

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 19, 2017

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring September 17-23 as Constitution Week.
- B. Proclamation Declaring September 25 through October 1, 2017 as Diaper Need Awareness Week.
- C. Proclamation Declaring October 8, 2017 as Museo de Tres Colonias 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, 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. Items Relating to the North College Improvements Project–Canal to State Highway 1.
 - A. Second 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.
 - B. Second 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.

Ordinance No. 092, 2017 appropriates \$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. Ordinance No. 108, 2017 authorizes the use of eminent domain authorization, if deemed necessary, to acquire property interests needed for construction improvements. Both Ordinances were unanimously adopted on First Reading on September 5, 2017.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on September 5, 2017, appropriates funds for the design, right-of-way acquisition, and construction of the Horsetooth Road and College Avenue Intersection Improvements Project.

3. Second 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 Ordinance, unanimously adopted on First Reading on September 5, 2017, updates the functions of the Cultural Resources Board (CuRB) as described in City Code 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.

4. Second 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.

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

5. Second Reading of Ordinance No. 121, 2017, Annexing the Property Known as the Newton First Annexation to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on September 5, 2017, annexes 0.07 acres located at 1516 West Vine Drive, between North Shields Street and North Taft Hill Road. 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.

6. Second 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.

This Ordinance, unanimously adopted on First Reading on September 5, 2017, zones the property included in the Newton First Annexation into the Urban Estate (UE), zone district.

7. Second Reading of Ordinance No. 123, 2017, Annexing the Property Known as the Newton Second Annexation to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on September 5, 2017, annexes 1.3760 acres located at 1516 W Vine Drive in-between North Shields Street and North Taft Hill Road. 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.

8. Second 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.

This Ordinance, unanimously adopted on First Reading on September 5, 2017, zones the property included in the Newton Second Annexation into the Urban Estate (UE), zone district.

9. Second 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.

This Ordinance, unanimously adopted on First Reading on September 5, 2017, designates 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.

10. Second 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.

This Ordinance, unanimously adopted on First Reading on September 5, 2017, authorizes 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 for City vehicles, to the City Streets Department, located at 625 9th Street in Fort Collins.

11. First Reading of Ordinance No. 129, 2017, Amending Articles 2, 3, 4 and 5 of the Land Use Code Regarding Off-Site Construction Staging.

The purpose of this item is to revise the Land Use Code (LUC) to include off-site construction staging as a permitted use. This Ordinance will create a license process to establish this use and provide requirements for approval of off-site construction staging.

12. Resolution 2017-086 Finding Substantial Compliance and Initiating Annexation Proceedings for the I-25 Third Annexation.

The purpose of this item is to initiate annexation proceedings for the Highway I-25 Third Annexation. This is a voluntary annexation. The applicant, Colorado Department of Transportation Region Four Transportation Director, Johnny Olson, has submitted a written petition requesting a single annexation of approximately 290-acres of interstate right-of-way. The requested zoning for this annexation is a combination of Community Commercial (CC), Industrial (I), Public Open Lands (POL), and Rural Lands District (RUL). These are the zones that border I-25 and also conform to the City of Fort Collins Structure Plan. This annexation continues the City of Fort Collins' practice of annexing I-25 right-of-way.

13. Resolution 2017-087 Authorizing Participation in the Compact of Colorado Communities.

The purpose of this item is to consider a proposal to join the Compact of Colorado Communities. The Compact of Colorado Communities is a newly forming organization that will focus on building capacity in Colorado local governments and increasing community collaboration to rapidly scale up and advance climate action planning and implementation. Benefits include access to pro bono resources and tools made available exclusively through the Compact, the opportunity to identify and establish new partners and funding resources for climate action, and free climate trainings for up to 25 staff/year (in addition to free trainings required for participation.) To participate, the City would pay annual dues of \$3,600, participate in the annual meeting, commit to the annual training requirements, and announce a new goal or initiative that best fits Fort Collins needs by December 31, 2019.

14. Resolution 2017-088 Appointing Teresa Ablao as an Assistant Municipal Judge of the Fort Collins Municipal Court.

The purpose of this item is to appoint Teresa Ablao as an Assistant Municipal Judge.

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**

Climate Wise Program (staff: Heidi Wagner)

- **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.

15. Items Relating to the Gardens on Spring Creek. (staff: Michelle Provaznik, Vincent Kitch; 10 minute staff presentation; 30 minute discussion)

- A. Second Reading of 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. Second 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.

These Ordinances, adopted on First Reading on August 15, 2017, by a vote of 6-1 (nays: Cunniff) modify the approved plan for the expansion of the Gardens on Spring Creek by removing the West Sound Wall and central override sound system; and 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.

16. Items Relating to Short Term Rental Ordinance Amendments. (staff: Ginny Sawyer; no staff presentation; 30 minute discussion)

- A. Second 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. Second Reading of Ordinance No. 128, 2017, Amending the City of Fort Collins Land Use Code Short Term Rental Regulations.

These Ordinances, adopted on First Reading by a vote of 6-1 (Nays: Overbeck) amend the City Code and Land Use Code 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. Two other proposed amendments were removed on First Reading and will not be considered. A minor change to the recitals was made to reflect the fact that the amendments only address the extension of the date by which Short Term Rental operators may obtain City tax licenses.

- **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.