

June 19, 2018

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

● **ROLL CALL**

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

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry stated Item No. 17, *Resolution 2018-067 Reappointing Teresa Ablao as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement*, has been added to the agenda and noted a Work Session will follow this Regular Meeting.

● **CITIZEN PARTICIPATION**

Gregg Leverett discussed his website, various court cases and Fort Collins Police interactions.

Eric Sutherland questioned whether the City's electric utility rate payers have been put in debt to finance the broadband utility. He also discussed the I-25 and Prospect intersection improvements and Fort Collins' financial participation therein.

Kit Baker expressed concern about the budgeting process and cultural contributions. He opposed exempting the broadband budget from the Arts in Public Places funding allocation.

Bob Choate, Overland Mountain Bike Club, discussed the Club's volunteer presence for trail building and other opportunities. He requested Council allow a presentation on a development model for soft surface, multi-purpose trails during a work session.

Andrew Schneider thanked Mayor Pro Tem Horak for attending the Hickory Street festival. He discussed the ongoing Arts and Culture Master Plan and expressed concern about its development absent a Cultural Resources director.

Deirdre Sullivan, La Familia Executive Director, discussed immigration-related stress and trauma. She requested Council consider supporting a resolution opposing the separation of children from their families at the border.

Alma Vigo-Morales, La Familia Board of Directors, requested Council consider supporting a resolution opposing the separation of children from their families at the border.

Kristy Beachy-Quick, La Familia Board of Directors, requested Council consider supporting a resolution opposing the separation of children from their families at the border. She also read a statement from her daughter opposing the border separations.

Johanna Ulloa requested Council consider supporting a resolution opposing the separation of children from their families at the border.

Daniel Mirich discussed the inhumane treatment of chronically homeless citizens. He stated it is difficult to think immigrants can be helped in the United States when existing citizens are not receiving basic services or being treated equally.

- **CITIZEN PARTICIPATION FOLLOW-UP**

Mayor Troxell summarized the citizen comments.

Councilmember Stephens thanked the speakers and stated she would support a resolution opposing the separation of children from their families at the border. She stated that practice is immoral and barbaric.

Councilmember Cunniff noted the broadband bonds have been issued and proceeds have been received.

- **CONSENT CALENDAR**

Eric Sutherland withdrew Item Nos. 1, *Consideration and Approval of the Minutes of the May 22, 2018 Adjourned Meeting, May 29, 2018 Special Meeting, June 5, 2018 Regular Meeting and the June 11, 2018 Adjourned Meeting*, and 13, *Items Relating to Amending City Code, Chapter 17 - Miscellaneous Offenses*, from the Consent Agenda.

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Stephens, Overbeck, Troxell, Cunniff, Horak
ABSENT:	Martinez, Summers

1. **Second Reading of Ordinance No. 069, 2018, Appropriating Prior Year Reserves in the Light and Power Fund for the Light and Power New Circuits Project. (Adopted)**

This Ordinance, unanimously adopted on First Reading on June 5, 2018, appropriates funds from Light & Power Reserves to serve the newly annexed Water Treatment Facility (\$1,300,000) and to meet capacity needs at the East Harmony Industrial Park (\$480,000) and the Southwest Residential Area (\$230,000). The appropriation also includes \$7,100 for Art in Public Places (APP). The previous \$1.3M appropriation from the Water Fund also included the associated \$13,000 for APP. The total amount being requested is \$2,017,100, which will leave \$3.2M available and unappropriated in the Light & Power Reserves.

2. **Items Relating to the Completion of the 2018 Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing and Community Development Activities Utilizing Funds from the Federal Community Development Block Grant (CDBG) Program, Federal HOME Investment Partnerships (HOME) Program, the City's Affordable Housing Fund (AHF), and the City's Human Services Program (HSP). (Adopted)**

A. Second Reading of Ordinance No. 070, 2018, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund.

- B. Second Reading of Ordinance No. 071, 2018, Appropriating Unanticipated Revenue in the HOME Investment Partnerships Fund.

Ordinance No. 070, 2018 appropriates the City's FY2018 Community Block Grant (CDBG), Entitlement Grant from the Department of Housing and Urban Development (HUD), and CDBG Unanticipated Program Revenue Jurisdiction Grant from the Department of Housing and Urban Development (HUD), and HOME Unanticipated Program Revenue from FY2017. Ordinance No. 071, 2018 appropriates the City's FY2018 HOME Participating Jurisdiction Grant from the Department of Housing and Urban Development (HUD), and HOME Unanticipated Program Revenue from FY2017. These ordinances were unanimously adopted on First Reading on June 5, 2018.

3. **Second Reading of Ordinance No. 072, 2018, Amending Chapter 19 Regarding Civil Infractions. (Adopted)**

This Ordinance, unanimously adopted on First Reading on June 5, 2018, removes the notification requirement for violations of Chapter 19 to allow Code Compliance Inspectors the flexibility to issue immediate citations for all properties, includes some identified and sustained egregious or chronic offenders of the nuisance code.

Civil infractions are heard under the approved Municipal Court Rules. On Second Reading, the Ordinance amends the heading for Chapter 19, Article V, to read "Civil Infractions" instead of "Rules for Civil Infractions" to avoid any confusion with the Municipal Court Rules.

4. **Second Reading of Ordinance No. 073, 2018 Annexing Property Known as the Aweida Annexation to the City of Fort Collins, Colorado. (Adopted)**

This Ordinance, unanimously adopted on First Reading on June 5, 2018, annexes an area of approximately 0.862 acres in southwest Fort Collins. The property is situated on the southwest corner of the South Taft Hill Road and West County Road 38E intersection. The Initiating Resolution was adopted on the consent agenda on April 17, 2018. A related item to zone the annexed property is presented as the next item on this Agenda.

5. **Second Reading of Ordinance No. 074, 2018, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Aweida Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map. (Adopted)**

This Ordinance, unanimously adopted on First Reading on June 5, 2018, zones the property included in the Aweida Annexation into the Low Density Mixed-Use Neighborhood zone district.

6. **Second Reading of Ordinance No. 077, 2018, Amending Chapter 7 of the Code of the City of Fort Collins to Amend Requirements and Procedures for City Elections. (Adopted)**

This Ordinance, unanimously adopted on First Reading on June 5, 2018, amends the Election Code to clarify that expenditures for political advertising includes internet advertising; amend deadlines for write-in candidates, nomination petitions, withdrawals and campaign reports; and adopt Code language to align with the Uniform Overseas Citizens Absentee Voting Act (UOCAVA). The Code amendments will also require candidates and committees to keep samples of public communications and revise the definition for independent expenditures.

Between First and Second Reading, the Ordinance has been amended to change the deadline for political committees or issues committees to file a termination report from sixty days to seventy days after the election. This deadline change will align the requirement for termination reports with the date all final reports are due.

7. **Items Relating to Poudre River Whitewater Park Fundraising. (Adopted)**

- A. Resolution 2018-061 Recognizing Revenues Received from Private Fundraising and Finding Substantial Satisfaction of Conditions on Prior Appropriations for the Poudre River Whitewater Park Project.
- B. First Reading of Ordinance No. 078, 2018, Appropriating Unanticipated Revenue in the Capital Project Fund for the Poudre River Whitewater Park Project and Transferring Appropriations from the Capital Project Fund to the Cultural Services and Facilities Fund for the Art in Public Places Program for the Poudre River Whitewater Park Project.

The purpose of this item is to acknowledge receipt of the full amount of fundraising dollars required to release expenditure of the Community Capital Improvement Program (CCIP) funds appropriated for the project under Ordinance No. 058, 2018, and to appropriate additional fundraising dollars secured for the Whitewater Park Project.

8. **First Reading of Ordinance No. 079, 2018, Appropriating Prior Year Reserves in the Transportation Capital Expansion Fee Fund and the Transportation Fund and Authorizing the Transfer of Appropriations from the Transportation Capital Expansion Fee Fund and the Transportation Fund into the Capital Project Fund for the Suniga Road Improvements Project and Transferring Appropriations 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 \$1,477,370 of Transportation Capital Expansion Fee (TCEF) Funds into the Capital Project Fund for the Suniga Road Improvements Project. In addition, this item will authorize the transfer of \$14,774, one percent of the appropriated funds, from the Capital Project Fund to the Cultural Services and Facilities Fund for Art in Public Places. This project will construct Suniga Road to the City's four-lane arterial roadway standards between North College Avenue and Blondel Street as identified on the City's Master Street Plan. Improvements include raised, protected bike lanes, pedestrian facilities, transit facilities, utility infrastructure, roadway improvements, and landscaped medians and parkways. The project will complement the existing section of Suniga Road, providing connectivity for surrounding developments from North College Avenue to Redwood Street. This project was approved during the 2017/2018 Budgeting for Outcomes (BFO) process.

9. **First Reading of Ordinance No. 080, 2018, Appropriating Prior Year Reserves in the Parking Fund for the Downtown Parking Sensor and Technology Project and Authorizing the Transfer of Appropriations from the Parking Fund to the Cultural Services and Facilities for the Art in Public Places Program. (Adopted)**

The purpose of this item is to appropriate \$359,917 of additional funds from Parking Reserves into the capital project fund to complete the Downtown Parking Sensor and Technology project and to appropriate 1% of the project to Art in Public Places. The Project includes installing sensors and new payment technology in the three downtown parking structures and in approximately 3000 on-street parking spaces and 3 parking lots (the "Project"). This Project will allow Parking Services to collect occupancy and turnover rate data to improve management of downtown parking. The sensors will link to the FC Parking application (app) and show where available parking spaces are located. Phase I of the Project was completed in 2017 and installed the sensor and payment technology in the Firehouse Alley Parking Structure.

Funds for the remainder of the Project include: \$750k in General Fund (appropriated in 2017 for this purpose as a part of Ordinance No. 154, 2017); 2017-18 Budget Offer 73.3 (\$84,692, and \$90,083); and Parking Fund Reserves.

The total estimated cost for the Project is \$1.2M. Installation of parking sensors in the Old Town Parking Structure and the Civic Center Parking Structure has been initiated with the previously appropriated funds. The additional funds are necessary to complete the on-street and parking lot portion of the Project. The anticipated completion date for the Project is by the end of 2018.

10. **Items Relating to Combined Regional Information Systems Project (CRISP). (Adopted)**

- A. First Reading of Ordinance No. 081, 2018, Reappropriating Funds Previously Appropriated in 2017 but not Expended and not Encumbered in 2017, Appropriating Prior Year Reserves in the General Fund and Appropriating Unanticipated Revenue in the General Fund for the Fort Collins Police Services Combined Regional Information Systems Project.
- B. Resolution 2018-062 Authorizing the Mayor to Enter into an Intergovernmental Agreement with Larimer County and the City of Loveland for the Purpose of Sharing in the Purchase of a Public Safety Software Solution for the Combined Regional Information Systems Project.
- C. Resolution 2018-063 Approving an Exception to the Use of a Competitive Process for the Purchase of a Public Safety Software Solution from TriTech Software Systems.

The purpose of this item is to purchase a public safety software solution for the Combined Regional Information Systems Project (CRISP). CRISP is a regional partnership with other Larimer County public safety agencies and provides a reliable public safety software solution that allows regional agencies to share police and fire data, manage incidents and provide for redundancy and continuity of operations. The current system is scheduled for replacement. The City of Loveland is joining CRISP and with the addition of Loveland and other project changes, staff is also requesting an additional appropriation of \$1.98 million with the understanding that all but \$288K will be reimbursed from both CRISP partner and member agencies.

11. **First Reading of Ordinance No. 082, 2018, Appropriating Unanticipated Grant Revenue From Bloomberg Philanthropies in the Light and Power Fund for the Home Efficiency Loan Program/On-Bill Financing Program. (Adopted)**

The purpose of this item is to appropriate \$100,000 in grant revenues from Bloomberg Philanthropies, as part of the Bloomberg Mayor's Challenge, into the Fort Collins Utilities Light and Power Enterprise fund for the purposes of developing and capitalizing the Utilities On-Bill Financing program (OBF). The OBF provides utility bill serviced loans for energy efficiency capital improvements, and the Bloomberg project within this program will focus on funding improvements to advance efficiency in rental properties.

12. **Resolution 2018-064 Approving an Art Project for the Riverside Bridge Project and Approving Expenditures from the Art in Public Places Reserve Account in the Cultural Services and Facilities Fund and the Art in Public Places Stormwater Utility Account to Commission an Artist to Create the Art Project Pursuant to the Art in Public Places Program. (Adopted)**

The purpose of this item is it to approve expenditures from the Art in Public Places Reserve Account and the Art in Public Places Stormwater Utility Account to commission an artist to create art for the Riverside Bridge Project. The expenditures of \$35,000 will be for design, materials, signage, fabrication, delivery, and contingency for Carolyn Braaksma to create the art for the bridge wall along the trail.

13. **Resolution 2018-065 Discontinuing the City Council Mall Redevelopment Committee. (Adopted)**

The purpose of this item is to discontinue the City Council Mall Redevelopment Committee (the "Committee") established by Resolution 2014-056 in July 2014. The Committee was created by Council to provide oversight and to be available to the City Manager to provide feedback concerning his administration of the Redevelopment and Reimbursement Agreement. Section 3 of the 2014 Resolution provides that it was City Council's "intent that upon completion of the redevelopment of the commercial portion of the Mall Project," the Committee would be discontinued. The commercial development portion of the Mall is now complete. The Committee is, therefore, no longer needed.

14. **Resolution 2018-066 Making Appointments to the Cultural Resources Board, Parks and Recreation Board, Landmark Preservation Commission, and The Women's Commission of the City of Fort Collins. (Adopted)**

The purpose of this item is to appoint Liliane Francuz to fill a vacancy on the Cultural Resources Board due to the resignation of Amy Cerevan, Sam Houghteling to the Parks and Recreation Board due to the resignation of Scott Sinn, Anne Nelsen to the Landmark Preservation Commission due to the resignation of Bud Frick, and Melanie Potyondy to the Women's Commission due to the resignation of Jennifer Harvey.

15. **Resolution 2018-067 Reappointing Teresa Ablao as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement. (Adopted)**

The purpose of this item is to reappoint Teresa Ablao as the Assistant Municipal Judge for the Fort Collins Municipal Court. The City Charter provides for the appointment of an Assistant Municipal Judge to serve in the absence of the Municipal Judge. Teresa Ablao has served in this capacity since mid-2012. Municipal Judge Kathleen M. Lane recommends that Ms. Ablao be reappointed as the Assistant Municipal Judge.

● **END CONSENT**

● **COUNCILMEMBER REPORTS**

Councilmember Overbeck reported on the press conference held by the mother of a young man who drowned while tubing in the Poudre River. He stated Poudre Fire Authority, City of Fort Collins, Poudre Heritage Alliance, and Larimer County have joined together to create a map for tubers to attempt to prevent any future deaths.

Mayor Pro Tem Horak reported on the I-25 expansion between Mulberry and SH 402 and on the City Park refresh project which is being put on hold. City Manager Atteberry stated feedback on the proposed plans has led to staff opting to put the refresh on hold until additional agreement can be reached.

Mayor Troxell reported on a trip to the Netherlands with People for Bikes that resulted from Fort Collins being chosen for the Big Jump project.

Councilmember Cunniff reported on the Poudre School District, City, and County liaison meeting during which Fort Collins' fireworks ban was discussed.

Councilmember Stephens reported on the Poudre School District, City, and County liaison meeting during which homeless youth issues were discussed.

● **DISCUSSION ITEMS**

(No discussion items were scheduled)

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

16. **Consideration and Approval of the Minutes of the May 22, 2018 Adjourned Meeting, May 29, 2018 Special Meeting, June 5, 2018 Regular Meeting and the June 11, 2018 Adjourned Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the May 22, 2018 Adjourned Council meeting, May 29, 2018 Special Council meeting, June 5, 2018 Regular Council meeting and the June 11, 2018 Adjourned Council meeting.

Eric Sutherland stated the City Charter requires final passage of all ordinances at a regular Council meeting and stated Council should not have been able to authorize the broadband debt as it did.

City Attorney Daggett stated Mr. Sutherland has been able to raise issues regarding the manner in which the Enterprise bond ordinance was adopted in March and April under the minutes agenda item. She stated staff disagrees with his interpretation of the Charter and how it applies to the actions that were taken.

Mayor Troxell encouraged Mr. Sutherland to work more cooperatively with the City rather than in an adversarial manner through the court system.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Overbeck, to adopt and approve the minutes of the May 22, 2018 Adjourned Meeting, the May 29, 2018 Special Meeting, the June 5, 2018 Regular Meeting, and the June 11, 2018 Adjourned Meeting.

Mayor Pro Tem Horak stated Mr. Sutherland's comments about the City Attorney are untrue and not appropriate.

City Attorney Daggett noted the June 11 minutes should be changed to reflect the meeting's status as Adjourned rather than Special. Mayor Pro Tem Horak and Councilmember Overbeck accepted the change.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Bob Overbeck, District 1
AYES:	Stephens, Overbeck, Troxell, Cunniff, Horak
ABSENT:	Martinez, Summers

17. **Items Relating to Amending City Code, Chapter 17 - Miscellaneous Offenses. (Adopted)**

A. *First Reading of Ordinance No. 083, 2018, Amending Articles III, IV, VI, and VII of Chapter 17 of the Code of the City of Fort Collins Pertaining to Trespass, Theft, Littering, Criminal Mischief, Resisting Arrest, Throwing of Missiles, and Disorderly Conduct.*

B. *First Reading of Ordinance No. 084, 2018, Amending Article VII of Chapter 17 of the Code of the City of Fort Collins Pertaining to Staying on Medians.*

C. *First Reading of Ordinance No. 085, 2018, Amending Article VII of Chapter 17 of the Code of the City of Fort Collins Pertaining to Panhandling.*

The purpose of this item is to amend certain Sections of Chapter 17 regarding trespass, theft, littering, criminal mischief, resisting arrest, throwing of missiles, and disorderly conduct to be consistent with state statutes; to amend Section 17-122 to make that section more specific to prohibit staying on

medians in locations where safety issues arise given median width, traffic volumes, and/or traffic speed; and to eliminate Section 17-127 in its entirety pertaining to panhandling.

Eric Sutherland stated Council should not be the final arbiter of the language being added into the Code in this regard.

Mayor Troxell stated Council is the legislative body and that is what it has been elected to do.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Overbeck, to adopt Ordinance No. 083, 2018, on First Reading.

RESULT:	ORDINANCE NO. 083, 2018, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Bob Overbeck, District 1
AYES:	Stephens, Overbeck, Troxell, Cunniff, Horak
ABSENT:	Martinez, Summers

Mayor Pro Tem Horak made a motion, seconded by Councilmember Overbeck, to adopt Ordinance No. 084, 2018, on First Reading.

Councilmember Stephens emphasized this is a safety measure to keep people off medians.

RESULT:	ORDINANCE NO. 084, 2018, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Bob Overbeck, District 1
AYES:	Stephens, Overbeck, Troxell, Cunniff, Horak
ABSENT:	Martinez, Summers

Mayor Pro Tem Horak made a motion, seconded by Councilmember Overbeck, to adopt Ordinance No. 085, 2018, on First Reading.

Councilmember Cunniff requested additional detail regarding how Police Services plans to address specific crimes prior to Second Reading.

Mayor Pro Tem Horak stated Council takes legal advice into account when making its decisions.

RESULT:	ORDINANCE NO. 085, 2018, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Bob Overbeck, District 1
AYES:	Stephens, Overbeck, Troxell, Cunniff, Horak
ABSENT:	Martinez, Summers

● **OTHER BUSINESS**

Councilmember Stephens requested and received Council support for staff to draft a resolution condemning the family separations at the country's southern border.

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Councilmember Cunniff supported Councilmember Stephens, assuming the resolution focuses on the child separation issue.

Councilmember Overbeck supported Councilmember Stephens.

Mayor Pro Tem Horak stated he would like to look at the effect of the practice on Fort Collins specifically and requested additional information from staff. He asked if the Legislative Review Committee has discussed the issue. Councilmember Overbeck replied in the negative.

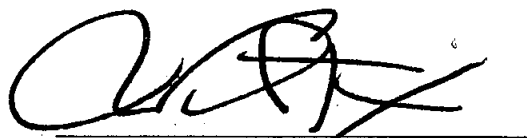
Mayor Pro Tem Horak suggested the Legislative Review Committee discuss the topic prior to the formation of a resolution.

Councilmember Cunniff encouraged citizens to contact state representatives.

Mayor Troxell stated he would like to focus on issues directly impacting Fort Collins.


• **ADJOURNMENT**

The meeting adjourned at 7:09 PM.



Mayor

ATTEST:



City Clerk

