

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 19, 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 5:30 p.m.

No Proclamations are scheduled.

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. Items Relating to 2019 Fee Update.

- A. Second 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. Second 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. Second 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. Second 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. Second 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. Second 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.

These Ordinances, unanimously adopted on First Reading on November 5, 2019, update fees 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). 2019 fee updates include: Electric

Capacity Fees, Water Supply Requirement Fees, Wet (Water, Wastewater and Stormwater) Utility Plant Investment Fees and Step III of the 2017 Capital Expansion Fees.

2. Second 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.

This Ordinance unanimously adopted on First Reading on November 5, 2019, amends Chapter 26 of City Code to clarify the application of certain water-related fees to different forms of fraternity and sorority housing.

3. Second 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 Ordinance, unanimously adopted on First Reading on November 5, 2019, approves the exchange of deeds between the City, the developer of the Foothills 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 (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.

4. First Reading of Ordinance No. 139, 2019, Appropriating Prior Year Reserves for the Purchase of Property on West Vine Drive.

The purpose of this item is to appropriate prior year reserves in the Storm Drainage Fund to purchase a portion of the property at 1337 West Vine Drive. This parcel is needed in order to construct the West Vine Outfall, which is part of the approved West Vine Basin Master Drainage Plan.

5. First Reading of Ordinance No. 140, 2019, Appropriating Prior Year Reserves in Various City Funds to Reimburse Capital Expansion and Utility fee Funds and Housing Catalyst for Fees Waived for the Mason Place Affordable Housing Project.

The purpose of this item is to appropriate funds from the Affordable Housing Capital Fund in the Community Capital Improvement Program and General Fund reserves to reimburse certain City Departments and Housing Catalyst for fees that were waived for the Mason Place affordable housing project.

6. Resolution 2019-106 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins, the Town of Windsor and the City of Greeley for the Operation of the Poudre Express.

The purpose of this item is to authorize the execution of an Intergovernmental Agreement (IGA) with Greeley Evans Transit (GET) for the operation of the Poudre Express, the new regional fixed route bus service between Greeley and Fort Collins. GET will operate the Poudre Express, with runs between Greeley and Fort Collins. This will be funded through cooperation with GET and partner agencies, including the Town of Windsor and City of Fort Collins.

7. Resolution 2019-107 Concerning the Fort Collins Urban Renewal Authority and Its Tax Increment Revenue Refunding Bonds (Prospect South), Series 2019; Declaring the City Council's Present Intent to Appropriate Funds to Replenish the Reserve Fund Securing Such Bonds, If Necessary; and Authorizing a Cooperation Agreement and other Actions Taken in Connection Therewith.

The purpose of this item is for the City Council to consider a Replenishment Resolution, which both provides a "Moral Obligation Pledge" to the Fort Collins Urban Renewal Authority (URA) and approves a Cooperation Agreement between the City and the URA in connection with the revenue bond issuance considered by the URA Board at its November 7, 2019 meeting.

In 2013, the City loaned the URA \$5 million to reimburse a developer for eligible expenses as part of the Summit development in the Prospect South Tax Increment Financing District (Prospect South TIF District). In 2014, the City loaned the URA \$274,000 for eligible expenses related to the Prospect Station development in the Prospect South TIF District. The City has requested the URA to consider refinancing these loans to free up the \$5 million for investing in other community priorities. The URA may also benefit from refinancing by being able to issue bonds with lower interest rates than the existing loan. As part of this refinance, the URA is seeking a moral obligation from the City for this bond issuance. The moral obligation would result in improved bond ratings and reduced debt service costs to the URA.

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. Community Dashboard Metric-Average Number of Transfort Riders per Hour of Operation (staff: Drew Brooks)
- B. Halligan Water Supply Project Update (staff: Carol Webb, Eileen Dornfest)

- **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. Second 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 Neighborhood Sign District Map. (staff: Cameron Gloss; no staff presentation; 1 hour discussion)

This Ordinance, adopted on First Reading by a vote of 4-3 (Nays: Cunniff, Gutowsky, Pignataro), rezones 164.55 acres located on the west side of Overland Trail and north of CR32, 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. Consideration of a motion to adjourn into executive session.

"I move that the City Council go into executive session, as permitted under Article Two, Section Eleven of the City Charter, Section 2-31(a)(1) of the City Code and Colorado Revised Statutes Section 24-6-402(4)(f)(roman number one), for the purpose of continuing the annual reviews of the Chief Judge, City Manager and City Attorney."

B. 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 26, 2019.

"I move that Council adjourn this meeting to 6:00 p.m., on Tuesday, November 26, 2019, 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 November 19, 2019 (after the Regular Council Meeting)

- **CALL MEETING TO ORDER**

1. Consideration and Approval of the Minutes from the September 17, 2019 Electric Utility Enterprise Board Meeting.

The purpose of this item is to approve the minutes from the September 17, 2019 Electric Utility Enterprise Board meeting.

2. First Reading of Ordinance No. 008, Amending its Ordinance No. 007 which Authorized a Loan Agreement with U.S. Bank National Association to Provide Funding for the Epic Loan Program. (staff: Travis Storin, Sean Carpenter; 5 minute staff presentation; 10 minute discussion)

The purpose of this item is to amend Ordinance No. 007 that the Electric Utility Enterprise Board adopted on September 17, 2019, to authorize the Electric Utility Enterprise (Enterprise) to borrow up to \$2.5 million under a line of credit from U. S. Bank National Association (Bank) to use as additional funding for the Utilities' On-Bill Utility Financing Program. After the adoption of Ordinance No. 007, the Bank proposed a modification to the terms of the Loan Agreement approved in Ordinance No. 007 (Loan Agreement).

Ordinance No. 008 is being brought forward for the Board's consideration of this modification and other minor modifications to the Loan Agreement. The modification requested by the Bank provides that the Enterprise's ability to exercise its fixed rate "term out" option is contingent upon the Enterprise having a credit rating of BBB+ or higher. The Enterprise currently maintains a rating of AA- and has a Council-adopted policy requiring a rating of A or higher. Staff assesses it highly unlikely that the Enterprise's credit rating will drop to BBB or lower within the 2-year variable draw period.

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