



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

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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 April 3, 2018

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

- A. Proclamation Declaring April 10, 2018 as Equal Pay Day.
- B. Proclamation Declaring April as Sexual Assault Awareness Month.
- C. Proclamation Declaring April as Fair Housing Month.

### 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. 042, 2018, Appropriating Unanticipated Revenue Received From the Estate of Marjorie J. McTaggart in the Recreation Fund to be Paid to the Fort Collins Senior Center Endowment Fund For Use to Benefit the Senior Center.

This Ordinance, unanimously adopted on First Reading on March 20, 2018, appropriates unanticipated revenue in the amount of \$38,581, received from the Estate of Marjorie J. McTaggart, for use by the Fort Collins Senior Center.

2. Second Reading of Ordinance No. 043, 2018, Appropriating Unanticipated Revenue into the Capital Project Fund for the North College Improvements Project - Canal to State Highway 1 and for Transfer from the Capital Project Fund to the Cultural Services and Facilities Fund for the Art in Public Places Program.

This Ordinance, unanimously adopted on First Reading on March 20, 2018, appropriates unanticipated revenue in the amount of \$156,144 into the Capital Project Fund for the North College Improvements Project-Canal to State Highway 1. Funds to be appropriated were collected as a payment-in-lieu of frontage improvement obligations from a recent development near the Project location. After this appropriation, the total appropriated funding for the Project will be approximately \$2.35 million.

3. Second Reading of Ordinance No. 044, 2018, Appropriating Prior Year Reserves in the General Fund for Waste Reduction and Diversion Projects Approved as Part of the Waste Innovation Program.

This Ordinance, unanimously adopted on First Reading on March 20, 2018, appropriates \$111,000 accumulated during 2017 in the Waste Innovation Fund account into the City's General Fund account to approve projects to develop new organizational processes that enable City departments to divert more waste material from landfill disposal.

4. Second Reading of Ordinance No. 045, 2018, Amending Chapter 7 of the City Code to Amend Requirements and Procedures for Elections.

This Ordinance, unanimously adopted on First Reading on March 20, 2018, amends City Code relating to municipal elections. Changes include naming the City Clerk as the Designated Election Official, defining the terms "public announcement" and "registered agent", and amending the time for candidates to file a financial disclosure statement when accepting nomination for office. Amendments are proposed for the registration and termination of committees and to allow for implementation of signature verification for the 2019 election.

5. First Reading of Ordinance No. 046, 2018, Reappropriating Funds Previously Appropriated in 2017 But Not Expended and Not Encumbered in 2017.

The purpose of this item is to reappropriate monies in 2018 that were previously authorized by City Council for various expenditures in 2017. The authorized expenditures were not spent or could not be encumbered in 2017 because:

- there was not sufficient time to complete bidding in 2017 and therefore, there was no known vendor or binding contract as required to expend or encumber the monies,
- the project for which the dollars were originally appropriated by Council could not be completed during 2017 and reappropriation of those dollars is necessary for completion of the project in 2018, or
- the funds appropriated in 2017 for certain ongoing programs, services, and facility improvements remained unspent at the end of 2017 for the various reasons discussed below, but continue to be needed in 2018 for these programs, services and facility improvements.

6. First Reading of Ordinance No. 047, 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 East Prospect Road Improvements Project and Transferring Appropriations from the Capital Project Fund to the Cultural Services and Facilities Fund for the Art in Public Places Program.

The purpose of this item is to appropriate \$600,000 into the Capital Project Fund for the East Prospect Road Improvements Project. In addition, this item will authorize the transfer of \$6,000, one percent of the appropriated funds, from the Capital Project Fund to the Cultural Services and Facilities Fund for Art in Public Places. This project will reconstruct East Prospect Road as a four-lane arterial roadway from Sharp Point Drive to Interstate-25 (I-25) western frontage road as identified on the City's Master Street Plan. Improvements include the addition of two travel lanes, bike lanes, pedestrian facilities,

utility improvements, intersection improvements at Prospect Road and Summitview Drive, and landscaped medians and parkways. This project will complement the Colorado Department of Transportation's (CDOT) I-25 and Prospect Road Interchange improvements planned to begin construction in 2019. Appropriated funds will enable the initiation of the design process for the project. Construction funds have not yet been identified. Staff anticipates an overall project budget of \$4,000,000 and an anticipated construction start date of 2020. Staff anticipates the completion of both projects in 2021.

7. First Reading of Ordinance No. 048, 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 South Timberline Road Improvements Project and Transferring Appropriations from the Capital Project Fund to the Cultural Services and Facilities Fund for the Art in Public Places Program.

The purpose of this item is to appropriate \$549,496 into the Capital Project Fund for the South Timberline Road Improvement Project. This funding will be used to initiate the design for the project. In addition, this item will authorize the transfer of \$5,495, one percent of the appropriated funds, from the Capital Project Fund to the Cultural Services and Facilities Fund for Art in Public Places. This project will reconstruct South Timberline Road from Stetson Creek Drive to Trilby Road to the City's four lane arterial roadway standard. Planned improvements include: intersection improvements at Kechter Road, Zephyr Road, and Trilby Road; multi-modal accommodations; raised medians; access control; landscaping improvements; and roadway improvements. This project serves to build upon the development improvements that have been completed along the corridor. This project will improve safety, reduce congestion, and provide improved accommodations for alternate travel modes. Staff anticipates an overall project budget of \$5,900,000 and an anticipated construction start date of 2021.

8. First Reading of Ordinance No. 049, 2018, Appropriating Prior Year Reserves in the Utility Customer Service and Administration Fund for Cyber Security and System Enhancements for the Utilities Customer Information System.

The purpose of this item is to fund security improvements identified in a 2017 assessment of the Utilities customer information system. This system is the Utilities' primary tool for processing about \$200 million in revenue annually, and it supports multiple critical integrated systems that Utilities relies on for daily operations in the delivery of accurate billing. Given the expected lifespan of the system, it is crucial that it is protected and supported until such time as a new billing system is implemented.

9. First Reading of Ordinance No. 050, 2018, Appropriating Unanticipated Grant Revenue in the Light and Power Fund for the Peak Notification Pilot Project.

The purpose of this item is to appropriate \$18,500 in grant revenues from the American Public Power Association into the Fort Collins Utilities Light and Power Operations fund to pilot a peak load notification project. This pilot project will be internal to the City of Fort Collins. It will educate staff members from various departments about coincident peak and provide tools to help City staff conserve power during peak events.

10. First Reading of Ordinance No. 051, 2018, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Reimbursement Agreements for the Construction of Water and Sewer Mains.

The purpose of this item is to amend City Code sections related to reimbursement agreements for the construction of water and sewer mains. These sections of Code define requirements by which private parties may seek reimbursement from adjacent property owners for installation of public water and sewer infrastructure. As written, the Code language applies to greenfield development, which is growing less common in Fort Collins. The proposed Code changes would make the reimbursement agreements also applicable to infill, redevelopment, and existing development and thus be more useful to the City and developers.

11. Resolution 2018-032 Authorizing the City Manager to Enter Into an Intergovernmental Agreement Concerning the Northern Colorado Regional Communication Network.

The purpose of this item is to authorize the City to enter into an updated intergovernmental agreement (IGA) concerning the Northern Colorado Regional Communications Network (NCRCN). This IGA establishes three primary partners (the City of Fort Collins, the City of Loveland, and Larimer County) as “Partner Agencies”, and identifies the responsibilities in sharing in the management, use, and cost of operating the regional radio communications system. It also outlines the division of existing radio assets.

12. Resolution 2018-033 Approving an Exception to the Use of a Competitive Process for an Agreement with Itron Distributed Energy Management, Inc. for Demand Response Services.

The purpose of this item is to request an exception to the use of a competitive bid or proposal process to pursue an agreement with Itron (formerly Comverge) to continue to provide operations, software support and field services in support of the Peak Partners demand response program.

Exception to Competitive Bid or Proposal Rationale:

8-161(d)(1)b. Although there exists more than one responsible source a competitive process cannot reasonably be used or, if used will result in a substantially higher cost to the City, will otherwise injure the City’s financial interest, or will substantially impede the City’s administrative functions or the delivery of services to the public.

13. Resolution 2018-034 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

The purpose of this item is to update the Rules of Procedure to clarify that the City Manager may remove items from the Consent Calendar, provide parameters for the use of recording equipment during Council meetings and to manage the use of the City’s display equipment in Council chambers by requiring citizens who wish to display materials for Council’s consideration to provide the materials to the City Clerk no later than 2 hours before the beginning of the Council meeting.

14. Resolution 2018-035 Appointing Alexandra Reuter to the Parking Advisory Board of the City of Fort Collins.

The purpose of this item is to appoint Alexandra Reuter to fill a vacancy that exists on the Parking Advisory Board due to the resignation of Nicholas Bohn, whose term of expiration is December 31, 2019. Councilmembers interviewed applicants solicited in the fall of 2017, and in December, identified Ms. Reuter as an alternate if a vacancy arose during the year.

**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. Energy Efficiency Portfolio Evaluation and Continuous Improvement (staff: John Phelan)
- B. Horsetooth Foothills Land Conservation Project (staff: Mark Sears)

● **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.

15. Consideration of an Appeal of the Landmark Preservation Commission Decision Regarding the Eligibility of the Spradley Barr Property, 2601 South College Avenue, to Qualify as a Landmark. (staff: Laurie Kadrich, Karen McWilliams; 10 minute staff presentation; 2 hour discussion)

The purpose of this item is to consider an appeal of the Landmark Preservation Commission's (LPC) *de novo* decision made on February 21, 2018, finding that the property at 2601 South College Avenue is eligible for individual landmark designation. This decision was consistent with the initial decision made by the Community Development and Neighborhood Services Director and the LPC Chair. On March 7, 2018, an appeal was filed challenging the LPC's decision. Only parties-in-interest as defined in City Code Section 2-47 may participate in this hearing and the scope of the appeal is limited to those items identified as grounds for appeal in the Notice of Appeal.

● **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 April 3, 2018 (after the Regular Council Meeting)

### • CALL MEETING TO ORDER

1. Consideration and Approval of the Minutes From the March 20, 2018 Electric Utility Enterprise Board Meeting.

The purpose of this item is to approve the minutes from the March 20, 2018 Electric Utility Enterprise Board meeting.

2. Items Relating to Electric Utility Enterprise Revenue Bonds, Series 2018. (staff: Travis Storin, Mike Beckstead; no staff presentation; 5 minute discussion)

A. Second Reading of Ordinance No. 003, Authorizing the Issuance and Sale of Its Tax-Exempt Revenue Bonds, Series 2018A, and Its Taxable Revenue Bonds, Series 2018B, Providing for the Sources of Payment of the Bonds and Providing Other Details Concerning the Bonds and the Enterprise's System.

B. Second Reading of Ordinance No. 004, Authorizing the Defeasance of the Enterprises Taxable Revenue Bonds (Direct Pay Qualified Energy Conservation Bonds), Series 2010B.

These Ordinances, unanimously adopted on First Reading on March 20, 2018, relate to the Electric Utility Enterprise's issuance of revenue bonds for the City's proposed Broadband System. Ordinance No. 003, authorizes the financing and construction of a Municipal Broadband System to provide telecommunication facilities and services, including the transmission of voice, data, graphics, and/or video to customers within Fort Collins. This agenda item is consistent with Strategic Objective 3.9 from the 2016 Strategic Plan: Encourage the development of reliable, high speed internet services throughout the community.

Ordinance No. 004, authorizes the defeasance of the Electric Utility Enterprise's 2018B outstanding bonds, for which remaining payments total \$5,270,000 principal and \$513,328 interest through maturity in 2020. This defeasance is necessary to eliminate certain restrictive covenants in the 2010B

bonds that would otherwise affect the Enterprise's ability to issue the 2018 bonds for the Broadband System.

The aggregate principal amount of the Bonds being issued shall not exceed \$150,000,000. The net effective interest rate shall not exceed 5.45% on either the 2018A or 2018B Bonds. The 2018A Bonds shall mature no later than December 1, 2042, and the 2018B Bonds shall mature no later than December 1, 2032.

- **OTHER BUSINESS**
- **ADJOURNMENT**