

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 July 2, 2019 (amended 6/28/19)

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 July 2, 2019, as Tom Gleason Day.
- B. Proclamation Declaring July as Gallegos Sanitation 60th Anniversary and Caring for the Earth Month.

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 June 4, 2019 Regular Council Meeting.

The purpose of this item is to consider and approve the minutes from the June 4, 2019 regular Council meeting.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on June 4, 2019, appropriates 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.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on June 4, 2019, adopts 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.

4. Second 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. In connection with development of real property adjacent to the Airport, the City of Loveland wishes to extend Rockwell Avenue from its current terminus over and across a portion of the jointly owned Airport property, requiring dedication of approximately 1.3 acres for right-of-way purposes. The cost of constructing approximately 700 feet of the anticipated future extension will be borne by the developer of the adjacent property, with no financial contribution by the Airport.

5. Items Relating to Regulating Electric Scooters.

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

These Ordinances, unanimously adopted on First Reading on June 4, 2019, 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.

6. First Reading of Ordinance No. 084, 2019, Appropriating Unanticipated Grant Revenues From Bloomberg Philanthropies and Authorizing Transfers of Appropriations in the Light and Power Fund for Residential Efficiency Project Loans.

The purpose of this item is to appropriate \$193,650 of \$682,000 in grant award revenues from Bloomberg Philanthropies, as part of the Bloomberg Mayor's Challenge, into the Fort Collins Utilities Light and Power fund and Economic Health Office for the purposes of ongoing project management and operations of Epic Homes and a sub-grant to Colorado State University for indoor air quality research. The remaining \$488,350 of the 2019 balance of funds will be appropriated for Epic Loan capital in alignment with pending third-party capital agreements.

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

- 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.

8. Items Related to Sales Tax Code Updates.

- A. First Reading of Ordinance No. 085, 2019, Amending Article XVIII of Chapter 15 of the Code of the City of Fort Collins Relating to Short-Term Rental Licenses.
- B. First Reading of Ordinance No. 086, 2019, Amending Article II of Chapter 25 of the Code of the City of Fort Collins Relating to the City's Tax Rebate Programs.
- C. First Reading of Ordinance No. 087, 2019, Amending Article III of Chapter 25 of the Code of the City of Fort Collins Relating to the Imposition, Collection, and Enforcement of the City's Sales and Use Taxes.

The purpose of this item is to amend City Code sections in Chapter 15 and 25 to provide clarification for definitions and the application of various sections of the Code.

9. First Reading of Ordinance No. 088, 2019, Designating the Maneval/Mason/Sauer Property, 100 1st 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 2019-064.

The purpose of this item is to consider the request for landmark designation of the Maneval/Mason/Sauer Property, 100 1st Street. This is a voluntary designation at the property owner's request. The Landmark Preservation Commission unanimously recommends approving this landmark designation.

10. Resolution 2019-075 Approving the 2019 Certification to the Larimer County Assessor Pursuant to Colorado Revised Statutes Section 31-25-807(3)(a)(IV)(B) for the Downtown Development Authority Property Tax Increment.

The purpose of this item is to certify to the Larimer County Assessor the percentages of property tax distributions that are to be allocated for the Downtown Development Authority by the Assessor as tax increment from the 2019 property taxes payable in 2020 to the City and to all other affected taxing entities.

END CONSENT

● **CONSENT CALENDAR FOLLOW-UP**

This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.

● **STAFF REPORTS**

● **COUNCILMEMBER REPORTS**

● **CONSIDERATION OF COUNCIL-PULLED CONSENT ITEMS**

Discussion Items

The method of debate for discussion items is as follows:

- Mayor introduces the item number, and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests citizen comment on the item (three minute limit for each citizen)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all citizens have an opportunity to speak. **Please sign in at the table in the back of the room.** The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

11. Consideration of an Appeal of the Planning and Zoning Board Decision Regarding the Sunshine House at Bucking Horse Major Amendment (MJA#190001). (staff: Tom Leeson; 10 minute staff presentation; 2 hour discussion)

The purpose of this item is to consider an appeal of the Planning and Zoning Board Decision on April 18, 2019, approving the Sunshine House at Bucking Horse Major Amendment, MJA#190001. The appeal was filed on May 2, 2019.

The appellant has raised the following issues on appeal:

- A. Whether the Planning and Zoning Board failed to conduct a fair hearing because it:
1. Considered evidence relevant to its findings that was substantially false or grossly misleading;
 2. Improperly failed to receive all relevant evidence offered by the appellant; and/or
 3. Was biased against the appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with the Board's independence of judgment.
- B. Whether the Planning and Zoning Board failed to properly interpret and apply relevant provisions of the City Code, Land Use Code, and Charter, including the following Code sections:
1. City Code Section 10-81-Specific standards for Poudre River five-hundred-year floodplain and zone x shaded areas;
 2. Land Use Code Sections 1.2.2(M) – Purpose, and 5.1.2 - Definitions; and
 3. Land Use Code Section 4.2.B(3)(c)1 - Urban Estate Zone District Permitted Uses, 1.2.2(M) – Purpose, and 5.1.2 – Definitions.

12. Resolution 2019-076 Adopting the 2019-2021 City Council Priorities. (staff: Tyler Marr; 5 minute staff presentation; 20 minute discussion)

The purpose of this item is to consider formal adoption of City Council's priorities for 2019-2021.

13. Items Relating to Delivery of Telecommunication Services by Fort Collins Connexion. (staff: Colman Keane; 10 minute staff presentation; 20 minute discussion)

- A. First Reading of Ordinance No. 089, 2019, Amending Chapter 26 of the Code of the City of Fort Collins to Further Authorize and Implement the City's Provision of Telecommunication Facilities and Services as Provided in City Charter Article XII, Section 7.

- B. First Reading of Ordinance No. 091, 2019, Authorizing the Purchasing Agent to Enter into Licensing Contracts with a Term Length in Excess of Five Years for the Acquisition of Video Content Rights in Furtherance of Fort Collins Connexion's Delivery of Telecommunication Services.

The purpose of Ordinance No. 089, 2019, is to adopt a variety of revisions, clarifications and additions to City Code Chapter 26 pertaining to Utility Services to accommodate telecommunication services. These revisions include:

1. Creation of basic authority and an operational framework for the provision of telecommunication facilities and services (broadband) (new Article VIII of Chapter 26).
2. Amendments to add the "telecommunication services division" (broadband or Connexion) as a division of the electric utility, and a part of the existing electric utility enterprise (as authorized by Section 7, Article XII of the City Charter) and to separate administration and supervision of the telecommunication services division under the direction of the City Manager from that of the electric utility under the direction of the Utilities Executive Director.
3. Amendments to customer billing and collection provisions to address the existence and treatment of the telecommunication services division.

Ordinance No. 091, 2019, will approve long-term licensing agreements with a term of up to seven years for video content to be delivered to Connexion's subscribers. City Code Section 8-186(a) limits the term of contracts for services to a total of five years unless authorized by Council by ordinance.

- 14. 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; no staff presentation; 5 minute discussion)
 - A. Second Reading of Ordinance No. 080, 2019, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund.
 - B. Second Reading of Ordinance No. 081, 2019, Appropriating Unanticipated Revenue in the HOME Investment Partnerships Fund.

Ordinance No. 080, 2019, appropriates the City's FY2019 Community Development Block Grant (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). Both Ordinances were adopted on First Reading on June 4, 2019 by a vote of 5-0 (Gorgol recused; Troxell absent).

- 15. First Reading of Ordinance No. 090, 2019, Appropriating Unanticipated Grant Revenue in the General Fund for Updating Policies, Codes and Regulations Affecting the Quality and Quantity of Affordable Housing in Fort Collins. (staff: Meaghan Overton; no staff presentation; 5 minute discussion)

The purpose of this item is to appropriate unanticipated grant revenue awarded by the Colorado Department of Public Health and Environment (CDPHE) through its Health Disparities Grant Program (HDGP) to implement critical updates to policies, codes and regulations affecting the quality and quantity of affordable housing with a specific lens on reducing health inequities in Fort Collins. This housing affordability and health equity project will use CDPHE grant funds in the amount of \$795,657 in reimbursable grant funding over a two-year grant cycle (State Fiscal Year 2020-2021).

- **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. Discussion and possible request for a proposed Resolution on July 16 by which Council may initiate the zoning process on the former Hughes Stadium property.

- **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.



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Electric Utility Enterprise Board Meeting July 2, 2019

(after the Regular Council Meeting, which begins at 6:00 p.m.)

- **CALL MEETING TO ORDER**

1. First Reading of Ordinance No. 006, Authorizing Long-Term License Contracts for the Acquisition of Video Content Rights in Furtherance of Fort Collins Connexion's Delivery of Telecommunication Services. (staff: Colman Keane; 5 minute staff presentation; 10 minute discussion)

This purpose of this item is to approve long-term license contracts for rights to deliver cable or other subscriber video content, programming, and streaming services from local channels, individual channels and channel families, and video content aggregators for the telecommunication services division ("Fort Collins Connexion" or "Connexion") to be offered to subscribers purchasing video services. Such video content is only available from certain providers under terms and conditions set forth in their standard form contracts, which in many cases may require long-term contracts. The Electric Utility Enterprise is authorized by state law, City Charter Article XII Section 7(b) and City Code Section 26-392 and Section 26-398 (being amended to appear at Section 26-572) to enter into long-term license contracts payable solely from the revenues of Fort Collins Connexion, as a division of the Electric Utility Enterprise.

- **OTHER BUSINESS**

- **ADJOURNMENT**

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