

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 June 4, 2019 (amended 6/4/2019)

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 June 4, 2019 as Dr. Larry Clark Day.
- B. Proclamation Declaring June as Men's Health Month.
- C. Proclamation Declaring June as LGBTQ Pride Month.
- D. Proclamation Declaring June as Bike Month.
- E. Proclamation Declaring June 7, 2019 as Gun Violence Awareness 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.

- **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.

If the presiding officer determines that the number of items pulled from the Consent Calendar by citizens is substantial and may impair the Council's ability to complete the planned agenda, the presiding officer may declare that the following process will be used to simplify consideration of the Citizen-Pulled Consent Items:

(1) All citizen-pulled items (to be listed by number) will be considered as a group under the heading "Consideration of Citizen-Pulled Consent Items."

(2) At that time, each citizen wishing to speak will be given a single chance to speak about any and all of the items that have been moved to that part of the agenda.

(3) After the citizen comments, any Councilmember may specify items from the list of Citizen-Pulled Consent Items for Council to discuss and vote on individually. Excluding those specified items, Council will then adopt all "Citizen-Pulled Consent Items" as a block, by a single motion, second and vote.

(4) Any Citizen-Pulled Consent Items that a Councilmember has asked to be considered individually will then be considered using the regular process for considering discussion items.

1. Consideration and Approval of the Minutes of the May 7, and May 21, 2019, Regular Council Meetings.

The purpose of this item is to approve the minutes from the May 7 and May 21, 2019 Regular Council meetings.

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

This Ordinance, unanimously adopted on First Reading on May 21, 2019, appropriates \$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.

3. Items Relating to a Great Outdoors Colorado Grant Project to Update the Parks and Recreation Policy Plan.

A. Second 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.

B. Resolution 2019-067 Authorizing the City Manager to Enter into a Grant Agreement with the State Board of the Great Outdoors Colorado Trust Fund for the Receipt of Funds for the Project to Update the Parks and Recreation Policy Plan.

This Ordinance, unanimously adopted on First Reading on May 21, 2019, appropriates 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.

Resolution 2019-067 authorizes the City Manager to execute an agreement to accept the grant award.

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

This Ordinance, unanimously adopted on First Reading on May 21, 2019, modifies Chapter 23, Section 194(b) of the City Code to increase the time for the Natural Areas Director to review Special Use and Commercial Use permit requests from five business days to fifteen business days.

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

A. Second 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. Second 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.

These Ordinances, unanimously adopted on First Reading on May 21, 2019, update definitions in City Code Chapter 26 pertaining to Stormwater and Electric Utility Services.

6. Second 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 Ordinance, unanimously adopted on First Reading on May 21, 2019, staggers 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. The proposed Amendment to the IGA provides for initial terms beginning July 1, 2019 for the three citizen members will be 2 years-Loveland appointed Citizen Member; 3 years-Fort Collins appointed Citizen Member; and 4 years-Joint Citizen Member.

7. Second 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(f) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.

This Ordinance, unanimously adopted on First Reading on May 21, 2019, designates the Kamal/Livingston Property, 608 West Laurel Street, as a Fort Collins Landmark, 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.

8. Second 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(f) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.

This Ordinance, unanimously adopted on First Reading on May 21, 2019, designates the Alfred Parker Duplexes I and II, 221-229 West Mulberry Street, as a Fort Collins Landmark, for being 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.

9. Second 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.

This Ordinance, unanimously adopted on First Reading on May 21, 2019, appropriates \$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.

10. First Reading of Ordinance No. 075, 2019, Making Appropriations and Authorizing Transfers of Appropriations for the Drake Water Reclamation Facility Sidestream Treatment Project and Related Art in Public Places.

The purpose of this item is to request an appropriation for additional funding for the Drake Water Reclamation Facility (DWRf) Sidestream Treatment Project. This request is necessary to complete the permit-required project within the required timeframe to meet DWRf's National Pollution Discharge Elimination System (NPDES) phosphorus compliance schedule deadline of December 31, 2020. Successful operation of this infrastructure will also earn regulatory credits to delay future capital project expenses by upwards of 10 years.

11. First Reading of Ordinance No. 076, 2019, Approving, Affirming and Ratifying Funding of the Non-City Share of the NECCO Project by Offering to Owners and Developers of Property Within the NECCO Area a Proportionate Buy-In to Connect to the NECCO Project.

The purpose of this item is to adopt the cost share concept whereby development and redevelopment draining into the Northeast College Corridor Outfall (NECCO) stormwater system are required to pay their proportional cost share of the NECCO improvements if they choose to use the NECCO system in lieu of constructing separate stormwater facilities. The NECCO stormwater system (or NECCO Project) was designed to provide an adequate stormwater outfall for the area north of Vine Drive and east of College Avenue in order to alleviate existing drainage problems and to facilitate development and redevelopment in the area.

12. Items Relating to Various Amendments to the City of Fort Collins Land Use Code.

ITEM WITHDRAWN FROM CONSIDERATION

- A. ~~First Reading of Ordinance No. 077, 2019, Making Various Amendments to the City of Fort Collins Land Use Code.~~

~~B. First Reading of Ordinance No. 078, 2019, Amending the City of Fort Collins Land Use Code Regarding Community Development and Neighborhood Services Director Variances to Certain Land Use Code Standards~~

~~The purpose of this item is to adopt 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 February 2019. The proposed change to allow the Community Development and Neighborhood Services Director to process certain variances is presented as a separate ordinance because the change is not necessarily routine in nature and would allow the Director to process certain variances currently reviewed by the Zoning Board of Appeals.~~

13. First Reading of Ordinance No. 079, 2019, Authorizing Execution of a Deed of Dedication to the City of Loveland for the Extension of Rockwell Avenue Across Jointly Owned City and City of Loveland Property at the Northern Colorado Regional Airport.

The purpose of this item is to dedicate to the City of Loveland the right-of-way for extension of Rockwell Avenue across jointly owned Airport property.

14. Resolution 2019-068 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 events, based upon the recommendations of the Cultural Resources Board.

15. Resolution 2019-069 Naming the Gardens on Spring Creek Pavilion in Honor of the Everitt Family.

The purpose of this item is to approve proposed donor recognition for the Pavilion at the Gardens on Spring Creek. The Friends of the Gardens Board of Directors and Gardens staff have raised \$375,000 towards completion of the Pavilion and five acres of new gardens and would like to name the pavilion in honor of Bob and Joyce Everitt.

16. Resolution 2019-070 Accepting a Proposed Donation of a Sculpture to be Placed at the Gardens on Spring Creek.

The purpose of this item is to accept the donation of a bronze sculpture of Bob and Joyce Everitt that was created for the Garden on Spring Creek.

17. Resolution 2019-071 Authorizing the Assignment of the City's Private Activity Bond Allocation for 2019 to Housing Catalyst to Finance the New Construction of Affordable Housing Units.

The purpose of this item is to support the new construction of an affordable housing development, to be located at 140 East Oak Street, by assigning the City's 2019 Private Activity Bond allocation.

18. Items Relating to the Shared Use of Regional Broadband Transport and Access Services.

A. Resolution 2019-072 Authorizing the Execution of an Intergovernmental Agreement Between the City and the City of Loveland for the Shared Use of Regional Broadband Transport and Access Services.

B. Resolution 2019-073 Authorizing the Execution of an Intergovernmental Agreement Between the City and the Town of Estes Park for the Shared Use of Regional Broadband Transport and Access Services.

The purpose of this item is to consider two resolutions related to intergovernmental agreements authorizing the shared regional Broadband Transport and Access services with the City of Loveland and Town of Estes Park.

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. Alternative Fuel Equipment Conversion. (staff: Mike Brunkhardt, Jason Komes)
- B. Community Dashboard Metric: Response Time for Graffiti Removal. (staff: Larry Schneider)

- **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.

19. Items Relating to the Completion of the 2019 Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing and Community Development Activities Utilizing Funds from the Federal Community Development Block Grant (CDBG) Program, Federal HOME Investment Partnerships (HOME) Program, the City's Affordable Housing Fund (AHF) and the City's Human Services Program (HSP), and Appropriating Funding Consistently Therewith. (staff: Adam Molzer; 5 minute staff presentation; 30 minute discussion)
 - A. Public Hearing and Resolution 2019-074 Approving the Programs and Projects that will Receive Funds from the Federal Community Development Block Grant Program, HOME Investment Partnerships Program, the City's Affordable Housing Fund, and the City's Human Services Program.
 - B. Public Hearing and First Reading of Ordinance No. 080, 2019, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund.
 - C. Public Hearing and First Reading of Ordinance No. 081, 2019, Appropriating Unanticipated Revenue in the HOME Investment Partnerships Fund.

The purpose of this item is to approve funding recommendations of the 2019 Spring Cycle of the Competitive Process and appropriate federal dollars. Resolution 2019-074 completes the 2019 Spring Cycle of the Competitive Process for allocating \$3,602,625 in City financial resources to affordable housing and public facility projects, human service programs and administration of the programs. Ordinance No. 080, 2019, appropriates the City's FY2019 CDBG Entitlement Grant and CDBG program income and CDBG Reconciled funds from FY2017 and FY2018. Ordinance No. 081, 2019 appropriates the City's FY2019 HOME Participating Jurisdiction Grant from the Department of Housing and Urban Development (HUD).

20. Items Relating to Regulating Electric Scooters. (staff: Amanda Mansfield, Paul Sizemore; 10 minute staff presentation; 30 minute discussion)

- A. First Reading of Ordinance No. 082, 2019, Amending the Fort Collins Traffic Code Relating to Electric Scooters.
- B. First Reading of Ordinance No. 083, 2019, Amending Chapter 24 of the Code of the City of Fort Collins Relating to Parking of Electric Scooters.

The purpose of this item is to amend the Traffic Code and City Code relating to the regulation of the operation and parking of electric scooters. These amendments will treat electric scooters the same as bicycles and electrical assisted bicycles (with three exceptions) and adds a definition of electric scooter that is consistent with HB 19-1221 and regulates the parking of electric scooters.

- **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 June 18, 2019 Regular Council Meeting.

"I move that Council cancel its regular meeting of June 18, 2019, pursuant to City Code Section 2-28(a), due to the Colorado Municipal League Annual Conference."

- **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.