

Wade Troxell, Mayor
Gerry Horak, District 6, Mayor Pro Tem
Bob Overbeck, District 1
Ray Martinez, District 2
Ken Summers, District 3
Kristin Stephens, District 4
Ross Cunniff, District 5

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 July 17, 2018

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.

- A. Proclamation Declaring July 21-27, 2018 as Flood Awareness Week.
- B. Proclamation Declaring August 7, 2018, as Neighborhood Night Out.
- C. Proclamation Declaring July 16-20, 2018 as National Disability Voter Registration Week.
- D. Proclamation Declaring August 3, 2018, as Haley Hasler Day.

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.

- **CITIZEN PARTICIPATION**

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.]

- **CITIZEN PARTICIPATION 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.

1. Consideration and Approval of the Minutes of the June 19, 2018, Regular Council Meeting.

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.

- 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.

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.

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 telecommunications facility disguised as a bell tower at 620 West Horsetooth Road.

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

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.

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.

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.

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.

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.

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.

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.

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.

- 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.

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 2018-070 Approving a Process for Certain Boards and Commissions to Conduct Joint Working Meetings.

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.

16. Resolution 2018-071 Approving Fort Fund Grant Disbursements.

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**

This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.

● **STAFF REPORTS**

- A. I-25 Update. (staff: Chad Crager)

● **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.

No Discussion Items are scheduled.

- **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 cancel the August 7, 2018 Regular Council meeting for Neighborhood Night Out.

- **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.



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City Council Work Session July 17, 2018

After the Regular Council Meeting, which begins at 6:00 p.m.

- **CALL TO ORDER.**

1. Election Code Amendments. (staff: Delynn Coldiron, Rita Knoll, Carrie Daggett; 5 minute staff presentation; 30 minute discussion)

The purpose of this item is to discuss proposed amendments to the City's election campaign code provisions that will raise the threshold requirement for reporting of independent expenditures, ensure that the campaign violation complaint process applies to reporting of independent expenditures, and require "paid for by" disclaimers on campaign communications for registered committees.

- **OTHER BUSINESS.**

- **ADJOURNMENT.**