

Wade Troxell, Mayor
Kristin Stephens, District 4, Mayor Pro Tem
Susan Gutowsky, District 1
Julie Pignataro, District 2
Ken Summers, District 3
Ross Cunniff, District 5
Emily Gorgol, District 6

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 May 21, 2019 (Amended 5/17/19)

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 May as Mental Health Awareness Month.
- B. Proclamation Declaring June 1-7, 2019, as CPR and AED Awareness Week.
- C. Proclamation Declaring May 21, 2019 as Frederick R. Baker Day.

Regular Meeting 6:00 p.m.

- **PLEDGE OF ALLEGIANCE-Presentation of Colors by Cub Scout Dens 5 and 7 of Pack 91, Bennett Elementary School.**
- **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. 064, 2019, Appropriating Prior Year Reserves for Natural Areas Programming Not Included in the 2019 Adopted City Budget.

This Ordinance, unanimously adopted on First Reading on May 7, 2019, appropriates \$10,215,000 in prior year reserves and unanticipated revenues in the Natural Areas Fund. These appropriations are for land conservation and restoration of wildlife habitat, as well as other Natural Areas Department programs to benefit the citizens of Fort Collins.

2. Second Reading of Ordinance No. 065, 2019, Vacating Portions of Hobbit Street Right-of-Way East of Shields Street.

This Ordinance, unanimously adopted on First Reading on May 7, 2019, vacates a portion of the Hobbit Street right-of-way that was originally intended to be built in connection with the Young's Creek development plan. Young's Creek would have extended Hobbit Street from its current termination north into its development but was never constructed and has since expired. With the approval of the Landmark Apartments Expansion project in place of Young's Creek, the constructed portion of Hobbit Street (which is not being vacated) will be terminated into a cul-de-sac at its current location.

3. First Reading of Ordinance No. 066, 2019, Making Appropriations for a Federal Lobbying Contract Related to Regulation of Train Horn Noise.

The purpose of this item is to appropriate \$49,000 in order to enter into a lobbying contract with Squire Patton Boggs to achieve legislative or regulatory progress on reducing train horn noise in downtown Fort Collins. The City will enter into the lobbying contract without competition as permitted by Section 8-161(d)(1) of the City Code.

4. First Reading of Ordinance No. 067, 2019, Appropriating Unanticipated Revenue and Authorizing Transfers of Appropriations for a Great Outdoors Colorado Grant Project to Update the Parks and Recreation Policy Plan.

The purpose of this item is to appropriate unanticipated grant revenue awarded by Great Outdoors Colorado (GOCO) to update the Parks and Recreation Policy Plan. The existing Parks and Recreation Policy Plan, dated October 2008, requires periodic updating to reflect current conditions and address ongoing challenges of the Parks, Recreation, and Park Planning and Development departments. A GOCO Planning Grant application was submitted in November 2018 to supplement project funding. GOCO released notification of a \$75,000 grant award for the project in March 2019. A grant agreement to accept the grant award is pending, and a resolution authorizing the City Manager to sign the agreement will accompany this Ordinance on Second Reading.

5. First Reading of Ordinance No. 068, 2019, Amending Section 23-194 of the Code of the City of Fort Collins Regarding Natural Areas Permits.

The purpose of this item is to modify Chapter 23, Section 194(b) of the City Code increasing the time for the Natural Areas Director to review Special Use and Commercial Use permit requests from five business days to fifteen business days.

6. Items Relating to Various Amendments to City Code Chapter 26 Pertaining to Utility Services.

- A. First Reading of Ordinance No. 069, 2019, Amending Section 26-491 of the Code of the City of Fort Collins to Add and Revise Definitions Related to the City's Stormwater System.

- B. First Reading of Ordinance No. 070, 2019, Amending Section 26-391 of the Code of the City of Fort Collins to Add and Revise Definitions Related to the City's Municipal Electric Utility System.

The purpose of this item is to make revisions, clarifications and additions to update definitions in City Code Chapter 26 pertaining to Stormwater and Electric Utility Services.

7. First Reading of Ordinance No. 071, 2019, Approving the Second Amendment to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport, Now Known as the Northern Colorado Regional Airport.

(This item has been amended 5/17/19)

The purpose of this item is to stagger the terms of the citizen members appointed to the Northern Colorado Regional Airport Commission. The current adopted Amended and Restated Intergovernmental Agreement states that appointed citizen members' terms expire at the same time for all three of the appointed citizen members.

8. First Reading of Ordinance No. 072, 2019, Designating the Kamal/Livingston Property, 608 West Laurel 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 Kamal/Livingston Property, 608 West Laurel Street, for its early mid-century vernacular architecture with Colonial Revival details. This is a voluntary designation at the property owner's request. The Landmark Preservation Commission unanimously recommends approving this landmark designation.

9. First Reading of Ordinance No. 073, 2019, Designating the Alfred Parker Duplexes I and II, 221-229 West Mulberry 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 Alfred Parker Duplexes I and II, 221-229 West Mulberry Street, as rare examples of twin American Foursquare duplex architecture. This is a voluntary designation at the property owner's request. The Landmark Preservation Commission unanimously recommends approving this landmark designation.

10. Resolution 2019-060 Authorizing the City Manager to Sign a Master Lease Agreement with Smartlink for AT&T Small Wireless Communication Equipment Attachments on City Facilities in Public Rights of Way

The purpose of this item is to authorize the City Manager to enter into a Master License Agreement with Smartlink, working on behalf of AT&T, concerning the use of the City's infrastructure and rights-of-way for small cellular equipment and associated uses.

11. Resolution 2019-061 Authorizing the City Manager to Sign a Master Lease Agreement with Zayo Group LLC for Sprint Small Wireless Communication Equipment Attachments on City Facilities in Public Rights-of-Way.

The purpose of this item is to authorize the City Manager to enter into a Master License Agreement with Zayo, working on behalf of Sprint, concerning the use of the City's infrastructure and rights-of-way for small cellular equipment and associated uses.

12. Resolution 2019-063 Authorizing the City Manager to Enter into an Agreement with the Poudre School District R-1 for the School Resource Officer Program.

The purpose of this item is to authorize the City Manager to enter into an Intergovernmental Agreement (IGA) between the Poudre School District R-1 (District) and the City of Fort Collins, on behalf of Fort Collins Police Services (FCPS) which updates, replaces and supersedes the previous IGA and continues the School Resource Officer (SRO) Program.

13. Resolution 2019-062 Appointing Brandi Lynn Nieto as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

The purpose of this item is to appoint Brandi Lynn Nieto as an Assistant Municipal Judge for the Fort Collins Municipal Court. The City Charter provides for the appointment of judges of the Municipal Court for two (2) year terms. Chief Judge Kathleen M. Lane recommends that Ms. Nieto be appointed as a second Assistant Municipal Judge, to serve in the absence of the Chief Judge and Assistant Judge Teresa Ablao.

14. Resolution 2019-064 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

The purpose of this item is to update the Rules of Procedure for Council meetings and work sessions to clarify various public hearing processes and provide an option for adoption of the Consent Calendar if 4 or more items are pulled.

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. School Resource Officer Program. (staff: Jeff Swoboda)

- **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.

15. Resolution 2019-066 Adopting of FoCo Creates Arts and Culture Master Plan. (staff: Jim McDonald, Kelly DiMartino; 10 minute staff presentation; 30 minute discussion)

The purpose of this item is to request adoption of the FoCo Creates Arts and Culture Master Plan. FoCo Creates Arts and Culture Master Plan is a 10-year plan illustrating the community's vision for the future of the arts, culture and creative sector and providing policy and implementation recommendations.

16. First Reading of Ordinance No. 074, 2019, Making Appropriations and Authorizing Transfers of Appropriations for the Lemay and Vine Intersection Improvements Project and Related Art in Public Places. (staff: Tim Kemp, Chad Crager; 10 minute staff presentation; 15 minute discussion)

The purpose of this item is to appropriate \$9.1M of Transportation Capital Expansion Fee (TCEF) and Transportation Reserve Funds into the Capital Project Fund for the Lemay and Vine Intersection Improvements Project. In addition, this item will authorize the transfer of \$91,000, one percent of the appropriated funds, from the Capital Project Fund to the Cultural Services and Facilities Fund for Art in Public Places.

The overall project cost, including design, property acquisition, and construction, is estimated at \$23.3M. The City has previously appropriated \$3.7M, and this appropriation would add \$9.1M to the project. The remaining funding needed for the project is \$10.5M in 2019 dollars.

17. Resolution 2019-065 Making Board and Commission Liaison and Council Committee Assignments and Making Appointments to Various External Boards and Authorities. (no staff presentation; 15 minute discussion)

The purpose of this item is to make Councilmember liaison assignments to City boards and commissions and to Council Committees and to make appointments to external boards and authorities on behalf of the City.

- **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 go into executive session.

"I move that the City Council go into executive session for the purpose of meeting with the City's Attorneys and City Management Staff to discuss the following matters as permitted under City Charter Article II, Section 11(2), City Code Section 2-31(a)(2) and Colorado Revised Statutes Section 24-6-402(4)(b):

1. Specific legal questions related to pending litigation regarding the City's Public Nudity Ordinance; and
2. The manner in which particular policies, practices or regulations of the City related to public nudity may be affected by existing or proposed provisions of federal, state or local law; and
3. Specific legal questions related to pending litigation regarding the City's approval of a minor amendment authorizing the Mennonite Fellowship external locker facility; and
4. The manner in which particular policies, practices or regulations of the City related to the Mennonite Fellowship external locker facility may be affected by existing or proposed provisions of federal, state or local law."

- 18. Possible Motion Directing the City Attorney on Next Steps Related to Litigation Regarding the City's Public Nudity Ordinance.

The purpose of this item is for Council to provide possible direction to the City Attorney on the next steps she should take related to pending litigation challenging the City's public nudity ordinance.

- **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.