

November 15, 2016

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

● ROLL CALL

PRESENT: Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff
ABSENT: Horak
Staff present: Atteberry, Daggett, Knoll

● AGENDA REVIEW: CITY MANAGER

City Manager Atteberry stated the City receives federal grants from the U.S. Health and Urban Development Department (HUD) annually; part of HUD's requirements for the funds is that the city must hold a public hearing to enable citizens to comment on the use of the funds. The Mayor will open and close the public hearing at the appropriate times this evening.

City Manager Atteberry recommended pulling Item No. 2, *Items Relating to Proposed Outdoor Vendor Requirements*, to the Discussion Agenda.

● CITIZEN PARTICIPATION

Virginia Farver discussed Smart Meters and urged the audience to watch the documentary "Take Back Your Power."

Megan Skien expressed grief over the Trump election and called on Fort Collins to become a sanctuary city for all minorities.

Jana Newman requested Council take a stand against hate and intolerance in the city.

Jeff Morisette commented on the rally of solidarity and complimented its peaceful nature and the police officers who worked the event.

Thomas Edwards, Fort Collins Bicycle Coalition, thanked the City for the Veterans Day event; however, he expressed concern regarding accessibility issues at the Senior Center.

Deborah James stated the bathroom facilities at Buckingham Park are filthy and the City needs to provide trash cans and restrooms for homeless individuals. She supported funding Sunday bus service.

● CITIZEN PARTICIPATION FOLLOW-UP

Councilmember Overbeck requested information regarding the maintenance schedule for the Buckingham Park restrooms. Jeff Mihelich, Deputy City Manager, apologized for the issue and stated the restrooms are on a regular maintenance and cleaning schedule. Restrooms are available at Buckingham Park, Gustav Swanson Natural Area, and at Remington and Oak.

Councilmember Overbeck expressed appreciation for the individuals who spoke regarding inclusivity.

Councilmember Cunniff asked about doors being locked at the Senior Center, noting he had asked about this change quite some time ago. Councilmember Campana noted there were security concerns regarding doors being open during construction. Deputy City Manager Mihelich confirmed Council received a memo regarding the issue.

Councilmember Cunniff suggested a larger public process should have occurred regarding the door closures. Deputy City Manager Mihelich replied notices were placed throughout the Senior Center facility and stated the changes were made in the interest of safety and security.

Councilmember Martinez asked if the change at the Senior Center will be permanent. Deputy City Manager Mihelich replied in the affirmative given safety concerns.

Councilmember Cunniff stated this is a policy change and requested additional public outreach.

Councilmember Stephens suggested the doors could potentially be unlocked during special events in the future. She commented on the desire of the City and Council to provide an inclusive, safe community. Jackie Kozak-Thiel, Chief Sustainability Officer, replied the City has developed an interdepartmental internal equity team and the recommended budget includes a part-time coordinator of the team. The Human Relations Commission and Social Sustainability Department are also important points of contact for community members and a new Police liaison for the LBGTQ plus community has been recommended for funding.

Councilmember Martinez commented on Council's desire to be inclusive and noted the Colorado State Constitution and U.S. Constitution protect all community members.

Councilmember Campana noted Councilmembers can also be a point of contact for concerns regarding racism or other incidents.

Councilmember Overbeck requested input regarding the Human Relations Commission (HRC). Kozak-Thiel replied a conversation started with the HRC last year to bring together a collective which is now called the Community Equity Initiative. Its first retreat occurred recently and the Initiative includes representatives from CSU, Poudre School District, the City, members of the faith community, Larimer Latinos, the County and others.

Councilmember Overbeck asked about the City's participation in a national index. Kozak-Thiel replied a national organization called the Municipal Equality Index assesses municipalities and Fort Collins' score recently went up from a 60 to 74.

Mayor Troxell thanked the citizens who spoke and noted the City has researched the AMI infrastructure and is confident about its safety.

- **CONSENT CALENDAR**

Councilmember Campana withdrew Item No. 2, *Items Relating to Proposed Outdoor Vendor Requirements*, from the Consent Agenda.

Mayor Troxell opened the public hearing for Item No. 8, *Items Relating to the Completion of the 2016 Fall Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing Activities Utilizing Funds from the Federal Community Development Block Grant (CDBG) Program, Federal HOME Investment Partnership (HOME), and the City's Affordable Housing Fund (AHF)*.

Councilmember Overbeck withdrew Item No. 13, *Resolution 2016-088 Adopting the City's 2017 Legislative Policy Agenda*, from the Consent Agenda.

Eric Sutherland withdrew Item Nos. 3, *Second Reading of Ordinance No. 118, 2016, Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority Relating to the Annual Appropriations for the Fiscal Year 2017 and Fixing Mill Levy for the Downtown Development Authority for Fiscal Year 2017*, and 6, *Items Relating to 2017 Utility Rate Ordinances*, from the Consent Agenda.

Councilmember Cunniff made a motion, seconded by Councilmember Overbeck, to adopt and approve all items not withdrawn from the Consent Calendar.

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| RESULT: | CONSENT CALENDAR ADOPTED [UNANIMOUS] |
| MOVER: | Ross Cunniff, District 5 |
| SECONDER: | Bob Overbeck, District 1 |
| AYES: | Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff |
| ABSENT: | Horak |

1. **Consideration and Approval of the Minutes of the October 18, 2016, Regular Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the October 18, 2016 Regular Council meeting.

2. **Second Reading of Ordinance No. 119, 2016, Adopting the 2017 Budget and Appropriating the Fort Collins Share of the 2017 Fiscal Year Operating and Capital Funds for the Northern Colorado Regional Airport. (Adopted)**

This Ordinance, unanimously adopted on First Reading on November 1, 2016, appropriates the City of Fort Collins' 50% share of the Northern Colorado Regional Airport budget. The Airport's total budget is comprised of an operating budget and a capital budget. The 2017 annual operating budget is \$1,099,030, and will be funded using Airport operating revenues and non-operating revenues derived through contributions from the Cities of Fort Collins and Loveland (\$260,000 from each City). The proposed capital budget is \$1,493,302, and is funded through federal grants, state grants, and Airport operating revenue.

This Ordinance appropriates the City of Fort Collins 50% share of the 2017 Airport operating budget, which totals \$549,515 and the City of Fort Collins 50% share of the 2017 capital budget which totals \$746,651. The City of Loveland will be appropriating the other 50%. The Airport operating budget is used to maintain and operate the Airport in compliance with all regulatory standards for safety and security and to achieve the Council-approved Airport Strategic Plan. The Airport capital budget will be used to complete Airport improvement projects including runway and taxiway rehabilitation and preservation, taxiway sign safety modifications, an Airport Master Plan update, and acquisition of snow removal equipment.

3. **Items Relating to Various Amendments to Chapter 26 of the Code of the City of Fort Collins Pertaining to Utilities - Fall 2016. (Adopted)**

- A. Second Reading of Ordinance No. 120, 2016, Amending Chapter 26 of the Code of the City of Fort Collins Pertaining to Water Meter Requirements and Installation.
- B. Second Reading of Ordinance No. 121, 2016, Amending the Code of the City of Fort Collins to Clarify Utility Accounts, Billing and Collection Practices.

These Ordinances, unanimously adopted on First Reading on November 1, 2016, update Chapter 26 of the City Code to address the following:

- Identify requirements for location and installation of water service meters
- Clarify accounts and billing practices involving billing and collection dates and practices, and services provided to leased premises.

A portion of the language approved on First Reading of Ordinance No. 121, 2016, for inclusion in Sec. 26-721 of the City Code has been removed for Second Reading of the Ordinance. The deleted language was originally included on first reading of the Ordinance as part of new language to be added to the Code. However, staff has determined that this language will create an undue administrative burden and difficulty associated with inquiring into and validating whether the cause of a meter failure was a customer or a third party, and to apply a uniform method to calculate back-billing amounts for all customers with meter failures. The removed language appears as a "strike-out" in Section 7 of the Ordinance on Second Reading.

4. **First Reading of Ordinance No. 127, 2016, Appropriating Prior Year Reserves in the General Fund for the Purpose of Equipment Upgrades for FCTV. (Adopted)**

The purpose of this item is to transfer \$30,000 in restricted PEG funds from FCTV (Cable 14) reserves to 2016 Budget to cover needed equipment upgrades.

5. **Items Relating to the Completion of the 2016 Fall Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing Activities Utilizing Funds from the Federal Community Development Block Grant (CDBG) Program, Federal HOME Investment Partnership (HOME), and the City's Affordable Housing Fund (AHF). (Adopted)**

- A. Public Hearing and Resolution 2016-085 Approving the Programs and Projects that Will Receive Funds from the Community Development Block Grant Program, HOME Investment Partnership Program and the City's Affordable Housing Fund.
- B. Public Hearing and First Reading of Ordinance No. 128, 2016, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund.
- C. Public Hearing and First Reading of Ordinance No. 129, 2016, Appropriating Unanticipated Revenue in the HOME Investment Partnerships Fund.

The purpose of this item is to approve the funding recommendations of the 2016 Fall Cycle of the Competitive Process and appropriate federal dollars. Resolution 2016-085 will complete the 2016 Fall Cycle of the Competitive Process for allocating \$1,153,289 in City financial resources to affordable housing projects and the administration of the HOME program that began October 1, 2016. Ordinance Nos. 128 and 129, 2016 appropriate an adjustment of to the FY2016 HOME Participating Jurisdiction Grant from the Department of Housing and Urban Development (HUD) and Community Development Block Grant (CDBG) Program Income from FY2015.

6. **First Reading of Ordinance No. 130, 2016, Amending Certain Labeling and Testing Provisions of the Code of the City of Fort Collins Related to Retail Marijuana Businesses to Eliminate Duplication of and Conflict with State Law. (Adopted)**

The purpose of this item is to repeal marijuana testing provisions in the City Code to be in conformity with state law.

7. **First Reading of Ordinance No. 131, 2016, Declaring Certain City-Owned Property as Road Right-of-Way for Timberline Road. (Adopted)**

The purpose of this item is to declare Tract B of Community Recycle Center Subdivision, which is owned by the City, as road right-of-way. The Timberline Road project is currently being constructed on the property. The City owns a parcel of property located at the southwest corner of Timberline Road and Prospect Road. In 2015, the City designed ultimate improvements for Timberline Road across a portion of the City's property. This Ordinance officially establishes this portion needed for Timberline Road on the City's property as public road right-of-way.

8. **Resolution 2016-086 Authorizing the Mayor to Execute an Intergovernmental Agreement between the City of Fort Collins and the Colorado Department of Transportation for the US 287 (College Avenue) Resurfacing Project Between Harmony Road and Mulberry Street. (Adopted)**

The purpose of this item is to authorize the execution of an intergovernmental agreement (IGA) between the City and the Colorado Department of Transportation (CDOT) for the CDOT Milling and Resurfacing Project of US 287 (College Avenue) between Harmony and Mulberry.

9. **Resolution 2016-087 Affirming Its Intent to Share Costs for Improvements to the Interstate 25 (I-25) and Prospect Road Interchange Improvements as a Part of the Colorado Department of Transportation's North I-25 Corridor Improvements Project. (Adopted)**

The purpose of this item is to affirm Council's support of the City's intent to share in costs for improvements to the Prospect-Interstate 25 (I-25) interchange with the Colorado Department of Transportation (CDOT). This funding partnership would allow for significant cost efficiencies and inclusion into CDOT's overall base case project of Northern Colorado improvements to I-25. City staff is exploring funding partnership tools, including a proportional share of cost from key stakeholders/property owners proximate to the interchange.

Mayor Troxell closed the public hearing for Item No. 8, *Items Relating to the Completion of the 2016 Fall Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing Activities Utilizing Funds from the Federal Community Development Block Grant (CDBG) Program, Federal HOME Investment Partnership (HOME), and the City's Affordable Housing Fund (AHF).*

- END CONSENT
- CONSENT CALENDAR FOLLOW-UP

Mayor Troxell commented on Item No. 12, *Resolution 2016-087 Affirming Its Intent to Share Costs for Improvements to the Interstate 25 (I-25) and Prospect Road Interchange Improvements as a Part of the Colorado Department of Transportation's North I-25 Corridor Improvements Project*, stating it speaks to a collaborative effort among CDOT and multiple communities.

Councilmember Stephens commented on Item No. 8, *Items Relating to the Completion of the 2016 Fall Cycle of the Competitive Process for Allocating City Financial Resources to*

Affordable Housing Activities Utilizing Funds from the Federal Community Development Block Grant (CDBG) Program, Federal HOME Investment Partnership (HOME), and the City's Affordable Housing Fund (AHF), stating it will fund rehabbing existing affordable housing.

● **STAFF REPORTS**

City Manager Atteberry introduced Dr. Tom Dodd, principal at Leshar Middle School, and announced he has been recognized as the Principal of the Year for the United States.

Mayor Troxell read a proclamation recognizing Dr. Dodd's achievements.

Dr. Dodd commended his staff and students and thanked the Councilmembers for their service.

● **COUNCILMEMBER REPORTS**

Councilmember Cunniff reported on a visit to Olander Elementary School.

Councilmember Stephens reported on a visit to Shepardson Elementary School.

Councilmember Overbeck reported on his presentation of a proclamation recognizing an historical marker project at Grandview Cemetery and thanked the Council Tree Daughters of the American Revolution for their research. He reported on the ribbon cutting ceremony for a new multi-use path at Tavelli Elementary School.

Councilmember Martinez reported on a visit to Putnam Elementary School.

Mayor Troxell reported on City Manager Atteberry being elected a Fellow of the National Academy of Public Administrators and being recognized with a Governor's Award for leadership.

Councilmember Martinez requested City Manager Atteberry comment on the Baldrige Award. City Manager Atteberry replied the City has been on a "performance excellence" journey of continuous improvement and the framework used is the Malcolm Baldrige Quality Improvement Program. The City reached the highest level at the regional Rocky Mountain Performance Excellence program and was therefore qualified to participate at the national level. The City was identified as a Baldrige Best Practice site for the Leadership category.

● **CONSIDERATION OF COUNCIL-PULLED CONSENT ITEMS**

10. **Items Relating to Proposed Outdoor Vendor Requirements. (Adopted as Amended on Second Reading)**

A. *Second Reading of Ordinance No. 079, 2016, Amending Article XIV of Chapter 15 of the Code of the City of Fort Collins Regarding Outdoor Vendors.*

B. *Second Reading of Ordinance No. 080, 2016, Amending Articles 3, 4 and 5 of the Land Use Code Regarding Outdoor Vendors.*

These Ordinances, unanimously adopted on First Reading on June 21, 2016, amend the City Code and Land Use Code to update property owner and outdoor vendor requirements. The intent of the original 2012 Code provisions for outdoor vendor operations was to manage a mobile operation and

address specific mobile vendor impacts and requirements as a temporary, accessory land use. The proposed changes clarify and distinguish between two primary outdoor vending operations, mobile and stationary, including land use locational requirements for vending on privately-owned lots.

On July 5, 2016, on Second Reading, Council postponed this item to November 15, 2016. The postponement was intended to allow more time for staff to coordinate with outdoor vendors and affected property owners related to potential Downtown stationary vending locations and a new food truck park concept.

Tom Leeson, Community Development and Neighborhood Services Director, stated Ordinance No. 079, 2016 provides amendments to the City Code and Ordinance No. 080, 2016 amends the Land Use Code. An error related to stationary vending was found in Ordinance No. 079, 2016. The Ordinance should state stationary vending is allowed in the Downtown zone district; therefore, staff is recommending the erroneous section be stricken to make the Ordinances consistent.

Taylor Smith, Silver Seed and FoCo Food Truck Alliance, thanked Council for its transparency and accessibility. He commended the proper and sensible regulations.

Councilmember Cunniff made a motion, seconded by Councilmember Overbeck, to adopt Ordinance No. 079, 2016, as amended, on Second Reading.

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| RESULT: | ORDINANCE NO. 079, 2016, ADOPTED AS AMENDED ON SECOND READING [UNANIMOUS] |
| MOVER: | Ross Cunniff, District 5 |
| SECONDER: | Bob Overbeck, District 1 |
| AYES: | Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff |
| ABSENT: | Horak |

Councilmember Cunniff made a motion, seconded by Councilmember Overbeck, to adopt Ordinance No. 080, 2016, on Second Reading.

Councilmember Stephens commended staff on meeting with vendors to create a better end product.

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| RESULT: | ORDINANCE NO. 080, 2016, ADOPTED ON SECOND READING [UNANIMOUS] |
| MOVER: | Ross Cunniff, District 5 |
| SECONDER: | Bob Overbeck, District 1 |
| AYES: | Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff |
| ABSENT: | Horak |

11. **Resolution 2016-088 Adopting the City's 2017 Legislative Policy Agenda. (Adopted as Amended)**

The purpose of this item is to consider and adopt the City's 2017 Legislative Policy Agenda as recommended by the Legislative Review Committee (LRC). Each year the LRC develops a legislative agenda to assist in the analysis of pending legislation and regulation. The Legislative Policy Agenda is used as a guide by Council and staff to determine positions on legislation and regulation pending at the state and federal levels and as a general reference for the City's state legislators and congressional delegation.

Councilmember Overbeck stated he would like some additions to the Legislative Policy Agenda in the areas of Social Sustainability and Natural Areas. He requested the following Social Sustainability additions: a word to make the phrase “support a diverse, equitable and inclusive community that successfully meets the basic needs of all residents,” “mental health and substance abuse,” and “oppose legislations that target any protected class.” In Natural Areas and Open Lands, he requested the addition of the phrase “protect the Cache la Poudre River and local urban streams” or “protect and restore local urban streams.”

Councilmember Campana requested a description of the document itself. Ginny Sawyer, Project and Policy Manager, replied the Legislative Policy Agenda is set prior to the State legislative session and is meant to be a guiding document for the Legislative Review Committee, composed of three Councilmembers.

Councilmember Campana noted some of the statements in the document are direct from other documents and the goal in reviewing it was to reduce redundancies and create a more streamlined Policy Agenda the Committee can measure any new legislation against.

Councilmember Cunniff agreed with Councilmember Campana’s assessment but stated Councilmember Overbeck’s proposed changes do make sense.

Councilmember Campana questioned how state legislation could affect local urban streams noting the City could adopt its own policies regarding local streams.

Councilmembers discussed the “oppose legislations that target any protected class” language.

Councilmember Cunniff made a motion, seconded by Councilmember Campana, to adopt Resolution 2016-088.

Councilmember Campana made a friendly amendment to accept all of Councilmember Overbeck’s suggested changes apart from the “oppose legislations that target any protected class” language. Councilmember Cunniff accepted the friendly amendment.

Councilmember Campana commended Councilmember Overbeck’s suggestions.

Councilmember Overbeck commended the work of the Legislative Review Committee and supported the motion.

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| RESULT: | RESOLUTION 2016-088 ADOPTED AS AMENDED [UNANIMOUS] |
| MOVER: | Ross Cunniff, District 5 |
| SECONDER: | Gino Campana, District 3 |
| AYES: | Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff |
| ABSENT: | Horak |

● DISCUSSION ITEMS

12. **Second Reading of Ordinance No. 126, 2016, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2017; Adopting the Budget for the Fiscal Years Beginning January 1, 2017, and Ending December 31, 2018; and Fixing the Mill Levy for the Fiscal Year 2017. (Option 1 or Option 2) (Adopted on Second Reading)**

*This Ordinance, unanimously adopted on First Reading on November 1, 2016, sets the City Budget for the two-year period (2017-18) which becomes the City's financial plan for the next two fiscal years. As requested, two options are being brought forth for Second Reading. **Option 1** is the Ordinance as adopted on First Reading, including the amendment to not fund Side Hill Park. That Ordinance sets the amount of \$611,024,736 to be appropriated for fiscal year 2017. **Option 2** is the Ordinance referenced in Option 1 along with: (1) unfunding Offer 5.26 - CAP ENHANCEMENT - Utilities: Light & Power - Electric Distributed Battery Pilot Program, and (2) funding Offer 7.19 - ENHANCEMENT - 1.0 FTE Utilities: Customer Service & Administration - Program Coordinator Supervisor. The Option 2 Ordinance would set the amount of \$611,085,496 to be appropriated for fiscal year 2017.*

However, these appropriated amounts do not include what is being appropriated by separate Council actions to adopt the 2017 budget for the General Improvement District (GID) No. 1 of \$68,107, the 2017 budget for General Improvement District (GID) No. 15 (Skyview) of \$1,000, the Urban Renewal Authority 2017 budget of \$8,328,759, and the Downtown Development Authority 2017 budget of \$9,888,727. This Ordinance also sets the 2017 City mill levy at 9.797 mills, unchanged since 1991.

Mike Beckstead, Chief Financial Officer, discussed the changes made since First Reading.

Cheryl Distaso, Fort Collins Community Action Network, supported full funding of Sunday bus service for 2017 and 2018.

Deborah James supported full funding of Sunday bus service.

Mike Devereaux supported full funding of Sunday bus service.

Peter O'Neill, Energy Board, spoke in favor of option 2 for the Utilities budget which would fund the Conservation Program Coordinator Supervisor position.

Lynn Thompson, Fort Collins Homeless Coalition, supported full funding of Sunday bus service.

Gordon Coombs, Team Wellness and Prevention, thanked Council and staff for work to serve underserved populations in the budget process.

Brian Munskee supported full funding of Sunday bus service noting its benefits to the triple bottom line.

Kevin Cross, Fort Collins Sustainability Group, spoke in favor of budget offers which would support the City's greenhouse gas emission reduction goals, specifically offers 6.65, Utilities Light and Power Energy Services, and 6.76, Energy Services Enhancement. He stated the recommended budget does not do enough to advance Fort Collins toward meeting its climate goals.

Mary Dinn supported full funding of Sunday bus service.

Esther Aguila supported full funding of Sunday bus service.

Jana Newman supported full, or at least partial, funding of Sunday bus service

Jimena Sagas, Human Relations Commission, supported full funding of budget offer 27.8.

Anthony McGlaun supported full funding of budget offer 27.8.

Dierdre Sullivan supported full funding of budget offer 27.8.

Pastor J. Newhall discussed homelessness in the community and noted the importance of helping individuals in need. He supported allocating additional funding toward aiding homeless individuals.

Robert Bradley supported full funding of Sunday bus service.

(Secretary's Note: The Council took a brief recess at this point in the meeting.)

Councilmember Cunniff thanked the citizens who have provided input regarding the budget. He noted Council agrees Sunday transit is desirable; however, questions remain as to how quickly and how exactly to fund it. He went on to discuss the options for Utilities and supported moving forward with option 1 at this point.

Councilmember Overbeck asked about conversations with other potential partners for Sunday bus service. Kurt Ravenschlag, Transfort General Manager, replied preliminary conversations with Colorado State University have been initiated and a formal proposal has been created. Meetings with ASCSU will occur prior to the holiday break and meetings with CSU administration occur biweekly and the proposal is currently being routed through the administration.

Councilmember Overbeck suggested additional time be spent on the equity and inclusion offer 27.8 in terms of analyzing how complaints are filed.

Councilmember Martinez thanked the citizens who have provided input. He supported the need for Sunday bus service but noted funding trade-offs need to occur. He asked about the cost per ride of Sunday service. Ravenschlag replied the cost per Sunday rider is estimated to be approximately \$12.

Councilmember Martinez asked how long it would take to implement the service with full funding. Ravenschlag replied it would take approximately four months.

Councilmember Stephens supported the Sunday service pilot program and the process of finding a funding partner. With regard to the equity inclusion office, she suggested additional research into ensuring this offer is the best approach.

Councilmember Campana made a motion, seconded by Councilmember Martinez, to adopt Ordinance No. 126, 2016, Option 1, on Second Reading.

Councilmember Campana noted the original recommended budget did not include Sunday service at all and the proposal to include a funding partner is a unique approach and good compromise for attempting to pilot Sunday service.

Councilmember Overbeck suggested the possibility of mid-term funding of equity and inclusion department positions.

Mayor Troxell thanked staff and citizens for work and participation in the budget. He stated the budget serves the city well in terms of utilization of its resources.

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| RESULT: | ORDINANCE NO. 126, 2016, OPTION 1, ADOPTED ON SECOND READING [UNANIMOUS] |
| MOVER: | Gino Campana, District 3 |
| SECONDER: | Ray Martinez, District 2 |
| AYES: | Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff |
| ABSENT: | Horak |

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

13. **Second Reading of Ordinance No. 118, 2016, Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority Relating to the Annual Appropriations for the Fiscal Year 2017 and Fixing Mill Levy for the Downtown Development Authority for Fiscal Year 2017. (Adopted on Second Reading)**

This Ordinance, unanimously adopted on First Reading on November 1, 2016, sets the Downtown Development Authority ("DDA") Budget and sets the 2017 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002.

The following amounts will be appropriated:

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| DDA Public/Private Investments & Programs | \$1,665,408 |
| DDA Operations & Maintenance | \$ 835,283 |
| Revolving Line of Credit Draws | \$2,450,000 |
| DDA Debt Service Fund | \$4,938,036 |

The approved Budget becomes the Downtown Development Authority's financial plan for 2017.

Eric Sutherland stated this budget does not comport with the requirements for budgeting contained in the City Charter.

Councilmember Martinez noted the process has been laid out and adopted by previous Councils.

Councilmember Campana made a motion, seconded by Councilmember Overbeck, to adopt Ordinance No. 118, 2016, on Second Reading.

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| RESULT: | ORDINANCE NO. 118, 2016, ADOPTED ON SECOND READING [UNANIMOUS] |
| MOVER: | Gino Campana, District 3 |
| SECONDER: | Bob Overbeck, District 1 |
| AYES: | Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff |
| ABSENT: | Horak |

14. **Items Relating to 2017 Utility Rate Ordinances. (Adopted on Second Reading)**

A. *Second Reading of Ordinance No. 122, 2016, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges.*

- B. *Second Reading of Ordinance No. 123, 2016, Amending chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees and Charges.*
- C. *Second Reading of Ordinance No. 124, 2016, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees and Charges.*
- D. *Second Reading of Ordinance No. 125, 2016, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees and Charges.*

These Ordinances, unanimously adopted on First Reading on November 1, 2016, adopt rate changes for electric, water, wastewater and stormwater monthly charges, beginning in January 2017. The proposed rate increases for 2017 and 2018, as well as the primary driver behind the requested increases, are outlined in the table below.

| Proposed Revenue Adjustments | | |
|-------------------------------------|-------|-------|
| Utility Service | 2017 | 2018 |
| Electric | 3.45% | 1.80% |
| Water | 5.00% | 5.00% |
| Wastewater | 3.00% | 3.00% |
| Stormwater | 5.00% | 0.00% |

In Ordinance No. 122, 2016, Electric Rates, the language initially adopted on First Reading has been removed from Sections 2 and 3. The removed language involved proposed additions to City Code Sections 26-464(r) and 26-465(r) expanding the scope of "community solar projects" to include low-income solar program installations. The full program details, including a version of the proposed language removed from Ordinance No. 122, 2016, will return for Council consideration in 2017.

Eric Sutherland opposed various aspects of the Utility rate ordinances and stated the Smart Meter investment was a public policy failure.

Mike Truitt asked Council to consider how utility rate increases will affect middle and lower income residents.

Councilmember Cunniff stated he would like to see additional work in terms of providing funding for energy-efficiency upgrades; however, the existing rate structures have been proven to be necessary for both the anticipated PRPA increases as well as the capital improvement plans for specific infrastructures fixes in all three utilities.

Councilmember Stephens stated she is committed to finding a solution to aid low-income families.

Councilmember Cunniff made a motion, seconded by Councilmember Campana, to adopt Ordinance No. 122, 2016, on Second Reading.

Councilmember Campana commented on challenges with on-bill financing.

Councilmember Overbeck asked how many homes have electric baseboard heat in the community. Lance Smith, Utilities Strategic Finance Director, replied a residential demand rate structure for all-electric houses does exist and there are currently about 800 customers on that rate structure.

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| RESULT: | ORDINANCE NO. 122, 2016, ADOPTED ON SECOND READING [UNANIMOUS] |
| MOVER: | Ross Cunniff, District 5 |
| SECONDER: | Gino Campana, District 3 |
| AYES: | Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff |
| ABSENT: | Horak |

THE MOTION CARRIED.

Councilmember Cunniff made a motion, seconded by Councilmember Martinez, to adopt Ordinance No. 123, 2016, on Second Reading.

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| RESULT: | ORDINANCE NO. 123, 2016, ADOPTED ON SECOND READING [UNANIMOUS] |
| MOVER: | Ross Cunniff, District 5 |
| SECONDER: | Ray Martinez, District 2 |
| AYES: | Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff |
| ABSENT: | Horak |

Councilmember Cunniff made a motion, seconded by Councilmember Campana, to adopt Ordinance No. 124, 2016, on Second Reading.

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| RESULT: | ORDINANCE NO. 124, 2016, ADOPTED ON SECOND READING [UNANIMOUS] |
| MOVER: | Ross Cunniff, District 5 |
| SECONDER: | Gino Campana, District 3 |
| AYES: | Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff |
| ABSENT: | Horak |

Councilmember Cunniff made a motion, seconded by Councilmember Martinez, to adopt Ordinance No. 125, 2016, on Second Reading.

THE MOTION CARRIED.

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| RESULT: | ORDINANCE NO. 125, 2016, ADOPTED ON SECOND READING [UNANIMOUS] |
| MOVER: | Ross Cunniff, District 5 |
| SECONDER: | Ray Martinez, District 2 |
| AYES: | Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff |
| ABSENT: | Horak |

● OTHER BUSINESS

Councilmember Campana commented on offer 41.3, an enhancement offer for online special events permit software, which did not make the City Manager's recommended budget. He stated

2016 carry-over funds have been found for that offer and requested and received Council support for funding that offer.

Councilmember Campana stated one of the hurdles of on-bill financing involves citizens not being able to initially pay for improvements prior to being reimbursed; therefore, paying contractors directly could be a good option. He supported investigating options.

Councilmember Cunniff agreed with Councilmember Campana and supported modifying or creating programs to create the opportunity for lower-income residents to afford improvements.

Councilmember Campana requested and received Council support to evaluate the challenges of Northern Integrated Supply Project (NISP). Carol Webb, Water Resources and Treatment Operations Manager, stated a memo will be provided to Council regarding water supply issues in the region and a summary of all regional projects in relation to the needs of Fort Collins. The Halligan project has had a budget increase primarily due to water quality modeling challenges. Webb stated staff has had discussions with NISP participants regarding the City's issues and noted Glade Reservoir, which is part of the NISP project, is an alternative to the Halligan project. The Army Corps is looking at the Least Environmentally Damaging Practicable Alternative and staff is recommending pursuing the draft Environmental Impact Statement which will aid in determining whether the Halligan permitting process should continue or whether Glade is a potential alternative to Halligan.

Councilmember Campana stated Council neither supported nor directly opposed NISP and suggested it be more direct in evaluating the project, addressing any issues, and discussing possible solutions. Webb replied deliberate, specific discussions with NISP participants have occurred and additional communications on that will be forthcoming in the near term.

Councilmember Cunniff supported continuing to study NISP and possible ways to remediate issues. Councilmember Campana stated the scientific challenges, and whether they can be solved, should be clearly identified.

Mayor Troxell asked when the results of the time-of-use study will be discussed. Lance Smith, Utilities Strategic Finance Director, replied the time-of-use pilot study is complete and analysis on the best bill guarantee portion is currently being completed. Customers will be notified in December as to whether the best bill guarantee requires an adjustment to their account. The study, customer survey results, and options for Council consideration will be discussed at the January 23 Work Session.

Mayor Troxell requested information as to what form a proposal for a new rate structure would take and a time line for such implementation. Smith replied the communication and outreach plan will be discussed.

Mayor Troxell suggested Council gain a certain base knowledge regarding time-of-use and distributed energy resources.

Councilmember Overbeck stated he was contacted by Representative Joann Ginal regarding a state bill addressing rolling coal.

- **MOTION TO ADJOURN TO LATER IN THE EVENING**

Councilmember Cunniff made a motion, seconded by Councilmember Campana, to adjourn to later tonight and resume upon the completion of the General Improvement District No. 1 Board meeting, the Skyview South General Improvement District Board meeting, and the Urban Renewal Authority Board meeting for completion of the Council's regular meeting agenda. Yeas: Campana, Martinez, Cunniff, Troxell, Overbeck and Stephens. Nays: none.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Ross Cunniff, District 5 |
| SECONDER: | Gino Campana, District 3 |
| AYES: | Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff |
| ABSENT: | Horak |

- **POSSIBLE EXECUTIVE SESSION.**

Councilmember Cunniff made a motion, seconded by Councilmember Overbeck, that the City Council go into executive session for the purpose of meeting with the City's attorneys and City Management staff to discuss specific legal questions related to the case of Gonzalez versus the City of Fort Collins and the manner in which particular policies, practices and regulations of the City may be affected by existing or proposed provisions of federal, state, or local law, as permitted under Section 2-31(a)(2) of the City Code and Colorado Revised Statutes Section 24-6-402(4)(b).

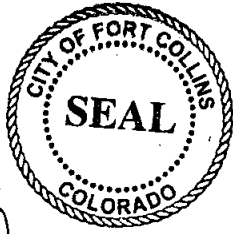
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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Ross Cunniff, District 5 |
| SECONDER: | Bob Overbeck, District 1 |
| AYES: | Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff |
| ABSENT: | Horak |

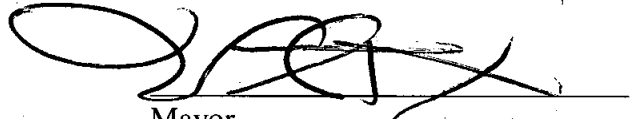
- **ADJOURNMENT**

Councilmember Cunniff made a motion, seconded by Councilmember Overbeck to adjourn to 6:00 p.m., Tuesday, November 29, 2016.


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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Ross Cunniff, District 5 |
| SECONDER: | Bob Overbeck, District 1 |
| AYES: | Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff |
| ABSENT: | Horak |

The meeting adjourned at 11:08 PM.




Mayor

ATTEST:


City Clerk