



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 19, 2017

Proclamations and Presentations 5:30 p.m.

A. Proclamation honoring Ann Azari.

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 21, 2017 Regular Council Meeting and the November 28, 2017 Adjourned Council Meeting.

The purpose of this item is to approve the minutes from the November 21, 2017 Regular Council meeting and the November 28, 2017 Adjourned Council meeting.

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

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

The Ordinance has been revised between First and Second Reading to add a new recital. The new recital has been added to further clarify the Council's findings for the public purposes of this appropriation.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on December 5, 2017, amends 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.

4. Second 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.

This Ordinance, unanimously adopted on First Reading on December 5, 2017, corrects 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. 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.

5. Second 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.

This Ordinance, unanimously adopted on First Reading on December 5, 2017, places 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 Chihuahua Desert of Mexico.

6. Second 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.

This Ordinance, unanimously adopted on First Reading on December 5, 2017, places 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 Chihuahua Desert of Mexico.

7. Second Reading of Ordinance No. 171, 2017, Amending Chapter 1 and Other Related Provisions of the Code of the City of Fort Collins to Create a Petty Offense Classification and Penalties for Petty Offense Violations.

This Ordinance, unanimously adopted on First Reading on December 5, 2017, creates a petty offense category within the City Code and classifies a violation of the City's smoking ordinance as a petty offense. Some errors were discovered in the First Reading Agenda Item Summary and an amended version has been provided as part of the agenda materials.

8. Second 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.

This Ordinance, unanimously adopted on First Reading on December 5, 2017, amends the downtown smoking ordinance to designate a violation of the ordinance as a petty offense and to clarify that the Downtown Smoke-Free Zone does not apply to any person smoking in a privately-owned residence; entirely within an enclosed privately-owned motor vehicle, or in a retail tobacco business.

9. Items Relating to the Fort Collins Traffic Code.

- A. First Reading of Ordinance No. 173, 2017, Amending Various Sections of the Fort Collins Traffic Code.

- B. First Reading of Ordinance No. 174, 2017, Amending Various Sections of Part 21 of the Fort Collins Traffic Code Regulating Bicycles.

The purpose of this item is to ensure that the Fort Collins Traffic Code (the Traffic Code) is consistent with Colorado traffic laws.

10. First Reading of Ordinance No. 175, 2017, Deleting Chapter 12, Article VIII from the Code of the City of Fort Collins Regarding Hydraulic Fracturing.

The purpose of this item is to remove references to a prohibition on oil and gas related activities from Chapter 12, Article VIII of the City Code. This is an administrative clean-up item reflecting the 2016 Colorado Supreme Court decision that struck down the City's hydraulic fracturing moratorium because state law preempted it.

11. First Reading of Ordinance No. 176, 2018, Declaring Certain City-Owned Property Consisting of a Portion of Tract A, Prospect Industrial Park Currently Owned by the City of Fort Collins Utilities' Wastewater Utility Enterprise as Road Right-of-Way for the Proposed Sharp Point Drive Extension.

The purpose of this item is to declare approximately 1.4 acres of Tract A owned by the City Utilities' Wastewater Utility Enterprise as right-of-way for the construction of Sharp Point Drive between Nancy Gray Avenue and Midpoint Drive. Tract A is a 1.9-acre parcel which was originally platted as a public access and loading easement in the 1970s as part of the Prospect Industrial Park. The Sharp Point Drive connection was shown on the City's Master Street Plan in 1998. The platted easement merged into fee property upon acquisition by the Wastewater Utility Enterprise in 2002.

12. First Reading of Ordinance No. 177, 2017 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for That Certain Property Known as Spring Creek Rezoning REZ170001.

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 amend the City's Zoning Map to adjust the location, size and boundary between two zone districts within a 19.55 parcel located at the southeast corner of South Shields Street and Hobbit Street. The result of the shift is that the Neighborhood Commercial (N-C) zone is

shifted south and reduced by 2.88 acres while the Medium Density Mixed-Use Neighborhood (M-M-N) zone is shifted north and gains a corresponding amount of land area. As proposed, the N-C zone would be reduced to 6.42 acres and the M-M-N zone would be enlarged to 13.13 acres.

This rezoning of less than 640 acres is subject to the criteria included in Section 2.9.4 of the Land Use Code and subject to certain conditions in Section 2.9.4(H). Such a zoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted (6-0) to recommend the rezoning with six conditions. The six conditions have been agreed upon by the applicant and neighbors from the surrounding residential neighborhood (including the Sheeley and Wallenberg neighborhoods), as well as consultation with staff.

13. Resolution 2017-107 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. A City water treatment facility is located at 4316 LaPorte Avenue. The requested zoning for this series of annexations 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. Notice to parcels abutting platted streets was provided pursuant to §31-12-105, C.R.S.

14. Resolution 2017-108 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. A City water treatment facility is located at 4316 Laporte Avenue. The requested zoning for this series of annexations 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. Notice to parcels abutting platted streets was provided pursuant to §31-12-105, C.R.S.

15. Resolution 2017-109 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. A City water treatment facility is located at 4316 Laporte Avenue. The requested zoning for this series of

annexations 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. Notice to parcels abutting platted streets was provided pursuant to §31-12-105, C.R.S.

16. Resolution 2017-110 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. A City water treatment facility is located at 4316 Laporte Avenue. The requested zoning for this series of annexations 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. Notice to parcels abutting platted streets was provided pursuant to §31-12-105, C.R.S.

17. Resolution 2017-111 Authorizing the Execution of an Intergovernmental Agreement Between the City and the Colorado Department of Transportation for the Maintenance of Traffic Signals, Signs, and Markings Within the Fort Collins Growth Management Area.

The purpose of this item is to approve an intergovernmental agreement between the City and Colorado Department of Transportation (CDOT) for the City to maintain traffic control devices (signals, signs, and markings) on state highways within the City's Growth Management Area. Historically, these IGAs have been for 5-year terms; however, the current IGA expired in June 2017 and City has still been performing the maintenance services. CDOT is working on an updated long-term IGA, but it will not be ready until next year. This IGA, set to expire in June 2018, covers the interim period and allows City to be reimbursed for maintaining traffic control devices during CDOT's 2018 fiscal year in the amount of \$235,920. This IGA reflects updated costs from the previous agreement.

18. Resolution 2017-112 Adopting the 2017 Update to the Three-Mile Plan for the City of Fort Collins.

The purpose of this item is to adopt the 2017 update to the Three-Mile Plan for the City of Fort Collins. This Plan is a policy document for the coordination and provision of services for potential annexations. The Plan describes the general location, character, utilities, and infrastructure for areas within three miles of the municipal boundary. Annual updates of the Three-Mile Plan are required by state statutes.

19. Resolution 2017-113 Approving a Collective Bargaining Agreement with Northern Colorado Lodge #3 of the Fraternal Order of Police.

The purpose of this item is to approve a collective bargaining agreement between the City and the Northern Colorado Lodge #3, Colorado Fraternal Order of Police (FOP) and authorize execution of such agreement. The City and the FOP, using an Interest Based Bargaining (IBB) approach, engaged in negotiations regarding the terms and conditions of possible bargaining agreement for 2018 and 2019. In lieu of reaching tentative agreement, the FOP agreed to present the City's final and best offer to their membership for vote on December 14, 2017. If the agreement is not ratified by their membership, this item will be withdrawn from City Council consideration.

20. Resolution 2017-114 Naming the Lounge at the Fort Collins Senior Center after Former Mayor and Councilmember Ann Azari.

The purpose of this item is to name the lounge at the Senior Center the “Ann Azari Lounge” in honor of former mayor Ann Azari. Ann was a devoted public servant in the Fort Collins community who served ten years on City Council and as Mayor.

21. Resolution 2017-115 Making Appointments to Various Boards, Commissions, and Authorities of the City of Fort Collins.

The purpose of this item is to appoint individuals to fill vacancies that currently exist on various boards, commissions, and authorities due to resignations of board members and vacancies to be created upon the expiration of terms of current members. Applications were solicited during September, October, and November. Council teams interviewed applicants during November and December. This Resolution appoints individuals to fill current vacancies and expiring terms.

This Resolution does not fill all vacancies. Interviews are continuing, and any remaining vacancies will be advertised as needed.

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.

22. 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 (APU) being made in conjunction with PDP160018. The APU would allow 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.

23. Boxelder Basin Regional Stormwater Authority (BBRSA) Fee Payments. (staff: Mike Beckstead; 5 minute staff presentation; 15 minute discussion)

The purpose of this item is to authorize the City Manager to pay fees normally due in 2018 to Boxelder Basin Regional Stormwater Authority (BBRSA) in 2017. Ordinance No. 009, 2017, adopted on February 7, 2017, appropriated the amount of \$330k for this pre-payment in 2017. Staff has been working with the members of BBRSA to develop an Intergovernmental Agreement (Agreement) to resolve various financial concerns of the members. With the adoption of the Agreement and members' completion of various actions defined in the Agreement, BBRSA will have adequate funds to meet all 2017 obligations. In the event of a delay in approval of the Agreement by all members and Timnath the payment of Fort Collins 2017 estimated annual stormwater service and development fees normally due and payable to the Authority in 2018, will allow BBRSA to meet all obligations while members finalize the Agreement.

24. First Reading of Ordinance No. 178, 2017, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Compensation of the Chief Judge. (staff: Jamie Heckman; 5 minute staff presentation; 10 minute discussion)

The purpose of this item is to establish the 2018 salary of the Chief Judge. City Council met in executive session on November 28, 2017, to conduct the performance review of Chief Judge Kathleen M. Lane. This Ordinance sets the 2018 compensation of the Chief Judge.

25. First Reading of Ordinance No. 179, 2017, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Compensation of the City Attorney. (staff: Jamie Heckman; 5 minute staff presentation; 10 minute discussion)

The purpose of this item is to establish the 2018 salary of the City Attorney. City Council met in executive session on November 13, 2017, to conduct the performance review of Carrie Daggett, City Attorney. This Ordinance sets the 2018 compensation of the City Attorney.

26. First Reading of Ordinance No. 180, 2017, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Compensation of the City Manager. (staff: Jamie Heckman; 5 minute staff presentation; 10 minute discussion)

The purpose of this item is to establish the 2018 compensation of the City Manager. City Council met in executive session on November 13, 2017, to conduct the performance review of Darin Atteberry, City Manager. This Ordinance sets the 2018 compensation of the City Manager.

- **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.