

AGENDA ITEM SUMMARY

June 4, 2019

City Council

STAFF

Delynn Coldiron, City Clerk

SUBJECT

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

EXECUTIVE SUMMARY

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

ATTACHMENTS

1. May 7, 2019 (PDF)
2. May 21, 2019 (PDF)

May 7, 2019

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

● **ROLL CALL**

PRESENT: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff
Staff Present: Atteberry, Daggett, Coldiron

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry withdrew Item No. 11, *Resolution 2019-057 Making Appointments to the Citizen Review Board, the Natural Resources Advisory Board, the Senior Advisory Board and the Women's Commission of the City of Fort Collins*, from the agenda.

● **PUBLIC COMMENT**

Sandy Lemburg commented on a Municipal Court case relating to a sweep of the Harmony Park and Ride which resulted in individuals sleeping in cars being charged, whereas truckers sleeping in their trucks were left alone. He also commented on a denied public record request and stated he would like City leaders to look into the situation.

Eric Sutherland discussed Connexion rates and stated Longmont customers will be paying, at a minimum, \$5 less just for the purposes of debt service than a Fort Collins customer. He requested Council examine how Fort Collins customers can pay lower rates.

Fred Kirsch, Fort Collins Community for Sustainable Energy, discussed the organization and its goal to provide support for sustainable energy policies. He stated their current campaign is to develop a program that maximizes rooftop and parking lot solar potential in a financially sustainable and socially equitable manner. His group is examining the leasing of school rooftops by the Fort Collins Utilities for solar panels.

Hannah Little, Fort Collins Women's Commission, announced Women's Health Week and discussed the importance of education related to women's health.

Colleen Conway, Human Relations Commission, read a memo presented to Council welcoming the new Councilmembers and discussing the role of the Human Relations Commission.

Eva Ameson, Human Relations Commission, continued reading the memo, requesting Council take a lead role in addressing hate-related incidents in the community.

Cindy Davis, Human Relations Commission, continued reading the memo, requesting Council remain committed to creating an inclusive environment in which all citizens are welcomed, valued, and affirmed.

Shana Ryken, Women's Commission, announced Women's Health Week and discussed a recent forum on women's health.

Ethan (no last name given) congratulated the new Councilmembers and encouraged Council to explore a solar on school roofs program being proposed the Community for Sustainable Energy.

Chris McCullough, Fort Collins Running Club, stated he has been trying to work with CSU to allow public use of the renovated track on campus and suggested the City construct a track of its own for public use.

Sherilyn Comer stated she would like Ordinance No. 042, 2019, regarding yard fire pits, repealed.

Allison Pankoff discussed the growth of homelessness in Fort Collins and requested Council examine additional affordable housing options.

Dave Peterson opposed the passage of the yard fire pit restrictions.

Christin Topping opposed the passage of the yard fire pit restrictions and discussed the failed petition effort to get it repealed.

Andrew Dewey discussed traffic and speeding near the area of Country Club Road and Lemay Avenue.

Nancy York stated she is eager to hear about upcoming Council priorities and suggested hot water could be turned off in City buildings to help conserve natural gas.

Sarah Haffin expressed concern about equity in the community and discussed ways in which the City's climate goals can be reached while maintaining equitability. She supported the Community for Sustainable Energy proposal to install solar on school roofs.

- **PUBLIC COMMENT FOLLOW-UP**

Mayor Troxell summarized the citizen comments.

Mayor Pro Tem Stephens thanked the speakers and discussed the importance of women's health. She thanked the members of the Human Relations Commission who spoke and noted Council discussed equity and inclusivity during its retreat and those issues will be priorities of this Council.

Mayor Troxell thanked the speakers, particularly those who admitted it was their first time speaking.

- **CONSENT CALENDAR**

Mayor Pro Tem Stephens made a motion, seconded by Council member Cunniff, to adopt and approve all items not withdrawn from the Consent Agenda.

RESULT:	CONSENT CALENDAR ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

1. **Consideration and Approval of the Minutes from the March 5, March 19 and April 16, 2019 Regular Council Meetings, the March 26, 2019 Adjourned Council Meeting and the April 23, 2019 Special Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the March 5, March 19, and April 16, 2019 Regular Council meetings, the March 26, 2019 Adjourned Council meeting and the April 23, 2019 Special Council meeting..

2. **Second Reading of Ordinance No. 059, 2019, Appropriating Prior Year Reserves and Unanticipated Revenue in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and Convention and Visitor Program Services. (Adopted)**

This Ordinance, unanimously adopted on First Reading on April 16, 2019, appropriates \$667,926, of which \$240,792 is proposed for 2019 Cultural Development and Programming Activities (Fort Fund), \$28,558 is proposed for 2019 Tourism Programming (Fort Fund), and \$398,576 is proposed for 2019 Convention and Visitors Program activities, from a combination of Unanticipated Revenue (Lodging Tax) and Prior Year Reserves (unspent appropriations) in the General Fund Lodging Tax Reserves.

Lodging taxes are annually collected by the City of Fort Collins for Cultural Development and Tourism programming activities. Anticipated revenue is projected through each Budgeting for Outcomes (BFO) cycle and then adjusted annually as needed based on actual collections. Lodging tax revenue collected in 2018 was \$569,394 above projected collections.

3. **Second Reading of Ordinance No. 060, 2019, Making Appropriations and Authorizing Transfers of Appropriations for the Suniga Road Improvements Project and Related Art in Public Places. (Adopted)**

This Ordinance, unanimously adopted on First Reading on April 16, 2019, appropriates \$170,550 into the Capital Project Fund for the Suniga Road Improvements Project. The City collected these funds as payment in lieu for a development's local street frontage improvements associated with Suniga Road. In addition, this item will authorize the transfer of \$1,705, one percent of the appropriated funds, from the Capital Project Fund to the Cultural Services and Facilities Fund for Art in Public Places.

This project will construct Suniga Road to the City's four-lane arterial roadway standards between North College Avenue and Blondel Street as identified on the City's Master Street Plan. Improvements include raised, protected bike lanes, pedestrian facilities, transit facilities, utility infrastructure, roadway improvements, and landscaped medians and parkways. The project will complement the existing section of Suniga Road, providing connectivity for surrounding developments from North College Avenue to Redwood Street. This project was approved during the 2017/2018 Budgeting for Outcomes (BFO) process and will be constructed this year.

4. **Second Reading of Ordinance No. 061, 2019, Making Appropriations and Authorizing Transfers of Appropriations for the Willow Street Improvements Project and Related Art in Public Places. (Adopted)**

This Ordinance, unanimously adopted on First Reading on April 16, 2019, appropriates \$435,000 of Downtown Development Authority (DDA) funds, \$40,364 of Transportation Capital Expansion Fee (TCEF) funds, and \$4,439 of Transportation Reserves into the Capital Project Fund for the Willow Street Improvements Project. In addition, this item will authorize the transfer of \$4,755, from the Capital Project Fund to the Cultural Services and Facilities Fund for Art in Public Places.

This project will design and construct roadway and urban design improvements along Willow Street between North College Avenue and Linden Street, including a pedestrian plaza at the northern corner of Willow Street and Linden Street. The overall project budget is \$4.3 million, and construction is scheduled to begin in the summer 2019. This project was approved through the Community Capital Improvements Program (CCIP) tax initiative.

5. **Second Reading of Ordinance No. 062, 2019, Amending Chapter 2 of the Code of the City of Fort Collins to Establish Council Expectations Regarding Action by Boards and Commissions and Member Participation. (Adopted)**

This Ordinance, unanimously adopted on First Reading on April 16, 2019, amends City Code to provide guidelines on board or commission member participation that require members not to abstain in items they are participating in; an abstain vote will be treated as a yes vote. Conflict of Interest guidelines continue as they currently exist.

6. **Second Reading of Ordinance No. 063, 2019 Amending the Code of the City of Fort Collins to Direct Mixed Construction and Demolition Materials to the Future Larimer County Construction and Demolition Waste Processing Facility, Upon Its Completion. (Adopted)**

This Ordinance, unanimously adopted on First Reading on April 16, 2019, amends City Code to direct all mixed loads of construction and demolition waste to a future County-owned sorting facility, once that facility is built. Adopting the recommended building code changes would cause Larimer County to begin development of a sorting/recycling facility for construction and demolition waste.

7. **First Reading of Ordinance No. 064, 2019, Appropriating Prior Year Reserves for Natural Areas Programming Not Included in the 2019 Adopted City Budget. (Adopted)**

The purpose of this item is to appropriate \$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.

8. **First Reading of Ordinance No. 065, 2019, Vacating Portions of Hobbit Street Right-of-Way East of Shields Street. (Adopted)**

The purpose of this item is to vacate 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). 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.

9. **Resolution 2019-055 Authorizing the City Manager to Execute an Agreement Between the City of Fort Collins, the East Larimer County Water District, the Fort Collins-Loveland Water District, and the North Weld County Water District Regarding a Study Related to a Temporary Shutdown of the Horsetooth Reservoir Soldier Canyon Outlet. (Adopted)**

The purpose of this item is to execute an intergovernmental agreement between the City of Fort Collins and the Tri-Districts (Fort-Collins Loveland, East Larimer County, and North Weld County water districts) to evaluate alternate water supplies and risk mitigation strategies during an October 2020 planned 45-day shutdown of the Soldier Canyon Dam water supply line from Horsetooth Reservoir to the two drinking water treatment plants serving the City of Fort Collins and surrounding areas.

10. **Resolution 2019-056 Supporting the Grant Application by Fort Collins Utilities for the United States Department of the Interior, Bureau of Reclamation's WaterSMART Grant and Authorizing the City Manager to Execute Agreements Regarding Such a Grant. (Adopted)**

The purpose of this item is to request City Council support to pursue a United States Bureau of Reclamation WaterSMART Grant: Small Scale Water Efficiency Projects for Fiscal Year 2019. If awarded, Fort Collins Utilities, through its Water Conservation Division, would use the funds to support commercial-scale waterwise transformations in partnership with homeowners' associations ("HOAs") and commercial customers. Reclamation requires a resolution of City Council support be submitted as part of the grant application package. The Resolution demonstrates that the applicant has support from its governing board to carry out the grant agreement, if awarded.

11. **Resolution 2019-057 Making Appointments to the Citizen Review Board, the Natural Resources Advisory Board, the Senior Advisory Board and the Women's Commission of the City of Fort Collins. (Withdrawn)**

The purpose of this item is to appoint individuals to fill vacancies that currently exist on the Citizen Review Board, the Natural Resources Advisory Board, the Senior Advisory Board, and the Women's Commission. The vacancy on the Citizen Review Board is due to the election of Julie Pignataro as the Councilmember for District 2 who served on the Commission until being sworn in on April 23, 2019. The vacancy on the Natural Resources Board is due to the resignation of Luke Caldwell. The vacancy on the Senior Advisory Board is due to the resignation of Alan Beatty. The vacancy on the Women's Commission is due to the election of Emily Gorgol as the Councilmember for District 6 who served on the Women's Commission until being sworn in on April 23, 2019.

● **END CONSENT**

● **CONSENT CALENDAR FOLLOW-UP**

Council member Cunniff commented on Item No. 6, *Second Reading of Ordinance No. 063, 2019 Amending the Code of the City of Fort Collins to Direct Mixed Construction and Demolition Materials to the Future Larimer County Construction and Demolition Waste Processing Facility, Upon Its Completion*, stating it will set into motion a series of events that will lead to recycling of a much larger amount of construction materials.

● **STAFF REPORTS**

- A. Community Dashboard Metric: Electric System Average Interruption Duration Index (SAIDI) (staff: Tim MCollough, Neal May)

Kevin Gertig, Utilities Executive Director, stated providing reliable electric service is crucial to Fort Collins' economic health.

Neal May, Senior Electrical Engineer, stated SAIDI (System Average Interruption Duration Index), is a calculation of the total number of outage minutes over a period of time divided by the number of system customers. The indicator provides the average outage length for all customers over a certain period; therefore, lower numbers are better. He discussed average regional SAIDI performance and goals set by the American Public Power Association and stated Fort Collins has been performing below the long-term goal for nearly two years now and is an industry leader in electric system reliability.

May stated the largest cause of outages is equipment failure and discussed the ways in which staff has addressed those failures. He also detailed proactive efforts made to reduce outages.

Councilmember Cunniff commended the proactive efforts of Utilities staff.

Mayor Pro Tem Stephens asked for the phone number for customers to call if they experience a power outage. Lisa Rosintoski, Utilities Customer Connections, replied the best number to call is 212-2900. She also noted all outages are placed on the City's website.

Mayor Troxell asked how a system is defined. May replied this metric looks at all of the Utilities customers; however, other more specific metrics exist.

Mayor Troxell noted a distributed electric system works differently and asked if metrics exist to address that system moving forward. May replied the industry has yet to account for that in reliability numbers; however, Fort Collins Light and Power has been working on creating metrics that include and consider distributed energy resources.

Rosintoski discussed a future automated outage notification system that will utilize the advanced metering system.

B. Community Dashboard Metric: Affordable Housing Inventory (staff: Tyler Marr, Sue Beck-Ferkiss)

Sue Beck-Ferkiss, Social Policy and Housing Program Manager, stated this metric is related to affordable housing inventory and utilizes the affordable housing strategic goals and the pipeline of expected affordable unit production. 2018 was the first year in which the goal of the affordable housing strategic plan was exceeded. The City's overarching goal is to achieve 10% affordable housing by the projected buildout of the city in 2040.

Council member Gorgol asked about the 825-unit gap and what has led to its increase over time. Beck-Ferkiss replied the affordable housing goals were established with the intent to increase the ratio of affordable to all housing inventory by 1% for each plan leading up to buildout. She acknowledged it was a lofty goal and stated additional tools may be necessary to achieve the full amount of the goal.

● **COUNCILMEMBER REPORTS**

Councilmember Summers reported on the Center for Family Outreach, the Northern Colorado National Day of Prayer, the public employee recognition, and the tourism breakfasts events.

Mayor Pro Tem Stephens reported on the La Familia breakfast, the Family Leadership Training Institute panel discussion, and the Mental Health Policy Council meeting.

Mayor Troxell reported on the North I-25 Regional Corridor Coalition and the Tri-District Water meetings. He noted this is the first regular meeting of this Council and discussed the weekend's Council retreat and identification of Council priorities. He reported on the Government Hero for Homeless Families award received from the Family Housing Network.

Councilmember Pignataro reported on the upcoming MAX 5-year anniversary party and homeless solutions forum.

● DISCUSSION ITEMS

12. **Resolution 2019-058 Naming Three Downtown Alleys Within the Block Bounded by South College Avenue, West Oak Street, South Mason Street and West Mountain Avenue and Renaming a Local Street. (Adopted)**

The purpose of this item is to name three downtown alleys that have recently been improved by the Downtown Development Authority. The three alleys are located within the block bounded by South College Avenue, West Oak Street, South Mason Street and West Mountain Avenue. Additionally, staff requests that Pinon Street, a local street, be renamed to West Suniga Road. The proposed alley names are Beardmore Alley, Godinez Alley and Reidhead Alley.

Ted Shepard, Chief Planner, stated this Resolution would name three publicly dedicated alleys and rename a short segment of Pinon Street to West Suniga Road. Shepard detailed the locations of the alleys and stated the three proposed names for the alleys came from the list established for naming arterials and collectors; are Beardmore, Godinez, and Reidhead Alleys. Shepard discussed the contributions of these individuals to the community.

Shepard stated the renaming of Pinon Street will provide consistency with the Suniga Road alignment.

Bob Komives supported the Reidhead Alley naming and stated all three proposed names represent pioneers in the shaping of the downtown area.

Donna Reidhead supported the proposed alley names and discussed the history of Dick Beardmore and Jim Reidhead's contributions to the community.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Resolution 2019-058.

Councilmember Cunniff supported the Resolution and noted the downtown area would not be what it is without the efforts of these three individuals and families.

Councilmember Summers supported the Resolution and commended the contributions of the individuals and families.

Mayor Pro Tem Stephens thanked the families and discussed the visionary leadership of the individuals.

Councilmember Gutowsky commended the families' contributions and the efforts at alley improvements.

Mayor Troxell supported the Resolution and discussed the contributions of the individuals to this community and others.

RESULT:	RESOLUTION 2019-058 ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

13. **Resolution 2019-059 Revising the List of Names for Arterial and Collector Streets. (Adopted)**

The purpose of this item is to update the list of names for arterial and collector streets in accordance with City Code Section 24-91.

Ted Shepard, Chief Planner, stated this item updates the list of names for arterial and collector streets addressing the gender imbalance and increasing the total number of names from 76 to 116.

Brandon Mau discussed his grandmother, June Sullivan, and her contributions to the community in terms of starting the first hospice organization in Fort Collins.

Councilmember Summers thanked Mr. Mau for his comments and asked to ensure her name be placed on the list. Shepard replied staff is aware of Ms. Sullivan's accomplishments and her name was considered with much enthusiasm. Unfortunately, it duplicates an existing street name in another community in the County; therefore, LETA will not allow the name. He suggested other means of recognizing her contributions.

Councilmember Cunniff asked Mr. Mau for an additional comment. Mr. Mau replied his grandmother's maiden name was Silliman and suggested that could possibly be added to the list.

Councilmember Cunniff requested that name be added for consideration.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Pignataro, to adopt Resolution 2019-059.

Mayor Pro Tem Stephens thanked Shepard for the presentation and efforts at gender-balancing the list. She also thanked the Women's Commission for its research.

Councilmember Cunniff suggested the possibility of a process modification to incorporate maiden names to help expand the list.

Councilmember Gorgol thanked Shepard and stated she was on the Women's Commission when it researched additional names for the list.

Mayor Troxell asked if staff has full biographies of all the individuals on the list. Shepard replied in the affirmative and outlined the process for updating the list.

Councilmember Pignataro asked if the list and biographies are available to the public. Karen McWilliams, Historic Preservation Planner, replied it is currently available at the Museum of Discovery or through several published books; however, staff will be attempting to post the information online in the future.

RESULT:	RESOLUTION 2019-059 ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Julie Pignataro
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

● **OTHER BUSINESS**

City Manager Atteberry announced Ted Shepard's retirement and commended his decades of work for the City and profound impact on Fort Collins.

Mayor Troxell discussed some of Shepard's many contributions to the City.

- **ADJOURNMENT**

The meeting adjourned at 8:15 PM.

Mayor

ATTEST:

City Clerk

May 21, 2019

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

● **ROLL CALL**

PRESENT: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff
Staff present: Atteberry, Daggett, Knoll

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry stated Item No. 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*, includes an amended agreement and the Resolution for Item No. 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*, has been amended to add the word “proposed” before “master license agreement”. He noted Item No. 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* updates an existing agreement and adds two corporals to the program.

City Manager Atteberry also stated Item No. 17, *Resolution 2019-065 Making Board and Commission Liaison and Council Committee Assignments and Making Appointments to Various External Boards and Authorities*, includes a revised Resolution and noted staff is encouraging Council to not appoint a City/CSU liaison role at this point pending discussions with the new CSU president.

● **PUBLIC COMMENT**

Alan Braslau stated his property, a local Fort Collins landmark, was recently placed on the National Historic Register. He commended intern Kylie Cole on her report and presentation.

Jeremy (no last name given) congratulated the new Councilmembers and encouraged Council to avoid spraying for mosquitos in the city.

Adam Lovell opposed the use of herbicides in City parks and urged Council to educate itself on the dangers of herbicides and pesticides. He also requested the City put out a pesticide application schedule as it does an herbicide schedule.

Mary Elise congratulated the new Councilmembers and encouraged the formation of a more robust Climate Action Plan and opposed the spraying of pesticides and herbicides in the city.

Thomas Edwards requested the Mayor not use his name prior to him speaking. He stated he recently moved to a gas heated residence but stated the City has mislead the electric ratepayers in all electric units. He asked when the Spring Creek Trail at Riverside will be completed and commented on the dangers of Laurel Street.

Jessica MacMillan, Parks and Recreation Board Chair, welcomed the new Councilmembers and commended the City staff in the Parks and Recreation areas.

● **PUBLIC COMMENT FOLLOW-UP**

Mayor Troxell summarized the citizen comments.

Councilmember Cunniff asked how cars parked in bike lanes, such as those on Laurel Street, are addressed. City Manager Atteberry replied he would discuss that with staff and provide a follow-up memo.

Councilmember Cunniff stated he will be looking into the pesticide concerns and asked if a weekly pesticide schedule could be provided to the public. City Manager Atteberry replied that information is well tracked and could likely be provided to the public. He noted Mike Calhoon and his staff are attempting to reduce the use of herbicides and pesticides and he could provide a report for Council. He also stated Council will be receiving a reminder on the City's West Nile policy and practices this week.

● **CONSENT CALENDAR**

Mayor Troxell noted Item Nos. 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*, and 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*, are public hearings.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gutowsky to adopt and approve all items on the Consent Agenda as amended in the packet.

RESULT:	CONSENT CALENDAR ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Susan Gutowsky, Councilmember
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

1. **Second Reading of Ordinance No. 064, 2019, Appropriating Prior Year Reserves for Natural Areas Programming Not Included in the 2019 Adopted City Budget. (Adopted)**

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. (Adopted)**

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. (Adopted)**

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. (Adopted)**

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. (Adopted)**

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. (Adopted)**

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. (Adopted)**

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. (Adopted)**

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. (Adopted)**

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 (Adopted)**

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. (Adopted)**

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. (Adopted)**

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. (Adopted)**

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. (Adopted)**

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**

- **STAFF REPORTS**

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

Police Chief Swoboda provided a brief overview of the School Resource Officer (SRO) program.

Sergeant Laura Lunsford stated there are currently 11 SROs and one sergeant covering 38 schools and 25,000 students. The three goals of the program are to provide a safe learning environment, have school/law enforcement collaboration, and improve relationships between students, staff and law enforcement. SROs serve teacher and informal counselor roles as well as the law enforcement role.

Lunsford detailed active shooter training for officers and discussed the training provided to school staff. Two Corporal positions will be added in the 2019-2020 school year.

Councilmember Summers asked how the school training program has been developed. Lunsford replied the standard response protocol is currently being used; it teaches “run, hide, fight”.

Mayor Pro Tem Stephens commended the work of the program.

Councilmember Gorgol thanked Lunsford for her work and commended involving students. She asked if other similarly sized districts have more staff available for this program. Lunsford replied it varies from area to area, but Fort Collins is on par with most other communities.

Councilmember Gutowsky expressed appreciation for the relationships being formed as a result of the program. She noted those relationships carry into the community as children grow older.

Councilmember Cunniff requested additional information regarding the non-law enforcement roles of the SROs. Lunsford replied a strong match between the schools and the SRO is desired during SRO placement and strong relationships are formed.

Mayor Troxell commended the presentation and program.

- **COUNCILMEMBER REPORTS**

Councilmember Summers reported on the Lesher Bike to School Day and a day he spent teaching at Fort Collins High School.

Mayor Pro Tem Stephens reported on the Women's Commission breakfast for board and commission members. She also reported on the Northern Colorado Law Enforcement Training Center groundbreaking and the five-year MAX anniversary.

Councilmember Pignataro reported on the MAX anniversary, City Works 101 graduation, and Water Literate Leaders of Northern Colorado class.

Councilmember Gutowsky reported on the five-year MAX anniversary, Homeless Forum, and Community Equity Consortium.

Mayor Troxell reported on the Kids in the Park day at Twin Silo Park, the CM Cares presentations as part of CSU's construction management program, and the recognition of the City by Housing Catalyst at the opening of the Village on Horsetooth.

- **DISCUSSION ITEMS**

15. **Resolution 2019-066 Adopting of FoCo Creates Arts and Culture Master Plan. (Adopted as Amended)**

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.

Kelly DiMartino, Senior Assistant City Manager, discussed the new FoCo Creates Arts and Culture Master Plan, stating it is a ten-year plan for the city's arts, culture, and creative sectors.

Jim McDonald, Cultural Services Director, stated this plan provides policy and implementation recommendations. He discussed the process of the plan formation and its vision statement which focuses on equity and inclusivity, diversity of cultural offerings, comprehensive cultural efforts, and experience with the arts throughout the daily lives of citizens.

Brian Hughes, Open Stage Theatre and Fort Collins Performing Arts Consortium, supported adoption of the Master Plan.

Cynthia Eichler, Visit Fort Collins, supported adoption of the Master Plan.

Peggy Lyle, Downtown Fort Collins Creative District, supported adoption of the Master Plan.

Mary Kopco, Fort Collins Symphony, supported adoption of the Master Plan.

Kit Baker supported adoption of the Master Plan and the hiring of a new Community Programs Manager.

Councilmember Summers commended McDonald on his work on the Plan.

Councilmember Pignataro commended the work on the Plan and asked if hiring the Creative Director position is part of this Plan. McDonald replied that is a recommendation within the Plan but is not part of the adoption of the Plan, which includes no financial ties as it is only policy.

Councilmember Gutowsky commended the Plan.

Councilmember Cunniff commended the community members on their participation in the process and stated he supports most of the Plan. He expressed concern about including a specific mention of using sales tax as a source of ongoing funding and suggested language replacing “incentivize” with “partner with”. He also requested an additional language change related to identifying opportunities rather than barriers.

Councilmembers discussed the wording changes.

McDonald discussed the proposed language changes noting the overall goal is enhancement and the elimination of barriers to culture and the arts.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Resolution 2019-066, as amended to include Councilmember Cunniff’s suggestions.

Mayor Pro Tem Stephens supported the proposed language changes and commended the Plan.

Councilmember Cunniff thanked Council for considering his changes and commended the Plan’s framework.

Mayor Troxell commended the Plan and stated he would support its adoption enthusiastically.

City Attorney Daggett reviewed the proposed language changes.

RESULT:	RESOLUTION 2019-066 ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

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. (Adopted on First Reading)**

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.

Chad Crager, City Engineer, stated this item is a request for appropriation for the next phase of the Vine/Lemay realignment project, which is the number one transportation capital improvement project for the City. This appropriation will allow the project to be completed more quickly and at an overall lower cost.

Tim Kemp, Engineering Capital Projects Program Manager, stated this is an appropriation of \$9.1 million of transportation capital expansion fee reserves which have previously been collected through development impact fees and must be spent on transportation improvements that add capacity to the network. Kemp showed photos of the area and discussed the issues with train

blockages and associated traffic delays. He noted these delays have a negative impact on mobility, air quality, and historic character of the area communities.

Kemp detailed the proposed project and phasing plan, noting this appropriation will allow the project to be completed one year sooner and completing another portion of the work at today's dollars would be a benefit. The Council Finance Committee considered this item and supported it being brought before the full Council for consideration.

Mayor Pro Tem Stephens asked how the design is being sensitive to the historic neighborhoods, particularly the bridge aspect. Kemp replied early public outreach efforts have shown residents would like a softer heavily planted side slope and stated ongoing conversations will be occurring with residents.

Mayor Pro Tem Stephens requested staff provide simulations from neighboring properties for those owners.

Councilmember Pignataro commended the idea of the project getting done earlier at a lower cost.

Councilmember Cunniff asked about the estimate of cost savings. Crager replied it is about three to five percent, depending on the year the final funding becomes available.

Councilmember Cunniff suggested acoustic modeling of the train horns with this structure in place.

Mayor Troxell asked if the grade separation would eliminate the need for the train horn altogether. Kemp replied that while the grade separation would be new, the existing Vine/Lemay intersection would be open necessitating a train horn at that crossing. He stated there is a possibility of implementing a quiet zone in the area.

Mayor Troxell asked what is envisioned at the Suniga intersections. Kemp replied the intersection at realigned Lemay and Suniga would be the new major intersection replacing the existing Vine and Lemay and Suniga will intersect with old Lemay as part of a potential new development project.

Councilmember Cunniff asked about restricting truck traffic on the old Lemay. City Manager Atteberry replied it will be a local street and any necessary measures will be taken to ensure that occurs. Joe Olson, City Traffic Engineer, replied local streets discourage truck traffic and it will be designed as such.

Councilmember Gorgol asked about the main concerns heard from neighbors. Kemp replied most individuals are just curious about the completion of the project and design of 9th Street.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Pignataro, to adopt Ordinance No. 074, 2019, on First Reading.

Councilmember Cunniff stated he would support this as it is a good use of the capital expansion fee.

Mayor Troxell stated he would support the motion and commended Mayor Pro Tem Stephens' idea about providing simulated perspectives for neighboring properties.

City Manager Atteberry committed that staff will continue to report back to Council on project financing as well as community outreach.

Councilmember Gutowsky asked about the timeline for the completion of Sugar Beet Park versus the completion of the roadway. Crager replied the park will be completed prior to the realigned Lemay project.

City Manger Atteberry stated the soonest the Lemay project would be funded, unless Council opted for a process outside the normal budgeting process, would be in the 2021-2022 budget.

RESULT:	ORDINANCE NO. 074, 2019 ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Julie Pignataro
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

17. **Resolution 2019-065 Making Board and Commission Liaison and Council Committee Assignments and Making Appointments to Various External Boards and Authorities. (Adopted)**

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.

Councilmember Cunniff suggested he and Councilmember Summers be appointed to the CML Policy Committee.

Councilmember Pignataro suggested Councilmember Gorgol be the new Women's Commission liaison.

Councilmember Gorgol stated she would be interested in being the liaison for either the Poudre Heritage Alliance or Poudre Fire Authority.

Councilmember Summers stated he would like to remain on the Poudre Fire Authority Board but would be willing to give up other liaison roles.

Councilmember Pignataro stated she would give her Poudre School District liaison role to Councilmember Gorgol.

Mayor Pro Tem Stephens suggested Councilmember Gorgol could be an alternate for the Larimer County Behavioral Health Policy Council.

City Attorney Daggett reviewed the assignments as discussed.

Mayor Pro Tem Stephens offered Councilmember Gorgol the Human Relations Commission liaison role.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Resolution 2019-065 as amended.

RESULT:	RESOLUTION 2019-065 ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

● **OTHER BUSINESS**

Councilmember Cunniff requested and received Council support to begin further dialogue around community comment with respect to zoning change requests and development review. He would like an understanding of cities that allow citizen feedback via email or other means compared to how many cases have been successfully litigated and overturned.

City Attorney Daggett stated there may not be enough of a body of case law to provide much of a pattern; however, staff can research the issue and return to Council with that information.

Councilmember Pignataro requested information about public outreach related to avoiding mosquito breeding areas as part of the mosquito spraying memo.

A. Consideration of a motion to go into executive session.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gutowsky, 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Susan Gutowsky, Councilmember
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

18. **Possible Motion Directing the City Attorney on Next Steps Related to Litigation Regarding the City’s Public Nudity Ordinance. (Adopted)**

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.

Rich Stave discussed the U.S. and State constitutions and citizen values addressing freedom, liberty, fairness, openness, equality, choice, alignment, quality of life, creativity, safety, business, discrimination, accuracy, and retribution. He discussed public nudity related to these factors.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to direct the City Attorney to negotiate with the plaintiff's attorneys in the case of FTN versus City of Fort Collins in order to pursue potential settlement of the matter and report back to Council on the outcome of those negotiations while continuing to take such steps as the City Attorney determines are necessary to preserve the City's ability to appeal the United States 10th Circuit Court of Appeals decision in this case to the United States Supreme Court.

Mayor Troxell stated he would oppose the motion as previous Councils have taken a stand in good faith regarding the ordinance that was adopted. He stated he would prefer the U.S. Supreme Court review.

Councilmember Cunniff stated he would support the motion as there are other options available to protect the public interest.

Mayor Pro Tem Stephens stated it is not in the interest of the City to continue with this litigation.

Councilmember Gutowsky stated she would oppose the motion stating it is in the City's best interest to protect the original ordinance.

Councilmember Summers stated he would oppose the motion and concurred with Councilmember Gutowsky. He stated this is no longer just a Fort Collins issue and stated the ruling of the 10th Circuit Court is an anomaly from other District Courts around the country.

Councilmember Gorgol stated she would support the motion as this is an equality issue.

Councilmember Pignataro stated she would support the motion.

RESULT:	ADOPTED [4 TO 3]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Stephens, Cunniff
NAYS:	Gutowsky, Summers, Troxell

- **ADJOURNMENT**

The meeting adjourned at 9:54 PM.

Mayor

ATTEST:

City Clerk