017, Appropriating and Transferring Prior Year Reserves in the General Fund and Appropriating Prior Year Reserves in the Light and Power Fund for Broadband Strategic Support Services. (staff: Mike Beckstead, SeonAh Kendall; no staff presentation; 5 minute discussion)

This Ordinance, adopted on First Reading on June 6, 2017 by a vote of 6-1 (nays: Summers) appropriates \$160k of one-time funding for consulting support for the City's Broadband efforts, per the current work scope. The effort to develop a more detailed Municipal Retail fiber internet service model will run in parallel with staff efforts to issue a Request for Proposal (RFP) to explore a third party alternative. As the work scope describes, consultants will work with City staff to develop details around how to launch a Municipal Retail fiber internet service. Those plans will enable the City, upon approval by Fort Collins voters authorizing the City to move forward, to immediately begin the effort, issue RFPs to support the design and construction, and begin internal processes for call centers, billing, marketing, sales, etc.

20. First Reading of Ordinance No. 090, 2017, Reappropriating Funds Previously Appropriated in 2016 But Not Expended and Not Encumbered in 2016. (staff: Lawrence Pollack, Mike Beckstead; 5 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 Ord. No. 058, 2017	Additional Reappropriation Request	% of 2016 Amended Budget
General Fund	\$144,587,414	\$948,174	\$360,768	0.7%
Keep Fort Collins Great Fund	30,582,621	691,195	5,000	2.3%
Light and Power Fund	144,568,778	107,933		0.1%
Data and Communications Fund	11,544,230	301,600		2.6%
Utility Customer Service and Administration	18,168,083		40,608	0.0%
TOTAL	\$349,451,126	\$2,048,902	\$406,376	0.7%

● **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.