

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 January 21, 2020 (Amended 1/20/2020)

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 Recognizing January 26-February 1, 2020 as School of Choice 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 December 17, 2019 and January 7, 2020, Regular Council Meetings.

The purpose of this item is to approve the minutes from the December 17, 2019 and January 7, 2020 regular Council meetings.

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

A. Second 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. Second 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.

These Ordinances, unanimously adopted on First Reading on January 7, 2020, appropriate grant funds for 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.

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

This Ordinance, unanimously adopted on First Reading on January 7, 2020, appropriates 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.

4. Items Relating to the 2020 Epic Homes Loan Program.

A. Second Reading of Ordinance No. 004, 2020, Making Supplemental Appropriations to be Expended as Loans to Utility Services Customers Under the Epic Loan Program.

B. Second 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.

These Ordinances, unanimously adopted on First Reading on January 7, 2020, 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.

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

This Ordinance, unanimously adopted on First Reading on January 7, 2020 appropriates off-cycle funds 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.

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

- A. Second 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.
- B. Second 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.

These Ordinances, unanimously adopted on First Reading on January 7, 2020, appropriate \$5,380,000 into the Capital Projects fund for the Taft Hill Improvements 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.

7. Second 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.

This Ordinance, unanimously adopted on First Reading on January 7, 2020, adds 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.

8. Items Relating to Marijuana Licensing.

- A. Second 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. Second 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.

These Ordinances, unanimously adopted on First Reading on January 7, 2020, amend the City Code provisions relating to medical and retail marijuana businesses to align them with recent changes in the State law.

9. Second 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.

This Ordinance, unanimously adopted on First Reading on January 7, 2020, amends 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.

10. Second 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.

This Ordinance, unanimously adopted on First Reading on January 7, 2020, authorizes the use of 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.

11. First Reading of Ordinance No. 016, 2020, Adopting the 2020 Amended Classified Employee Pay Plan to Update Classified Positions as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

The purpose of this item is to recommend changes to the 2020 City Classified Employee Pay Plan based on an annual market analysis conducted as agreed upon through the 2019-2021 Collective Bargaining Agreement with the Northern Colorado Lodge #3 of the Fraternal Order of Police (FOP). The Agreement was approved by Council by Resolution on October 2, 2018. The Agreement specifies a salary data collection method and evaluation process that includes market data as of early January. This data has been collected and analyzed, resulting in the revised 2020 City Classified Employee Pay Plan.

12. First Reading of Ordinance No. 017, 2020, Amending Article IV of Chapter 8 of the Code of the City of Fort Collins Relating to the City's Purchasing and Contracting Procedures and Requirements.

The purpose of this item is for City Council to adopt revisions to the Purchasing and Contracting provisions of the City Code. These changes include:

- Updated language, definitions, descriptions, and processes
- Updated timing of public disclosures
- Update thresholds of authority - minor purchases
- Excluded select contract types for the five (5) year term limit.

13. First Reading of Ordinance No. 018, 2020, Authorizing the Sale of the Real Property Located at 906 East Stuart Street to Planet Scale Limited.

The purpose of this item is to authorize the sale of the City-owned property located at 906 East Stuart Street to Planet Scale Limited, a Colorado limited liability company, for \$291,000. The City has no current or future identified use for the property and disposition of the property will eliminate the City's ongoing maintenance expenses and liability risk. The property was advertised on the open market for a minimum 30-day period during which offerors could submit sealed bids to purchase the property. Planet Scale Limited submitted the highest bid (out of five) with the ability to close escrow in the shortest amount of time without financing or change-in-use contingencies. Completion of the purchase is contingent on City Council's approval of the sale by its final adoption of this Ordinance in accordance with Article IV, Section 23-111 of the City Code.

14. First Reading of Ordinance No. 019, 2020, Designating the Buildings of Lots 25 and 26, Block 111 (155 West Mountain Avenue and 130 South Mason Street), Known as the Fort Collins Express/McCormick Building and the McCormick Apartments, 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 Section 1(f) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to designate the property on Lots 25 and 26, Block 111 (155 West Mountain Avenue), including the Fort Collins Express/McCormick Building and the McCormick Apartments, as a Fort Collins Landmark. This is a voluntary designation at the property owner's request. The property owner is Mountain 155, LLC/Hello Investments, LLC, of which Josh Harrison is the property manager. The Landmark Preservation Commission unanimously recommends approving this landmark designation.

15. Resolution 2020-009 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County to Partner on the Purchase of an 800 Acre Inholding at Red Mountain Open Space.

The purpose of this item is to consider a proposed intergovernmental agreement with Larimer County to partner on the conservation of an 800-acre property within Red Mountain Open Space. The County is the lead on the project and will own and manage the property. The City will receive and hold a conservation easement on the 800 acres as well an adjoining 1,480 acres. The conservation easement requires that the land never be subdivided or developed and that it be managed for its conservation values.

16. Resolution 2020-010 Finding Substantial Compliance and Initiating Annexation Proceedings for the One Twenty Eight Racquette Drive Annexation.

The purpose of this item is to initiate annexation proceedings for the One Twenty Eight Racquette Drive Annexation. This is a 100% voluntary annexation. The property contained within the annexation area is approximately 35,000 square feet and abuts the Fort Collins Airpark, 365 feet west of the Dry Creek subdivision. The proposed zoning for this annexation is Industrial (I).

The proposed Resolution makes a finding that the annexation petition substantially complies with the Municipal Annexation Act of 1965, determines that a hearing should be established regarding the annexation, and directs notice be given of the hearing. The hearing will be held at the time of First Reading of the annexation and zoning ordinances, and notice will be published and distributed as required by State law.

It should be noted that though this annexation does comply with state statute, the property currently contains a land use that has not been established/permitted within Larimer County. The City of Fort Collins Land Use Code requires the property owner or representative thereof to submit a development application within 60 days of the effective date of the annexation in order to legally establish the land use in the City of Fort Collins.

17. Resolution 2020-011 Making Appointments to Various Boards and Commissions of the City of Fort Collins.

The purpose of this item is to appoint individuals to fill vacancies on various boards and commissions 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. Community Dashboard Metric: Access Fort Collins Response Time. (staff: Amanda King)

- **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. Public Hearing and 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, Tom Leeson; no staff presentation; 1 hour discussion)

This Ordinance, adopted on First Reading on November 5, 2019, 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.

19. Items Relating to the College and Drake Urban Renewal Plan. (staff: Clay Frickey; 10 minute staff presentation; 30 minute discussion)

- A. Public Hearing and Resolution 2020-012 Accepting and Adopting the College and Drake Existing Conditions Survey, Making Findings Determining that the Surveyed Area is Blighted and Designating the Area as Appropriate for an Urban Renewal Project.
- B. Public Hearing and Resolution 2020-013 Approving the College and Drake Urban Renewal Plan and Making Findings in Support of that Approval.

The purpose of this item is to consider approval of an Urban Renewal Plan (Plan) for an area containing 13 parcels of land around the intersection of College Avenue and Drake Road (Plan Area). The objective of the Plan is for the Fort Collins Urban Renewal Authority (Authority) to commence an urban renewal project in the Plan Area to remediate the unfavorable existing conditions within it and to prevent further deterioration by implementation of the relevant provisions contained in the following documents:

- City Plan (City of Fort Collins Comprehensive Plan), 2019
- Transit Master Plan, 2019
- Midtown Plan, 2013
- City of Fort Collins Master Street Plan, 2013

The Plan intends to stimulate private sector development and redevelopment in and around the Plan Area with a combination of private investment, Authority financing and public investment. Staff prepared an Existing Conditions Survey with assistance from Economic Planning Systems (Survey). The Survey found six conditions of blight within the Plan Area, which conditions satisfy the requirements of the Colorado Urban Renewal Law (Urban Renewal Law) for approving an urban renewal plan. Authority staff collaborated with staff of the other 8 taxing entities levying a property tax within the Plan Area and created a list of eligible projects this Plan could fund to remediate the blight conditions found by the Survey. Seven of the taxing entities have reached agreement with the Authority on its tax increment allocation in accordance with the Urban Renewal Law. The Authority and the remaining taxing entity, the Poudre School District (PSD), could not reach an agreement on the allocation of PSD's tax increment, so the parties conducted the binding mediation required under the Urban Renewal Law and the results of that mediation have been incorporated into the Plan. Both the Planning and Zoning Board and the Authority's Board have reviewed the Plan and recommend approval of it.

20. First Reading of Ordinance No. 020, 2020, Repealing and Reenacting Chapter 2, Article II, Division 3 of the Code of the City of Fort Collins Relating to Procedures for Appeals to the City Council. (staff: Delynn Coldiron, Carrie Daggett; 10 minute staff presentation; 45 minute discussion)

The purpose of this item is to propose changes to the City Council appeals procedure contained in City Code in order to clarify aspects of the appeals procedure and to improve the appeals process.

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

- **OTHER BUSINESS**

- A. **Consideration of a motion to adjourn into executive session related to pending litigation.**

- 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**

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.