

Wade Troxell, Mayor
Gerry Horak, District 6, Mayor Pro Tem
Susan Gutowsky, 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 February 5, 2019

Ballot Language Amended 02/04/2019 on Item # 17 (Keep Fort Collins Great)

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, 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 January 15, 2019 Regular Council Meeting and the January 22, 2019 Adjourned Council Meeting.

The purpose of this item is to approve the minutes from the January 15, 2019 regular Council meeting and the January 22, 2019 adjourned Council meeting.

2. Second Reading of Ordinance No. 002, 2019, Appropriating Unanticipated Grant Revenue in the General Fund for the Fort Collins Police Services Victim Services Unit.

This Ordinance, unanimously adopted on First Reading on January 15, 2019, funds the Victim Services Unit of Fort Collins Police Services for victim advocacy services under the Colorado Victim Rights Amendment for victims of crime and their family members. The Fort Collins Police Services Victim Services Unit has been awarded a 12-month grant in the amount of \$27,000 for the period from January 1, 2019 to December 31, 2019, by the Eighth Judicial District Victim Assistance and Law Enforcement (VALE) Board to help fund services provided by this team. These funds will be used for the salary for the part-time victim advocate who provides crisis intervention services during weekday hours and is housed in the Victim Services office.

3. Second Reading of Ordinance No. 003, 2019, Appropriating Unanticipated Grant Revenue in the General Fund for the Purchase of New Recycling Equipment at the Timberline Recycling Center.

This Ordinance, unanimously adopted on First Reading on January 15, 2019, appropriates grant funds to purchase a new cardboard compactor unit for the City's public drop-off site, Timberline Recycling Center, as well as a new cover for an existing baler to protect it from weather conditions.

4. Second Reading of Ordinance No. 005, 2019, Annexing the Property Known as the Friendly Fire Enclave Annexation to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on January 15, 2019, annexes a 3 parcel, 2.057 acre enclave located in northwest Fort Collins. The property abuts Laporte Avenue to the south and is situated between Grandview Avenue and North Bryan Avenue. The Enclave consists of a combination of residential and commercial uses.

5. Second Reading of Ordinance No. 006, 2019, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Friendly Fire Enclave 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 January 15, 2019, zones the property included in the Friendly Fire Enclave Annexation into the Limited Commercial (C-L) zone district and Neighborhood Sign District.

6. Second Reading of Ordinance No. 007, 2019, Annexing the Property Known as the Kechter Enclave Annexation to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on January 15, 2019, annexes an enclave of approximately 8.4 acres of land in southeast Fort Collins. The property abuts Ziegler Road to the east and is situated between Trilby Road and the Fossil Creek Reservoir. The parcel contains a single-family residence with several agricultural related outbuildings.

7. Second Reading of Ordinance No. 008, 2019, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Kechter Enclave 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 January 15, 2019, zones the property included in the Kechter Enclave Annexation into the Low Density Mixed-Use Neighborhood (L-M-N) zone district and Neighborhood Sign District.

8. Second Reading of Ordinance No. 011, 2019, Annexing the Property Known as the Trilby Substation Enclave Annexation to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on January 15, 2019, annexes an enclave of approximately 1.8 acres of land in southwest Fort Collins.

9. Second Reading of Ordinance No. 012, 2019, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Trilby Substation Enclave 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 January 15, 2019, zones the property included in the Trilby Substation Enclave Annexation into the Public Open Lands (P-O-L) zone district and Residential Neighborhood Sign District.

10. First Reading of Ordinance No. 016, 2019, Appropriating Unanticipated Grant Revenue in the General Fund for the Environmental Services Radon Program and Authorizing the Transfer of Matching Funds Previously Appropriated in the Environmental Services Department Operating Budget.

The purpose of this item is to appropriate unanticipated grant revenue in the General Fund for the Environmental Services Radon Program. This appropriation includes \$12,954 of grant revenues provided by the Colorado Department of Public Health and Environment (CDPHE) to support radon testing and mitigation programs. The grant directly supports radon activities identified in the Environmental Services Department's core budget offer and requires a local match of \$8,636. Matching funds are appropriated and unexpended in the 2019 Environmental Services operating budget and will be transferred to the Environmental Services Radon Program.

11. Items Relating to the 2019 City Classified Employee Pay Plan as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.
 - A. First Reading of Ordinance No. 017, 2019, Adopting the 2019 Amended City Classified Employee Pay Plan to Update Classified Positions as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.
 - B. First Reading of Ordinance No.018, 2019, Appropriating Prior Year Reserves in the General Fund for the Cost of Police Services Salary and Benefit Increases as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

The purpose of this item is to request changes to the 2019 City Classified Employee Pay Plan and a supplemental appropriation of \$585,000 based on an annual market analysis conducted as agreed upon through the 2019-2021 Collective Bargaining Agreement (the "Agreement") with the Northern Colorado Lodge #3 of the Fraternal Order of Police ("FOP"). The Agreement was approved by Council on October 2, 2018. The Agreement specifies a salary data collection method and evaluation process that includes market data as of early January. This data has been collected and analyzed, resulting in the revised 2019 City Classified Employee Pay Plan. The Council Finance Committee is scheduled to discuss the supplemental appropriation on January 28.

12. First Reading of Ordinance No. 019, 2019, 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 routine in nature that have been identified since the last update in June 2018.

13. First Reading of Ordinance No. 020, 2019, Authorizing the Second Amendment to the Long View Farm Open Space Covenants, Conditions and Restrictions.

The purpose of this item is to amend the Long View Farm Open Space Covenants, Conditions and Restrictions to correct an error in the legal description. The acreage total (478.5 acres) in the legal description is correctly described by the first amendment but it also contains an incorrect exception of 50 acres. Removing the exception and the first sentence will correct the error in the legal description. The second amendment with the correct legal description is attached to the Ordinance.

14. Resolution 2019-016 Adopting a Revised Policy for Reviewing Service Plans of Metropolitan Districts.

The purpose of this item is to present several changes to the Metro District Policy, adopted by City Council on August 21, 2018, and changes to the accompanying Model Service Plan. These changes included clarification regarding timing and deadlines for submittal and reflect changes to the Model Service Plan requested by Council during its recent consideration of three service plans September 2018.

15. Resolution 2019-017, Authorizing the City Manager to Sign a Master License Agreement with Verizon Wireless for Small Wireless Communication Equipment Attachments on City Facilities in Public Rights-of-Way.

The purpose of this item is to authorize the City Manager to enter into a Master License Agreement with Verizon Wireless concerning the use of the City's infrastructure and rights-of-way for small cellular equipment and associated uses.

16. Resolution 2019-018 Making Appointments to the Air Quality Advisory Board, Commission on Disability, and the Cultural Resources Board of the City of Fort Collins.

The purpose of this item is to appoint individuals to fill vacancies that currently exist on the Air Quality Advisory Board, the Commission on Disability and the Cultural Resources Board due to resignations of boardmembers and vacancies created upon expiration of terms of members on December 31, 2018. Applications were solicited in December and January. Council teams interviewed applicants on January 17, 2019. This Resolution appoints individuals to fill current vacancies and expiring terms. Staff continues to seek applicants for the Building Review Board and the Parking Advisory Board.

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**

Community Dashboard Metric Highlight: Water Treatment Effectiveness Rate (staff: Tyler Marr, Carol Webb)

Income Qualified Assistance Program Update. (staff: Crystal Shafii, Heather Young)

- **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.

17. Items Relating to Extending the Keep Fort Collins Great Tax. (staff: Ginny Sawyer, 5 minute presentation; 45 minute discussion)

Ballot Language Amended 02/04/2019

- A. Possible Public Hearing and Motions Regarding Protest(s) of Ballot Language.
- B. Resolution 2019-019 Submitting a Ballot Issue Question to the City's Registered Electors at the City's Regular Election on April 2, 2019, Asking Them to Extend the "Keep Fort Collins Great" .85% Sales and Use Tax Voters Approved in 2010.

The purpose of this item is to set the ballot language and refer the 0.85% Keep Fort Collins Great tax amount to the April 2, 2019, election.

Any protest of the proposed ballot language must be received no later than Monday, February 4, 2019, at noon. The protest(s) shall be heard, considered, and resolved by Council prior to adoption of Resolution 2019- 019. If protest(s) are received, copies will be included in Council's "Read-before" packet.

Since 2011, the voter-approved Keep Fort Collins Great 0.85% sales tax has funded basic operations and enabled the City to maintain a desired level of service and respond to community desires in an environment of population growth and annual inflation.

Prior to the 2020 sunset of KFCG, and before building the 2021-22 budget, the City has been engaging the community in the decision of how to fund current service levels. After a year-plus effort including multiple Council discussions, board and commission outreach, and public engagement, a Resolution presenting ballot language for the April 2, 2019, election is being presented for Council consideration. This ballot option does not increase the overall local tax rate.

Please note that in the ballot question the dollar amount for the estimate of the first fiscal year revenues is left blank. City staff is continuing to work on what this estimate should be. Council will be provided with a memo in its "Read Before" packet on Tuesday with the dollar amount to insert into the ballot question.

Protest hearings pursuant to City Code Section 7-88 (regarding re-districting) and Section 7-156 (regarding ballot title and/or submission clause) shall be conducted in the following order, as part of the agenda item for the item under protest:

- Announcement of Item;
- Staff Presentation for Agenda Item;
- Presentation by each person who timely filed a Protest;
- Councilmember questions of City staff and the protesting parties; and
- Motion on each Protest, discussion and vote on each Protest the by the City Council.

After completion of the Protest Hearing, Council will return to the Agenda Item and receive citizen comments from any persons desiring to speak on the Agenda Item.

18. Resolution 2019-020, Clarifying that the Proposed Charter Amendment to Increase City Council Compensation on the April 2, 2019 Regular Municipal Election Ballot was not Initiated by the Council, but by Citizen Petition [and Expressing Council's Opposition to such a Charter Amendment and Urging the Registered Electors to Vote "No" on this Ballot Question] (30 minute discussion)

The purpose of this item is for Council to consider a Resolution that clarifies the proposed Charter amendment placed on the April 2, 2019, ballot was a citizen-initiated effort and not a City Council initiated amendment, in follow up to the requests of multiple Councilmembers under Other Business at the January 2, 2019, adjourned Council meeting.

19. Second Reading of Ordinance No. 004, 2019, Authorizing the Conveyance of a Transmission Line Easement on City Property at Meadow Springs Ranch to Roundhouse Renewable Energy, LLC. (staff: Jason Graham, 10 minute presentation; 10 minute discussion)

This Ordinance, adopted on First Reading on January 15, 2019 by a vote of 5-1 (Nays: Cunniff), authorizes the conveyance of a transmission line easement to Roundhouse Renewable Energy, LLC on the City of Fort Collins' Wastewater Utility owned Meadow Springs Ranch and the right of access to the transmission line from County Roads 5 and 92 and private drives.

20. Second Reading of Ordinance No. 009, 2019, Annexing the Property Known as the Strauss Cabin Enclave Annexation to the City of Fort Collins, Colorado. (staff: Ted Shepard, Kai Kleer, 2 minute presentation; 5 minute discussion)

This Ordinance, adopted on First Reading on January 15, 2019 by a vote of 5-1 (Nays: Summers), annexes an enclave of approximately 35.036 acres located in southeast Fort Collins. The property abuts Kechter Road to the south and is bisected by Strauss Cabin Road. The parcels consist primarily of single-family residences with related agricultural outbuilding and a place of worship known as Crossroads Church.

21. Second Reading of Ordinance No. 010, 2019, Amending the Zoning Map of the City of Fort Collins and Classifying For Zoning Purposes the Property Included in the Strauss Cabin Enclave Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map. (staff; Ted Shepard, Kai Kleer, 2 minute presentation; 5 minute discussion)

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 January 15, 2019, zones the property included in the Strauss Cabin Enclave Annexation into the Urban Estate (U-E) zone district and Residential Neighborhood Sign District.

22. Resolution 2019-015, Approving a Respectful Workplace Policy for the Council and Council Appointees. (staff: Janet Miller, Jenny Lopez Filkins; 5 minute presentation; 10 minute discussion)

The purpose of this item is to adopt the Fort Collins City Council Respectful Workplace Policy (the "Policy"), which was developed by the Anti-Harassment Ad Hoc Committee. The proposed Policy addresses respectful conduct by City Councilmembers, and by those appointed by Council (including direct report employees and board and commission members) while acting in that role in relation to members of the public and City staff. The Policy addresses the Council's position related to harassment, discrimination and retaliation, the process to be followed when a complaint is made and identifies several alternatives for a complaining party to report an alleged violation of the Policy. It identifies possible outcomes or options available in the event harassment is substantiated.

23. Resolution 2018-124 Approving a Partial Waiver of LEED Certification Standards for the Police Regional Training Campus. (staff: Tracy Ochsner, Brian Hergott, Stuart Reeve; 5 minute presentation; 15 minute discussion)

The purpose of this item is to request City Council approve a partial waiver of LEED certification standards for the new Police Regional Training Campus (Training Campus). In 2006, City Council adopted a resolution that established a goal that all new City-owned buildings of 5,000 square feet or more achieve LEED Gold standards, 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. City staff is making this request to obtain City Council approval to design, construct and certify the administration/classroom building to the highest LEED certification practical, while prioritizing budget dollars for energy efficiency items. City staff intends that the remainder of the project would follow LEED principles but would not be included in the LEED certification boundary.

24. First Reading of Ordinance No. 021, 2019, Authorizing the Leasing of Certain City Property and the Execution and Delivery by the City of a Site Lease, a Lease Agreement, and Other Documents and Matters in Connection with the Financing of Certain Projects for the City. (staff: Travis Storin, Blaine Dunn, 10 minute presentation; 20 minute discussion)

The purpose of this item is to consider the Ordinance authorizing the financing, through Certificates of Participation (COPs), needed for both the I-25/Prospect Interchange and Police Training Facility Joint Venture.

25. First Reading of Ordinance No. 013, 2019, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Compensation of the Chief Judge. (staff: Jamie Heckman, 2 minute presentation; 5 minute discussion)

The purpose of this item is to establish the 2019 total compensation of the Chief Judge. City Council met in executive session on January 8, 2019, to conduct the performance review of Chief Judge Kathleen Lane. This Ordinance sets the 2019 total compensation of the Chief Judge. Any amendments to the Chief Judge's employment agreement will come forward with the Second Reading of this Ordinance.

26. First Reading of Ordinance No. 014, 2019, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Compensation of the City Attorney. (staff: Jamie Heckman, 2 minute presentation; 5 minute discussion)

The purpose of this item is to establish the 2019 total compensation of the City Attorney. City Council met in executive session on January 8, 2019, to conduct the performance review of Carrie Daggett, City Attorney. This Ordinance sets the 2019 total compensation of the City Attorney. Any amendments to the City Attorney's employment agreement will come forward with the second reading of this Ordinance.

27. First Reading of Ordinance No. 015, 2019, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Compensation of the City Manager. (staff: Jamie Heckman, 2 minute presentation; 5 minute discussion)

The purpose of this item is to establish the 2019 total compensation of the City Manager. City Council met in executive session on January 8, 2019, to conduct the performance review of Darin Atteberry, City Manager. This Ordinance sets the 2019 total compensation of the City Manager. Any amendments to the City Manager's employment agreement will come forward with the second reading of this Ordinance.

28. Resolution 2019-021 Making Council Liaison, Council Committee and City Representative Appointments to Fill Vacancies Left by the Resignation of Former Councilmember Bob Overbeck.
(staff: Christine Macrina: 5 minute discussion)

The purpose of this item is to fill the vacant Councilmember Liaison roles for Boards and Commissions/Council Committees and other organization assignments to various authorities, boards and committees due to the resignation of former Councilmember Bob Overbeck.

- **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**

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.