

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 18, 2017
(Amended 7/17/17)

Proclamations and Presentations
5:30 p.m.

- A. Proclamation Declaring August 1, 2017, as Neighborhood Night Out.
B. Proclamation Declaring July 22-28, 2017, as Flood Awareness Week.
C. Proclamation Declaring the Week of July 16, 2017, as Lions Club Week.

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. 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.

This Ordinance, unanimously adopted on First Reading on July 5, 2017, appropriates \$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.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on July 5, 2017, appropriates \$143,563 in General Fund reserves to cover the unanticipated costs associated with the tree and branch cleanup from the May 18 and 19 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.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on July 5, 2017, authorizes 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.

4. Second 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.

This Ordinance, unanimously adopted on First Reading on July 5, 2017, authorizes 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.

5. Second Reading of Ordinance No. 090, 2017, Reappropriating Funds Previously Appropriated in 2016 But Not Expended and Not Encumbered in 2016.

This Ordinance, unanimously adopted on First Reading on July 5, 2017, reappropriates 2016 appropriations authorized by City Council that lapsed at the end of 2016. 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.

6. First Reading of Ordinance No. 091, 2017, Appropriating Unanticipated Revenue Relating to a Federal Emergency Management Agency Grant for Acquisition and Remediation of Property Adjoining the Downtown Whitewater Park Area.

The purpose of this item is to appropriate a \$232,509 Federal Emergency Management Agency (FEMA) grant. The total budget approved by FEMA is \$265,725 which includes \$33,216 that has been previously appropriated by the City. The funds will pay for the acquisition and remediation of a property adjoining the downtown whitewater park area.

7. First Reading of Ordinance No. 094, 2017, Amending Part 18 of the Fort Collins Traffic Code Regarding the Towing and Impounding of Vehicles on Public Rights-of-Way.

The purpose of this item is to amend the Traffic Code to allow for the immediate removal and impoundment of vehicles on public streets and alleys as a means of enforcing violations to the Residential Parking Permit Program (RP3) for Colorado State University (CSU) major stadium events. The Code change would also allow the City to create new tow-away zones, if needed in the future.

8. First Reading of Ordinance No. 095, 2017 Amending Section 19-65 of the Code of the City of Fort Collins Regarding the Citation Procedure for Civil Infractions to Include an Exception for Parking on Yards.

The purpose of this item is to consider an Ordinance that allows for immediate ticketing for parking on yards during Colorado State University (CSU) game days and major stadium events.

9. First Reading of Ordinance No. 096, 2017, Calling a Special Municipal Election To Be Held In Conjunction With the November 7, 2017 Larimer County Coordinated Election.

The purpose of this item is to call a Special Municipal Election to be held in conjunction with the November 7, 2017 Larimer County Coordinated Election, and to preserve the opportunity for Council to place initiated or referred issues on the November ballot. If Council decides to place any measures on the ballot relating to Charter amendments, it would need to do so no later than August 29 in order to meet statutory requirements for publication. If Council does not take action by ordinance or resolution before the statutory deadline (September 8) to certify ballot language to Larimer County, the election will be cancelled and the provisions of this Ordinance will be of no further force and effect.

This Ordinance does not submit a specific measure to the November 7, 2017 ballot. Adoption of this Ordinance is a required step in preserving the option for City Council to submit any ballot measures that Council may desire, at the November 7, 2017 Coordinated Election.

10. First Reading of Ordinance No. 097, 2017, Vacating a Portion of Lincoln Avenue Right-of-Way Dedicated on the Fort Collins Original Town Plat Dated January 17, 1873, with the Reservation of a Drainage and Utility Easement.

The purpose of this item is to vacate a portion of Lincoln Avenue that is no longer necessary or desirable to retain for street purposes. During the design process for the Lincoln Corridor Improvements Project - Phase I, it was determined that there was a portion of right-of-way that was no longer necessary to retain. The request to vacate was made by the City of Fort Collins Engineering Department.

11. First Reading of Ordinance No. 098, 2017, Annexing the Property Known as the Blehm-Homestead Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex an enclave area of approximately 109 acres in southeast Fort Collins. The Initiating Resolution was adopted on consent, June 6, 2017. The property is situated between South Timberline and Ziegler Roads, and bisected by Kechter Road. The 28-parcel enclave consists of the Blehm Subdivision, two abutting properties to the east of the Blehm Subdivision, Homestead PUD, and one abutting property to the west of the Homestead PUD.

12. First Reading of Ordinance No. 099, 2017, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Blehm-Homestead Annexation to the City of Fort Collins, Colorado and Approving Corresponding Changes to the Sign District Map.

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

The purpose of this item is to zone the property included in the Blehm-Homestead enclave annexation into the Urban Estate (UE), zone district and Residential Neighborhood Sign District.

13. Resolution 2017-066 Finding Substantial Compliance and Initiating Annexation Proceedings for the Newton First Annexation.

The purpose of this item is to initiate annexation proceedings for the Newton First Annexation. This is a voluntary annexation. The applicants, Jim and Diana Newton, have submitted a written petition requesting two sequential annexation tracts. Newton First Annexation is the first Resolution of this series of sequential annexations, for a total of 1.4463 acres. Newton First Annexation is located at 1516 West Vine Drive just east of Lincoln Middle School. The requested zoning for this annexation is Urban Estate (UE), which is in compliance with the City of Fort Collins Structure Plan and the Northwest Subarea Plan.

14. Resolution 2017-067 Finding Substantial Compliance and Initiating Annexation Proceedings for the Newton Second Annexation.

The purpose of this item is to initiate annexation proceedings for the Newton Second Annexation. This is a voluntary annexation. The applicants, Jim and Diana Newton, have submitted a written petition requesting two sequential annexation tracts. Newton Second Annexation is the second and last Resolution of this series of sequential annexations. Newton Second Annexation is located at 1516 West Vine Drive just east of Lincoln Middle School. The requested zoning for this annexation is Urban Estate (UE), which is in compliance with the City of Fort Collins Structure Plan and the Northwest Subarea Plan.

15. Resolution 2017-068 Approving the Assignment of the Purchase and Sale Agreement Between the City and the Housing Authority of the City of Fort Collins for the Purchase of 1506 West Horsetooth Road, Fort Collins, Colorado, to Village on Horsetooth, LLLP.

The purpose of this item is to consider a request from Fort Collins Housing Authority, dba Housing Catalyst (Authority) to assign its interest in the Purchase and Sale Agreement for the purchase of 1506 West Horsetooth Road, to Village on Horsetooth, LLLP. On March 1, 2016, City Council adopted Ordinance No. 025, 2016, authorizing the conveyance of the property to the Authority. The Ordinance specifically authorized the sale to the Authority.

16. Resolution 2017-069 Authorizing the City Manager to Execute an Agreement between the City of Fort Collins and New Belgium Brewing Company, Inc. Regarding Temporary Authorization to Use a Portion of Pretreated Wastewater in Cooling Towers.

The purpose of this item is to consider an agreement to allow New Belgium Brewing Company, Inc. (NBB) to use a portion of pretreated wastewater from its on-site water treatment plant to run through cooling towers for a 12-month pilot period. NBB has requested permission to gather more data in order to determine the feasibility of operating the system on a long-term basis. This pilot period also allows Utilities an opportunity to evaluate this type of system for long term program development. This system was also tested for a period of 30 days last year in October pursuant to a separate agreement authorized under Resolution 2016-061. During that test period NBB and Utilities gathered positive data and NBB would like the opportunity to fine tune the system. NBB agrees to abide by all local and state regulation for the test period and the plan has been reviewed extensively by City staff.

17. Resolution 2017-071 Supporting the Grant Application for an Inspire Grant From the State Board of Great Outdoors Colorado Trust Fund.

The purpose of this item is for Council to offer its support of an implementation grant application submitted by the City for Great Outdoors Colorado (GOCO) Inspire Initiative, a funding opportunity that focuses on connecting youth and their families to the outdoors in underserved communities. GOCO requires a resolution by City Council supporting the implementation grant application.

18. Resolution 2017-070 Approving Fort Fund Grant Disbursements.

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming and Tourism Programming Accounts for the selected community and tourism events, based upon the recommendations of the Cultural Resources Board.

19. Resolution 2017-072 Appointing Arsineh Hecobian to the Air Quality Advisory Board of the City of Fort Collins.

The purpose of this item is to appoint Arsineh Hecobian to fill a vacancy that currently exists on the Air Quality Advisory Board due to the resignation of Robert Kirkpatrick. Arsineh Hecobian's term is to begin immediately and is set to expire on December 31, 2018.

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. Michigan Ditch Video. (staff: Jon Haukaas)

- **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.

20. First Reading of Ordinance No. 100, 2017, Amending Portions of Chapter 17 of the Code of the City of Fort Collins Regulating Trespass and the Obstruction of a Highway or Passageway. (staff: Jeff Mihelich; 5 minute staff presentation; 30 minute discussion)

The purpose of this item is to consider changes to Section 17-128 of the City Code regarding obstructing a highway or passageway, including adding restrictions around obstructing public fixtures. A minor change to Section 17-40(b) of the City Code (Trespass) is also included, which adds lying or "otherwise occupying" to the already prohibited list of climbing, sitting or standing on or in objects on public or private property not designed for such use, and adds planters to the list of examples of such objects.

- **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.)
- Discussion regarding a possible Charter amendment that would modify the jurisdiction of Municipal Court to eliminate the potential for civil claims.
- B. Consideration of a motion to amend the Call of Special Meeting for 6:00 p.m., Tuesday, August 8, 2017.

- **ADJOURNMENT**

A. Consideration of a motion to adjourn to 6:00 p.m., Tuesday, July 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.