



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 May 15, 2018 (Amended 5/14/18)

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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.

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

- A. Proclamation Declaring the week of May 7-15, 2018 as Public Service Recognition Week.
- B. Proclamation Declaring May as Older Americans Month.
- C. Proclamation Declaring May as Fort Collins Historic Preservation Month.

## Regular Meeting 6:00 p.m.

- **PLEDGE OF ALLEGIANCE**
- **Public Service Recognition Week - Recognition of 2018 City Employee Awards**
- **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. Consideration and Approval of the Minutes of the April 17, 2018 Regular Council Meeting and the April 24, 2018 Adjourned Council Meeting.

The purpose of this item is to approve the minutes from the April 17, 2018 Regular Council Meeting and the April 24, 2018 Adjourned Council Meeting.

2. Second Reading of Ordinance No. 059, 2018, Appropriating Prior Year Reserves for the Purpose of Providing Natural Areas Programming Not Included in the 2018 Adopted City Budget and Authorizing the Transfer of Appropriations from the Natural Areas Fund into the Capital Project Fund for the Whitewater Park Project.

This Ordinance, unanimously adopted on First Reading on May 1, 2018, appropriates \$10,000,000 in prior year reserves and unanticipated revenues in the Natural Areas Fund and to include a transfer of \$273,812 to the Capital Projects Fund for the Whitewater Park project. These appropriations are for land conservation, restoration of wildlife habitat, a transfer of prior year reserves and commitments to fund restoration of the Poudre River at the Whitewater Park, as well as other Natural Area Department programs to benefit the citizens of Fort Collins.

3. Second Reading of Ordinance No. 060, 2018, Appropriating Unanticipated Grant Revenue in the Transportation Fund from the Colorado Department of Transportation and the BNSF Railway Foundation for the Safe Routes to School Program.

This Ordinance, adopted on First Reading on May 1, 2018, appropriates \$25,584 in unbudgeted funds received through two grants for the Safe Routes to School (SRTS) program (part of the City's FC Moves Department). The Colorado Department of Transportation (CDOT) has awarded an \$18,584 grant for acquisition of new equipment, and BNSF Railway Foundation has awarded a \$7,000 grant for SRTS bike-pedestrian safety education in K-8 schools. This project requires a 20% local match for the CDOT grant (\$4,646), which will be paid from a portion of the BNSF Railway Foundation grant.

On Second Reading, the reference to "BNSF Railroad Foundation" has been changed to "BNSF Railway Foundation."

4. Second Reading of Ordinance No. 061, 2018, Repealing and Reenacting Division 4 in Article IV of Chapter 2 of the Code of the City of Fort Collins Pertaining to the Fort Collins Urban Renewal Authority to Address Recent Changes in Colorado's Urban Renewal Law and Confirming the Appointment of Andy Smith to the Authority's Board of Commissioners.

This Ordinance, unanimously adopted on First Reading on May 1, 2018, amends City Code (Code) to provide for an expanded Urban Renewal Authority (URA) Board following the requirements of state law associated with the creation of a new Urban Renewal Plan Area. More particularly, this item amends the Code to provide for an expanded URA Board that includes a county appointment, school district appointment, an appointment from among the special districts, and to restore the board to an

odd number, a mayoral appointment. Additionally, the Code will be amended to clarify that the county, school district and special district appointees are not subject to the City's conflict of interest provisions, but are subject to the conflict of interest provisions that govern URAs as per state law.

5. Second Reading of Ordinance No. 064, 2018 Authorizing the Conveyance of Various Property Interests on City-Owned Property at Pelican Marsh Natural Area to Pedcor Investments LLC.

This Ordinance, unanimously adopted on First Reading on May 1, 2018, authorizes the conveyance of one non-exclusive permanent drainage easement, one non-exclusive permanent slope easement and two temporary construction easements on Pelican Marsh Natural Area (Pelican Marsh) to Pedcor Investments LLC. (Pedcor).

6. Second Reading of Ordinance No. 065, 2018, Authorizing the Conveyance to the Colorado Department of Transportation of Various Property Interests on City-Owned Property at Arapaho Bend Natural Area.

This Ordinance, adopted on First Reading on May 1, 2018, authorizes the conveyance of two permanent right-of-way easements, one temporary construction easement, and a triangle strip of land on Arapaho Bend Natural Area to the Colorado Department of Transportation (CDOT).

7. Items Relating to the Downtown Development Authority Line of Credit Finance for 2019-2024.

A. Resolution 2018-046 Approving an Intergovernmental Agreement Between the City of Fort Collins and the Fort Collins Downtown Development Authority Governing the Use of a Line of Credit.

B. First Reading of Ordinance No. 066, 2018, Authorizing the Establishment of a Revolving Line of Credit to be Paid Solely with Downtown Development Authority Tax Increment Funds for a Six-Year Period in the Amount of up to Five Million Dollars Per Draw to Finance Downtown Development Authority Projects and Programs in Accordance with the Downtown Development Authority Plan of Development and Approving Related Documents.

The purpose of this item is to renew the current Line of Credit (LOC) established in 2012 by the City on behalf of the Downtown Development Authority (DDA), which is scheduled to expire at the end of 2018. The City and DDA began taking steps earlier this year to renew this debt instrument with First National Bank for another six-year term, as it will be needed by the DDA to execute its projects and programs beginning in budget year 2019.

The Board of Directors of the Downtown Development Authority believes it would be financially beneficial for the DDA and the community as a whole to renew the Line of Credit with First National Bank for a six-year period through adoption of Ordinance No. 066, 2018. The Line of Credit will be used to finance DDA projects and programs. Adoption of Resolution 2018-046 will approve the Second Intergovernmental Agreement (IGA), which provides the process steps by which the City and DDA engage the LOC.

8. First Reading of Ordinance No. 067, 2018, Approving the Waiver of Certain Fees for the Oakridge Crossing Affordable Housing Project.

The purpose of this item is to present an affordable housing fee waiver request for Oakridge Crossing and if granted, authorizing a refund of waived fees already paid. Oakridge Crossing, LLLP has requested that certain development and capital improvement expansion fees be waived for qualifying units at Oakridge Crossing, an affordable senior community. In March 2013, City Council limited the types of projects for which fee waivers may be requested and made these waivers discretionary. Eligible projects are those constructed for homeless or disabled persons, or for households whose income falls at or below 30% of the area median income of all City residents. Oakridge Crossing LLLP is requesting fee waivers in the amount of \$90,923 for the 13 qualifying units at Oakridge Crossing. Council Finance Committee supports this request and suggested using funds from the Affordable Housing Capital Fund in the Community Capital Improvement Program fund for the refund.

9. First Reading of Ordinance No. 068, 2018, Designating the McMillan-Patterson Property, 121 North Grant Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

This item is to consider the request for landmark designation for the McMillen-Patterson Property, 121 North Grant Avenue, an excellent example of an Eastlake-style home from the late 1880s.

10. First Reading of Ordinance No. 063, 2018, Making Various Amendments to the City of Fort Collins Land Use Code.

The purpose of this item is to adopt a variety of revisions, clarifications and additions to the Land Use Code that are generally housekeeping and routine in nature that have been identified since the last update in May 2017.

11. Resolution 2018-047 Supporting Consulting Services Related to Interstate 25 (I-25) Funding for Traffic Solution Efforts.

The purpose of this item is to provide a Resolution of support for the Fix North I-25 Business Alliance's efforts to seek timely improvements to the I-25 Corridor in Northern Colorado. This item supports Council Priority for I-25 funding; Strategic Plan Objectives: Transportation 6.1, 6.4; and Council legislative priority re: I-25 funding.

12. Resolution 2018-048 Authorizing the Assignment of the City's Private Activity Bond Allocation for 2018 to the Colorado Housing and Finance Authority and Housing Catalyst to Finance the Rehabilitation or Construction of Affordable Housing Units.

The purpose of this item is to support two local affordable housing projects by assigning the City's 2018 Private Activity Bond allocation.

13. Resolution 2018-049 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.

14. Resolution 2018-050 Making Appointments to the Affordable Housing Board, Golf Board, Parks and Recreation Board and Youth Advisory Board of the City of Fort Collins.

The purpose of this item is to appoint Rachel Aldridge to fill a vacancy on the Affordable Housing Board due to the resignation of Eloise Emery. Appoint Bob Pawlikowski to the Golf Board due to the resignation of Ashley Gruber. Appoint Robert Kingsbury to the Parks and Recreation Board due to the resignation of Kenneth Layton. Appoint Sam Hammock, Suhaas Narayanan, and Kaustubh Kaushik to the Youth Advisory Board due to resignations from Roshini Narayanan and Betsy Pruznick and term expiration of Nela Mohan.

In December 2017, Councilmembers Bob Overbeck and Ken Summers interviewed applicants for the Affordable Housing Board; Councilmembers Ken Summers and Kristin Stephen interviewed applicants for the Parks and Recreation Board from a pool of candidates solicited during the fall of 2017. Recommendations for appointments were made and several applicants were identified for any future vacancies. On May 9, 2018 Councilmembers Ray Martinez and Bob Overbeck conducted interviews for the Golf Board and the Youth Advisory Board from applications received during the first quarter of 2018.

**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. ~~Fix North I-25 Business Alliance (staff: Chad Crager)~~
- B. Development Review Process Enhancements (staff: Jeff Mihelich)
- C. Urban Renewal Authority Update (staff: Josh Birks)

● **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. Resolution 2018-051 Amending the West Nile Virus Management Policy and Providing Direction to the City Manager Regarding Implementation of the Policy. (Staff: Mike Calhoun; 5-minute staff presentation: 45-minute discussion)

The purpose of this item is to adopt enhancements to the West Nile Virus Management Program. Staff is presenting three options for Council consideration; the first two options would update the West Nile Virus (WNV) Management Policy, and the final option maintains the status quo. The program changes being offered propose changes to the program response guidelines (operational practices) as they relate to the vector index requirement and human case requirement threshold.

16. Resolution 2018-052 Authorizing the Execution of a Funding Agreement Between the City and the Housing Authority for a Loan of Funds from the Affordable Housing Capital Fund for Mason Place. (Staff: Beth Sowder, Jackie Kozak-Thiel; 15-minute staff presentation: 30-minute discussion)

The purpose of this item is to consider a resolution authorizing the execution of a funding agreement between the City of Fort Collins and Fort Collins Housing Authority (doing business as Housing Catalyst) for a loan of funds from the Affordable Housing Capital Fund (specific fund within the Community Capital Improvement Program) for the construction of Mason Place, a permanent supportive housing development. The funding amount requested is \$876,662, to assist with the remaining funding gap prior to application for Low Income Housing Tax Credits which, along with

mortgage debt, will provide the majority of the funding needed for the project. The proposed agreement will be subject to future appropriation by the City Council.

- **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, May 22, 2018 to discuss the City's involvement in *Colorado Oil and Gas Conservation Commission v. Martinez*.

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.