

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

Regular Meeting August 20, 2019 (amended 8/19/19)

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 5:15 p.m.

- A. Proclamation Declaring August 20, 2019 as Rick Price Day.
- B. Proclamation Declaring August 20, 2019, as Lionel V. Baldwin Day.
- C. Proclamation Declaring August 2019 as the 25th Anniversary of the Institute for the Built Environment.
- D. Proclamation Declaring September 14, 2019, as Historic Homes Tour.
- E. Proclamation Declaring August 20, 2019, as Ken Waido Day.

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.

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. Consideration and Approval of the Minutes of the July 2 and July 16, 2019 Regular Council Meetings and the July 30, 2019 Special Council Meeting.

The purpose of this item is to approve the minutes from the July 2 and July 16, 2019 Regular Council meetings and the July 30, 2019 Special Council meeting.

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

This Ordinance, unanimously adopted on First Reading on July 16, 2019, appropriates 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.

3. Items Relating to 2018 International Code Amendments.

A. Second 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. Second 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*.

These Ordinances, unanimously adopted on First Reading on July 16, 2019, revise two Code requirements first proposed in both the International Building Code (IBC) and the International Residential Code (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.

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

This Ordinance, unanimously adopted on First Reading on July 16, 2019, approves 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.

5. Second 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.

This Ordinance, unanimously adopted on First Reading on July 16, 2019, amends 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, sometimes referred to as the Aztlan/Poudre River EPA Removal Action Site, at 112 Willow Street.

6. Second 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.

This Ordinance, unanimously adopted on First Reading on July 16, 2019, authorizes 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.

7. Second Reading of Ordinance No. 099, 2019 Imposing a Moratorium Until August 30, 2020, Upon Certain Development of Existing Mobile Home Parks.

This Ordinance, unanimously adopted on First Reading on July 16, 2019, imposes 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.

8. Items Relating to Safe Routes to School Program Design and Construction of a Bicycle and Pedestrian Crossing at West Drake Road and Hampshire Road.
 - A. First Reading of Ordinance No. 101, 2019, Making Appropriations and Authorizing Transfers of Appropriations for the Safe Routes to School Program and Grant From the Colorado Department of Transportation and Related Art in Public Places.
 - B. Resolution 2019-085 Authorizing the Execution of an Intergovernmental Agreement between the City and the Colorado Department of Transportation Accepting a Grant for the Safe Routes to School Program's Design and Construction of a Bicycle and Pedestrian Crossing at West Drake Road and Hampshire Road.

The purpose of this item is to request appropriation of \$495,851 in unappropriated funds received through a grant for the Safe Routes to School program (part of the City's FC Moves Department). The Colorado Department of Transportation (CDOT) has awarded a \$495,851 grant for design and construction of a new bicycle and pedestrian crossing at West Drake Road and Hampshire Road recommended in the City's 2014 Bicycle Master Plan. This project will provide a crossing for K-8 students connecting to nearby Blevins Middle School and Olander Elementary, while also supporting the completion of the low-stress Hampshire Bikeway. This project requires a 20% local match (\$123,963), which will be paid from funds already appropriated in the Engineering Department's Pedestrian Program and the FC Moves Department's CCIP - Bike Plan Implementation fund. A total of \$4,959 is provided for Art in Public Places for the Project.

9. First Reading of Ordinance No. 102, 2019, Amending Section 2-569 of the Code of the City of Fort Collins Regarding the Ethics Review Board.

The purpose of this item is to consider a change to City Code Section 2-569(d)(1) to extend the time for initial screening of an ethics complaint by the Ethics Review Board from ten working days to thirty working days, plus an additional fourteen days in the event of extenuating circumstances.

10. First Reading of Ordinance No. 103, 2019, Adding a New Article XII to Chapter 12 of the Code of the City of Fort Collins Relating to the Cultivation and Extraction of Hemp.

The purpose of this item is to regulate the personal cultivation of hemp within the City of Fort Collins in the same manner that marijuana cultivation is regulated.

11. First Reading of Ordinance No. 104, 2019, Making Various Amendments to the City of Fort Collins Land Use Code.

The purpose of this item is to make amendments to the Land Use Code. There are proposed revisions, clarifications and additions to the Code that address specific subject areas that have arisen since the last update was initiated in the spring of 2019.

12. First Reading of Ordinance No. 105, 2019, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements in Connection with the Realigned Lemay Avenue Bridge over Vine Drive and Burlington Northern Santa Fe Railroad Tracks.

The purpose of this item is to seek authorization from City Council to use eminent domain, if necessary, to acquire property interests along Realigned Lemay Avenue. The acquisitions will include purchase of rights-of-way and permanent easements from three property owners. To meet project construction timelines, timely acquisition of the property interests is necessary. Staff fully intends to negotiate in good faith with the affected owners and is requesting authorization to use eminent domain only if project staff and the City Attorney's office believe such action is necessary after reasonable efforts to negotiate an acquisition.

This action would ensure the City can secure all the right-of-way required to build the entire project and complete the right-of-way acquisition phase of the project. There may still be a need for acquisition of future temporary construction easements, but no additional permanent right-of-way acquisition.

13. First Reading of Ordinance No. 106, 2019, Authorizing the Termination of the Declaration of Covenants, Conditions, Restrictions and Easements for Inverness Innovation Park.

The purpose of this item is to authorize the termination of a restrictive covenant that is obsolete and no longer beneficial to property on East Vine Drive.

14. Resolution 2019-086 Supporting a Grant Application for Gray and Black Market Marijuana Enforcement Funding for Fort Collins Police Services.

The purpose of this item is to obtain Council support for the City to apply for grant money to support enforcement of gray- and black-market marijuana activity for Fort Collins Police Services.

15. Resolution 2019-087 Authorizing the City Manager to Execute an Agreement for Funding Improvements to the Munroe Canal Diversion Structure.

The purpose of this item is to approve an intergovernmental agreement between the City of Fort Collins, Northern Colorado Water Conservancy District, North Poudre Irrigation Company (NPIC), East Larimer County Water District (ELCO), the Fort Collins-Loveland Water District (FCLWD), and North Weld County Water District. The purpose of the agreement is to fund improvements to the Munroe Canal Diversion Structure on the Cache la Poudre River. The Structure is located approximately one mile west (upstream) of Gateway Natural Area on the Cache la Poudre River. The improvement project will upgrade the Structure to prevent debris from flowing into the Structure and to safeguard the Structure from adjacent vehicular traffic. The Structure delivers Poudre River water to the City's Water Treatment Facility for treatment and is an integral part of the City's Fort Collins Utilities water supply system. The total estimated cost to the City is \$133,250 which is one-sixth of the total design and construction cost of \$799,500.

16. Resolution 2019-088 Acknowledging Completion and Receipt of the City's 2018 Audited Comprehensive Annual Financial Report and Federal Compliance Audit Report Prepared by BKD LLP, an Independent Public Accounting Firm.

The purpose of this item is to accept delivery of the City's 2018 audited financial reports provided by the independent accounting firm, BKD LLP.

17. Resolution 2019-089 Making an Appointment to the Northern Colorado Regional Airport Commission.

The purpose of this item is to appoint Jerry Stooksbury to the Northern Colorado Regional Airport Commission.

18. Resolution 2019-090 Making Appointments to the Planning and Zoning Board, the Youth Advisory Board, and the Zoning Board of Appeals of the City of Fort Collins.

The purpose of this item is to appoint individuals to fill vacancies that currently exist on the Planning and Zoning Board, the Youth Advisory Board, and the Zoning Board of Appeals. The vacancy on the Planning and Zoning Board is due to the resignations of Christine Pardee and Ruth Rollins. The vacancies on the Youth Advisory Board are due to the graduation of five board members. The vacancy on the Zoning Board of Appeals is due to the resignation of Cody Snowdon.

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. Neighborhood Party and Noise Enforcement. (staff: Jerry Schiager)
- B. Poudre River Library District. (presented by David Slivken, Executive Director)

● **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.

19. Resolution 2019-091 Acknowledging the Global Climate Emergency and Reaffirming the City's Commitment to Climate Action. (staff: Lindsay Ex, Jeff Mihelich; 5 minute staff presentation; 45 minute discussion)

The purpose of this item is to consider adoption of a Resolution that acknowledges the global climate emergency and reaffirms the City's commitment to climate action. At its July 2, 2019, regular Council meeting, Council directed staff to bring forward this Resolution for consideration.

20. First Reading of Ordinance No. 107, 2019, Approving a Settlement Agreement in the Fort Collins Mennonite Fellowship v. City of Fort Collins Lawsuit and, as Contemplated Under the Agreement, Amending the Conditions Previously Imposed in City Council Resolution 2018-104 that Approved the Fort Collins Mennonite Fellowship's External Storage Lockers Minor Amendment. (staff: Carrie Daggett, John Duval; 5 minute staff presentation; 45 minute discussion)

This Ordinance is being presented to City Council for it to consider approval of a proposed settlement of the lawsuit the Fort Collins Mennonite Fellowship (Fellowship) and its pastor Steve Ramer filed last year in federal district court against the City and City Council. The Fellowship and Pastor Ramer sued the City and Council challenging the four conditions the Council imposed in October 2018 on the Fellowship's installation and operation of outdoor lockers at its 300 East Oak Street church building it wished to make available to individuals experiencing homelessness (Locker Program). These four conditions were imposed as part of the Council upholding on appeal the Planning and Zoning Board's previous approval of the Fellowship's application for a minor amendment under the City's Land Use Code to allow the Locker Program.

Under the proposed settlement, the existing four conditions will be replaced with ten new conditions, the City will pay \$60,000 to reimburse the Fellowship and Pastor Ramer for the attorney fees and costs they have incurred in the lawsuit and the lawsuit will be dismissed with prejudice.

Since there is no prescribed hearing procedure in the City Code or Land Use Code for City Council's consideration of this Ordinance, it is recommended that the public hearing be conducted as follows:

1. Announcement of item
2. Consideration of any procedural issues
3. Staff presentation
4. Presentation by the Fellowship (suggested time: 20 min.)
5. Presentations by parties-in-interest (suggested time: 20 min.)
6. Public testimony concerning the Ordinance
7. Councilmember questions of City staff, Fellowship, and parties-in-interest
8. Motion, discussion and vote by City Council.

21. First Reading of Ordinance No. 108, 2019, Amending Article XVII, Section 15 of the Code of the City of Fort Collins Relating to Short Term Rentals. (staff: Ginny Sawyer; 10 minute staff presentation; 45 minute discussion)

The purpose of this item is to codify regulations addressing existing short-term rental (STR) licenses in multi-family buildings, to decriminalize short-term rental offenses, and to clarify that the thirty-day limit in Section 15-646 was intended to be calendar days. These actions come after multiple work sessions and outreach.

22. Resolution 2019-092 Approving the Northfield Metro District Nos. 1 through 3 Consolidated Service Plan. (staff: Josh Birks; 10 minute staff presentation; 45 minute discussion)

The purpose of this item is for City Council to consider approval of the Northfield Metropolitan District Nos. 1 through 3 Consolidated Service Plan (the "Service Plan"). The developer of the proposed Northfield Development has submitted the Service Plan to support the proposed development of approximately 56 acres located north of Vine Street on the west side of Lindenmeier Road/Lemay Avenue (southeast of the Lake Canal and north of the to-be designated historic Alta Vista neighborhood). The development is anticipated to include 442 residential units and a mixed-use center that will offer light commercial use on the first floor, residential for-rent units on the second floor, and small amenities open to the public. The project has committed to provide approximately 15 percent for-sale affordable housing units. A Mill Levy Cap of 50.00 mills has been proposed under the Service Plan to support the project.

As per the Council's Metro District Policy, proceedings for a public hearing for a Metro District Service Plan public hearing are as follows:

1. Announcement of item
2. Consideration of any procedural issues
3. Explanation of the application by City staff
4. Presentation by the applicant (suggested time: 15 minutes)
5. Public testimony regarding the application
6. Rebuttal testimony by the applicant (suggested time: 10 minutes)
7. Councilmember questions of City staff and the applicant
8. Motion, discussion and vote by City Council.

● **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.)

- 1. Request for consideration of a request from the Human Relations Commission to have a formal response process for bias-motivated events.

- **ADJOURNMENT**

- A. Consideration of a motion to adjourn to 6:00 p.m., Tuesday, August 27, 2019, for the mid-year evaluations of the City Manager, City Attorney and Chief Judge.

"I move that Council adjourn this meeting to 6:00 p.m. on Tuesday, August 27, in order to conduct mid-year performance reviews of the Council's direct report employees, and for such other business as may come before the Council."

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.