

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

Regular Meeting
June 5, 2018
(Amended 6/4/18)

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.

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
5:15 p.m.

- A. Proclamation Declaring June as Bike Month.
B. Proclamation Declaring June 18-24, 2018 as National Pollinator Week.
C. Proclamation Declaring June 1-7, 2018, as CPR and AED Awareness Week.
D. Proclamation Declaring June as Safety Awareness Month.
E. Proclamation Declaring June as Pride 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, 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 May 1 and May 15, 2018 Regular Council Meetings and the May 8, 2018 Adjourned Council Meeting.

The purpose of this item is to approve the minutes from the May 1 and May 15, 2018 Regular Council meetings and the May 8, 2018 Adjourned Council meeting.

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

This Ordinance, unanimously adopted on First Reading on May 15, 2018, adopts 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.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on May 15, 2018, renews 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 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.

The Ordinance has been amended between first and second reading to make the Ordinance recitals correspond to those in Resolution 2018-046.

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

This Ordinance, unanimously adopted on First Reading on May 15, 2018, authorizes an affordable housing fee waiver request for Oakridge Crossing and 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.

5. Second Reading of Ordinance No. 068, 2018, Designating the McMillen-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 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 2018-034.

This Ordinance, unanimously adopted on First Reading on May 15, 2018, designates the McMillen-Patterson Property, 121 North Grant Avenue, as a Fort Collins Landmark. The owner of the property, Susan Hoskinson, is requesting the designation.

6. First Reading of Ordinance No. 069, 2018, Appropriating Prior Year Reserves in the Light and Power Fund for the Light and Power New Circuits Project.

The purpose of this item is to appropriate funds from Light & Power Reserves to serve the newly annexed Water Treatment Facility (\$1,300,000) and to meet capacity needs at the East Harmony Industrial Park (\$480,000) and the Southwest Residential Area (\$230,000). The appropriation also includes \$7,100 for Art in Public Places (APP). The previous \$1.3M appropriation from the Water Fund also included the associated \$13,000 for APP. The total amount being requested is \$2,017,100, which will leave \$3.2M available and unappropriated in the Light & Power Reserves.

7. Items Relating to the Completion of the 2018 Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing and Community Development Activities Utilizing Funds from the Federal Community Development Block Grant (CDBG) Program, Federal HOME Investment Partnerships (HOME) Program, the City's Affordable Housing Fund (AHF), and the City's Human Services Program (HSP).

- A. Public Hearing and Resolution 2018-054 Approving the Programs and Projects that Will Receive Funds from the Federal Community Development Block Grant Program, the HOME Investment Partnerships Program, the City's Affordable Housing Fund, and the City's Human Services Program.
- B. Public Hearing and First Reading of Ordinance No. 070, 2018, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund.
- C. Public Hearing and First Reading of Ordinance No. 071, 2018, Appropriating Unanticipated Revenue in the HOME Investment Partnerships Fund.

The purpose of this item is to approve funding recommendations of the 2018 Spring Cycle of the Competitive Process and appropriate federal dollars. Resolution 2018-054 will complete the 2018 Spring Cycle of the Competitive Process for allocating \$5,205,993 in City financial resources to affordable housing and public facility projects, human service programs and administration of the programs. Ordinance No. 070, 2018 appropriates the City's FY2018 CDBG Entitlement Grant from the Department of Housing and Urban Development (HUD), and CDBG Unanticipated Program Revenue from FY2017. Ordinance No. 071, 2018 appropriates the City's FY2018 HOME Participating Jurisdiction Grant from the Department of Housing and Urban Development (HUD), and HOME Unanticipated Program Revenue from FY2017.

8. First Reading of Ordinance No. 072, 2018, Amending Chapter 19 of the Code of the City of Fort Collins Regarding Civil Infractions.

The purpose of this item is to remove the notification requirement for violations of Chapter 19 of the City Code to allow Code Compliance Inspectors the flexibility to issue immediate citations for all

properties, including some identified and sustained egregious or chronic offenders of the nuisance code.

9. Items Relating to the Aweida Annexation.

- A. Resolution 2018-055 Setting Forth Findings of Fact and Determinations Regarding the Aweida Annexation.
- B. Public Hearing and First Reading of Ordinance No. 073, 2018, Annexing the Property Known as the Aweida Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex an area of approximately 0.862 acres in southwest Fort Collins. The property is situated on the southwest corner of the South Taft Hill Road and West County Road 38E intersection. The Initiating Resolution was adopted on the consent agenda on April 17, 2018. A related item to zone the annexed property is presented as the next item on this Agenda.

10. Items Relating to Zoning the Aweida Annexation.

- A. Resolution 2018-056 Amending the City's Structure Plan Map.

This Ordinance 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 2018-034.

- B. Public Hearing and First Reading of Ordinance No. 074, 2018, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Aweida Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map.

The purpose of this item is to zone the property included in the Aweida Annexation into the Low Density Mixed-Use Neighborhood zone district. A Council amendment of the *City Structure Plan Map* is necessary to allow for the Aweida Annexation to be zoned L-M-N.

11. Items Relating to the East Gateway Annexation.

THIS ITEM HAS BEEN MOVED TO ITEM #17, DISCUSSION.

- A. Resolution 2018-057 Setting Forth Findings of Fact and Determinations Regarding the East Gateway Annexation.
- B. Public Hearing and First Reading of Ordinance No. 075, 2018, Annexing the Property Known as the East Gateway Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex 1.77 acres of land consisting of three properties into the City of Fort Collins. The properties are located approximately ¼ mile northeast of the Interstate 25 and East Mulberry Street interchange. The annexation will create the East Mulberry Enclave encompassing the East Mulberry Corridor. The Initiating Resolution was adopted on May 1, 2018. A related item to zone the annexed property is presented as the next item on this Agenda.

12. First Reading of Ordinance No. 076, 2018, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the East Gateway Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map.

THIS ITEM HAS BEEN WITHDRAWN FROM CONSIDERATION.

~~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 2018-034.~~

~~The purpose of this item is to zone the property included in the East Gateway Annexation into the General Commercial (G-C), Low Density Mixed Use Neighborhood (L-M-N), and Industrial (I) zone districts.~~

13. Resolution 2018-058 Designating City-Owned Properties Along the Cache la Poudre River as an Important Bird Area.

The purpose of this item is to designate City-owned properties within the Growth Management Area that adjoin the Cache la Poudre River as an Important Bird Area (IBA). An IBA is defined by the National Audubon Society as a site that provides essential habitat to one or more species of birds during some portion of the year. This designation conveys no legal authority over land ownership or its uses and management. This designation would support City educational initiatives aimed at increasing awareness and enjoyment of Poudre River bird habitat. It may also prove useful when seeking additional funding (i.e., grant applications) for habitat restoration projects.

14. Resolution 2018-059 Appointing Christine Pardee to the Planning and Zoning Board of the City of Fort Collins.

The purpose of this item is to appoint Christine Pardee to fill a vacancy on the Planning and Zoning Board due to the resignation of Emily Heinz, whose term was set to expire on December 31, 2021. In December 2017, Mayor Troxell, and Councilmember Ray Martinez interviewed applicants solicited in the fall of 2017 and identified Ms. Pardee 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. Horsetooth and College Construction Project Report. (Staff: Tim Kemp)

- **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. First Reading of Ordinance No. 077, 2018, Amending Chapter 7 of the Code of the City of Fort Collins to Amend Requirements and Procedures for City Elections. (staff: Delynn Coldiron, Rita Knoll; 5 minute staff presentation; 30 minute discussion)

The purpose of this item is to amend the Election Code to clarify that expenditures for political advertising includes internet advertising; amend deadlines for write-in candidates, nomination petitions, withdrawals and campaign reports; and adopt Code language to align with the Uniform Overseas Citizens Absentee Voting Act (UOCAVA). The Code amendments will also require candidates and committees to keep samples of public communications and revise the definition for independent expenditures.

16. Resolution 2018-060 Rescinding Resolution 2018-041 and Finding Substantial Compliance and Initiating Annexation Proceedings for the East Gateway Annexation. (staff Kai Kleer, Tom Leeson; no staff presentation; 5 minute discussion)

NEW ITEM ADDED JUNE 4, 2018

On May 1, 2018, Council adopted Resolution 2018-041 initiating annexation proceedings for the East Gateway Annexation and scheduling a hearing date of June 5, 2018 for the proposed annexation. It has subsequently been determined that certain notices required by the Municipal Annexation Act were inadvertently not given as required. The statutory time periods for required published and mailed notices of the proposed annexation are such that the annexation process must be re-initiated to allow these notices to be given in advance of a rescheduled hearing on July 17, 2018.

The purpose of this item is to rescind Resolution 2018-041 and re-initiate annexation proceedings for the East Gateway Annexation, containing 1.77-acres, into the City of Fort Collins. The annexation is generally located northeast of the Interstate 25 and East Mulberry Street interchange. The annexation area includes three parcels of land that consist of railroad-owned property, a strip of land on the western edge of the Cloverleaf Mobile Home Park, and a triangular-shaped parcel owned by the Colorado Department of Transportation. The requested zoning for this annexation is a combination of General Commercial (C-G), Industrial (I), and Low Density Mixed Use Neighborhood (L-M-N), consistent with the City of Fort Collins Structure Plan Map designations. The surrounding properties are a mixture of residential and commercial land uses.

The proposed Resolution makes a finding that the annexation petition substantially complies with the Municipal Annexation Act of 1965, determines that a hearing should be established regarding the annexation, and directs 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.

17. Items Relating to the East Gateway Annexation.

Staff requests the Resolution and Ordinance be postponed indefinitely due to a failure to provide notice as required in the Municipal Annexation Act.

- A. Resolution 2018-057 Setting Forth Findings of Fact and Determinations Regarding the East Gateway Annexation.
- B. Public Hearing and First Reading of Ordinance No. 075, 2018, Annexing the Property Known as the East Gateway Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex 1.77 acres of land consisting of three properties into the City of Fort Collins. The properties are located approximately ¼ mile northeast of the Interstate 25 and East Mulberry Street interchange. The annexation will create the East Mulberry Enclave encompassing the East Mulberry Corridor. The Initiating Resolution was adopted on May 1, 2018. A related item to zone the annexed property is presented as the next item on this Agenda.

- **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., Monday, June 11, 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.