

March 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 the read-before packet contained an amended intergovernmental agreement with the Colorado Department of Transportation regarding Item No. 14, *Resolution 2017-026 Authorizing the Mayor to Execute an Intergovernmental Agreement Between the City of Fort Collins and the Colorado Department of Transportation for the City's Contribution of Funds for the North Interstate 25 Improvements*, Item No. 16, *Items Relating to the Resolution of Issues Concerning Josh Ames Water Certificates*, has been postponed to March 21<sup>st</sup>, additional language has been added to the Resolution for Item No. 17, *Resolution 2017-029 Approving the Charter of the Regional Water Collaboration Steering Committee*, and Item No. 18, *Resolution 2017-030 Approving the Boxelder Basin Stormwater Authority's Multiple Fiscal Year Payment Obligation to the John W. Day Family Partnership Settling Claims Related to Condemnation of Property for the Eastside Detention Facility*, has been withdrawn from the agenda.

● CITIZEN PARTICIPATION

Eric Sutherland expressed concern regarding equal taxation for all citizens regarding Item No. 17, *Resolution 2017-029 Approving the Charter of the Regional Water Collaboration Steering Committee*.

Liz Pruessner, Fort Collins Audubon Society, read a statement regarding the management of feral cats and urged the City not to adopt an official policy relating to trapping, neutering, and releasing feral cats into natural areas and parks.

Bill Miller, Fort Collins Audubon Society, continued reading the statement regarding feral cats.

Ron Harden, Fort Collins Audubon Society, continued reading the statement regarding feral cats.

Jim Matlock stated the Pitkin Street Bikeway project will have significant vehicle impact for several intersections.

Forrest Carlson discussed comments made by Councilmember Campana. He also discussed evidence of corruption by President Trump and suggested Council adopt a Resolution calling for his impeachment.

Mike Pruznick opposed NISP conversations.

Lynn Barker expressed concern regarding the pedestrian crossing from Catholic Charities to a new bus stop and requested signage or striping be installed.

● **CITIZEN PARTICIPATION FOLLOW-UP**

Councilmember Overbeck stated he received an email from Mr. Matlock regarding the Lemay/Pitkin crossing and he has asked staff to look into the situation. He requested staff follow up regarding Ms. Barker's comments.

Mayor Pro Tem Horak agreed with Ms. Barker's suggestion about the crosswalk near Catholic Charities.

Councilmember Cunniff thanked the Audubon Society speakers and requested a follow-up regarding Mr. Sutherland's comments.

Councilmember Campana discussed Mr. Sutherland's comments.

Mayor Troxell discussed Start-Up Week and thanked Andrew Schneider for his work.

● **CONSENT CALENDAR**

Eric Sutherland withdrew Item Nos. 9, *Second Reading of Ordinance No. 035, 2017, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges for Customers Participating in Community Solar Projects*, 13, *First Reading of Ordinance No. 039, 2017, Appropriating Prior Year Reserves in the Transportation Fund for Regional Contribution to Larimer County for North I-25 Improvements*, and 14, *Resolution 2017-026 Authorizing the Mayor to Execute an Intergovernmental Agreement Between the City of Fort Collins and the Colorado Department of Transportation for the City's Contribution of Funds for the North Interstate 25 Improvements*, from the Consent Agenda.

An unidentified citizen withdrew Item No. 4, *Second Reading of Ordinance No. 030, 2017, Annexing Property Known as the Mail Creek Crossing Second Annexation to the City of Fort Collins, Colorado*, from the Consent Agenda.

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

<b>RESULT:</b>	<b>CONSENT AGENDA ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerry Horak, District 6
<b>SECONDER:</b>	Bob Overbeck, District 1
<b>AYES:</b>	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

1. **Second Reading of Ordinance No. 027, 2017, Appropriating Prior Year Reserves and Unanticipated Revenue in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and Convention and Visitor Program Services. (Adopted)**

This Ordinance, unanimously adopted on First Reading on February 21, 2017, appropriates \$355,985, from a combination of unanticipated revenue (Lodging Tax) and prior year reserves (unspent appropriations) in the General Fund Lodging Tax Reserves. \$221,578 will be used for 2017 Cultural Development and Programming Activities (Fort Fund); \$14,560 will be used for 2017 Tourism Programming (Fort Fund); and \$119,847 will be used for 2017 Convention and Visitors Program activities. Lodging taxes are annually collected by the City of Fort Collins for Cultural Development and Tourism programming activities. Anticipated revenue is projected through each

Budgeting for Outcomes (BFO) cycle and then adjusted annually as needed based on actual collections. Lodging tax revenue collected in 2016 was \$355,985 above projected collections.

2. **Second Reading of Ordinance No. 028, 2017, Amending the Fort Collins Traffic Code Restricting Parking in Bicycle Lanes. (Adopted)**

This Ordinance, unanimously adopted on First Reading on February 21, 2017 sections of the Fort Collins Traffic Code clarified regulations relating to bike lanes. The amendment to Section 1013 clarified that bicycle lanes can be identified by signs or pavement markings and that parking in bike lanes is prohibited. The amendment to Section 1204 included bike lanes in the list of locations where parking is prohibited.

3. **Postponement of Second Reading of Ordinance No. 029, 2017, Amending Chapter 15, Article XI of the Code of the City of Fort Collins Related to the Regulation and Licensure of Dealers in Secondhand Property to April 18, 2017. (Adopted)**

Staff requests postponement of Second Reading of this Ordinance to April 18, 2017, to allow time for additional research to address possible impacts to current businesses in town, including cell phone kiosks, cell phone stores, electronic stores and jewelers and the need to outreach to impacted parties.

4. **Second Reading of Ordinance No. 031, 2017, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Mail Creek Crossing Second Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes 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 2017-017.*

This Ordinance, unanimously adopted on First Reading on February 21, 2017, zones 43.698 acre, 11-parcel enclave into the City of Fort Collins. The initiating resolution was adopted on January 17, 2017. The subject properties are located on the east edge of South Timberline Road and are bisected by Kechter Road.

5. **Second Reading of Ordinance No. 032, 2017, Annexing Property Known as the Lehman-Timberline Annexation to the City of Fort Collins, Colorado. (Adopted)**

This Ordinance, unanimously adopted on First Reading on February 21, 2017, annexes 5.684 acres, located at 5830 South Timberline Road, between Mail Creek Ditch and Bacon Elementary School. The initiating resolution was adopted on January 17, 2017. A related item to zone the proposed annexation is presented as the next item on this Agenda.

6. **Second Reading of Ordinance No. 033, 2017, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Lehman-Timberline Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes 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 2017-017.*

This Ordinance, unanimously adopted on First Reading on February 21, 2017, zones the Lehman-Timberline annexation into the Low Density Mixed-Use Neighborhood (LMN), zone district.

7. **Second Reading of Ordinance No. 034, 2017, Expanding the Boundaries of the Fort Collins Downtown Development Authority and Amending the Plan of Development of the Authority. (Adopted)**

This Ordinance, unanimously adopted on First Reading on February 21, 2017, amends the boundaries of the Fort Collins Downtown Development Authority (DDA) and amends the DDA's Plan of Development to include the property at 221 East Oak Street and adjacent rights-of-way (ROW) on East Oak Street and Mathews Street. The property is a commercially zoned vacant lot at the southwest corner of East Oak Street and Mathews Street. The ROW is being added as a housekeeping step to more efficiently describe the overall DDA boundary. There is no impact to the City from the inclusion of this ROW.

8. **Second Reading of Ordinance No. 036, 2017, Repealing Ordinance No. 013, 1996, Regarding Adoption of the Neighborhood Character Design Guidelines for the Eastside and Westside Neighborhoods in Fort Collins. (Adopted)**

This Ordinance, unanimously adopted on First Reading on February 21, 2017, repeals the 1986 East Side Neighborhood Plan and the 1989 West Side Neighborhood Plan. The Old Town Neighborhoods Plan, adopted on February 21, 2017, represents a combined update of the original East Side and West Side Neighborhood Plans developed in the 1980s. The Old Town Neighborhoods generally encompass the predominantly residential neighborhoods to the west and southeast of Downtown. The Plan provides a renewed vision and policy guidance for the two neighborhoods, and incorporates details on programs, strategies, and actions to support and implement the neighborhood vision.

9. **Second Reading of Ordinance No. 037, 2017, Amending Section 2-568 of the Code of the City of Fort Collins Proscribing Certain Actions in the Event a City Board or Commission Member has Declared a Conflict of Interest and Establishing a Related Variance Procedure. (Adopted)**

This Ordinance, unanimously adopted on First Reading on February 21, 2017, amends Section 2-568(a) and 2-568 (c) of the City Code to clarify certain actions in the event a City board or commission member has declared a conflict of interest and establish a related variance procedure.

10. **First Reading of Ordinance No. 046, 2017, Appropriating Prior Year Reserves in the Keep Fort Collins Great Fund for the Police Campus West Substation Build-out. (Adopted)**

The purpose of this item is to authorize and appropriate funding for the Campus West Substation build-out from the KFCG Police Reserves account. Funding for ongoing lease payments and associated O&M expenses was approved in the 2017-2018 budget; however, at inception it was anticipated that market timing would dictate that a lease would be signed before the end of the 2016 fiscal year, with lease payments beginning in 2017 and initial build-out costs paid in 2016 via off-cycle funding. The costs for initial build-out of the substation include demolition/renovation, IT infrastructure, electrical work, furnishing, etc. Delays during the budget process and higher than anticipated build estimates did not allow this money to be appropriated in 2016, as a lease agreement was not yet reached. An agreement has been finalized in principle for build-out costs, requiring an appropriation of \$218,750 from the KFCG Police Reserves account.

11. **First Reading of Ordinance No. 041, 2017, Establishing Rental Rates and Delivery Charges for Use of the City's Raw Water for 2017. (Adopted)**

The purpose of this item is to obtain City Council approval of rates and charges for the rental and delivery of Utilities' raw water supplies for 2017. These rates are used to invoice agricultural, contractual, and other raw water users. Similar to the past two years, the rates and charges for water from ditch and reservoir companies and the Colorado-Big Thompson Water Project are calculated using formulas that are based on the cost to the Water Utility. These rates and charges are generally slightly higher than last year due to increased annual assessments and other related fees imposed by the companies and the Northern Colorado Water Conservancy District. The rates and charges for the City's reusable and other "fully consumable" supplies are the same as last year.

12. **Items Relating to the Resolution of Issues Concerning Josh Ames Water Certificates. (Postponed to March 21, 2017)**

A. Resolution 2017-028 Authorizing the City Manager to Execute Agreements with the Holders of Water Certificates Issued Pursuant to an Agreement Dated May 10, 1971.

B. First Reading of Ordinance No. 042, 2017, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify the Acceptance of Water Certificates Issued Pursuant to an Agreement Dated May 10, 1971, to Meet Raw Water Requirements.

The purpose of this item is to comprehensively address issues concerning water certificates the City issued under a May 10, 1971, agreement with The Josh Ames Ditch Company (Josh Ames Certificates), which have and will otherwise continue to raise disputes with the holders of such certificates. As set forth in this item, these issues and disputes are to be addressed through two related proposals. The first proposal is a resolution authorizing the City Manager to enter into agreements with the holders of water certificates created under a May 10, 1971, agreement between the City and The Josh Ames Ditch Company in order to convert those certificates to City water certificates at an "exchange rate" of three acre-feet rights per Josh Ames Certificate. The second proposal is an ordinance amending certain sections of Chapter 26 of the City Code to clarify how Josh Ames Certificates are used to meet the City Code raw water requirements for treated water service.

13. **Resolution 2017-029 Approving the Charter of the Regional Water Collaboration Steering Committee. (Adopted)**

The purpose of this item is to seek City Council approval of the Charter of the Regional Water Collaboration Steering Committee (Steering Committee). The Steering Committee is composed of members of governing boards and staff of Fort Collins Utilities, East Larimer County Water District (ELCO), and Fort Collins-Loveland Water District (FCLWD). The proposed Steering Committee Charter articulates key regional water issues identified by the Steering Committee and the purpose and intended outcomes of regional water collaboration. The Charter outlines the Steering Committee's purpose, goals, membership, governance structure, and expected deliverables. The Charter formalizes a commitment from each water provider to investigate and pursue collaborative opportunities where it makes sense and where customers and residents within the Growth Management Area (GMA) will realize a benefit. All future meetings of the Steering Committee will be open to the public.

14. **Resolution 2017-030 Approving the Boxelder Basin Stormwater Authority's Multiple Fiscal Year Payment Obligation to the John W. Day Family Partnership Settling Claims Related to Condemnation of Property for the Eastside Detention Facility. (Withdrawn)**

The purpose of this item is to approve the Authority's multiple fiscal year payment obligation of \$1,675,000 over a four year period to settle an eminent domain lawsuit with the John W. Day Family Partnership, finalizing acquisition of land and associated rights for property on which the Eastside Detention Facility (Facility) has been constructed. The approval of all members (Fort Collins, Wellington, and Larimer County) is required for any borrowing or multiple fiscal year financial obligation by the Authority under the 2008 Intergovernmental agreement (IGA) forming the Boxelder Basin Regional Stormwater Authority (BBRSA).

This item also authorizes the Mayor to approve and execute a memorandum of understanding or other agreement approving Authority's multiple fiscal year payment obligation described above and committing to negotiate with the members in good faith to agree upon a timeline for identifying, evaluating the impact of, and seeking agreement on a potential maximum amount of future obligations to be borne by the Town of Wellington under the IGA and other related matters.

● **END CONSENT**

● **COUNCILMEMBER REPORTS**

Councilmember Martinez reported on the Science Olympiad at Preston Middle School.

Mayor Troxell reported on a ribbon cutting ceremony for the Music District and KRFC.

● **DISCUSSION ITEMS**

15. **First Reading of Ordinance No. 038, 2017, Appropriating Prior Year Reserves in the Neighborhood Parkland Fund for Neighborhood Park Site Development and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program. (Adopted on First Reading)**

*The purpose of this item is to request appropriation of Neighborhood Parkland Funds for the 2017-2018 budget cycle. During the regular 2017-18 budget appropriation process, Councilmember Campana recused himself from the appropriation of funds for Sidehill Park, resulting in a neighborhood park offer that was only partially funded. This appropriation will complete the neighborhood park offer, providing funding in the New Park Site Development business unit for Sidehill Park and other neighborhood park projects.*

Councilmember Campana withdrew from the discussion of this item due to a conflict of interest.

Kurt Friesen, Park Planning and Development Director, stated this is a follow-up request from the normal budgeting process, during which consideration of funding a portion of the neighborhood park offer was delayed due to Councilmember Campana's relationship with Sidehill Park. He discussed the proposals for Sidehill and the Streets Park.

Councilmember Martinez requested input regarding park accessibility. Friesen replied all new parks are ADA compliant with wide sidewalks, accessible playgrounds, and stable ground surfacing.

Councilmember Overbeck asked when the parks are slated for completion. Friesen replied the Streets Park should be completed in 2018.

Councilmember Overbeck asked about possible crosswalk enhancements. Friesen replied that was recommended as part of the Lincoln Corridor plan.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Overbeck, to adopt Ordinance No. 038, 2017, on First Reading.

<b>RESULT:</b>	<b>ORDINANCE NO. 038, 2017, ADOPTED ON FIRST READING [6 TO 0]</b>
<b>MOVER:</b>	Gerry Horak, District 6
<b>SECONDER:</b>	Bob Overbeck, District 1
<b>AYES:</b>	Martinez, Stephens, Overbeck, Troxell, Cunniff, Horak
<b>RECUSED:</b>	Campana

16. **First Reading of Ordinance No. 043, 2017, Amending Article III of Chapter 17 of the Code of the City of Fort Collins by Adding a New Section 17-46 Regulating Use of Public Facilities on Sidewalks, Plazas, Public Restrooms and Transit Facilities. (Adopted as Amended)**

*The purpose of this item is to provide a set of regulations for shared public spaces in the pedestrian-friendly downtown area.*

Jeff Mihelich, Deputy City Manager, stated this Ordinance is meant to ensure appropriate and shared use of public spaces. He reviewed the history of the issue and discussed results of public engagement. The proposed regulations would prohibit sitting or lying on public sidewalks or plazas between 9 a.m. and 2 a.m., prohibit leaving personal property unattended, prohibit having an amount of attended personal property greater than one person can carry, and the regulations would be evaluated after one year if passed. The regulations would only apply in the Old Town area. He discussed the results of public outreach efforts.

Shane Sheridan opposed the proposed Ordinance and noted the ACLU has previously sued the City and would likely do so again.

Amy Sutula opposed the proposed Ordinance.

Nancy Murray opposed the proposed Ordinance.

Eddie Hopkins opposed the proposed Ordinance and suggested dignifying homeless neighbors by asking them to be part of the solution.

Mark Silverstein, ACLU Legal Director, opposed the proposed Ordinance, specifically the proposed violation punishment.

Holly Sample opposed the proposed Ordinance.

Jason Barrett supported the proposed Ordinance stating it is about disruptive behavior, mutual respect of shared public spaces, and civility.

Jane Everham opposed the proposed Ordinance.

Haley Dallas opposed the proposed Ordinance.

Sally Harris opposed the proposed Ordinance.

Madison Tolan opposed the proposed Ordinance.

Raisn Slutsky-Moore opposed the proposed Ordinance.

Dwight Hall supported the proposed Ordinance.

Forrest Carlson opposed the proposed Ordinance and presented over 150 letters also in opposition.

Laila Lambourne stated customers at her Old Town shop feel unsafe and supported some type of appropriate use Ordinance.

Nicholas Mouton opposed the proposed Ordinance.

Julianna Cobbs stated the Ordinance excludes the homeless population from the Downtown area and requested statistics on disruptive behaviors affecting businesses.

Nancy York opposed the proposed Ordinance.

Jeremy Woodard stated ordinances addressing disruptive behavior already exist and opposed the proposed Ordinance.

Zach Heath opposed the proposed Ordinance stating it would be selectively enforced.

Kwon Atlas opposed the proposed Ordinance

Shane Miller opposed the proposed Ordinance.

Lynn Barker opposed the proposed Ordinance.

Lynn Thompson, Fort Collins Homeless Coalition, opposed the proposed Ordinance.

Joe Somodi, Human Relations Commission, opposed the proposed Ordinance.

Garrett Muma opposed the proposed Ordinance.

Mike Pruznick opposed the proposed Ordinance.

Sidna Rachid opposed the proposed Ordinance.

Steve Hartman opposed the proposed Ordinance.

Karen Seed opposed the proposed Ordinance.

Jim Hewitt stated customers at his Old Town business do not feel safe.

Sarah Bibbey opposed the proposed Ordinance and suggested further investment in Outreach Fort Collins as an alternative.

Brian Munskey opposed the proposed Ordinance.

Ben Schrader opposed the proposed Ordinance and stated he has never been afraid in Old Town.

Jennifer Petrick supported the proposed Ordinance.

LaRae Goldsmith opposed the proposed Ordinance.

Sister Mary Alice Murphy opposed the proposed Ordinance and encouraged the strengthening of supportive programs.

Bonny McWethy opposed the proposed Ordinance.

Kelly Connor opposed the proposed Ordinance.

Julianna Culen opposed the proposed Ordinance.

Andrew Lemley opposed the proposed Ordinance.

Terese Howard, Denver Homeless Outloud, discussed Denver's sit-lie ban but noted it does not include personal possession criteria. She opposed the enforcement of Denver's ban.



Carey Hewitt supported the proposed Ordinance.

Duane Hansen opposed the proposed Ordinance.

Michael (no last name given) opposed the proposed Ordinance.

Margaret Mitchell discussed the difficulty of walking through public areas containing personal belongings. She stated all citizens need to be protected.

Nevan Mandel opposed the proposed Ordinance.

Mark Korb supported the proposed Ordinance stating it is an adequate tool.

Jennifer Reisch opposed the proposed Ordinance.

Steve Raimer opposed the proposed Ordinance.

Graham Tuttle opposed the proposed Ordinance and discussed a program called Social Enterprise.

Mary Dancer opposed the proposed Ordinance.

Karen Miller opposed the proposed Ordinance.

Susan Kirkpatrick supported the proposed Ordinance.

Elizabeth Hudetz opposed the proposed Ordinance.

Sam Jones opposed the proposed Ordinance.

Ed Stoner stated his main concern relates to transient individuals rather than homeless citizens. He suggested time limits for personal possessions.

Ryan Houdek supported the proposed Ordinance.

Joshua (no last name given) opposed the proposed Ordinance.

Janine Davis opposed the proposed Ordinance.

Barb Wilkins supported the proposed Ordinance.

Mark Oberschmidt opposed the proposed Ordinance.

Laurel Smith opposed the proposed Ordinance stating it is misguided.

Cheryl Distaso, Fort Collins Community Action Network, expressed concern about the public process leading to the Ordinance and opposed its passage.

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

Mayor Troxell requested input regarding the enforcement penalties which are part of the Ordinance. City Attorney Daggett replied the maximum penalty for municipal court is \$2600

and six months in jail. The court sets a fine schedule for how penalties are assessed and fines are imposed in connection with offenses. She noted failure to pay a fine is not a jailable offense. Assistant City Attorney Ingrid Decker provided additional clarification regarding personal property such as strollers, bikes, and skateboards.

Councilmember Cunniff requested information regarding the input of the Social Sustainability department. Jeff Mihelich, Deputy City Manager, replied this initiative was led by the City Manager's office and the Social Sustainability department was not asked to take a lead role; however, the department was very engaged in the public input process. The department has not taken a position one way or the other on this Ordinance.

City Manager Atteberry noted the Economic Health and Environmental Health departments have also not offered a formal opinion on the Ordinance.

Council and staff held a conversation regarding input from faith-based and other service providers and Mihelich noted this Ordinance is about behavior, not homelessness.

Councilmember Stephens asked about existing laws and regulations that may address similar issues. Mike Trombley, Police Deputy Chief, replied an existing Ordinance addresses obstruction of a passageway. It is not frequently enforced as it is difficult to unreasonably obstruct a passageway.

Councilmember Stephens asked about the timeframe for considering property abandoned. Trombley replied that is dependent upon the location where the property is left. Mihelich noted there is a distinction between abandoned and unattended property.

Councilmember Martinez thanked the citizens who spoke and requested input regarding the research done on cities with similar situations. Mihelich replied there is research showing both successes and failures. He noted this Ordinance has been very strictly tailored to place restrictions on time, place, and manner just in the Old Town area.

Councilmember Martinez asked if this Ordinance has been challenged in court. City Attorney Daggett replied cases of this nature have been upheld in federal court.

Jackie Kozak-Thiel, Social Sustainability Director, discussed her input regarding the Ordinance and compared it to the situation in Vancouver.

Councilmember Martinez asked what caused this Ordinance to come to fruition. Michlich replied the Old Town business community, tourists, and residents have expressed concerns about behavior in the area. He stated there are no existing ordinances regarding sitting and lying on sidewalks, leaving property unattended, or sitting in planters.

Councilmember Martinez expressed concern regarding the images portrayed in the initial presentation.

Councilmember Cunniff asked if this Ordinance has an exception for children. Trombley replied an exception exists for children under 13 in play areas; however, the Ordinance does not specifically address adults playing with children.

Councilmember Cunniff provided feedback regarding not providing unintended messages with certain inclusions and exclusions in the agenda materials. He stated parts of the Ordinance are necessary and suggested foregoing future online surveys.

Councilmember Campana thanked citizens for their input and commended staff on the public outreach.

Councilmember Campana made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 043, 2017, on First Reading, deleting Section B and H and any additional references thereto.

Councilmember Campana stated he would like to have Sections B and H, relating to sitting or lying from 9 a.m.-2 a.m. and unattended belongings, removed.

Councilmember Cunniff expressed concern regarding parts of Section C. Councilmember Campana suggested sitting on curbs would be acceptable if there is no bench space and requested more specific language prior to Second Reading.

Councilmember Martinez asked if there is a schedule regarding the one-year evaluation. Mihelich replied that would include public engagement.

Councilmember Campana suggested the placement of lockers downtown to address the unattended property issue.

City Attorney Daggett provided the new language of the Ordinance as proposed by Councilmember Campana.

Councilmember Stephens stated she would support the motion and thanked the citizens who spoke. She commended various suggestions for aiding homeless residents and discussed the aspects of the Ordinance which address negative behaviors.

Councilmember Overbeck stated he could not support the Ordinance as proposed given concerns about protection of neighborhoods. He stated he would like to have facilitated discussions and explore alternative solutions.

Mayor Pro Tem Horak made language amendment suggestions, all of which were considered friendly amendments by Councilmembers Campana and Cunniff.

Councilmembers discussed lockers and their funding, placement and management.

<b>RESULT:</b>	<b>ORDINANCE NO. 043, 2017, ADOPTED AS AMENDED [6 TO 1]</b>
<b>MOVER:</b>	Gino Campana, District 3
<b>SECONDER:</b>	Ross Cunniff, District 5
<b>AYES:</b>	Martinez, Campana, Troxell, Cunniff, Horak, Stephens
<b>NAYS:</b>	Overbeck

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

17. **Items Relating to Short Term Rental Land Use Code and City Code Ordinances. (Adopted on First Reading)**

- A. *First Reading of Ordinance No. 044, 2017, Amending the City of Fort Collins Land Use Code Regarding Short Term Rentals.*
- B. *First Reading of Ordinance No. 045, 2017, Amending Chapter 15 of the Code of the City of Fort Collins to Add Short Term Rental Licensing Regulations.*

*The purpose of this item is to bring forward a licensing structure and the associated Land Use Code (LUC) changes to regulate short term rental (STR) activity in the City of Fort Collins. These Ordinances together provide regulations that address:*

- *Allowable zones for both primary and non-primary STRs*
- *Grandfathering of existing lawful STRs as nonconforming uses*
- *Parking requirements for STRs*
- *STR safety inspections*
- *Limiting STR licenses to property owners*

Ginny Sawyer, Policy and Project Manager, stated one of the proposed Ordinances is a Land Use Code change addressing parking, legal non-conforming use issues, and definitions of short-term rentals. The other Ordinance provides a licensing framework within the Municipal Code. Sawyer discussed the public engagement process and outlined the details of the Ordinances.

Jen Petrick supported short-term rentals in all zones using existing regulations.

Jim Janty thanked the City for its efforts to address the issue and supported the proposed Ordinances.

Eric Tamme, Neighborhood Action Coalition, supported the proposed Ordinances and requested Council consider its proposed amendments.

Eric Smith supported the proposed Ordinances with possible amendments.

Richard Miller stated this regulation is defective in that it treats all neighborhoods equally.

Adam Eggleston discussed the need for inspections of rental properties.

Sally Lee, Neighborhood Action Coalition, supported the proposed Ordinances.

Tim Anderson stated Council should be careful about defining what is a good neighbor.

Kevin Krause urged Council to reconsider the original staff recommendation that does not restrict primary short-term rentals by zoning district.

Kathryn Dubiel supported the proposed Ordinances and the proposed amendments suggested by the Neighborhood Action Coalition.

Devin King agreed short-term rentals should be regulated in some capacity; however, he opposed the zoning district designations.

Paul Patterson supported the proposed Ordinances and the proposed amendments suggested by the Neighborhood Action Coalition.

Maggie Dennis discussed the impacts of short-term rentals on neighborhoods and supported the proposed Ordinances and the proposed amendments suggested by the Neighborhood Action Coalition.

Melisse Anderson stated neighborhoods need to be protected from unregulated businesses and supported the proposed Ordinances and the proposed amendments suggested by the Neighborhood Action Coalition.

Mike Pruznick discussed the difference between process regulation and outcomes regulation and stated there are benefits to short-term rentals.

Dexter Finley supported short-term rentals and stated the proposed Ordinances are not a compromise.

Lisa Eaton stated this issue is about neighborliness and supported allowing short-term rentals in all zones.

Laura Jacobson stated short-term rentals are a residential use.

Cindy Laupa discussed the disparity between good caretakers of short-term rentals and the poor repair of extra-occupancy long-term rentals.

Cathy Morgan discussed non-primary short-term rentals and opposed regulations.

Carlos Scott opposed regulations on short-term rentals.

Chris Jacobson stated the new short-term rental ordinance should be considered a new regulatory framework.

Mike Knöll supported the proposed Ordinances and the proposed amendments suggested by the Neighborhood Action Coalition.

Sue Ballou supported the public outreach efforts by staff and stated neighborhoods do not stay the same.

Paul Eckman questioned why primary short-term rentals would not be allowed in the RL zone.

Julia Senesac stated long-term rentals are also commercial enterprises and stated the proposed Ordinances go too far.

Aaron Everitt discussed zoning and stated short-term rentals can help with historic preservation.

Jeff Jensen opposed regulations on short-term rentals and stated the proposed Ordinances are overreaching.

Michelle Haeefe supported the proposed Ordinances and the proposed amendments suggested by the Neighborhood Action Coalition.

Mark McFann suggested Council add language to the proposed Ordinances regarding contiguous properties.

Margit Hentschel supported the proposed Ordinances and the proposed amendments suggested by the Neighborhood Action Coalition.

Bill Fairbank supported the proposed Ordinances and the proposed amendments suggested by the Neighborhood Action Coalition.

Whitney Cranshaw supported short-term rentals and opposed the proposed Ordinances.

Rich Stave discussed primary versus non-primary short-term rentals.

Donna Fairbank discussed the differences between short-term and long-term rentals and stated short-term rentals do not offer the same types of opportunities for relationships.

Paul Anderson supported the proposed Ordinances.

Diana Clemens stated there is a need for short-term rentals and the desire for neighbors to be a permanent part of the community is not something that can be regulated.

Theresa Palmer supported allowing short-term rental in all zones.

Dara Rose thanked Council for their work for the City and supported allowing short-term rentals in all zones.

Jim Mortensen supported the proposed Ordinances as being a good compromise.

Councilmember Cunniff made a motion, seconded by Councilmember Overbeck, to adopt Ordinance No. 044, 2017, on First Reading.

Councilmembers Campana, Cunniff, Stephens and Overbeck supported the Ordinances as written.

<b>RESULT:</b>	<b>ORDINANCE NO. 044, 2017, ADOPTED ON FIRST READING [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Bob Overbeck, District 1
<b>AYES:</b>	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

Councilmember Cunniff made a motion, seconded by Councilmember Overbeck, to adopt Ordinance No. 045, 2017, on First Reading.

<b>RESULT:</b>	<b>ORDINANCE NO. 045, 2017, ADOPTED ON FIRST READING [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Bob Overbeck, District 1
<b>AYES:</b>	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

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

Mayor Troxell stated the pulled Consent Agenda items will be postponed to the March 21<sup>st</sup> agenda.

18. Second Reading of Ordinance No. 030, 2017, Annexing Property Known as the Mail Creek Crossing Second Annexation to the City of Fort Collins, Colorado. (Postponed to March 21, 2017)
19. Second Reading of Ordinance No. 035, 2017, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges for Customers Participating in Community Solar Projects. (Postponed to March 21, 2017)
20. First Reading of Ordinance No. 039, 2017, Appropriating Prior Year Reserves in the Transportation Fund for Regional Contribution to Larimer County for North I-25 Improvements. (Postponed to March 21, 2017)
21. Resolution 2017-026 Authorizing the Mayor to Execute an Intergovernmental Agreement Between the City of Fort Collins and the Colorado Department of Transportation for the City's Contribution of Funds for the North Interstate 25 Improvements. (Postponed to March 21, 2017)

● **OTHER BUSINESS**

Councilmember Cunniff requested and received Council support to direct the City Manager to postpone consideration of a portion of the Running Deer Natural Area until draft policies and regulations around the disposition of Natural Areas properties are developed.

Councilmember Campana requested an update on the 3D printing item. City Manager Atteberry replied that item is scheduled for March 21<sup>st</sup>.

Councilmember Cunniff requested and received Council support to bring forward some of the capital expansion fee items on March 21<sup>st</sup>.

● **ADJOURNMENT**

The meeting adjourned at 11:57 PM.



A handwritten signature in black ink, appearing to be "D. A. ...", is written over a horizontal line. Below the line, the word "Mayor" is printed in a serif font.

ATTEST:

A handwritten signature in black ink, appearing to be "W. Winkelman", is written over a horizontal line. Below the line, the words "City Clerk" are printed in a serif font.