



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

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## Regular Meeting April 17, 2018 **Amended April 16, 2018**

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*Persons wishing to display presentation materials using the City's display equipment under the Citizen Participation portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City's display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.*

*NOTE: All presentation materials for appeals, addition of permitted use applications or protests related to election matters must be provided to the City Clerk no later than noon on the day of the meeting at which the item will be considered. See [Council Rules of Conduct in Meetings](#) for details.*

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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.

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

- A. Proclamation Declaring the Week of April 15-21 as National Volunteer Week.
- B. Proclamation Declaring April 20, 2018, as Arbor Day.
- C. Proclamation Declaring April as Local Music Appreciation Month.
- D. Proclamation Declaring May 19, 2018, as "Kids to Parks" Day.

## Regular Meeting 6:00 p.m.

- **PLEDGE OF ALLEGIANCE**
- **CALL MEETING TO ORDER**
- **ROLL CALL**
- **AGENDA REVIEW: CITY MANAGER**
  - *City Manager Review of Agenda, including removal of items from Consent Calendar for individual discussion.*
  - *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.

    - City Manager/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. Consideration and Approval of the Minutes of the March 6, March 20 and April 3, 2018 Regular Council Meetings.

The purpose of this item is to approve the minutes from the March 6, March 20 and April 3, 2018, Regular Council meetings.

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

This Ordinance, unanimously adopted on First Reading on April 3, 2018, reappropriates 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.

In the above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2017 and reflect no change in Council policies.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on April 3, 2018, appropriates \$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.

4. Second 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.

This Ordinance, unanimously adopted on First Reading on April 3, 2018, funds 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 a new billing system is implemented.

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

This Ordinance, unanimously adopted on First Reading on April 3, 2018, appropriates \$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.

6. Second 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.

This Ordinance, unanimously adopted on First Reading on April 3, 2018, amends 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.

7. First Reading of Ordinance No. 052, 2018, Appropriating Prior Year Reserves and Unanticipated Revenue in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and Convention and Visitor Program Services.

The purpose of this item is to appropriate \$482,841, of which \$242,389 is proposed for 2018 Cultural Development and Programming Activities (Fort Fund), \$26,873 is proposed for 2018 Tourism Programming (Fort Fund), and \$213,579 is proposed for 2018 Convention and Visitors Program activities, from a combination of unanticipated revenue (Lodging Tax) and prior year reserves (unspent appropriations) in the General Fund Lodging Tax Reserves.

Lodging taxes are annually collected by the City of Fort Collins for Cultural Development and Tourism programming activities. Anticipated revenue is projected through each Budgeting for Outcomes (BFO) cycle and then adjusted annually as needed based on actual collections. Lodging tax revenue collected in 2017 was \$237,967 above projected collections.

8. Items Related to Income Qualified Assistance Programs.

- A. First Reading of Ordinance No. 053, 2018, Amending Chapter 26 of the Code of the City of Fort Collins to Change the Name of Time-of-Use Electric Rates to Time-of-Day Electric Rates.

- B. First Reading of Ordinance No. 054, 2018, Amending Chapter 26 of the Code of the City of Fort Collins to Adopt Discounts Applicable to Water, Wastewater and Electric Rates, Fees and Charges Applied Under an Income Qualified Assistance Program.

The purpose of Ordinance No. 053, 2018, is to change the name for the electric service rates that will go into effect on October 1, 2018, from "time-of-use" to "time-of-day" to better identify how the rates will be applied to different times during the day.

The purpose of Ordinance No. 054, 2018, is to bring forward an ordinance to implement an Income-Qualified Assistance Program (IQAP), formerly referred to as the income-qualified rate (IQR). For qualified customers who “opt-in”, this program will initially provide a 23% discount on specified rate components for electric, water and wastewater services on a customer’s monthly bill. Utilities will qualify customers through the Low-income Energy Assistance Program (LEAP), which uses an income threshold of 165% of the Federal Poverty Level (FPL). The IQAP will have a three-year phased approach to provide data to City Council that demonstrates reasonable bill affordability and presents long-term recommendations on participation criteria, including whether a specific level of dwelling improvements in participants’ homes may (or may not) eliminate the need for payment assistance, or support removal of participants from the program. The IQAP will be rolled out in October 2018, in conjunction with time-of-day (TOD) (formerly referred to as “time-of-use” [TOU]) rates for residential customers, as approved by Council in November 2017.

9. First Reading of Ordinance No. 055, 2018, Authorizing the Release of a Restrictive Covenant on Property at the Colony at Rigden Farm.

The purpose of this item is to authorize the release of a restrictive covenant for affordable home ownership on a property’s title because the property developed into market rate rental housing. The project contemplated by the covenant was not built and no affordable housing incentives were provided to the developer.

10. Resolution 2018-036 Finding Substantial Compliance and Initiating Annexation Proceedings for the Aweida Annexation.

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for the Aweida Annexation. The Aweida Annexation brings one property and the abutting arterial street right-of-way totaling 0.862 acres, located on the southwest corner of the South Taft Hill Road and W CR 38 E intersection, into Fort Collins’ municipal boundaries. No project development plan proposal was submitted in conjunction with the annexation application. The requested zoning for this annexation is Low Density Mixed-Use Neighborhood (L-M-N).

The proposed Resolution makes a finding that the petition substantially complies with the Municipal Annexation Act, determines that a hearing should be established regarding the annexation, and directs that notice be given of the hearing. The hearing will be held at the time of first reading of the annexation and zoning ordinances; not less than thirty days of prior notice is required by State law. Pursuant to § 31-12-108, C.R.S., if the annexation petition is in substantial compliance with the requirements of § 31-12-107, C.R.S., Council is required to adopt a resolution finding substantial compliance and setting a hearing. The proposed zoning of a property to be annexed is not a requirement under § 31-12-107, C.R.S., and discussion of zoning issues should be reserved for the zoning review that will occur concurrent to the first reading for the annexation.

11. Resolution 2018-037 Authorizing Addendums to Extend the Terms of the Intergovernmental Agreements Between the City and Poudre School District and the City and Thompson School District Pertaining to the Land Dedication and In-Lieu Fee Requirements Contained in Such Agreements.

The purpose of this item is to extend the terms of the Poudre School District and the Thompson School District Intergovernmental Agreements concerning land dedications or payments in-lieu for school purposes through December 31, 2018.

12. Resolution 2018-040 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Landmark Preservation Commission’s Decision that 2601 South College Avenue is Eligible for Fort Collins Landmark Designation.

**Item moved to City Manager/Councilmember Pulled Items.**

~~The purpose of this item is to make findings of fact and conclusions of law regarding the appeal of the Landmark Preservation Commission’s decision to uphold the eligibility of 2601 South College Avenue for Fort Collins landmark designation. The appeal was heard by City Council on April 3, 2018.~~

13. Resolution 2018-038 Appointing Julie Pignataro to the Citizen Review Board of the City of Fort Collins.

The purpose of this item is to appoint Julie Pignataro to fill a vacancy on the Citizen Review Board due to the resignation of Pranaya Sathe, whose term was set to expire on December 31, 2018. In January 2018, City Manager Darin Atteberry, Mayor Troxell, and Councilmember Ray Martinez interviewed applicants solicited in the fall of 2017 and identified Ms. Pignataro 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. Youth Advisory Board Report on National League of Cities Conference.

- **COUNCILMEMBER REPORTS**

- **CONSIDERATION OF CITY MANAGER/COUNCIL-PULLED CONSENT ITEMS**

12. Resolution 2018-040 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Landmark Preservation Commission's Decision that 2601 South College Avenue is Eligible for Fort Collins Landmark Designation.

The purpose of this item is to make findings of fact and conclusions of law regarding the appeal of the Landmark Preservation Commission's decision to uphold the eligibility of 2601 South College Avenue for Fort Collins landmark designation. The appeal was heard by City Council on April 3, 2018.

## 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. Second 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. (staff: Kyle Lambrecht, Tim Kemp; 5 minute staff presentation; 10 minute discussion)

This Ordinance, adopted on First Reading on April 3, 2018 by a vote of 6-1 (Nays: Cunniff) appropriates \$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. 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.

As requested at the April 3, 2018 Council Meeting, staff will present the project to the Council Finance Committee on April 16, 2018. Staff will provide a memo to Council summarizing the discussion prior to the April 17, 2018 Council Meeting.

15. Items Relating to the Appropriation From Light and Power/Broadband Fund Debt Proceeds and Other Funds Related to the Broadband Project. (staff: Travis Storin, Mike Beckstead; 5 minute staff presentation; 30 minute discussion)

**Withdrawn from Discussion for Consideration at the April 24, 2018 Adjourned Council Meeting.**

~~A. First Reading of Ordinance No. 056, 2018, Appropriating Bond Proceeds from the Issuance of 2018 Electric Utility Enterprise Revenue Bonds for Capital, Operating and Debt Service Expenditures Associated with the Construction of a Broadband System to Provide Telecommunication Facilities and Services to Customers Within Fort Collins and Excepting This Appropriation from the City Code's Art In Public Places Requirement.~~

~~B. First Reading of Ordinance No. 057, 2018, Appropriating Funds from the Light and Power Fund to Defeasance the City of Fort Collins, Colorado, Electric Utility Enterprise Taxable Revenue Bonds Series 2010B.~~

~~The purpose of this item is to appropriate (1) bond proceeds for the construction of a municipal broadband system and (2) Light & Power reserves for the defeasance of outstanding debt. The issuance and defeasance were authorized by the Electric Utility Enterprise Board Ordinances No. 003 and No. 004, respectively. 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.~~

16. Resolution 2018-039 Adopting the City of Fort Collins 2018 Strategic Plan. (staff: Darin Atteberry, Mike Beckstead; 10 minute staff presentation; 30 minute discussion)

The purpose of this item is to request City Council's approval of the City of Fort Collins 2018 Strategic Plan. Council reviewed the City's draft 2018 Strategic Plan at a meeting on March 3, 2018. Staff incorporated the input provided by Council into the final version sent to Council on April 12, 2018. The 2018 Strategic Plan document is an integral input to the City's Budgeting for Outcomes (BFO) process.

As was done in 2016, Council has asked to formally adopt the 2018 Strategic Plan. It reflects the City's Strategic Objectives, priorities and focus over the next 3-5 years and is used as a foundation document within other efforts across the City.

17. First Reading of Ordinance No. 058, 2018, Appropriating Prior Year Reserves in the General Fund and the Fort Collins Urban Renewal Authority Fund and Authorizing the Transfer of Appropriations from the General Fund and the Fort Collins Urban Renewal Authority Fund into the Capital Project Fund for the Poudre River Whitewater Park Project and Transferring Appropriations from the Capital Project Fund to the Cultural Services and Facilities Fund for the Art in Public Places Program and Transferring Appropriations in the Storm Drainage Fund from the Boxelder Creek Outfall Project and the Remington Street Outfall Project to the Capital Project Fund for the Poudre River Whitewater Park Project. (staff: Kurt Friesen; 10 minute staff presentation; 45 minute discussion)

The purpose of this item is to appropriate additional funding for the Poudre River Whitewater Park project. The Whitewater Park will be located south of Vine Drive between College Avenue and the BNSF Railroad. Design and permitting for the project are nearly complete, with construction anticipated to begin Summer 2018, and the project complete in Summer 2019. There is sufficient funding available for a minimum, base project. To realize the full vision of the project, as outlined in the 2014 Poudre River Downtown Master Plan, approximately \$2M of additional funds are needed.

- **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. Council will consider a motion to adjourn to 7:30 p.m., Tuesday, April 24, 2018, or as soon thereafter as the Council has completed its work session, scheduled to begin at 6:00 p.m.

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.