



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
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 October 17, 2017

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring October 17, 2017 as Gary and Carol Ann Hixon Day.
- B. Proclamation Declaring October 20, 2017 as Dottie Metcalf-Lindenburger Day.
- C. Proclamation Declaring October as National Disability Employment Awareness Month.
- D. Proclamation Declaring October as Conflict Resolution Month.
- E. Proclamation Declaring October as Community Planning 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 September 19, 2017 Regular Council Meeting.

The purpose of this item is to consider and approve the minutes from the September 19, 2017 Regular Council meeting.

2. Second Reading of Ordinance No. 130, 2017, Appropriating Prior Year Reserves and Unanticipated Revenue in Various City Funds and Authorizing the Transfer of Appropriated Amounts Between Funds or Projects.

This Ordinance, unanimously adopted on First Reading on October 3, 2017, combines dedicated and unanticipated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and, therefore, not included in the 2017 annual budget appropriation. The unanticipated revenue is primarily from fees, charges, rents, contributions and grants that have been paid to City departments to offset specific expenses.

3. Second Reading of Ordinance No. 131, 2017, Appropriating Prior Year Reserves in the General Fund to Reimburse Avago Wireless Technologies (USA) Manufacturing, LLC for Use Taxes and Business Property Taxes as Provided in Business Investment Agreements.

This Ordinance, unanimously adopted on First Reading on October 3, 2017, appropriates \$397,716 of prior year reserves from the General Fund for a rebate to Avago Technologies Wireless (U.S.A.) Mfg., LLC. ("Avago") for use tax and business personal property tax rebates under two business investment agreements. The agreements provide business investment assistance to Avago for the expansion and retrofit of Avago's Building 4 for a wafer fabrication facility in 2012 and for a FBAR clean room facility in 2013. These two projects were required to create an additional 227 primary jobs in the City, and net 617 full time equivalents.

4. Second Reading of Ordinance No. 132, 2017, Amending Chapter 7.5 of the Code of the City of Fort Collins Regarding the Imposition of Capital Expansion Fees Adopted in Ordinance No. 049, 2017.

This Ordinance, unanimously adopted on First Reading on October 3, 2017, amends Section 7.5-19 of the City Code related to the imposition, computation and collection of fees for development projects that had an approved Project Development Plan prior to the adoption date of Ordinance No. 049, 2017.

5. First Reading of Ordinance No. 133, 2017, Appropriating Unanticipated Grant Revenue in the General Fund for Electric Lawn and Garden Equipment Procurement.

The purpose of this item is to appropriate unanticipated grant revenue in the amount of \$15,000 in the General Fund for the purchase of electric lawn and garden equipment for the Parks Department. The Regional Air Quality Council (RAQC) granted these funds to assist municipalities in purchasing new low-emission commercial lawn and garden equipment. The grant directly supports efforts to lead by example in reducing air quality impacts from municipal lawn and garden equipment fleet.

6. First Reading of Ordinance No. 134, 2017, Amending Chapter 3, Article III, Section 3-76 of the Code of the City of Fort Collins to Set the Occupation Tax Rate for New Categories of Liquor Licenses.

The purpose of this item is to add the new license types and corresponding tax to the occupation tax schedule. The Colorado General Assembly has added three new types of liquor licenses. The City has an occupation tax for the liquor license categories established by the State.

7. First Reading of Ordinance No. 135, 2017, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands as Part of the Fossil Creek Trail System.

The purpose of this item is to obtain authorization from City Council to use eminent domain to acquire a tract of land owned by the Clarendon Hills Homeowners' Association (CHHA) that is being used as part of the Fossil Creek Trail. In the 1990s, the Fossil Creek Trail (FCT) was constructed from Cathy Fromme Prairie at Taft Hill Road to the underpass at Shields Street. As the FCT comes to the east side of Shields Street, it crosses a portion of Tract D, Clarendon Hills Fourth Filing. This

tract is currently owned by CHHA. CHHA supports conveyance of a portion of Tract D to the City for the FCT. Due to restrictions in the Declaration of Covenants for Clarendon Hills, CHHA asked the City to use eminent domain procedures to accomplish this acquisition.

8. Resolution 2017-092 Finding Substantial Compliance and Initiating Annexation Proceedings for the Water Treatment Facility Annexation No. 1.

The purpose of this item is to initiate annexation proceedings for the Water Treatment Facility Annexation No. 1. This is a voluntary annexation. The City of Fort Collins is the applicant and has submitted a written petition requesting four sequential annexations. Water Treatment Facility Annexation No. 1 is the first Resolution of this series of four sequential annexations, and totals 0.101 acres of Laporte Avenue which establishes 1/6 perimeter boundary contiguity with the existing municipal boundaries to the east.

The Water Treatment Facility Annexations form a flagpole-shaped annexation starting slightly east of the intersection of Sunset Street and Laporte Avenue and ending at 4316 Laporte Avenue. The requested zoning for this annexation is Urban Estate (UE) and Residential Foothills (RF) which is in compliance with the City of Fort Collins Structure Plan and the Northwest Subarea Plan.

9. Resolution 2017-093 Finding Substantial Compliance and Initiating Annexation Proceedings for the Water Treatment Facility Annexation No. 2.

The purpose of this item is to initiate annexation proceedings for the Water Treatment Facility Annexation No. 2. This is a voluntary annexation. The City of Fort Collins is the applicant and has submitted a written petition requesting four sequential annexations. Water Treatment Facility Annexation No. 2 is the second Resolution of this series of four sequential annexations, and totals 0.380 acres of Laporte Avenue which establishes 1/6 perimeter boundary contiguity with the Water Treatment Facility Annexation No. 1.

The Water Treatment Facility Annexations form a flagpole-shaped annexation starting slightly east of the intersection of Sunset Street and Laporte Avenue and ending at 4316 Laporte Avenue. The requested zoning for this annexation is Urban Estate (UE) and Residential Foothills (RF) which is in compliance with the City of Fort Collins Structure Plan and the Northwest Subarea Plan.

10. Resolution 2017-094 Finding Substantial Compliance and Initiating Annexation Proceedings for the Water Treatment Facility Annexation No. 3.

The purpose of this item is to initiate annexation proceedings for the Water Treatment Facility Annexation No. 3. This is a voluntary annexation. The City of Fort Collins is the applicant and has submitted a written petition requesting four sequential annexations. Water Treatment Facility Annexation No. 3 is the third Resolution of this series of four sequential annexations, and totals 1.182 acres of Laporte Avenue which establishes 1/6 perimeter boundary contiguity with the Water Treatment Facility Annexation No. 2.

The Water Treatment Facility Annexations forming a flagpole-shaped annexation starting slightly east of the intersection of Sunset Street and Laporte Avenue and ends at 4316 Laporte Avenue. The requested zoning for this annexation is Urban Estate (UE) and Residential Foothills (RF) which is in compliance with the City of Fort Collins Structure Plan and the Northwest Subarea Plan.

11. Resolution 2017-095 Finding Substantial Compliance and Initiating Annexation Proceedings for the Water Treatment Facility Annexation No. 4.

The purpose of this item is to initiate annexation proceedings for the Water Treatment Facility Annexation No. 4. This is a voluntary annexation. The City of Fort Collins is the applicant and has submitted a written petition requesting four sequential annexations. Water Treatment Facility Annexation No. 4 is the fourth and final Resolution of this series of sequential annexations, and totals 102.825 acres which establishes 1/6 perimeter boundary contiguity with the Water Treatment Facility Annexation No. 3. Unlike Water Treatment Facility Annexations No. 1, 2 and 3, the No.4 annexation lies in large part outside the boundary of the Growth Management Area.

The Water Treatment Facility Annexations forming a flagpole-shaped annexation starting at the intersection of Sunset Street and Laporte Avenue and ends at 4316 Laporte Avenue. The requested zoning for this annexation is Urban Estate (UE) and Residential Foothills (RF) which is in compliance with the Fort Collins City Plan Structure Plan Map and the Northwest Subarea Plan designations.

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. Innovative Partnership at Goose Hollow Natural Area. (staff: Mark Sears)

B. Summer Ozone Season. (staff: Cassie Archuleta)

- **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.

12. Consideration of the Long Pond Wireless Telecommunications Facility Addition of Permitted Use Request. (staff: Clay Frickey; 15 minute staff presentation; 2 hour discussion)

A. Public Hearing and First Reading of Ordinance No. 136, 2017, Approving the Addition of Permitted Use Associated with the Long Pond Wireless Telecommunications Facility Project Development Plan #160018.

OR

- B. Public Hearing and First Reading of Ordinance No. 137, 2017, Denying the Addition of Permitted Use Associated with the Long Pond Wireless Telecommunications Facility Project Development Plan #160018.

The purpose of this item is to decide whether to approve, approve with conditions, or deny the Long Pond Wireless Telecommunications Addition of Permitted Use request (the "APU") being made in conjunction with PDP160018. The APU requests the addition of wireless telecommunication facilities as a permitted use on a parcel of land located in the Low Density Mixed-Use Neighborhood ("LMN") zone district. Wireless telecommunication facilities are not a permitted use in the LMN. PDP160018 proposes a 60-foot tall wireless telecommunications facility disguised as a silo at 2008 Turnberry Road.

- **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.