

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 August 21, 2018 **AMENDED August 20, 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. Friends Of Preservation Awards

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 July 10 and July 17, 2018, Regular Council Meetings, the July 10, 2018, Adjourned Council Meeting and the July 24, 2018, Special Council Meeting.

The purpose of this item is to approve the minutes from the July 10 and July 17, 2018, Regular Council meetings, the July 10, 2018, Adjourned Council meeting, and the July 24, 2018 Special Council meeting.

2. Second Reading of Ordinance No. 094, 2018, Appropriating Unanticipated Grant Revenue From the Colorado Water Conservation Board and Great Outdoors Colorado in the Natural Areas Fund.

This Ordinance, unanimously adopted on First Reading on July 17, 2018, appropriates two grants totaling \$300,000 into the Natural Areas 2018 budget. The first grant of \$200,000 was awarded by the Colorado Water Conservation Board (CWCB) through its Watershed Restoration grant program, and the second is a \$100,000 grant awarded by Great Outdoors Colorado (GOCO) through its Habitat Restoration grant program. The CWCB grant was awarded to support two related initiatives focused on improving the health of the Poudre River fish communities. Half the grant (\$100,000) will fund the installation of a fish ladder on the Timnath Reservoir Inlet Ditch diversion dam. The second half of the CWCB funds (\$100,000) will enable a fish movement monitoring study on the Poudre to better understand the efficacy of fish ladders. The GOCO grant will support Poudre River and floodplain habitat restoration at Kingfisher Point Natural Area.

3. Second Reading of Ordinance No. 095, 2018, Appropriating Unanticipated Grant Revenue in the General Fund and Transferring Funds from the Community Development and Neighborhood Services Operating Budget to the Grant Budget for the Restorative Justice Program.

This Ordinance, unanimously adopted on First Reading on July 17, 2018, appropriates grant revenue to fund Restorative Justice Services within Community Development and Neighborhood Services (CDNS). A grant in the amount of \$67,612 has been received from the Colorado Division of Criminal Justice (DCJ) Juvenile Diversion fund for the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program (RJCP) and Reflect for all other offenses. The grant period for is July 1, 2018 to June 30, 2019. This is the second year in a 3-year cycle for the Juvenile Diversion grant.

4. Second Reading of Ordinance No. 096, 2018, Appropriating Prior Year Reserves in the Parking Fund for the Replacement of a Parking Enforcement Patrol Vehicle and License Plate Recognition System.

This Ordinance, unanimously adopted on First Reading on July 17, 2017, appropriates \$80,000 from Parking Services Reserves to replace a parking enforcement patrol vehicle and its license plate recognition system.

5. Items Relating to the City's Various Tax Provisions.

- A. Second Reading of Ordinance No. 097, 2018, Amending Article II of Chapter 25 of the Code of the City of Fort Collins Concerning the City's Tax Rebate Programs.
- B. Second Reading of Ordinance No. 098, 2018, Amending Article III of Chapter 25 of the Code of the City of Fort Collins Concerning the Imposition, Collection, and Enforcement of the City's Sales and Use Taxes.
- C. Second Reading of Ordinance No. 099, 2018, Amending Article IV of Chapter 25 of the Code of the City of Fort Collins Concerning the City's Lodging Tax.
- D. Second Reading of Ordinance No. 100, 2018, Amending Article V of Chapter 25 of the Code of the City of Fort Collins Concerning the City's Telephone Occupation Tax.

These Ordinances, unanimously adopted on First Reading on July 17, 2018, amends City Code sections in Chapter 25 to provide clarification for definitions and the application of various sections of the Code, and to make clear the City may use a third-party auditor or collections service for delinquent accounts.

6. Second Reading of Ordinance No. 101, 2018, Amending Section 8-158 of the Code of the City of Fort Collins Pertaining to the City's Procurement of Services for an Annual Independent Audit of the City's Financial Records.

This Ordinance, adopted on First Reading on July 17, 2018, amends the City Code to accommodate the roles of the Council Finance Committee and the City Council in procuring external audit services for the City. An important element of auditor independence is that the selection of the external auditor is made by a governing body rather than by the staff of the auditee. The proposed Code section would (1) allow the selection process of an external audit services to take place at publicly held meetings and (2) define the maximum service period of an incumbent auditor.

7. Second Reading of Ordinance No. 102, 2018, Amending Article IV, Division 2 of Chapter 23 of the Code of the City of Fort Collins Regarding Real Property.

This Ordinance, unanimously adopted on First Reading on July 17, 2018, amends various Sections of Article IV, Division 2 of Chapter 23 in City Code as it pertains to real property. Article IV was reviewed to find areas where the language could be improved and to make changes to these areas to streamline the process.

8. Second Reading of Ordinance No. 103, 2018, Annexing the Property Known as the East Gateway Annexation to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on July 17, 2018, annexes 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. A related item to zone the annexed property is presented as the next item on this Agenda.

9. Second Reading of Ordinance No. 104, 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 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 July 17, 2018, zones 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.

10. First Reading of Ordinance No. 105, 2018, Appropriating Prior Year Reserves in the Cultural Services and Facilities Fund for Lincoln Center Improvements.

The purpose of this item is to appropriate funds set aside by the Lincoln Center into reserves to replace aisle lighting in the Performance Hall as part of the seat replacement project.

11. First Reading of Ordinance No. 106, 2018, Appropriating Unanticipated Grant Revenue from the Colorado Energy Office in the Light and Power Fund for the HOME Efficiency Loan Program/On-Bill Financing Program.

The purpose of this item is to appropriate \$200,000 in grant revenues from the Colorado Energy Office in the Fort Collins Utilities Light and Power fund for the purposes of developing and capitalizing Utilities On-Bill Financing (OBF) program. The program will provide utility bill serviced loans for energy efficiency and renewable energy, with a focus on efficiency in rental properties for low- to moderate-income households.

12. First Reading of Ordinance No. 107, 2018, Amending Chapter 23 of the Code of the City of Fort Collins Regarding Model Rocketry.

The purpose of this item is to change the City Code to allow model rocketry activities under a permit issued by the Parks Department. Model rocketry is currently allowed by City Code in areas that are signed for the use. There are no areas currently signed for this use. This change would allow for the development of an internal policy for the safe and appropriate use of model rockets in the parks system, and issuance of a permit for that use.

13. First Reading of Ordinance No. 108, 2018, Amending Chapter 12, Article X, of the Code of the City of Fort Collins to Remove the Small Scale Source Definition and Warning Requirements for Fugitive Dust.

The purpose of this item is to amend the City Code, Chapter 12, Article X, Particulate Matter Emissions, to remove small source written warning requirements for violations, and instead apply the City's standard citation procedure for civil infractions, which allows the option for written warnings (Sec 19-65. - Commencement of action; citation procedure). This would simplify education, outreach and enforcement related to the Ordinance.

14. Items Relating to Adequate Public Facilities for Transportation.

- A. First Reading of Ordinance No. 109, 2018, Amending Article 3 of the Land Use Code Regarding Adequate Public Facilities Standards for Transportation Levels of Service.

- B. First Reading of Ordinance No. 110, 2018, Amending Larimer County Urban Area Street Standards Related to Land Use Code Adequate Public Facilities Requirements.

The purpose of this item is to consider revisions to the Land Use Code ("LUC") and the Larimer County Urban Area Street Standards ("LCUASS") as they relate to Adequate Public Facilities ("APF") standards for transportation levels of service. The changes will make the standards current and consistent and provide for Alternative Mitigation Strategies in cases where typical improvements are not feasible, not proportional to impact, or not desired by the City.

15. First Reading of Ordinance No. 111, 2018 Authorizing the Lease of, and the Grant of an Option to Purchase, City-Owned Property at 317 and 321 South Sherwood Street to Faith Family Hospitality of Fort Collins, Inc.

The purpose of this item is to obtain approval for a lease of City-owned property located at 317-321 South Sherwood to the non-profit corporation, Faith Family Hospitality of Fort Collins, Inc., a Colorado nonprofit corporation (FFH). FFH currently provides three core programs including case management, day center and an overnight shelter for families experiencing homelessness in Fort Collins. This facility will allow FFH to expand its program to include transitional housing. FFH is requesting a less than market lease rate of \$25 per month for a period of up to 25 years, including an option to purchase said property between the third year and fifteenth year of the lease at a purchase price of \$700,000. This purchase price was supported by the Council Finance Committee.

16. First Reading of Ordinance No. 112, 2018, Declaring Certain City-Owned Property on North College Avenue as Road Right-of-Way for Suniga Road.

The purpose of this item is to declare property owned by the City as road right-of-way to be constructed and used for Suniga Road at College Avenue. The City owns a parcel of property located at 1000 North College Avenue. In 2018, the City Engineering Department designed improvements for the Suniga Road and College Avenue connection across the City's property. The project will construct a new arterial roadway between College Avenue and Blondel Street. Improvements include construction of a complete arterial street which includes 4 travel lanes, protected bike lanes, landscaped parkways, medians, sidewalks and utility improvements. This Ordinance officially declares this City owned parcel needed for Suniga Road as road right-of-way.

17. Resolution 2018-072 Finding Substantial Compliance and Initiating Annexation Proceedings for the Hughes Stadium Annexation.

The purpose of this item is to initiate annexation proceedings for the Hughes Stadium Annexation, containing 164-acres, into the City of Fort Collins. The Annexation is located at the northwest corner of South Overland Trail and Dixon Canyon Road. The Annexation area is owned and administered by Colorado State University and is the former location of Hughes Stadium. The requested zoning for the property contained within the annexation area is Transition (T) which is intended for properties for which there are no specific and immediate plans for development. The surrounding properties are a mixture of recreational, 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' prior notice is required by State law.

18. Resolution 2018-073 Authorizing the Execution of an Intergovernmental Agreement Between the City and the Colorado Department of Transportation for Signal and Safety Improvements at the Intersection of College Avenue and Troutman Parkway.

The purpose of this item is to enable the City to undertake signal and safety improvements at the intersection of College Avenue and Troutman Parkway. This roadway is also State Highway 287 and is under the jurisdiction and responsibility of the Colorado Department of Transportation (CDOT). The City will complete the improvements and CDOT will fully (100%) reimburse the City for the cost of the project.

19. Resolution 2018-074 Approving and Authorizing the Execution of an Intergovernmental Agreement with the Town of Timnath for Financial Participation in the I-25/Prospect Interchange Improvements.

The purpose of this item is to enter into an Intergovernmental Agreement with the Town of Timnath and the City of Fort Collins regarding Timnath's portion (\$2.5 million) of financial participation in the reconstruction of the interchange at I-25 and Prospect Road.

20. Resolution 2018-075 Authorizing the Execution of an Intergovernmental Agreement Between the City and Colorado State University for Game Day Transportation Services.

The purpose of this item is to authorize the Mayor to sign the Game Day Intergovernmental Agreement (“IGA”) for the provision of enhanced public transportation services from the City, by CSU, to assist in managing the flow of people entering and exiting CSU’s on-campus stadium during major events, such as home football games.

21. Resolution 2018-076 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County to Partner on the Purchase of an 800 Acre Inholding at Red Mountain Open Space.

ITEM WITHDRAWN FROM CONSIDERATION.

~~The purpose of this item is for City Council to consider the proposed intergovernmental agreement (IGA) with Larimer County to partner 50/50 on the purchase of the 800-acre inholding owned by Rick and Mike Gallegos in Red Mountain Open Space. The County is the lead on the purchase and will own and manage the property; the City will hold a conservation easement on the property.~~

~~The County closed on the property on August 1 and was willing to assume the risk of paying for the full cost of the property if this IGA is not approved. As a part of the negotiated purchase the County had to agree to close on the property on August 1.~~

22. Resolution 2018- 077 Authorizing a Parking Agreement with Confluence FC, LLC for City Property at 424 Pine Street.

The purpose of this item is to authorize the City Manager to execute a parking agreement to allow Confluence FC, LLC to share 17 parking spaces in the United Way parking lot at 424 Pine Street. United Way is the City's tenant and in its existing lease, it has the right to use the parking lot for its purposes and to pay for the maintenance of the lot.

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**

● **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.

23. First Reading of Ordinance No. 113, 2018, Amending Chapter 7 of the Code of the City of Fort Collins to Amend Requirements and Procedures Related to Campaigns and Campaign Finance in City Elections. (staff: Delynn Coldiron, Rita Knoll; 5 minute staff presentation; 1 hour discussion)

The purpose of this item is to consider proposed amendments to the City's election campaign code provisions that will raise the threshold requirement for reporting of independent expenditures, ensure that the campaign violation complaint process applies to reporting of independent expenditures, and require "paid for by" disclaimers on campaign communications for registered committees. There are also various clean-up items that provide changes for added clarity and to reconcile conflicts created by the proposed amendments.

24. First Reading of Ordinance No. 114, 2018, Amending Article 3 of the Land Use Code Regarding Buffering Requirements for Development in Relation to Oil and Gas Facility Locations. (staff: Rebecca Everette, Cassie Archuleta; 10 minute staff presentation; 30 minute discussion)

The purpose of this item is to present Land Use Code updates related to buffering new development from existing oil and gas wells for Council consideration. The staff recommendation includes the following Code changes:

1. Increase buffer for residential development near existing oil and gas operations from 350 feet to 500 feet.
 2. Add a new 1000-foot buffer requirement for high occupancy buildings near oil and gas operations.
 3. Allow a reduced setback (150 feet minimum) near plugged and abandoned wells if specific requirements and performance standards are met.
 4. Create an additional means of disclosure to future property owners as part of any required recorded declaration.
25. Resolution 2018-079 Adopting a Revised Policy for Reviewing Service Plans of Metropolitan Districts. (staff: Josh Birks, Tom Leeson; 10 minute staff presentation, 30 minute discussion)

The purpose of this item is to consider adoption of a revised policy for reviewing service plans for Title 32 Metropolitan Districts ("Metro Districts"). In 2008, the City Council adopted the existing policy by Resolution 2008-069. At that time, Council responded to changing market conditions to enable the use of Metro Districts to primarily support commercial development. Residential development faces similar market conditions, as well as constrained land supply. The proposed revisions address these conditions while furthering several City goals.

26. Resolution 2018-078 Appointing Councilmembers to Serve on an Ad Hoc Council Committee to Develop an Anti-Harassment Policy. (staff: Teresa Roche; 3 minute staff presentation, 10 minute discussion)

The purpose of this item is to appoint City Councilmembers to an ad hoc Council Committee to develop an anti-harassment policy.

- **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.)
- B. Consideration of a motion to adjourn into executive session.

- **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.