

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 December 17, 2019 (amended 12/16/19)

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 5:30 p.m.

No Proclamations are 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.

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 Purchase of Vehicles.

- A. Second Reading of Ordinance No. 141, 2019, Appropriating Unanticipated Grant Revenue from the Volkswagen Settlement Funds for the Purchase of Two Electric Vehicles to Replace End of Life Diesel Vehicles and Associated Charging Equipment.
- B. Second Reading of Ordinance No. 142, 2019, Appropriating Unanticipated Grant Revenue from the Volkswagen Settlement Funds for the Purchase of Three Alternative Fuel Body-on-Chassis Style Buses.

The purpose of this item is to appropriate unanticipated grant revenue awarded to Transfort through the Clean Air Act Settlement program administered by Colorado Department of Public Health and Environment (CDPHE) and to reappropriate lapsing funds. Transfort was awarded funding through CDOT's Consolidated Call for Capital Projects in 2018 for the purchase of a total of five alternatively fueled vehicles and two depot chargers. Settlement funds can be used to cover 110% of the incremental cost of purchasing an alternatively fueled vehicle compared with a new diesel vehicle. Transfort plans to replace two end-of-life diesel revenue transit buses with two new zero-emission vehicles (ZEV), purchase two depot chargers, and replace three end-of-life diesel cutaway buses with three alternative fuel vehicles. Settlement funds do not require a local match.

2. Second Reading of Ordinance No. 143, 2019, Making Appropriations and Authorizing Transfers of Appropriations for the Horsetooth Outlet Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on December 3, 2019, appropriates \$3.2 million from Water Fund Reserves to design and construct a project to provide a temporary backup

water supply pumping system during a planned October-November 2020 closure by Northern Water of the Soldier Canyon Dam Outlet pipeline from Horsetooth Reservoir (Horsetooth Outlet Project). The pipeline provides water to the two drinking water treatment plants serving the City of Fort Collins and surrounding areas, serving about 250,000 people. The pumping system is intended as an emergency backup supply system to the primary Cache la Poudre River (Poudre River) water supply during the 60-day planned outage of the Soldier Canyon Dam Outlet pipeline. The City will be reimbursed 58% of the project costs by the project partners at the conclusion of construction. The City's final contribution will be \$1.4 million of the \$3.2 million total project cost.

3. Second Reading of Ordinance No. 145, 2019, Adopting the 2020 Classified Employees Pay Plan.

This Ordinance, unanimously adopted on First Reading on December 3, 2019, adopts the 2020 City Classified Employee Pay Plan. Classified jobs are grouped according to job functions, a business practice commonly used by both the public and private sectors. Pay ranges are developed by career group (management, professional, administrative, operations and trades) and level for each job function. The result of this work is a City Classified Employee Pay Plan which sets the minimum, midpoint and maximum of pay ranges for the level, within each career group and function. Actual employee pay increases are awarded through a separate administrative process in accordance with the budgeted amount approved by Council.

4. Second Reading of Ordinance No. 146, 2019, Adopting the 2020 Larimer County Regional Transportation Capital Expansion Fee Schedule.

This Ordinance, unanimously adopted on First Reading on December 3, 2019, adopts the 2020 Larimer County Regional Transportation Capital Expansion Fee schedule. The City collects Larimer County Regional Capital Expansion Fees (Regional TCEF) on behalf of the County. The Regional TCEF generates revenue for capacity related improvements to regionally significant roadways that are necessitated by new development. The Regional TCEF are only used on improvements that mutually benefit both the City and County. The Regional TCEF are collected at the issuance of a building permit.

5. Second Reading of Ordinance No. 147, 2019, Authorizing the Exchange of Stormwater Easements Between the City of Fort Collins and John C. Graham and Ginger L. Graham.

This Ordinance, unanimously adopted on First Reading on December 3, 2019, authorizes an exchange of stormwater easements across portions of property generally located north of the North Lemay and East Vine intersection. A stormwater easement from the City of Fort Collins will be conveyed to John C. Graham and Ginger L. Graham (consisting of 5,749 square feet located on City property) and a stormwater easement from John C. Graham and Ginger L. Graham will be conveyed to the City of Fort Collins (consisting of 34,885 square feet) and a temporary construction easement (consisting of 22,235 square feet) would be exchanged. As consideration for the easements on the Graham property the City would convey the easement across City property and the Stormwater Utility would agree to apply the balance of the difference between the value of the two easements to Stormwater Plant Investment Fees (PIF) and monthly stormwater fees for a hay barn built by the Grahams within the City limits, instead of additional cash consideration. The City's receipt of the easements across the Graham property is consideration for the easement across City property and the credited stormwater fees.

6. First Reading of Ordinance No. 148, 2019, Amending Chapters 12, 15 and 20 of the Code of the City of Fort Collins to Update Environmental Codes.

The purpose of this item is to update existing environmental codes for clarity, consistency with current practices, and in support of their enforcement. All changes are administrative in nature and do not change the purpose of the Code sections.

7. First Reading of Ordinance No. 153, 2019, Authorizing the City Council to Make Short-Term Appointments to City Boards and Commissions in 2020.

The purpose of this item is first reading of an ordinance to allow Council to make one-year interim appointments to advisory boards and commissions notwithstanding the term requirements in City Code. Due to a 2019 Council Priority item (Reimagine Boards and Commissions) the City Clerk's Office was instructed to pause reappointments/interviews for all boards and commissions, except for quasi-judicial boards and boards/commissions at risk of falling below quorum. To ensure boards and commissions can maintain quorum in the face of unplanned absences and effectively perform their duties, this Ordinance will allow Council to temporarily fill boards/commissions while the Reimagine Project continues in 2020.

8. First Reading of Ordinance No. 149, 2019, Designating the Frank J. Ulrich Property, 516 Laporte Avenue, 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 it is considered on the discussion agenda, it will be considered in accordance with the procedures described in Section 1(f) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to designate the Frank J. Ulrich property located at 516 Laporte Avenue as a Fort Collins Landmark. This is a voluntary designation at the property owner's request. The property owner is 516 Laporte, LLC, of which Dale Eggleston is a member. The Landmark Preservation Commission unanimously recommends approving this landmark designation.

9. Resolution 2019-111 Finding Substantial Compliance and Initiating Annexation Proceedings for the Soldier Canyon Pump Station Annexation.

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for the Soldier Canyon Pump Station Annexation. The Applicant has submitted a written petition requesting the annexation. The purpose of the annexation is to allow the Soldier Canyon Pump Station to be served by Fort Collins Light and Power, rather than Xcel Energy. This is a voluntary annexation. The Soldier Canyon Pump Station Annexation totals 0.702 acres; it achieves the required 1/6 perimeter boundary contiguity with the existing municipal boundaries to the north, west and south. The site is enclosed on three sides by the City of Fort Collins Water Treatment Facility at 4316 LaPorte Avenue. The annexation would incorporate the site into Fort Collins' municipal boundaries, as well as the Residential Neighborhood Sign District.

The requested zoning for this annexation is Residential Foothills (R-F), in compliance with the City of Fort Collins Structure Plan designation of the "Campus District" place type. No project development plan proposal was submitted in conjunction with the annexation application.

10. Resolution 2019-112 Finding Substantial Compliance and Initiating Annexation Proceedings for the Timberline-International Annexation No. 1.

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for the Timberline-International Annexation No. 1. The Applicant has submitted a written petition requesting three sequential annexations. Timberline-International Annexation No. 1. is the first Resolution of this series of three sequential annexations, and totals 0.09 acres of North Timberline Road Right-of-Way, which establishes 1/6 perimeter boundary contiguity with the existing municipal boundaries to the north, located northeast of the North Timberline Road and International Boulevard intersection, into Fort Collins' municipal boundaries, as well as into the Residential Neighborhood Sign District.

The requested zoning for this annexation is Industrial (I), in compliance with the City of Fort Collins Structure Plan and the East Mulberry Corridor Plan. Notice to parcels abutting platted streets was provided pursuant to §31-12-105, C.R.S. No project development plan proposal was submitted in conjunction with the annexation application.

11. Resolution 2019-113 Finding Substantial Compliance and Initiating Annexation Proceedings for the Timberline-International Annexation No. 2.

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for the Timberline-International Annexation No. 2. The Applicant has submitted a written petition requesting three sequential annexations. Timberline-International Annexation No. 2. is the second Resolution of this series of three sequential annexations, and totals 0.86 acres of North Timberline Road and International Boulevard Right-of-Way, which establishes 1/6 perimeter boundary contiguity with the existing municipal boundaries to the north, located northeast of the North Timberline Road and International Boulevard intersection, into Fort Collins' municipal boundaries, as well as into the Residential Neighborhood Sign District.

The requested zoning for this annexation is Industrial (I), in compliance with the City of Fort Collins Structure Plan and the East Mulberry Corridor Plan. Notice to parcels abutting platted streets was provided pursuant to §31-12-105, C.R.S. No project development plan proposal was submitted in conjunction with the annexation application.

12. Resolution 2019-114 Finding Substantial Compliance and Initiating Annexation Proceedings for the Timberline-International Annexation No. 3.

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for the Timberline-International Annexation No. 3. The Applicant has submitted a written petition requesting three sequential annexations. Timberline-International Annexation No. 3. is the third Resolution of this series of three sequential annexations, and totals 1.39 acres, which establishes 1/6 perimeter boundary contiguity with the existing municipal boundaries to the south and east, located northwest of the North Timberline Road and International Boulevard intersection, into Fort Collins' municipal boundaries, as well as into the Residential Neighborhood Sign District.

The requested zoning for this annexation is Industrial (I), in compliance with the City of Fort Collins Structure Plan and the East Mulberry Corridor Plan. Notice to parcels abutting platted streets was provided pursuant to §31-12-105, C.R.S. No project development plan proposal was submitted in conjunction with the annexation application.

13. Resolution 2019-115 Approving the Purchase of Administrator Services for Life Insurance, Short-Term and Long-Term Disability Insurance from Voya and Anthem as an Exception to the Competitive Purchasing Process.

The purpose of this item is to request Council authority to extend the existing arrangements with Voya and Anthem, who each provide administrator services for a portion of the City's employee benefits program, for up to two additional one-year terms to ensure the successful completion of the City's new benefits program without overextending the cross-departmental resources of the City. Additionally, the extension will allow the time necessary to optimize the competitive process for these services to the benefit of the City and its employees.

14. Resolution 2019-116 Approving the Purchase of Health Services from Marathon Health, Inc. as an Exception to the Competitive Purchasing Process.

The purpose of this item is to request Council authority to extend the existing agreement with Marathon Health under RFP 7512 On-Site Employee Wellness Clinic for two additional one-year terms. In alignment with Larimer County, staff will begin the RFP process the first quarter 2021 for a January 1, 2022 contract.

15. Resolution 2019-117 Designating Councilmember Gorgol to Represent the City on the Larimer County Community Services Block Grant Advisory Board.

The purpose of this item is to designate Councilmember Gorgol to represent the City on the Larimer County Community Services Block Grant Advisory Board.

- 15 a. Resolution 2019-118 Authorizing Extension of the Date for Implementation of Hauler Licensing Programs Under the Intergovernmental Agreement for Solid Waste Programming and Infrastructure Improvements.

(NEW ITEM ADDED TO AGENDA ON 12/16/19)

The purpose of this item is to support the extension of a deadline for participants in the North Front Range Regional Wasteshed Coalition Intergovernmental Agreement to update their hauler licensing from January 1, 2020 to April 1, 2020.

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. Community Dashboard Metric: Recreation Programs Total Cumulative Participation. (staff: Bob Adams)
- B. Commission for Accreditation of Parks and Recreation Agencies (CAPRA) Award. (staff: Bob Adams)

- **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. Consideration of a motion to adjourn into executive session.

"I move that the City Council go into executive session, as permitted under Article Two, Section Eleven of the City Charter, Section 2-31(a)(1) of the City Code and Colorado Revised Statutes Section 24-6-402(4)(f)(roman number one), for the purpose of continuing the annual reviews of the Chief Judge, City Manager and City Attorney."

17. First Reading of Ordinance No. 150, 2019, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge. (staff: Jamie Heckman; 2 minute staff presentation; 5 minute discussion)

The purpose of this item is to establish the 2020 salary of the Chief Judge. City Council met in executive sessions on November 12 and 19, 2019 and may meet in another executive session on December 17, 2019, to conduct the performance review of Chief Judge Kathleen Lane. This Ordinance sets the 2020 salary of the Chief Judge.

18. First Reading of Ordinance No. 151, 2019, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney. (staff: Jamie Heckman; 2 minute staff presentation; 5 minute discussion)

The purpose of this item is to establish the 2020 salary of the City Attorney. City Council met in executive sessions on November 12 and 19, 2019, and may meet in another executive session on December 17, 2019, to conduct the performance review of Carrie Daggett, City Attorney. This Ordinance sets the 2020 salary of the City Attorney.

19. First Reading of Ordinance No. 152, 2019, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager. (staff: Jamie Heckman; 2 minute staff presentation; 5 minute discussion)

The purpose of this item is to establish the 2020 salary of the City Manager. City Council met in executive sessions on November 12 and 19, 2019 and may meet in another executive session on December 17, 2019, to conduct the performance review of Darin Atteberry, City Manager. This Ordinance sets the 2020 salary of the City Manager.

● **CONSIDERATION OF CITIZEN-PULLED CONSENT ITEMS**

● **OTHER BUSINESS**

A. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers

(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

B. Consideration of a motion to adjourn into executive session.

"I move that City Council go into executive session to consider matters pertaining to issues of competition in providing telecommunication facilities and services including, without limitation, matters subject to negotiation, strategic plan, price, sales and marketing, development phasing and any other matter allowed under Colorado Law, as permitted under Article XX, Section 7(d) of the City Charter and Section 2-31(a)(5) of the City Code."

● **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.