

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 November 5, 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.

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Proclamations and Presentations 5:15 p.m.

- A. Proclamation Declaring November 2019 as Native American Month.
- B. Proclamation Declaring November 16-24, 2019, as Hunger and Homelessness Awareness Week.
- C. Proclamation Declaring November 2019 as Transgender Acceptance Month.
- D. Proclamation Declaring November 30, 2019, as Small Business Saturday.
- E. Proclamation Declaring November 4-10, 2019, as Drone Safety Awareness Week.
- F. Proclamation Declaring November 4-8, 2019, as Law Enforcement Records and Evidence Personnel Week.

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 October 1, 2019 Regular Council Meeting and the October 8, 2019 Adjourned Council Meeting.

The purpose of this item is to approve the minutes from the October 1, 2019 regular Council meeting and the October 8, 2019 adjourned Council meeting.

2. Second Reading of Ordinance No. 121, 2019, Adopting the 2020 Budget and Appropriating the Fort Collins Share of the 2020 Fiscal Year Operating and Capital Improvements Funds for the Northern Colorado Regional Airport.

This Ordinance, unanimously adopted on First Reading on October 15, 2019, adopts the 2020 budget for the Northern Colorado Regional Airport and appropriate Fort Collins' share of the 2020 fiscal year operating and capital funds for the Airport. The City's 50% share of the 2020 Airport operating budget is \$646,445 and 50% share of the 2020 capital budget is \$740,500, for a total City appropriation of \$1,386,945.

3. Second Reading of Ordinance No. 122, 2019, Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority Relating to the Annual Appropriations for the Fiscal Year 2020 and Fixing Mill Levy for the Downtown Development Authority for Fiscal Year 2020.

This Ordinance, unanimously adopted on First Reading on October 15, 2019, sets the 2020 Downtown Development Authority (DDA) Budget.

The following amounts will be appropriated:

| | |
|---|-------------|
| DDA Public/Private Investments and Programs | \$3,918,409 |
| DDA Operations & Maintenance | \$ 959,165 |
| Revolving Line of Credit Draws | \$6,400,000 |
| DDA Debt Service Fund | \$8,256,548 |

The Ordinance sets the 2020 mill levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2020.

4. Second Reading of Ordinance No. 123, 2019, Making Appropriations and Authorizing Transfers of Appropriations for the Spring Creek Sanitary Trunk Sewer Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on October 15, 2019, appropriates \$656,500 from the Wastewater Fund cash reserves to replace a section of sewer main that is at risk of imminent failure. On July 14, 2019, a section of the Spring Creek Trunk Sewer, located between Stover and Ukiah Lane, collapsed and needed an emergency repair on a 20-foot section of the pipeline. Subsequent televising of the rest of the 500-foot section of pipeline has found that it is structurally compromised and should be replaced. In addition, significant longitudinal cracks were found in the 100-foot section of pipe just downstream. This section of pipe is the original 24-inch clay. Staff is recommending lining this section of pipe at the same time. This appropriation will allow for these sections of pipe to be replaced this winter rather than through the next budget cycle in 2021.

5. Second Reading of Ordinance No. 124, 2019, Amending Chapter 26 of the Code of the City of Fort Collins Related to Water, Wastewater and Electric Rates, Fees, and Charges Applied Under an Income-Qualified Assistance Program.

This Ordinance, unanimously adopted on First Reading on October 15, 2019, amends Section 26-724 of City Code, Chapter 26, pertaining to Utility Services to provide inclusivity for low-income customers, focusing on qualification criteria and program descriptions.

6. Items Relating to 2020 Utility Rates.

- A. Second Reading of Ordinance No. 125, 2019, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges.
- B. Second Reading of Ordinance No. 126, 2019 Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees and Charges.
- C. Second Reading of Ordinance No. 127, 2019 Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees and Charges.
- D. Second Reading of Ordinance No. 128, 2019 Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees and Charges.

These Ordinances, unanimously adopted on First Reading on October 15, 2019, adjust monthly charges for electric, water, wastewater, and storm water services in 2020. The revenue requirements to support the 2020 budget will require increasing monthly charges for electric service by 5.0% and stormwater service by 2.0%. While there is no overall percentage increase planned for the Water or Wastewater Funds, there are minor rate class adjustments proposed based on recent cost-of-service model updates. Upon adoption, these rates would be effective January 1, 2020.

7. Second Reading of Ordinance No. 129, 2019, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2020; Amending the Budget for the Fiscal Year Beginning January 1, 2020 and Ending December 31, 2020; and Fixing the Mill Levy for Property Taxes Payable in 2020.

This Ordinance, unanimously adopted on First Reading on October 15, 2019, amends the adopted 2020 Budget and sets the amount of \$632,403,387 to be appropriated for fiscal year 2020. This appropriated amount does not include what is also being appropriated by separate Council/Board of Director actions to adopt the 2020 budgets for the General Improvement District (GID) No. 1 of \$352,000, the 2020 budget for GID No. 15 (Skyview) of \$1,000, the Urban Renewal Authority (URA) 2020 budget of \$5,952,249 and the Downtown Development Authority 2020 budget of \$19,534,122. The sum of these ordinances results in City-related total appropriations of \$658,242,758 in 2020. This Ordinance also sets the 2020 City mill levy at 9.797 mills, unchanged since 1991.

8. Items Relating to the 2019 Fee Update.

- A. First Reading of Ordinance No. 130, 2019, Amending Chapter 7.5 of the Code of the City of Fort Collins to Implement the Phase III Increases for the Capital Expansion Fees and Increase for Inflation the Capital Expansion Fees and the Transportation Expansion Fee.
- B. First Reading of Ordinance No. 131, 2019, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections.
- C. First Reading of Ordinance No. 132, 2019, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Sewer Plant Investment Fees.
- D. First Reading of Ordinance No. 133, 2019, Amending Chapter 26 of the Code of the City of Fort Collins to Revise the Stormwater Plant Investment Fees.
- E. First Reading of Ordinance No. 134, 2019, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Plant Investment Fees.
- F. First Reading of Ordinance No. 135, 2019, Amending Chapter 26 of the Code of the City of Fort Collins to Revise the Water Supply Requirements Fee.

The purpose of this item is to review fee updates associated with Electric Capacity Fees, Water Supply Requirement Fees, Wet Utility Plant Investment Fees (PIFs) and Step III of the 2017 Capital Expansion Fees (CEFs). Fee updates have been reviewed by Council Finance Committee twice, and at the November 8th Council Work Session Council was fully supportive of bringing fees forward for Council adoption. Staff met with nine organizations across the City in the summer of 2019 and overall organizations were supportive of the approach and cadence.

Coordination of Council approved fees began in 2016 to provide a more holistic view of the total cost impact. Previously, fee updates were presented to Council on an individual basis. After the 2019 fee update, fee phasing will be complete with regular two and four-year cadence updates beginning in 2021.

Development Review/Building Fees were initially planned to be part of the 2019 update but have been decoupled and will come forward once finalized.

9. First Reading of Ordinance No. 136, 2019, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify the Application of Certain Water-Related Fees to Different Forms of Fraternity and Sorority Housing.

The purpose of this item is to amend Chapter 26 of the City Code to clarify the application of certain water-related fees to different forms of fraternity and sorority housing.

10. First Reading of Ordinance No. 137, 2019, Authorizing the City's Conveyance of Land to Facilitate the Replatting of the Lot on which the City's Foothills Activity Center is Located.

This item approves the exchange of deeds between the City, the developer of the Foothills Mall (the "Mall") and the owner of the Macy's store in the Mall. This exchange of deeds is needed to replat the lot on which the City's Foothills Activity Center (the "FAC") is now located to eliminate small encroachments that currently exist between the City's FAC lot and adjacent properties owned by the Mall developer and Macy's. This replatting will remove these encroachments and ensure that the FAC, as built, is located entirely and correctly within the City's replatted lot.

11. Resolution 2019-105 Expressing Support for Legislation by the Colorado General Assembly Regarding Executive Sessions for Matters Pertaining to Issues of Competition in Providing Local Telecommunications Facilities and Services.

The purpose of this item to consider a resolution supporting potential legislation by the General Assembly confirming home-rule municipalities' authority and authorizing other cities and towns to hold executive sessions for matters pertaining to issues of competition in providing local telecommunications facilities and services such as high-speed broadband internet and ancillary services, including without limitation matters subject to negotiation, strategic planning, pricing, sales and marketing, development phasing of such services in addition to any other matter allowed under the Colorado Open Meetings Law or the Colorado Open Records Act.

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. Staff Report: Fort Collins Utilities Smart Energy Provider Designation (staff: John Phelan)

- **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.

12. First Reading of Ordinance No. 138, 2019, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Hughes Stadium Site Rezoning and Approving Corresponding Changes to the Residential Sign District Map. (staff: Cameron Gloss, Tom Leeson; 20 minute staff presentation; 2 hour discussion)

The purpose of this item is to rezone 164.55 acres located on the west side of Overland Trail and north of CR32 (parcel # 9720100913) with one condition and to place the property into the Residential Sign District. City Council initiated the rezoning on July 16, 2019 and directed City staff to prepare a rezoning application and make a recommendation regarding the appropriate zoning. The site is currently zoned Transition (T) and staff recommends placement into the Residential Foothills (RF) and Low-Density Mixed-Use Neighborhood (LMN) zone districts. A recommended condition of the rezone requires that future development in the portion zoned Residential Foothills district meet the requirements of a Cluster Plan pursuant to Land Use Code Section 4.3(E)(2). The request places the property into the Residential Sign District. The Planning and Zoning Board on a 4-2 vote recommended that City Council not adopt the staff proposed zoning and instead zone the property entirely Residential Foothills.

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

- **OTHER BUSINESS**

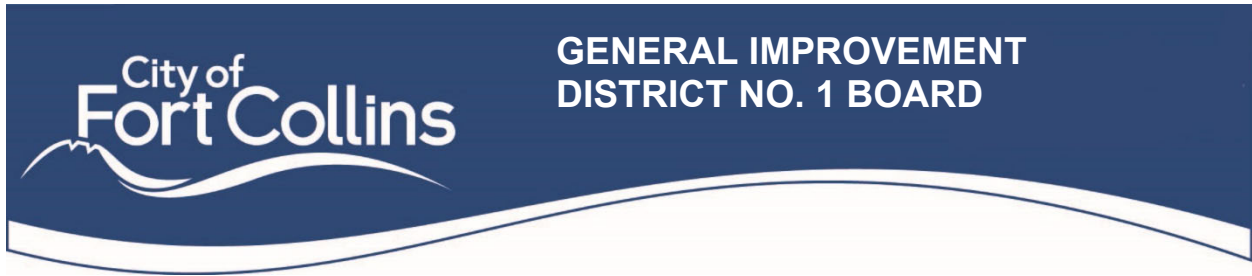
- A. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers
(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from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

- **ADJOURNMENT**

- A. Consideration of a motion to adjourn to 6:00 p.m., Tuesday, November 12, 2019, for the annual evaluations of the City Manager, City Attorney and Chief Judge.

"I move that Council adjourn this meeting to 6:00 p.m. on Tuesday, November 12, in order to consider a motion to go into executive session to conduct annual performance reviews of the Council's direct report employees, 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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General Improvement District No. 1 Regular Meeting November 5, 2019 (after the Regular Council Meeting)

- **CALL MEETING TO ORDER**

- **ROLL CALL**

1. Consideration and Approval of the Minutes of the October 15, 2019 General Improvement District No. Meeting.

The purpose of this item is to approve the minutes from the October 15, 2019 General Improvement District No. 1 Board meeting.

2. Second Reading of Ordinance No. 072 Determining and Fixing the Mill Levy for the General Improvement District No. 1 for the Fiscal Year 2020; Directing the Secretary of the District to Certify Such Levy to the Board of Commissioners of Larimer County; and Making the Fiscal Year 2020 Annual Appropriation (staff: Josh Birks; no staff presentation; 5 minute discussion)

This Ordinance, unanimously adopted on First Reading on October 15, 2019, sets the mill levy of 4.924 and authorizes the fiscal year 2020 appropriation for General Improvement District No. 1 (GID). The sum of \$314,160 is anticipated to be collected from the mill levy of 4.924 mills for fiscal year 2020 imposed within the General Improvement District No. 1 (GID) boundaries. Additional revenue for the GID from automobile specific ownership taxes and interest earnings are anticipated in 2020 to total \$59,965 resulting in an expected revenue total of \$374,125 for 2020. The Ordinance appropriates funds in the amount of \$352,000 from ongoing revenue for the operation of the GID in 2020.

- **OTHER BUSINESS**

- **ADJOURNMENT**



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Skyview South General Improvement District No. 15 Meeting November 5, 2019 (after the General Improvement District No. 1 meeting)

- CALL MEETING TO ORDER
- ROLL CALL

1. Consideration and Approval of the Minutes of the October 15, 2019 Skyview South General Improvement District No. 15 Meeting.

The purpose of this item is to approve the minutes from the October 15, 2019 Skyview South General Improvement District No. 15 Board meeting.

2. Second Reading of Ordinance No. 012 Determining and Fixing the Mill Levy for the Skyview South General Improvement District No. 15 for the Fiscal Year 2020; Directing the Secretary of the District to Certify Such Levy to the Board of Commissioners of Larimer County; and Making the Fiscal Year 2020 Annual Appropriation. (staff: Lawrence Pollack, Darren Moritz; no staff presentation; 3 minute discussion)

This Ordinance, unanimously adopted on First Reading on October 15, 2019, includes the annual appropriation for 2020 of \$1,000 for the expenses of the Skyview South General Improvement District No. 15 (GID No. 15). The sum of \$33,439 is anticipated to be collected from the mill levy of 10.0 mills for fiscal year 2020. Additional miscellaneous revenue for GID No. 15 of \$6,136 is anticipated to be generated from auto specific ownership fees and interest income. The total 2020 revenue for GID No. 15 is expected to be \$39,575. The total amount will be used in the future to maintain and repair roads in the Skyview subdivision.

3. Second Reading of Ordinance No. 013, Appropriating Prior Year Reserves in the Skyview South Improvement District No. 15 Fund for Transfer to the Transportation Fund for the Skyview South Asphalt Overlay Project. (staff: Darren Moritz; no staff presentation; 3 minute discussion)

This Ordinance, unanimously adopted on First Reading on October 15, 2019, appropriates reserves to cover an expense that was not anticipated and, therefore, not included in the 2019 annual budget appropriation for the Skyview South General Improvement District No. 15. This new expense is the Skyview South Asphalt Overlay Project.

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