

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

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Carrie Daggett  
City Attorney

Darin Atteberry  
City Manager

Delynn Coldiron  
Interim City Clerk

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## **Regular Meeting August 15, 2017 (Amended 8/15/17)**

### **Proclamations and Presentations 5:30 p.m.**

- A. Proclamation Declaring Friday of Every Week This School Year as "Get Your Green On".
- B. Proclamation Declaring August 26, 2017 as "Women's Equality 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 July 5 and July 18, 2017 Regular Council Meetings, the June 27, 2017 Special Council Meeting and the July 25, 2017 Adjourned Council Meeting.

The purpose of this item is to approve the minutes from the July 5 and July 18 Regular Council meetings, the June 27, 2017 Special Council meeting and the July 25, 2017 Adjourned Council meeting.

2. Second Reading of Ordinance No. 088, 2017, Amending the Land Use Code Sign Regulations.

This Ordinance, unanimously adopted on First Reading on July 5, 2017, updates the Land Use Code (LUC) sign regulations with content neutral standards. The Ordinance has two changes from First Reading to correct an omission in a table and the definition of feather flag. In Section 3.8.7.2 Table G2 (page 29 of the Ordinance) did not include the duration of time a feather flag could be displayed. The table was corrected and now includes the display time. The definition of feather flag included an extra word that has been deleted (page 34 of the Ordinance).

3. Second 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.

This Ordinance, unanimously adopted on First Reading on July 18, 2017, appropriates 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.

4. Second 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.

This Ordinance, unanimously adopted on First Reading on July 18, 2017, amends 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.

5. Second 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.

This Ordinance, unanimously adopted on First Reading on July 18, 2017, amends City Code to allow for immediate ticketing for parking on yards during Colorado State University (CSU) game days and major stadium events.

6. Second 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.

This Ordinance, unanimously adopted on First Reading on July 18, 2017, calls 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.

7. Second 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.

This Ordinance, unanimously adopted on First Reading on July 18, 2017, vacates 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.

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

This Ordinance, unanimously adopted on First Reading on July 18, 2017, annexes an enclave area of approximately 109 acres in southeast Fort Collins. 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.

9. Second 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.*

This Ordinance, unanimously adopted on First Reading on July 18, 2017, zones the property included in the Blehm-Homestead enclave annexation into the Urban Estate (UE), zone district and Residential Neighborhood Sign District.

10. Second Reading of Ordinance No. 103, 2017, Appropriating Prior Year Reserves in the General Fund for the Conduct of a Special Election on November 7, 2017, that was not included in the 2017 Adopted City Budget.

This Ordinance, unanimously adopted on First Reading on August 8, 2017, appropriates \$150,000 from prior year reserves for the conduct of the November 7, 2017, Special Election. This is an estimated amount based on prior participation in coordinated elections. Final costs will be determined by the number of eligible Fort Collins voters, and the number of entities participating/sharing in the cost of the election.

11. Items Relating to the Vida Sana Program.

- A. Resolution 2017-047 Authorizing the City Manager to Execute a Grant Agreement with the Poudre Valley Health Systems Foundation for Delivery of Vida Sana Project Programming.
- B. First Reading of Ordinance No. 106, 2017, Appropriating Unanticipated Grant Revenue in the Recreation Fund for the Vida Sana Program.

The purpose of this item is to approve the Vida Sana subgrant agreement and appropriate subgrant funds in the amount of \$18,451 from the Colorado Department of Public Health and Environment, through the Poudre Valley Health Systems' (PVHS) Community Health Improvement Department. The Vida Sana Grant will address the needs of targeted health disparate populations in Fort Collins by allowing specific discounted programming cost for Northside Aztlan Community Center (NACC) exercise programs.

12. First Reading of Ordinance No. 107, 2017, Appropriating Unanticipated Grant Revenue in the General Fund and Transferring Funds from the Community Development and Neighborhood Services Operating Budget to the Grant Budget for the Restorative Justice Program.

The purpose of this item is to appropriate grant revenue to fund Restorative Justice Services within Community Development and Neighborhood Services (CDNS). A grant in the amount of \$67,612 has been received from the Colorado Division of Criminal Justice (DCJ) Juvenile Diversion fund for the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program (RJCP) for all other offenses. The grant period for is July 1, 2017, to June 30, 2018. This is the first year in a 3-year cycle for the Juvenile Diversion grant.

13. Items Relating to Additional Allocations of Funding to Projects Funded in 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 Program, Federal HOME Investment Partnerships Program, the City's Affordable Housing Fund Program and the City's Human Services Program (HSP).

- A. Resolution 2017-075 Rescinding Resolution 2017-042 and Approving Revised Allocations to 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, and the City's Human Services Program.
- B. First Reading of Ordinance No. 109, 2017, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund.
- C. First Reading of Ordinance No. 110, 2017, Appropriating Unanticipated Revenue in the HOME Investment Partnerships Fund.

The purpose of this item is to appropriate the additional funding received from the Department of Housing and Urban Development (HUD) for 2017 and distribute the final funding allocations proportionately in accordance with the Community Development Block Grant Commission's (CDBG) recommendations. This will complete all funding allocations related to the 2017 Spring Cycle of the Competitive Process. Resolution 2017-075 rescinds the resolution passed by the City Council in May 2017 to allocate funding and completes the final distribution of funding to the 2017 Spring Cycle of the Competitive Process for allocating \$1,174,289 in City financial resources to human service programs, affordable housing projects and the administration of the CDBG and HOME programs for the fiscal year that begins October 1, 2017. Ordinance No. 109, 2017, appropriates the increase in allocations to the FY2017 CDBG from HUD and Ordinance No. 110, 2017 appropriates the increase in allocations to the FY2017 HOME Participating Jurisdiction (PJ) Grant from HUD.

14. Items Relating to the Interstate Land Holdings Annexation to the City of Fort Collins.

- A. Resolution 2017-076 Setting Forth Findings of Fact and Determinations Regarding the Interstate Land Holdings Annexation.
- B. First Reading of Ordinance No. 111, 2017, Annexing the Property Known as the Interstate Land Holdings Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex an area of approximately 12.139 acres in southeast Fort Collins. The property is situated on the northwest corner of the I-25 and Carpenter Road intersection. The Initiating Resolution was adopted on consent, July 5, 2017.

15. First Reading of Ordinance No. 112, 2017, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in Interstate Land Holdings 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 properties included in the Interstate Land Holdings annexation into the General Commercial (CG) and Public Open Lands (POL) zone districts.

16. First Reading of Ordinance No. 113, 2017, Amending Section 2-203 of the Code of the City of Fort Collins Relating to the Functions of the Cultural Resources Board.

**THIS ITEM HAS BEEN WITHDRAWN AND MOVED TO SEPTEMBER 5, 2017**

~~The purpose of this item is to update how the functions of the Cultural Resources Board (CuRB) are described to better reflect the actual scale and responsibilities of the Cultural Services Department. The current City Code language is outdated. It references advising the Museum director, and matters pertaining to the operations of the Lincoln Center. The Cultural Services Director, staff liaison to the CuRB, is responsible for directing the Lincoln Center, Museum of Discovery, Gardens on Spring Creek, Carnegie Creative Center, and Art in Public Places program. The proposed new language more accurately reflects the entire scope of functions currently performed by the Cultural Services Department.~~

17. First Reading of Ordinance No. 114, 2017, Repealing Article III of Chapter 15 of the Code of the City of Fort Collins Relating to Amusement Devices and Places.

The purpose of this item is to repeal Article III of Chapter 15 of City Code to remove a license requirement on amusement devices and places, including but not limited to, pool tables, roller skating rinks, shooting galleries and electronic game devices.

18. First Reading of Ordinance No. 115, 2017, Amending Section 2-493 of the Code of the City of Fort Collins Regarding Duties of Municipal Judges.

The purpose of this item is to set out the duties of the Municipal Judges as referenced in Article VII, Section 1, of the City Charter.

19. Resolution 2017-077 Approving Revised Costs and Fees for Fort Collins Municipal Court.

The purpose of this item is to add two new fees to the approved costs and fees for cases in Fort Collins Municipal Court: a \$65 Sealed Records Fee and a \$300 Civil Case Filing Fee. The Sealed Records Fee is mentioned in the state legislature's House Bill 17-1208 which takes effect on September 1, 2017. That law makes clarifications to the criminal justice records sealing process including allowing Municipal Court defendants whose non-traffic misdemeanor case is completely dismissed or of which they are fully acquitted to request that their records be sealed. The change allows sealing to be ordered directly by the Municipal Court in those cases without requiring such defendants to file a separate action in District Court as was required in the past. As for state court defendants, the law provides that Municipal Court defendants must pay a \$65 fee "to cover the actual costs related to the sealing of the criminal justice records, which may be waived by the Court upon a determination of indigency." See C.R.S. Section 24-72-702.5(2). *Note: This change does not impact the current process authorized by City Code in which underage possession cases are sealed automatically after dismissal without a request from the defendant or payment of a fee.*

The Civil Case Filing Fee is needed to offset at least a portion of the administrative expense to the Court of civil cases being filed by members of the public. The amount of the proposed fee, \$300, is based on the cost of approximately 10 hours of Court Administrator time. This is a very conservative estimate of the time needed to administer such a case and does not include the judicial expense

involved. For comparison, the Colorado state District Courts currently charge a \$224 filing fee to Plaintiffs in civil actions, including Rule 106 (Colorado Rules of Civil Procedure) actions.

A final minor change proposed to the list of costs and fees is to revise the description of the Active Condition Fee to clarify that it does not apply to restitution payment conditions. The background information included in this Agenda Item Summary has also been updated to indicate that Petitions for Indigence requesting waiver of costs are now accepted by the Court on all cases, not just misdemeanor cases. This change has already been implemented.

20. Resolution 2017-078 Authorizing the Mayor to Execute an Intergovernmental Agreement Between the City of Fort Collins and Larimer County for the Construction of the Long View Trail Between Fort Collins and Loveland.

The purpose of this item is to request Council approval for an intergovernmental agreement (IGA) between Fort Collins and Larimer County for the construction of the Long View Trail between Fort Collins and Loveland.

21. Resolution 2017-080 Approving the Appointment of Delynn Coldiron as Interim City Clerk Effective as of the Date and Time of City Clerk Wanda Winkelmann's Resignation.

The purpose of this item is to appoint Delynn Coldiron as Interim City Clerk, following the resignation of City Clerk Wanda Winkelmann.

## 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.

22. Items Relating to the Gardens on Spring Creek. (staff: Michelle Provaznik; 15 minute staff presentation; 1 hour discussion)
- A. First Reading of the Ordinance No. 118, 2017, Modifying Ordinance No. 074, 2016, Which Modified the April 7, 2016, Planning and Zoning Board Decision Approving the Major Amendment to the Centre for Advanced Technology 22nd Filing, Community Horticulture Center, #MJA 150006 Pertaining to the Gardens on Spring Creek to Remove Two Conditions, Specifically the West Sound Wall and Central Override Component of the Sound System.
  - B. First Reading of Ordinance No. 104, 2017, Appropriating Unanticipated Revenue in the Capital Projects Fund and Appropriating Prior Year Reserves in the General Fund for Transfer to the Capital Projects Fund for Construction of the Final Five Acres of the Gardens on Spring Creek and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program.

The purpose of this item is modify the approved plan for the expansion of the Gardens on Spring Creek by removing the western sound wall and central override sound system; and to appropriate \$2,431,000 for construction of the Gardens on Spring Creek facility including the Great Lawn, Undaunted Garden, Foothills and Prairie Gardens. This item also appropriates the funds needed for the Arts in Public Places artwork that is part of the capital project.

23. Second Reading of Ordinance No. 101, 2017, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Article XII of the City Charter to Add a New Section 7 Pertaining to Telecommunication Facilities and Services. (staff: Mike Beckstead, SeonAh Kendall; no staff presentation; 45 minute discussion)

This Ordinance, adopted on First Reading on August 8, 2017 by a vote of 5-2 (Nays: Martinez, Summers), submits to Fort Collins electors a proposed amendment to Charter Article XII, Municipal Public Utilities. The amendment would authorize the City Council to provide, by future ordinance, telecommunications/broadband facilities and services as a public utility, to issue of up to \$150 million in bonds, the ability to go into executive session to discuss matters related to competition in the telecommunications industry, and the option to establish governance of this public utility through a board and/or to delegate rate-making authority to the City Manager. This measure does not mandate that the City provide municipal retail broadband services, or that a third-party be the provider.

24. Second 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; 10 staff presentation; 1 hour discussion)

This Ordinance, adopted on First Reading on July 18, 2017, by a vote of 3-2 (Nays: Overbeck, Stephens, Absent: Summers, Troxell) amends 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.

In response to a citizen inquiry and comments received by citizens during the First Reading of the Ordinance, a Whereas clause has been added clarifying that it is the intent of this Council to ensure this Ordinance continues to apply to all people, and not just certain segments of the population. In response to questions regarding sitting on objects, particularly planters, language has been added to Section 17-40(b) to clarify the extent of the prohibition.



25. First Reading of Ordinance No. 020, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Running Deer Natural Area to Big Foot Properties, LLC. (staff: John Stokes, Mark Sears; 10 minute staff presentation; 1 hour discussion)

**WITHDRAWN FROM CONSIDERATION**

~~The purpose of this item is for City Council to consider the proposed sale of approximately 11.85 acres of land to Big Foot Properties, LLC, (Roger Hageman, Hageman Earth Cycle (HEC)). About eight months ago, the City Manager's Office inquired about the possibility of selling approximately 15 acres of land to HEC. The land was purchased by the City's Natural Areas Department eighteen years ago, along with additional land for Running Deer Natural Area. Prior to the City's purchase, the 15 acres was leased by HEC for the operation of a yard waste/organic material recycling business. The land has continued to be leased to HEC and the current lease will expire in 2018. The proposed sale area has been reduced to 11.85 acres after exclusion of a wetland and boundary adjustments.~~

26. Items Relating to the Submission of a City-Initiated Ordinance Relating to Medical Marijuana Businesses to a Vote of the Registered Electors of the City at the November 7, 2017, Special Municipal Election. (staff: Ginny Sawyer; 3 minute staff presentation; 15 minute discussion)

- A. Possible Public Hearing and Motions Regarding Protest(s) of Ballot Language.
- B. Resolution 2017-079 Submitting a City-Initiated Ordinance Dealing with Medical Marijuana Businesses to a Vote of the Registered Electors of the City at the Special Municipal Election to be Held on November 7, 2017, in Conjunction with the Larimer County Coordinated Election.

The purpose of this item is to submit a City-Initiated Ordinance to the registered electors of the City at the November 7, 2017 special election. The proposed Ordinance amends Section 15-491 (a) and (b) of Article XVI of the City Code to allow Council to change or add any provisions in Chapter 15, Article XVI in order to stay current with state laws, rules and regulations relating to medical marijuana.

Any protest of the proposed ballot language must be received no later than Monday, August 14, 2017, at noon. The protest(s) shall be heard, considered, and resolved by Council prior to adoption of Resolution 2017-079. If protest(s) are received, copies will be included in Council's "Read-before" packet.

● **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. Discussion relating to possible licensing of tobacco retailers.
- C. Discussion relating to a new tax structure effort as a Council policy item.

● **ADJOURNMENT**

- A. Consideration of a motion to adjourn to 6:00 p.m., Tuesday, August 22, 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.