

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
October 1, 2019
(Amended 9/30/19)

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 the Month of October as National Cybersecurity Awareness Month.
B. Proclamation Declaring the Month of October as Domestic Violence Awareness Month.
C. Proclamation Declaring the Week of October 6-12, 2019 as Public Power Week.
D. Proclamation Recognizing the Colorado State University Diversity Symposium Occurring between October 14-October 18, 2019.
E. Proclamation Declaring September 15-October 15, 2019 as Hispanic/Latinx Heritage Month.

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. Second Reading of Ordinance No. 112, 2019, Appropriating Prior Year Reserves in the Data and Communications Fund for Implementation of Electronic Plan Review.

This Ordinance, unanimously adopted on First Reading on September 17, 2019, appropriates funds from the reserves of the Data and Communications fund for implementation of electronic plan review as part of the building permit process.

2. Second Reading of Ordinance No. 113, 2019, Amending the City of Fort Collins District-Precinct Map to Reflect Changes in County Precinct Boundaries and Waiving the Redistricting Requirement of Section 7-87(d) of the City Code.

This Ordinance, unanimously adopted on First Reading on September 17, 2019, aligns City precinct boundaries with County precinct boundaries as required by Section 7-66 of the City Code. None of the divided precincts affect Council district boundaries.

3. Second Reading of Ordinance No. 114, 2019, Vacating Portions of Rights-of-Way Dedicated on the Waterfield Third Filing Plat.

This Ordinance, unanimously adopted on First Reading on September 17, 2019, vacates various rights-of-way dedicated on the Waterfield Third Filing plat that are no longer necessary or desirable to retain for roadway purposes. The rights-of-way vacation includes various public road rights-of-way within the Waterfield development. The property is being sold to a new developer who is proposing a revised project layout. The existing on-site road rights-of-way need to be vacated prior to recording the new plat. The vacation will not impact any existing rights-of-way of adjacent public streets (North Timberline Road, East Vine Drive, East Suniga Road, Merganser Drive (south of Suniga Road),

Turnberry Road or Conifer Street). The property is currently proposed to be replatted as Waterfield Fourth Filing.

4. First Reading of Ordinance No. 120, 2019, Appropriating Prior Year Reserves, Unanticipated Revenue and Authorizing Transfer of Funds for the Small Business Revolving Loan Fund Program.

The purpose of this item is to authorize the transfer of funds from the Keep Fort Collins Great Fund to the General Fund and appropriate therein and to appropriate reserves and current year revenue from Platte River Power Authority (PRPA) Economic Development Program funds in the General Fund to create the City of Fort Collins Revolving Loan Fund for small businesses and startup companies operating in Fort Collins. The City will use the funds to support access to capital for small businesses in Fort Collins, which have historically not had access to traditional financial capital markets (“under banked” or “non-bankable”) The demographic focus of this program will be low-income, minority, veteran, and women-owned small businesses.

5. First Reading of Ordinance No. 115, 2019, Appropriating Prior Year Reserves and Unanticipated Revenue in Various City Funds and Authorizing the Transfer of Appropriated Amounts of Funds or Projects.

The purpose of this Annual Adjustment Ordinance is to combine dedicated and unanticipated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and, therefore, not included in the 2019 annual budget appropriation. The unanticipated revenue is primarily from fees, charges, rents, contributions, donations and grants that have been paid to City departments to offset specific expenses.

6. Items Relating to Objects Obscuring Traffic Control Devices.

A. First Reading of Ordinance No. 117, 2019, Amending the Code of the City of Fort Collins as it Relates to Objects Obscuring Traffic Control Devices.

B. First Reading of Ordinance No. 118, 2019, Amending the Fort Collins Traffic Code as it Relates to Objects Obscuring Traffic Control Devices.

The purpose of this item is to consider revisions to the Fort Collins City Code and the City Traffic Code as they relate to the responsibilities for pruning private trees, shrubs or other plants that overhang or otherwise encroach on the public right-of-way. The changes will make the requirements in the two Codes consistent and provide a level of flexibility for City staff to immediately address issues of safety in the public right-of-way at its own expense, if needed.

7. Resolution 2019-094 Approving the Purchase of Two Biogas Powered Generator Sets from Woodward, Inc. as an Exception to the Competitive Purchasing Process.

The purpose of this item is to approve an exception to the competitive purchasing process for the purchase of two biogas powered combined heat and power (CHP) generator sets for the Drake Water Reclamation Facility (DWRf) in support of the City’s climate action plan (CAP) goals. Woodward has been collaborating with City staff and consultants for several years working in the design of a cost-efficient combined heat and power (CHP) system that can utilize biogas produced at DWRf. Purchasing the CHP generator set through Woodward provides the most economical procurement while allowing Woodward to leverage equipment provided by the company, its vendors, and clients.

8. Resolution 2019-095 Authorizing the City Manager to Execute an Agreement Regarding Use of the Munroe Canal.

The purpose of this item is to approve execution of an agreement between the City of Fort Collins, through Fort Collins Utilities, and multiple other parties regarding operations of the Munroe Canal that supplies water to Fort Collins Utilities via the Pleasant Valley Pipeline. The agreement mainly outlines roles and responsibilities among these parties that have been vague since pipeline operations started in 2003 and will greatly improve future operations, but also includes reasonable payments to the North Poudre Irrigation Company for its operational efforts.

9. Items Relating to Agreements for Delivery of Horsetooth Reservoir Water During the Temporary Shutdown of the Horsetooth Reservoir Soldier Canyon Outlet.
- A. Resolution 2019-096 Authorizing the City Manager to Execute an Agreement Between the City of Fort Collins, the East Larimer County Water District, the Fort Collins-Loveland Water District, the North Weld County Water District, and the Northern Colorado Water Conservancy District Acting By and Through the Pleasant Valley Pipeline Water Activity Enterprise Regarding a Supplemental Means to Deliver Horsetooth Reservoir Water to the Fort Collins Water Treatment Facility and Soldier Canyon Water Treatment Plant (Pleasant Valley Pipeline Modifications and Use).
 - B. Resolution 2019-097 Authorizing the City Manager to Execute an Agreement Between the City of Fort Collins, the East Larimer County Water District, the Fort Collins-Loveland Water District, the North Weld County Water District, and the City of Greeley Regarding a Supplemental Means to Deliver Horsetooth Reservoir Water to the Fort Collins Water Treatment Facility and Soldier Canyon Water Treatment Plant (Greeley Infrastructure Modifications and Use).
 - C. Resolution 2019-098 Authorizing the City Manager to Execute an Agreement Between the City of Fort Collins, the East Larimer County Water District, the Fort Collins-Loveland Water District, and the North Weld County Water District Regarding a Supplemental Means to Deliver Horsetooth Reservoir Water to the Fort Collins Water Treatment Facility and Soldier Canyon Water Treatment Plant (Project Work-New Infrastructure-New Property Rights).

The purpose of this item is to authorize the City Manager to execute three agreements between combinations of the City of Fort Collins (City), Fort-Collins Loveland, East Larimer County, and North Weld County water districts (the Tri-Districts), the City of Greeley (Greeley), and the Northern Colorado Water Conservancy District (Northern Water) regarding a project to provide a temporary backup water supply pumping system during an October-November 2020 shutdown of the Soldier Canyon Dam Outlet pipeline (Soldier Canyon Outlet) which conveys water from Horsetooth Reservoir to the two drinking water treatment plants serving Fort Collins and surrounding areas. The pumping system is intended as a backup supply system to the primary Cache la Poudre River water supply during the 60-day long planned outage of the Soldier Canyon Outlet.

Three separate agreements are needed because each agreement concerns discrete aspects of this project, involving specific infrastructure and set of entities: (A) an agreement between the City, the Tri-Districts, and Northern Water regarding the use of Northern Water's Pleasant Valley Pipeline; (B) an agreement between the City, the Tri-Districts, and Greeley regarding the use of Greeley's infrastructure; and (C) an agreement between the City and the Tri-Districts regarding the ownership, design, construction, and operation of new infrastructure.

10. Resolution 2019-099 Adopting an Updated Process for City Council Evaluation of the Performance of the City Manager, City Attorney and Chief Judge and Establishing Benchmark Cities.

The purpose of this item is to modify the performance evaluation process for the City Manager, City Attorney and Chief Judge to add flexibility in the timing of performance and salary information and discussions. The item also provides a recommended list of compensation benchmark cities for Council's direct report employees.

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 - Poudre Fire Authority Metrics (staff: Ron Simms)

- 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.

11. Resolution 2019-100 Regarding Immigration Conditions at the Southern Border of the United States and Its Impact on the Fort Collins Community. (staff: Tyler Marr; 5 minute presentation; 45 minute discussion)

The purpose of this item is to acknowledge the impact that national events have on the immigrant communities within Fort Collins, state that Fort Collins welcomes those lawfully seeking asylum, and to encourage participation with public safety agencies and in the decennial Census. The resolution also calls upon the United States Congress and the Trump administration to take action to prevent any inhumane treatment at the southern border and to quickly create a sustainable pathway for immigration into the United States, and sets out related follow up actions.

12. Items Relating to the Northfield Metro District Nos. 1 through 3 Consolidated Service Plan. (staff: Josh Birks; 10 minute staff presentation; 45 minute discussion)
 - A. Resolution 2019-101 Reconsidering, Rehearing and Approving the Consolidated Service Plan for Northfield Metropolitan District Nos. 1-3.
 - B. Resolution 2019-102 Making Findings, Determinations and Conclusions Denying on Rehearing the Consolidated Service Plan for Northfield Metropolitan District Nos. 1-3.

The purpose of this item is for City Council to consider on rehearing approval of the Northfield Metropolitan District Nos. 1 through 3 Consolidated Service Plan (the "Service Plan") or, alternatively, to deny the Service Plan on rehearing. Resolution 2019-101 is what Council should adopt to approve the Service Plan. Resolution 2019-102 is what Council should adopt to deny the Service Plan. If Resolution 2019-102 is adopted to deny the Service Plan, Council should also decide in Section 5 of the Resolution what its reasons are for denial on the basis of non-compliance with the Council's current Metro District Policy (Policy). The Policy contemplates that only Service Plans that provide "extraordinary public benefits that align with the goals and objectives of the City" are favored for approval.

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.

The public hearing for this Service Plan was previously noticed in accordance with Council's Metro District Policy to be conducted at Council's August 20, 2019, meeting. However, Council voted at that meeting, as authorized in Section 2.c. of the Council's Rules of Procedure, to continue this matter to the Council's next regular meeting, which is this September 3, 2019, meeting. The applicant mailed on August 22, 2019, notice of this continuance to the fee-title owners of property within the proposed Districts and published this notice in the *Coloradoan* on August 24, 2019.

At its September 3, 2019 meeting, the Council adopted a motion to again continue the hearing, rescheduling the hearing for the September 17, 2019 meeting. At its September 17, 2019, meeting, City Council voted to deny approval of the Service Plan. However, at its September 24, 2019, meeting, City Council voted to reconsider and re-hear the application, which was scheduled for this October 1, 2019 meeting.

13. First Reading of Ordinance No. 116, 2019, Approving a One-Time Payment of Accrued, Unused 2018 Paid Time Off Hours to the City Manager and City Attorney. (staff: Teresa Roche, Jamie Heckman; 5 minute staff presentation; 15 minute discussion)

The purpose of this item is to approve a one-time payment of accrued, unused 2018 paid time off hours to the City Manager and City Attorney.

- **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**

A. Consideration of a motion to adjourn to 6:00 p.m., Tuesday, October 8, 2019 for a possible executive session.

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.