

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
December 18, 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.

No Proclamations Scheduled

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.

- **PUBLIC COMMENT**

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.]

- **PUBLIC COMMENT 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 From the November 6 and November 20, 2018 Regular Council Meetings.

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

2. Second Reading of Ordinance No. 145, 2018, Appropriating Unanticipated Revenue in the Transportation Fund for "Work for Others" Program Expenses.

This Ordinance, unanimously adopted on First Reading on December 4, 2018, appropriates Transportation funds that have been received for work for other City departments and outside entities.

3. Second Reading of Ordinance No. 146, 2018, Adopting the 2019 Classified Employee Pay Plan.

This Ordinance, unanimously adopted on First Reading on December 4, 2018, recommends the 2019 City Classified Employee Pay Plan.

4. Second Reading of Ordinance No. 147, 2018, Adopting the 2019 Larimer County Regional Transportation Capital Expansion Fee Schedule.

This Ordinance, unanimously adopted on First Reading on December 4, 2018, adopts the 2019 Larimer County Regional Transportation Capital Expansion Fee Schedule (Regional Road Fee) as determined by the Intergovernmental Agreement with Larimer County.

5. Second Reading of Ordinance No. 148, 2018, Approving a Fifty-Year Lease Between the Cities of Loveland and Fort Collins and Discovery Air, LLC for Property Located at the Northern Colorado Regional Airport.

This Ordinance, unanimously adopted on First Reading on December 4, 2018, approves an Airport land lease agreement between the Cities of Fort Collins and Loveland and Discovery Air, LLC. Staff from the Airport and the Cities have negotiated a fifty-year lease with Discovery Air, LLC for the development of vacant Airport property. The proposed development will include corporate aircraft hangar facilities and associated office space, a new fixed-base aircraft service operation, and a restaurant. Due to the complexity and unique provisions of the Lease, the Northern Colorado Regional Airport Commission is not authorized to approve and sign the Lease, rather, the two Cities must each approve the Lease in accordance with their respective Municipal Codes and Charters.

6. Second Reading of Ordinance No. 157, 2018, Amending Chapter 3, Articles I, II, and III, and Chapter 12, Article III of the Code of the City of Fort Collins Regulating Alcohol to Align Alcohol Code Statutory References with State Law.

This Ordinance, unanimously adopted on First Reading on December 4, 2018, amends City Code provisions related to alcohol to align with state law.

7. Second Reading of Ordinance No. 158, 2018, Amending Chapter 15, Articles XVI and XVII of the Code of the City of Fort Collins Regulating Marijuana Businesses to Align Marijuana Code Statutory References to State Law.

This Ordinance, unanimously adopted on First Reading on December 4, 2018 amend the City Code provisions related to marijuana businesses to align with state law.

8. Second Reading of Ordinance No. 159, 2018, Amending Chapter 26 of the Code of the City of Fort Collins to Adopt a New Fort Collins Stormwater Criteria Manual and Making Various Related Changes.

This Ordinance, unanimously adopted on First Reading on December 4, 2018 adopts the updated Fort Collins Stormwater Criteria Manual into City Code, and makes related changes to City Code updating references to the Manual.

9. Items Relating to Various Amendments to City Code Chapter 26 Pertaining to Utility Services.

- A. Second Reading of Ordinance No. 160, 2018, Adopting the Cross-Connection Control Manual Containing Supplemental Rules and Regulations Necessary to Implement the Cross-Connection Control Program Pursuant to Section 26-189 of the Code of the City of Fort Collins and Amending Said Section to Authorize the Utilities Executive Director to Make Technical Revisions to Such Rules and Regulations.
- B. Second Reading of Ordinance No. 161, 2018, Amending Chapter 26 of the Code of The City of Fort Collins to Add Definitions for Data Managed by Utility Services.
- C. Second Reading of Ordinance No. 162, 2018, Amending Chapter 26 of the Code of the City of Fort Collins to Reference the Financial Officer's Rules and Regulations for Interest Rates for the On-Bill Financing Program.
- D. Second Reading of Ordinance No. 163, 2018, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify Utility Accounts, Billing and Collection Practices Regarding Net Metering.
- E. Second Reading of Ordinance No. 164, 2018, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify Access and Metering Conditions of Utility Services Related to Transition from Manually-Read Meters to Advanced Metering Infrastructure (AMI) Meters.
- F. Second Reading of Ordinance No. 165, 2018, Amending Sections 26-120 and 26-283 of the Code of the City of Fort Collins to Authorize the Utilities Executive Director to Waive Water Plant Investment Fees and Sewer Plant Investment Fees in Limited Circumstances

This Ordinance, unanimously adopted on First Reading on December 4, 2018, adopts a variety of revisions, clarifications and additions to update portions of City Code Chapter 26 pertaining to Utility Services.

10. Items Relating to 2019 City Impact Fee Updates.

- A. Second Reading of Ordinance No. 166, 2018, Amending Chapters 7.5, 8 and 24 of the Code of the City of Fort Collins to Implement Phase II Increases of the Capital Expansion Fees.
- B. Second Reading of Ordinance No. 167, 2018, Amending Chapter 26 of the Code of the City of Fort Collins To Revise Water Plant Investment Fees.
- C. Second Reading of Ordinance No. 168, 2018, Amending Chapter 26 of the Code of the City of Fort Collins To Revise Sewer Plant Investment Fees.
- D. Second Reading of Ordinance No. 169, 2018, Amending Chapter 26 of the Code of the City of Fort Collins To Revise Stormwater Plant Investment Fees.

These Ordinances, unanimously adopted on First Reading on December 4, 2018 update impact fees for the 2019 cadence which includes Step II for all six Capital Expansion Fees (CEFs) and Utility Plant Investment Fees (PIFs). Staff has worked to coordinate the process for updating all new development related fees that require Council approval since 2016. The 2017 Capital Expansion Fee (CEF) and Transportation Capital Expansion Fee (TCEF) full fee proposals showed significant increases from the previously approved fees. Council asked for these fees to be implemented in three steps.

In addition to the stepped implementation for CEFs, Council asked for a Fee Working Group to be created to foster a better understanding of impact fees prior to discussing further fee updates. The Fee Working Group meetings started in August 2017, comprised of a balanced group of stakeholders - citizens, business-oriented individuals, City staff and a Council liaison. Overall, the Fee Working Group supports the fee coordination process and proposed fee updates.

11. Second Reading of Ordinance 170, 2018 Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements in Connection with the Jefferson Street Improvements Project.

This Ordinance, unanimously adopted on First Reading on December 4, 2018 seeks authorization from City Council to use eminent domain, if deemed necessary, to acquire property interests along Jefferson Street as part of the Jefferson Street Improvements Project. The acquisitions will include purchase of rights-of-way and permanent easements from five property owners. To meet funding constraints, timely acquisition of the property interests is necessary. Staff fully intends to negotiate in good faith with the affected owners and is requesting authorization of eminent domain only if such action is deemed necessary.

12. Second Reading of Ordinance No. 171, 2018, Amending Article III in Chapter 7.5 of the Code of the City of Fort Collins Pertaining to the City's Imposition of Land Dedication Requirements and Fees in Lieu of Land Dedication for Public School Site Acquisition and Development.

This Ordinance, unanimously adopted on First Reading on December 4, 2018 amends the City Code to be consistent with the Intergovernmental Agreements with Poudre and Thompson School Districts.

13. Second Reading of Ordinance No. 172, 2018, Approving a Franchise and License Agreement between the City of Fort Collins and Platte River Power Authority for a Fiber Optic Network.

This Ordinance, unanimously adopted on First Reading on December 4, 2018, approves a franchise and license agreement between the City of Fort Collins and Platte River Power Authority for a fiber optic network.

14. Resolution 2018-123 Authorizing the Amendment and Extension of an Intergovernmental Agreement with Larimer County for Jail Services.

The purpose of this item is to authorize the City Manager to enter into an amended intergovernmental agreement (IGA) with Larimer County relating to the City's use of the Larimer County Jail for municipal defendants. The current IGA, entered into in 2017, is effective through the end of 2018 and reserves 3 beds at the jail for use by Fort Collins Municipal Court defendants. The City and Larimer County wish to extend this IGA for 2019-2020.

15. Resolution 2018-124 Approving a Partial Waiver of LEED Certification Requirements for the Police Regional Training Campus.

The purpose of this item is to request City Council approve a partial waiver of LEED certification requirements for the new Police Regional Training Campus (Training Campus). In 2006, City Council adopted a resolution that requires all new construction projects of 5,000 square feet or more to achieve LEED Gold certification, except under limited circumstances. The City of Loveland, which is an equal partner in the Training Campus, does not have any specific LEED requirements for construction projects. City staff is requesting the partial waiver to reduce the costs of the project and in recognition that Loveland does not require LEED compliance for its new construction.

16. Items Amending the Service Plans for the I-25/Prospect Interchange Metropolitan District and the Gateway at Prospect Metropolitan District Nos. 1-7.

- A. Resolution 2018-125 Approving the Corrected District Boundary Legal Description, District Boundary Map and Vicinity Map of the I-25/ Prospect Interchange Metropolitan District and Approving Corresponding Amendments to the District Service Plan.
- B. Resolution 2018-126 Approving the Corrected District Boundary Legal Descriptions of Gateway at Prospect Metropolitan District Nos. 1-7 and Approving Corresponding Amendments to the District Service Plan.

The purpose of this item is to modify the service plans for the I-25/Prospect Interchange Metropolitan District and the Gateway at Prospect Metropolitan District Nos. 1-7. These proposed modifications correct the legal descriptions of the boundaries of the districts to exclude certain properties from their boundaries that were included in the boundaries due to a surveyor's error.

17. Resolution 2018-127 Adopting the 2018 Update to the Three-Mile Plan for the City of Fort Collins.

The purpose of this item is to adopt the 2018 update to the Three-Mile Plan for the City of Fort Collins. This Plan is a policy document for the coordination and provision of services for potential annexations, and describes the general location, character, utilities, and infrastructure for areas within three miles of the municipal boundary. Annual updates to the Three-Mile Plan are required by state statute.

18. Resolution 2018-128 Making Appointments to Various Boards, Commissions, and Authorities of the City of Fort Collins.

The purpose of this item is to appoint individuals to fill vacancies that currently exist on various boards, commissions, and authorities due to resignations of board members and vacancies to be created upon the expiration of terms of current members. Applications were solicited during September, October, and November. Council teams interviewed applicants during November and December. This Resolution appoints individuals to fill current vacancies and expiring terms.

This Resolution does not fill all vacancies. Interviews are continuing, and any remaining vacancies will be advertised as needed.

19. Resolution 2018-129 Establishing a Process for City Council Selection and Appointment of a District 1 Councilmember to Fill a Vacancy Due to the Resignation of Councilmember Bob Overbeck.

The purpose of this item is to establish the process to be used in filling a vacancy in the District 1 Council seat. Councilmember Bob Overbeck has tendered his resignation from the Council effective January 1, 2019, as a result of his recent election to the office of Larimer County Assessor.

**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**

20th Anniversary Sprinkler Audit Program (staff: Liesel Hans)

Coalition for the Poudre Watershed Update (staff: Jill Oropeza) (Jen Kovacs)

● **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.

20. Resolution 2018-130 Expressing Gratitude and Appreciation to Bob Overbeck for his Contributions to the Community as a Councilmember.

21. Items Relating to a Citizen-Initiated Charter Amendment Relating to Council Compensation. (staff: Carrie Daggett, Delynn Coldiron; 5 minute presentation: 15 minute discussion)

A. Possible Public Hearing and Motions Regarding Protest(s) of Ballot Language.

B. First Reading of Ordinance No. 173, 2018 Submitting a Citizen-Initiated Charter Amendment Relating to Council Compensation to a Vote of the Registered Electors of the City at the Regular Municipal Election on April 2, 2019.

The purpose of this item is to set the ballot title for a citizen-initiated Charter amendment relating to Council compensation.

Any protest of the proposed ballot language must be received no later than Monday, December 17, 2018, at noon. The protest(s) shall be heard, considered, and resolved by Council prior to adoption of Ordinance No. 173, 2018. If protests are received, copies will be included in Council's "Read-before" packet.

22. Items Relating to the Adoption and Amendment of the International Codes Relating to Buildings and Building Regulations. (staff: Tom Leeson, Russ Hovland, Mariel Miller, Liesel Hans: 10 minute presentation: 45 minute discussion)

A. Public Hearing and First Reading of Ordinance No. 149, 2018, Amending Chapter 5, Article II, Division 2, of the Code of the City of Fort Collins for the Purpose of Repealing the 2015 International Building Code and Adopting the 2018 International Building Code, with Amendments.

B. Public Hearing and First Reading of Ordinance No. 150, 2018, Amending Chapter 5, Article II, Division 2, of the Code of the City of Fort Collins for the Purpose of Repealing the 2015 Energy Conservation Code and Adopting the 2018 International Energy Conservation Code, with Amendments.

C. Public Hearing and First Reading of Ordinance No. 151, 2018, Amending Chapter 5, Article II, Division 2, of the Code of the City of Fort Collins for the Purpose of Repealing the 2015 International Residential Code and Adopting the 2018 International Residential Code, with Amendments.

- D. Public Hearing and First Reading of Ordinance No. 152, 2018, Amending Chapter 5, Article II, Division 2, of the Code of the City of Fort Collins for the Purpose of Adopting the 2018 International Existing Building Code, with Amendments.
- E. Public Hearing and First Reading of Ordinance No. 153, 2018, Amending Chapter 5, Article II, Division 2, of the Code of the City of Fort Collins for the Purpose of Adopting the 2018 International Pool and Spa Code, with Amendments.
- F. Public Hearing and First Reading of Ordinance No. 154, 2018, Amending Chapter 5, Article II, Division 3, of the Code of the City of Fort Collins for the Purpose of Amending the 2006 International Property Maintenance Code.
- G. Public Hearing and First Reading of Ordinance No. 155, 2018, Amending Chapter 5, Article IV, of the Code of the City of Fort Collins for the Purpose of Repealing the 2015 Mechanical Code and Adopting the 2018 International Mechanical Code, with Amendments.
- H. Public Hearing and First Reading of Ordinance No. 156, 2018, Amending Chapter 5, Article IV, of the Code of the City of Fort Collins for the Purpose of Repealing the 2015 International Fuel Gas and Adopting the 2018 International Fuel Gas Code, with Amendments.
- I. Public Hearing and First Reading of Ordinance No. 174, 2018, Amending Chapter 5, Article V, Division 1 of the Code of the City of Fort Collins for the Purpose of Amending the *Colorado Plumbing Code*.

The purpose of this item is to adopt the most up-to-date, comprehensive, and fully integrated body of codes, the 2018 International Codes (2018 I-Codes), regulating building construction and systems using prescriptive and performance-related provisions. The purpose of these Codes is to establish the minimum construction requirements to safeguard the public health, safety and general welfare by regulating structural strength and stability, sanitation, light and ventilation, energy conservation, and property protection from hazards attributed to the built environment within the City of Fort Collins. With factoring in local amendment costs, it is estimated the overall cost increase to build under the 2018 codes is less than 1%.

Because this is the first time the City is adopting the *International Existing Building Code* (IEBC) and *International Pool and Spa Code* (IPSC), as separate codes, all language being added to the City Code must be shown as yellow. Language that is being added as local amendment is highlighted in grey so that it is easily distinguishable from already-existing language in the IEBC and IPSC.

- 23. First Reading of Ordinance No. 175, 2018, Amending Chapter 23 of the Code of the City of Fort Collins Related to Funding of Art in Public Places Contributions for Connexion and the Expenditure of Utilities Art in Public Places Funds and Rescinding Funds Provisionally Appropriated for Such Contributions. (staff: Ginny Sawyer, 10 minute presentation; 30 minute discussion)

The purpose of this item is to consider Ordinance No. 175, 2018 as a follow-up to Ordinance No. 056, 2018, which stated:

That the City Manager is directed to study whether the Art in Public Places (APP) Ordinance needs to be amended to address future Broadband System projects and to present any recommended amendments to Council before the end of 2018. This should include consideration of a contribution amount capped at .5% of the Broadband System's anticipated annual operating revenues once the system is in full operation, which capped amount is estimated to be from \$125,000 to \$150,000. The City Manager should also evaluate and recommend to Council how to fund art-in-public places contributions for Broadband System appropriations. It is Council's intent that some or all of the funds transferred by this Ordinance to the Cultural Services and Facilities Fund shall be transferred to the Light and Power Fund as appropriate and in accordance with the program amendments adopted by Council in follow up to this review process.



This Ordinance would also add back into the APP provisions of the City Code language that was inadvertently omitted in 2012, when the APP Code provisions were rewritten.

- **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 to discuss legal issues related to the Mennonite Lockers.

- **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.