

March 20, 2018

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM DATE FILED: July 18, 2018 8:12 PM
FILING ID: BF0E70FBC34B1
CASE NUMBER: 2018CV149

● **ROLL CALL**

PRESENT: Martinez, Stephens, Summers, Overbeck, Cunniff, Horak
ABSENT: Troxell
Staff Present: Atteberry, Daggett, Coldiron

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry stated there were no changes to the published agenda.

● **CITIZEN PARTICIPATION**

Caitlin Young discussed issues with the three-unrelated ordinance. She stated group housing can aid in community goals such as ride sharing. She suggested those wanting to live in a group setting could apply for an exemption to the ordinance and be required to meet certain standards to maintain that exemption.

Forrest Carlson agreed with Ms. Young and discussed his willingness to work with the upcoming City Plan update groups in light of his role as the owner of Copia Permaculture. He stated he would like to create a presentation on permaculture for the City Plan efforts.

Stacy Lynne stated business owners in Fort Collins are being excluded from meetings about the Sign Code update. She played audio clips from a February 1, 2018 Sign Code meeting and stated the process has not been transparent.

John Anderson stated the City needs to act against fracking given the citizen vote. He opposed the use of the term “washed” and stated the three-unrelated ordinance goes against constitutional rights.

Adam Lowell supported Ms. Young and her statements. He stated the three-unrelated ordinance goes against civil liberties and unfairly targets lower-income residents.

Kathleen Benedict, Poudre National Heritage Area Executive Director, thanked Council and staff for participating in the On the Trail to Health, Heritage, and Happiness wellness program. She announced the Poudre Pour event on March 31.

● **CITIZEN PARTICIPATION FOLLOW-UP**

Mayor Pro Tem Horak summarized the citizen comments and requested staff input regarding the Sign Code issues. City Manager Atteberry stated he would be willing to sit down with Ms. Lynne to discuss her concerns and will provide an update in writing to the Council. He noted the work session on the topic is next Tuesday.

Councilmember Overbeck suggested Mr. Carlson meet with staff to discuss citizen input options for the City Plan update.

Councilmember Martinez thanked Ms. Benedict for her comments and requested staff look at the three-unrelated ordinance issues. Mayor Pro Tem Horak noted ASCSU, CSU Administration, City representatives, and Board of Realtors representatives, are participating in a conversation on the topic.

Councilmember Cunniff stated he hears from constituents regarding the benefits of the three-unrelated ordinance as well.

● **CONSENT CALENDAR**

Councilmember Cunniff withdrew Item No. 10, *Resolution 2018-030 Approving an Intergovernmental Agreement with the Fort Collins Urban Renewal Authority for the Authority's Contribution of Funds to the City's Whitewater Park Project for Public Improvements*, from the Consent Agenda.

Councilmember Cunniff made a motion, seconded by Councilmember Overbeck, to adopt and approve all items not withdrawn from the Consent Agenda.

RESULT:	CONSENT AGENDA ADOPTED [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Bob Overbeck, District 1
AYES:	Martinez, Stephens, Summers, Overbeck, Cunniff, Horak
ABSENT:	Troxell

1. **Consideration and Approval of the Minutes of the February 20, 2018 Regular Meeting and the February 27, 2018 Adjourned Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the February 20, 2018 Regular Council meeting and the February 27, 2018 Adjourned Council meeting.

2. **Second Reading of Ordinance No. 038, 2018, Establishing Rental Rates and Delivery Charges for Use of Water Available Under the City's Raw Water Interests for 2018 Through March 2021. (Adopted)**

This Ordinance, unanimously adopted on First Reading on March 6, 2018, approves proposed formula-based and fixed rates and charges for rental and delivery of Utilities' raw water supplies for three years: 2018, 2019, and 2020. This would be a change from the historical practice of having rates and charges approved for one year at a time. Staff has utilized the proposed formulas to set rates and charges since 2015. Staff is recommending a reduced rental rate of \$400/acre-foot for fully consumable water (down from \$600/acre-foot) to reflect market conditions and recognize Utilities' increased availability of these supplies. The rates and charges would be effective through March 2021, to address the gap between the end of 2020 and anticipated Council approval of new rates and charges in early 2021.

3. **Second Reading of Ordinance No. 039, 2018, Authorizing the Lease of City-Owned Property Located at 211 South Bryan Avenue to the Fort Collins Baseball Club, Inc. (Adopted)**

This Ordinance, unanimously adopted on First Reading on March 6, 2018, approves a lease of City-owned property located at 211 South Bryan Avenue to the non-profit corporation Fort Collins Baseball Club (FCBC). FCBC provides recreational programs to citizens and non-profit organizations. FCBC is requesting a less than market lease rate of \$25 per year for a period of up to 25 years (10-year lease with 3 five-year extensions at the City's option).

4. **Second Reading of Ordinance No. 040, 2018, Declaring Certain City-Owned Property at Arapaho Bend Natural Area as Road Right-of-Way. (Adopted)**

This Ordinance, unanimously adopted on First Reading on March 6, 2018, converts approximately 0.105 acres of Arapaho Bend Natural Area to road right-of-way. The City intends to construct road and intersection improvements, relocate utilities, and fully signalize the intersection of Harmony Road and Strauss Cabin Road. The project will install southbound left and right turn lanes, pork chop islands, and Americans with Disabilities Act (ADA) accessible sidewalk connections.

5. **Second Reading of Ordinance No. 041, 2018, Authorizing the Conveyance of an Electric Line Easement on City Property at Soaring Vista Natural Area to the City of Loveland. (Adopted)**

This Ordinance, unanimously adopted on First Reading on March 6, 2018, authorizes conveyance of an electric line easement to the City of Loveland on Soaring Vista Natural Area. The line is an extension of a project approved by City Council in August 2016 on the Northern Colorado Regional Airport property. The electric utility line currently extends from Loveland's Crossroads Substation at Boyd Lake Road north to County Road 30. The underground utility line is intended to extend east along County Road 30 to Interstate 25. The expanded utility service is needed to serve growing development in the area. The 25-foot wide easement will run under the Natural Area for approximately 688 linear feet - totaling 17,204 square feet or 0.40 acres.

6. **First Reading of Ordinance No. 042, 2018, Appropriating Unanticipated Revenue Received From the Estate of Marjorie J. McTaggart in the Recreation Fund to be Paid to the Fort Collins Senior Center Endowment Fund For Use to Benefit the Senior Center. (Adopted)**

The purpose of this item is to recognize receipt of and appropriate a gift from the Estate of Marjorie J. McTaggart for the Fort Collins Senior Center in the amount of \$38,581.00.

7. **First Reading of Ordinance No. 043, 2018, Appropriating Unanticipated Revenue into the Capital Project Fund for the North College Improvements Project – Canal to State Highway 1 and for Transfer from the Capital Project Fund to the Cultural Services and Facilities Fund for the Art in Public Places Program. (Adopted)**

The purpose of this item is to appropriate unanticipated revenue in the amount of \$156,144 into the Capital Project Fund for the North College Improvements Project-Canal to State Highway 1. Funds to be appropriated were collected as a payment-in-lieu of frontage improvement obligations from a recent development near the Project location. After this appropriation, the total appropriated funding for the Project will be approximately \$2.35 million.

8. **First Reading of Ordinance No. 044, 2018, Appropriating Prior Year Reserves in the General Fund for Waste Reduction and Diversion Projects Approved as Part of the Waste Innovation Program. (Adopted)**

The purpose of this item is to move \$111,000 accumulated during 2017 in the Waste Innovation Fund account into the City's General Fund account for approved projects to develop new organizational processes that enable departments to divert more waste material from landfill disposal.

9. **Resolution 2018- 029 Approving an Exception to the Use of a Competitive Process for an Enterprise License Agreement with ESRI for GIS Software. (Adopted)**

The purpose of this item is to request an exception to the use of a competitive bid or proposal process for the purchase of a three-year Enterprise License Agreement (ELA) from ESRI, as the alternative is contrary to the City's best interests. ESRI's suite of Geographic Information System (GIS) software products are used throughout the City by many departments. The software and its data are integral to several other software solutions. The ELA is a cost-effective approach that allows for an unlimited number of users to make use of this software and also provides for access to future upgrades, updates

and patches. ESRI's software is proprietary and is only available through them; they do not work with resellers.

10. **Resolution 2018-031 Consenting to the Dissolution of Harmony Technology Park Metropolitan District No. 1 and Harmony Technology Park Metropolitan District No. 3. (Adopted)**

The purpose of this item is to authorize the dissolution of Harmony Technology Park Metropolitan District No. 1 and No. 3 (collectively the "Districts"). City Council authorized the formation of Harmony Technology Park Metropolitan Districts No. 1, 2, and 3 by Resolution 2009-092 on September 15, 2009. The consolidated service plan (the "Service Plan") for these districts contemplated a multi-district approach to follow phasing of the project. The two districts are not providing any services to the Harmony Technology Park development, all services are provided by the City, District No. 2 or other jurisdictions. Therefore, dissolving the two districts will have no adverse impact on services.

● **CONSENT CALENDAR FOLLOW-UP**

Councilmember Martinez commented on Item No. 6, *First Reading of Ordinance No. 042, 2018, Appropriating Unanticipated Revenue Received From the Estate of Marjorie J. McTaggart in the Recreation Fund to be Paid to the Fort Collins Senior Center Endowment Fund For Use to Benefit the Senior Center*, as being a good news item.

Mayor Pro Tem Horak commented on Item No. 7, *First Reading of Ordinance No. 043, 2018, Appropriating Unanticipated Revenue into the Capital Project Fund for the North College Improvements Project - Canal to State Highway 1 and for Transfer from the Capital Project Fund to the Cultural Services and Facilities Fund for the Art in Public Places Program*, stating it will complete a pedestrian gap.

● **COUNCILMEMBER REPORTS**

Councilmember Overbeck announced a neighborhood meeting with Buckingham residents and area business and breweries. He thanked the Colorado Municipal League and the National League of Cities for the conference in Washington, D.C. He reported on Library statistics from the previous year.

Councilmember Martinez reported on the National League of Cities conference and the My Healthy Hometown prescription program. He also reported on the Public Safety and Crime Prevention advocacy committee meeting at the conference and discussed broadband access.

Councilmember Stephens reported on the National League of Cities conference and a meeting on civility. She reported on Women's History Month events including the Women's Commission honoring of SAVA and on ASCSU's newly formed Women's Caucus.

Mayor Pro Tem Horak reported on attending a symposium by the League of Women Voters dealing with the monitoring of abandoned oil and gas wells. He also reported on attending a meeting with the Department of Transportation regarding north I-25 improvements in Washington, D.C.

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

11. **Resolution 2018-030 Approving an Intergovernmental Agreement with the Fort Collins Urban Renewal Authority for the Authority's Contribution of Funds to the City's Whitewater Park Project for Public Improvements.** (Adopted)

The purpose of this item is the approval of an intergovernmental agreement between the City of Fort Collins (City) and the Fort Collins Urban Renewal Authority (URA), which memorializes the terms of acceptance of \$300,000 in URA support for the City's Whitewater Park Project. The URA investment is provided in recognition of project benefits that will accrue to the North College URA plan area as a result of the project.

Note: The URA Board will consider the Whitewater Park Project request the same evening this item is considered. Should the URA Board not support the Whitewater Park Project request, the intergovernmental agreement will not be entered into by the City and URA.

Josh Birks, Economic Health and Redevelopment Director, stated this item is an intergovernmental agreement that accepts the \$300,000 that the Urban Renewal Authority will consider providing as funding for the whitewater park project.

Councilmember Cunniff stated his concern has more to do with the timing of this URA and City joint action prior to the new URA Board being seated. He asked how critical the timing of the URA item is to the building of the park. Kurt Friesen, Park Planning Director, replied permitting and design are nearing completion and the goal is to begin construction in the late spring or summer.

Birks stated a joint work session that will include the four new URA Boardmembers is scheduled for May 11. The official seating of the Boardmembers will take place shortly thereafter. He noted this is not a triggering event as it is not changing the plan area or contents.

Councilmember Cunniff stated these funds could be spent elsewhere or returned to the entities that will be part of the new URA Board.

Councilmember Cunniff asked if this funding is for the Vine Drive improvement section of the plan. Birks replied in the affirmative.

Councilmember Cunniff asked if it is critical this action is taken in advance of the rest of the construction. Birks replied it is likely the Vine Drive portion of the project will be more toward the end of the timeline; therefore, it is possible to uncouple the items.

City Manager Atteberry stated this is a complicated project with several sources of funding. He discussed the importance of predictability with the various funding sources as construction begins.

Councilmember Martinez stated the existing Board has made these decisions thus far.

Councilmember Cunniff questioned whether the end result could be better if the new URA Board were seated.

Councilmember Stephens made a motion, seconded by Councilmember Overbeck, to adopt Resolution 2018-030.

Councilmember Stephens stated she understood Councilmember Cunniff's question, but also understands the funding issues.

Mayor Pro Tem Horak stated he would support the Resolution; however, he will have some concerns when the item is considered during the URA Board.

RESULT:	RESOLUTION 2018-030 ADOPTED [5 TO 1]
MOVER:	Kristin Stephens, District 4
SECONDER:	Bob Overbeck, District 1
AYES:	Martinez, Stephens, Summers, Overbeck, Horak
NAYS:	Cunniff
ABSENT:	Troxell

● **DISCUSSION ITEMS**

12. **First Reading of Ordinance No. 045, 2018, Amending Chapter 7 of the City Code to Amend Requirements and Procedures for Elections. (Adopted on First Reading)**

The purpose of this item is to clarify and improve various provisions in the City Code relating to municipal elections. Recommended changes include naming the City Clerk as the Designated Election Official, defining the terms "public announcement" and "registered agent", and amending the time for candidates to file a financial disclosure statement when accepting nomination for office. Amendments are proposed for the registration and termination of committees and to allow for implementation of signature verification for the 2019 election.

City Clerk Coldiron discussed the history of the Election Code Committee and subsequent recommended Code changes. She outlined the proposed changes related to this item.

Glen Akins supported the noon Friday before the election deadline as proposed.

Councilmember Stephens discussed the public input received at the Election Code Committee meetings, primarily around increasing transparency. These proposed changes will also help to terminate inactive committees, clarify a public announcement for candidacy, and make the City compliant with state signature verification requirements.

Councilmember Cunniff noted these changes add two new reporting requirements.


Councilmember Overbeck noted the Committee will be meeting regularly for the next few months.

Councilmember Stephens made a motion, seconded by Councilmember Overbeck, to adopt Ordinance No. 045, 2018, on First Reading.

RESULT:	ORDINANCE NO. 045, 2018, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Bob Overbeck, District 1
AYES:	Martinez, Stephens, Summers, Overbeck, Cunniff, Horak
ABSENT:	Troxell

● ADJOURNMENT

The meeting adjourned at 7:43 p.m.



Mayor Pro Tem

ATTEST:



City Clerk



