



Wade Troxell, Mayor
Gerry Horak, District 6, Mayor Pro Tem
Susan Gutowsky, 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
February 19, 2019
Amended February 19, 2019**

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 February 17-23, 2019 as National Engineers Week.
- B. Proclamation Declaring the Week of February 25, 2019 as Fort Collins Startup Week.
- C. Proclamation and Presentation by the Northern Colorado Intertribal Powwow Association.

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.

- **PUBLIC COMMENT**

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.]

- **PUBLIC COMMENT 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. 013, 2019, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Compensation of the Chief Judge.

City Council met in executive session January 8, 2019, and on January 22, 2019, to conduct the performance review of Chief Judge Kathleen M. Lane. This Ordinance, unanimously adopted on First Reading on February 12, 2019, establishes the 2019 salary of the Chief Judge at \$116,519 and total compensation at \$144,290.

2. Second Reading of Ordinance No. 014, 2019, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Compensation of the City Attorney.

City Council met in executive session on January 8, 2019, and on January 22, 2019, to conduct and discuss the performance review of Carrie Daggett, City Attorney. This Ordinance, unanimously adopted on First Reading on February 12, 2019, establishes the 2019 salary of the City Attorney at \$200,087 and sets the total compensation at \$239,315.

3. Second Reading of Ordinance No. 016, 2019, Appropriating Unanticipated Grant Revenue in the General Fund for the Environmental Services Radon Program and Authorizing the Transfer of Matching Funds Previously Appropriated in the Environmental Services Department Operating Budget.

This Ordinance, unanimously adopted on First Reading on February 5, 2019, appropriates unanticipated grant revenue in the General Fund for the Environmental Services Radon Program. This appropriation includes \$12,954 of grant revenues provided by the Colorado Department of Public Health and Environment (CDPHE) to support radon testing and mitigation programs. The grant directly supports radon activities identified in the Environmental Services Department's core budget offer and requires a local match of \$8,636. Matching funds are appropriated and unexpended in the 2019 Environmental Services operating budget and will be transferred to the Environmental Services Radon Program.

4. Items Relating to the 2019 City Classified Employee Pay Plan as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

- A. Second Reading of Ordinance No. 017, 2019, Adopting the 2019 Amended City Classified Employee Pay Plan to Update Classified Positions as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.
- B. Second Reading of Ordinance No.018, 2019, Appropriating Prior Year Reserves in the General Fund for the Cost of Police Services Salary and Benefit Increases as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

This Ordinance, unanimously adopted on First Reading on February 5, 2019, amends the 2019 City Classified Employee Pay Plan and authorizes a supplemental appropriation of \$585,000 based on an annual market analysis conducted as agreed upon through the 2019-2021 Collective Bargaining Agreement (the "Agreement") with the Northern Colorado Lodge #3 of the Fraternal Order of Police ("FOP"). The Agreement was approved by Council on October 2, 2018. The Agreement specifies a salary data collection method and evaluation process that includes market data as of early January. This data has been collected and analyzed, resulting in the revised 2019 City Classified Employee Pay Plan.

5. Second Reading of Ordinance No. 019, 2019, Making Various Amendments to the City of Fort Collins Land Use Code.

This Ordinance, unanimously adopted on First Reading on February 5, 2019, adopts a variety of revisions, clarifications and additions to the Land Use Code that are generally routine in nature that have been identified since the last update in June 2018.

6. Second Reading of Ordinance No. 020, 2019, Authorizing the Second Amendment to the Long View Farm Open Space Covenants, Conditions and Restrictions.

This Ordinance, unanimously adopted on First Reading on February 5, 2019, amends the Long View Farm Open Space Covenants, Conditions and Restrictions to correct an error in the legal description. The acreage total (478.5 acres) in the legal description is correctly described by the first amendment but it also contains an incorrect exception of 50 acres. Removing the exception and the first sentence will correct the error in the legal description. The second amendment with the correct legal description is attached to the Ordinance.

7. Items Relating to Financing and Appropriation for the I-25/Prospect Interchange and Police Regional Training Campus.

A. Second Reading of Ordinance No. 021, 2019, Authorizing the Leasing of Certain City Property and the Execution and Delivery by the City of a Site Lease, a Lease Agreement, and Other Documents and Matters in Connection with the Financing of Certain Projects for the City.

B. First Reading of Ordinance No. 030, 2019, Appropriating Unanticipated Revenue in the General Fund for the I-25/Prospect Interchange and Authorizing the Transfer of Appropriations from the General Fund to the Capital Projects Fund, and Appropriating Prior Year Reserves in the Transportation Capital Expansion Fund for the I-25 and Prospect Interchange and Authorizing the Transfer of Appropriations from the Transportation Capital Expansion Fund to the Capital Projects Fund, and Authorizing the Transfer of Appropriations from the Capital Projects Fund to the Cultural Services and Facilities Fund for the Art in Public Places Program.

C. First Reading of Ordinance No. 031, 2019, Appropriating Unanticipated Revenue in the General Fund for the Police Regional Training Campus and Authorizing the Transfer of Appropriations from the General Fund to the Cultural Services and Facilities Fund for the Art in Public Places Program.

Ordinance No. 021, 2019, unanimously adopted on First Reading on February 5, 2019, authorizes the financing, through Certificates of Participation (COPs), needed for both the I-25/Prospect Interchange and Police Training Facility Joint Venture. City staff is seeking \$25.3 million in financing through Certificates of Participation (COPs) for a March 2019 closing. This financing will help support the construction of the I-25/Prospect interchange (\$17.1 million) and the Police Training Facility Joint Venture (\$8.2 million).

Ordinance Nos. 030 and 031, 2019, appropriate the lease financing proceeds received from the COPs for the I-25/Prospect Interchange and Police Regional Training Campus, respectively.

A related item is included under Discussion on this Agenda that addresses the Intergovernmental Agreements (IGAs) with the City of Loveland concerning the Police Regional Training Campus.

8. First Reading of Ordinance No. 022, 2019, Appropriating Unanticipated Grant Revenue from the Federal Transit Administration (FTA) in the Transit Services Fund and Appropriating Prior Year Reserves in the Transit Services Fund and Authorizing the Transfer of Appropriations from the Transit Services Fund to the Capital Project Fund for the Accessible Infrastructure Enhancement Project and Transferring Appropriations from the Capital Project Fund to the Cultural Services and Facilities Fund for the Art in Public Places Program.

The purpose of this item is to appropriate unanticipated grant revenue awarded by the Federal Transit Administration (FTA) to upgrade bus stops throughout the Transfort service area. This infrastructure enhancement project will use FTA grant funds in the amount of \$1,520,344 with a local match of \$380,086 derived from Community Capital Improvement Program (CCIP) funds. This project will repair or replace concrete pads at bus stops and purchase amenities, such as shelters, over the next two to three years.

9. First Reading of Ordinance No. 023, 2019, Appropriating Unanticipated Grant Revenue in the General Fund To Purchase Electric Lawn and Garden Equipment for the Parks Department and Authorizing the Transfer of Previously Appropriated Funds in the Environmental Services Department Operating Budget.

The purpose of this item is to appropriate unanticipated grant revenue in the amount of \$19,998 in the General Fund for the purchase of electric commercial lawn and garden equipment for municipal operations. The grant is provided by the Regional Air Quality Council (RAQC) and directly supports local efforts to reduce ozone causing pollutants from gas and diesel powered equipment. A local match of \$34,616 is required. Lawn and garden equipment purchases appropriated and expended in 2018 are eligible to be applied towards matching funds (\$14,616), and the remaining \$20,000 is appropriated and unexpended in the 2019 Environmental Services operating budget.

10. Items Relating to Non-Exclusive Utility Easement Agreements with Colorado State University and Colorado State University Research Foundation.

- A. First Reading of Ordinance No. 024, 2019, Approving a Non-Exclusive Utility Easement Agreement for City Storm Sewer Lines on Colorado State University Property, Including Vacation of Easements Granted in 1966 Right-of-Way Agreement.

- B. First Reading of Ordinance No. 025, 2019, Approving a Non-Exclusive Utility Easement Agreement for City Storm Sewer Lines on Colorado State University Research Foundation Property, Including Vacation of Easements Granted in 1966 Right-of-Way Agreement.

The purpose of this item is to vacate a 1966 storm sewer easement on Colorado State University's (CSU) Main Campus, portions of which are now owned by the Colorado State Research Foundation (CSURF), and approve a new Utility Easement Agreement in its place. The existing storm sewer main is generally not located in the center of the existing right-of-way and in some places is not within the right-of-way at all. These Ordinances will abandon the 1966 right-of-way and replace it with a new easement that is centered on the existing storm sewer main.

11. First Reading of Ordinance No. 026, 2019, Authorizing the Purchasing Agent to Enter into Contracts for Services, Professional Services and/or Construction in Excess of Five Years for the Proposed Enlargement of Halligan Reservoir.

The purpose of this item is to authorize the Purchasing Agent, pursuant to City Code Section 8-186(a), to enter into contracts greater than five years in length for services, professional services, and/or construction of the proposed enlargement of Halligan Reservoir. Contracts authorized under the proposed ordinance could be extended up to the life of the project. Preliminary design of an enlarged Halligan Reservoir will likely begin in late 2019, and construction could begin four years later. Construction is anticipated to last approximately two years. Under this scenario and without this proposed ordinance, the design contract would expire while the Halligan Reservoir enlargement is under construction, a situation that would result in logistical, and cost ramifications for the City and the project.

12. First Reading of Ordinance No. 027, 2019, Designating the Farrington Property, 322 Edwards Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

This item is a quasi-judicial matter and if considered on the discussion agenda, it will be considered in accordance with the procedures described in Section 1(e) of the Council's Rules of Meeting Procedures adopted in Resolution 2018-034.

The purpose of this item is to consider the request for landmark designation of the Farrington Property, 322 Edwards Street, for its Classic Cottage architecture. This is a voluntary designation at the property owner's request. The Landmark Preservation Commission unanimously recommends approving this landmark designation.

13. Resolution 2019-023 Authorizing the Execution of an Amendment to the Intergovernmental Agreement Between the City and the Colorado Department of Transportation for the Horsetooth Road and College Avenue Intersection Improvements Project.

The purpose of this item is to authorize the Mayor to sign a revised Intergovernmental Agreement (IGA) with the Colorado Department of Transportation (CDOT). This action will formalize a new agreement between the City and CDOT, enabling the project to be fully reimbursed for two grants associated with the construction phase of the Horsetooth and College Intersection Improvements Project. In preparation for reimbursing the City, CDOT noticed an issue with the original IGA executed in March 2017. The issue was that all the eligible reimbursements were listed in the design phase. The revised IGA allocates all the remaining eligible reimbursements to the construction phase. This action does not include new appropriations since the grant funds and local match were previously appropriated.

14. Resolution 2019-024 Authorizing the Initiation of Exclusion Proceedings of Annexed Properties Within the Territory of the Poudre Valley Fire Protection District and Authorizing an Intergovernmental Agreement with Said District.

The purpose of this item is to authorize the City Attorney to file a petition in Larimer County District Court to exclude properties annexed into the City in 2018 from the Poudre Valley Fire Protection District (the "District") in accordance with state law. The properties affected by this resolution are Water Treatment Facility Annexation No. 1, Water Treatment Facility Annexation No. 2, Water Treatment Facility Annexation No. 3, Water Treatment Facility Annexation No. 4, Aweida Annexation, East Gateway Annexation, Hughes Stadium Annexation, and Sanctuary on the Green Annexation. C.R.S. Section 32-1-502 requires an order of exclusion from the District Court to remove these annexed properties from special district territories. The properties have been receiving fire protection services from the Poudre Fire Authority and will continue to do so. The City Attorney's Office files the petition in Larimer County District Court each year seeking exclusion for all properties annexed in the previous year that should be removed from the District to avoid double taxation.

15. Resolution 2019-025 Approving the Purchase of Video Content Licensing and Services from the National Cable Television Cooperative for Fort Collins Connexion as an Exception to the Competitive Purchase Process.

The purpose of this item is to seek approval for an exception to the competitive bid or proposal process for Fort Collins Connexion's membership with and purchase of video content licensing and services from National Cable Television Cooperative (NCTC).

To provide video services, Fort Collins Connexion must secure license agreements with video content providers. NCTC is the largest content aggregator with pre-negotiated agreements that give members access to video content cost-effectively, efficiently, and better terms. NCTC provides a cost effective and efficient way to secure license agreements for content which will be viewable via MobiTV, the preferred video provider selected through an RFP process.

16. Resolution 2019-026 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.

17. Resolution 2019-027 Making a Change to the Legislative Review Committee Council Appointment Made in Resolution 2019-021.

The purpose of this item is to modify the Council appointment to the Legislative Review Committee (LRC) through Resolution 2019-021, adopted on February 5, 2019. Councilmember Ross Cunniff will be appointed to the Legislative Review Committee and Councilmember Susan Gutowsky will be appointed as the alternate.

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. Transitional Sentencing Program (staff: Patty Netherton, Jeremy Yonce, Ingrid Decker)

- **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.

18. Items Relating to the Intergovernmental Agreements (IGAs) Concerning the Police Regional Training Campus. (staff: Jerrod Kinsman, Erik Martin; 5 minute staff presentation; 20 minute discussion)
 - A. Resolution 2019-028 Authorizing the Execution of an Intergovernmental Agreement Between the City and the City of Loveland for the Construction, Ownership, Operation, Maintenance, and Management of a Regional Training Campus.
 - B. Resolution 2019-029 Authorizing the Execution of an Intergovernmental Agreement Between the City and the City of Loveland for the Use of Certain Real Property at the Northern Colorado Regional Airport for a Regional Training Campus.

The purpose of this item is to consider two resolutions related to the Police Regional Training Campus joint venture with the City of Loveland.

19. Items Relating to Regulating Electric Scooters and Other Shared and/or Portable Mobility Devices. (staff: Amanda Mansfield, Paul Sizemore; 10 minute staff presentation; 30 minute discussion)
 - A. First Reading of Ordinance No. 028, 2019, Amending Chapter 24 of the Code of the City of Fort Collins to Add a New Article VI Related to the Parking of Shared Mobility Devices.
 - B. First Reading of Ordinance No. 029, 2019, Amending Sections 1410 and 2106 of the Fort Collins Traffic Code to Allow for Signage Designating an Area in the City as a “Dismount Zone” for Any Form of Conveyance.

The purpose of this item is to consider proposed Code changes to City Code and Traffic Code relating to the regulation of electric scooters and other shared and/or portable mobility devices.

20. First Reading of Ordinance No. 032, 2019, Amending Article IV of Chapter 3 of the Code of the City of Fort Collins to Create Entertainment District No. 1 (staff: Tyler Marr, Delynn Coldiron; 5 minute staff presentation; 20 minute discussion)

The purpose of this item is to establish Entertainment District No. 1, located along North College between Jefferson and Pine Street, and along Jefferson Street between College and Linden Street. An entertainment district is a defined area containing no more than 100 acres and at least 20,000 square feet of existing liquor licensed premises.

21. Items Relating to Revisions to Municipal Code Chapter 14 (Landmark Preservation) and to Land Use Code Section 3.4.7 (Historic and Cultural Resources). (staff: Karen McWilliams; 5 minute staff presentation; 30 minute discussion)
 - A. First Reading of Ordinance No. 034, 2019, Amending Chapter 14 of the Code of the City of Fort Collins Regarding Landmark Preservation.
 - B. First Reading of Ordinance No. 035, 2019, Amending Land Use Code Sections 3.4.7 and 5.1.2 Pertaining to Historic and Cultural Resources.

The purpose of this item is to present proposed revisions to the Municipal Code and Land Use Code to implement recommendations for improvements to codes that apply to historic buildings, sites, structures or objects (“historic resources”). These revisions are a result of the 2017-2018 Historic Preservation Codes and Processes Review. The objectives of this review were to provide greater clarity and predictability in all regulations governing historic resources and to improve standards for reviewing the design compatibility of new construction with historic resources.

22. Resolution 2019-030 Consideration of a Planning and Zoning Board Member Variance Request to Address the Planning and Zoning Board Regarding the Montava PUD Application Pursuant to City Code Section 2-568(c)(3)c.1. (staff: Rebecca Everette; 2 minute staff presentation; 5 minute discussion)

The purpose of this item is for Council to consider a request by Planning and Zoning Board (the "Board") Member Ruth Rollins to present to the Board as part of the applicant team for the Montava Planned Unit Development Overlay (the "Montava PUD").

23. Second Reading of Ordinance No. 015, 2019, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Compensation of the City Manager. (staff: Jamie Heckman; no staff presentation; 5 minute discussion)

City Council met in executive session on January 8, 2019, and on January 22, 2019, to conduct and discuss the performance review of Darin Atteberry, City Manager. This Ordinance, adopted on First Reading on February 12, 2019 by a vote of 5-2 (nays: Cunniff, Horak), establishes the 2019 salary of the City Manager at \$270,364 and the total compensation at \$328,227.

24. Possible Consideration, by City Council, of a Motion to Amend Resolution 2019-022 Related to the Ballot Language for the Renewal of the City's Current "Keep Fort Collins Great" .85% Sales and Use Tax.

The purpose of this item is to give Council the opportunity to consider a Motion to Amend Resolution 2019-022 in response to any contest filed in the courts to challenge under City Code Section 7-156 and Section 1-11-203.5 of the Colorado Revised Statutes (CRS) the form or content of the ballot question submitted in Resolution 2019-022 to the City's electors at the April 2, 2019, regular City election.

- **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**

- A. Consideration of a motion to adjourn to 6:00 p.m., Tuesday, February 26.

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.