

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
July 3, 2018
(amended 7/2/2018)

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
5:30 p.m.

- A. Proclamation Declaring the City of Fort Collins as a City of Services Supporting Efforts to Increase Service Opportunities in our City.

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. Second Reading of Ordinance No. 078, 2018, Appropriating Unanticipated Revenue in 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 for the Poudre River Whitewater Park Project.

This Ordinance, unanimously adopted on First Reading on June 19, 2018, appropriates \$318,099 in additional fundraising dollars secured for the Whitewater Park Project. The Whitewater Park Project is scheduled to begin construction in summer 2018 and be completed in summer 2019.

2. Second Reading of Ordinance No. 079, 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 Suniga 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 June 19, 2018, appropriates \$1,477,370 of Transportation Capital Expansion Fee (TCEF) Funds into the Capital Project Fund for the Suniga Road Improvements Project. In addition, this item authorizes the transfer of \$14,774, 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 construct Suniga Road to the City's four-lane arterial roadway standards between North College Avenue and Blondel Street, as identified on the City's Master Street Plan. Improvements include raised, protected bike lanes, pedestrian facilities, transit facilities, utility infrastructure, roadway improvements, and landscaped medians and parkways. The project will complement the existing section of Suniga Road, providing connectivity for surrounding developments from North College Avenue to Redwood Street.

3. Second Reading of Ordinance No. 080, 2018, Appropriating Prior Year Reserves in the Parking Fund for the Downtown Parking Sensor and Technology Project and Authorizing the Transfer of Appropriations from the Parking Fund to the Cultural Services and Facilities for the Art in Public Places Program.

This Ordinance, unanimously adopted on First Reading on June 19, 2018, appropriates \$359,917 of additional funds from Parking Reserves into the capital project fund to complete the Downtown Parking Sensor and Technology Project and appropriates 1% of the project funds to Art in Public Places. The Project includes installing sensors and new payment technology in the three downtown parking structures and in approximately 3000 on-street parking spaces and 3 parking lots. This Project will allow Parking Services to collect occupancy and turnover rate data to improve management of downtown parking.

4. Second Reading of Ordinance No. 081, 2018, Reappropriating Funds Previously Appropriated in 2017 but not Expended and not Encumbered in 2017, Appropriating Prior Year Reserves in the General Fund and Appropriating Unanticipated Revenue in the General Fund for the Fort Collins Police Services Combined Regional Information Systems Project.

This Ordinance, unanimously adopted on First Reading on June 19, 2018, appropriates funds to purchase a public safety software solution for the Combined Regional Information Systems Project (CRISP). CRISP is a regional partnership with other Larimer County public safety agencies and provides a reliable public safety software solution that allows regional agencies to share police and fire data, manage incidents and provide for redundancy and continuity of operations. The current system is scheduled for replacement. The City of Loveland is joining CRISP and with the addition of Loveland and other project changes, staff is also requesting an additional appropriation of \$1.98 million with the understanding that all but \$288K will be reimbursed from both CRISP partner and member agencies.

5. Second Reading of Ordinance No. 082, 2018, Appropriating Unanticipated Grant Revenue From Bloomberg Philanthropies in the Light and Power Fund for the Home Efficiency Loan Program/On-Bill Financing Program.

This Ordinance, unanimously adopted on First Reading on June 19, 2018, appropriates \$100,000 in grant revenues from Bloomberg Philanthropies, as part of the Bloomberg Mayor's Challenge, into the Fort Collins Utilities Light and Power Enterprise fund to develop and capitalize the Utilities On-Bill Financing program (OBF). The OBF provides utility bill serviced loans for energy efficiency capital improvements, and the Bloomberg project within this program will focus on funding improvements to advance efficiency in rental properties.

6. Items Relating to Amending City Code, Chapter 17 - Miscellaneous Offenses.

- A. Second Reading of Ordinance No. 083, 2018, Amending Articles III, IV, VI, and VII of Chapter 17 of the Code of the City of Fort Collins Pertaining to Trespass, Theft, Littering, Criminal Mischief, Resisting Arrest, Throwing of Missiles, and Disorderly Conduct.
- B. Second Reading of Ordinance No. 084, 2018, Amending Article VII of Chapter 17 of the Code of the City of Fort Collins Pertaining to Staying on Medians.
- C. Second Reading of Ordinance No. 085, 2018, Amending Article VII of Chapter 17 of the Code of the City of Fort Collins Pertaining to Panhandling.

Ordinance No. 083, 2018, amends certain Sections of Chapter 17 regarding trespass, theft, littering, criminal mischief, resisting arrest, throwing of missiles, and disorderly conduct to be consistent with state statutes. Ordinance No. 084, 2018, amends Section 17-122 to make that section more specific to prohibit staying on medians in locations where safety issues arise given median width, traffic volumes, and/or traffic speed. Ordinance No. 085, 2018, eliminates Section 17-127 in its entirety pertaining to panhandling. These Ordinance were unanimously adopted on First Reading on June 19, 2018.

7. Items Relating to the Fire Protection Capital Expansion Fee.

- A. First Reading of Ordinance No. 086, 2018, Amending Section 7.5-30 of the Code of the City of Fort Collins Relating to the Adjustment of the Fire Protection Capital Expansion Fee.
- B. First Reading of Ordinance No. 087, 2018, Appropriating Prior Year Reserves from the Fire Protection Capital Expansion Fee Account Within the Capital Expansion Fee Fund to Reimburse Building Permit Applicants for Overpayment of the Fire Protection Capital Expansion Fee.

The purpose of this item is to adjust the Fire Protection Capital Expansion Fee (Fire CEF) consistent with correct calculations and to appropriate funds from the Fire CEF Account in the Capital Expansion Fee Fund to reimburse fee payers for overpayments back to October 1, 2017. Consulting firm Duncan

Associates discovered there was a cell reference error in their formula used for the City's 2017 Capital Expansion Fee Study. This error caused the Fire CEF to be overstated by 19%. The City Council approved 75% of the proposed fee increases in the City's Capital Expansion Fees (CEFs), which went into effect October 1, 2017. Due to the error in the Fire CEF calculation, the Fire CEF was set at 90% instead of 75% of the 2017 proposed fee level. The estimated total refund due to fee payers is approximately \$130,000.

8. First Reading of Ordinance No. 088, 2018, Amending Section 2-31 of the Code of the City of Fort Collins Concerning Executive Sessions Pertaining to Telecommunication Facilities and Services.

The purpose of this item is to update City Code consistent with the November 7, 2017 voter-approved Charter amendment providing for telecommunication facilities and services (broadband) as part of the City's Electric Utility. The Charter amendment also authorized the Council and any board or commission established under the Charter amendment to go into executive session to consider issues of competition in providing telecommunication facilities and services. The proposed Ordinance amends City Code Section 2-31 to permit executive sessions for such purposes.

9. Resolution 2018-068 Approving the 2018 Certification to the Larimer County Assessor Pursuant to C.R.S. Section 31-25-807(3)(a)(IV)(B) for the Downtown Development Authority Property Tax Increment.

The purpose of this item is to certify to the Larimer County Assessor the percentages of property tax distributions that are to be allocated for the Downtown Development Authority by the Assessor as tax increment from the 2018 property taxes payable in 2019 to the City and to all other affected taxing entities.

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. FC Lean Update (staff: Kirsten Silveira)
- B. North College Railroad Project (staff: Brad Buckman)

● **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.

10. Items Relating to Consideration of the Century Wireless Telecommunications Facility Addition of Permitted Use Request. (staff: Clay Frickey; 15 minute staff presentation; 45 minute discussion)

- A. Public Hearing and First Reading of Ordinance No. 089, 2018, Approving the Addition of Permitted Use Associated with the Century Wireless Telecommunications Facility and Addition of Permitted Use Project Development Plan #170017.

OR

- B. Public Hearing and First Reading of Ordinance No. 090, 2018, Denying the Addition of Permitted Use Associated with the Century Wireless Telecommunications Facility and Addition of Permitted Use Project Development Plan #170017.

The purpose of this item is to decide whether to approve, approve with conditions, or deny the Century Wireless Telecommunications Addition of Permitted Use request (APU) being made in conjunction with PDP170017. The APU would allow the addition of wireless telecommunication facilities as a permitted use on a parcel of land located in the Low Density Residential (RL) zone district. Wireless telecommunication facilities are not a permitted use in the RL. PDP170017 proposes a 55-foot tall wireless telecommunications facility disguised as a bell tower at 620 West Horsetooth Road.

11. Items Relating to Planned Unit Development (PUD) Regulations. (staff: Cameron Gloss; 10 minute staff presentation; 45 minute discussion)

- A. First Reading of Ordinance No. 091, 2018, Amending Articles 1, 2, 4, and 5 of the Land Use Code Regarding Planned Unit Development Overlay Regulations.
- B. First Reading of Ordinance No. 092, 2018, Making Policy Revisions to the Larimer County Urban Area Street Standards.

The purpose of this item is to create an optional Planned Unit Development (PUD) process and regulations within the Land Use Code applicable to parcels 50 acres or greater in size being developed in multiple phases. Under the Ordinance, a PUD overlay designation would be applied to the City's zoning map at the time a PUD Master Plan is approved. The PUD Master Plan provides an overall vision for the long-term development, including the project phasing, and the elements for which the applicant has requested entitlement to long-term vested rights of the uses, densities, modifications to land use design standards, and variances to engineering standards. Each development phase is subject to the Project Development Plan (PDP) process.

- **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, July 10, 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.