

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 December 5, 2017

Proclamations and Presentations 5:30 p.m.

A. Proclamation Declaring December 10, 2017 as International Human Rights 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. Consideration and Approval of the Minutes of the November 7, 2017 Regular Council Meeting and the November 13, 2017 Adjourned Council Meeting.

The purpose of this item is to consider and approve the minutes from the November 7, 2017 Regular Council meeting and the November 13, 2017 Adjourned Council meeting.

2. Items Relating to Code Amendments to Manage Small Cell and Other Communication Facility Installations in City Rights-of-Way and on City Infrastructure.

- A. Second Reading of Ordinance No. 143, 2017, Amending Chapter 23 of the Code of the City of Fort Collins to Establish Communication Facility Encroachment Permits.
- B. Second Reading of Ordinance No. 144, 2017, Amending Articles 3 and 5 of the Land Use Code Regarding Small Cell Facilities.

These Ordinances, unanimously adopted on First Reading on November 21, 2017, regulate the installation of small cellular and other communication equipment in the City's rights-of-way, establish a permit to allow such installations and to consider less extensive changes to the Land Use Code to clarify that the review of such applications for use of the City's right-of-way is addressed under the City Code regulations. The City Code language has been recommended for approval by the Energy Board and the Land Use Code language has been recommended for approval by the Planning and Zoning Board.

Between First and Second Reading, staff has modified the requirements involving signal interference compliance, as defined in the proposed regulations at City Code Sec. 26-172 and further described at Secs. 26-175(c) and 26-177(d)(1). Carriers expressed concerns with conditioning City permit approval on demonstrating compliance with federal radio frequency and signal interference standards. After review, staff has updated the related proposed City Code sections to align with regulations adopted by other Colorado municipalities requiring a statement under penalty of perjury that a carrier's emissions and equipment meet federal standards.

3. Items Relating to the Community Services 2018 Mid-Year Budget Cycle Appropriation Requests.

- A. Second Reading of Ordinance No.158, 2017, Appropriating Prior Year Reserves in the Natural Areas Fund and Authorizing the Transfer of Appropriations from the Natural Areas Fund into the Capital Project Fund for the Natural Areas Maintenance Facility Expansion Project and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program.
- B. Second Reading of Ordinance No. 159, 2017, Appropriating Prior Year Reserves in the Capital Expansion Fund and Authorizing the Transfer of Appropriations from the Capital Expansion Fund into the Capital Project Fund for Community Park Development and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program.
- C. Second Reading of Ordinance No. 160, 2017, Appropriating Prior Year Reserves in the Capital Expansion Fund and Authorizing the Transfer of Appropriations from the Capital Expansion Fund into the Capital Project Fund for the East District Maintenance Facility and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program.

These Ordinances, unanimously adopted on First Reading on November 21, 2017, appropriate the additional funding for Natural Areas and Parks and Park Planning & Development projects. These projects, which were reviewed by City Council at the October 24, 2017 Council Work Session, include a Natural Areas Maintenance Facility Expansion, Community Park Development and an East District Park Maintenance Facility.

4. Items Relating to the Horsetooth Road and College Avenue Intersection Improvement Project.

- A. Second Reading of Ordinance No. 161, 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 "Horsetooth and College Intersection Project", and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program.

- B. Second Reading of Ordinance No. 162, 2017, Authorizing the Acquisition by Eminent Domain of Certain Lands Necessary to Construct Public Improvements in Connection with the Horsetooth Road and College Avenue Intersection Improvements Project.

These Ordinances, unanimously adopted on First Reading on November 21, 2017, appropriate \$1,100,000 of prior year reserves in the Transportation Capital Expansion Fee Fund and obtain authorization from City Council to use eminent domain, if deemed necessary, to acquire property interests needed to construct improvements to the intersection of Horsetooth Road and College Avenue. Council previously appropriated the majority of the project funding through previous Council actions, including the 2017-2018 budget process, which identified additional funding was going to be needed with a future appropriation in 2019. The project was previously scheduled to be completed in 2019, but the project schedule has been accelerated to be complete in 2018.

5. Second Reading of Ordinance No. 163, 2017, Repealing and Reenacting Article V of Chapter 24 of the Code of the City of Fort Collins and Amending the Fort Collins Traffic Code Regarding the Residential Parking Permit Program.

This Ordinance, unanimously adopted on First Reading on November 21, 2017, updates the City Code and Traffic Code to include elements of the Residential Parking Permit Program (RP3) as discussed at the August 22, 2017 Work Session, and changes some existing provisions that are no longer being used. Amendments to the Code will provide the City Manager to create regulations regarding the process for fast tracking areas affected by spillover parking (parking in neighborhoods adjacent to newly-adopted RP3 zones). Some additional revisions are proposed to ensure consistency between the current administrative procedures and the Code.

6. Second Reading of Ordinance No. 165, 2017 Creating and Establishing the Midtown Business Improvement District.

This Ordinance, unanimously adopted on First Reading on November 21, 2017, creates and establishes the Midtown Business Improvement District, appoints the initial members of the Board of Directors of the District, approves the District's Initial Operating Plan and Budget; and designates the area as a location for new business or commercial development.

The Initial Operating Plan has been revised between First and Second Reading of the Ordinance to address issues that were raised by Council at First Reading. The revised Initial Operating Plan is attached as Exhibit "E" to the Ordinance and the revisions are on page 6 of the Plan. The issues addressed in these revisions are to clarify that: (1) the District will be operated in compliance with all applicable Colorado laws, including the Fair Campaign Practices Act; (2) authorized District improvements will be available and open to the public in a non-discriminatory manner; and (3) the District cannot provide security services now or in the future unless authorized to so by the City Council.

7. First Reading of Ordinance No. 166, 2017, Appropriating Prior Year Reserves in the General Fund to Reimburse Woodward, Inc. for Development Fees and Use Tax.

The purpose of this item is to appropriate \$42,614 of prior year reserves for a rebate to Woodward, Inc. for use tax under an agreement that City Council approved on April 2, 2013 (Ordinance No. 055, 2013). The agreement provides business investment assistance for the relocation of Woodward's headquarters, as well as an expansion of its manufacturing and office facilities to a new location at the corner of Lincoln Avenue and Lemay Avenue. The project will retain or create between 1,400 and 1,700 primary jobs in the City.

8. First Reading of Ordinance No. 167, 2017, Amending Section 2-568(c)(2) of the Code of the City of Fort Collins Pertaining to Rules of Conduct Applicable to Councilmember Conduct.

The purpose of this item is to amend Section 2-568(c)(2) of the City Code to add clarifying language that limits Councilmember interaction with City officers and employees regarding matters for which a conflict of interest has been declared.

9. First Reading of Ordinance No. 168, 2017, Amending Chapter 26, Articles VI and VII of the Code of the City of Fort Collins to Correct Errors in How Certain Utility Fees Formulae are Expressed Related to Electric Utility Development Fees and Single-Family Residential Stormwater Utility Fees.

The purpose of this item is to correct two formulas relating to development charges and monthly fees for the Light and Power and Stormwater utilities. The first correction fixes an omission in the calculation of kilo-watt demand for electric capacity charges. The second correction fixes a typo in a formula used to calculate single family residential monthly stormwater fees. Both of these changes make City Code consistent with the original intent of the formulas and reflect how the fees have been calculated and billed since their adoption.

10. First Reading of Ordinance No. 171, 2017, Amending Chapter 1 of the Code of the City of Fort Collins to Create a Petty Offense Classification and Penalties for Petty Offense Violations.

The purpose of this item is to create a petty offense category within the City Code and to classify a violation of the City's smoking ordinance as a petty offense.

11. First Reading of Ordinance No. 169, 2017, Authorizing the Use of the Non-Development Lease with the Colorado State Board of Land Commissioners as Match for a Neotropical Migratory Bird Conservation Act Grant Administered by the U.S. Fish and Wildlife Service.

The purpose of this item is to place a Notice of Grant Agreement on the 3,873 acres of land within Soapstone Prairie Natural Area subject to a Non-Development Lease with the Colorado State Board of Land Commissioners. The grant will expand upon Bird Conservancy of the Rocky's (BCR) research and monitoring work on Soapstone Prairie and Meadow Springs Ranch to implement conservation strategies and management for 19 high priority grassland birds that breed within the Laramie Foothills Mountains to Plains Project and 28 high priority species at wintering sites in the Chihuahuah Desert of Mexico.

12. First Reading of Ordinance No. 170, 2017, Authorizing the Use of the Evans Tract as Match for a Neotropical Migratory Bird Conservation Act Grant Administered by the U.S. Fish and Wildlife Service.

The purpose of this item is to place a Notice of Grant Agreement on the 240-acre Evans Tract purchased in 2015 as part of Soapstone Prairie Natural Area. The grant will expand upon Bird Conservancy of the Rocky's (BCR) research and monitoring work on Soapstone Prairie and Meadow Springs Ranch to implement conservation strategies and management for 19 high priority grassland birds that breed within the Laramie Foothills Mountains to Plains Project and 28 high priority species at wintering sites in the Chihuahuah Desert of Mexico.

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.

13. First Reading of Ordinance No. 172, 2017, Amending Article III of Chapter 12 of the Code of the City of Fort Collins Regarding Smoking in Public Areas. (staff: Tyler Marr; 15 minute staff presentation; 1 hour discussion)

The purpose of this item is to consider changes to the downtown smoking ordinance as consistent with the direction given by Council at the August 22 Work Session. The changes include placing a 10 p.m. to 5a.m. window in which the ordinance would not be in effect, and two options related to having designated smoking areas within the downtown zone, one of which creates up to eight areas and one which would allow smoking in all alleys within the zone.

- **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. Council will consider a motion to call a special meeting for 6:00 p.m., Wednesday, December 13, 2017.

- **ADJOURNMENT**

- A. Council will consider a motion to adjourn to 6:00 p.m., Tuesday, December 12, 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.



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URBAN RENEWAL AUTHORITY BOARD MEETING December 5, 2017 After the Regular Council Meeting

- **CALL MEETING TO ORDER**
- **ROLL CALL**
- **AGENDA REVIEW**
 - Executive Director's Review of Agenda.
- **CITIZEN PARTICIPATION**

Individuals who wish to address the Board on items not specifically scheduled on the agenda must first be recognized by the Chairperson or Vice Chair. **Before speaking, please sign in at the table in the back of the room.** The timer will buzz once when there are 30 seconds left and the light will turn yellow. The timer will buzz again at the end of the speaker's time. Each speaker is allowed 5 minutes. If there are more than 6 individuals who wish to speak, the Chairperson may reduce the time allowed for each individual.

- State your name and address for the record.
- Applause, outbursts or other demonstrations by the audience are not allowed
- Keep comments brief; if available, provide a written copy of statement to Secretary
- Address your comments to Council, not the audience

- **CITIZEN PARTICIPATION FOLLOW-UP**

- STAFF REPORTS
- COMMISSIONER REPORTS

Discussion Items

The method of debate for discussion items is as follows:

- Chairperson introduces the item number and subject; asks if formal presentation will be made by staff
- Staff and/or Applicant presentation (optional)
- Chairperson requests citizen comment on the item (five-minute limit for each citizen)
- Board questions of staff on the item
- Board motion on the item
- Board discussion
- Final Board comments
- Board vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Chairperson, 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.

1. Public Hearing and Resolution No. 083 Adopting the 2018 Budget for the Fort Collins Urban Renewal Authority. (staff: Patrick Rowe; 3 minute staff presentation; 5 minute discussion)

The purpose of this item is to adopt the 2018 budget and to appropriate the funds to be spent for the Fort Collins Urban Renewal Authority (URA), comprised of the North College Tax Increment Financing (TIF) District, the Prospect South TIF District, and the Foothills TIF District. The budget revenues include property and sales tax increment, and interest earned on investments, totaling \$6,526,929. Budget expenses include general operations, project obligations and debt service payments, totaling \$6,058,208. The 2018 budget corresponds to the budget that was submitted and approved as part of the Budgeting for Outcomes process for 2017 and 2018. The URA's 2018 annual appropriation is \$6,058,208.

- OTHER BUSINESS
- ADJOURNMENT