

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

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and Channel 881 on the Comcast cable system

Carrie Daggett  
City Attorney

Darin Atteberry  
City Manager

Delynn Coldiron  
City Clerk

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## Regular Meeting January 7, 2020

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*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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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.

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### Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring January 2020 as Radon Action Month.
- B. Proclamation Declaring January 2020 as Slavery and Human Trafficking Prevention 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](http://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 November 19 and December 3, 2019 Regular Council Meetings.

The purpose of this item is to approve the minutes from the November 19 and December 3, 2019 Regular Council meetings.

2. Second Reading of Ordinance No. 148, 2019, Amending Chapters 12, 15 and 20 of the Code of the City of Fort Collins to Update Environmental Codes.

This Ordinance, unanimously adopted on First Reading on December 17, 2019, updates existing environmental codes for clarity, consistency with current practices, and in support of their enforcement. All changes are administrative in nature and do not change the purpose of the Code sections.

3. Second Reading of Ordinance No. 149, 2019, Designating the Frank J. Ulrich Property, 516 Laporte Avenue, 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 it is considered on the discussion agenda, it will be considered in accordance with the procedures described in Section 1(f) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.*

This Ordinance, unanimously adopted on First Reading on December 17, 2019, designates the Frank J. Ulrich property located at 516 Laporte Avenue as a Fort Collins Landmark. This is a voluntary designation at the property owner's request. The property owner is 516 Laporte, LLC, of which Dale Eggleston is a member.

4. Second Reading of Ordinance No. 150, 2019, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge.

This Ordinance, unanimously adopted on First Reading on December 17, 2019, establishes the 2020 salary of the Chief Judge. City Council met in executive sessions on November 12, 19, and December 17, 2019, to conduct the performance review of Chief Judge Kathleen Lane. This Ordinance sets the 2020 salary of the Chief Judge at \$121,762.

5. Second Reading of Ordinance No. 151, 2019, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney.

This Ordinance, unanimously adopted on First Reading on December 17, 2019, establishes the 2020 salary of the City Attorney. City Council met in executive sessions on November 12, 19 and December 17, 2019, to conduct the performance review of Carrie Daggett, City Attorney. This Ordinance sets the 2020 salary of the City Attorney at \$206,090.

6. Second Reading of Ordinance No. 153, 2019, Authorizing the City Council to Make Short-Term Appointments to City Boards and Commissions in 2020.

This Ordinance, unanimously adopted on First Reading on December 17, 2019, allows Council to make one-year interim appointments to advisory boards and commissions notwithstanding the term requirements in City Code. Due to a 2019 Council Priority item (Reimagine Boards and Commissions) the City Clerk's Office was instructed to pause reappointments/interviews for all boards and commissions, except for quasi-judicial boards and boards/commissions at risk of falling below quorum. To ensure boards and commissions can maintain quorum in the face of unplanned absences and effectively perform their duties, this Ordinance will allow Council to temporarily fill boards/commissions while the Reimagine Project continues in 2020.

7. Items Relating to the Fort Collins Police Services Victim Services Unit.

A. First Reading of Ordinance No. 001, 2020, Appropriating Unanticipated Grant Revenue from the Eighth Judicial District Victim Assistance and Law Enforcement Board in the General Fund for the Fort Collins Police Services Victim Services Unit.

B. First Reading of Ordinance No. 002, 2020, Appropriating Unanticipated Grant Revenue from the Colorado Division of Criminal Justice under the Federal Victim of Crime Act in the General Fund for the Fort Collins Police Services Victim Services Unit.

The purpose of this item is to fund the Victim Services Unit of Fort Collins Police Services for victim advocacy services under the Colorado Victim Rights Amendment for victims of crime and their family members. The Fort Collins Police Services Victim Services Unit has been awarded two grants. The VALE Grant is a 12-month grant in the amount of \$35,500 for the period from January 1, 2020 to December 31, 2020, by the Eighth Judicial District Victim Assistance and Law Enforcement (VALE) Board to help fund services provided by this team. These funds will be used for part of the salary for the victim advocate who provides crisis intervention services during weekday hours and is housed in the Victim Services office. These funds will also pay for a portion of the operational expenses needed to provide 24-hour, 7-days/week services to victims of crime in the community. The VOCA Grant is a 12-month grant in the amount of \$24,500 for the period from January 1, 2020 to December 31, 2020, by the Colorado Division of Criminal Justice under the Federal Victim of Crime Act (VOCA), to help fund services provided by this team. These funds will be used for part of the salary for the victim advocate who provides crisis intervention services for sexual assault victims between the school ages of kindergarten through 12th grade.

8. First Reading of Ordinance No. 003, 2020, Appropriating Unanticipated Grant Revenue and Authorizing Transfers in the General Fund for the Environmental Services Radon Program.

The purpose of this item is to appropriate unanticipated grant revenue in the General Fund for the Environmental Services Radon Program. This appropriation includes \$11,052 of grant revenues

provided by the Colorado Department of Public Health and Environment (CDPHE) to support radon testing and mitigation programs. The grant directly supports radon activities identified in the Environmental Services Department's core budget offer and requires a local match of \$7,368. Matching funds are appropriated and unexpended in the 2020 Environmental Services operating budget and will be transferred to the Environmental Services Radon Program.

9. Items relating to the 2020 Epic Homes Loan Program.

- A. First Reading of Ordinance No. 004, 2020, Making Supplemental Appropriations to be Expended as Loans to Utility Services Customers Under the Epic Loan Program.
- B. First Reading of Ordinance No. 005, 2020, Making a Supplemental Appropriation for the Epic Loan Program from Unappropriated Prior Year Reserves in the Light & Power Fund to Make Debt Service Payments Under the U.S. Bank Line of Credit.

The purpose of this item is to appropriate funds for the Epic Loan Program in 2020 for loan issuance to Fort Collins Utilities electric customers and anticipated debt service to third-party capital providers. The Epic Loan Program is part of the Epic Homes comprehensive portfolio for single-family home performance for both owner- and renter-occupied homes. These appropriations will cover existing capital sources, including Light & Power reserves and grant funds, and is necessary to formally authorize the disbursement of funds for customer loans. As additional third-party loan agreements are authorized by the Electric Utility Enterprise Board, the associated appropriations will be included. For future years, staff will include loan issuance and debt service as part of the biennial Budgeting for Outcomes process. The 2020 appropriation for loan issuance is \$3,270,083 and the appropriation for debt service is \$75,000.

10. First Reading of Ordinance No. 006, 2020, Making Appropriations for the 2020 Climate Action Plan Mitigation and Resilience Projects and Related Art in Public Places.

The purpose of this item is to approve an off-cycle appropriation package to address existing and emerging infrastructure demands and refocused investments in Energy Services programs. This package supports resilience by improving electric system reliability and grid flexibility with additional Distributed Energy Resource (DER) program elements and improving carbon mitigation by directing additional support for commercial-scale solar. The Energy Services elements are a realignment of existing budget, while the Electric Utility distribution system elements can be funded from unspent 2019 reserves. The package focuses on "no regrets" acceleration of planned activities of the Electric Utility Capital Improvement Plan and 2030 climate and energy objectives.

The package's reliability scope also supports broadband services (3.7 Deploy reliable, high-speed internet) because the work is aligned with FC Connexion deployment as it creates new markets via annexations or pathways via spare conduits to deploy fiber in the electric system. Accelerating this investment is also aligned with the recently published Electric Utility 2019 Capital Improvement Plan and the FC Connexion deployment schedule.

11. Items Relating to the Taft Hill Improvements Project–Horsetooth to Harmony.

- A. Resolution 2020-001 Authorizing the Execution of Two Intergovernmental Agreements by the City of Fort Collins, One with the Colorado Department of Transportation and One with Larimer County, for the Taft Hill Improvements Project-Horsetooth to Harmony.
- B. First Reading of Ordinance No. 007, 2020, Appropriating Federal Surface Transportation Block Grant Funds Administered by the Colorado Department of Transportation for the Taft Hill Improvements Project-Horsetooth to Harmony.
- C. First Reading of Ordinance No. 008, 2020, Appropriating Regional Transportation Capital Improvement Expansion Fees and Authorizing Transfers of Appropriations for the Taft Hill Improvements Project-Horsetooth to Harmony and Related Art in Public Places.

The purpose of this item is to enable the City to receive and use federal and Regional Transportation Capital Improvement Expansion Fees for the Taft Hill Improvements Project-Horsetooth to Harmony. This item will authorize the Mayor to sign two intergovernmental agreements to receive and use these funds; the first with the Colorado Department of Transportation and the second with Larimer County. This item will also appropriate \$5,380,000 into the Capital Projects fund for the Project. These funds will be used for the design, property acquisition, and construction of roadway improvements along Taft Hill Road from Horsetooth Road to south of Harmony Road, ending at Brixton Road.

12. First Reading of Ordinance No. 009, 2020, Amending Certain Sections of Chapter 25 of the Code of the City of Fort Collins to Provide a Sales Tax Exemption for Mobile Homes.

The purpose of this item is to add a partial sales tax exemption for new mobile/manufactured home sales in the City and a total exemption for used mobile/manufactured home sales. The City currently applies sales tax on all mobile/manufactured home sales, whereas the State of Colorado and Larimer County exempt all mobile/manufactured home sales from sales tax. Conventional (site-built) homes pay sales or use tax on materials used in construction and there is no sales tax for subsequent sales of the site-built home. All mobile/manufactured homes and site-built homes pay property tax based on the assessed value.

Exemption options were discussed with Council Finance Committee in December. The Committee supported a 50% sales tax exemption on the initial new purchase of a mobile/manufactured home and a complete exemption on all subsequent sales.

13. Items Relating to Marijuana Licensing.

A. First Reading of Ordinance No. 010, 2020, Amending Chapter 15, Article XVI of the Code of the City of Fort Collins Regulating Medical Marijuana Businesses to Clarify and Align City Code with State Law.

B. First Reading of Ordinance No. 011, 2020, Amending Chapter 15, Article XVII of the Code of the City of Fort Collins Regulating Retail Marijuana Businesses to Clarify and Align City Code with State Law.

The purpose of these items is to amend the City Code provisions relating to medical and retail marijuana businesses to align them with recent changes in the State law.

14. First Reading of Ordinance No. 012, 2020, Amending Section 23-113 of the Code of the City of Fort Collins to Authorize the City Manager to Approve Subleases of City Property.

The purpose of this item is to amend Section 23-113 of City Code to authorize the City Manager, or his or her designee, to provide written consent, at his or her sole discretion, to a tenant of City-owned property to sublease all or a portion of the property for a definite term of five years or less where the original lease was approved by the City Council and the terms of such lease do not restrict, condition or prohibit subleasing.

15. First Reading of Ordinance No. 013, 2020, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Property Rights Necessary for Access in Connection with Phase 1 (Permitting and Design) of the Halligan Water Supply Project.

The purpose of this item is to seek authorization from City Council to use eminent domain, if necessary and as a last resort, to acquire access rights for the permitting and design phase (Phase 1) of the Halligan Water Supply Project (Halligan Project), including access to Halligan Reservoir, the North Poudre Canal Diversion Structure, and the Calloway Diversion Structure. The acquisitions will include purchase of temporary access easements from three of the property owners directly impacted by the Halligan Project.

To meet near-term project timelines, prompt acquisition of the access rights is necessary. Staff fully intends to continue negotiating in good faith with the affected property owners and is requesting

authorization to use eminent domain only if project staff, in consultation with the City Attorney's Office, believes such action is necessary after reasonable efforts to negotiate an acquisition.

This action would ensure the City can secure all access rights required to complete the first of three phases of the Halligan Project:

- Phase 1 - permitting and design (site visits and data collection related to permitting processes and preliminary design work for the reservoir enlargement and for the diversion structure replacement)
- Phase 2 - construction (construction work related to replacement of dam and diversion structure)
- Phase 3 - long-term maintenance and operations of the dam and reservoir (including permanent maintenance of measuring devices on the reservoir and diversion structure and environmental monitoring requirements under governmental permits)

For Phases 2 and 3, there will still be a need for acquisition of temporary construction easements, permanent access rights, and fee purchase of acreage that will be inundated when the Halligan Reservoir dam rebuild is complete. Staff has excluded Phases 2 and 3 from this request due to lack of specific details about the extent of the property rights needed. Staff anticipates returning to City Council to request authorization to use eminent domain for Phases 2 and 3 later, after construction and long-term access needs are better understood.

16. Resolution 2020-002 Ratifying the Appointment of Corey Radman to the Poudre River Library District Board of Trustees.

The purpose of this item is to appoint Corey Radman to the Poudre River Library District Board of Directors to fill a vacancy that exists due to the September 17, 2019 resignation of John Frey.

17. Resolution 2020-003 Making Appointments to Various Boards, Commissions and Authorities of the City of Fort Collins.

The purpose of this item is to appoint individuals to fill vacancies on various boards, commissions and authorities that exist due to the expiration of terms of certain members and the resignation of previous boardmembers.

## 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. Retaining Sense of Place Through Landmark Designation. (staff: Karen McWilliams)

- **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.

18. Items Relating to the Montava Planned Unit Development Master Plan and Overlay. (staff: Clay Frickey, Tom Leeson, Rebecca Everette; 3 hour discussion)

**Staff is recommending Council consider a motion to postpone the public hearing and consideration of this item to an adjourned meeting at 6:00 p.m., on Tuesday, January 14, 2020, to ensure that all Councilmembers are able to participate in the discussion.**

*"I move that this item, which is comprised of the public hearing and First Reading of Ordinance No. 014, 2020, Approving the Montava PUD Master Plan and Montava PUD Overlay, ODP 180002, and consideration of Resolution 2020-004, Resolution 2020-005, and Resolution 2020-006, be postponed to the adjourned meeting planned for 6:00 p.m. on Tuesday, January 14, 2020, with Second Reading, as applicable, on Tuesday, February 18, 2020."*

- A. Public Hearing and First Reading of Ordinance No. 014, 2020, Approving the Montava PUD Master Plan and Montava PUD Overlay, ODP 180002.
- B. Resolution 2020-004 Amending the City's Mountain Vista Subarea Plan.
- C. Resolution 2020-005 Amending the City's Master Street Plan.
- D. Resolution 2020-006 Amending the City's Parks and Recreation Policy Plan.

**Context:** This is the first of three items related to the Montava Planned Unit Development (PUD) included in the Council Agenda:

- This Agenda Item No. 18 presents the Montava PUD Overlay and Master Plan as well as amendments to relevant policy plans for Council consideration;
- Agenda Item No. 19 presents a Development Agreement Extending Vested Property Rights for the Montava PUD Overlay and Regarding Certain Terms of Development for Council's consideration; and
- Agenda Item No. 20 presents a Development Agreement to Secure Public Benefits for Development of the Montava Metropolitan District for Council consideration.

**Purpose:** The purpose of this item is to consider the Montava PUD Overlay and Master Plan for approval. City Council is the decision maker on this application and three associated amendments to plans adopted by City Council. The PUD Overlay creates a zoning overlay that provides a framework for how Montava will develop over time based on the Master Plan. Each phase of Montava will require development applications for a project development plan (PDP) and a final plan that City staff will

review for compliance with the Land Use Code (LUC), PUD Master Plan documents, and all applicable plans adopted by City Council. Each development application will be subject to review by the applicable decisionmaker as articulated in the PUD Master Plan documents with City Council acting as the appeal body.

**Process:** The City Council hearing for this item will follow the process outlined below. Public comment on all four items will be taken at one time:

- Overview of project by City staff
- Applicant presentation (suggested time: 45 minutes)
- Analysis of project by City staff (20 minutes)
- Public comment (on all four items)
- City Council deliberation

**Overview:** Montava is a proposed development to be located on approximately 999 acres in northeast Fort Collins. Currently, the land operates as an agricultural use.

Montava proposes a New Urbanist community. “New Urbanism” is a planning concept that promotes walkable communities with a mix of uses and different housing types. To achieve the goals of New Urbanism and the vision of the Mountain Vista Subarea Plan, Montava proposes the following:

- A series of phased developments organized by transect zones rather than the underlying zoning
- An interconnected network of streets and trails that accommodate all modes of travel
- Unique design standards for Montava
- Sites for schools, parks, and civic uses
- Integration of nature throughout the project, including a public Natural Area, ditch restoration, habitat enhancements, and stormwater improvements

The current zoning on the Montava site would not allow for the type of community outlined above. To achieve the community Montava envisions, the applicant is seeking approval for a PUD Overlay. PUD Overlays encourage coordinated master planning of large, multi-phased development projects:

- Modified design standards, densities, and land uses prescribed in the Land Use Code
- Phasing plans for how the property will develop over time
- Extended vesting for development standards proposed in the PUD Overlay and Master Plan

In exchange for this flexibility, applicants must demonstrate the development provides public benefits beyond a typical development and mitigates potential impacts on surrounding neighborhoods. Staff finds that the regulations proposed by Montava are unique and innovative to Fort Collins and responsive to City Plan policies related to vibrant, mixed neighborhoods. All the proposed standards work in concert to create a comprehensive framework for development along with public improvements and amenities commensurate with the scope of development. Absent a PUD Master Plan for this area, northeast Fort Collins would likely develop in a piece-meal fashion, with little coordination among property owners.

The City also has a series of policy plans that support the existing zoning pattern. As part of its PUD Overlay application, the applicant seeks amendments to three plans: The Mountain Vista Subarea Plan, Master Street Plan, and Parks and Recreation Policy Plan. These Plans align with the current zoning of the Montava site. Montava proposes amendments to these Plans so that Montava is in alignment with all applicable plans.

**Staff recommends approval of the Montava PUD Overlay and Master Plan with the following conditions:**

- **Council approval of the proposed amendments to the Mountain Vista Subarea Plan, Master Street Plan, and Parks and Recreation Policy Plan;**
- **Developer compliance with conditions included in Ordinance No. 014, 2020 applicable to existing oil and gas wells on the property; and**

- **Developer compliance with conditions included in Ordinance No. 014, 2020 regarding parks and recreation.**

19. First Reading of Ordinance No. 015, 2020, Adopting a Development Agreement Extending the Term of Vested Rights for the Montava PUD Overlay and Regarding Certain Terms of Development Within the Montava PUD Overlay. (staff: Tom Leeson; 5 minute staff presentation; 2 minute discussion)

**Staff is recommending Council consider a motion to postpone consideration of this item to an adjourned meeting at 6:00 p.m., on Tuesday, January 14, 2020, to ensure that all Councilmembers are able to participate in the discussion.**

*“I move that First Reading of Ordinance No. 015, 2020, Adopting a Development Agreement Extending the Term of Vested Property Rights for the Montava PUD Overlay and Regarding Certain Terms of Development Within the Montava PUD Overlay, be postponed to the adjourned meeting planned for 6:00 p.m. on Tuesday, January 14, 2020, with Second Reading, as applicable, on Tuesday, February 18, 2020.”*

The purpose of this item is for Council to consider the development agreement regarding the Montava Planned Unit Development (PUD) Overlay to extend the term of vested rights from three years to twenty-five years and to adopt certain terms regarding development within the Montava PUD Overlay. The Council process for considering this item is as follows:

- City staff presentation
- Applicant presentation (suggested time: 10 minutes)
- Public comment
- Council deliberation

20. Resolution 2020-007 Approving a Development Agreement to Secure Public Benefits for Development of the Montava Planned Unit Development Master Plan. (staff: Josh Birks; 10 minute staff presentation; 1 hour discussion)

**Staff is recommending Council consider a motion to postpone consideration of this item to an adjourned meeting at 6:00 p.m., on Tuesday, January 14, 2020, to ensure that all Councilmembers are able to participate in the discussion.**

*“I move that consideration of Resolution 2020-007, Approving a Development Agreement to Secure Public Benefits for Development of the Montava Planned Unit Development Master Plan, be postponed to the adjourned meeting planned for 6:00 p.m. on Tuesday, January 14, 2020.”*

The purpose of this item is to consider approval of the “Development Agreement to Secure Public Benefits for Montava Planned Unit Development Master Plan” (Public Benefits Agreement). The Public Benefits Agreement is between the City and HF2M, Inc., a Texas corporation and real estate developer (Developer). The Developer is seeking to develop approximately 999 acres of land in northeast Fort Collins (Montava Property) as a planned unit development (PUD) under the City’s Land Use Code to be known as the Montava PUD Master Plan (Montava PUD). The City Council is considering at this meeting in Agenda Item No. 18, Ordinance No. 014, 2020, which, if adopted, will approve the Montava PUD.

In connection with its development of the Montava Property, in 2018 the Developer submitted to the City its application to organize Montava Metropolitan District Nos. 1-7 (Metro Districts). At a public hearing on September 25, 2018, the City Council adopted Resolution 2018-083 approving the “Consolidated Service Plan for Montava Metropolitan District Nos. 1-7,” the document which outlines and governs the Metro Districts’ powers and authority (Service Plan).

The Metro Districts have been organized by the Developer primarily for the purpose of financing many of the public improvements needed to develop the Montava Property, such as streets, utilities and parks. However, the Service Plan also provides that before the Metro Districts can impose a property tax mill levy or borrow any money to finance the construction of these public improvements, the

Developer must enter into an agreement with the City to secure the provision of certain “Public Benefits.” These Public Benefits are described in the Service Plan as: (i) large-scale comprehensive master planning; (ii) new urbanism; (iii) agri-urban development; (iv) zero energy ready homes; (v) non-potable water system; and (vi) affordable/workforce housing. The proposed Public Benefits Agreement, which is attached as Exhibit D to the Resolution, sets forth the terms and conditions by which the Developer’s provision of these Public Benefits is secured as contemplated in the Service Plan. Staff has reviewed the Public Benefits Agreement to ensure it conforms to the Service Plan.

The Council process for considering this item is as follows:

- City staff presentation
- Applicant presentation (suggested time: 10 minutes)
- Public comment
- Council deliberation

21. Second Reading of Ordinance No. 152, 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; no staff presentation; 5 minute discussion)

This Ordinance, adopted on First Reading on December 17, 2019 by a vote of 5-2 (nays: Cunniff, Pignataro), establishes the 2020 salary of the City Manager. City Council met in executive sessions on November 12, 19 and December 17, 2019 to conduct the performance review of Darin Atteberry, City Manager. This Ordinance sets the 2020 salary of the City Manager at \$278,475.

22. Resolution 2020-008 Appointing a Backup Alternate Representative to the North Front Range Metropolitan Planning Council.

The purpose of this item is designate a Councilmember as a second alternate to the North Front Range Metropolitan Planning Council.

● **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, January 14, 2020.

"I move that Council adjourn this meeting to 6:00 p.m., on Tuesday, January 14, 2020, to consider items relating to the Montava development 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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## City Council Work Session January 7, 2020

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

● **CALL TO ORDER.**

1. Youth Access to Nicotine in Larimer County. (staff: Beth Sowder, Jeff Mihelich; 15 minute presentation; 45 minute discussion)

The purpose of this item is for Larimer County Health and Environment to share information and potential strategies for responding to youth access to nicotine in Larimer County.

Public Health Director Tom Gonzales, Health Promotion Services Director Andrea Clement-Johnson and Tobacco Prevention Health Educator Christa Timmerman will present.

2. Metro District Evaluation Review. (staff: Josh Birks, Jackie Kozak-Thiel, Rachel Rogers; 10 minute staff presentation; 50 minute discussion)

The purpose of this item is to review and consider enhancements to the policy for Reviewing Service Plans of Metropolitan Districts that the City Council adopted by Resolution 2018-079. Based on Council interest to re-examine the policy and evaluation process for Metro Districts, City staff has engaged with members of the Urban Lab in a workshop facilitated by the Institute for the Built Environment to identify options and opportunities for reviewing Metro District Service Plans. The goal of the session was to develop options for a simple sustainable system for evaluating future metro districts. The system needs to be dynamic, provide benefit to end user and provide direction to Council and developers. The options identified by the team are:

- Minimum requirements
- Scorecard system
- Menu of options under each outcome
- Performance guided using key metrics

3. Mobility and Transportation Work Session. (staff: Caryn Champine, Paul Sizemore, Drew Brooks; 15 minute staff presentation; 45 minute discussion)

The purpose of this item is to provide an overview of the current state and future opportunities for transportation and mobility in Fort Collins and the surrounding region. Discussion will include regional trends, multi-modal transportation, and the transit system.

- **ANNOUNCEMENTS.**
  
- **ADJOURNMENT.**