



Wade Troxell, Mayor  
Gerry Horak, District 6, Mayor Pro Tem  
Bob Overbeck, District 1  
Ray Martinez, District 2  
Ken Summers, District 3  
Kristin Stephens, District 4  
Ross Cunniff, District 5

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

Wanda Winkelmann  
City Clerk

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.

**Special Meeting**  
**August 8, 2017**  
**6:00 p.m.**  
**(Amended 8/7/17)**

- PLEDGE OF ALLEGIANCE
- CALL TO ORDER
- ROLL CALL

**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.

1. Resolution 2017-073 Directing the City Manager to Submit to the Colorado Parks and Wildlife Commission and Other Agencies the City's Comments on the Fish and Wildlife Mitigation and Enhancement Plan for the Northern Integrated Supply Project and Directing Testimony Regarding the Same. (staff: John Stokes; 10 minute staff presentation; 90 minute discussion)

The purpose of this item is to consider a resolution to adopt a set of draft comments regarding the State of Colorado Fish and Wildlife Mitigation and Enhancement Plan (the Plan) for the Northern Integrated Supply Project (NISP). As early as the turn of the 19<sup>th</sup> century, the Poudre River was known as a “hard working” river. Now, well into the 21<sup>st</sup> century, pressures on the Poudre have increased dramatically as the region thrives. In the early 1970s Fort Collins realized that the Poudre had the potential to be more than an industrial zone. Since that time, Fort Collins has invested many tens of millions of dollars in parks, natural areas, river restoration, flood mitigation, and a riverside trail. Fort Collins owns about 70% of the floodplain within the city’s growth management area. The Poudre River trail starts west of the City at the CPW Watson Lake facility and with the exception of a short section yet to be completed near Timnath, runs to Greeley. Throughout the year visitors through the River, including boaters, tubers, hikers, bikers, and anglers. According to a 2012 CPW report, the highest creel counts on the Poudre are in downtown Fort Collins not, as one might expect, in the upper reaches of the wild and scenic section.

In short, the 10 miles of the Poudre corridor through Fort Collins have become a defining feature of the community’s connection to the outdoors, its culture, and its sense of place.

In 2015, Fort Collins City Council adopted a position regarding NISP in Resolution 2015-082. The resolution states that NISP would be harmful to Fort Collins and states “City Council cannot support NISP as it is currently described and proposed...”

In 2017, Fort Collins City Council adopted Resolution 2017-024 authorizing the City Manager and his designees to meet on a regular basis with Northern Water to discuss and explore Fort Collins’ interests in order to ascertain whether those interests can be met pursuant to the terms of the resolution. To date, while several amicable meetings have occurred, Fort Collins and Northern Water have not reached any new understandings or agreements.

While staff’s draft comment letter implicitly assumes that NISP will be permitted and constructed by recommending various changes to NISP and its operations, nothing in draft comment letter should be interpreted to be a change of Fort Collins’ position regarding NISP.

While the Plan contains new, useful, and encouraging mitigation measures, staff continues to believe that NISP will have damaging impacts to Fort Collins and is concerned that the Plan does not sufficiently address a number of key concerns. In addition to describing a number of concerns, the comment letter also describes numerous recommendations to address the concerns.

The major elements of the proposed comments on the Plan are:

- Peak Flows
- Water Quality
- Mitigation, Restoration, Channel Improvements, and Conveyance
- Adaptive Management and Long-term Monitoring
- Uncertainties regarding agreements
- Mitigation and Enhancement Costs
- Big game habitat

2. Items Relating to a Proposed Charter Amendment to Add a New Section to Charter Article XII Pertaining to Telecommunication Facilities and Services. (staff: SeonAh Kendall, Mike Beckstead; 15 minute staff presentation; 1 hour discussion)

- A. Possible Public Hearing and Motions Regarding Protest(s) of Ballot Language.

- B. First Reading of Ordinance No. 101, 2017, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Article XII of the City Charter to Add a New Section 7 Pertaining to Telecommunication Facilities and Services.

The purpose of this item is to propose an amendment to Charter Article XII, Municipal Public Utilities. The amendment would authorize the City Council to provide, by future ordinance, telecommunications/broadband facilities and services as a public utility, to issue of up to \$150 million in bonds, the ability to go into executive session to discuss matters related to competition in the telecommunications industry, and the option to establish governance of this public utility through a board and/or to delegate rate-making authority to the City Manager. This measure does not mandate that the City provide municipal retail broadband services, or that a third-party be the provider.

Any protest of the proposed ballot language must be received no later than Monday, August 7, 2017, at noon. The protest(s) shall be heard, considered, and resolved by Council prior to adoption of Ordinance No. 101, 2017. If protest(s) are received, copies will be included in Council's "Read-before" packet.

3. Items Relating to a Proposed Charter Amendment Regarding Municipal Court Functions. (staff: Carrie Daggett, Judge Kathleen Lane; 10 minute staff presentation; 15 minute discussion)

- A. Possible Public Hearing and Motions Regarding Protest(s) of Ballot Language.

- B. First Reading of Ordinance No. 102, 2017, Submitting to a Vote of the Electors of the City of Fort Collins a Proposed Amendment to Section 1 of Article VII of the City Charter Pertaining to the Jurisdiction of the Municipal Court to Hear Civil Cases.

This item sets a ballot question that would modify the jurisdiction of Municipal Court to eliminate the Municipal Court's jurisdiction over civil cases while retaining the Court's jurisdiction to hear and try all proceedings initiated by the City alleging violations of the Charter and ordinances of the City. The Ordinance submits the question to Fort Collins voters at the November 7, 2017, Special Municipal Election. The Charter Amendment has been proposed in order to prevent future appeals to Municipal Court of civil actions that are more appropriately heard in Larimer County District Court and that the Municipal Court is not well situated to hear.

Any protest of the proposed ballot language must be received no later than Monday, August 7, 2017, at noon. The protest(s) shall be heard, considered, and resolved by Council prior to adoption of Ordinance No. 102, 2017. If protest(s) are received, copies will be included in Council's "Read-before" packet.

4. First Reading of Ordinance No. 103, 2017, Appropriating Prior Year Reserves in the General Fund for the Conduct of a Special Election on November 7, 2017, that was not included in the 2017 Adopted City Budget. (staff: Wanda Winkelmann; no staff presentation; 5 minute discussion)

The purpose of this item is to appropriate \$150,000 from prior year reserves for the conduct of the November 7, 2017, Special Election. This is an estimated amount based on prior participation in coordinated elections. Final costs will be determined by the number of eligible Fort Collins voters, and the number of entities participating/sharing in the cost of the election.

5. ~~First Reading of Ordinance No. 104, 2017, Appropriating Unanticipated Revenue in the Capital Projects Fund and Appropriating Prior Year Reserves in the General Fund for Transfer to the Capital Projects Fund for Construction of the Final Five Acres of the Gardens on Spring Creek and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program. (staff: Michelle Provaznik; 10 minute staff presentation; 30 minute discussion)~~

**THIS ITEM HAS BEEN WITHDRAWN AND MOVED TO AUGUST 15.**

~~The purpose of this item is to appropriate \$2,631,000 for construction of the Gardens on Spring Creek facility including the Great Lawn, Undaunted Garden, Foothills and Prairie Gardens. This item also appropriates the funds needed for the Arts in Public Places artwork that is part of the capital project.~~

6. First Reading of Ordinance No. 105, 2017, Imposing a Moratorium Until December 31, 2017, upon the Acceptance of Applications for the Installation of and/or the Issuance of Right-of-Way Permits for New Antennas, Small Cell Facilities, Towers and Wireless Service facilities by any Third Party in City Rights-of-Way in any Zone District. (staff: Tyler Marr; 10 minute staff presentation; 15 minute discussion)

The purpose of this item is to consider a moratorium until December 31, 2017, on the installation of cellular facilities in public rights-of-way. This would allow the City time to draft and implement appropriate regulations on such installations while still complying with HB 17-1193, which expanded the right of companies to utilize the right of way for small cell installations.

- **ADJOURNMENT**