

Wade Troxell, Mayor  
Kristin Stephens, District 4, Mayor Pro Tem  
Susan Gutowsky, District 1  
Julie Pignataro, District 2  
Ken Summers, District 3  
Ross Cunniff, District 5  
Emily Gorgol, District 6

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

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**Regular Meeting**  
**July 16, 2019**  
**6:00 pm**  
**(Amended July 15, 2019)**

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*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.*

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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.

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**Proclamations and Presentations**  
**5:30 p.m.**

- A. Proclamation Proclaiming the Week of July 20, 2019 as Flood Awareness Week.
- B. Proclamation Proclaiming August 6, 2019 as Neighborhood Night Out.
- C. Proclamation Recognizing the Importance of the 2020 Census.

## 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.

- **PRESENTATION**

A. Housing Catalyst Presentation to Councilmember Cunniff.

- **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.

If the presiding officer determines that the number of items pulled from the Consent Calendar by citizens is substantial and may impair the Council's ability to complete the planned agenda, the presiding officer may declare that the following process will be used to simplify consideration of the Citizen-Pulled Consent Items:

(1) All citizen-pulled items (to be listed by number) will be considered as a group under the heading "Consideration of Citizen-Pulled Consent Items."

(2) At that time, each citizen wishing to speak will be given a single chance to speak about any and all of the items that have been moved to that part of the agenda.

(3) After the citizen comments, any Councilmember may specify items from the list of Citizen-Pulled Consent Items for Council to discuss and vote on individually. Excluding those specified items, Council will then adopt all "Citizen-Pulled Consent Items" as a block, by a single motion, second and vote.

(4) Any Citizen-Pulled Consent Items that a Councilmember has asked to be considered individually will then be considered using the regular process for considering discussion items.

1. Items Relating to Various Amendments to the City of Fort Collins Land Use Code.

- A. Second Reading of Ordinance No. 077, 2019, Makes Various Amendments to the City of Fort Collins Land Use Code.
- B. Second Reading of Ordinance No. 078, 2019, Amends the City of Fort Collins Land Use Code Regarding Community Development and Neighborhood Services Director Variances to Certain Land Use Code Standards.

These Ordinances, unanimously adopted on First Reading on July 2, 2019, adopt a variety of revisions, clarifications and additions to the Land Use Code.

2. Second Reading of Ordinance No. 084, 2019, Appropriating Unanticipated Grant Revenues From Bloomberg Philanthropies and Authorizing Transfers of Appropriations in the Light and Power Fund for Residential Efficiency Project Loans.

This Ordinance, unanimously adopted on First Reading on July 2, 2019, Appropriates The purpose of this item is to appropriate \$193,650 of \$682,000 in grant award revenues from Bloomberg Philanthropies, as part of the Bloomberg Mayor's Challenge, into the Fort Collins Utilities Light and Power fund and Economic Health Office for the purposes of ongoing project management and operations of Epic Homes and a sub-grant to Colorado State University for indoor air quality research. The remaining \$488,350 of the 2019 balance of funds will be appropriated for Epic Loan capital in alignment with pending third-party capital agreements.

3. Items Relating to Sales Tax Code Updates.

- A. Second Reading of Ordinance No. 085, 2019, Amends Article XVIII of Chapter 15 of the Code of the City of Fort Collins Relating to Short-Term Rental Licenses.
- B. Second Reading of Ordinance No. 086, 2019, Amends Article II of Chapter 25 of the Code of the City of Fort Collins Relating to the City's Tax Rebate Programs.
- C. Second Reading of Ordinance No. 087, 2019, Amends Article III of Chapter 25 of the Code of the City of Fort Collins Relating to the Imposition, Collection, and Enforcement of the City's Sales and Use Taxes.

These Ordinances, unanimously adopted on First Reading on July 2, 2019, amend City Code sections in Chapter 15 and 25 to provide clarification for definitions and the application of various sections of the Code.

4. Second Reading of Ordinance No. 088, 2019, Designating the Maneval/Mason/Sauer Property, 100 1st Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

*This item is a quasi-judicial matter and if considered on the discussion agenda, it will be considered in accordance with the procedures described in Section 1(e) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.*

This Ordinance, unanimously adopted on First Reading on July 2, 2019, considers the request for landmark designation of the Maneval/Mason/Sauer Property, 100 1st Street. This is a voluntary designation at the property owner's request. The Landmark Preservation Commission unanimously recommends approving this landmark designation.

5. Items Relating to Delivery of Telecommunication Services by Fort Collins Connexion.

- A. Second Reading of Ordinance No. 089, 2019, Amending Chapter 26 of the Code of the City of Fort Collins to Further Authorize and Implement the City's Provision of Telecommunication Facilities and Services as Provided in City Charter Article XII, Section 7.
- B. Second Reading of Ordinance No. 091, 2019, Authorizing the Purchasing Agent to Enter into Licensing Contracts With a Term Length in Excess of Five Years for the Acquisition of Video Content Rights in Furtherance of Fort Collins Connexion's Delivery of Telecommunication Services.

These Ordinances were unanimously adopted on First Reading on July 2, 2019. Ordinance No. 089, 2019 adopts a variety of revisions, clarifications and additions to City Code Chapter 26 pertaining to Utility Services to accommodate telecommunication services. Ordinance No. 091, 2019 approves long term licensing agreements with a term up to seven years for video content to be delivered to Connexion's subscribers.

The following changes to Ordinance No. 089, 2019 have been made since First Reading:

- 1. Section 26-575(a): removed reference to agreement by subscriber to abide by terms and conditions of service and rules and regulations; replace with mandatory language (shall be subject to....);
- 2. Section 26-576(d): substituted defined term "telecommunication subscriber" for "telecommunication customer") for consistency;
- 3. Section 26-579(c): adjusted definitions of Code violation to exclude nonpayment by a subscriber so failure to pay is not punishable as a criminal violation, leaving termination of service and other legal recourse such as collection as enforcement mechanisms for nonpayment.

4. Section 26-583(a): clarified language regarding relationship of franchise fees to PILOT by indicating all franchise fees paid shall be a credit against the PILOT amounts due, and to provide that PILOT shall be paid by the telecommunication division and may (not must) be charged directly to subscribers.

6. First Reading of Ordinance No. 092, 2019, Appropriating Prior Year Reserves in the General Fund for the Police Interview Room Camera Replacement.

The purpose of this item is to appropriate funds from the Fort Collins Police Services Asset Forfeiture federal and state accounts (in the amount of \$101,000) to partially fund the purchase of a replacement interview room recording system at the Fort Collins Police Services building, 2221 South Timberline Road. These funds will be used in conjunction with other identified funds from core budget and contract savings.

7. Items Relating to 2018 International Code Amendments.

A. First Reading of Ordinance No. 094, 2019, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Enacting Local Amendments to the *2018 International Building Code*.

B. First Reading of Ordinance No. 095, 2019, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Enacting Local Amendments to the *2018 International Residential Code*.

The purpose of this item is to revise two Code requirements first proposed in both the International Building Code (the "IBC") and the International Residential Code (the "IRC"). The first proposed change relates to an asphalt shingle roof covering requirement exemption where compliance is difficult given certain circumstances.

The second proposed change relates to an electric vehicle charging (EV ready) conduit requirement that was submitted to be included in the 2018 codes as adopted in January but was missed and not included in the final ordinance version as intended. Adopting these two Ordinances will make the above changes in both the IRC, which applies to residential property, and the IBC, which applies to commercial property.

8. First Reading of Ordinance No. 096, 2019, Approving the Waiver of Certain Fees for the Mason Place Affordable Housing Project.

The purpose of this item is to present Housing Catalyst's request for affordable housing fee waivers for the Mason Place permanent supportive housing project under development at 3750 South Mason Street, currently the site of the Midtown Arts Center. All 60 units of this project target residents making no more than 30% area median income (AMI) and therefore qualify for discretionary fee waivers. The request is to approve the waiver of 100% of the waivable fees up to the amount of \$330,000.

9. First Reading of Ordinance No. 097, 2019, Approving and Authorizing Execution of the Second Amendment to Permanent Easement dated April 27, 2006, to Public Service Company of Colorado Related to the Northside Aztlan/Poudre River Site.

The purpose of this item is to amend an existing easement located on City property that includes the Northside Aztlan/United Way parcel, 226 Willow Street, and a portion of the Gustav Swanson Natural Area (the "City Property"), sometimes referred to as the Aztlan/Poudre River EPA Removal Action Site, at 112 Willow Street.

10. First Reading of Ordinance No. 098, 2019, Authorizing the Execution of First and Second Amended and Restated Conservation Easements on the Hazelhurst Property and Assignment of a Conservation Easement to Larimer County.

The purpose of this item is to authorize the execution of a First Amended and Restated Conservation Easement on the Hazelhurst property located at 2887 West Trilby Road. The amended and restated

conservation easement will allow for the subdivision of the 45-acre property into two parcels: a 5-acre parcel to be retained by Glenn and Margaret Hazelhurst and a 40-acre parcel to be purchased in fee by the Natural Areas Department. Staff is also seeking authorization to subsequently enter into a Second Amended and Restated Conservation Easement that will split the Conservation Easement into two agreements, one that will apply to the 5-acre tract the Hazelhursts retain and a the other encumbering the 40-acre parcel purchased by the City, so that the conservation easement can be managed separately on each parcel. The conservation easement on the City's parcel would then be assigned to and held by Larimer County through its Open Lands department.

11. Items Relating to the Fossil Creek Reservoir Area Plan-Transfer of Density Units Program Closure.

- A. Resolution 2019-077 Amending the Fossil Creek Reservoir Area Plan to Close the Transfer of Density Units Program.
- B. Resolution 2019-078 Approving and Authorizing the Mayor to Execute Amendment Number Two to the Intergovernmental Agreement Between the City and Larimer County Regarding Cooperation on Managing Urban Development Within the Fort Collins Growth Management Area to Close the Transfer of Density Units Program and Update Certain References.

The purpose of this item is to consider closure to the Fossil Creek Reservoir Transfer of Density Units (TDU) Program, adopted September 22, 1998, by the Larimer County Board of Commissioners. The TDU Receiving Area is essentially annexed and built out, with only one remaining parcel with limited development potential. This item includes amendments to both the Fossil Creek Reservoir Area Plan and the Intergovernmental Agreement Regarding Cooperation on Managing Urban Development.

12. Resolution 2019-079 Authorizing the City Manager to Execute an Agreement with Numerous Stakeholders Regarding a Joint Study of the Boxelder Creek Watershed Dams.

The purpose of this item is to enter into an agreement with key stakeholders to study a series of key flood control dams upstream of Fort Collins known as the "Boxelder Creek Watershed Dams." The stakeholders that will be parties to this agreement are: Larimer County, the Town of Wellington, the Town of Timnath, and the North Poudre Irrigation Company. The study will be used as the basis for subsequent discussions and potential agreements related to the dams, including capital improvements and long-term operations and maintenance needs and responsibilities.

13. Resolution 2019-080 Approving an Artwork to be Placed at the Poudre River Whitewater Park.

The purpose of this item is to approve artwork that will be placed in the Poudre River Whitewater Park to mark the Cache la Poudre River National Heritage Area.

14. Resolution 2019-081 Approving Fort Fund Grant Disbursements.

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming Account for the selected community events, based upon the recommendations of the Cultural Resources Board.

15. Resolution 2019-083 Making an Appointment to the Northern Colorado Regional Airport Commission.

The purpose of this item is to reappoint Thomas Fleming to a three-year term on the Northern Colorado Regional Airport Commission.

**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. Business Trespass and College Avenue Traffic Safety. (staff: John Feyen)
- B. Neighborhood Services Regarding Block Party Trailer. (staff: Marcy Yoder)

● **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.

16. Second Reading of Ordinance No. 090, 2019, Appropriating Unanticipated Grant Revenue in the General Fund for Updating Policies, Codes and Regulations Affecting the Quality and Quantity of Affordable Housing in Fort Collins. (staff: Meghan Overton; no staff presentation; 5 minute discussion)

This Ordinance, adopted on First Reading on July 2, 2019 by a vote of 6-0 (Gorgol recused). Appropriates unanticipated grant revenue awarded by the Colorado Department of Public Health and Environment (CDPHE) through its Health Disparities Grant Program (HDGP) to implement critical updates to policies, codes and regulations affecting the quality and quantity of affordable housing with a specific lens on reducing health inequities in Fort Collins. This housing affordability and health equity project will use CDPHE grant funds in the amount of \$795,657 in reimbursable grant funding over a two-year grant cycle (State Fiscal Year 2020-2021).

17. Resolution 2019-082 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Planning and Zoning Board's Decision Approving the Sunshine House at Bucking Horse Major Amendment MJA190001. (staff: Tom Leeson; no staff presentation; 10 minute discussion)

The purpose of this item is to make findings of fact and conclusions of law regarding the appeal of the Sunshine House at Bucking Horse Major Amendment (MJA#190001). The hearing for the appeals was held July 2, 2019.

18. Resolution 2019-084 Initiating the Rezoning of the Hughes Stadium Annexation Property. (staff: Cameron Gloss; 5 minute staff presentation; 30 minute discussion)

The purpose of this item is to initiate the rezoning of the Hughes Stadium Annexation property that amends the City of Fort Collins Zoning Map from the current Transition (T) zone district and directs City staff to prepare a rezoning application on behalf of the City and make a recommendation to the Planning and Zoning Board (the "Board") and City Council regarding the appropriate zoning.

19. First Reading of Ordinance No. 099, 2019 Imposing a Moratorium Until August 30, 2020, Upon Certain Development of Existing Mobile Home Parks. (staff: Tom Leeson; 5 minute staff presentation; 15 minute discussion)

The purpose of this item is to impose a moratorium upon the City's acceptance of any application for development of any kind that, if granted, could result in the partial or total closing or reduction in capacity of any mobile home park in existence on the effective date of this Ordinance, and would remain in effect through the earlier of August 30, 2020, or until City Council adopts an ordinance containing regulations that address the identified issues and concerns.

- **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 call a Special Meeting, 6:45 p.m., Tuesday, July 30, 2019.

"I move, pursuant to Section 2-29(a) of the City Code, that Council call a special meeting of the Council to take place on Tuesday, July 30, 2019, at 6:45 p.m. for the following purposes:

1. Consideration of a motion for an executive session to discuss certain matters related to City telecommunications facilities and services.
2. Consideration of First Reading of an Ordinance calling a Special Election for November 5, 2019 in Conjunction with the Larimer County Coordinated Election."

C. Consideration of a motion to cancel the August 6, 2019 Regular Council Meeting for Neighborhood Night Out.

"I move that Council cancel its regular meeting of August 6, 2019, pursuant to City Code Section 2-28(a), due to Neighborhood Night Out."

D. Discussion regarding a City position on the Governor's electric vehicle plan, and possible action to direct staff regarding follow up actions.

- **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.



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## Electric Utility Enterprise Board Meeting July 16, 2019

(after the Regular Council Meeting, which begins at 6:00 p.m.)

- **CALL MEETING TO ORDER**

1. Consideration and Approval of the Minutes of the July 2, 2019 Electric Utility Enterprise Board Meeting.

The purpose of this item is to approve the minutes from the July 2, 2019 Electric Utility Enterprise Board meeting.

2. Second Reading of Ordinance No. 006, Authorizing Long-Term License Contracts for the Acquisition of Video Content Rights in Furtherance of Fort Collins Connexion's Delivery of Telecommunication Services.

This Ordinance, unanimously adopted on First Reading on July 2, 2019, approves long-term license contracts for rights to deliver cable or other subscriber video content, programming, and streaming services from local channels, individual channels and channel families, and video content aggregators for the telecommunication services division (Connexion) to be offered to subscribers purchasing video services. Such video content is only available from certain providers under terms and conditions set forth in their standard form contracts, which in many cases may require long-term contracts. The Electric Utility Enterprise is authorized by state law, City Charter Article XII Section 7(b) and City Code Section 26-392 and Section 26-398 (being amended to appear at Section 26-572) to enter into long-term license contracts payable solely from the revenues of Fort Collins Connexion, as a division of the Electric Utility Enterprise.

- **OTHER BUSINESS**

- **ADJOURNMENT**