

February 7, 2017

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, Horak
Staff Present: Atteberry, Daggett, Winkelmann

● AGENDA REVIEW: CITY MANAGER

City Manager Atteberry stated a brief staff report will be presented for Item No. 19, *Second Reading of Ordinance No. 009, 2017, Appropriating Prior Year Reserves in the Storm Drainage Fund to Pay 2017 Fees for the City of Fort Collins Areas within the Boxelder Basin Regional Stormwater Authority*, and withdrew Item No. 20, *Items Relating to the Submission of a City-Initiated Ordinance Relating to Medical Marijuana Businesses to a Vote of the Registered Electors of the City at the April 4, 2017, Regular Municipal Election*, for additional staff work.

● CITIZEN PARTICIPATION

Eric Sutherland stated Item No. 20, *Items Relating to the Submission of a City-Initiated Ordinance Relating to Medical Marijuana Businesses to a Vote of the Registered Electors of the City at the April 4, 2017, Regular Municipal Election*, which was withdrawn from the agenda, would be impermissible under the City Charter.

Helen Taylor, Fort Collins Prairie Dog Relocation Group, thanked the City for steps taken toward protecting the remaining urban prairie dog colonies.

Kevin Jones, Fort Collins Area Chamber of Commerce, opposed the upcoming proposed fee increases, stating the general community has not been invited into the conversation.

Dory Arvis thanked the City for steps taken toward protecting the remaining urban prairie dog colonies.

Rose Lew, Fort Collins Sustainability Group, opposed the planned rebranding of the Climate Action Plan to not include “climate.”

Christi Brockway urged Council to approve Land Use Code revisions and thanked the City for promoting environmental stewardship.

Mala Vias supported short-term rentals.

Marcella Wells supported the Land Use Code changes relating to prairie dogs and stated land use decisions should be made with an ecological ethos.

Mike Pruznick discussed courts favoring government over citizens and his use of the word “crook.”

Jana Newman requested an update regarding Sunday Transfort service.

Adam Eggleston, Fort Collins Board of Realtors, expressed concern regarding increases to capital improvement and transportation fees and requested a phasing option for all fees prior to adoption.

Carrie Gillis expressed concern regarding fee increases and stated community input has been lacking.

Hailey Dallas expressed concern that the proposed appropriate use of public space ordinance will be disproportionately enforced and opposed its adoption.

Greg Miedema, Homebuilders Association of Northern Colorado, expressed concern regarding fee increases.

Malik Rivers opposed the proposed appropriate use of public space ordinance.

Sue Ballou discussed short-term rental regulations and supported staff's recommendations.

John Drigot discussed John Ferris' death and expressed concern regarding the condition of sidewalks near Poudre High School.

Lynn Thompson opposed the proposed appropriate use of public space ordinance, stating it targets homeless individuals.

Cindy Minatta, Fort Collins Board of Realtors, requested Council provide direction to staff to consider each fee on its own merit and seek more community input.

Jessica Aguila spoke on behalf of Christy Ann Gale opposing the proposed appropriate use of public space ordinance. She stated it would criminalize homelessness.

Jennifer Reisch opposed the proposed appropriate use of public space ordinance as lacking compassion.

Lisa Eaton supported short-term rentals and noted there are many duplicate listings on VRBO and Airbnb.

Kevin Harper discussed negotiations regarding eminent domain proceedings on his property.

Brian Munsky opposed the proposed appropriate use of public space ordinance, stating it would criminalize homelessness.

Sarah (no last name given) opposed the proposed appropriate use of public space ordinance.

Griselda opposed the proposed appropriate use of public space ordinance, stating it targets the most vulnerable members of the population. She also opposed the proposed use of the Larimer County jail for petty offenses.

Hank Stowers opposed the proposed appropriate use of public space ordinance and the proposed use of the Larimer County jail for petty offenses.

Esther Aguila discussed mental health issues relating to homelessness and stated basic human needs should not be criminalized.

Michael (no last name given) opposed the proposed appropriate use of public space ordinance stating it would criminalize homelessness.

Juliana (no last name given) opposed the proposed appropriate use of public space ordinance.

Laurel Smith stated she does a fair amount of business downtown and believes in shared public space. She opposed the proposed appropriate use of public space ordinance and use of the Larimer County jail for petty offenses.

Cheryl Distaso opposed any form of the appropriate use of public space ordinance. She supported the process behind the Mayor's climate action letter.

Diana Clements showed a video in support of short-term rentals.

Cory Storb opposed any form of the appropriate use of public space ordinance.

● **CITIZEN PARTICIPATION FOLLOW-UP**

Councilmember Martinez commented on the upcoming fee increases and asked if any communitywide outreach has occurred or if an analysis of the triple bottom line has occurred. City Manager Atteberry replied there was an extensive public process; however, there was no specific communitywide open house. Mike Beckstead, Chief Financial Officer, replied the public outreach plan focused on the stakeholders impacted by the fees. Staff is well prepared to re-engage in the process should Council desire. Phasing has been considered and those options will be presented to Council.

Councilmember Martinez asked about the impact of smoking ban enforcement on the homeless population. Police Chief John Hutto replied warnings are quite frequently issued prior to tickets and noted officers often issue citations to individuals to whom they know a warning has been issued. This occurs frequently in the downtown area.

Councilmember Martinez stated any type of sit-lie ordinance will be carefully scrutinized.

Councilmember Cunniff requested information about the outreach for the possible ordinance. Jeff Mihelich, Deputy City Manager, replied staff detailed a very specific citizen engagement program to engage the public. Specifically, this included, or will include, a super Board meeting, meetings with the Downtown Business Association, Downtown Development Authority, Human Relations Commission, and Commission on Disabilities. Two broad public meetings will also occur and individuals can provide feedback through an online survey.

Councilmember Cunniff requested information regarding the rebranding of the Climate Action Plan. Mihelich replied the language and Plan are not being replaced. The operationalizing of that Plan involved the bridge language "Road to 2020;" that definition has now been broadened to involve the implementation of the Climate Action Plan.

Councilmember Cunniff requested additional staff information regarding the status of dangerous sidewalks.

Councilmember Stephens thanked the speakers and discussed some of the things the City and Council have done to assist with homelessness issues. She also discussed the importance of addressing negative behaviors.

Councilmember Overbeck thanked the speakers who addressed the prairie dog issue and commended speakers who presented ideas. He requested follow-up regarding Mr. Harper's comments.

Councilmember Campana discussed the effectiveness of leadership and legislation through innovation. He also discussed the issues related to citations in Old Town, noting a balanced solution needs to occur.

Mayor Pro Tem Horak thanked the Prairie Dog Relocation Coalition and discussed the issues relating to dangerous sidewalks.

Councilmember Martínez commented on the efforts of business people to address homelessness.

Mayor Troxell thanked the speakers and commented on the short-term rental issue regarding neighborhood livability and property rights.

● **CONSENT CALENDAR**

Councilmember Cunniff withdrew Item No. 18, *Resolution 2017-015 Making Appointments to Various Boards and Commissions of the City of Fort Collins*, from the Consent Agenda.

Eric Sutherland withdrew Item Nos. 12, *Items Relating to Gateway at Prospect Plan Amendment to the City Structure Plan Map and Rezoning of Two Parcels*, and 17, *Resolution 2017-014 Approving and Adopting an Open Data Policy*, from the Consent Agenda.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Campana, to adopt and approve all items not withdrawn from the Consent Agenda.

RESULT:	CONSENT AGENDA ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Gino Campana, District 3
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

1. **Consideration and Approval of the Minutes of the January 3 and January 17, 2017 Regular Council Meetings. (Adopted)**

The purpose of this item is to approve the minutes from the January 3 and January 17, 2017, Regular Council meetings.

2. **Second Reading of Ordinance No. 006, 2017, Appropriating Unanticipated Grant Revenue in the General Fund for the Fort Collins Police Services Victim Services Unit. (Adopted)**

This Ordinance, unanimously adopted on First Reading on January 17, 2017, appropriates a grant received by the Fort Collins Police Services Victim Services Unit in the amount of \$48,000. The grant, received from the Eighth Judicial District Victim Assistance and Law Enforcement (VALE) Board, runs for the period from January 1, 2017 to December 31, 2017, and helps fund services provided by this team. The 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. A part-time victim advocate will be hired from this grant to help with the growing demand the unit is facing. These funds will also pay for a portion of the operational expenses needed to provide 24-hour a day, 7-day a week services to victims of crime in the community.

3. **Second Reading of Ordinance No. 007, 2017, Appropriating Unanticipated Grant Revenue in the General Fund for the Encore Fellowship Program. (Adopted)**

This Ordinance, unanimously adopted on First Reading on January 17, 2017, appropriates \$25,000 of unanticipated grant revenues to the General Fund from the Encore Fellowship Program to the City of Fort Collins. Encore implements an innovative social purpose workplace initiative designed to utilize experienced and talented corporate employees in the non-profit sector. The Encore Fellowship Program will provide the City with 1,000 hours of paid hourly staff time in 2017 to support the City's Indoor Air Quality initiatives, including the Healthy Homes program.

4. **Second Reading of Ordinance No. 008, 2017, Appropriating Unanticipated Grant Revenue in the General Fund for the Environmental Services Radon Program and Authorizing the Transfer of Matching Funds Previously Appropriated in the Environmental Services Department Operating Budget. (Adopted)**

This Ordinance, unanimously adopted on First Reading on January 17, 2017, appropriates unanticipated grant revenue in the General Fund for the Environmental Services Radon Program and transfers existing and unexpended appropriated funds from the Environmental Services 2017 operating budget to the Radon Grant project. The Ordinance appropriates \$7,960 of unanticipated grant revenues in the General Fund. The Colorado Department of Public Health and Environment granted these funds to the City for a program to encourage radon testing and mitigation through media advertising and low-cost test kit sales. The grant directly supports radon activities identified in the Environmental Services Department's core budget offer. The grant requires a local match of \$5,307. Matching funds are appropriated and unexpended in the 2017 Environmental Services operating budget and will be transferred to the Environmental Services Radon Program.

5. **Second Reading of Ordinance No. 011, 2017, Authorizing the Execution of an Amended and Restated Conservation Easement with Colorado Open Lands on the Kingfisher and Nix Natural Areas, Including Conveyance of a Conservation Easement on Additional Lands. (Adopted)**

This Ordinance, unanimously adopted on First Reading on January 17, 2017, authorizes the execution of the amended and restated Nix Natural Area Conservation Easement, which is being renamed the Kingfisher Natural Area Conservation Easement. The amended and restated conservation easement offers a conveyance of a conservation easement on an additional 46.13 acres to Colorado Open Lands to mitigate the building envelope on an additional 6.12 acres to allow for the future expansion of the Nix Farm Natural Areas Facility.

6. **Items Relating to Cathy Fromme Prairie Natural Area Encroachments. (Adopted)**

- A. Second Reading of Ordinance No. 012, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Steven Jones.
- B. Second Reading of Ordinance No. 013, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Frank and Lorenda Volker.
- C. Second Reading of Ordinance No. 014, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Dane and Lynn Brandt.
- D. Second Reading of Ordinance No. 015, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Barbara and Thomas Cynkar.
- E. Second Reading of Ordinance No. 016, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Steven Huval.

- F. Second Reading of Ordinance No. 017, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Robert and Yukari Samuel.
- G. Second Reading of Ordinance No. 018, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Stephanie Yang and Scott Lavolette.

These Ordinances, unanimously adopted on First Reading on January 17, 2017, authorize the sale of seven small parcels of Cathy Fromme Prairie Natural Area Land, a total of 0.31 acres, to seven residents of the Fox Hills Subdivision to resolve long-standing and significant encroachments.

7. **Second Reading of Ordinance No. 019, 2017, Adopting the 2017 Amended Classified Employees Pay Plan to Update Classified Positions as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police. (Adopted)**

This Ordinance, unanimously adopted on First Reading on January 17, 2017, amends City's Classified Employee Pay Plan based on a market analysis conducted as agreed upon through the 2016-2017 Collective Bargaining Agreement with the Northern Colorado Lodge #3 of the Fraternal Order of Police (FOP). This agreement was approved by Council by Resolution 2015-104, on December 1, 2015. Although ratified in 2015, the bargaining agreement specifies a salary data collection method and evaluation process that included the postponement of final data collection and analysis until January 2017 when additional benchmark data became available. This data has been collected and analyzed, resulting in the revised 2017 Classified Employee Pay Plan.

8. **First Reading of Ordinance No. 021, 2017, Amending Land Use Code Section 3.4.1, Natural Habitats and Features. (Adopted)**

The purpose of this item is to consider potential changes to various Land Use Code requirements related to the protection and mitigation of impacts to prairie dog colonies, sensitive and specially valued species, and other natural habitats and features on development sites.

9. **First Reading of Ordinance No. 022, 2017, Authorizing the City Manager to Enter into a Lease Agreement with the Landowners Association for Phantom Canyon Ranches for Recreational Use of Halligan Reservoir and Certain Surrounding Lands. (Adopted)**

The purpose of this item is the authorization of a lease agreement between the City of Fort Collins and the Landowners Association for Phantom Canyon Ranches (the Association) for recreational use of Halligan Reservoir and certain real property adjacent to Halligan Reservoir owned by the City (Halligan Property). The Association has leased the recreational rights to the Halligan Property for fishing, boating, and similar activities since 1988. Historically, the North Poudre Irrigation Company (NPIC) leased the recreational rights for Halligan Reservoir to the Association. Because the City now owns the Halligan Property, it has the right to lease recreational use of it. The Lease Agreement would maintain historic leasing practices and will benefit the City in various ways, such as gaining certain rights to access to the Reservoir using the Association's Meadow Creek Road, assisting in the monitoring and maintenance of the Halligan Property, facilitating the ongoing federal permitting process for the enlargement of Halligan Reservoir, and generating a revenue stream. The Lease Agreement provides for three ten-year terms, but allows for early termination by the City, if the enlargement of Halligan Reservoir receives authorization or if the City decides to no longer pursue the enlargement of Halligan Reservoir.

10. **Public Hearing and First Reading of Ordinance No. 023, 2017, Annexing Property Known as the Rennat Annexation to the City of Fort Collins, Colorado. (Adopted)**

The purpose of this item is to annex 57.83 acres located at 6015 South Timberline Road into the City of Fort Collins. The parcel became an enclave with the annexation of the Hansen Farm Annexation on February 15, 2013. As of February 15, 2016, the City was authorized to annex the enclave in accordance with State Statute 31-12-106. Staff is recommending placement into the Residential Neighborhood Sign district. The Rennat Annexation is situated between the Union Pacific

Railroad/Southridge Golf Course to the west and South Timberline Road to the east. A related item to zone the proposed annexation presented as the next item on this Agenda.

11. **Public Hearing and First Reading of Ordinance No. 024, 2017, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Rennat Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Amendments to the Sign District Map. (Adopted)**

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 2015-091.

The purpose of this item is to zone the property included in the Rennat Annexation into the Low Density Mixed-Use Neighborhood (LMN), Medium Density Mixed-Use Neighborhood (MMN), and Neighborhood Commercial (NC) zone districts.

12. **Resolution 2017-010 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. (Adopted)**

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 2016 from the Poudre Valley Fire Protection District (the District) in accordance with state law. The properties affected by this resolution are Lodgepole Investments, LLC Annexation, Maverik First Annexation, Mountain's Edge Annexation, East Prospect at Boxelder Creek Annexation, Majestic Place Annexation, and the Cache la Poudre River 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.

13. **Resolution 2017-011 Adopting Findings of Fact and Conclusions Regarding the Appeal of the Planning and Zoning Board Decision to Approve the Landmark Apartments Expansion, PDP#160013. (Adopted)**

The purpose of this item is to make Findings of Fact and Conclusions regarding the Appeal of the Planning and Zoning Board decision to approve the Landmark Apartments Expansion Project Development Plan.

14. **Resolution 2017-012 Approving an Art Project for the Lincoln Corridor Plan Project and Authorizing Expenditures from the Cultural Services and Facilities Fund to Commission an Artist to Create the Art Project. (Adopted)**

The purpose of this item is it to approve expenditures from the Art in Public Places Reserve Account to commission an artist to create art for the Lincoln Corridor Plan Project. The expenditures of \$91,995 will be for design, materials, signage, fabrication, installation, and contingency for Mark Leichliter to create a series of artworks for the Lincoln Corridor Plan Project.

15. **Resolution 2017-013 Approving an Art Project for the Twin Silos Park and Authorizing Expenditures from the Cultural Services and Facilities Fund to Commission an Artist to Create the Art Project. (Adopted)**

The purpose of this item is it to approve expenditures from the Art in Public Places Reserve Account to commission an artist to create art for the Twin Silo Park Project. The expenditures of \$67,000 will be for design, materials, signage, fabrication, installation, and contingency for Tim Upham to create a sculpture at the site of Twin Silo Park.

- **END CONSENT**

- **CONSENT CALENDAR FOLLOW-UP**

Councilmember Cunniff thanked the Prairie Dog Coalition.

- **STAFF REPORTS**

Larimer County Commissioner Steve Johnson reported on the Larimer County Annual Community Report. He highlighted various County programs, including a subsidized employment program for individuals on Temporary Assistance to Needy Families. He discussed opportunities relating to I-25 improvements, landfill changes, and the reintroduction of genetically-pure bison on open spaces.

- **UPCOMING PROSPECT ROAD CLOSURES**

Mark Jackson, Planning, Development and Transportation Services Deputy Director, discussed the upcoming improvements to the Prospect and College area which will require some full closures on Prospect and some lane drops on College Avenue. The project will include three primary phases and will make major improvements to the congested intersection.

Councilmember Cunniff asked what efforts are being taken to allow business access during the construction. Jackson replied very robust outreach plans are in place for residents and businesses which will include wayfinding and detour information. At least one point of access will be in place at all times. Jackson also discussed the methods by which neighborhood cut-through traffic should be reduced. The best resource for individuals with questions or concerns is Access Fort Collins.

- **COUNCILMEMBER REPORTS**

Councilmember Overbeck reported on his upcoming visit to the State Capital to testify before the Transportation Energy Committee on HB1102 dealing with rolling coal. He also reported on the Metropolitan Planning Organization meeting.

Councilmember Martinez reported on the Ethics Review Board meeting.

Councilmember Stephens reported on the point-in-time homeless survey and the health and wellness center open house at Centennial High School. She also reported on the Poudre Fire Authority Station 8 grand opening and the Faith Family Hospitality fundraiser.

Councilmember Martinez reported on the Larimer County Food Bank's Empty Bowl fundraiser and Poudre Fire Authority awards banquet.

Councilmember Overbeck reported on the point-in-time count and wellness center event.

Councilmember Campana reported on the first Business Community and Inclusion meeting, the first summit for It's On Us, and a meeting with the regional Comcast leadership team.

Mayor Troxell reported on the naturalization ceremony at Dunn Elementary.

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

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

16. **Resolution 2017-015 Making Appointments to Various Boards and Commissions of the City of Fort Collins. (Adopted)**

The purpose of this item is to appoint individuals to fill vacancies that currently exist on boards and commissions due to the resignation of a board member and a vacancy created upon the expiration of a term. Applications were solicited from October through December. Council teams interviewed applicants in January. This Resolution appoints individuals to fill current vacancies.

Eric Sutherland stated he attends Economic Advisory Commission meetings and the Commission is deficient regarding the things that pose risks to the economy.

Councilmember Cunniff stated Glen Colton did not get reappointed and suggested including him as an alternate member.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Martinez, to adopt Resolution 2017-015.

RESULT:	RESOLUTION 2017-015 ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ray Martinez, District 2
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

- **DISCUSSION ITEMS**

17. **Second Reading of Ordinance No. 009, 2017, Appropriating Prior Year Reserves in the Storm Drainage Fund to Pay 2017 Fees for the City of Fort Collins Areas within the Boxelder Basin Regional Stormwater Authority. (Adopted on Second Reading)**

This Ordinance, adopted on First Reading on January 17, 2017 by a vote of 6-1 (Nays: Cunniff) appropriates \$330,000 from prior year reserves in the Storm Drainage Fund to pay stormwater service and stormwater system development fees in advance to the Boxelder Basin Regional Stormwater Authority (BBRSA) for those developed areas of the City of Fort Collins that also are located within the BBRSA service area boundary based on existing development (i.e., impervious surface area) conditions.

Prior to expenditure of the funds appropriated under this Ordinance, it is anticipated that an intergovernmental agreement between the City and BBRSA will be negotiated clarifying the provisions on which a prepayment will be made. Such an intergovernmental agreement requires Council approval under City Code Section 1-22.

Jon Haukaas, Water Engineer Field Operations Manager, stated this item would appropriate prior year reserves to make funds available for a pre-payment of 2017 fees to the Boxelder Basin Regional Stormwater Authority. Prior to making the pre-payment, an agreement on terms and conditions will be arranged. A City policy on the charging of interest does exist; however, as this is an appropriation that remains within the Stormwater Fund, it is not considered a loan. If this is not needed, and an agreement is not reached, these funds would then be used to pay fees under the normal schedule.

Eric Sutherland opposed the Boxelder Basin Regional Stormwater Authority stating land condemnation did not occur appropriately. He also discussed Timnath's use of property tax increment, stating they are abusing the process.

Councilmember Cunniff asked if the pre-payment is allowed by the IGA or if the IGA was re-worked to allow the pre-payment. Haukaas replied the IGA that forms the Authority did not need to be re-done; however, there is a potential for an additional IGA that lays out the specific terms of any pre-payment.

Councilmember Cunniff asked about the need to do this now versus later. Haukaas replied this action is simply an appropriation; the timing of the payment is still being worked out between the member entities on the Boxelder Board.

Councilmember Cunniff asked if Council would have any authority over the payment after this appropriation. Haukaas replied Council could direct staff to return if desired.

Councilmember Martinez asked if this action provides any loan violations as asserted by Mr. Sutherland. Mayor Pro Tem Horak, Boxelder Board President, replied Fort Collins is attempting to assure its ability to do things, if needed, as one of the three members of the Authority. The funds are already in the two-year budget; this action would make them available this year if needed. He stated no action would be taken without the best interest of the City and Council in place.

Councilmember Martinez made a motion, seconded by Councilmember Campana, to approve Ordinance No. 009, 2017, on Second Reading.

Mayor Pro Tem Horak stated this would provide an option for the City and noted Timnath has already promised it would upfront money as well.

Councilmember Cunniff expressed concern about the overall direction of the Authority.

Mayor Troxell thanked Mayor Pro Tem Horak for his work on the issue.

RESULT:	ORDINANCE NO. 009, 2017, ADOPTED ON SECOND READING [6 TO 1]
MOVER:	Ray Martinez, District 2
SECONDER:	Gino Campana, District 3
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Horak
NAYS:	Cunniff

19. **Resolution 2017-017 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions. (Adopted as Amended)**

The purpose of this item is to update the Rules of Procedure for special Council meetings, to set out a procedure for election protest hearings, to prohibit signs during quasi-judicial hearings before Council, and to clarify where citizens may sit or stand during City Council meetings and work sessions.

City Attorney Daggett discussed the proposed changes: reducing the number of agenda items for a Special Meeting; adding a provision which lays out the process for a protest hearing; making

various formatting changes; eliminating the holding of signs and props during a quasi-judicial hearing; and reducing the amount of standing traffic in the aisles during meetings.

Mike Pruznick agreed with the proposed changes but suggested they will not have the intended impact by themselves. He suggested Council look at the bigger picture regarding the root cause of the disruptions.

Councilmember Martinez suggested citizen participation should not be limited during Special Meeting.

Mayor Pro Tem Horak stated Special Meetings are generally called for a specific purpose and citizens can speak on that topic.

Councilmember Cunniff proposed revising the language to allow signs which are admissible as evidence and the presenting party-of-interest consents. City Attorney Daggett stated this section is about public conduct during meetings, which is distinguishable from an authorized speaker during a hearing; however, she stated she does not see any problem with clarifying the language.

Councilmember Martinez asked if exceptions could be made for media photography or videography. City Attorney Daggett noted changes could be made at the discretion of the presiding officer.

City Attorney Daggett displayed language to address the display of signs by authorized speakers in connection with their hearing testimony.

Councilmember Stephens stated these changes will aid in allowing free movement by individuals with canes, crutches, or wheelchairs.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Campana, to adopt Resolution 2017-017 as amended.

Councilmember Martinez stated he would not support the motion as citizen participation should be allowed at Special Meetings.

Councilmembers discussed the advantages of the proposed changes.

RESULT:	RESOLUTION 2017-017 ADOPTED AS AMENDED [6 TO 1]
MOVER:	Gerry Horak, District 6
SECONDER:	Gino Campana, District 3
AYES:	Stephens, Overbeck, Campana, Troxell, Cunniff, Horak
NAYS:	Martinez

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

20. **Items Relating to Gateway at Prospect Plan Amendment to the City Structure Plan Map and Rezoning of Two Parcels. (Adopted)**

A. *Resolution 2017-009 Amending the City's Structure Plan Map.*

B. Public Hearing and First Reading of Ordinance No. 025, 2017, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for That Certain Property Known as the Gateway at Prospect Rezoning and Making Corresponding Changes to the 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 2015-091.

These items are related to a development application being submitted for an Overall Development Plan (ODP) on a parcel of vacant land located at the northwest quadrant of I-25 and East Prospect Road. The purpose of these items is twofold: first to amend the City's Structure Plan map (which is a component of the City's comprehensive plan) to change two land use designations applicable to the site; and second to rezone the site.

The Structure Plan amendment proposes to change the existing land use designations applicable to the site to promote the public welfare and be consistent with the vision, goals, principles and policies of the City Plan and the elements thereof by reflecting land uses consistent with changed conditions within the neighborhoods surrounding and including the site.

The rezoning proposes to change the existing zoning of the entire 22.43-acre site, which includes 12.40 acres of land currently zoned L-M-N, Low Density Mixed-Use Neighborhood and 10.03 acres of land currently zoned E, Employment. The proposed rezoning amends the zoning map for the entire site to M-M-N, Medium Density Mixed-Use Neighborhood Zone District.

Both the rezoning and the ODP are designed to facilitate a future multi-family development project on the subject 22.43 acres (also designated as Parcel J on the amended ODP). While multi-family is a permitted use in the L-M-N zone district, it is capped at 12 dwelling units per gross acre, 12 units per building and 14,000 square feet per building. The applicant seeks to develop a project that exceeds these parameters. While multi-family is also a permitted use in the E zone district, and not restricted by the L-M-N metrics, the applicant has voluntarily requested a down-zoning to M-M-N in order to create a unified development parcel with singular, unified zoning.

The request to rezone the two subject parcels complies with the standards and criteria of Land Use Code Section 2.9(H). In addition, and in compliance with Section 2.9(I), staff is recommending seven conditions of approval to ensure that all aspects of the future multi-family development measures up to the principles and policies of City Plan.

On January 12, 2017, the Planning and Zoning Board voted unanimously (6-0) to recommend approval to City Council.

Mayor Troxell noted this item is a quasi-judicial matter.

Eric Sutherland questioned the benefit of the rezoning to the community-at-large.

City Attorney Daggett outlined the process of the hearing.

Tim McKenna, Fort Collins I-25 Interchange Corner, LLC, identified himself as the applicant.

Ted Shepard, Chief Planner, discussed the proposed rezoning at the northwest quadrant of I-25 and East Prospect Road. The Boxelder Basin runs diagonally through the property. The existing structure plan shows LMN and Employment zoning and the proposed rezoning is for a contiguous MMN parcel.

Mr. McKenna noted the Planning and Zoning Board has approved a request for a modification to the Overall Development Plan and recommended approval of the rezoning request, both on a 6-0 vote.

Eric Sutherland questioned the accuracy of the Code citation in the Ordinance and questioned what the community is giving up by losing Employment zoning and increasing the number of rental housing units.

Mr. McKenna stated part of the Employment-zoned section was given to the City as part of the Boxelder project and the remainder would be better utilized as a multi-family site for affordable housing. He stated Colorado construction liability practically limits condo construction; therefore, the next entry-level housing is multi-family.

Councilmember Cunniff asked about the Code citation referenced by Mr. Sutherland. City Attorney Daggett replied a number was dropped from the citation and that will be corrected prior to Second Reading.

Councilmember Stephens noted there is currently no bus service to the property and she asked if that expansion will be considered given the multi-family housing component. Shepard replied the East Prospect Corridor is identified as an Enhanced Travel Corridor and will therefore have not only bus service but other multi-modal opportunities at some point in the future.

Mr. McKenna stated a Letter of Map Revision needs to be issued by FEMA for the Boxelder floodway prior to any construction on the property, which will not occur until May of 2018. Transportation will also be impacted by the possible development of a new intersection as part of the I-25 expansion.

Mark Jackson, Planning, Development, and Transportation Deputy Director, stated he does not have a definitive answer regarding the extension of Transfort; however, it will be part of the upcoming conversation around updating the Transit Master Plan.

Councilmember Stephens asked if child care services would be a permitted use. Shepard replied in the affirmative.

Councilmember Campana made a motion, seconded by Mayor Pro Tem Horak, to approve Resolution 2017-009.

RESULT:	RESOLUTION 2017-009 ADOPTED [UNANIMOUS]
MOVER:	Gino Campana, District 3
SECONDER:	Gerry Horak, District 6
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

Councilmember Campana made a motion, seconded by Mayor Pro Tem Horak, to adopt Ordinance No. 025, 2017, on First Reading.

RESULT:	ORDINANCE NO. 025, 2017, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Gino Campana, District 3
SECONDER:	Gerry Horak, District 6
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

Mayor Troxell closed the hearing.

21. **Resolution 2017-014 Approving and Adopting an Open Data Policy. (Adopted)**

The purpose of this item is to adopt an Open Data Policy in support of the City's commitment to improving the community by fostering open, valuable, effective, and accessible government through data transparency. Publishing structured, standardized data in machine-readable formats creates new opportunities for information from different sources to be combined and visualized in new and unexpected ways, creating a platform for innovation, and for citizens to browse, interpret and draw attention to trends or issues with greater ease and efficiency. This Policy also addresses the very real need to balance transparency with protecting privacy and security concerns.

Eric Sutherland noted his efforts in raising concerns for transparency have driven much of this policy and commented on the Boxelder Stormwater Authority.

Councilmember Cunniff made a motion, seconded by Campana, to adopt Resolution 2017-014.

Councilmember Cunniff commended work on the item.

Councilmember Overbeck commended staff work and the City's commitment to being transparent.

City Manager Atteberry noted this policy relates to usability and accessibility as well.


Mayor Pro Tem Horak asked how new information presented to Council will fit into this policy. Ginny Sawyer, Policy and Program Manager, replied information about short term will not be placed on the City's website.

Mayor Troxell suggested establishing a partnership to provide complementary data.

RESULT:	RESOLUTION 2017-014 ADOPTED [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Gino Campana, District 3
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak


• **ADJOURNMENT**

The meeting adjourned at 9:45 PM.



Mayor

ATTEST:



City Clerk

