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DATE: December 19, 2016

TO: Mayor Troxell and Councilmembers

FM: Ginny Sawyer, Project and Policy Manager *GS*

TH: Darin Atteberry, City Manager *DA*  
Kelly DiMartino, Assistant City Manager *KD*

RE: December 13, 2016 Work Session Summary- Occupancy Study (Updated with Correction)

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Councilmember Martinez participated remotely via streaming. All other Councilmembers were present.

Staff provided a brief history of the existing occupancy ordinance and the stakeholder requests for an updated study. Prior to the work session, staff held meetings with a group of neighbors and with stakeholders who had expressed an interest in contributing to the cost of a study (Colorado State University, Associated Students of Colorado State University and the Fort Collins Board of Realtors.)

Based on input from those meetings a draft scope of study was presented.

#### General Discussion Themes:

- A majority of Councilmembers agreed that the ordinance was serving a purpose in increasing neighborhood quality.
- There was overall interest in a study but some question as to how large a scope and what the intended outcome and value would be.
- The ordinance and study was discussed in context of City Plan and infill plans. There was agreement that an occupancy focus would be overwhelmed by the scope of City Plan.
- Specific areas of interest included:
  - Number of violating households and increasing compliance with the occupancy ordinance
  - The effectiveness and utilization of the Extra Occupancy Rental House permits
  - Market corrections based on increased housing units coming online
  - Limiting the scope of study to a smaller geographic area
  - Agreement that study is important but not urgent

#### Next Steps:

- Refine scope of study to be smaller and more targeted.
- Gauge stakeholder interest in support of the scope.
- Schedule a work session for Council review and input.








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## MEMORANDUM

**DATE:** December 16, 2016

**TO:** Mayor Troxell and Councilmembers

**THRU:** Darin Atteberry, City Manager   
Jeff Mihelich, Deputy City Manager 

**FROM:** Wanda Winkelmann, City Clerk   
Carrie Daggett, City Attorney   
Rita Knoll, Chief Deputy City Clerk 

**RE:** December 13, 2016 Work Session Summary: Possible Charter and Election Code Amendments

Councilmembers Present: Mayor Troxell, Mayor Pro Tem Horak, Councilmembers Campana, Cunniff, Overbeck, Stephens

### Overview:

Staff presented a collection of proposed Charter and Code amendments discussed by the Council ad hoc committee appointed to work with staff on election-related amendment relating to the conduct of elections, campaign reporting, redistricting, complaints, and the date of canvass of the election. In addition other changes to the date of the Council organizational meeting following the regular election, the procedure for cancellation of a Council meeting due to inclement weather, natural disasters or emergencies, and a clarification to the conflict of interest provisions in the Charter and Code.

In addition, the Committee and staff suggested that the Election Code Committee become a standing committee to meet as needed as election issues arise (similar to the practice followed by the Ethics Review Board).

### Council Discussion:

Some concern was expressed about the private right of action that was included as part of the complaint process. There was general agreement that the process should be defined, but it should not create a greater opportunity for the complaint process to be abused because the outcome of an election was undesirable to the complainant.

In general, Council was supportive of the recommended changes.

### Follow Up:

Staff will take another look at the private right of action provisions based on Council comments. Agenda materials referring Charter amendments to the April 2017 ballot will be prepared for the January 3, 2017 Council meeting. Code amendments that are not dependent on the outcome of the Charter amendment ballot issues will be brought forward at the same time.



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MEMORANDUM

**DATE:** December 16, 2016  
**TO:** Mayor Troxell and Councilmembers  
**THROUGH:** Darin Atteberry, City Manager *DA*  
 Jeff Mihelich, Deputy City Manager *J.M.*  
**FROM:** Wanda Winkelmann, City Clerk *WW*  
 Tom Leeson, Director of CDNS *WW for TL*  
 Carrie Daggett, City Attorney *CD*  
**RE:** December 13 Work Session Summary: Appeal Process Improvements

At the December 13 Work Session, staff presented possible amendments to the appeals process. Mayor Troxell, Mayor Pro Tem Horak, and Councilmembers Campana, Cunniff, Overbeck, and Stephens were in attendance.

The following summarizes the items discussed and the Councilmember feedback:

Topic	Councilmember Feedback
Eligibility to file an appeal	No support expressed for a change to those currently eligible to file an appeal.
Appeal hearing schedule	No support expressed for a change to the current practice of appeal hearings being held on a Tuesday evening and scheduled on a case-by-case basis.
Merit of appeal	Support expressed for a Code amendment that would permit a remand of an appeal by the City Manager when a defect is found in the process and the remand is agreed to by the applicant, particularly if the process is defined further in Code. Discussion about Council "summary decision" on the merits of an appeal.
Submission of Councilmember questions prior to the appeal hearing	No support expressed for a change to the current practice of Councilmembers asking questions at the appeal hearing.
Meeting procedures: time limits, registration of parties-in-interest	Support expressed for a change to the <i>Appeals Guidelines</i> to include the typical timeframe of 20/20/10/10 for presentation and rebuttal, but not for requiring parties-in-interest to register.
Site Visits	Continue providing oral instructions at the site visits.
Ex parte communications	City Clerk to continue responding to citizen emails about development projects.
Signage at quasi-judicial proceeding	Amend the rules of procedure to prohibit signage at a quasi-judicial proceeding.

## NEXT STEPS

As a result of the feedback received by Council, staff will:

1. Prepare a Code amendment for Council's consideration that would permit the remand of an appeal by the City Manager (and with the agreement of the applicant) when a defect is found in the appeal process.
2. Amend the *Appeals Guidelines* to include the typical timeframe of 20/20/10/10 for presentation and rebuttal.
3. Prepare a resolution for Council's consideration that would amend the rules of procedure to prohibit signage at quasi-judicial proceedings.

Any amendments adopted by City Council would be reflected in the *Appeals Guidelines*.