



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
March 6, 2018
Amended 3/5/18**

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

- A. Proclamation Declaring March 2018 as Women's History Month.
- B. Proclamation Declaring the week of March 8, 2018 as Women of Aviation Worldwide 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, 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 February 6, 2018 Regular Council Meeting and the February 13, 2018 Adjourned Council Meeting.

The purpose of this item is to approve the minutes from the February 6, 2018, Regular Council Meeting and the February 13, 2018, Adjourned Council Meeting.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on February 20, 2018, appropriates 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 an intergovernmental agreement 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.

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

This Ordinance, unanimously adopted on First Reading on February 20, 2018, appropriates unanticipated revenue in the General Fund to be remitted to the Fort Collins Housing Authority to fund affordable housing and related activities.

4. Items Relating to Marijuana Licensing.

A. Second 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. Second 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.

These Ordinances, unanimously adopted on First Reading on February 20, 2018, 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.

Ordinance No. 035, 2018, relating to Retail Marijuana licensing, has been amended on Second Reading by adding to the definition of "Retail Marijuana Establishment Operator" that it is also known as a "Retail Marijuana Business Operator" in the state law. The terms are used interchangeably in state law.

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

This Ordinance, unanimously adopted on First Reading on February 20, 2018, declares 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.

6. Second 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.

This Ordinance, unanimously adopted on First Reading on February 20, 2018, amends 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.

7. First Reading of Ordinance No. 038, 2018, Establishing Rental Rates and Delivery Charges for Use of Water Available Under the City's Raw Water Interests for 2018 Through March 2021.

The purpose of this item is to obtain City Council approval for the proposed formula-based and fixed rates and charges for rental and delivery of Utilities' raw water supplies for three years: 2018, 2019, and 2020. This would be a change from the historical practice of having rates and charges approved for one year at a time. Staff has utilized the proposed formulas to set rates and charges since 2015. Staff is recommending a reduced rental rate of \$400/acre-foot for fully consumable water (down from \$600/acre-foot) to reflect market conditions and recognize Utilities' increased availability of these supplies. The rates and charges would be effective through March 2021, to address the gap between the end of 2020 and anticipated Council approval of new rates and charges in early 2021.

8. First Reading of Ordinance No. 039, 2018, Authorizing the Lease of City-Owned Property Located at 211 South Bryan Avenue to the Fort Collins Baseball Club, Inc.

The purpose of this item is to obtain approval for a lease of City-owned property located at 211 South Bryan Avenue to the non-profit corporation Fort Collins Baseball Club (FCBC). FCBC provides recreational programs to citizens and non-profit organizations. FCBC is requesting a less than market lease rate of \$25 per year for a period of up to 25 years (10-year lease with 3 five-year extensions at the City's option).

9. First Reading of Ordinance No. 040, 2018, Declaring Certain City-Owned Property at Arapaho Bend Natural Area as Road Right-of-Way.

The purpose of this item is to convert approximately 0.105 acres of Arapaho Bend Natural Area to road right-of-way. The City intends to construct road and intersection improvements, relocate utilities, 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 Americans with Disabilities Act (ADA) accessible sidewalk connections.

10. First Reading of Ordinance No. 041, 2018, Authorizing the Conveyance of an Electric Line Easement on City Property at Soaring Vista Natural Area to the City of Loveland.

The purpose of this item is to authorize conveyance of an electric line easement to the City of Loveland on Soaring Vista Natural Area. The line is an extension of a project approved by City Council in August 2016 on the Northern Colorado Regional Airport property. The electric utility line currently extends from Loveland's Crossroads Substation at Boyd Lake Road north to County Road 30. The underground utility line is intended to extend east along County Road 30 to Interstate 25. The expanded utility service is needed to serve growing development in the area. The 25-foot wide easement will run under the Natural Area for approximately 688 linear feet - totaling 17,204 square feet or 0.40 acres.

11. Resolution 2018-020 Removing the Condition Regarding Blockage of the Roadway Connection Contained in Resolution 2016-019 Regarding the Appeal of Capstone Cottages Project Development Plan, PDP 14004.

The purpose of this item is to seek approval by Council of the removal of barriers in order to allow one-way southbound vehicular traffic via a connection built by Capstone Cottages apartment project. The connection is currently restricted to bikes/pedestrians unless further action is taken by Council. 42% of the households have provided input with 74% in support of opening the connection for vehicles.

12. Items Relating to Appointing Temporary Judges and Authorizing the Execution of Employment Agreements.
 - A. Resolution 2018-021 Appointing Lisa D. Hamilton-Fieldman as Temporary Judge and Authorizing the Execution of an Employment Agreement.
 - B. Resolution 2018-022 Appointing David Ayraud as Temporary Judge and Authorizing the Execution of an Employment Agreement.

The purpose of this item is to appoint Lisa D. Hamilton-Fieldman and David Ayraud as temporary judges to hear civil cases filed in Fort Collins Municipal Court. The City Charter provides for the appointment of temporary judges to serve as City Council determines is necessary. Chief Judge Kathleen M. Lane recommends that Ms. Hamilton-Fieldman and Mr. Ayraud be appointed as Temporary Judges to handle such cases as assigned by the Chief Judge.

13. Resolution 2018-023 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Planning and Zoning Board's Decision Approving the Johnson Drive Apartments Project Development Plan PDP170034.

The purpose of this item is to make Findings of Fact and Conclusions of Law regarding the appeal ("Appeal") of the Planning and Zoning Board's Decision Approving the Johnson Drive Apartments Project Development Plan PDP 170034.

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. Neighborhood Connections Program Update. (staff: Emily Allen)
- B. Traffic Crash Trends. (staff: Joe Olson)

- **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.

14. Items Relating to Funding Improvements to the I-25/Prospect Interchange. (staff: Josh Birks, Mark Jackson, Mike Beckstead; 15 minute staff presentation; 45 minute discussion)
- A. Resolution 2018-024 Approving and Authorizing the Execution of a Binding Agreement Pertaining to Development of Interstate Highway 25 and Prospect Road Interchange and the Related Capital Pledge Agreement.
 - B. Resolution 2018-025 Approving the Service Plan for the I-25/Prospect Interchange Metropolitan District.
 - C. Resolution 2018-026 Approving the Consolidated Service Plan for the SW Prospect I-25 Metropolitan District Nos. 1-7.
 - D. Resolution 2018-027 Approving the Consolidated Service Plan for the Gateway at Prospect Metropolitan District Nos. 1-7.
 - E. Resolution 2018-028 Approving the Consolidated Service Plan for the Rudolph Farms Metropolitan District Nos. 1-6.

The purpose of this item is to consider several actions related to the financing of the Prospect/I-25 Interchange financing and partnership. City staff is working with Colorado Department of Transportation (CDOT), Town of Timnath, and property owners/developers adjacent to the interchange of Interstate 25 (I-25) and Prospect Road to develop a funding partnership allowing CDOT to improve the interchange. This interchange is a key gateway entrance into Fort Collins and the Town of Timnath. It connects to a primary arterial route into and out of the communities. Improving the interchange will help alleviate congestion and improve safety. The I-25/Prospect interchange is old and aging infrastructure not designed to handle the urban level of traffic currently experienced.

There are significant financial benefits to partnering on the interchange for all parties involved. CDOT agrees to pay for \$12 million (half of the base cost) of the interchange. Timnath, Fort Collins and private interests will pay the balance of \$19 million. City of Fort Collins' share of the \$19 million is approximately \$8.1 million. Total cost of the improved interchange is estimated at \$31 million. There is a potential savings of \$7 million in improvement costs if the project can be included in the efficiencies of the overall I-25 corridor project.

The actions presented as part of this item implement the partnership between the City and the property owners specifically through an overlay metro district as well as metro districts for the individual corner and developments.

- **CONSIDERATION OF CITIZEN-PULLED CONSENT ITEMS**

- **OTHER BUSINESS**

- A. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers

- (Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

- ~~B. Consideration of a motion to adjourn into executive session. **CANCELLED**~~

- **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.