



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 January 2, 2018

Proclamations and Presentations 5:30 p.m.

None scheduled.

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 from the December 5, 2017 Regular Council Meeting, the December 12, 2017 Adjourned Council Meeting and the December 13, 2017 Special Council Meeting.

The purpose of this item is to approve the minutes from the December 5, 2017 Regular Council meeting, December 12, 2017 Adjourned Council meeting and the December 13, 2017 Special Council meeting.

2. Postponement to January 16, 2018, of Second Reading of Ordinance No. 136, 2017, Approving the Addition of Permitted Use Associated with the Long Pond Wireless Telecommunications Facility Project Development Plan #160018.

Staff is requesting postponement to January 16, 2018, of Council's consideration of this Ordinance on Second Reading. After closing the public hearing at First Reading of this Ordinance on December 19, 2017, City Council requested staff input regarding the possibility of adding three more conditions to its approval of the Long Pond Wireless Telecommunications Addition of Permitted Use (APU) (in addition to those conditions already included in Ordinance No. 136, 2017, as adopted). It is recommended that Council reopen the public hearing to consider additional evidence pertaining to additional conditions or other issues specified by Council and allow comment on such matters by both the applicant and the public. Postponement of Second Reading to January 16, 2018 will allow time for required notice to be provided for the reopening of the public hearing on this item. Reopening the public hearing on January 16 will allow new information related only to the three conditions to be added to the record.

This Ordinance, unanimously adopted on First Reading on December 19, 2017 approved, with conditions, the Long Pond Wireless Telecommunications APU, 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. On First Reading, a condition was added that reduced the height of the facility to 45 feet or less and specified a location for the facility near the existing barn located in the northeast portion of the site.

3. Items Relating to the Fort Collins Traffic Code.

- A. Second Reading of Ordinance No. 173, 2017, Amending Various Sections of the Fort Collins Traffic Code.
- B. Second Reading of Ordinance No. 174, 2017, Amending Various Sections of Part 21 of the Fort Collins Traffic Code Regulating Bicycles.

These Ordinances, unanimously adopted on First Reading on December 19, 2017, amend the Fort Collins Traffic Code to ensure that the Code is consistent with Colorado traffic laws. Changes were made to Section 2101(2) between First and Second Reading to be consistent with current City Code provisions that allow power-driven mobility devices, including electrical assisted bicycles, to be used by persons with temporary or permanent mobility disabilities on bike or pedestrian paths or recreational trails.

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

This Ordinance, unanimously adopted on First Reading on December 19, 2017, removes 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.

5. Second 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.

This Ordinance, unanimously adopted on First Reading on December 19, 2017, declares 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.

6. Second 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.

This Ordinance, unanimously adopted on First Reading on December 19, 2017, amends 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.

7. First Reading of Ordinance No. 001, 2018, Appropriating Unanticipated Grant Revenue in the General Fund for the Fort Collins Police Services Victim Services Unit.

The purpose of this item is to fund the Victim Services Unit of Fort Collins Police Services for victim advocacy services under the Colorado Victim Rights Amendment for victims of crime and their family members. The Fort Collins Police Services Victim Services Unit has been awarded a 12-month grant in the amount of \$45,500 for the period from January 1, 2018 to December 31, 2018, by the Eighth Judicial District Victim Assistance and Law Enforcement (VALE) Board to help fund services provided by this team. These funds will be used for part of the salary for the victim advocate who provides crisis intervention services during weekday hours and is housed in the Victim Services office. These funds will also pay for a portion of the operational expenses needed to provide 24-hour, 7-days/week services to victims of crime in the community.

8. First Reading of Ordinance No. 003, 2018, Appropriating Prior Year Reserves in the General Fund and the Recreation Fund and Authorizing the Transfer of Appropriations in the Recreation Fund to the General Fund for the James Ross Proving-Up House Restoration.

The purpose of this item is to appropriate previously received grant funds of \$16,080 received from the Cache la Poudre Heritage Alliance and unanticipated revenue of \$3,357 from the Fort Collins Historical Society for the restoration of the James Ross Proving-Up House. The total new appropriation is \$19,437. The grant is matched by Historic Preservation funds of \$32,847 and Recreation Department funds of \$27,000 from prior year reserves.

9. First Reading of Ordinance No. 004, 2018, Appropriating Prior Year Reserves in the Transportation Capital Expansion Fee Fund and the Transportation Fund and Authorizing the Transfer of Appropriations from the Transportation Capital Expansion Fee Fund and the Transportation Fund into the Capital Project Fund for the Harmony and Strauss Cabin Intersection Project and Transferring Appropriations from the Capital Projects Fund to the Cultural Services and Facilities Fund for Art in Public Places

The purpose of this item is to appropriate \$891,000 of prior year reserves in the Transportation Capital Expansion Fee Fund and authorize the transfer of appropriations from the Transportation Capital

Expansion Fee Fund into the Capital Project Fund for the Harmony and Strauss Cabin Intersection Improvement Project. In addition, this item will transfer \$8,760 in prior year reserves from the Transportation Fund to the Capital Projects Fund for the purpose of transfer to the Cultural Services and Facilities Fund for Art in Public Places. This project will construct road and intersection improvements, utility relocations, and fully signalize the intersection of Harmony Road and Strauss Cabin Road. The project will install southbound left and right turn lanes, pork chop islands, and American's with Disabilities Act (ADA) accessible sidewalk connections.

10. First Reading of Ordinance No. 005, 2018, Authorizing the Acquisition by Eminent Domain of Certain Lands Necessary to Construct Public Improvements in Connection with the Suniga Road Improvements Project

The purpose of this item is to obtain authorization from City Council to use eminent domain, if deemed necessary, to acquire property interests needed to construct improvements to Suniga Road Improvements Project. The project will construct a new arterial roadway between College Avenue and Blondel Street. Improvements include construction of a complete arterial street which includes four travel lanes, protected bike lanes, landscaped parkways, medians, sidewalks and utility improvements.

In order for the City to construct these improvements, the City will need to acquire certain property interests adjacent to the project area. The project will affect seven properties. Acquisitions will include fee purchase right-of-way, permanent utility and drainage easements and temporary construction easements. Staff has had contact with all affected property owners. Timely acquisition of the property is necessary to meet the anticipated construction schedule. Staff fully intends to negotiate in good faith with the affected owners and is optimistic that all property negotiations can be completed prior to the start of the Project. Staff is requesting authorization of eminent domain for all property acquisitions for the Project only if such action is deemed necessary.

11. Public Hearing and First Reading of Ordinance No. 006, 2018, Granting a Non-Exclusive Franchise to the Public Service Company of Colorado for the Right to Make Reasonable Use of City Streets, Public Utility Easements and Other City Property to Install, Maintain, Locate and Operate Its Facilities Used to Provide Natural Gas Services to Customers within the City.

The purpose of this item is to consider approval of a natural gas Franchise Agreement between the City of Fort Collins and the Public Service Company of Colorado ("Public Service"). Without a change in the financial burden to residents, this Franchise Agreement grants a non-exclusive franchise to Public Service to make reasonable use of City streets, public utility easements and other City property for Public Service's provision of natural gas utility services within the City. The franchise fee will be equivalent to the current occupation tax imposed (1.07%) to compensate the City for the use of its property. The franchise fee rate can be increased by the City Council in the future by ordinance but at a rate not to exceed 3% of gross revenues.

12. First Reading of Ordinance No. 002, 2018, Appropriating Unanticipated Grant Revenue from the Colorado Department of Transportation FASTER Transit Program Grant in the Transit Services Fund and Appropriating Prior Year Reserves in the Transit Services Fund as a Grant Match for the Purchase of Two New Buses for Transfort's Regional FLEX Route to Longmont and Boulder.

The purpose of this item is to request a 2018 appropriation in the amount of \$1,200,000. Transfort was awarded \$960,000 through a CDOT grant for the purchase of two new buses for Transfort's Regional FLEX route to Longmont and Boulder. This grant requires a local match of \$240,000.

13. Resolution 2018-001 Authorizing the Execution of an Intergovernmental Agreement Between the City and the Colorado Department of Transportation for Transfort FLEX Service.

The purpose of this item is to authorize Transfort to enter into an Intergovernmental Agreement with the Colorado Department of Transportation (CDOT). This agreement will result in the receipt of \$200,000 in grant funds through the statewide competitive pool of the FASTER Transit program for fiscal year 2018. Transfort will be required to match the \$200,000 in grant funds with a \$200,000 local match, which was appropriated through the previous BFO cycle and is accounted for in the approved 2018 Transfort budget.

14. Resolution 2018-002 Authorizing an Intergovernmental Agreement with Colorado State University Regarding the Elizabeth Street and Shields Street Bicycle and Pedestrian Underpass.

The purpose of this item is to authorize the City Manager to sign on behalf of the City a Memorandum of Understanding (MOU) with the Board of Governors of the Colorado State University System to define the rights and responsibilities of the parties concerning the ownership and maintenance of the newly completed Elizabeth and Shields Bicycle and Pedestrian Underpass and adjoining right-of-way areas.

15. Resolution 2018-003 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.

16. First Reading of Ordinance No. 007, 2018, 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.

17. First Reading of Ordinance No. 008, 2018, 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.

18. First Reading of Ordinance No. 009, 2018, 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.

19. Items Relating to Funding Improvements to the I-25/Prospect Interchange. (staff: Chad Crager, Brad Buckman, Mark Jackson; 15 minute staff presentation; 45 minute discussion)

- A. Resolution 2018-004 Authorizing the Execution of an Amendment to the Intergovernmental Agreement Between the City of Fort Collins and the Colorado Department of Transportation for the Interstate 25 Improvements Between State Highway 14 and State Highway 402.
- B. Resolution 2018-005 Approving and Authorizing the Execution of a Memorandum of Understanding with Benefitted Property Owners Regarding Financial Participation in the I-25/Prospect Interchange Improvements.

The purpose of this item is to amend an existing Intergovernmental Agreement with the Colorado Department of Transportation and enter into a Memorandum of Understanding with private property interests proximate to the interchange at I-25 and Prospect Road. These agreements form the basis of a public-private funding partnership model to accelerate improvements to the aging and congested I-25/Prospect Interchange. City staff is also continuing to negotiate with the Town of Timnath for its payment of a share of the costs for these improvements.

20. Items Relating to Broadband Facilities and Services. (staff: Mike Beckstead; 10 minute staff presentation; 45 minute discussion)

- A. First Reading of Ordinance No. 010, 2018, Appropriating Prior Year Reserves in the General Fund as a Loan to the Light and Power Fund for the Electric Utility's First Year Operations and Maintenance Costs for Telecommunication Facilities and Services.
- B. First Reading of Ordinance No. 011, 2018, Amending the Code of the City of Fort Collins to Authorize and Implement the City's Provision of Telecommunication Facilities and Services as Provided in City Charter Article XII, Section 7.

The City has been engaged in a multi-year process of research, due diligence, and community engagement that resulted in two successful ballot measures. The first in November 2015 gave the City the authority to provide high-speed broadband services to the community, the second, in November 2017 added telecom activity to the City Charter and demonstrated support for borrowing up to \$150 million to provide fiber to the premise infrastructure.

At the November 28, 2017, Council Work Session discussion concerning the City's Broadband updates, including an estimated timeline, major milestones, appropriation and governance recommendations, staff highlighted the need to dedicate resources to support further development and details associated with a Municipal Retail model.

Staff is requesting \$1.8M of funding to be appropriated to support first year start-up costs associated with recruiting and hiring personnel, consulting, equipment, and branding to support the initiative. Funding would come from the General Fund as a loan to the Light and Power Fund as start-up funding until bonds can be issued to support the total broadband build out. The bonds will be structured allowing a planned repayment to the General Fund of start-up costs supported by this appropriation. The reserves will be restored from the proceeds of the bond issuance, pending the Council's adoption of the corresponding bond ordinance (currently scheduled for the March 20 and April 3 meetings).

To evidence the repayment of this loan, the City Council, acting as the Electric Utility Enterprise Board, will be considering an ordinance in a separate agenda item at this meeting which will agree to and direct the repayment of this loan to the General Fund when the bond proceeds are received.

In addition, certain City Code changes are needed to authorize the City Electric Utility to begin implementing its provision of broadband facilities and services and to receive and expend the General Fund loan through the Light and Power Fund. These changes are proposed in Ordinance No. 011, 2018, which accompanies this agenda item.

The changes in Ordinance No. 011, 2018, relate to the Charter amendment the voters approved this past November that grants to Council the power to authorize the Electric Utility to acquire, construct, provide, fund and contract for telecommunication facilities and services and that grants to the Enterprise of the Electric Utility the power to issue bonds to fund these facilities and services. These changes also include assigning to the City Manager the direct responsibility to administer and supervise the Electric Utility's provision of broadband facilities and services.

- **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.



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Electric Utility Enterprise Board Meeting

January 2, 2018

(after the Regular Council Meeting)

- **CALL MEETING TO ORDER**

1. First Reading of Ordinance No. 002, Agreeing to, Authorizing and Directing the Repayment of the \$1.8 Million Loan from the General Fund for the Electric Utility's Startup Costs for its Provision of Telecommunication Facilities and Services to be Repaid from the Proceeds of Revenue Bonds Issued by the Enterprise to Fund Such Facilities and Services. (staff: Mike Beckstead; no staff presentation; 10 minute discussion)

The purpose of this item is to present to the Electric Utility Enterprise Board (the "Board") an ordinance related to City Council's Agenda Item 20 in which it is authorizing the General Fund to loan \$1.8 million to the Light & Power Fund to be used by the Electric Utility for its start-up costs to provide telecommunication facilities and services. The Board's Ordinance represents the Enterprise's agreement, authorization and direction to repay the \$1.8 million, plus 2.75% interest, to the General Fund when the Light & Power Fund receives the anticipated proceeds from the Enterprise's planned issuance of revenue bonds for the Electric Utility's provision of telecommunication facilities and services.

- **OTHER BUSINESS**

- **ADJOURNMENT**