

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 16, 2018
(Amended 1/16/18)

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

This Ordinance, unanimously adopted on First Reading on January 2, 2018, appropriates grant funds in the amount of \$45,500 to fund the Victim Services Unit of Fort Collins Police Services for victim advocacy services. The Fort Collins Police Services Victim Services Unit has been awarded a 12-month grant 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.

2. Items Relating to Transfort's Regional FLEX Route to Longmont and Boulder.

- A. Second 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.
- B. Resolution 2018-008 Authorizing the Execution of an Intergovernmental Agreement Between the City and the Colorado Department of Transportation for a Grant to Purchase Two New Buses for Transfort's Regional FLEX Route to Longmont and Boulder.

This Ordinance, unanimously adopted on First Reading on January 2, 2018, appropriates \$1,200,000 for the purchase of two new buses for Transfort's Regional FLEX route to Longmont and Boulder. Transfort was awarded \$960,000 through a CDOT grant. This grant requires a local match of \$240,000.

On Second Reading, staff is presenting to Council Resolution 2018-008 which authorizes the Mayor to execute an intergovernmental agreement between the City of Fort Collins and CDOT for the purchase of the two new buses for the FLEX Regional Route.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on January 2, 2018, appropriates 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. The Ross Proving-Up House is the only "proving-up" or "filing" house associated with the 1862 Homestead Act still in existence in Larimer County. In preparation for its restoration, the building was moved last fall to a permanent location at The Farm at Lee Martinez Park, 600 North Sherwood Street.

4. Second 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.

This Ordinance, unanimously adopted on First Reading on January 2, 2018, appropriates \$891,000 of prior year reserves in the Transportation Capital Expansion Fee Fund and authorizes 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 transfers \$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.

5. Second 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.

POSTPONE TO FEBRUARY 6, 2018

This Ordinance, unanimously adopted on First Reading on January 2, 2018, authorizes the use of 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.

6. Second 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.

This Ordinance, unanimously adopted on First Reading on January 2, 2018, approves 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.

7. Second 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.

City Council met in executive session on November 28, 2017, to conduct the performance review of Chief Judge Kathleen M. Lane. This Ordinance, unanimously adopted on First Reading on January 2, 2018, establishes the 2018 salary of the Chief Judge at 120,667 and total compensation at \$149,125.

8. Second 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.

City Council met in executive session on November 13, 2017, to conduct the performance review of Carrie Daggett, City Attorney. This Ordinance, unanimously adopted on First Reading on January 2, 2018, sets the 2018 compensation of the City Attorney at \$194,259 and total compensation at \$232,770.

9. Second 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.

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 at \$262,489 and total compensation at \$319,320.

10. Items Relating to Broadband Facilities and Services.

- A. Second 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. Second 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.

Ordinance No. 010, 2018, appropriates \$1.8M of funding 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). The operation and maintenance expenses table in the "Whereas" clause for Ordinance No. 010, 2018, has been updated for Second Reading to reflect consistent data with the table used in the agenda item summary and staff presentation on First Reading. The revised table reflects the latest final planned budget for first year operation and maintenance expenses.

Ordinance No. 011, 2018, amends City Code 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. 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. In response to discussion during consideration on First Reading, the revision to Code Section 2-491 presented on First Reading has been removed from Ordinance No. 011, 2018. A needed conforming change to the definition of "service area" in Code Section 1-2 has been substituted in as Section 2 of Ordinance No. 011, 2018. These revisions are shown in the Second Reading version of the Ordinance No. 011, 2018. Both Ordinances were unanimously adopted on First Reading on January 2, 2018.

11. First Reading of Ordinance No. 012, 2018, Appropriating Unanticipated Revenue in the Transit Services Fund for Contractual Paratransit Services for the City of Loveland Transit (COLT) and Transit Manager Services Pursuant to Two Intergovernmental Agreements with Loveland.

The purpose of this item is to appropriate funds to cover the costs of entering into two intergovernmental agreements (IGA) with Loveland, which costs will be reimbursed by Loveland. The first IGA provides paratransit service for COLT under the current Dial-A-Ride contract (the Paratransit IGA), the costs of which will be reimbursed monthly to the City of Fort Collins by the City of Loveland, COLT. The second IGA supplies a contractual employee to COLT to act as the COLT Transit Operations Manager under the supervision of the City of Fort Collins, Transfort (the Transit Management IGA). The costs will be reimbursed to the City of Fort Collins by the City of Loveland monthly.

The City Manager approved and signed both agreements. Pursuant to City Code Section 1-22 the City Manager has the authority to enter into both IGAs because the IGAs do not require the direct, monetary payment of more than \$5,000 from the City, after reimbursement from Loveland, and the City Manager has determined that the IGAs do not entail significant policy decisions.

12. First Reading of Ordinance No. 013, 2018, Appropriating Unanticipated Grant Revenue in the General Fund for the Environmental Services Radon Program and Authorizing the Transfer of Matching Funds Previously Appropriated in the Environmental Services Department Operating Budget.

The purpose of this item is to appropriate unanticipated grant revenue in the General Fund for the Environmental Services Radon Program. This appropriation includes \$7,961 of grant revenues provided by the Colorado Department of Public Health and Environment (CDPHE) to support radon testing and mitigation programs. The grant directly supports radon activities identified in the Environmental Services Department's core budget offer, and requires a local match of \$5,307. Matching funds are appropriated and unexpended in the 2018 Environmental Services operating budget, and will be transferred to the Environmental Services radon program.

13. First Reading of Ordinance No. 014, 2018, Appropriating Prior Year Reserves in the Data and Communications Fund for the Enterprise Document Management System and Electronic Record Search Project.

The purpose of this item is to appropriate \$833,840 from the Data and Communications reserve to fund the Enterprise Document Management System and Electronic Record Search (EDMS) project. The funds will be used to replace the current enterprise document management system known as SIRE that currently manages the City's documents and images. This project was approved through the Budgeting for Outcomes (BFO) process for use in 2017. However, the procurement process will not be completed until early February 2018, requiring the IT Department to submit this request ahead of the reappropriation process in order to enter into a contract with a vendor to avoid additional costs and delays.

14. First Reading of Ordinance No. 015, 2018, Making Amendments to Chapter 23 of the Code of the City of Fort Collins Relating to Natural Area and Parks Permits, Slack Lining, Structures and Amateur Drone Operation in Natural Areas and City Parks.

WITHDRAWN FROM AGENDA

~~The purpose of this item is to update a number of provisions within Chapter 23, Articles IX (Natural Areas) and X (Parks) of the City Code. The Code changes are intended to more accurately reflect administrative responsibilities regarding permits, clarify various provisions, and provide additional consistency in provisions regulating activities in Natural Areas and Parks as stated in the City Code.~~

15. First Reading of Ordinance No. 016, 2018 Amending Article 5, Section 23-140 of the Code of the City of Fort Collins to Add a Definition of "Facilities".

The purpose of this item is to amend Section 23-140 of the City Code to add a definition of "Facilities" which includes buildings, structures, vehicles, buses, and public parking areas. This amendment will grant express authority to the City Manager to set administrative policy related to conduct on Transfort buses and other transit facilities.

16. First Reading of Ordinance No. 017, 2018, Amending the City of Fort Collins District-Precinct Map to Reflect Changes in County Precinct Boundaries and Waiving the Redistricting Requirement of Section 7-87(d) of the City Code.

The purpose of this item is to align City precinct boundaries with County precinct boundaries as required by Section 7-66 of the City Code.

17. Resolution 2018-006 Authorizing the Lease of 11.85 Acres of City-Owned Natural Area Property to Hageman Earth Cycle, LLC.

The purpose of this item is for City Council to consider the proposed lease of approximately 11.85 acres of land to Roger Hageman, Hageman Earth Cycle (HEC). In January 2017, staff asked Council to consider selling 11.85 acres of land; Council did not approve the sale based in part on the Land Conservation and Stewardship Board's recommendation to not sell the land. Council asked staff to

develop land disposition and land-leasing guidelines for its review. Four months ago, staff was directed by the City Manager to seek Council approval of a long-term lease rather than a sale.

18. Resolution 2018-007 Making Appointments to Various Boards, Commissions, and Authorities of the City of Fort Collins.

The purpose of this item is to appoint 15 individuals to fill vacancies that currently exist on 6 various boards and commissions, due to expiration of terms on December 31, 2017. Applications were solicited during September, October, and November. Council teams interviewed applicants during December and January. Vacancies still exist on the Building Review Board; Housing Catalyst; and the Senior Advisory Board, work will continue to fill those vacancies.

END CONSENT

● CONSENT CALENDAR FOLLOW-UP

This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.

● STAFF REPORTS

A. Fort Collins Efficiency Collaboration with Xcel Energy (staff: John Phelan)

● 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.

19. Public Hearing and 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: Clay Frickey; 5 minute staff presentation; 30 minute discussion)

This Ordinance, unanimously adopted on First Reading on December 19, 2017 approves with conditions, 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. On First Reading, three conditions of approval were adopted: one condition making the APU validity contingent upon subsequent Planning and Zoning Board approval of the associated PDP, one that reduced the height of the facility to 45 feet or less, and one requiring that the facility be located further north so it is closer to existing outbuildings. The City Council directed staff to research three additional conditions of approval.

20. First Reading of Ordinance No. 018, 2018, Amending Chapter 23.5 of the Code of the City of Fort Collins Pertaining to Special Events. (staff: Jan Sawyer; 5 minute staff presentation; 30 minute discussion)

The purpose of this item is to consider amending Chapter 23.5 of the City Code pertaining to Special Events to be in alignment with current law and to more accurately reflect the City's current processes and procedures for issuing Special Event Permits.

- **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.



Wade Troxell, President
Gerry Horak, District 6, Vice President
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
Executive Director

Delynn Coldiron
Secretary

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.

Electric Utility Enterprise Board Meeting January 16, 2018 (after the Regular Council Meeting)

- **CALL MEETING TO ORDER**

1. Second 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; 5 minute discussion)

This Ordinance, unanimously adopted on First Reading on January 2, 2018, represents the Electric Utility Enterprise's agreement, authorization and direction to repay \$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. City Council's Ordinance No. 010, 2018, authorized 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 operation and maintenance expenses table in the "Whereas" clause for Ordinance No. 002, has been updated for Second Reading to be consistent with amended data presented in Ordinance No. 010, 2018. The revised table reflects the latest final planned budget for first year operation and maintenance expenses.

- **OTHER BUSINESS**

- **ADJOURNMENT**