

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 September 17, 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 Recognizing North Forty News, our Independently Owned Weekly Local Newspaper.
- B. Proclamation Recognizing a Year-Long Celebration of the 150th Birthday of Colorado State University.
- C. Proclamation Declaring September 17-23 as Constitution Week.
- D. Proclamation Declaring September 2019 to be National Senior Center Month.
- E. Proclamation Declaring September 23-29, 2019 as Diaper Need Awareness Week.
- F. Proclamation Recognizing the 50th Anniversary of the Poudre High School Football Championship.

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 August 20, 2019 Regular Council Meeting and the August 27, 2019 Adjourned Council Meeting.

The purpose of this item is to approve the minutes from the August 20, 2019 Regular Council Meeting and the August 27, 2019 Adjourned Council Meeting.

2. Second Reading of Ordinance No. 109, 2019 Appropriating Prior Year Reserves in the General Fund for the Waste Innovation Program.

This Ordinance, unanimously adopted on First Reading on September 3, 2019, moves \$51,275 accumulated during 2018 in the Waste Innovation Fund account into the City's General Fund account for approved projects to develop new organizational processes that enable departments to divert more waste material from landfill disposal.

3. Second Reading of Ordinance No. 110, 2019, Increasing the Current Loan Fund Available for the Epic Loan Program and Appropriating Funds for the Program from Reserves in the Light and Power Fund.

This Ordinance, unanimously adopted on First Reading on September 3, 2019 increases from \$1.6 million to \$2,488,350 the revolving loan fund available in the Utilities' Light and Power Fund to provide loans to Utilities' customers under the Epic Loan Program (Program) and to appropriate these funds for the Program. This increase in the loan fund is the result of the City recently receiving for the Program a grant of \$200,000 from the Colorado Energy Office and a grant of \$688,350 from Bloomberg Philanthropies. The Program, formerly known as the On-Bill Utility Financing Program, provides low-cost financing to Utilities' customers for energy efficiency, water efficiency, and renewable energy improvements.

The Ordinance also provides that this loan fund will increase by three proposed future borrowings by the City's Electric Utility Enterprise from third-party lenders as these borrowings are approved by the Board of the Enterprise. These borrowings are: (i) up to a \$1 million loan from the Colorado Energy Office, (ii) up to a \$2.5 million loan from U. S. Bank (to be considered by the Board of the Enterprise on Second Reading at this September 17 meeting), and (iii) up to a \$1.5 million loan from either the Colorado Clean Energy Fund or a bank partnering with it (Enterprise Borrowings). If the Enterprise Borrowings are approved by the Enterprise Board, the revolving loan fund for the Program will be increased under the Ordinance to \$7,488,350.

4. Second Reading of Ordinance No. 111, 2019, Amending Section 17-142 of the Code of the City of Fort Collins Regarding Public Nudity.

This Ordinance, unanimously adopted on First Reading on September 3, 2019, amends the public nudity City Code provisions to make them consistent with the permanent injunction issued by the United States District Court and agreed to by the City.

In response to Council questions during First Reading about the definition of "public place" in Section 17-142(a)(3), staff has made changes to the Ordinance on Second Reading to clarify the exception for protected activities, to ensure it is clear and includes those activities that would be protected, and to move the exception into Section 17-142(b) with the other exceptions to the prohibition on public nudity. The Ordinance was published on the City website on Tuesday, September 10.

5. First Reading of Ordinance No. 112, 2019, Appropriating Prior Year Reserves in the Data and Communications Fund for Implementation of Electronic Plan Review.

The purpose of this item is to appropriate funds from the reserves of the Data and Communications Fund for implementation of electronic plan review as part of the building permit process.

6. First Reading of Ordinance No. 113, 2019, Amending the City of Fort Collins District-Precinct Map to Reflect Changes in County Precinct Boundaries and Waiving the Redistricting Requirement of Section 7-87(d) of the City Code.

The purpose of this item is to align City precinct boundaries with County precinct boundaries as required by Section 7-66 of the City Code. **None of the divided precincts affect Council district boundaries.**

7. First Reading of Ordinance No. 114, 2019, Vacating Portions of Rights-of-Way Dedicated on the Waterfield Third Filing Plat.

The purpose of this item is to vacate various rights-of-way dedicated on the Waterfield Third Filing plat that are no longer necessary or desirable to retain for roadway purposes. The rights-of-way vacation includes various public road rights-of-way within the Waterfield development. The property is being sold to a new developer who is proposing a revised project layout. The existing on-site road rights-of-way need to be vacated prior to recording the new plat. The vacation will not impact any existing rights-of-way of adjacent public streets (North Timberline Road, East Vine Drive, East Suniga Road, Merganser Drive (south of Suniga Road), Turnberry Road or Conifer Street). The property is currently proposed to be replatted as Waterfield Fourth Filing.

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. Long-Term Homelessness Entries and Exits (staff: Beth Sowder; Holly LeMasurier, Director of Homeward 2020)

- **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.

8. Resolution 2019-092 Approving the Northfield Metro District Nos. 1 through 3 Consolidated Service Plan. (staff: Josh Birks; 10 minute staff presentation; 45 minute discussion)

The purpose of this item is for City Council to consider approval of the Northfield Metropolitan District Nos. 1 through 3 Consolidated Service Plan (the "Service Plan"). The developer of the proposed Northfield Development has submitted the Service Plan to support the proposed development of approximately 56 acres located north of Vine Street on the west side of Lindenmeier Road/Lemay Avenue (southeast of the Lake Canal and north of the to-be designated historic Alta Vista neighborhood). The development is anticipated to include 442 residential units and a mixed-use center that will offer light commercial use on the first floor, residential for-rent units on the second floor, and small amenities open to the public. The project has committed to provide approximately 15 percent for-sale affordable housing units. A Mill Levy Cap of 50.00 mills has been proposed under the Service Plan to support the project.

As per the Council's Metro District Policy, proceedings for a public hearing for a Metro District Service Plan public hearing are as follows:

1. Announcement of item
2. Consideration of any procedural issues
3. Explanation of the application by City staff
4. Presentation by the applicant (suggested time: 15 minutes)
5. Public testimony regarding the application

6. Rebuttal testimony by the applicant (suggested time: 10 minutes)
7. Councilmember questions of City staff and the applicant
8. Motion, discussion and vote by City Council.

The public hearing for this Service Plan was previously noticed in accordance with Council's Metro District Policy to be conducted at Council's August 20, 2019, meeting. However, Council voted at that meeting, as authorized in Section 2.c. of the Council's Rules of Procedure, to continue this matter to the Council's next regular meeting, which is this September 3, 2019, meeting. The applicant mailed on August 22, 2019, notice of this continuance to the fee-title owners of property within the proposed Districts and published this notice in the *Coloradoan* on August 24, 2019.

At its September 3, 2019 meeting, the Council adopted a motion to again continue the hearing, rescheduling the hearing for this September 17, 2019 meeting.

- **CONSIDERATION OF CITIZEN-PULLED CONSENT ITEMS**

- **OTHER BUSINESS**

- A. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers

(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

- **ADJOURNMENT**

- A. Consideration of a motion to adjourn to 6:00 p.m., Tuesday, September 24, 2019.

"I move that Council adjourn this meeting to 6:00 p.m., on Tuesday, September 24, for consideration of a possible executive session and for such other business as may come before the Council."

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 September 17, 2019 after the Regular Council Meeting, which begins at 6:00 p.m.

• CALL MEETING TO ORDER

1. Consideration and Approval of the Minutes of the September 3, 2019 Electric Utility Enterprise Board Meeting.

The purpose of this item is to approve the minutes from the September 3, 2019 Electric Utility Enterprise Board meeting.

2. Second Reading of Ordinance No. 007, Authorizing a Loan Agreement with U.S. Bank National Association to Provide Funding for the Epic Loan Program. (staff: Travis Storin, Sean Carpenter; no staff presentation; 5 minute discussion)

This Ordinance, unanimously adopted on First Reading on September 3, 2019 authorizes the Enterprise to borrow up to \$2.5 million under a line of credit, from U. S. Bank (Bank) as additional funding for the On-Bill Utility Financing Program. In 2012, the City Council established by ordinance the On-Bill Utility Financing Program, which is now known as the Epic Loan Program (Program). The Program was established then and has been operated since to assist customers of Fort Collins Utilities (Utilities) in financing home energy efficiency, water efficiency and renewable energy improvements by making loans to customers who are property owners (Epic Loans). Funds for these Epic Loans have come from reserves in the Light and Power and Water funds (\$1.6 million). The City has also recently been awarded grants for the Program from the Colorado Energy Office (\$200,000) and from Bloomberg Philanthropies (\$688,350). At the September 17, 2019 Council meeting Second Reading of an Ordinance authorizing an increase for the current loan balance available for the Program reflecting these funds and proposed borrowings will be considered.

City staff proposes that the Electric Utility Enterprise (Enterprise) borrow additional capital for the Program from three different third-party lenders. This Ordinance authorizes the first of these borrowings. Pending outside partner approval of the timeline, the other two borrowings will be brought forward for consideration by the Electric Utility Enterprise Board on November 19, 2019 for First Reading and December 3, 2019 for Second Reading.

- **OTHER BUSINESS**
- **ADJOURNMENT**



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City Council Work Session September 17, 2019 After the Electric Utility Enterprise Board Meeting

- **CALL TO ORDER.**

1. Oil and Gas Operations - Overview and Options. (staff: Cassie Archuleta, Jeff Mihelich, Kelly Smith; 20 minute staff presentation; 45 minute discussion)

The purpose of this item is to describe staff's current actions managing impacts of oil and gas development in City limits, describe the land use authority granted by new state legislation (Senate Bill 19-181), and discuss potential regulatory options.

2. Downtown Stormwater Improvement Plan. (staff: Matt Fater, Theresa Connor; 15 minute staff presentation; 30 minute discussion)

The purpose of this item is to update City Council on future stormwater improvements in the downtown area. The downtown area is vulnerable to flood risk and pollution from stormwater runoff. The area was constructed over a century ago prior to design standards and criteria for stormwater management. As a result, there's a lack of infrastructure to manage both stormwater quality and flood risks.

The Downtown Stormwater Improvement Plan (DISP) is a system of stormwater improvements planned to address the stormwater quality and flood risks in the downtown area. The improvements include a combination of storm sewer and water quality enhancements to be implemented over the next 12-15 years. The specific projects in the plan will be recommended in future budget cycles for Council's consideration.

- **OTHER BUSINESS.**

- **ADJOURNMENT.**