

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

Delynn Coldiron
Interim 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 September 5, 2017

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring September 16, 2017, as Historic Homes Tour Day.
- B. Proclamation Declaring September 11-17, 2017, as Colorado Cities & Towns Week.
- C. Proclamation Declaring September as Hunger Action Month.
- D. Proclamation Declaring September to be National Senior Center Month.

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 August 8, 2017 Special Council Meeting, the August 15, 2017 Regular Council Meeting and the August 22, 2017 Adjourned Council Meeting.

The purpose of this item is to approve the minutes from the August 8, 2017 Special Council meeting, the August 15, 2017 Regular Council meeting and the August 22, 2017 Adjourned Council meeting.

2. Second Reading of Ordinance No. 105, 2017, Imposing a Moratorium Until December 31, 2017, Upon the Acceptance of Applications for the Installation of and/or the Issuance of Right-of-Way Permits for New Antennas, Small Cell Facilities, Towers and Wireless Service facilities by any Third Party in City Rights-of-Way in any Zone District.

This Ordinance, unanimously adopted on First Reading on August 22, 2017, considers a moratorium until December 31, 2017, on the installation of cellular facilities in public rights-of-way. This would allow the City time to draft and implement appropriate regulations on such installations while still complying with HB 17-1193, which expanded the right of companies to utilize the right of way for small cell installations.

3. Second Reading of Ordinance No. 106, 2017, Appropriating Unanticipated Grant Revenue in the Recreation Fund for the Vida Sana Program.

This Ordinance, unanimously adopted on First Reading on August 15, 2017, appropriates subgrant funds in the amount of \$18,451 from the Colorado Department of Public Health and Environment, through the Poudre Valley Health Systems' 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 exercise programs.

4. Second 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.

This Ordinance, unanimously adopted on First Reading on August 15, 2017, appropriates grant revenue to fund Restorative Justice Services within Community Development and Neighborhood Services. A grant in the amount of \$67,612 has been received from the Colorado Division of Criminal Justice 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 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.

5. 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. Second Reading of Ordinance No. 109, 2017, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund.

- B. Second Reading of Ordinance No. 110, 2017, Appropriating Unanticipated Revenue in the HOME Investment Partnerships Fund.

These Ordinances, unanimously adopted on First Reading on August 15, 2017, 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 to Competitive Process.

6. Second Reading of Ordinance No. 111, 2017, Annexing the Property Known as the Interstate Land Holdings Annexation to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on August 15, 2017, annexes 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.

7. Second 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.

This Ordinance, unanimously adopted on First Reading on August 15, 2017, zones the properties included in the Interstate Land Holdings annexation into the General Commercial (CG) and Public Open Lands (POL) zone districts. The property is situated on the northwest corner of the I-25 and Carpenter Road intersection.

8. Second 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.

This Ordinance, unanimously adopted on First Reading on August 15, 2017, repeals 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. Once this Ordinance is adopted, the Sales Tax Office will send a notification letter to businesses that in 2017 have held such a license as required under Article III of Chapter 15. The letter will contain information about the action taken by City Council with the Ordinance to repeal the section of the Code, what that means for the business and when it goes into effect.

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

This Ordinance, unanimously adopted on First Reading on August 15, 2017, sets out the duties of the Municipal Judges as referenced in Article VII, Section 1, of the City Charter.

10. First Reading of Ordinance No. 119, 2017, Appropriating Prior Year Reserves in Anticipation of Grant Revenue From the State of Colorado Department of Homeland Security-Office of Emergency Management and Authorizing a Transfer to the Cultural Services Fund for the Art in Public Places Program for the Mulberry/Riverside/Myrtle Storm Sewer Project.

The purpose of this item is to appropriate \$1,280,663 from prior year reserves in anticipation of grant revenue from the State of Colorado Department of Homeland Security-Office of Emergency Management (DHSEM) and authorizing transfers to the Cultural Services Fund for the Art in Public Places (APP) program. The grant will fund the construction of the Mulberry/Myrtle/Riverside Storm Sewer project to mitigate flooding.

11. Items Relating to the North College Improvements Project–Canal to State Highway 1.

- A. Resolution 2017-063 Authorizing the Mayor to Execute a Contract Amendment to the Intergovernmental Agreement Between the City and the Colorado Department of Transportation for the North College Improvements Project - Canal to State Highway 1.
- B. Resolution 2017-064 Authorizing the Mayor to Execute an Intergovernmental Agreement Between the City and Larimer County for the North College Improvements Project - Canal to State Highway 1.

- C. First Reading of Ordinance No. 092, 2017, Appropriating Unanticipated Grant Revenue from the Colorado Department of Transportation, and Appropriating Unanticipated Revenue from Larimer County in the Capital Projects Fund for the North College Improvements Project – Canal to State Highway 1 Project and for Transfer from the Capital Projects Fund to the Cultural Services and Facilities Fund for the Art in Public Places Program, and Appropriating Reserves from the Capital Expansion Fund for Transfer to the Capital Projects Fund for the North College Improvements Project – Canal to State Highway 1 Project and for Transfer to the Cultural Services and Facilities Fund for the Art in Public Places Program.
- D. First Reading of Ordinance No. 108, 2017, Authorizing the Acquisition by Eminent Domain of Certain Lands Necessary to Construct Public Improvements in Connection with the North College Improvements Project – Canal to State Highway 1.

The purpose of this item is the following for the North College Improvements Project – Canal to State Highway 1:

- Enable the City to receive additional federal grant and local matching funds by authorizing the Mayor to sign two intergovernmental agreements (IGA). The first IGA is with the Colorado Department of Transportation (CDOT) and the second IGA is with Larimer County.
- Appropriate \$810,000 in funding from a Federal Grant and Larimer County as well as appropriate \$400,000 in funding from the Transportation Capital Expansion Fee. These funds will be used for the design, property acquisition, and construction of the sidewalks and pedestrian bridges, and could include contributions to the overall roadway improvements.
- Obtain eminent domain authorization, if deemed necessary, to acquire property interests needed for construction improvements.

12. Items Relating to the Horsetooth Road and College Avenue Intersection Improvements Project.

- A. Resolution 2017-065 Authorizing the Mayor to Execute an Intergovernmental Agreement Between the City and the Colorado Department of Transportation for the Horsetooth Road and College Avenue Intersection Improvements Project.
- B. First Reading of Ordinance No. 093, 2017, Appropriating Unanticipated Grant Revenue From the North Front Range Metropolitan Planning Organization in the Capital Projects Fund for the Horsetooth Road and College Avenue Intersection Improvements Project.

The purpose of this item is to authorize the Mayor to sign an intergovernmental agreement (IGA) for the Horsetooth Road and College Avenue Intersection Improvements Project (the “Project”). The City and CDOT already have an IGA in place for the Project, however, the City and CDOT wish to execute a new IGA to add additional grant funds of \$32,000 and provisions for streamlined contract modifications using option letters. This IGA will replace the current Project IGA upon execution. This item will also appropriate funds for the design, right-of-way acquisition, and construction of the Project.

13. 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.

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.

14. Items Relating to the Newton First Annexation.

- A. Resolution 2017-081 Setting Forth Findings of Fact and Determinations Regarding the Newton First Annexation.
- B. Public Hearing and First Reading of Ordinance No. 121, 2017, Annexing the Property Known as the Newton First Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex 0.07 acres located at 1516 West Vine Drive, between North Shields Street and North Taft Hill Road. The Initiating Resolution was adopted on consent, July 18, 2017. The Newton First Annexation is the first of two sequential annexations, which are as follows: Newton First - 0.0703 acres; Newton Second - 1.3760 acres; Newton Annexation total area: 1.4463 acres. A related item to zone the annexed property is presented as the next item on this Agenda.

15. Public Hearing and First Reading of Ordinance No. 122, 2017, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Newton First 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 Newton First Annexation into the Urban Estate (UE), zone district.

16. Items Relating to the Newton Second Annexation.

- A. Resolution 2017-082 Setting Forth Findings of Fact and Determinations Regarding the Newton Second Annexation.
- B. Public Hearing and First Reading of Ordinance No. 123, 2017, Annexing the Property Known as the Newton Second Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex 1.3760 acres located at 1516 W Vine Drive in-between N. Shields Street and N. Taft Hill Road. The Initiating Resolution was adopted on consent, July 18, 2017. The Newton Second Annexation is the second of two sequential annexations, which are as follows: Newton First - 0.0703 acres; Newton Second - 1.3760 acres; Newton Annexation total area: 1.4463 acres. A related item to zone the annexed property is presented as the next item on this Agenda.

17. Public Hearing and First Reading of Ordinance No. 124, 2017, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Newton Second 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 Newton Second Annexation into the Urban Estate (UE), zone district.

18. First Reading of Ordinance No. 125, 2017, Designating the McCarty/Sheely/Dreher Property, 1300 West Mountain 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.

The purpose of this item is to consider the designation of the McCarty/Sheely/Dreher Property, located at 1300 West Mountain Avenue, as a Fort Collins Landmark. The owners of this property, Anthony and Heather McNeill, have submitted this application requesting consideration of the property for such designation.

19. First Reading of Ordinance No. 126, 2017 Authorizing the Conveyance of a Permanent Utility Easement and a Temporary Construction Easement on City Property Located at 625 9th Street to Public Service Company of Colorado.

The purpose of this item is to authorize the conveyance of easements to Public Service Company of Colorado d/b/a Xcel Energy. The easements are needed relating to the Xcel Energy project to provide Compressed Natural Gas to the City Streets Department, located at 625 9th Street in Fort Collins.

20. Resolution 2017-083 Appointing Kathleen M. Lane as Chief Judge of the Fort Collins Municipal Court and Authorizing the Fourteenth Addendum to Judge Lane's Employment Agreement.

The purpose of this item is to appoint existing Judge Kathleen M. Lane as Chief Judge and authorize the Fourteenth Addendum to Judge Lane's employment agreement.

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.

21. Consideration of an Appeal of the Planning and Zoning Board Decision on June 15, 2017, Approving the Crowne at Old Town North Project Development Plan 170007. (staff: Tom Leeson; 10 minute staff presentation; 2 hour discussion)

The purpose of this item is to consider an appeal of the June 15, 2017, Planning and Zoning Board (Board) decision approving the Crowne at Old Town North Project Development Plan. The appeal was filed on June 28, 2017.

The appeal alleges the following fair hearing and failure to properly interpret and apply issues:

Fair Hearing Issues Alleged:

- Failure to conduct a fair hearing in that the recommendation of approval made by staff constituted grossly misleading evidence considered by the Board and relevant to its findings.
- Failure to conduct a fair hearing in that the Board was not provided with enough information regarding the concerns of the appellant prior to or during the hearing which resulted in a failure to receive all relevant evidence offered by the appellant.
- Failure to conduct a fair hearing in that the Board did not inquire further about the allegation raised by the appellant. Instead, the Board relied on staff's recommendation of approval which shows that the Board has a close relationship with staff that interfered with their independent judgment and resulted in bias against the appellant.

Failure to Properly Interpret and Apply Issue Alleged:

- Failure to properly interpret and apply Land Use Code (Code) Section 3.2.2(C)(4)(b). The appellant alleges the project did not provide sufficient enclosed bicycle parking.

22. Second Reading of Ordinance No. 116, 2017, Amending Chapter 26 of the Code of the City of Fort Collins to Make Various Changes Related to the Raw Water Requirements, to Hereinafter Be Known as the "Water Supply Requirements." (staff: Donnie Dustin, Carol Webb, Lance Smith; 5 minute staff presentation; 15 minute discussion)

This Ordinance, adopted on First Reading on August 22, 2017, by a vote of 6-1 (Nays: Overbeck) amends the Utilities Raw Water Requirements (RWR). The RWR are a dedication of water rights or cash-in-lieu (CIL) of water rights to ensure that adequate water supply and associated infrastructure are available to serve the water needs of development. The three main changes are decreasing the amount of RWR, increasing the CIL rate and moving to a cash-focused system. These changes will increase development costs in the Utilities water service area, but are necessary for meeting the water needs of that development.

The draft ordinance has been revised to clarify the proposed implementation date of January 1, 2018, with such changes being: on page 1 in a new "whereas" clause; on page 8 as a new sentence in Code Section 26-150(b); and a new Section 14 of the ordinance.

23. Items Relating to Short Term Rental Ordinance Amendments. (staff: Ginny Sawyer; 10 minute staff presentation; 90 minute discussion)

- A. First Reading of Ordinance No. 127, 2017, Amending Chapter 15 of the Code of the City of Fort Collins Regarding Short Term Rental Licensing Regulations.
- B. First Reading of Ordinance No. 128, 2017, Amending the City of Fort Collins Land Use Code Short Term Rental Regulations.

The purpose of this item is to consider Code amendment options to allow:

- Short term rentals (STRs) that were in existence prior to March 31, 2017, but did not acquire sales and lodging tax licenses to apply for a STR license.

- A property in an allowable Primary STR zone to operate a Primary STR on an abutting property.
- A grandfathering provision for tenants who were operating a STR prior to March 31, 2017, with the property owner's permission to apply for a STR license.

24. Public Hearing and Resolution 2017-084 Approving the Consolidated Service Plan for Waters' Edge Metropolitan District Nos. 1, 2, 3, 4 and 5. (staff: Patrick Rowe, Tom Leeson; 10 minute staff presentation; 1 hour discussion)

The purpose of this item is to consider the Waters' Edge Metropolitan District Nos. 1-5 Service Plan. The intent of the proposed Waters' Edge Metropolitan District Nos. 1-5 (jointly, the Districts) is to finance, construct, operate and maintain a number of improvements within the Waters' Edge development, including: a non-potable water system, parks and recreation amenities (notably a community center and a sustainability center), and other resident amenities.

Although the application does not comply with the City's policy on metropolitan districts in a number of areas, staff is supportive of the application as an exemption for Council's consideration in light of the development's community outcomes, such as a non-potable water system resulting in reduced treated water requirements, community facilities, and enhanced open space and trails.

- **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.