

July 17, 2018

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

● 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

Nick Cullen discussed his experience with domestic violence and subsequent mental health issues. He encouraged people to participate in a longboarding awareness event September 1.

Jody Deschanes discussed the need for transparency in elections and encouraged Council to require “paid for by” statements on election materials. She opposed increasing the independent expenditure threshold to \$1,000.

Matthew Fugate, Tilted Halo Services, thanked Councilmember Martinez for being the celebrity bartender at their event at Pour Brothers. He discussed the organization’s goals of helping citizens with temporary affordable housing.

Kathleen Schmidt discussed the importance of transparency in government and elections. She expressed concern about increasing the independent expenditure threshold to \$1,000 and about not including independent expenditures in the “paid for by” disclaimer on future campaign contributions.

Eric Sutherland discussed Item No. 3, *Second Reading of Ordinance No. 088, 2018, Amending Section 2-31 of the Code of the City of Fort Collins Concerning Executive Sessions Pertaining to Telecommunication Facilities and Services*, stating state law should prevail in this circumstance. He expressed concern about the legality of the item.

Mila Thornton read comments from Marge Norskog related to her concerns about increasing the independent expenditure threshold to \$1,000 and removing “paid for by” requirements for independent expenditures. She stated these changes should be more thoughtfully studied and discussed prior to being considered by Council.

Lynn Thompson spoke on behalf of residents of Choice House, which is slated to close July 31. Residents should not be kicked out of the house and 90-day treatment programs.

Benjamin Delgo, Choice House resident, stated residents need the stability of the house and mental health programs.

Kathryn (no last name given), Choice House resident, stated residents need the stability of the house and mental health programs.

Janet Rossi, Represent Us Fort Collins, opposed increasing the independent expenditure threshold to \$1,000 and removing “paid for by” requirements for independent expenditures. She also encouraged Council to provide assistance to Choice House residents.

Steve Raymer, Fort Collins Mennonite Fellowship Pastor, stated the best way to prevent homelessness is to keep people in their homes. He encouraged Council to put resources toward assisting the Choice House residents.

Chris (no last name given) opposed increasing the independent expenditure threshold to \$1,000.

- **CITIZEN PARTICIPATION FOLLOW-UP**

Mayor Pro Tem Horak summarized the citizen comments.

Councilmember Stephens stated she was made aware of the Choice House situation last night and would like to receive input from staff on possible ways to assist.

Councilmember Martinez requested staff reach out to Kathryn regarding her need of a CPAP machine.

Jackie Kozak-Thiel, Social Sustainability Director, stated staff is familiar with the facility but have not been closely involved in the situation. Staff will mobilize available resources to assess the situation.

Councilmember Cunniff requested Sustainability staff reach out to Mr. Cullen regarding his efforts.

Councilmember Stephens thanked the speakers and noted the election topic will be discussed at the work session. She also stated requirements for “paid for by” statements have not been removed as they were not previously required.

Councilmember Overbeck discussed the resources available at Crossroads Safehouse.

- **CONSENT CALENDAR**

Mayor Pro Tem Horak noted Item Nos. 13, *Items Relating to the East Gateway Annexation*, and 14, *First Reading of Ordinance No. 104, 2018, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the East Gateway Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map*, are Public Hearings.

A citizen withdrew Item No. 15, *Resolution 2018-070 Approving a Process for Certain Boards and Commissions to Conduct Joint Working Meetings*, 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 CALENDAR 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 June 19, 2018, Regular Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the June 19, 2018, Regular Council meeting.

2. **Items Relating to the Fire Protection Capital Expansion Fee. (Adopted)**

- A. Second Reading of Ordinance No. 086, 2018, Amending Section 7.5-30 of the Code of the City of Fort Collins Relating to the Adjustment of the Fire Protection Capital Expansion Fee.
- B. Second Reading of Ordinance No. 087, 2018, Appropriating Prior Year Reserves from the Fire Protection Capital Expansion Fee Account Within the Capital Expansion Fee Fund to Reimburse Building Permit Applicants for Overpayment of the Fire Protection Capital Expansion Fee.

These Ordinances, unanimously adopted on First Reading on July 3, 2018, adjust the Fire Protection Capital Expansion Fee (Fire CEF) to be consistent with correct calculations and appropriate funds from the Fire CEF Account in the Capital Expansion Fee Fund to reimburse fee payers for overpayments back to October 1, 2017. Consulting firm Duncan Associates discovered there was a cell reference error in their formula used for the City's 2017 Capital Expansion Fee Study. This error caused the Fire CEF to be overstated by 19%. The City Council approved 75% of the proposed fee increases in the City's Capital Expansion Fees (CEFs), which went into effect October 1, 2017. Due to the error in the Fire CEF calculation, the Fire CEF was set at 90% instead of 75% of the 2017 proposed fee level. The estimated total refund due to fee payers is approximately \$130,000.

3. **Second Reading of Ordinance No. 088, 2018, Amending Section 2-31 of the Code of the City of Fort Collins Concerning Executive Sessions Pertaining to Telecommunication Facilities and Services. (Adopted)**

This Ordinance, unanimously adopted on First Reading on July 3, 2018, amends City Code Section 2-31 to permit executive sessions to consider issues of competition in providing telecommunication facilities and services. This update to City Code is consistent with the November 7, 2017 voter-approved Charter amendment providing for telecommunication facilities and services (broadband) as part of the City's Electric Utility. The Charter amendment also authorized the Council and any board or commission established under the Charter amendment to go into executive session for such purposes.

4. **Second Reading of Ordinance No. 089, 2018, Approving the Addition of Permitted Use Associated with the Century Wireless Telecommunications Facility and Addition of Permitted Use Project Development Plan #170017. (Adopted)**

This Ordinance, unanimously adopted on First Reading on July 3, 2018, approves the Century Wireless Telecommunications Addition of Permitted Use request (APU) being made in conjunction with PDP170017. The APU allows the addition of wireless telecommunication facilities as a permitted use on a parcel of land located in the Low Density Residential (RL) zone district. Wireless telecommunication facilities are not a permitted use in the RL. PDP170017 proposes a 55-foot tall wireless telecommunication facility disguised as a bell tower at 620 West Horsetooth Road.

5. **Items Relating to Planned Unit Development (PUD) Regulations. (Adopted)**

- A. Second Reading of Ordinance No. 091, 2018, Amending Articles 1, 2, 4, and 5 of the Land Use Code Regarding Planned Unit Development Overlay Regulations.
- B. Second Reading of Ordinance No. 092, 2018, Making Policy Revisions to the Larimer County Urban Area Street Standards.

These Ordinances, unanimously adopted on First Reading on July 3, 2018, create an optional Planned Unit Development (PUD) process and regulations within the Land Use Code applicable to parcels 50 acres or greater in size being developed in multiple phases. Under Ordinance No. 091, 2018, a PUD overlay designation would be applied to the City's zoning map at the time a PUD Master Plan is approved. The PUD Master Plan provides an overall vision for the long-term development, including the project phasing, and the elements for which the applicant has requested entitlement to long-term vested rights of the uses, densities, modifications to land use design standards, and variances to engineering standards. Each development phase is subject to the Project Development Plan (PDP) process.

In response to Council discussion on First Reading, staff has reviewed the language describing the purposes of the PUD Overlay process, and the word "significantly" has been added to more fully capture the intent of the language regarding public benefits required. This change appears on page 14 of Ordinance No. 091, 2018. Additionally, the amendment to the Larimer County Urban Area Street Standards in Ordinance No. 092, 2018, as applicable to the City of Fort Collins, was narrowed to allow the consideration of variances related to applications for Planned Unit Development Overlays or Project Development Plans and Final Plans within Planned Unit Development Overlays.

6. **Second Reading of Ordinance No. 093, 2018, Appropriating Prior Year Reserves in the Light and Power Fund, the Water Funds, the Wastewater Fund and the Storm Drainage Fund for the Utilities Customer Information Billing System Project. (Adopted)**

This Ordinance, unanimously adopted on First Reading on July 10, 2018, appropriates \$6,297,001 to purchase a Customer Information System with an Operational Support System (CIS/OSS) for electric, water, wastewater, stormwater and broadband billing services, replacing the 18-year old billing system. The CIS/OSS is the billing system that will collect revenues for utility and broadband services, serving as the accounting ledger for Utilities revenue, which currently generates over \$200 million in annual total revenue through an average of 80,000 monthly utility bills and service requests for residential and commercial customers.

7. **First Reading of Ordinance No. 094, 2018, Appropriating Unanticipated Grant Revenue From the Colorado Water Conservation Board and Great Outdoors Colorado in the Natural Areas Fund. (Adopted)**

The purpose of this item is to appropriate two grants totaling \$300,000 into the Natural Areas 2018 budget. The first grant of \$200,000 was awarded by the Colorado Water Conservation Board (CWCB) through its Watershed Restoration grant program, and the second is a \$100,000 grant awarded by Great Outdoors Colorado (GOCO) through its Habitat Restoration grant program. The CWCB grant was awarded to support two related initiatives focused on improving the health of the Poudre River fish communities. Half the grant (\$100,000) will fund the installation of a fish ladder on the Timnath Reservoir Inlet Ditch diversion dam. The second half of the CWCB funds (\$100,000) will enable a fish movement monitoring study on the Poudre to better understand the efficacy of fish ladders. The GOCO grant will support Poudre River and floodplain habitat restoration at Kingfisher Point Natural Area.

8. **First Reading of Ordinance No. 095, 2018, Appropriating Unanticipated Grant Revenue in the General Fund and Transferring Funds from the Community Development and Neighborhood Services Operating Budget to the Grant Budget for the Restorative Justice Program. (Adopted)**

The purpose of this item is to appropriate grant revenue to fund Restorative Justice Services within Community Development and Neighborhood Services (CDNS). A grant in the amount of \$67,612 has been received from the Colorado Division of Criminal Justice (DCJ) Juvenile Diversion fund for the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program (RJCP) and Reflect for all other offenses. The grant period for is July 1, 2018 to June 30, 2019. This is the second year in a 3-year cycle for the Juvenile Diversion grant.

9. **First Reading of Ordinance No. 096, 2018, Appropriating Prior Year Reserves in the Parking Fund for the Replacement of a Parking Enforcement Patrol Vehicle and License Plate Recognition System. (Adopted)**

The purpose of this item is to appropriate \$80,000 from Parking Services Reserves to replace a parking enforcement patrol vehicle and its license plate recognition system.

10. **Items Relating to the City's Various Tax Provisions. (Adopted)**

A. First Reading of Ordinance No. 097, 2018, Amending Article II of Chapter 25 of the Code of the City of Fort Collins Concerning the City's Tax Rebate Programs.

B. First Reading of Ordinance No. 098, 2018, Amending Article III of Chapter 25 of the Code of the City of Fort Collins Concerning the Imposition, Collection, and Enforcement of the City's Sales and Use Taxes.

C. First Reading of Ordinance No. 099, 2018, Amending Article IV of Chapter 25 of the Code of the City of Fort Collins Concerning the City's Lodging Tax.

D. First Reading of Ordinance No. 100, 2018, Amending Article V of Chapter 25 of the Code of the City of Fort Collins Concerning the City's Telephone Occupation Tax.

The purpose of this item is to amend City Code sections in Chapter 25 to provide clarification for definitions and the application of various sections of the Code, and to make clear the City may use a third-party auditor or collections service for delinquent accounts.

11. **First Reading of Ordinance No. 101, 2018, Amending Section 8-158 of the Code of the City of Fort Collins Pertaining to the City's Procurement of Services for an Annual Independent Audit of the City's Financial Records. (Adopted)**

The purpose of this item is to amend the City Code to accommodate the roles of the Council Finance Committee and the City Council in procuring external audit services for the City. An important element of auditor independence is that the selection of the external auditor is made by a governing body rather than by the staff of the auditee. The proposed Code section would (1) allow the selection process of an external audit services to take place at publicly held meetings and (2) define the maximum service period of an incumbent auditor.

12. **First Reading of Ordinance No. 102, 2018, Amending Article IV, Division 2 of Chapter 23 of the Code of the City of Fort Collins Regarding Real Property. (Adopted)**

The purpose of this item is to amend various Sections of Article IV, Division 2 of Chapter 23 in City Code as it pertains to real property. Article IV was reviewed to find areas where the language could be improved and to make changes to these areas to streamline the process

13. **Items Relating to the East Gateway Annexation. (Adopted)**

- A. Resolution 2018-069 Setting Forth Findings of Fact and Determinations Regarding the East Gateway Annexation.
- B. Public Hearing and First Reading of Ordinance No. 103, 2018, Annexing the Property Known as the East Gateway Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex 1.77 acres of land consisting of three properties into the City of Fort Collins. The properties are located approximately ¼ mile northeast of the Interstate 25 and East Mulberry Street interchange. The annexation will create the East Mulberry Enclave encompassing the East Mulberry Corridor. The Initiating Resolution was adopted on June 5, 2018. A related item to zone the annexed property is presented as the next item on this Agenda.

14. **First Reading of Ordinance No. 104, 2018, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the East Gateway Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map. (Adopted)**

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(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2018-034.

The purpose of this item is to zone the property included in the East Gateway Annexation into the General Commercial (G-C), Low Density Mixed Use Neighborhood (L-M-N), and Industrial (I) zone districts.

15. **Resolution 2018-071 Approving Fort Fund Grant Disbursements. (Adopted)**

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming and Tourism Programming Accounts for the selected community and tourism events, based upon the recommendations of the Cultural Resources Board.

● **END CONSENT**

● **CONSENT CALENDAR FOLLOW-UP**

Mayor Pro Tem Horak discussed Item No. 6, *Second Reading of Ordinance No. 093, 2018, Appropriating Prior Year Reserves in the Light and Power Fund, the Water Funds, the Wastewater Fund and the Storm Drainage Fund for the Utilities Customer Information Billing System Project*, and stated he would like additional detail related to the variable cost. City Manager Atteberry replied regular updates will be provided to the Finance Committee.

● **STAFF REPORTS**

Chad Crager, City Engineer, discussed the environmental impact statement created by Colorado Department of Transportation for I-25 in 2011. He detailed the upcoming project to add a lane from Highway 14 to the south; construction will begin in August and wrap up in 2021. Crager discussed transportation-related ballot initiatives.

Mayor Pro Tem Horak noted a trail under the I-25 Poudre River bridge will connect Fort Collins with Timnath by the end of 2021. Additionally, the Big Thompson bridge will also be brought to its final design.

Councilmember Cunniff asked if this presentation is available on the City's website. Crager replied that could be arranged.

Councilmember Cunniff encouraged staff to examine placing staff reports on the website.

● **COUNCILMEMBER REPORTS**

Councilmember Cunniff reported on the Air Quality Advisory Board meeting. He suggested Boards and Commissions be informed when Council discusses their recommendations.

Councilmember Overbeck reported the Poudre Heritage Alliance received a \$4,000 grant from the Fort Collins Rotary Club to support learning in the watershed program.

Councilmember Martinez reported on the Downtown Development Authority's opening of the new two-tiered bicycle racks in Old Town.

Councilmember Cunniff reported on the Finance Committee meeting during which the audit findings were presented. He congratulated staff on the successful audit.

● **DISCUSSION ITEMS**

No Discussion Items Scheduled

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

16. **Resolution 2018-070 Approving a Process for Certain Boards and Commissions to Conduct Joint Working Meetings. (Adopted)**

The purpose of this item is to outline a structure to allow multiple boards and commissions to work cross-functionally on two (yet to be determined) projects to further Triple Bottom Line thinking across boards and commissions.

Ginny Sawyer, City Manager's Office, stated this item is a pilot study of allowing various boards and commissions to hold joint meetings. She stated two Economic Advisory Boardmembers presented this proposal to the Futures Committee in May, suggesting six boards and commissions in the sustainability service area meet two times per year for an extended meeting to use a triple bottom line analysis and work cross-functionally. The formation of a steering committee to help develop the process was also discussed.

Ted Settle, Economic Advisory Commission Vice Chair, stated this entire project is about citizen engagement and encouraged Council to recognize the role of the steering committee in the Resolution.

Councilmember Overbeck requested information regarding citizen engagement. Sawyer replied this Resolution is the first step in the process and it was written broadly so as to allow the process to continue without further Council action. She stated staff fully realizes the importance of citizen engagement in the process.

Councilmember Overbeck asked about the planned timeframe of the pilot. Sawyer replied the plan is to conduct at least two meetings in the next year before returning to Council with feedback.

Councilmember Cunniff stated the Air Quality Advisory Board was concerned about the staff-driven language in the Resolution. Sawyer replied staff is hoping to find relevant topics based on Council's 6-month calendar and propose those topics to the boards. She stated Council could also suggest topics.

Mayor Pro Tem Horak asked Mr. Settle if he supports this item. Mr. Settle replied in the affirmative but stated it was an omission to not identify the role of the steering committee in the Resolution, given this is a citizen engagement effort.

Councilmember Overbeck made a motion, seconded by Councilmember Martinez, to adopt Resolution 2018-070.

Councilmember Overbeck stated he would support the motion.

Councilmember Stephens commented on the presentation received by the Futures Committee and stated she would support the motion.

Councilmember Summers stated this effort came about as a result of citizen engagement.

RESULT:	RESOLUTION 2018-070 ADOPTED [UNANIMOUS]
MOVER:	Bob Overbeck, District 1
SECONDER:	Ray Martinez, District 2
AYES:	Martinez, Stephens, Summers, Overbeck, Cunniff, Horak
ABSENT:	Troxell

● **OTHER BUSINESS**

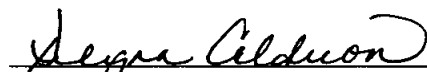
Councilmember Overbeck made a motion, seconded by Councilmember Cunniff, to cancel the August 7, 2018 Regular Council meeting as permitted under Section 2-28 of the City Code so that Councilmembers may participate in Neighborhood Night Out events.


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

● **ADJOURNMENT**

The meeting adjourned at 7:51 PM.

ATTEST:


City Clerk


Mayor

