

March 28, 2017

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Adjourned Meeting – 6:00 PM

● ROLL CALL

PRESENT: Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

Staff present: Atteberry, Daggett, Winkelmann

● MAYOR COMMENTS

Mayor Troxell condemned the vandalism of the Fort Collins Islamic Center and stated the hateful action does not represent the inclusive Fort Collins community. He commended Police Services work on apprehending a suspect.

Councilmembers Martinez, Stephens, Campana, Overbeck and Cunniff echoed the Mayor's comments and discussed the opportunity to bring the community together.

2. **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. (Adopted on Second Reading)**

*This Ordinance, unanimously adopted on First Reading on February 21, 2017, expands the definition of "community solar projects" in Chapter 26 of the City Code to include both "subscriber-based" and "program-managed" community solar projects, and to establish a net metering rate applicable to the Solar Affordability Program (SAP), a new program-managed community solar project. In addition, this item provides background on the income qualified SAP which will provide participating Fort Collins electric customers with direct bill credits for a one year period. During that time, SAP households will participate in efficiency and conservation installations customized to each household, drawing on resources from Utility Services, Larimer County and the State of Colorado. Program households will also participate in energy saving education and complete efficiency upgrades. Combined, the efficiency and education opportunities will enable program households to permanently reduce their electric expenses and usage. Over the life of the SAP, hundreds of qualifying households will benefit from a reduced energy burden as individual participants in the program, and the benefits of additional renewable energy generation will be realized across the residential rate class. The proposed credit rate for SAP and other dedicated program-managed community solar project customers is the same rate as that currently available to customers of subscriber-owned community solar projects, like the Riverside Community Solar project.*

Mike Pruznick opposed the 120% rule and stated it does not limit net metering.

Councilmember Cunniff requested a memo regarding the 120% rule.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Campana, to adopt Ordinance No. 035, 2017, on Second Reading.

**RESULT:** ORDINANCE NO. 035, 2017, ADOPTED ON SECOND READING [UNANIMOUS]  
**MOVER:** Gerry Horak, District 6  
**SECONDER:** Gino Campana, District 3  
**AYES:** Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

3. **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. (Adopted on First Reading)**

*The purpose of this item is to appropriate Transportation Reserve funds in the amount of \$445,947, to be remitted to Larimer County as part of an annual regional contribution of local matching funds for the Colorado Department of Transportation's (CDOT) North I-25 Improvements Project. With Resolution 2016-077, adopted on October 4, 2016, Council authorized the Mayor to enter into an intergovernmental agreement (IGA) with Larimer County and participating local agencies, including the City, to contribute local matching funds for this purpose. This is the first of five annual installments of these payments to Larimer County under the IGA. Local matching fund commitments accelerate the improvements to I-25 in Northern Colorado.*

Mayor Pro Tem Horak made a motion, seconded by Councilmember Campana, to adopt Ordinance No. 039, 2017, on First Reading.

**RESULT:** ORDINANCE NO. 039, 2017, ADOPTED ON FIRST READING [UNANIMOUS]  
**MOVER:** Gerry Horak, District 6  
**SECONDER:** Gino Campana, District 3  
**AYES:** Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

4. **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. (Adopted)**

*The purpose of this item is to enter into an intergovernmental agreement/contract with CDOT to remit \$2.25 million in budgeted City funds (\$1.125M each year 2017-18), for the purpose of providing local matching funds for the North I-25 Improvements project. Local match funding contributions from Fort Collins and other regional agencies allow the I-25 improvements to be accelerated by as many as fifteen years. Funds were identified and appropriated as part of the 2017-2018 Budget.*

Mayor Pro Tem Horak made a motion, seconded by Councilmember Campana, to adopt Resolution 2017-026.

**RESULT:** RESOLUTION 2017-026 ADOPTED [UNANIMOUS]  
**MOVER:** Gerry Horak, District 6  
**SECONDER:** Gino Campana, District 3  
**AYES:** Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

5. **First Reading of Ordinance No. 052, 2017, Amending Chapter 19 of the Code of the City of Fort Collins to Adopt the Colorado Rules of Civil Procedure to Govern the Procedures for Civil Actions Filed in Municipal Court and to Add City Code Section 1-24 to Clarify that Civil Actions Arising Under the City's Ordinances are not Intended to Create by Implication Claims for Monetary Damages for the Benefit of Third Parties. (Adopted as Amended on First Reading)**

*The purpose of this item is to adopt for Municipal Court the Colorado Rules of Civil Procedure to be used to govern the procedures for civil actions filed in Municipal Court that do not arise from violations of the City Charter or Code.*

Mike Pruznick questioned why this Ordinance would be affective retroactively.

Ann Hunt stated she has filed a complaint with Municipal Court and stated there are no rules for Municipal Court. She suggested having rules unique to Fort Collins' Charter and Codes.

Carolynne White, attorney representing the developer of Landmark Apartments, supported adoption of the Ordinance.

Deputy City Attorney John Duvall stated a review of Colorado municipalities has shown other home rule cities have adopted the Colorado Rules of Civil Procedure.

Councilmember Cunniff made a motion, seconded by Councilmember Campana, to adopt Ordinance No. 052, 2017, on First Reading.

Councilmember Cunniff asked if this move would help provide guidance to the Municipal Court as it moves forward with a pending case. City Attorney Daggett replied in the affirmative and suggested a language modification. Councilmembers Cunniff and Campana accepted the language modification.

Councilmember Campana asked about the advantages and disadvantages of the Ordinance being retroactively affective. City Attorney Daggett replied making the Ordinance retroactive eliminates any question about Council's intent. She noted the retroactivity will not take place until ten days after Second Reading.

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| <b>RESULT:</b>   | <b>ORDINANCE NO. 052, 2017, ADOPTED AS AMENDED ON FIRST RE<br/>[UNANIMOUS]</b> |
| <b>MOVER:</b>    | Ross Cunniff, District 5   |
| <b>SECONDER:</b> | Gino Campana, District 3   |
| <b>AYES:</b>     | Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak                 |

● **OTHER BUSINESS**

Councilmember Cunniff requested and received Council support to direct staff to craft a Resolution relating to child abuse and prevention. He asked if Council would like to direct the City Manager to give Council options or develop policies around the 20-foot rule and reasonable obstruction portions of the appropriate use of public space ordinance.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Stephens, to go into Executive Session for the purpose of meeting with City staff to discuss real property acquisitions for the Natural Areas Department as permitted under Section 2-31(a)(3) of the City Code and Colorado Revised Statutes Section 24-6-402(4)(a).

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| <b>RESULT:</b>   | <b>MOTION TO GO INTO EXECUTIVE SESSION ADOPTED [UNANIMOUS]</b> |
| <b>MOVER:</b>    | Gerry Horak, District 6  |
| <b>SECONDER:</b> | Kristin Stephens, District 4                                   |
| <b>AYES:</b>     | Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak |

(Secretary's note: Council went into executive session at 6:45 p.m. and returned to the adjourned meeting at 7:08 p.m.)

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to cancel the April 4, 2017 City Council meeting as permitted under Section 2-28(a) of the Code of the City of Fort Collins due to the Municipal Election on that date.

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| <b>RESULT:</b>   | <b>MOTION TO CANCEL APRIL 4, 2017, ADOPTED [UNANIMOUS]</b>     |
| <b>MOVER:</b>    | Gerry Horak, District 6  |
| <b>SECONDER:</b> | Ross Cunniff, District 5                                       |
| <b>AYES:</b>     | Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak |

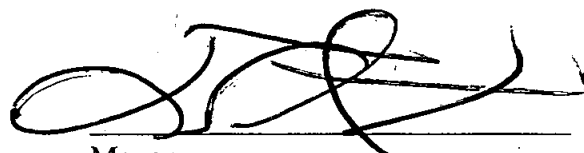
Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to call a special meeting of City Council for Tuesday, April 11, 2017, at 6:00 PM, for the purpose of swearing in the Mayor and City Councilmembers elected at the regular Municipal Election on April 4<sup>th</sup>, as permitted under Section 2-29(a) of the Code of the City of Fort Collins.

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| <b>RESULT:</b>   | <b>MOTION TO CALL SPECIAL MEETING ADOPTED [UNANIMOUS]</b>      |
| <b>MOVER:</b>    | Gerry Horak, District 6  |
| <b>SECONDER:</b> | Ross Cunniff, District 5                                       |
| <b>AYES:</b>     | Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak |

● **ADJOURNMENT**

The meeting adjourned at 7:14 PM.



  
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Mayor

ATTEST:

  
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City Clerk