

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 February 20, 2018

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

- A. Proclamation Declaring the Week of February 26, 2018 as Startup Business Week.
- B. Proclamation Declaring February 20, 2018, as Leslie Stewart Day.
- C. Proclamation Declaring February 18-24, 2018, as National Engineers Week.

### Regular Meeting 6:00 p.m.

- PLEDGE OF ALLEGIANCE
- CALL MEETING TO ORDER
- ROLL CALL
- AGENDA REVIEW: CITY MANAGER
  - City Manager Review of Agenda.

- Consent Calendar Review

This Review provides an opportunity for Council and citizens to pull items from the Consent Calendar. Anyone may request an item on this calendar be “pulled” off the Consent Calendar and considered separately.

- Council-pulled Consent Calendar items will be considered before Discussion Items.
- Citizen-pulled Consent Calendar items will be considered after Discussion Items.

- **CITIZEN PARTICIPATION**

Individuals may comment regarding items scheduled on the Consent Calendar and items not specifically scheduled on the agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process\*\* and not to the Council.

- Those who wish to speak are asked to sign in at the table in the lobby (for recordkeeping purposes).
- All speakers will be asked by the presiding officer to identify themselves by raising their hand, and then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).
- The presiding officer will determine and announce the length of time allowed for each speaker.
- Each speaker will be asked to state his or her name and general address for the record, and to keep comments brief. Any written comments or materials intended for the Council should be provided to the City Clerk.
- A timer will beep once and the timer light will turn yellow to indicate that 30 seconds of speaking time remain, and will beep again and turn red when a speaker’s time to speak has ended.

[\*\*For questions about the development review process or the status of any particular development, citizens should consult the Development Review Center page on the City’s website at [fcgov.com/developmentreview](http://fcgov.com/developmentreview), or contact the Development Review Center at 221-6750.]

- **CITIZEN PARTICIPATION FOLLOW-UP**

### Consent Calendar

The Consent Calendar is intended to allow the City Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Anyone may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately. Agenda items pulled from the Consent Calendar will be considered separately under Pulled Consent Items. Items remaining on the Consent Calendar will be approved by City Council with one vote. The Consent Calendar consists of:

- Ordinances on First Reading that are routine;
- Ordinances on Second Reading that are routine;
- Those of no perceived controversy;
- Routine administrative actions.

1. [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.](#)

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.

2. Second Reading of Ordinance No. 018, 2018, Amending Chapter 23.5 of the Code of the City of Fort Collins Pertaining to Special Events.

This Ordinance, unanimously adopted on First Reading on February 6, 2018, amends 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.

Section 23.5-9 has been amended on Second Reading to clarify what takes place if the City Manager cannot review and make a determination on an appeal one full business day prior to the time and date of a special event.

3. Second Reading of Ordinance No. 019, 2018, Appropriating Prior Year Reserves in the Natural Areas Fund for a 2017 Unanticipated Donation for Fish Ladder Design.

This Ordinance, unanimously adopted on First Reading on February 6, 2018, appropriates a \$50,000 donation from Noosa Yoghurt, LLC. into the Natural Areas Department's 2018 budget to fund a river health-related project. In October 2017, Noosa Yoghurt, LLC. donated \$50,000 to the Natural Areas department with a specific request that it be applied toward development of fish passage on the Watson Lake diversion structure. This structure is owned by Colorado Parks and Wildlife (CPW) and located on the Cache la Poudre River at the Watson Lake Fish Hatchery in Bellvue. Natural Areas staff is familiar with the design process, has managed the design process for two similar projects and has agreed to manage this design process and collaborate with CPW to facilitate this project.

4. Second Reading of Ordinance No. 020, 2018, Appropriating Prior Year Reserves in the General Fund for Security Screening for Fort Collins Municipal Court.

This Ordinance, unanimously adopted on First Reading on February 6, 2018, appropriates \$159,832 of prior year reserves in the General Fund for the cost of adding security screening for those attending hearings in Fort Collins Municipal Court. The Court is located on the first floor of the City's Administrative Building at 215 North Mason Street. Access for those hearings would be limited to the north door of the building, the access point currently used for the Community Room. Those proceeding past the Community Room and entering the Court's space would go through a magnetometer (metal detector) and have their belongings checked by contract security personnel prior to gaining access to the Court's space. City employees working in the building and the public accessing other offices in the building, including the Court Clerks' Office for non-hearing related business, would still have unscreened access through the east and west entrances. Employees would also continue to have fob access to the building through the southwest entrance. The changes included in this request are necessary due to increasing safety and security concerns for employees working in and citizens utilizing City services in that building.

The Ordinance has been amended for Second Reading. Because of the time required to obtain building permits and specialist construction materials for this project, the estimated completion time for this project has been pushed back to early September. The contract security guards labor cost has been reduced to reflect the new construction completion timeline.

5. Second Reading of Ordinance No. 021, 2018, Adopting the 2018 Classified Employees Pay Plan.

This Ordinance, unanimously adopted on First Reading on February 6, 2018, adopts the 2018 City Classified Employee Pay Plan. The Pay Plan has been redesigned to align with the City's new job architecture system. The seven occupational groups have been replaced by job functions. Classified jobs are grouped according to job functions, a business practice commonly used by both the public and private sectors. Pay ranges are developed by career group (management, professional, administrative, operations and trades) and level for each job function. The result of this work is a City Classified Employee Pay Plan which sets the minimum, midpoint and maximum of pay ranges for the levels, within each career group and function. The 2018 City Classified Employee Pay Plan also includes the results of the market analysis conducted as defined in the Collective Bargaining Agreement between the City of Fort Collins and the Northern Colorado Lodge #3 of the Fraternal Order of Police (FOP). Actual employee pay increases are awarded through a separate administrative process in accordance with the budgeted amount approved by Council.

6. Second Reading of Ordinance No. 022, 2018, Amending Article V, Division 3 of Chapter 2 of the Code of the City of Fort Collins to Clarify the City Manager's Authority Concerning the Administrative Branch of the City.

This Ordinance, unanimously adopted on First Reading on February 6, 2018, amends various sections in Article V, Division 3 of Chapter 2 of the City Code to clarify and eliminate confusion regarding the City Manager's authority to assign supervisory authority as well as duties and functions to the services of the City administrative organization.

The Ordinance has been amended on Second Reading, to eliminate an incorrect reference to "and Operations" consistent with other changes made on first reading.

7. Second Reading of Ordinance No. 023, 2018, Annexing the Property Known as the Water Treatment Facility Annexation No. 1 to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on February 6, 2018, annexes the first of four sequential tracts of land known collectively as the Water Treatment Facility Annexations. Water Treatment Facility Annexation No. 1 consists of 0.101-acres of Laporte Avenue right-of-way and establishes the required 1/6 contiguity with existing City limits. Water Treatment Facility Annexation No. 1 is located approximately 800 feet west of Poudre High School on Laporte Avenue. A related item to zone the annexed property is presented as the next item on this Agenda.

8. Second Reading of Ordinance No. 024, 2018, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Water Treatment Facility Annexation No. 1 to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map.

*This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2017-017.*

This Ordinance, unanimously adopted on First Reading on February 6, 2018, zones the property included in the first of four sequential annexations, known as the Water Treatment Facility Annexation No.1. Water Treatment Facility Annexation No. 1 is located at the intersection of Sunset Street and Laporte Avenue. The proposed zoning for this annexation is Urban Estate (U-E). The surrounding properties are existing residential land uses currently zoned FA-Farming Zoning District in Larimer County to the north, south and west. The abutting City limits to the east is zoned Low Density Mixed Use Neighborhood (L-M-N) and consists of Laporte Avenue right-of-way. Staff also recommends placement into the Residential Neighborhood Sign District.

9. Second Reading of Ordinance No. 025, 2018, Annexing the Property Known as the Water Treatment Facility Annexation No. 2 to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on February 6, 2018, annexes the second of four sequential tracts of land known collectively as the Water Treatment Facility Annexations. Water Treatment Facility Annexation No. 2 consists of 0.380-acres of Laporte Avenue right-of-way and establishes the required 1/6 contiguity with existing Water Treatment Facility Annexation No. 1. Water Treatment Facility Annexation No. 2 is located at the intersection of Sunset Street and Laporte Avenue. A related item to zone the annexed property is presented as the next item on this Agenda.

10. Second Reading of Ordinance No. 026, 2018, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Water Treatment Facility Annexation No. 2 to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map.

*This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2017-017.*

This Ordinance, unanimously adopted on First Reading on February 6, 2018, zones the property included in the second of four sequential annexations, known as the Water Treatment Facility Annexation No.2. Water Treatment Facility Annexation No. 2 is located at the intersection of Sunset Street and Laporte Avenue. The proposed zoning for this annexation is Urban Estate (U-E). The surrounding properties are existing residential land uses currently zoned FA-Farming Zoning District in Larimer County to the north, south and west. The abutting Water Treatment Facility Annexation No. 1 to the east is zoned Urban Estate (U-E) and consists of Laporte Avenue right-of-way. Staff also recommends placement into the Residential Neighborhood Sign District.

11. Second Reading of Ordinance No. 027, 2018, Annexing the Property Known as the Water Treatment Facility Annexation No. 3 to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on February 6, 2018, annexes the third of four sequential tracts of land known collectively as the Water Treatment Facility Annexations. Water Treatment Facility Annexation No. 3 consists of 1.182-acres of Laporte Avenue right-of-way and establishes the required 1/6 contiguity with Water Treatment Facility Annexation No. 2. Water Treatment Facility Annexation No. 3 is located between Sunset Street and North Overland Trail. A related item to zone the annexed property is presented as the next item on this Agenda.

12. Second Reading of Ordinance No. 028, 2018, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Water Treatment Facility Annexation No. 3 to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map.

*This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2017-017.*

This Ordinance, unanimously adopted on First Reading on February 6, 2018, zones the property included in the third of four sequential annexations, known as the Water Treatment Facility Annexation No. 3. Water Treatment Facility Annexation No. 3 is located between Sunset Street and North Overland Trail. The proposed zoning for this annexation is Urban Estate (U-E). The surrounding properties are existing residential land uses currently zoned FA-Farming Zoning District in Larimer County to the north, south and west. The abutting Water Treatment Facility Annexation No. 2 to the east is zoned Urban Estate (U-E) and consists of Laporte Avenue right-of-way. Staff also recommends placement into the Residential Neighborhood Sign District.

13. Second Reading of Ordinance No. 029, 2018, Annexing the Property Known as the Water Treatment Facility Annexation No. 4 to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on February 6, 2018, annexes the fourth and final tract of land known collectively as the Water Treatment Facility Annexations. Water Treatment Facility Annexation No. 4 consists of 102.825-acres of Laporte Avenue right-of-way and parcel numbers 970700913, 970700904 and 970700908 which wholly contain the Fort Collins Water Treatment Facility. Furthermore, the annexation establishes the required 1/6 contiguity with 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 Growth Management Area (GMA) boundary. Water Treatment Facility Annexation No. 4 is located west of North Overland Trail and continues approximately to the Horsetooth Reservoir. A related item to zone the annexed property is presented as the next item on this Agenda.

14. Second Reading of Ordinance No. 030, 2018, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Water Treatment Facility Annexation No. 4 to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map.

*This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2017-017.*

This Ordinance, unanimously adopted on First Reading on February 6, 2018, zones the property included in the fourth of four sequential annexations, known as the Water Treatment Facility Annexation No. 4. Water Treatment Facility Annexation No. 4 is located between Hollywood Street and the Horsetooth Reservoir. The proposed zoning for this annexation is Urban Estate (U-E) and Residential Foothills (R-F). The surrounding properties are existing residential, municipal facilities, state college facilities, and federal facilities currently zoned FA-Farming and O-Open Zone Districts in Larimer County to the north, south and west. The abutting Water Treatment Facility Annexation No. 3 to the east is zoned Urban Estate (U-E) and consists of Laporte Avenue right-of-way. Staff also recommends placement into the Residential Neighborhood Sign District.

15. First Reading of Ordinance No. 032, 2018, Appropriating Prior Year Reserves in the Transportation Fund for Regional Contribution to Larimer County for North I-25 Improvements.

The purpose of this item is to appropriate Transportation Reserve funds in the amount of \$453,158 to be remitted to Larimer County as part of an annual (five-year span) regional contribution of local matching funds for CDOT's North I-25 Improvements Project. With Resolution 2016-077, Council authorized Mayor Troxell to enter into an intergovernmental agreement (IGA) with Larimer County and participating local agencies, including the City, to contribute local matching funds for this purpose. This is the second annual installment of these payments to Larimer County. Local matching fund commitments accelerate the improvements to I-25 in Northern Colorado.

16. First Reading of Ordinance No. 033, 2018, Appropriating Unanticipated Revenue in the General Fund for a Housing Catalyst PILOT Refund.

The purpose of this item is to appropriate unanticipated revenue in the General Fund to be remitted to the Fort Collins Housing Authority to fund affordable housing and related activities.

17. Items Relating to Marijuana Licensing.

- A. First Reading of Ordinance No. 034, 2018, Amending Article XVI of Chapter 15 of the Code of the City of Fort Collins Regulating Medical Marijuana Businesses to Align Medical Marijuana Code Provisions to State Law, Rules and Regulations.

- B. First Reading of Ordinance No. 035, 2018, Amending Article XVII of Chapter 15 of the Code of the City of Fort Collins Regulating Retail Marijuana Businesses to Align Retail Marijuana Code Provisions to State Law, Rules and Regulations.

The purpose of this item is to amend the City Code to align medical marijuana provisions in the City Code to the state regulations and make similar updates to the retail marijuana licensing provisions.

18. First Reading of Ordinance No. 036, 2018, Declaring Certain City-Owned Property on East Vine Drive as Road Right-of-Way.

The purpose of this item is to declare a strip of property owned by the City as road right-of-way via the proposed Poudre River Whitewater Park Plat, as well as to authorize the City Manager to sign said plat. The City owns parcels of property located in the 100 and 200 blocks of East Vine Drive, and is finalizing documentation to acquire one remaining parcel. The parcels are part of the future Whitewater Park and include two parcels which were originally acquired by Natural Areas and Stormwater. The City of Fort Collins Parks and Engineering Departments are working in tandem to coordinate improvements to Vine Drive that will accommodate visitor traffic to the Whitewater Park. Construction on this project is anticipated to begin in this summer and will be completed summer 2019. This Ordinance officially establishes the portion needed for Vine Drive on the City's property as public road right-of-way and authorizes the City Manager to dedicate such right-of-way through execution of the plat.

19. Resolution 2018-017 Approving Fort Fund Grant Disbursements.

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming and Tourism Programming Accounts for the selected community and tourism events, based upon the recommendations of the Cultural Resources Board.

20. Resolution 2018-018 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Planning and Zoning Board's Decision Approving the Union on Elizabeth Project Development Plan/Final Plan PDP/FDP170024.

The purpose of this item is to make Findings of Fact and Conclusions regarding the appeal ("Appeal") of the Planning and Zoning Board's Decision Approving the Union on Elizabeth Project Development Plan/Final Plan PDP/FDP170024.

21. Resolution 2018-019 Ratifying the Reappointment of Amanda Manges Quijano to the Poudre River Public Library District Board of Trustees.

The purpose of this item is to ratify the reappointment of Amanda Manges Quijano to the Poudre River Library District Board of Trustees. Ms. Quijano was appointed to the Board through Resolution 2014-019 on March 4, 2014, to begin immediately and to expire on February 28, 2018.

The Committee comprised of Councilmembers Kristin Stephens and Bob Overbeck and County Commissioners Lew Gaiter and Steve Johnson, received a letter from Amanda Quijano requesting reappointment. The Selection Committee has recommended to the Council and the Commissioners that Ms. Quijano be reappointed to a four-year term, as provided in the Board's bylaws, expiring February 28, 2022.

## 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. City's Prescription Drug Take-back Efforts. (staff: Kevin Cronin)
- B. Fort Collins Citizens' Financial Report. (staff: Travis Storin)

- **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. First Reading of Ordinance No. 037, 2018, Amending Article XIII of Chapter 23 of the Code of the City of Fort Collins Regarding the Land Bank Program. (staff: Sue Beck-Ferkiss; 10 minute staff presentation; 30 minute discussion)

The purpose of this item is to present potential changes to City Code to add flexibility to the Land Bank Program, broaden the income levels of targeted populations and to allow mixed-use beyond solely residential affordable housing when requested by the City.

- **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**

- A. Consideration of a motion to adjourn to 6:00 p.m., Tuesday, February 27, 2018.

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.