

January 16, 2018

**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, Coldiron

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry recommended postponing Item No. 5, *Second Reading of Ordinance No. 005, 2018, Authorizing the Acquisition by Eminent Domain of Certain Lands Necessary to Construct Public Improvements in Connection with the Suniga Road Improvements Project*, to February 6, 2018, to give staff more time to respond to resident concerns. He withdrew Item No. 14, *First Reading of Ordinance No. 015, 2018, Making Amendments to Chapter 23 of the Code of the City of Fort Collins Relating to Natural Area and Parks Permits, Slack Lining, Structures and Amateur Drone Operation in Natural Areas and City Parks*, to allow staff to provide details regarding what the changes are expected to address, justifications for why the changes are needed, and more information about the permitting process. He withdrew Item No. 20, *First Reading of Ordinance No. 018, 2018, Amending Chapter 23.5 of the Code of the City of Fort Collins Pertaining to Special Events*, to address concerns about synching with the Downtown Development Authority.

● **CITIZEN PARTICIPATION**

Zach Heath supported the plan to place lockers for homeless residents at the Fort Collins Mennonite Church.

Lynn Thompson supported the plan to place lockers for homeless residents at the Fort Collins Mennonite Church.

Mary Lee Steltz supported the plan to place lockers for homeless residents at the Fort Collins Mennonite Church.

Steve Raymer, Fort Collins Mennonite Church Pastor, expressed disappointment regarding the staff recommendation against placing the lockers at the Church.

Stacy Lynne stated the Colorado Department of Regulatory Agencies and Colorado Revised Statutes legally define her work as an investigative journalist. She discussed the importance of context, specifically relating to the video of a police officer's altercation with a woman in Old Town.

Stephen Dougherty supported the plan to place lockers for homeless residents at the Fort Collins Mennonite Church.

Jeremy Mack supported the plan to place lockers for homeless residents at the Fort Collins Mennonite Church.

Joe Rowan stated it is becoming increasingly difficult to justify the cost of the insatiable legacy of the City. He stated it is disingenuous to make the KFCG tax part of the regular budget and stated the City needs to examine what it will stop doing and what it can afford.

Sarah King supported the plan to place lockers for homeless residents at the Fort Collins Mennonite Church.

Debra James supported the plan to place lockers for homeless residents at the Fort Collins Mennonite Church.

Haley Dallas supported the plan to place lockers for homeless residents at the Fort Collins Mennonite Church.

Carol YiBebo supported the plan to place lockers for homeless residents at the Fort Collins Mennonite Church.

Tunia (no last name given) supported the plan to place lockers for homeless residents at the Fort Collins Mennonite Church.

Michael (no last name given) stated he will be managing the lockers and noted users will be screened.

Nicholas Mouton discussed community injustices and supported the plan to place lockers for homeless residents at the Fort Collins Mennonite Church. He also discussed judicial injustices in the community.

Juliana Cullen supported the plan to place lockers for homeless residents at the Fort Collins Mennonite Church.

Cheryl Distaso, Fort Collins Homeless Coalition, supported the plan to place lockers for homeless residents at the Fort Collins Mennonite Church.

Jeff Craigstead supported the plan to place lockers for homeless residents at the Fort Collins Mennonite Church.

Desiree Anthony, Tilted Halos, supported the plan to place lockers for homeless residents at the Fort Collins Mennonite Church.

Ray Suslutski-Moore supported the plan to place lockers for homeless residents at the Fort Collins Mennonite Church.

Jeshua Jackson stated he sent an email to Council and stated the City can do better.

● **CITIZEN PARTICIPATION FOLLOW-UP**

Mayor Troxell summarized the citizen comments.

Councilmember Stephens thanked the citizens who spoke about the lockers and stated she will be bringing up the issue under Other Business.

Councilmember Overbeck thanked the speakers and stated he did receive Mr. Jackson's email.

Mayor Troxell thanked the speakers.

● **CONSENT CALENDAR**

Mayor Pro Tem Horak withdrew Item No. 5, *Second Reading of Ordinance No. 005, 2018, Authorizing the Acquisition by Eminent Domain of Certain Lands Necessary to Construct Public Improvements in Connection with the Suniga Road Improvements Project*, 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>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerry Horak, District 6
<b>SECONDER:</b>	Bob Overbeck, District 1
<b>AYES:</b>	Martinez, Stephens, Summers, Overbeck, Troxell, Cunniff, Horak

1. **Second Reading of Ordinance No. 001, 2018, 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 2, 2018, appropriates grant funds in the amount of \$45,500 to fund the Victim Services Unit of Fort Collins Police Services for victim advocacy services. The Fort Collins Police Services Victim Services Unit has been awarded a 12-month grant by the Eighth Judicial District Victim Assistance and Law Enforcement (VALE) Board to help fund services provided by this team. These 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. These funds will also pay for a portion of the operational expenses needed to provide 24-hour, 7-days/week services to victims of crime in the community.

2. **Items Relating to Transfort's Regional FLEX Route to Longmont and Boulder. (Adopted)**

A. Second Reading of Ordinance No. 002, 2018, Appropriating Unanticipated Grant Revenue from the Colorado Department of Transportation FASTER Transit Program Grant in the Transit Services Fund and Appropriating Prior Year Reserves in the Transit Services Fund as a Grant Match for the Purchase of Two New Buses for Transfort's Regional FLEX Route to Longmont and Boulder.

B. Resolution 2018-008 Authorizing the Execution of an Intergovernmental Agreement Between the City and the Colorado Department of Transportation for a Grant to Purchase Two New Buses for Transfort's Regional FLEX Route to Longmont and Boulder.

This Ordinance, unanimously adopted on First Reading on January 2, 2018, appropriates \$1,200,000 for the purchase of two new buses for Transfort's Regional FLEX route to Longmont and Boulder. Transfort was awarded \$960,000 through a CDOT grant. This grant requires a local match of \$240,000.

On Second Reading, staff is presenting to Council Resolution 2018-008 which authorizes the Mayor to execute an intergovernmental agreement between the City of Fort Collins and CDOT for the purchase of the two new buses for the FLEX Regional Route.

3. **Second Reading of Ordinance No. 003, 2018, Appropriating Prior Year Reserves in the General Fund and the Recreation Fund and Authorizing the Transfer of Appropriations in the Recreation Fund to the General Fund for the James Ross Proving-Up House Restoration. (Adopted)**

This Ordinance, unanimously adopted on First Reading on January 2, 2018, appropriates previously received grant funds of \$16,080 received from the Cache la Poudre Heritage Alliance and unanticipated revenue of \$3,357 from the Fort Collins Historical Society for the restoration of the James Ross Proving-Up House. The total new appropriation is \$19,437. The grant is matched by Historic Preservation funds of \$32,847 and Recreation Department funds of \$27,000 from prior year reserves. The Ross Proving-Up House is the only "proving-up" or "filing" house associated with the 1862 Homestead Act still in existence in Larimer County. In preparation for its restoration, the building was moved last fall to a permanent location at The Farm at Lee Martinez Park, 600 North Sherwood Street.

4. **Second Reading of Ordinance No. 004, 2018, Appropriating Prior Year Reserves in the Transportation Capital Expansion Fee Fund and the Transportation Fund and Authorizing the Transfer of Appropriations from the Transportation Capital Expansion Fee Fund and the Transportation Fund into the Capital Project Fund for the Harmony and Strauss Cabin Intersection Project and Transferring Appropriations from the Capital Projects Fund to the Cultural Services and Facilities Fund for Art in Public Places. (Adopted)**

This Ordinance, unanimously adopted on First Reading on January 2, 2018, appropriates \$891,000 of prior year reserves in the Transportation Capital Expansion Fee Fund and authorizes the transfer of appropriations from the Transportation Capital Expansion Fee Fund into the Capital Project Fund for the Harmony and Strauss Cabin Intersection Improvement Project. In addition, this item transfers \$8,760 in prior year reserves from the Transportation Fund to the Capital Projects Fund for the purpose of transfer to the Cultural Services and Facilities Fund for Art in Public Places. This project will construct road and intersection improvements, utility relocations, and fully signalize the intersection of Harmony Road and Strauss Cabin Road. The project will install southbound left and right turn lanes, pork chop islands, and American's with Disabilities Act (ADA) accessible sidewalk connections.

5. **Second Reading of Ordinance No. 006, 2018, Granting a Non-Exclusive Franchise to the Public Service Company of Colorado for the Right to Make Reasonable Use of City Streets, Public Utility Easements and Other City Property to Install, Maintain, Locate and Operate Its Facilities Used to Provide Natural Gas Services to Customers within the City. (Adopted)**

This Ordinance, unanimously adopted on First Reading on January 2, 2018, approves a natural gas Franchise Agreement between the City of Fort Collins and the Public Service Company of Colorado (Public Service). Without a change in the financial burden to residents, this Franchise Agreement grants a non-exclusive franchise to Public Service to make reasonable use of City streets, public utility easements and other City property for Public Service's provision of natural gas utility services within the City. The franchise fee will be equivalent to the current occupation tax imposed (1.07%) to compensate the City for the use of its property. The franchise fee rate can be increased by the City Council in the future by ordinance but at a rate not to exceed 3% of gross revenues.

6. **Second Reading of Ordinance No. 007, 2018, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Compensation of the Chief Judge. (Adopted)**

City Council met in executive session on November 28, 2017, to conduct the performance review of Chief Judge Kathleen M. Lane. This Ordinance, unanimously adopted on First Reading on January 2, 2018, establishes the 2018 salary of the Chief Judge at 120,667 and total compensation at \$149,125.

7. **Second Reading of Ordinance No. 008, 2018, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Compensation of the City Attorney. (Adopted)**

City Council met in executive session on November 13, 2017, to conduct the performance review of Carrie Daggett, City Attorney. This Ordinance, unanimously adopted on First Reading on January 2, 2018, sets the 2018 compensation of the City Attorney at \$194,259 and total compensation at \$232,770.

8. **Second Reading of Ordinance No. 009, 2018, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Compensation of the City Manager. (Adopted)**

City Council met in executive session on November 13, 2017, to conduct the performance review of Darin Atteberry, City Manager. This Ordinance sets the 2018 compensation of the City Manager at \$262,489 and total compensation at \$319,320.

9. **Items Relating to Broadband Facilities and Services. (Adopted)**

A. Second Reading of Ordinance No. 010, 2018, Appropriating Prior Year Reserves in the General Fund as a Loan to the Light and Power Fund for the Electric Utility's First Year Operations and Maintenance Costs for Telecommunication Facilities and Services.

B. Second Reading of Ordinance No. 011, 2018, Amending the Code of the City of Fort Collins to Authorize and Implement the City's Provision of Telecommunication Facilities and Services as Provided in City Charter Article XII, Section 7.

Ordinance No. 010, 2018, appropriates \$1.8M of funding to support first year start-up costs associated with recruiting and hiring personnel, consulting, equipment, and branding to support the initiative. Funding would come from the General Fund as a loan to the Light and Power Fund as start-up funding until bonds can be issued to support the total broadband build out. The bonds will be structured allowing a planned repayment to the General Fund of start-up costs supported by this appropriation. The reserves will be restored from the proceeds of the bond issuance, pending the Council's adoption of the corresponding bond ordinance (currently scheduled for the March 20 and April 3 meetings). The operation and maintenance expenses table in the "Whereas" clause for Ordinance No. 010, 2018, has been updated for Second Reading to reflect consistent data with the table used in the agenda item summary and staff presentation on First Reading. The revised table reflects the latest final planned budget for first year operation and maintenance expenses.

Ordinance No. 011, 2018, amends City Code to authorize the City Electric Utility to begin implementing its provision of broadband facilities and services and to receive and expend the General Fund loan through the Light and Power Fund. The changes in Ordinance No. 011, 2018, relate to the Charter amendment the voters approved this past November that grants to Council the power to authorize the Electric Utility to acquire, construct, provide, fund and contract for telecommunication facilities and services and that grants to the Enterprise of the Electric Utility the power to issue bonds to fund these facilities and services. These changes also include assigning to the City Manager the direct responsibility to administer and supervise the Electric Utility's provision of broadband facilities and services. In response to discussion during consideration on First Reading, the revision to Code Section 2-491 presented on First Reading has been removed from Ordinance No. 011, 2018. A needed conforming change to the definition of "service area" in Code Section 1-2 has been substituted in as Section 2 of Ordinance No. 011, 2018. These revisions are shown in the Second Reading version of the Ordinance No. 011, 2018. Both Ordinances were unanimously adopted on First Reading on January 2, 2018.

10. **First Reading of Ordinance No. 012, 2018, Appropriating Unanticipated Revenue in the Transit Services Fund for Contractual Paratransit Services for the City of Loveland Transit (COLT) and Transit Manager Services Pursuant to Two Intergovernmental Agreements with Loveland. (Adopted)**

The purpose of this item is to appropriate funds to cover the costs of entering into two intergovernmental agreements (IGA) with Loveland, which costs will be reimbursed by Loveland. The first IGA provides paratransit service for COLT under the current Dial-A-Ride contract (the Paratransit IGA), the costs of which will be reimbursed monthly to the City of Fort Collins by the City of Loveland, COLT. The second IGA supplies a contractual employee to COLT to act as the COLT Transit Operations Manager under the supervision of the City of Fort Collins, Transfort (the Transit Management IGA). The costs will be reimbursed to the City of Fort Collins by the City of Loveland monthly.

The City Manager approved and signed both agreements. Pursuant to City Code Section 1-22 the City Manager has the authority to enter into both IGAs because the IGAs do not require the direct, monetary payment of more than \$5,000 from the City, after reimbursement from Loveland, and the City Manager has determined that the IGAs do not entail significant policy decisions.

11. **First Reading of Ordinance No. 013, 2018, 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)**

The purpose of this item is to appropriate unanticipated grant revenue in the General Fund for the Environmental Services Radon Program. This appropriation includes \$7,961 of grant revenues provided by the Colorado Department of Public Health and Environment (CDPHE) to support radon testing and mitigation programs. The grant directly supports radon activities identified in the Environmental Services Department's core budget offer, and requires a local match of \$5,307. Matching funds are appropriated and unexpended in the 2018 Environmental Services operating budget, and will be transferred to the Environmental Services radon program.

12. **First Reading of Ordinance No. 014, 2018, Appropriating Prior Year Reserves in the Data and Communications Fund for the Enterprise Document Management System and Electronic Record Search Project. (Adopted)**

The purpose of this item is to appropriate \$833,840 from the Data and Communications reserve to fund the Enterprise Document Management System and Electronic Record Search (EDMS) project. The funds will be used to replace the current enterprise document management system known as SIRE that currently manages the City's documents and images. This project was approved through the Budgeting for Outcomes (BFO) process for use in 2017. However, the procurement process will not be completed until early February 2018, requiring the IT Department to submit this request ahead of the reappropriation process in order to enter into a contract with a vendor to avoid additional costs and delays.

13. **First Reading of Ordinance No. 015, 2018, Making Amendments to Chapter 23 of the Code of the City of Fort Collins Relating to Natural Area and Parks Permits, Slack Lining, Structures and Amateur Drone Operation in Natural Areas and City Parks. (Withdrawn)**

The purpose of this item is to update a number of provisions within Chapter 23, Articles IX (Natural Areas) and X (Parks) of the City Code. The Code changes are intended to more accurately reflect administrative responsibilities regarding permits, clarify various provisions, and provide additional consistency in provisions regulating activities in Natural Areas and Parks as stated in the City Code.

14. **First Reading of Ordinance No. 016, 2018 Amending Article 5, Section 23-140 of the Code of the City of Fort Collins to Add a Definition of "Facilities". (Adopted)**

The purpose of this item is to amend Section 23-140 of the City Code to add a definition of "Facilities" which includes buildings, structures, vehicles, buses, and public parking areas. This amendment will grant express authority to the City Manager to set administrative policy related to conduct on Transport buses and other transit facilities.

15. **First Reading of Ordinance No. 017, 2018, Amending the City of Fort Collins District-Precinct Map to Reflect Changes in County Precinct Boundaries and Waiving the Redistricting Requirement of Section 7-87(d) of the City Code. (Adopted)**

The purpose of this item is to align City precinct boundaries with County precinct boundaries as required by Section 7-66 of the City Code.

16. **Resolution 2018-006 Authorizing the Lease of 11.85 Acres of City-Owned Natural Area Property to Hageman Earth Cycle, LLC. (Adopted)**

The purpose of this item is for City Council to consider the proposed lease of approximately 11.85 acres of land to Roger Hageman, Hageman Earth Cycle (HEC). In January 2017, staff asked Council to consider selling 11.85 acres of land; Council did not approve the sale based in part on the Land Conservation and Stewardship Board's recommendation to not sell the land. Council asked staff to develop land disposition and land-leasing guidelines for its review. Four months ago, staff was directed by the City Manager to seek Council approval of a long-term lease rather than a sale.

17. **Resolution 2018-007 Making Appointments to Various Boards, Commissions, and Authorities of the City of Fort Collins. (Adopted)**

The purpose of this item is to appoint 15 individuals to fill vacancies that currently exist on 6 various boards and commissions, due to expiration of terms on December 31, 2017. Applications were solicited during September, October, and November. Council teams interviewed applicants during December and January. Vacancies still exist on the Building Review Board; Housing Catalyst; and the Senior Advisory Board, work will continue to fill those vacancies.

● **END CONSENT**

● **STAFF REPORTS**

Brian Thall, Energy Services Supervisor, stated Partners in Energy is a collaborative effort between Fort Collins Utilities and Xcel Energy which embodies City values and relates to multiple objectives within the City's Strategic Plan.

Tammy Gundersick, Partners in Energy Program Manager, stated Fort Collins is the first municipality to participate in this program. Data sharing, program alignment, and marketing have been benefits of the program.

● **COUNCILMEMBER REPORTS**

Councilmember Martinez reported on the Rockies Caravan event at CSU during which a large donation was made to the Boys and Girls Club.

Councilmember Cunniff reported on the 25<sup>th</sup> anniversary of the Open Space tax celebration event.

Mayor Troxell reported on an email he received about superior service received at McCormick Automotive and the Quality Inn hotel.

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

18. **Second Reading of Ordinance No. 005, 2018. Authorizing the Acquisition by Eminent Domain of Certain Lands Necessary to Construct Public Improvements in Connection with the Suniga Road Improvements Project. (Postponed to February 6, 2018)**

*This Ordinance, unanimously adopted on First Reading on January 2, 2018, authorizes the use of eminent domain, if deemed necessary, to acquire property interests needed to construct improvements to Suniga Road Improvements Project. The project will construct a new arterial roadway between College Avenue and Blondel Street. Improvements include construction of a complete arterial street which includes four travel lanes, protected bike lanes, landscaped parkways, medians, sidewalks and utility improvements.*

*In order for the City to construct these improvements, the City will need to acquire certain property interests adjacent to the project area. The project will affect seven properties. Acquisitions will include fee purchase right-of-way, permanent utility and drainage easements and temporary construction easements. Staff has had contact with all affected property owners. Timely acquisition of the property is necessary to meet the anticipated construction schedule. Staff fully intends to negotiate in good faith with the affected owners and is optimistic that all property negotiations can be completed prior to the start of the Project. Staff is requesting authorization of eminent domain for all property acquisitions for the Project only if such action is deemed necessary.*

Mayor Pro Tem Horak made a motion, seconded by Councilmember Overbeck, to postpone Second Reading of Ordinance No. 005, 2018, to February 6, 2018.

<b>RESULT:</b>	<b>SECOND READING OF ORDINANCE NO. 005, 2018, POSTPONED FEBRUARY 6, 2018 [UNANIMOUS]</b>
<b>MOVER:</b>	Gerry Horak, District 6
<b>SECONDER:</b>	Bob Overbeck, District 1
<b>AYES:</b>	Martinez, Stephens, Summers, Overbeck, Troxell, Cunniff, Horak

● **DISCUSSION ITEMS**

**19. Public Hearing and Second Reading of Ordinance No. 136, 2017, Approving the Addition of Permitted Use Associated with the Long Pond Wireless Telecommunications Facility Project Development Plan #160018. (Adopted as Amended on Second R)**

*This Ordinance, unanimously adopted on First Reading on December 19, 2017 approves with conditions, the Long Pond Wireless Telecommunications Addition of Permitted Use request (APU) being made in conjunction with PDP160018. The APU would allow the addition of wireless telecommunication facilities as a permitted use on a parcel of land located in the Low Density Mixed-Use Neighborhood (LMN) zone district. Wireless telecommunication facilities are not a permitted use in the LMN. PDP160018 proposes a 60-foot tall wireless telecommunications facility disguised as a silo at 2008 Turnberry Road. On First Reading, three conditions of approval were adopted: one condition making the APU validity contingent upon subsequent Planning and Zoning Board approval of the associated PDP, one that reduced the height of the facility to 45 feet or less, and one requiring that the facility be located further north so it is closer to existing outbuildings. The City Council directed staff to research three additional conditions of approval.*

Mayor Troxell discussed the item and stated Council requested staff input regarding three possible additional conditions of approval: the tower's design be changed upon redevelopment of the parcel or surrounding areas, the tower must exceed current City structural requirements for cell towers, primarily with respect to wind loads, and the tower must be removed when it becomes obsolete. To consider the possibility of adopting one or more of these conditions, Council will consider a motion to reopen the hearing for the limited purpose of taking additional evidence related to these conditions. Mayor Troxell outlined the process should the motion to reopen the hearing carry.

Councilmember Summers recused himself from this item as he was absent for the meeting during which First Reading occurred.

City Attorney Daggett stated the project development plan related to this project is scheduled to be considered by the Planning and Zoning Board Thursday, January 18. That proceeding will be separate and a new record will be created at that time.



Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to reopen the public hearing on Ordinance No. 136, 2017. Yeas: Troxell, Overbeck, Martinez, Cunniff, Stephens, and Horak. Nays: none.

**THE MOTION CARRIED.**

Clay Frickey, City Planner, detailed the three possible conditions. He stated the change of the design when the surrounding area redevelops may need a metric to be included for the triggering of the design change. Staff would also like Council's direction in terms of the type of process that would be required. Given these practical difficulties, staff is not recommending adoption of the first condition. He stated the Fort Collins Building Code already requires additional wind load standards; therefore, staff finds the existing requirements are sufficient. The Land Use Code deals with inactive uses as they pertain to non-conforming uses. Those uses expire after 24 months. Staff is recommending removal of a functionally obsolete tower after 6 months of inactivity.

Michael Powers, Atlas Tower, agreed with staff regarding the practical concerns of the first condition. He also stated that type of requirement is unprecedented and questioned whether it is appropriate. Regarding the second condition, Mr. Powers stated the existing Building Code standards are quite rigorous. He requested the timeframe for removal of an obsolete tower be extended to one year because the tower is unlikely to be co-locatable given its height; therefore, if Verizon opts to discontinue its lease and remove its equipment, it will take more than 6 months to find a new tenant, complete proper due diligence, and go through the City's planning process.

Melissa Reagan, Sherman and Howard, outside counsel to Verizon Wireless, requested Council not impose any of the three additional conditions.

Nancy Eason supported adoption of the third condition for removal of the tower if it becomes obsolete. She asked who would be responsible for removal of the tower should Atlas go out of business and asked how anyone will know if the tower is not working. She also asked if the neighborhood will be notified when operations begin and stated the APU process took too long.

Tanja Andreas questioned how anyone will know the tower is working. She suggested the use of third-party expertise in the future.

Mr. Powers stated it is unlikely this site will be unused as there is a large demand for the location. He reiterated it would take more than 6 months for a new tenant to go through the process. He stated their leases typically have the landlord taking the place of Atlas should the company go bankrupt and stated there is almost no way the company going bankrupt would result in the tower not being used. He stated the City can make appointments with Atlas or Verizon to check that the equipment is operating.

Councilmember Martinez asked who would be responsible for removing an obsolete tower. Frickey replied it would be the responsibility of Atlas Tower to remove it upon notice from the City.

Councilmember Martinez asked about the time period for determining obsolescence. Frickey replied the time would start when the facility became inactive; however, there is currently staff who monitors cell facilities to determine whether they are active. Deputy City Manager Mihelich stated the amount of electricity going into the facility and the radio frequencies coming off the tower can be monitored by staff.

Councilmember Martinez asked about the timeframe for determining obsolescence. Cameron Gloss, Planning Manager, replied the City process for a new carrier would be a simple minor amendment process, which would likely take less than a month.

Councilmember Martinez asked if staff would still identify the tower as being obsolete if a new carrier was in the process of being found. Gloss replied the condition has been written such that the time would begin when the equipment stops functioning; however, Council could consider alternative language.

Councilmember Overbeck asked if notice is provided to the neighborhood when the facility begins operations. Mr. Powers replied that is not typical; however, they are happy to do so.

Councilmember Overbeck asked if staff could help facilitate a notification. Frickey replied in the affirmative.

Councilmember Overbeck asked if annual radio frequency monitoring could occur. Ms. Reagan replied RF emissions cannot be considered when approving or denying a telecommunication facility, pursuant to the Federal Telecommunications Act of 1996; however, in order for Verizon to maintain its FCC license for the facility, radio frequency emissions must be monitored to ensure compliance.

Councilmember Martinez asked how staff arrived at the 6-month timeframe for obsolescence. Frickey replied it seemed reasonable to staff.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Overbeck, to adopt Ordinance No. 136, 2017, on Second Reading, with the following condition of approval: the equipment and tower must be removed if they are not operated for any reason for a continuous period of 270 consecutive days.

Councilmember Cunniff supported the motion.

Councilmember Overbeck asked if an amendment would be needed to direct staff to provide notice of the facility beginning operation. Frickey replied staff has that direction.

Mayor Pro Tem Horak stated the notice is not a condition of approval.

City Manager Atteberry stated the notification should not be precedent-setting.

Mayor Troxell suggested Councilmember Overbeck could bring the notification issue up under Other Business and clarified the notification is not part of the motion or approval.

The vote on the motion was as follows: Yeas: Martinez, Stephens, Overbeck, Troxell, Cunniff, and Horak. Nays: none.

**THE MOTION CARRIED.**

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

<b>RESULT:</b>	<b>ORDINANCE NO. 136, 2017, ADOPTED AS AMENDED ON SECOND READING [6 TO 0]</b>
<b>MOVER:</b>	Gerry Horak, District 6
<b>SECONDER:</b>	Ross Cunniff, District 5
<b>AYES:</b>	Martinez, Stephens, Overbeck, Troxell, Cunniff, Horak
<b>RECUSED:</b>	Summers

20. **First Reading of Ordinance No. 018, 2018, Amending Chapter 23.5 of the Code of the City of Fort Collins Pertaining to Special Events. (Withdrawn)**

*The purpose of this item is to consider amending Chapter 23.5 of the City Code pertaining to Special Events to be in alignment with current law and to more accurately reflect the City's current processes and procedures for issuing Special Event Permits.*

<b>RESULT:</b>	<b>WITHDRAWN</b>
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● **OTHER BUSINESS**

Councilmember Stephens stated she would like to see the locker item on a Council agenda despite the staff recommendation.

Councilmember Cunniff supported bringing the item before Council.

Councilmember Overbeck stated there were concerns about the proposal at the neighborhood meeting; however, there is clearly a need. He discussed successful locker projects and stated he would be willing to spend more money to fund a successful project; however, he stated this process has been somewhat backward. He suggested exploring other options for locations and suggested staff examine other successful programs.

Councilmember Martinez suggested providing notification to parties-in-interest regarding the topic. City Manager Atteberry stated staff would do so and place the item on Council's agenda.


Councilmember Cunniff stated the APU process is different from other development applications and suggested staff develop a notification proposal for APU projects that are being constructed. City Manager Atteberry stated staff would return with options.

● **ADJOURNMENT**

The meeting adjourned at 8:15 PM.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

