

May 16, 2017

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

● ROLL CALL

PRESENT: Martinez, Stephens, Summers, Overbeck, Troxell, Cunniff, Horak
Staff present: Atteberry, Daggett, Winkelmann

● Recognition of 2017 City Employee Awards for Public Service Recognition Week.

Council congratulated the Employee Recognition Week award winners.

● AGENDA REVIEW: CITY MANAGER

City Manager Atteberry stated the agenda has been amended to include a discussion related to the City's West Nile Virus Policy under Other Business and an adjournment of the meeting to May 23 to discuss Council's liaison appointments to boards, commissions, and committees. Staff is requesting Item No. 2A, *Second Reading of Ordinance No. 060, 2017, Amending Article II of Chapter 25 and Division 2 in Article IX of Chapter 26 of the Code of the City of Fort Collins Concerning the City's Tax and Utility Refund Program*, be pulled from the Consent Agenda to read a definition into the record. Item No. 3, *Second Reading of Ordinance No. 063, 2017 of the Council of the City of Fort Collins Amending Section 2-28 of the Code of the City of Fort Collins Pertaining to the Scheduling of Regular Meetings of the City Council*, has been amended and a copy of the changes is in Council's read-before packet. Item No. 6, *Items Relating to the Completion of the 2017 Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing and Community Development Activities Utilizing Funds from the Federal Community Development Block Grant (CDBG) Program, Federal HOME Investment Partnerships (HOME) Program the City's Affordable Housing Fund (AHF) and the City's Human Services Program (HSP)*, is a public hearing.

● CITIZEN PARTICIPATION

Rick Hufnagel, Alliance for Suicide Prevention Executive Director, thanked Council for its support and CDBG funding.

Nancy York stated there are too many cars in Fort Collins and opposed City spending on measures to accommodate additional vehicles. She supported an ordinance to guide police behavior.

Marilyn Fox supported grandfathering of short-term rentals.

Sandy Brooks, League of Women Voters, supported moving City elections to November in order to increase voter turn-out.

Allison Dawson, Disabled Resource Services, thanked Council for its support and CDBG funding.

Karen Wagner, League of Women Voters, supported moving City elections to November in order to increase voter turn-out.

Steve Kuehneman, Neighbor to Neighbor, thanked the CDBG Commission for its funding recommendation.

Sally Broste, League of Women Voters, supported moving City elections to November in order to increase voter turn-out.

Patricia Miller discussed an app designed to help organize neighbors in the event of an emergency and stated there has been an erosion of trust in Police officers.

David Rout, Homeless Gear, thanked Council and the CDBG Commission for their support and funding.

Marge Norskog stated it is imperative that the City stay focused on its jurisdiction to keep Fort Collins healthy and safe and supported adopting a community trust ordinance.

Linda Thomas, League of Women Voters, supported moving City elections to November in order to increase voter turn-out.

Olivia Fisher stated many undocumented immigrants have children who are citizens.

Kathleen Schmidt, League of Women Voters, supported moving City elections to November in order to increase voter turn-out.

Pat Parker, Crossroads Safehouse, thanked the City and the CDBG Commission for their support and funding.

Sara Fonte supported the adoption of a community trust ordinance, particularly in regard to sexual assault.

Donna Rouner, Crossroads Safehouse, thanked Council and the CDBG Commission for their support and funding.

LeAnn Massey, Respite Care, thanked the City for its support and funding.

Donna Holmes, Crossroads Safehouse, thanked Council and the CDBG Commission for their support and funding.

Seth Kelley, Base Camp, thanked the City for its support and funding.

Adele Lunas supported adoption of a community trust ordinance.

Anne Lance, Teaching Tree Executive Director, thanked the City for its support and funding.

Francis Gabler read a letter from an undocumented mother expressing fear of being arrested and/or deported. She supported the community trust ordinance.

Gerry Vermont read a letter supporting the community trust ordinance.

Laura Baraiás supported the community trust ordinance and read a letter from an undocumented mother.

Reverend Gretchen Haley supported adoption of a community trust ordinance.

Sue Ellen Klein supported adoption of a community trust ordinance.

Zach Heath supported adoption of a community trust ordinance and read a statement from an undocumented resident.

Angelica Stole supported adoption of a community trust ordinance.

Joanne Vandewalle, Elderhaus Mindset, thanked the City for its support and funding.

Joe Hall, Catholic Charities, thanked Council and the CDBG Commission for its support and funding.

Vic Smith, Human Relations Commission, supported adoption of a community trust ordinance and encouraged Council to direct the Social Sustainability Department to examine current policies relating to immigration status.

Colleen Fullbright supported adoption of a community trust ordinance.

Mr. Martinez discussed fear of calling police to report illegal activity due to immigration status.

Sara Wernsing supported adoption of a community trust ordinance and discussed the increase in violence and racist instances since November.

Laurie Pasricha supported adoption of a community trust ordinance and read a letter from an undocumented immigrant who is fearful of calling police and being separated from her family.

Bill Oakland supported adoption of a community trust ordinance and read a letter from an undocumented immigrant who is fearful of calling police.

Garret Ruma supported adoption of a community trust ordinance.

Kate Whitman supported adoption of a community trust ordinance and read a letter from an undocumented immigrant who is fearful of calling police.

Mahira Ganster read a statement from an undocumented immigrant who is fearful of calling police and is in support of adopting a community trust ordinance.

Arpi Miller supported adoption of a community trust ordinance.

Laura Morrison Pibel read a letter from a Dreamer CSU student who is fearful of being detained.

Liz Rohlich supported adoption of a community trust ordinance and read a letter from an undocumented mother.

Haley (no last name given) read a letter supporting the community trust ordinance.

Paige Noon read a letter from a resident discussing her 13-year-old daughter's sexual assault and fear of calling police because of her undocumented status.

Kristin Candella, Habitat for Humanity, thanked the City and CDBG Commission for their support and funding.

Rae Suslutsky-Moore stated the community needs to support mothers' ability to be with their children.

Kari Grossman supported adoption of a community trust ordinance citing the importance of the immigrant community to the downtown business labor force.

Kathy Eagan supported the adoption of a community trust ordinance.

Nancy McDuffy supported the adoption of a community trust ordinance.

Kimberly Baker-Medina supported the adoption of a community trust ordinance.

Daniel Covey supported the adoption of a community trust ordinance.

Steve Mummey supported the adoption of a community trust ordinance.

Steve Raimer read a statement expressing fear of an undocumented immigrant and in support of the adoption of a community trust ordinance.

Monte Barry discussed air and ozone pollution and stated he would like the fly-over study information made public.

Erica Ramos stated her daughter has cancer and needs treatment. She supported the adoption of a community trust ordinance.

● **CITIZEN PARTICIPATION FOLLOW-UP**

Mayor Troxell discussed Council's support of civil dialogue and thanked the speakers for their input on the CDBG funding item. He stated Fort Collins is an open, inclusive, friendly, non-discriminatory community and staff and Council will continue to look at its policies and procedures moving forward.

Councilmember Stephens thanked the speakers and supported Mr. Smith's suggestion of an examination by the Social Sustainability Department of City policies. Mayor Pro Tem Horak replied that action has already been taken based on a discussion at the Council retreat.

● **CONSENT CALENDAR**

Mayor Troxell opened the public hearing for Item No. 6, *Items Relating to the Completion of the 2017 Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing and Community Development Activities Utilizing Funds from the Federal Community Development Block Grant (CDBG) Program, Federal HOME Investment Partnerships (HOME) Program the City's Affordable Housing Fund (AHF) and the City's Human Services Program (HSP).*

Mayor Pro Tem Horak withdrew Item No. 2, *Items Relating to the Sales Tax Code*, from the Consent Agenda.

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

Mayor Troxell closed the public hearing for Item No. 6.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Martinez, Stephens, Summers, Overbeck, Troxell, Cunniff, Horak

1. **Consideration and Approval of the Minutes of the March 21 and April 18, 2017 Regular Council Meetings, the March 28 and April 25, 2017 Adjourned Meetings and the April 11, 2017 Special Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the March 21 and April 18, 2017 Regular Council meetings, the March 28 and April 25 Adjourned Council meetings and the April 11, 2017 Special Council meeting.

2. **Second Reading of Ordinance No. 063, 2017 of the Council of the City of Fort Collins Amending Section 2-28 of the Code of the City of Fort Collins Pertaining to the Scheduling of Regular Meetings of the City Council. (Adopted)**

This Ordinance unanimously adopted on May 9, 2017, amends Section 2-28(a) of the City Code to permit the City Council, by majority vote, to move the date of a regular meeting when the meeting falls on a holiday or other event.

3. **First Reading of Ordinance No. 064, 2017, Appropriating Unanticipated Grant Revenue in the General Fund and Authorizing the Appropriation of Restricted Northern Colorado Drug Task Force General Fund Reserves for Fort Collins Police Services 2017 Task Force Programs and Services. (Adopted)**

The purpose of this item is to appropriate unanticipated revenue in the General Fund and authorize the transfer of appropriated amounts between accounts and projects for the multi-jurisdictional Northern Colorado Drug Task Force (NCDTF). Fort Collins Police Services applied to the Office of National Drug Control Policy and the Department of Justice on behalf of the NCDTF for federal grant monies to help fund the investigation of illegal narcotics activities in Larimer County. These grant awards will be used to offset joint task force operations.

In addition, because of the significant decrease in federal funds available for drug enforcement, the drug task force is transferring \$288,853 from its forfeiture reserve account to its 2017 operating budget to cover unfunded expenses. The majority of the forfeiture reserve account is made up of assets seized from people engaged in illegal drug activities.

4. **First Reading of Ordinance No. 065, 2017, Appropriating Prior Year Reserves in the Transportation Fund for the Elizabeth and Shields Underpass Improvement Project, and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program. (Adopted)**

The purpose of this item is to appropriate \$280,000 from the Transportation Fund Reserves for traffic signal and pedestrian signal improvements associated with the Elizabeth and Shields Underpass improvement project. Colorado State University (CSU) is funding and constructing an \$8.7M

pedestrian and bicycle underpass, and intersection lane improvements at the Elizabeth and Shields intersection. As part of this project, the City is upgrading the traffic signal system and constructing a new pedestrian / bicycle signal west of the intersection. The City's Traffic Operations Department will perform the construction work associated with this appropriation. The project is expected to be substantially complete in August 2017.

5. **Items Relating to the Completion of the 2017 Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing and Community Development Activities Utilizing Funds from the Federal Community Development Block Grant (CDBG) Program, Federal HOME Investment Partnerships (HOME) Program the City's Affordable Housing Fund (AHF) and the City's Human Services Program (HSP). (Adopted)**

- A. Public Hearing and Resolution 2017-042 Approving the Programs and Projects that Will Receive Funds from the Federal Community Development Block Grant Program, HOME Investment Partnerships Program, the City's Affordable Housing Fund, the City's Human Services Program.
- B. Public Hearing and First Reading of Ordinance No. 066, 2017, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund.
- C. Public Hearing and First Reading of Ordinance No. 067, 2017, Appropriating Unanticipated Revenue in the HOME Investment Partnerships Fund.

The purpose of this item is to approve funding recommendations of the 2017 Spring Cycle of the Competitive Process and appropriate federal dollars. Resolution 2017-042 will complete the 2017 Spring Cycle of the Competitive Process for allocating \$4,233,039 in City financial resources to affordable housing and public facility projects, public service programs and administration of the programs. Ordinance No. 066, 2017 appropriates the City's FY2017 CDBG Entitlement Grant (estimated at 75% of prior year) appropriates Ordinance No. 067, 2017 FY2017 HOME Participating Jurisdiction Grant (estimated at 75% of prior year) from the Department of Housing and Urban Development (HUD), and CDBG Reconciled funds and HOME Program Income from FY2016.

6. **First Reading of Ordinance No. 069, 2017, Waiving Certain Fees for Housing Catalyst's Village on Redwood Affordable Housing Project and Appropriating Prior Year Reserves in Various City Funds to Refund Specified Fees. (Adopted)**

The purpose of this item is to ask City Council to determine whether development fee waivers in the amount of \$100,708 will be provided to Housing Catalyst for their Village on Redwood affordable housing project pursuant to City Code, the Land Use Code and an Intergovernmental Agreement between the City of Fort Collins and the Fort Collins Housing Authority dated July 3, 2013 and, if granted, to make an appropriation to refund this amount to Housing Catalyst.

7. **Resolution 2017-043 Authorizing an Intergovernmental Agreement with Colorado State University Regarding the Prospect Road and Centre Avenue Bicycle and Pedestrian Underpass. (Adopted)**

The purpose of this item is to authorize the City Manager to sign a memorandum of understanding (MOU) agreement on behalf of the City, and in conjunction with the Board of Governors of the Colorado State University System (University), which defines the rights and responsibilities of the parties concerning the ownership and maintenance of the newly completed Prospect Road and Centre Avenue Bicycle and Pedestrian Underpass and adjoining right-of-way areas.

8. **Resolution 2017-044 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Planning and Zoning Board Decision Approving the Water's Edge Project Development Plan PDP 160006. (Adopted)**

The purpose of this item is to make Findings of Fact and Conclusions regarding the appeal of the Planning and Zoning Board's Decision Approving the Water's Edge Project Development Plan. The Appeal was heard by City Council on May 2, 2017.

9. **Resolution 2017-045 Nominating Mayor Wade Troxell as a Candidate for Re-Election to the Executive Board of the Colorado Municipal League. (Adopted)**

The purpose of this item is to formally endorse Mayor Wade Troxell for re-election to the Executive Board of the Colorado Municipal League. Mayor Troxell is an active participant and continues to be an excellent representative of the City as a member of the Colorado Municipal League Executive Board.

10. **Resolution 2017-046 Making Appointments to Various Boards, Commissions, and Committees of the City of Fort Collins (Adopted)**

The purpose of this item is to appoint individuals to fill vacancies that currently exist on the Energy Board, The General Employee's Retirement Committee (GERP), the Senior Advisory Board and the Youth Advisory Board due to resignations of board members and vacancies created by December 31, 2016, and May 31, 2017, expiration of terms. Applications were solicited during the first quarter of 2017. Council teams interviewed applicants during April and May. This Resolution appoints individuals to fill current and upcoming vacancies.

● **CONSENT CALENDAR FOLLOW-UP**

Councilmember Stephens thanked the non-profits who thanked the City and CDBG Commission for funding recommendations. She thanked the Commission members for their work.

Mayor Pro Tem Horak discussed Item No. 7, *First Reading of Ordinance No. 069, 2017, Waiving Certain Fees for Housing Catalyst's Village on Redwood Affordable Housing Project and Appropriating Prior Year Reserves in Various City Funds to Refund Specified Fees*, which will waive certain fees for the Village on Redwood affordable housing project.

Mayor Troxell commented on the partnership and agreement regarding Item No. 5, *First Reading of Ordinance No. 065, 2017, Appropriating Prior Year Reserves in the Transportation Fund for the Elizabeth and Shields Underpass Improvement Project, and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program*.

● **COUNCILMEMBER REPORTS**

Councilmember Stephens reported on a visit to Shepardson Elementary School for a program on problem-based learning.

Mayor Troxell reported on the recent Council retreat.

Councilmember Overbeck reported on recent actions of the Poudre Heritage Alliance.

Mayor Pro Tem Horak reported on a visit to Poudre High School assisting students with mock job interviews. He reported on the Boxelder Regional Stormwater Authority member meeting.

Mayor Troxell stated Fort Collins Electric Utilities was recognized by the American Public Power Association and its Reliable Public Power Provider Program at a diamond level.

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

11. **Items Relating to the Sales Tax Code. (Adopted on Second Reading)**

- A. *Second Reading of Ordinance No. 060, 2017, Amending Article II of Chapter 25 and Division 2 in Article IX of Chapter 26 of the Code of the City of Fort Collins Concerning the City's Tax and Utility Refund Programs.*
- B. *Second Reading of Ordinance No. 061, 2017, Amending Article III of Chapter 25 of the Code of the City of Fort Collins Concerning the Imposition, Collection, and Enforcement of the City's Sale and Use Taxes.*
- C. *Second Reading of Ordinance No. 062, 2017, Amending Article IV of Chapter 25 of the Code of the City of Fort Collins Concerning the City's Lodging Tax.*

These Ordinances, unanimously adopted on First Reading on April 18, 2017, amend Code Chapter 25 to update definitions and align for consistency the sales and use tax and lodging tax provisions related to the collection and enforcement of these taxes. It also makes various amendments to the City Code provisions providing for the City's tax and utility rebate programs established in Code Chapters 25 and 26 (City Rebate Programs).

At First Reading, questions were raised about the definition of "disability" in Ordinance No. 060, 2017. Council requested staff meet with the Commission on Disabilities (COD) to discuss the change in definition. Staff is meeting with the COD on Thursday, May 11, 2017, and will provide a memo about that discussion and proposed Ordinance revision, if any, in the Read-before packet on May 16, 2017.

Between First and Second Reading of Ordinance No. 061, 2017, staff has proposed a change to Ordinance No. 061, 2017, Section 25-91(d) of the Code, replacing the phrase "an individual or business" with "a person." The version of the Ordinance presented to Council on First Reading revised the definition of the term "person" in Section 25-71 to include individuals and businesses. This new proposed change before Second Reading aligns the terms for consistency.

Tiana Smith, Financial Services, discussed the changes to the definition of a disabled individual to modernize the language and broaden the definition.

City Attorney Daggett presented the proposed language change to Ordinance No. 060, 2017.

Eric Sutherland thanked hard-working citizens of Fort Collins and suggested the City draft a flow chart addressing the instance wherein there was an allegation or suspicion that a particular retailer or other business is not fulfilling the tax code regulations.

Councilmember Summers made a motion, seconded by Mayor Pro Tem Horak, to adopt Ordinance No. 060, 2017 as amended, on Second Reading.

Councilmember Cunniff commended the definition change and stated the flowchart suggested by Mr. Sutherland could be beneficial.

RESULT:	ORDINANCE NO. 060, ADOPTED AS AMENDED ON SECOND READING [UNANIMOUS]
MOVER:	Ken Summers, District 3
SECONDER:	Gerry Horak, District 6
AYES:	Martinez, Stephens, Summers, Overbeck, Troxell, Cunniff, Horak

Mayor Pro Tem Horak made a motion, seconded by Councilmember Stephens, to adopt Ordinance No. 061, 2017, on Second Reading.

RESULT:	ORDINANCE NO. 061, 2017, ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Kristin Stephens, District 4
AYES:	Martinez, Stephens, Summers, Overbeck, Troxell, Cunniff, Horak

Mayor Pro Tem Horak made a motion, seconded by Councilmember Stephens, to adopt Ordinance No. 062, 2017, on Second Reading.

RESULT:	ORDINANCE NO. 062, 2017, ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Kristin Stephens, District 4
AYES:	Martinez, Stephens, Summers, Overbeck, Troxell, Cunniff, Horak

● **DISCUSSION ITEMS**

12. **Resolution 2017-048 Naming a New Street in Northeast Fort Collins and Updating the Existing List of Names for Arterial and Collector Streets. (Adopted)**

The purpose of this item is to select a name for a new arterial street in northeast Fort Collins as "Cordova Street"; name an alley in the downtown area as "Harper Goff Alley", and update the existing List of Names for Arterial and Collector Streets by removing one recently-selected name (Suniga) and adding eight additional names.

Ted Shepard, Chief Planner, stated this Resolution names a new street, names a downtown alley, and maintains the list of official street names. The new arterial is at a T-intersection off a roundabout on Lincoln in the northeast part of town. The alley is between Jefferson and Pine. Shepard stated the public outreach process has led to a recommendation of Cordova Road for the arterial and Harper Goff for the alley. Additional names under consideration which were not selected are proposed to be added to the list of available names for the future.

Margaret Mitchell commended the selection of the Cordova name.

Cheryl Glanz discussed the history of her family, the Steelys, in Fort Collins.

Kenny Cordova discussed the history of his family in Fort Collins.

Dick Steely discussed the accomplishments of his family in Fort Collins.

Joseph David Cordova discussed the history of his family in Fort Collins.

Mike Steely discussed the history of his family in Fort Collins.

Vi Cordova Esparza discussed the history of her family in Fort Collins.

Jerry Gavaldon, Museo Tres Colonias, discussed the history of his family in Fort Collins. He supported the use of the Cordova name.

Andrew Cordova discussed the history of his family in Fort Collins.

Ashley Cordova thanked the City for its recommendation of the use of the family name and played a video from her cousin Doug who was unable to attend as he is serving in the Air Force. He discussed the history of his family in Fort Collins.

Councilmember Summers expressed gratitude for the contributions of various families to Fort Collins and stated the Russian-German immigrants had a huge impact on the agriculture of Northern Colorado.

Councilmember Martinez commended the selection of the Cordova name and agreed the Steely and Gavaldon families have also made significant contributions to the community.

Councilmember Stephens asked how a balance is ensured regarding recognizing more women in the community. Shepard replied at least six streets have been named after women in the recent past.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt Resolution 2017-048.

Councilmember Stephens thanked the citizens who spoke about their families.

Councilmember Overbeck thanked the citizens for sharing family stories.

Mayor Troxell expressed his support of the Resolution and thanked the citizens for speaking about the history of their families and Fort Collins.

RESULT:	RESOLUTION 2017-048 ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Martinez, Stephens, Summers, Overbeck, Troxell, Cunniff, Horak

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

13. **Resolution 2017-047 Authorizing the Mayor to Execute a First Addendum to the Intergovernmental Agreement with Colorado State University Related to an On-Campus Stadium. (Adopted)**

The purpose of this item is to approve an amendment to the intergovernmental agreement (IGA) between the City of Fort Collins and Colorado State University (CSU) regarding infrastructure improvements and neighborhood relationships related to the on-campus stadium. In 2015 Council authorized the original agreement in an effort to mitigate potential construction and operational impacts of the stadium. The addendum is proposed to update the infrastructure improvements, identify who will be paying for the improvements and other operational modifications related to the

neighborhood relationship section of the agreement (the neighborhood relationship section established the Stadium Advisory Group (SAG) and related funding.)

Jeff Mihelich, Deputy City Manager, stated the original intergovernmental agreement was approved by Council in April 2015 and this amendment describes how specific projects will be moving forward. Modifications include language changes regarding the Stadium Advisory Group, various capital and intersection improvements, parking improvements, and the underpass at Shields and Elizabeth. Mihelich stated all cost determinations have been made, all time commitments identified, and all projects either completed or on schedule.

Councilmember Overbeck requested information regarding the efforts of the Stadium Advisory Group. Mihelich replied the Group is only committed to meet twice a year; however, it has been meeting monthly for over a year and is currently focusing on fine-tuning game day operations and neighborhood improvement fund applications.

Councilmember Cunniff asked about the lighting of the logo on the south façade of the stadium. Mihelich replied the current expectation is that it will not be lighted either internally or externally; however, some ambient lighting will illuminate the sign.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Martinez, to adopt Resolution 2017-047.

Councilmember Cunniff stated he did not support the original IGA due to concerns that partners would not meet commitments; however, his expectations have been well exceeded.

Mayor Pro Tem Horak commended CSU's willingness to construct and fund the two underpasses.

Mayor Troxell expressed support for the IGA and capital improvements.

Councilmember Stephens thanked CSU for its willingness to construct and fund the various infrastructure improvements.

Mayor Pro Tem Horak thanked Dr. Frank and his administration for their commitment to these projects.

RESULT:	RESOLUTION 2017-047 ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ray Martinez, District 2
AYES:	Martinez, Stephens, Summers, Overbeck, Troxell, Cunniff, Horak

14. Items Relating to Capital Expansion Fees and the Electric Capacity Fee. (Adopted on First Reading)

A. *First Reading of Ordinance No. 049, 2017, Amending Chapters 7.5, 8 and 24 of the Code of the City of Fort Collins Concerning Revisions to Terminology and Decreases and Phased Increases of the Capital Expansion Fees and Amending Section 3.3.2(G) of the Land Use Code to Revise Related Terminology. (Alternative 1 or Alternative 2)*

B. *First Reading of Ordinance No. 068, 2017, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections.*

The purpose of this item is to consider adoption of fee recommendations for capital expansion and transportation expansion fees on a phased-timeline beginning October 1, 2017, and electric capacity fees effective beginning October 1, 2017, with no phasing. In early 2016, staff initiated comprehensive reviews of the Capital Expansion Fees, Transportation Expansion Fee (Street Oversizing) and the Electric Capacity Fee. In late 2016, staff conducted a thorough inventory of all fees across the City in order to better coordinate presentation of the holistic impact of fee recommendations to the community. Fee studies were also conducted for the Capital Expansion Fees and the Transportation Expansion Fee. Staff worked to integrate the messaging of these efforts to the community and to Council to illustrate the entire fee impact as well as how Fort Collins compares to neighboring cities' impact fees. Capital Expansion Fees include the impact fees charged for Fire, Police, General Government, Community Parks and Neighborhood Parks. The Transportation Expansion Fee is also a Capital Expansion Fee, but is determined differently than the other Capital Expansion Fees. The Electric Capacity Fee is an impact fee imposed by the City's Electric Utility.

Ordinance No. 049, 2017, which provides for the changes to the Capital Expansion Fees and the Transportation Expansion Fee, is proposed in two alternative ordinances. Alternative 1 proposes the phasing of the full fee amounts recommended in the fee studies, while Alternative 2 provides for fee increases without any phasing in amounts less than what is recommended in the study for the Capital Expansion Fees and for the Transportation Expansion Fee for the lesser amount recommended in its study.

Mike Beckstead, Chief Financial Officer, stated the Twin Silos Park cost has been removed from the community parks calculation and park planning costs have been included.

Tiana Smith, Revenue and Project Manager, stated development pays impact fees to fund the additional infrastructure and services needed for growth and to maintain the level of service expected in Fort Collins. Smith discussed the fee inclusions and phasing of each option and detailed the staff recommendations.

Diane Cohn, Affordable Housing Board Chair, discussed the need for affordable housing units in the community and stated developers of such homes should be incentivized. She stated capital expansion fee increases have a much larger impact on developers of affordable housing than on market-rate developers.

Joe Rowan stated sales taxes help keep Fort Collins great and noted only one group to which this proposal was presented endorsed it.

Adam Eggleston thanked staff for the outreach process and discussed housing affordability in the community.

Kevin Jones, Fort Collins Chamber of Commerce, thanked staff for additional outreach but stated the fee increases will limit Fort Collins' ability to attract and expand primary employers. He supported alternative 2.

Eric Sutherland discussed disparities in the public finance system and stated growth does not pay its way.

Councilmember Martinez asked about a third option. Beckstead replied Councilmember Martinez had requested a third alternative which is the same as alternative 2 but exchanges option A for the transportation for the option B version. Smith displayed the revised fees using this alternative.

Beckstead stated the transportation shortfall with this option would be made up at the time of funding individual projects. Current transportation fees do not pay 100% of street improvements; other funding sources are utilized to make up the difference and would do so in these cases as well.

Councilmember Cunniff asked about the net difference between alternatives 1 and 2. Beckstead replied alternative 2 leaves about an \$8 million gap just in the community parks.

Councilmember Summers clarified fees can be adjusted moving forward as needed.

Councilmember Overbeck asked about the composition of the working group. Beckstead replied it will likely be a mixture of the business organizations who have spoken to Council, as well as citizens.

Councilmember Martinez asked when fees are locked in during the building process. Tom Leeson, Community Development and Neighborhood Services Director, replied fees are paid at the time of building permit. Projects which have currently submitted a project development plan would be locked into the fee in place when the development application was submitted; however, the ordinance does not specifically state that at this point.

Councilmember Martinez requested the inclusion of that language.

Mayor Pro Tem Horak stated more time needs to be spent working on the basics and affordable housing piece through the working group. He supported the group having a Council liaison.

Councilmember Martinez asked if the current practice is to lock in fees at the time of development application. Leeson replied language would need to be added if Council wanted to expressly state the fee will be based on the time of development application.

Councilmember Cunniff discussed the importance of determining the difference in fee collection between alternatives 2 and 3 versus alternative 1. He stated he is leaning toward favoring alternative 3.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Martinez, to adopt Ordinance No. 049, 2017, alternative 2, on First Reading.

Councilmember Martinez requested additional language relating to timing of fees prior to Second Reading.

Councilmember Cunniff requested additional details regarding alternative 3 prior to Second Reading. He asked if the working group information will come back before Council in a Resolution. Beckstead replied that was not planned; however, it could be done.

Mayor Pro Tem Horak supported the item coming before Council in a Resolution.

Councilmember Overbeck stated he would like to have balance between businesses and citizens on the working group.

Councilmember Summers stated he supports alternative 2 with some type of expedited process of engagement and evaluation.

Councilmember Stephens expressed concern the cost of development is not being accurately reflected and expressed concern regarding questioning the methodology.

Councilmember Overbeck supported the motion and requested additional examination of alternative 3.

Councilmember Cunniff disagreed with the idea that fee increases will affect affordable housing. Because of the market, these fees will have zero impact on existing housing stock. He stated he will support the motion; however, he is unsure about Second Reading.

Councilmember Stephens supported flushing out alternative 3 as utilizing vehicle miles travelled seems to be the gold standard.

Mayor Troxell expressed appreciation for aspects of both alternatives 1 and 2.

Mayor Pro Tem Horak reiterated this is an interim step, which includes the working group, housing fee waiver process, and business expansion waiver possibilities.

RESULT:	ORDINANCE NO. 049, 2017, ALTERNATIVE 2, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ray Martinez, District 2
AYES:	Martinez, Stephens, Summers, Overbeck, Troxell, Cunniff, Horak

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No, 068, 2017, on First Reading.

RESULT:	ORDINANCE NO. 068, 2017, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Martinez, Stephens, Summers, Overbeck, Troxell, Cunniff, Horak

● **OTHER BUSINESS**

Councilmember Summers requested Council support in consideration of an amendment to the West Nile Virus spray protocol and policy, particularly focused on the requirement of two reported infections within a seven-day period prior to spraying taking place. He stated he would like staff to return with an updated resolution that would, at a minimum, eliminate that requirement.

Mayor Troxell stated he would like to receive additional background information.

Councilmember Cunniff stated the information he has received to date has not shown a correlation between early spraying and human health impacts.

Councilmember Summers stated the County Health Department would not spray if it were not advisable for human health. He stated the City has a responsibility to its citizens to re-examine the policy.

Mayor Troxell stated he would like to see additional integration with the County on the issue.

Councilmember Overbeck stated the process has been robust, but supported gathering additional information.

Mayor Pro Tem Horak stated he would like to gather information related to recent studies on the issue.

City Manager Atteberry stated changing policy would require due process, and that cannot likely be completed by the upcoming summer season.

Mayor Pro Tem Horak suggested staff return with two options: one for quicker change, and one including a public process as has been done in the past.

Councilmembers stated they would prefer to just receive information at this point rather than have an agenda item.

Councilmember Overbeck stated the current plan has been successful. Councilmember Summers disagreed.

City Manager Atteberry stated the staff team will develop a strategy and discuss its approach with the Leadership Planning Team. He stated the team will use Councilmember Summers' research and information as part of the strategy.

Councilmember Stephens stated she would like assurance the Social Sustainability Department is examining policies relating to the community trust ordinance. City Attorney Daggett replied staff has been working on pulling together information about historical discussions of similar ordinances and other requirements that affect how the City interacts with immigration status issues.

● **ADJOURNMENT**

Mayor Pro Tem Horak made a motion, seconded by Councilmember Overbeck, to adjourn to 6:00 PM on Tuesday, May 23, 2017, to consider such matters as may come before the Council.

Mayor Pro Tem Horak stated one of the matters will be Council liaison appointments to Boards and Commissions.

Councilmember Cunniff noted that item will include appointment of a Council liaison to the impact fee working group and suggested including spaces for alternate appointments.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Bob Overbeck, District 1
AYES:	Martinez, Stephens, Summers, Overbeck, Troxell, Cunniff, Horak

May 16, 2017

The meeting adjourned at 10:17 PM.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, is written over a horizontal line.

Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "W Winkelman", is written over a horizontal line.

City Clerk