



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  
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 November 7, 2017

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

- A. Proclamation Declaring November 11-19, 2017 as Hunger and Homelessness Awareness Week.
- B. Proclamation Declaring November as the Month of "Movember".
- C. Proclamation Declaring November 7, 2017, as the 25th Anniversary of Natural Areas.
- D. Proclamation Declaring November as American Music Month.
- E. Proclamation Declaring November as Native American Awareness 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](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 October 3 and October 17, 2017, Regular Council Meetings.

The purpose of this item is to approve the minutes from the October 3 and October 17, 2017, Regular Council meetings.

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

This Ordinance, unanimously adopted on First Reading on October 17, 2017, appropriates 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.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on October 17, 2017, adds new liquor license types and corresponding tax to the City's 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.

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

This Ordinance, unanimously adopted on First Reading on October 17, 2017, authorizes the use of 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.

5. First Reading of Ordinance No. 138, 2017, Adopting the 2018 Budget and Appropriating the Fort Collins Share of the 2018 Fiscal Year Operating and Capital Improvement Funds for the Northern Colorado Regional Airport.

The purpose of this item is to appropriate the City's 50% share of the 2018 Northern Colorado Regional Airport budget. The Airport's total budget is comprised of an operating budget and a capital budget. The 2018 annual operating budget is \$1,211,500, and will be funded using Airport operating revenues and non-operating revenues derived through contributions from the Cities of Fort Collins and Loveland (\$242,500 from each City). The proposed capital budget is \$365,000, and is funded through federal grants, state grants, and Airport operating revenue. This decrease is due to no anticipated FAA grant funding availability for 2018.

This Ordinance appropriates the City of Fort Collins 50% share of the 2018 Airport operating budget, which totals \$605,750 and the City of Fort Collins 50% share of the 2018 capital budget, which totals \$182,500. The City of Loveland will be appropriating the other 50%. The Airport operating budget is used to maintain and operate the Airport in compliance with all regulatory standards for safety and security, and to achieve the Council-approved Airport Strategic Plan. The Airport capital budget will be used to complete Airport improvement projects including runway and taxiway rehabilitation and preservation, taxiway sign safety modifications, an Airport Master Plan update, and acquisition of snow removal equipment.

6. First Reading of Ordinance No. 139, 2017, Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority relating to the Annual Appropriations for the Fiscal Year 2018 and Fixing Mill Levy for the Downtown Development Authority for Fiscal Year 2018.

The purpose of this item is to set the Downtown Development Authority (DDA) Budget. The following amounts will be appropriated:

DDA Public/Private Investments & Programs	\$2,589,216
DDA Operations & Maintenance	\$ 793,937
Revolving Line of Credit Draws	\$3,300,000
DDA Debt Service Fund	\$5,824,521

The Ordinance sets the 2018 Mill Levy for the Fort Collins DDA at five mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2018.

7. First Reading of Ordinance No. 140, 2017, Appropriating Prior Year Reserves in the Transportation Capital Expansion Fee Fund and Authorizing the Transfer of Appropriations from the Transportation Capital Expansion Fee Fund into the Capital Project Fund for the Lemay and Vine Intersection Project, and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program

The purpose of this item is to appropriate \$1,400,000 of prior year reserves in the Transportation Capital Expansion Fee Fund for the Lemay and Vine Intersection Project. The Lemay Avenue realignment and intersection improvements have been prioritized as the City's #1 Transportation Capital Improvement Project. The improvements will construct a new roadway (realigned Lemay) from Lincoln Avenue to Conifer Street, and a new intersection slightly northeast of the existing Vine Drive and Lemay Avenue intersection. The City has utilized an extensive planning process over the past 25 years to plan for the proposed right-of-way and utility corridor alignments, regional stormwater improvements, and multi-modal connectivity. This appropriation will allow staff to move forward with the following opportunities in 2018:

- Right-of-way purchases for realigned Lemay Avenue, south of Vine Drive; and the Buckingham Street extension from Ninth Street to realigned Lemay
- Dirt placement along realigned Lemay Avenue, north of Vine Drive, partnering with Utilities
- Box culvert placement in the Dry Creek, partnering with Utilities.

8. First Reading of Ordinance No. 141, 2017, Appropriating Unanticipated Grant Revenue in the General Fund for Hairy Willow Herb-Affected Lands Management.

The purpose of this item is to appropriate in the General Fund \$6,000 of unanticipated grant revenues from the Colorado Department of Agriculture Noxious Weed Management Program. This proposed project will provide contracted herbicide applications to private property owners affected by Hairy Willow Herb. Hairy Willow Herb is a List A aquatic species requiring mandatory eradication by local governing agencies. Additionally, two acres in City Natural Areas that are now bare due to efforts last year to treat Hairy Willow Herb will be reseeded.

9. First Reading of Ordinance No. 142, 2017, Waiving Certain Fees for Housing Catalyst's Village on Horsetooth Affordable Housing Project and Appropriating Prior Year Reserves in Various City Funds to Pay Specified Fees.

The purpose of this item is to determine whether development fee waivers in the amount of \$352,319 will be provided to Housing Catalyst for its Village on Horsetooth affordable housing project pursuant to City Code, the Land Use Code and an Intergovernmental Agreement between the City of Fort Collins and the Fort Collins Housing Authority dated July 3, 2013, and to make an appropriation to reimburse any waived capital expansion fees. This matter was heard by the Council Finance Committee.

10. First Reading of Ordinance No. 146, 2017, Amending Article 2 of the Land Use Code to Add Section 2.19 Titled "Reasonable Accommodation Process".

The purpose of this item is to revise the Land Use Code (LUC) to add a process to review a request for a reasonable accommodation for qualified individuals under the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA) (together, the Acts). This Ordinance will establish an administrative review process and provide criteria to be considered when reviewing a request for a reasonable accommodation.

11. First Reading of Ordinance No. 148, 2017, Amending Various Provisions of the Code of the City of Fort Collins and the Land Use Code to Allow for the Discretionary Waiver of City Fees on Additional Affordable Housing Projects to be Constructed in the City.

The purpose of this item is to change City policy to allow any developer of housing units targeting households with incomes of no more than 30% area median income (AMI) to request affordable housing fee waivers for the qualifying units and to amend the City Code to reflect this change. This matter was presented to the Council Finance Committee on October 16, and will be presented to the Planning and Zoning Board at a work session on November 9 and a hearing on November 16.

12. Items Relating to the Fox Hills Second Annexation.

- A. Resolution 2017-096 Setting Forth Findings of Fact and Determinations Regarding the Fox Hills Second Annexation.
- B. Public Hearing and First Reading of Ordinance No. 149, 2017, Annexing the Property Known as the Fox Hills Second Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex 20.4 acres located approximately 3,300 feet west of the intersection of County Road 38E (Harmony Road) and Taft Hill Road. into the City. The residents of the Fox Hills subdivision have petitioned to be annexed into the City of Fort Collins. The annexation area also includes 31 single-family dwellings and residual open land that are part of the Fox Hills subdivision west of Red Fox Road. The requested zoning for this annexation is the Residential Foothills (R-F) zone district, which complies with the City of Fort Collins Structure Plan. The surrounding properties are existing residential uses.

13. Public Hearing and First Reading of Ordinance No. 150, 2017, Amending the Zoning Map of Fort Collins and Classifying for Zoning Purposes the Property Included in the Fox Hills Second Annexation to the City of Fort Collins, Colorado and Approving Corresponding Changes to the Residential Neighborhood 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 Fox Hills Second Annexation into the Residential Foothills (R-F) zone district and to add the property to the Residential Neighborhood Sign District.

14. Items Relating to the I-25 Third Annexation.

- A. Resolution 2017-097 Setting Forth Findings of Fact and Determinations Regarding the I-25 Third Annexation.
- B. Public Hearing and First Reading of Ordinance No. 151, 2017, Annexing Property Known as the I-25 Third Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex approximately 282 acres of I-25 right-of-way. This is a 100% voluntary annexation and zoning of two parcels owned and administered by the Colorado Department of Transportation. Area No. 1 is approximately one and a third (1.33) miles in length and spans north

to south from East Vine Drive to Smithfield Drive, just south of the I-25 East Mulberry interchange. Area No. 2 is approximately four and a half (4.50) miles in length and spans north to south from East Harmony Road to the boundary of the Growth Management Area which terminates south of Carpenter Road. Contiguity with the existing municipal boundary is gained with 11 previous annexations that surround portions of the north, east, south and west side of the I-25 Third annexation. 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. 152, 2017, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the I-25 Third Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood 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 I-25 Third Annexation into the Community Commercial (CC), Industrial (I), Public Open Lands (POL) and Rural Lands District (RUL) zone districts.

16. First Reading of Ordinance No. 153, 2017, Authorizing the Conveyance of a Portion of City Property in the Trail Head Subdivision in Exchange for a Parcel of Land from Trail Head Homes, LLC.

The purpose of this item is to authorize the exchange of portions of property located in the Trail Head Subdivision with Trail Head Homes, LLC. The City of Fort Collins owns a parcel of land known as Tract H, Trail Head Subdivision, for the purpose of a future City park (the "City Property"). Trail Head Homes, LLC owns a parcel of land directly south of the City Property know as Tract G, Trail Head Subdivision (the "Trail Head Property"). The current boundary line between the properties is not conducive for park programming needs. The Park Planning & Development Department ("Park Planning") staff and Trail Head Homes, LLC have negotiated an exchange of portions of these tracts to rearrange the existing lot line between the two properties. The land exchange will be beneficial for Trail Head Homes, the City and ultimately the Trail Head Neighborhood because the exchange will create a better space for the park design, ultimately benefitting all parties involved. This Ordinance authorizes the Mayor to execute the documents necessary to exchange the properties between the City and Trail Head Homes, LLC, recognizing that no funds will need to be paid between parties based on the comparable values of the two parcels.

17. Resolution 2017-098 Expressing Support for the Grant Application for a Local Parks and Outdoor Recreation Grant from the State Board of Great Outdoors Colorado Trust Fund for the Construction of Streets Park and Authorizing the City Manager to Sign a Grant Agreement with Great Outdoors Colorado.

The purpose of this item, if approved, is to document City Council support to pursue a Great Outdoors Colorado (GOCO) Local Parks and Outdoor Recreation Grant. If awarded, the funding will be used for the development of Streets Park, located near the Alta Vista and Andersonville neighborhoods at the intersection of Vine and Lemay at the City Streets Maintenance facility. The park is being developed as an outcome of the 2014 Lincoln Corridor Plan. GOCO requires a resolution of City Council support be submitted as part of the grant application package.

18. Resolution 2017-100 Rescinding Resolutions 2017-092, 2017-093, 2017-094, and 2017-095 Initiating the Water Treatment Facility Annexations to Allow Sufficient Time to Provide Required Notice.

The purpose of this Resolution is to rescind the Fort Collins Water Treatment Facility Annexations No. 1, 2, 3 and 4 Initiating Resolutions No. 2017-092, 2017-093, 2017-094, 2017-095 (adopted October 17, 2017) and delay the annexation in order to satisfy the notification requirement that 90 days notification be provided to abutting property owners pursuant to Colorado Revised Statutes 31-12-105(1)(e.3).

19. Resolution 2017-099 Setting for November 21, 2017, a Noticed Public Hearing for the City Council's Consideration of an Ordinance Authorizing the Organization of the Midtown Business Improvement District.

The purpose of this item is to consider the adoption of a resolution setting a public hearing date for November 21, 2017, to consider the formation of a Business Improvement District within Midtown Fort Collins. Adoption of the Resolution only sets the public hearing date for consideration of this matter.

## 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.

20. First Reading of Ordinance No. 154, 2017, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2018; Amending the Budget for the Fiscal Year Beginning January 1, 2018, and Ending December 31, 2018; and Fixing the Mill Levy for Fiscal Year 2018. (staff: Darin Atteberry, Mike Beckstead, Lawrence Pollack; 10 minute staff presentation; 1 hour discussion)

The purpose of this item is to amend the adopted 2018 Budget and set \$612,965,832 as the amount of the City's appropriation for fiscal year 2018. It also includes the 2018 adopted budgets for the General Improvement District (GID) No. 1 of \$508,107, the GID No. 15 - Skyview of \$1,000, the Urban Renewal Authority (URA) budget of \$6,058,208 and the Downtown Development Authority (DDA) of \$12,507,673, resulting in total City Council appropriations of \$632,040,820 in fiscal year 2018. The Net City Budget, which excludes GID No. 1, GID No. 15 - Skyview, URA, DDA and internal transfers between City funds, is \$484,721,050 for 2018.

21. Items Relating to the 2018 Utility Rates. (staff: Randy Reuscher, Lisa Rosintoski, Lance Smith; 10 minute staff presentation; 1 hour discussion)
- A. First Reading of Ordinance No. 155, 2017, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges and Updating Related Provisions. (**Option 1, Option 2, or Option 3**)
  - B. First Reading of Ordinance No. 156, 2017, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees and Charges and Updating Related Provisions.
  - C. First Reading of Ordinance No. 157, 2017, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees and Charges

The purpose of this item is to enact rate ordinances related to 2018 proposed utility rates. A 1.8% increase to monthly charges is being proposed for the Electric Fund in 2018. Electric rate increases are proposed to meet increased wholesale costs and to provide some operating income to the utility. Staff will be presenting three separate rate ordinances, all of which incorporate the 2018 increase that would be effective January 1, along with variations for separate residential time-of-use (TOU) rate options to be implemented in October 2018. Staff recommends implementing the standard TOU rate for all residential customers, as opposed to the TOU+tier option. A 5.0% overall rate increase is proposed by staff for the Water Fund in 2018, with variations by rate class. Water rates are proposed to increase to meet the anticipated capital needs of the utility. A 3.0% overall rate increase is proposed for the Wastewater Utility in 2018, with variations by rate class. Wastewater rates are proposed to be increased to address previous operating revenue shortfalls in order to meet anticipated capital expenditures for the utility.

- **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. Consideration of a motion to adjourn into executive session.

- **ADJOURNMENT**

- A. Consideration of a motion to adjourn to 6:00 p.m., Monday, November 13, 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.