

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
February 4, 2020
(amended 2/4/2020)

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 Declaring February 16-22, 2020, as "Engineering Week".
B. Proclamation Declaring February 4, 2020, as the "League of Women Voters Day", in honor of the League's 100th Anniversary. (This proclamation is now scheduled to be read on February 18, 2020)
C. Proclamation Declaring February 11, 2020, as "211 Day".

Regular Meeting 6:00 p.m.

- **PLEDGE OF ALLEGIANCE**
- **CALL MEETING TO ORDER**
- **ROLL CALL**
- **PRESENTATION OF SERVICE ENTERPRISE CERTIFICATION AWARD** (staff: Sue Schaffer)
- **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. Second 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.

This Ordinance, unanimously adopted on First Reading on January 21, 2020, amends 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).

2. Second 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.

This Ordinance, unanimously adopted on First Reading on January 21, 2020 adopts 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.

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

This Ordinance, unanimously adopted on First Reading on January 21, 2020, authorizes 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.

4. Second 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 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 January 21, 2020 designates the property on Lots 25 and 26, Block 111, (155 West Mountain Avenue), including the Fort Collins Express/McCormick Building and McCormick Apartments, as a Fort Collins Landmark. This is a voluntary designation at the owner's request.

5. Second 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.

This Ordinance, unanimously adopted on First Reading on January 21, 2020, amends the City Council appeals procedure contained in City Code in order to clarify aspects of the appeals procedures and to improve the appeals process.

6. First Reading of Ordinance No. 021, 2020, Making Appropriations and Authorizing Transfers of Appropriations for the Restorative Justice Services Program.

The purpose of this item is to appropriate grant revenue to fund Restorative Justice Services within Community Development and Neighborhood Services (CDNS). A grant in the amount of \$33,803 has been awarded from the Colorado Division of Criminal Justice (DCJ) Juvenile Diversion fund for the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, the Restorative Justice Conferencing Program (RJCP) and the Reflect Program for all other offenses. This amount is the remainder of the total 2019-2020 amount of \$67,612. The first portion, \$33,809, was appropriated through the 2019 Annual Adjustment Ordinance. This second portion covers expenses incurred January 1, 2020-June 30, 2020. The total grant amount is being appropriated in two separate Ordinances due to changes in state law, which affected the state grant award process. State partners were only able to guarantee half the grants funds in 2019, and then later guaranteed the second half of the funds.

The required local match is \$22,537, which is 25% of the total funding. This will be met by appropriating \$5,370 in cash match funds from the CDNS operating budget previously designated for Restorative Justice Services. No cash match funds for this grant were appropriated in 2019, so this cash match appropriation meets the requirement. The rest of the match is in-kind, designated from the City in the form of office space for grant funded services; \$8,584 in office space was met in 2019, and the remaining \$8,584 in office space will be met in 2020. The grant period is July 1, 2019, to June 30, 2020. This is the third year in a 3-year cycle for the Juvenile Diversion grant.

7. First Reading of Ordinance No. 022, 2020, Amending Chapter 19 of the Code of the City of Fort Collins Regarding Municipal Court.

The purpose of this item is to make various updates to Chapter 19 of the City Code, which governs Municipal Court procedures, to bring the City Code into alignment with current Court practices and legal requirements.

8. Items Relating to Updating Certain Minor Code Violations and Related Penalties.

- A. First Reading of Ordinance No. 023, 2020, Amending the Code of the City of Fort Collins to Reclassify Certain Offenses as Petty Offenses and Update the Potential Monetary Penalty for Code Violations.
- B. First Reading of Ordinance No. 024, 2020, Amending Section 17-102 of the Code of the City of Fort Collins Regarding the Offense of Throwing Missiles.

The purpose of this item is to reclassify some misdemeanors as petty offenses, update and simplify the maximum possible fine for all types of offenses and amend the throwing missiles offense to reflect behavior that threatens safety and not simply any throwing of anything.

9. First Reading of Ordinance No. 025, 2020, Amending Various Sections of the Fort Collins Traffic Code.

The purpose of this item is to ensure that the Fort Collins Traffic Code is consistent with Colorado traffic laws.

10. Items Relating to the Soldier Canyon Pump Station Annexation.

- A. Resolution 2020-014 Setting Forth Findings of Fact and Determinations Regarding the Soldier Canyon Pump Station Annexation.
- B. Public Hearing and First Reading of Ordinance No. 026, 2020, Annexing the Property Known as the Soldier Canyon Pump Station Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex the tract of land known as the Soldier Canyon Pump Station Annexation, located at 4316 Laporte Ave. The Applicant, Platte River Power Authority, has submitted a written petition requesting the annexation. The purpose of the annexation is to allow the Soldier Canyon Pump Station to be served by Fort Collins Light and Power, rather than Xcel Energy. This is a voluntary annexation. The Soldier Canyon Pump Station Annexation totals 0.702 acres; it achieves the required 1/6 perimeter boundary contiguity with the existing municipal boundaries to the north, west and south. The site is enclosed on three sides by the City of Fort Collins Water Treatment Facility at 4316 Laporte Avenue. The annexation would incorporate the site into Fort Collins' municipal boundaries, as well as the Residential Neighborhood Sign District. A related item to zone the annexed property is presented as the next item on this Agenda.

11. Public Hearing and First Reading of Ordinance No. 027, 2020, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Soldier Canyon Pump Station Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map.

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(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to apply a zoning to the property included in the annexation known as the Soldier Canyon Pump Station Annexation. Soldier Canyon Pump Station Annexation, owned by the Platte River Power Authority, is located adjacent to the City of Fort Collins Water Treatment Facility at 4316 Laporte Avenue and is 0.702 acres in size. The proposed zoning for this annexation is Residential Foothills (R-F). The surrounding uses include the existing City Water Treatment Plant to the north, south and west, and Colorado State University Solar Farm to the east. The abutting City limits to the north, south and west are zoned Residential Foothills (R-F). Staff also recommends placement into the Residential Neighborhood Sign District.

12. Items Relating to the Timberline-International Annexation No. 1

- A. Resolution 2020-015 Setting Forth Findings of Fact and Determinations Regarding the Timberline-International Annexation. No. 1.
- B. Public Hearing and First Reading of Ordinance No. 028, 2020, Annexing the Property Known as the Timberline-International Annexation No. 1 to the City of Fort Collins, Colorado.

The purpose of this item is to annex the first of three sequential tracts of land known collectively as the Timberline-International Annexations. Timberline-International Annexation No. 1 consists of 0.09 acres of North Timberline Road right-of-way and establishes the required 1/6 contiguity with existing City limits. Timberline-International Annexation No. 1, located northeast of the North Timberline Road and International Boulevard intersection, would incorporate the property into Fort Collins' municipal boundaries, as well as into the Residential Neighborhood Sign District. A related item to zone the annexed property is presented as the next item on this Agenda.

13. Public Hearing and First Reading of Ordinance No. 029, 2020, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Timberline-International Annexation No. 1 to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map.

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(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to apply zoning to the property included in the first of three sequential annexations, known as the Timberline-International Annexation No.1. Timberline-International Annexation No. 1 is located northeast of the North Timberline Road and International Boulevard intersection. The proposed zoning for this annexation is Industrial (I). The surrounding properties are existing industrial land uses currently zoned I-Industrial Zoning District (in Larimer County) to the north, south and west. The abutting City limit to the east is zoned Low Density Mixed-Use Neighborhood (L-M-N) and consists of North Timberline Road right-of-way. Staff also recommends placement into the Residential Neighborhood Sign District.

14. Items Relating to the Timberline-International Annexation No. 2

- A. Resolution 2020-016 Setting Forth Findings of Fact and Determinations Regarding the Timberline-International Annexation. No. 2.
- B. Public Hearing and First Reading of Ordinance No. 030, 2020, Annexing the Property Known as the Timberline-International Annexation No. 2 to the City of Fort Collins, Colorado.

The purpose of this item is to annex the second of three sequential tracts of land known collectively as the Timberline/International Annexations. Timberline/International Annexation No. 2 consists of 0.86-acres of North Timberline Road and International Boulevard right-of-way, which establishes the required 1/6 contiguity with existing City limits (Timberline-International Annexation No. 1). Timberline-International Annexation No. 2, located northeast of the North Timberline Road and International Boulevard intersection, would incorporate the property into Fort Collins' municipal boundaries, as well as into the Residential Neighborhood Sign District. A related item to zone the annexed property is presented as the next item on this Agenda.

15. Public Hearing and First Reading of Ordinance No. 031, 2020, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Timberline-International Annexation No. 2 to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map.

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(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to apply zoning to the property included in the second of three sequential annexations, known as the Timberline-International Annexation No. 2. Timberline-International Annexation No. 2 is located northeast of the North Timberline Road and International Boulevard intersection. The proposed zoning for this annexation is Industrial (I). The surrounding properties are existing industrial land uses currently zoned I-Industrial Zoning District (in Larimer County) to the north, south and west. The abutting City limit to the east is zoned Low Density Mixed-Use Neighborhood (L-M-N) and consists of North Timberline Road right-of-way. Staff also recommends placement into the Residential Neighborhood Sign District.

16. Items Relating to The Timberline-International Annexation No. 3

- A. Resolution 2020-017 Setting Forth Findings of Fact and Determinations Regarding the Timberline-International Annexation. No. 3.
- B. Public Hearing and First Reading of Ordinance No. 032, 2020, Annexing the Property Known as the Timberline-International Annexation No. 3 to the City of Fort Collins, Colorado.

The purpose of this item is to annex the third of three sequential tracts of land known collectively as the Timberline-International Annexations. Timberline-International Annexation No. 3 consists of 1.39-acres, which establishes the required 1/6 contiguity with existing City limits (Timberline-International Annexation No. 2). Timberline-International Annexation No. 3, located northwest of the North Timberline Road and International Boulevard intersection, would incorporate the property into Fort Collins' municipal boundaries, as well as into the Residential Neighborhood Sign District. A related item to zone the annexed property is presented as the next item on this Agenda.

A citizen has asserted that the annexation petition does not comply with statutory requirements because less than fifty percent of the landowners in the area to be annexed who own more than fifty percent of the area, excluding public streets, alleys, and City owned land, signed the annexation petition, if deed-of-trust holders are treated as owners. Staff does not agree that deed-of-trust holders are considered owners for this purpose and believes the petitioner has satisfied all annexation requirements.

17. First Reading of Ordinance No. 033, 2020, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Timberline-International Annexation No. 3 to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map.

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(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to zone the property included in the third of three sequential annexations, known as the Timberline-International Annexation No.3. Timberline-International Annexation No. 3 is located northeast of the North Timberline Road and International Boulevard intersection. The proposed zoning for this annexation is Industrial (I). The surrounding properties are existing industrial land uses currently zoned I-Industrial Zoning District (in Larimer County) to the north, south and west. The abutting City limit to the east is zoned Low Density Mixed-Use Neighborhood (L-M-N) and consists of North Timberline Road right-of-way. Staff also recommends placement into the Residential Neighborhood Sign District.

18. Resolution 2020-018 Authorizing the Initiation of Exclusion Proceedings of Annexed Properties Within the Territory of the Poudre Valley Fire Protection District and Authorizing an Intergovernmental Agreement with Said District.

The purpose of this item is to authorize the City Attorney to file a petition in Larimer County District Court to exclude properties annexed into the City in 2019 from the Poudre Valley Fire Protection District (the District) in accordance with state law. The properties affected by this Resolution are the Kechter Enclave Annexation, Trilby Substation Enclave Annexation, Friendly Fire Enclave Annexation and Strauss Cabin Enclave Annexation. C.R.S. Section 32-1-502 requires an order of exclusion from the District Court to remove these annexed properties from special district territories. The properties have been receiving fire protection services from the Poudre Fire Authority and will continue to do so. The City Attorney's Office files the petition in Larimer County District Court each year seeking exclusion for all properties annexed in the previous year that should be removed from the District to avoid double taxation.

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. Water Reclamation and Biosolids Platinum Certification (staff: Jason Graham)

- **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.

19. First Reading of Ordinance No. 034, 2020, Amending Chapter 1 of the Code of the City of Fort Collins to Establish Standards for Sentences to Probation and Deferred Judgments and Sentences. (staff: Patty Netherton, Judge Kathleen M. Lane, Jill Hueser; 5 minute staff presentation; 15 minute discussion)

The purpose of this item is to add a new article to Chapter 1 of the City Code to describe how probation will be used in Municipal Court as a new sentencing alternative and to codify procedures for deferred judgment and sentencing dispositions.

20. First Reading of Ordinance No. 035, 2020, Appropriating Prior Year Reserves to Purchase Property on North College Avenue for the Affordable Housing Land Bank. (staff: Sue Beck-Ferkiss; 10 minute staff presentation; 20 minute discussion)

The purpose of this item is to appropriate funds for the purchase of an approximately 5-acre parcel of land just west of North College Avenue for the City's affordable housing Land Bank Program.

21. First Reading of Ordinance No. 036, 2020, Appropriating Unanticipated Grant Revenue and Authorizing Transfers in the Natural Areas Fund for the Club Outdoors Program. (staff: Zoe Shark; 8 minute staff presentation; 10 minute discussion)

The purpose of this item is to appropriate a \$70,660 grant awarded by the D.R. & V. Pulliam Charitable Trust into the Natural Areas Department's 2020 budget. This grant was awarded to support Club Outdoors, an after-school and summer program that connects Boys & Girls Club members to natural areas. Most of the grant (\$58,400) will be the salary for two summer internships and a new contractual staff person to run Club Outdoors for one year. The rest of the funds will cover expenses such as transportation, food, and gear for participants. The grant requires the Natural Areas Department to cover the benefits costs of the positions, \$16,161, a funding match of approximately 22%. The match will come from previously appropriated Natural Areas Department funds.

- **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, February 11, 2020.

"I move that Council adjourn this meeting to 6:00 p.m., on Tuesday, February 11, 2020, 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.