

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 December 3, 2019 (amended 12/2/2019)

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.

- A. Proclamation Declaring December 10, 2019, as International Human Rights Day.
- B. Proclamation Declaring December 1-7, 2019, as Homelessness Awareness Week.
- C. Proclamation Declaring November 25-December 10 as 16 Days of Activism Against Gender Violence.
- D. Proclamation Recognizing the First United Methodist Church for its partnership with the City to benefit Eastside Park.

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 15 and November 5, 2019 Regular Council Meetings and the November 12, 2019 Adjourned Council Meeting.

The purpose of this item is to approve the minutes from the October 15 and November 5, 2019 Regular Council meetings and the November 12, 2019 Adjourned Council meeting.

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

This Ordinance, unanimously adopted on First Reading on November 19, 2019, appropriates 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.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on November 19, 2019, appropriates 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.

4. Items Relating to Purchase of Vehicles.

- A. First Reading of Ordinance No. 141, 2019, Appropriating Unanticipated Grant Revenue from the Volkswagen Settlement Funds for the Purchase of Two Electric Vehicles to Replace End of Life Diesel Vehicles and Associated Charging Equipment.
- B. First Reading of Ordinance No. 142, 2019, Appropriating Unanticipated Grant Revenue from the Volkswagen Settlement Funds for the Purchase of Three Alternative Fuel Body-on-Chassis Style Buses.

The purpose of this item is to appropriate unanticipated grant revenue awarded to Transfort through the Clean Air Act Settlement program administered by Colorado Department of Public Health and Environment (CDPHE) and to reappropriate lapsing funds. Transfort was awarded funding through CDOT's Consolidated Call for Capital Projects in 2018 for the purchase of a total of five alternatively fueled vehicles and two depot chargers. Settlement funds can be used to cover 110% of the incremental cost of purchasing an alternatively fueled vehicle compared with a new diesel vehicle. Transfort plans to replace two end-of-life diesel revenue transit buses with two new zero-emission vehicles (ZEV), purchase two depot chargers, and replace three end-of-life diesel cutaway buses with three alternative fuel vehicles. Settlement funds do not require a local match.

5. First Reading of Ordinance No. 143, 2019, Making Appropriations and Authorizing Transfers of Appropriations for the Horsetooth Outlet Project and Related Art in Public Places.

The purpose of this item is to request an appropriation of \$3.2 million from Water Fund Reserves to design and construct a project to provide a temporary backup water supply pumping system during a planned October-November 2020 closure by Northern Water of the Soldier Canyon Dam Outlet pipeline from Horsetooth Reservoir (Horsetooth Outlet Project). The pipeline provides water to the two drinking water treatment plants serving the City of Fort Collins and surrounding areas, serving about 250,000 people. The pumping system is intended as an emergency backup supply system to the primary Cache la Poudre River (Poudre River) water supply during the 60-day planned outage of the Soldier Canyon Dam Outlet pipeline. The City will be reimbursed 58% of the project costs by the project partners at the conclusion of construction. The City's final contribution will be \$1.4 million of the \$3.2 million total project cost.

6. First Reading of Ordinance No. 145, 2019, Adopting the 2020 Classified Employees Pay Plan.

The purpose of this item is to recommend the 2020 City Classified Employee Pay Plan. Classified jobs are grouped according to job functions, a business practice commonly used by both the public and private sectors. Pay ranges are developed by career group (management, professional, administrative, operations & trades) and level for each job function. The result of this work is a City Classified Employee Pay Plan which sets the minimum, midpoint and maximum of pay ranges for the level, within each career group and function. Actual employee pay increases are awarded through a separate administrative process in accordance with the budgeted amount approved by Council.

7. First Reading of Ordinance No. 146, 2019, Adopting the 2020 Larimer County Regional Transportation Capital Expansion Fee Schedule.

The purpose of this item is to adopt the 2020 Larimer County Regional Transportation Capital Expansion Fee schedule.

8. First Reading of Ordinance No. 147, 2019, Authorizing the Exchange of Stormwater Easements Between the City of Fort Collins and John C. Graham and Ginger L. Graham.

The purpose of this item is to authorize an exchange of stormwater easements across portions of property located in the Southwest Quarter of Section 6, Township 7 North, Range 68 West of the 6th P.M: a stormwater easement from the City of Fort Collins to John C. Graham and Ginger L. Graham (consisting of 5,749 square feet located on City property) and a stormwater easement from John C. Graham and Ginger L. Graham to the City of Fort Collins (consisting of 34,885 square feet) and a

temporary construction easement (consisting of 22,235 square feet) would be exchanged. As consideration for the easements on the Graham property the City would convey the easement across City property and the Stormwater Utility would agree to apply the balance of the difference between the value of the two easements to Stormwater Plant Investment Fees (PIF) and monthly stormwater fees for a hay barn built by the Grahams within the City limits, instead of additional cash consideration. The City's receipt of the easements across the Graham property is consideration for the easement across City property and the credited stormwater fees.

9. Resolution 2019-108 Approving the Midtown Business Improvement District 2020 Budget and Operating Plan.

The purpose of this item is to approve the Midtown Business Improvement District (BID) 2020 budget and operating plan. The Midtown BID includes parcels fronting South College Avenue from Drake Road in the north to Boardwalk Drive in the south, as well as those fronting East Foothills Parkway between East Swallow Road and South College Avenue.

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. Trail and Roadway Improvements Benefiting K-12 Students in Northwest Fort Collins. (staff: Nancy Nichols, Tessa Greegor)

- **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.

10. Resolution 2019-109 Adopting the City's 2020 Legislative Policy Agenda. (staff: Tyler Marr; 5 minute staff presentation; 15 minute discussion)

The purpose of this item is to consider and adopt the City's 2020 Legislative Policy Agenda. Each year the Legislative Review Committee develops a legislative agenda to assist in the formation, analysis, and advocacy of pending legislation and regulation. The Legislative Policy Agenda is used as a guide by Council and staff to determine positions on legislation and regulation pending at the state and federal levels and as a general reference for state legislators and the City's congressional delegation. The Legislative Review Committee recommended adoption of the 2020 agenda at its November 5 meeting.

11. Resolution 2019-110 Creating a Council Committee to Make Selection Process Recommendations to the Council, Commencing the Process to Select a Search Firm, and Adopting a Plan and Target Schedule for the Recruitment and Selection of a Chief Judge. (staff: Jamie Heckman, Kelly DiMartino; 10 minute discussion)

The purpose of this item is to begin the Chief Judge recruitment and selection process by appointing Councilmembers to an Ad Hoc Committee known as the Chief Judge Selection Process Committee to develop recommendations to the Council for the recruitment and selection of a Chief Judge.

11. ~~Consideration of a motion to adjourn into executive session.~~ (**Rescheduled to January 7, 2020**)

~~"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."~~

12. ~~First Reading of Ordinance No. 148, 2019, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge.~~ (staff: Jamie Heckman; 2 minute staff presentation; 5 minute discussion)

RESCHEDULED TO JANUARY 7, 2020

~~The purpose of this item is to establish the 2020 salary of the Chief Judge. City Council met in executive sessions on November 12 and 19, 2019 and may meet in another executive session on December 3, 2019, to conduct the performance review of Chief Judge Kathleen Lane. This Ordinance sets the 2020 salary of the Chief Judge.~~

13. ~~First Reading of Ordinance No. 149, 2019, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney.~~ (staff: Jamie Heckman; 2 minute staff presentation; 5 minute discussion)

RESCHEDULED TO JANUARY 7, 2020

~~The purpose of this item is to establish the 2020 salary of the City Attorney. City Council met in executive sessions on November 12 and 19, 2019, and may meet in another executive session on December 3, 2019, to conduct the performance review of Carrie Daggett, City Attorney. This Ordinance sets the 2020 salary of the City Attorney.~~

14. ~~First Reading of Ordinance No. 150, 2019, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager.~~ (staff: Jamie Heckman; 2 minute staff presentation; 5 minute discussion)

RESCHEDULED TO JANUARY 7, 2020

~~The purpose of this item is to establish the 2020 salary of the City Manager. City Council met in executive sessions on November 12 and 19, 2019 and may meet in another executive session on December 3, 2019, to conduct the performance review of Darin Atteberry, City Manager. This Ordinance sets the 2020 salary of the City Manager.~~

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

- **OTHER BUSINESS**

A. Consideration of a motion to select a second alternate for the Northern Front Range Metropolitan Planning Organization (NFRMPO) Committee.

B. Consideration of a motion to adjourn into executive session.

"I move 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 manner in which particular policies, practices or regulations of the City related to the use of email may be affected by existing or proposed provisions of federal, state or local law, as permitted under City Charter Article II (Roman Numeral Two), Section 11(2), City Code Section 2-31(a)(2) and Colorado Revised Statutes Section 24-6-402(4)(b).

C. 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**

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 December 3, 2019 (after the Regular Council Meeting)

- **CALL MEETING TO ORDER**

1. Consideration and Approval of the Minutes of the November 19, 2019 Electric Utility Enterprise Board Meeting.

The purpose of this item is to approve the minutes from the November 19, 2019 Electric Utility Enterprise Board meeting.

2. Second 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; no staff presentation; 5 minute discussion)

This Ordinance, unanimously adopted on First Reading on November 19, 2019, amends Ordinance No. 007 which authorized the Electric Utility Enterprise to borrow up to \$2.5 million under a line of credit from U. S. Bank National Association 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. 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.

This Ordinance has been amended for Second Reading to reflect that the Enterprise's debt is not rated by Moody's, but by Standard & Poor's and Fitch. Moody's provides the rating for the City's debt.

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