



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
September 4, 2018
(Amended 8/31/18)**

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
5:15 p.m.**

- A. Proclamation Declaring September 2018 as Hydrocephalus Awareness Month.
- B. Proclamation Declaring September 15, 2018 as Historic Homes Tour Day.
- C. Proclamation Declaring September 2018 as National Recovery Month.
- D. Proclamation Declaring the Week of September 10-16, 2018 as Colorado Cities & Towns Week.
- E. Proclamation declaring the fall of 2018 as Front Range Community College's 50th Anniversary Celebration.
- F. Presentation of Letter of Citation from State of Colorado to Chris Donegon, Utilities Financial Analyst.

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. Second Reading of Ordinance No. 105, 2018, Appropriating Prior Year Reserves in the Cultural Services and Facilities Fund for Lincoln Center Improvements.

This Ordinance, unanimously adopted on First Reading on August 21, 2018, appropriates funds set aside by the Lincoln Center into reserves to replace aisle lighting in the Performance Hall as part of the seat replacement project.

2. Second Reading of Ordinance No. 106, 2018, Appropriating Unanticipated Grant Revenue from the Colorado Energy Office in the Light and Power Fund for the HOME Efficiency Loan Program/On-Bill Financing Program.

This Ordinance, unanimously adopted on First Reading on August 21, 2018, appropriates \$200,000 in grant revenues from the Colorado Energy Office in the Fort Collins Utilities Light and Power fund for the purposes of developing and capitalizing Utilities On-Bill Financing (OBF) program. The program will provide utility bill serviced loans for energy efficiency and renewable energy, with a focus on efficiency in rental properties for low- to moderate-income households.

3. Second Reading of Ordinance No. 107, 2018, Amending Chapter 23 of the Code of the City of Fort Collins Regarding Model Rocketry.

This Ordinance, unanimously adopted on First Reading on August 21, 2018, amends City Code to allow model rocketry activities under a permit issued by the Parks Department. Model rocketry is currently allowed by City Code in areas that are signed for the use. There are no areas currently signed for this use. This change would allow for the development of an internal policy for the safe and appropriate use of model rockets in the parks system and issuance of a permit for that use.

4. Second Reading of Ordinance No. 108, 2018, Amending Chapter 12, Article X, of the Code of the City of Fort Collins to Remove the Small Scale Source Definition and Warning Requirements for Fugitive Dust.

This Ordinance, unanimously adopted on First Reading on August 21, 2018, amends the City Code, Chapter 12, Article X, to remove small source written warning requirements for violations, and instead applies the City's standard citation procedure for civil infractions, which allows the option for written warnings. This simplifies education, outreach and enforcement related to fugitive dust.

5. Items Relating to Adequate Public Facilities for Transportation.

A. Second Reading of Ordinance No. 109, 2018, Amending Article 3 of the Land Use Code Regarding Adequate Public Facilities Standards for Transportation Levels of Service.

B. Second Reading of Ordinance No. 110, 2018, Amending Larimer County Urban Area Street Standards Related to Land Use Code Adequate Public Facilities Requirements.

These Ordinances, unanimously adopted on First Reading on August 21, 2018, amends the Land Use Code (“LUC”) and the Larimer County Urban Area Street Standards (“LCUASS”) as they relate to Adequate Public Facilities (“APF”) standards for transportation levels of service. The changes will make the standards current and consistent and provide for Alternative Mitigation Strategies in cases where typical improvements are not feasible, not proportional to impact, or not desired by the City.

6. Second Reading of Ordinance No. 111, 2018 Authorizing the Lease of, and the Grant of an Option to Purchase City-Owned Property at 317 and 321 South Sherwood Street to Faith Family Hospitality of Fort Collins, Inc.

This Ordinance, unanimously adopted on First Reading on August 2018, obtains approval for a lease of City-owned property located at 317-321 South Sherwood to the non-profit corporation, Faith Family Hospitality of Fort Collins, Inc., a Colorado nonprofit corporation (FFH). FFH currently provides three core programs including case management, day center and an overnight shelter for families experiencing homelessness in Fort Collins. This facility will allow FFH to expand its program to include transitional housing. FFH is requesting a less than market lease rate of \$25 per month for a period of up to 25 years, including an option to purchase said property between the third year and fifteenth year of the lease at a purchase price of \$700,000. This purchase price was supported by the Council Finance Committee.

7. Second Reading of Ordinance No. 112, 2018, Declaring Certain City-Owned Property on North College Avenue as Road Right-of-Way for Suniga Road.

This Ordinance, unanimously adopted on First Reading on August 21, 2018, declares property owned by the City as road right-of-way to be constructed and used for Suniga Road at College Avenue. The City owns a parcel of property located at 1000 North College Avenue. In 2018, the City Engineering Department designed improvements for the Suniga Road and College Avenue connection across the City’s property. The project will construct a new arterial roadway between College Avenue and Blondel Street. Improvements include construction of a complete arterial street which includes 4 travel lanes, protected bike lanes, landscaped parkways, medians, sidewalks and utility improvements. This Ordinance officially declares this City owned parcel needed for Suniga Road as road right-of-way.

8. Second Reading of Ordinance No. 113, 2018, Amending Chapter 7 of the Code of the City of Fort Collins to Amend Requirements and Procedures Related to Campaigns and Campaign Finance in City Election.

This Ordinance, unanimously adopted on First Reading on August 21, 2018, amends 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. There are also various clean-up items that provide changes for added clarity and to reconcile conflicts created by the proposed amendments. Minor edits have been made to the Ordinance between First and Second Reading to refine language in three places as shown in the Ordinance.

9. Second Reading of Ordinance No. 114, 2018, Amending Article 3 of the Land Use Code Regarding Buffering Requirements for Development in Relation to Oil and Gas Facility Locations.

This Ordinance, unanimously adopted on First Reading on August 21, 2018, amends the Land Use Code related to buffering new development from existing oil and gas wells. The amendments include the following Code changes:

1. Increase buffer for residential development near existing oil and gas operations from 350 feet to 500 feet.
2. Add a new 1000-foot buffer requirement for high occupancy buildings near oil and gas operations.
3. Allow a reduced setback (150 feet minimum) near plugged and abandoned wells if specific requirements and performance standards are met.

4. Create an additional means of disclosure to future property owners as part of any required recorded declaration.

Staff proposes additional language relating the measurement of buffers around oil and gas wells. Based on new information received between first and second reading from the Colorado Oil and Gas Conservation Commission (COGCC), staff determined that an additional revision would be necessary to align the proposed ordinance with the original intent for the code changes, which was to match any changes to COGCC regulations that would result in more protective buffers.

10. First Reading of Ordinance No. 115, 2018, Amending Section 2-636 of the Code of the City of Fort Collins to Conform to Recently Amended Section 7-133

The purpose of this item is to amend Section 2-636 of the City Code relating to financial disclosure statements to conform the language to Section 7-133 of the City Code relating to the timely filing of financial disclosure statements by candidates for a mayoral or Council seat.

11. First Reading of Ordinance No. 116, 2018, Amending Chapter 26 of the Code of the City of Fort Collins to Extend Tiered Electric Rates Into 2019 for Customers Enrolled in Manually-Read Metering Services.

The purpose of this item is to request an extension of the tiered Residential Energy Rate for a subset of customers who have manually-read electric meters. City Electric Utility personnel have just learned that the expected order of electric meters necessary to implement the time-of-day (TOD) rate for customers who have manually-read meters will not arrive in time to appropriately implement the TOD rate for those customers on schedule. Implementation of the TOD rate for all other applicable customer classes starts on October 1, 2018. This request applies to fewer than 200 customers who have requested manually-read meters at this point.

12. First Reading of Ordinance No. 117, 2018, Authorizing the Sale of City-Owned Property at 4030 South Taft Hill Road, and the Dedication of Right-of-Way and Easements on Such Property to Larimer County.

The purpose of this item is to obtain authorization from City Council to sell 1.15 acres of City-owned property located at 4030 South Taft Hill Road, at a sales price of no less than \$165,000, and convey right-of-way and easements to Larimer County through deeds of dedication.

13. Resolution 2018-080 Finding Substantial Compliance and Initiating Annexation Proceedings for the Sanctuary on the Green Annexation.

The purpose of this item is to annex the Sanctuary on the Green Annexation. The applicant, Solitaire Homes, has submitted a written petition requesting annexation of 16.98 acres. The site is 325 North Taft Hill Road and generally located near the northwest corner of North Taft Hill Road and LaPorte Avenue. The site is vacant. The requested zoning for this annexation is L-M-N, Low Density Mixed-Use Neighborhood. The property is located within the Northwest Subarea Plan. In accordance with the Intergovernmental Agreement for the Fort Collins Growth Management Area with Larimer County, the City of Fort Collins agrees to annex land that meets the minimum contiguity requirement. This is a voluntary annexation for the purpose of redeveloping the subject parcel.

14. Resolution 2018-81 Setting the Dates of the Public Hearings on the 2019 and 2020 Proposed City of Fort Collins Biennial Budget.

The purpose of this item is to set two public hearing dates on the proposed 2019-2020 biennial budget. The City Charter requires that the City Council set a date for a public hearing on the proposed budget. This Resolution sets that hearing date for the regular Council meeting of September 18, 2018. In an effort to receive further public input, this Resolution sets an additional hearing date for the October 2, 2018, regular Council meeting. The Resolution also directs the City Clerk to publish notice of these two hearings.

15. Resolution No. 2018-085 Accepting Advisory Opinion No. 2018-01 of the Ethics Review Board.

The purpose of this item is to approve Ethics Review Board Opinion 2018-01 responding to a request under “Other Business” at the Council meeting on February 20, 2018, for the Board to discuss whether Councilmembers have conflicts of interest in matters involving: (1) outside bodies they have been appointed to represent the City on; or (2) organizations to which they have donated funds.

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**

- **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. Public Hearing and Resolution 2018-082 Approving the Waterfield Metropolitan District Nos. 1 through 3 Consolidated Plan. (staff: Josh Birks; 10 minute staff presentation; 30 minute discussion)

The purpose of this item is to consider a Service Plan for the Waterfield Metro District Nos. 1 through 3 (the “Metro Districts”). Thrive Home Builders has submitted a service plan for the Metro Districts to support a proposed development of approximately 500 homes on property generally located at the northwest corner of Vine Drive and Timberline Road. The project will include 50 lots dedicated for affordable housing construction. In addition, the project will deliver all units as US Department of Energy Certified Zero Energy Ready and 10 percent of homes with rooftop solar. Each of the Metro Districts is proposed to have a Mill Levy Cap of 50.00 mills to support the project.

17. Public Hearing and Resolution 2018-083 Approving the Montava Metropolitan District Nos. 1 through 7 Consolidated Service Plan. (staff: Josh Birks; 10 minute staff presentation; 30 minute discussion)

The purpose of this item is to consider a metro district service plan for the Montava Development. The developer of the proposed Montava Development has submitted a service plan to support a proposed development of approximately 988.5 acres located in the northeast portion of the community near the existing AB/InBev Brewery. The development is anticipated to include 2,000 single family homes, 2,400 multi-family units, 200,000 to 400,000 square feet of office, 88,900 square feet of retail. The project intends to provide 10 percent of housing units in a mix of for rent and for sale affordable housing. In addition, the project will deliver all units as US Department of Energy Certified Zero Energy Ready. A Metro District with a mill levy cap of 60.00 mills has been proposed to support the project.

18. Resolution 2018-084 Approving the Consolidated Service Plan for Waters' Edge Metropolitan District Nos. 1-5. (staff: Tom Leeson; 10 minute staff presentation; 30 minute discussion)

The purpose of this item is for Council to consider for adoption the Consolidated Service Plan for the Waters' Edge Metropolitan District Nos. 1-5 (the "Metro Districts"). Generally, located between Douglas Road and Richards Lake Road on either side of Turnberry Road.

- **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.)

- **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.