

AGENDA ITEM SUMMARY

June 6, 2017

City Council

STAFF

Wanda Winkelmann, City Clerk

SUBJECT

Consideration and Approval of the Minutes of the May 2 and May 16, 2017 Regular Council Meetings and the May 9, 2017 Adjourned Meeting.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes from the May 2 and May 16, 2017 Regular Council meetings and the May 9, 2017 Adjourned Council meeting.

ATTACHMENTS

1. May 2, 2017 (PDF)
2. May 9, 2017 (PDF)
3. May 16, 2017 (PDF)

May 2, 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

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry stated Item No. 7, *Second Reading of Ordinance No. 058, 2017, Reappropriating Funds Previously Appropriated in 2016 But Not Expended and Not Encumbered in 2016*, will be moved to Council-pulled items to add a Whereas clause. Council will consider a motion to adjourn to May 9, 2017.

● **CITIZEN PARTICIPATION**

Mary Copco, Fort Collins Symphony Executive Director, announced the final concert of the season on May 13.

Wes Kenny, Fort Collins Symphony Music Director, stated he is delighted to live in Fort Collins and discussed the May 13 concert.

Becky Kutz Osterberg, Fort Collins Symphony cellist, played a cello piece.

Meg Dunn, Landmark Preservation Commission Chair, announced May as Historic Preservation Month and presented Council with a book highlighting the Fort Collins Old Town area as a good example of historic preservation.

Adam Eggleston discussed capital expansion fees and requested the fees be phased in over time.

Jan Moraczawski, Larimer County Department of Health and Environment, supported the smoke-free downtown area as an example of a proven strategy for youth smoking prevention.

Tim Carney discussed heavy traffic on Lemay and Country Club Road and stated the City should be responsible for providing alternative access to the area given annexations.

Daniel Morali, Larimer County Department of Health and Environment, supported the smoke-free downtown area.

Garrison Bennet, Eco Car 3, discussed the competition to turn a gas-powered Camaro into an energy-friendly car.

Ben Lorden, Eco Car 3, discussed the hybrid design and maintenance of the performance requirements of the Camaro.

Bradley Nelson, Eco Car 3, thanked the City and Council for supporting CSU and its Engineering program.

Karen Wagner stated the town of Wellington, the County, and City of Fort Collins should work together to solve transportation problems in the north part of town. She asked Council follow the lead of Adams and Boulder County commissioners to halt oil and gas operations until all operations have been inspected for public safety.

Jeffrey (no last name given) discussed the Old Town smoking ban and intoxicated individuals in Old Town.

Sharon Stewart requested oil and gas operations not be reopened and expressed concern about air quality.

Paul Patterson questioned considering short-term rentals as a non-conforming use.

Mary Anderson expressed concern about development near existing oil and gas wells.

Trish Miller discussed the Firestone explosion related to an abandoned oil well and opposed development near oil and gas wells.

Gretchen Carney stated the City should oppose further development in the north part of town until adequate infrastructure is in place.

Anita Glasgow expressed concern regarding adequate infrastructure in the northeast part of town.

Joe Rowan expressed concern regarding upcoming impact fees.

David Prosser discussed traffic on Country Club Road.

Monte Barry discussed an increased number of car trips to other grocery stores given the closure of Safeway at Mulberry and College.

- **CITIZEN PARTICIPATION FOLLOW-UP**

Councilmember Martinez asked if there are plans for a grocery store near Mulberry and College. City Manager Atteberry replied the current property owner is interested in seeing a retail grocer at the site; however, the City does not have an active role in that process.

Councilmember Martinez commended the cellist and thanked the Eco Car 3 presenters. He asked about the status of oil and gas well inspections. Lucinda Smith, Environmental Services, introduced Cassie Archuleta, Air Quality Program Lead and local government designee on oil and gas issues. Archuleta stated she has been in contact with Fort Collins' operators and the Colorado Oil and Gas Control Commission asking about similarities and differences between Fort Collins' oil and gas wells and those in Firestone. The wells in Firestone are high-pressure gas wells and the oil wells within the City limits are low-pressure oil wells that require water injection to get the oil flowing. Additionally, Fort Collins' wells are older with very low capacity.

Councilmember Martinez asked about the cause of the fatal Firestone explosion. Archuleta replied the cause was related to a gas flow line which was inappropriately disconnected from a gas well.

Councilmember Martinez requested input regarding the northeast traffic concerns. City Manager Atteberry replied the best opportunity for individuals to participate in the future of area transportation is coming up with the City Plan and Master Street Plan revamping process. He stated he can facilitate conversations between Traffic Operations and citizens.

Councilmember Summers congratulated the Eco Car 3 team and suggested a proactive approach to the traffic issues.

Councilmember Overbeck requested a memo regarding traffic issues on Country Club Road.

Councilmember Stephens thanked the Symphony representatives and the Larimer County Health Department employees. She congratulated the Eco Car 3 team and requested a more in-depth review of the oil and gas well issue.

Councilmember Cunniff requested a timeline of when sales tax licenses were granted to short-term rentals.

Mayor Troxell congratulated the Eco Car 3 team and noted short-term rentals and shared economies will be further discussed among Council members.

● **CONSENT CALENDAR**

Councilmember Martinez withdrew Item No. 10, *Resolution 2017-039 Authorizing the Execution of the Third Amendment to First Amended Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange*, 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.

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

1. **Consideration and Approval of the Minutes of the March 7, 2017 Regular Council Meeting and the March 17, 2017 Special Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the March 7, 2017, Regular Council meeting and the March 17, 2017 Special Council meeting.

2. **Second Reading of Ordinance No. 053, 2017, Appropriating Prior Year Reserves in the Transportation Fund for Consulting Services Related to Interstate 25 (I-25) Traffic Solution Efforts. (Adopted)**

This Ordinance, unanimously adopted on First Reading on April 18, 2017, renews a one-year contract with a lobbying and communications firm (Capitol Solutions) to advocate for solutions to Interstate 25 traffic congestion and appropriates \$30,000 from the Transportation Fund reserves to

pay for these services. City leaders are working in partnership with regional partners to identify and pursue funding for the I-25 corridor in Northern Colorado. Numerous regional efforts, initiatives, and actions have been taken or are underway to urge the Colorado legislature and Colorado Department of Transportation (CDOT) to accelerate improvements to Interstate 25 (I-25) and find long-term sustainable funding for the state's transportation infrastructure needs. This \$30,000 appropriation for services will continue to augment and enhance regional efforts and ensure Fort Collins has representation in discussions on I-25.

3. **Second Reading of Ordinance No. 054, 2017, Appropriating Prior Year Reserves in the General Fund for Waste Reduction and Diversion Projects Approved as Part of the Waste Innovation Program. (Adopted)**

This Ordinance, unanimously adopted on First Reading on April 18, 2017, appropriates \$150,000 accumulated during 2016 in the Waste Innovation Fund account into the City's General Fund account for approved projects to develop new organizational processes that enable departments to divert more waste material from landfill disposal.

4. **Second Reading of Ordinance No. 055, 2017, Appropriating Prior Year Reserves in the Storm Drainage Fund Perform Stream Rehabilitation Improvements on McClellands Creek in Connection with the Twin Silo Park Development Project and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program. (Adopted)**

This Ordinance, unanimously adopted on First Reading on April 18, 2017, appropriates \$454,500 from prior year reserves in the Storm Drainage Fund to perform stream rehabilitation improvements on McClellands Creek and authorizing transfers to the Cultural Services Fund for the Art in Public Places (APP) program in connection with the Twin Silos Park project.

5. **Second Reading of Ordinance No. 056, 2017, Amending Chapter 9 of the Code of the City of Fort Collins and Adopting by Reference the 2015 International Fire Code, with Amendments. (Adopted)**

This Ordinance, unanimously adopted on First Reading on April 18, 2017, adopts the 2015 International Fire Code as amended. The International Code Council (ICC) publishes updated codes every three years. The Poudre Fire Authority Board of Directors has reviewed and approved this code package and is requesting the code be adopted as amended.

6. **Second Reading of Ordinance No. 057, 2017, Adopting the Fort Collins Utilities Water and Wastewater Design Criteria Manual. (Adopted)**

This Ordinance, unanimously adopted on First Reading on April 18, 2017, adopts a Water and Wastewater Criteria Manual that establishes minimum standards for designing public improvements within the Fort Collins Utilities (FCU) water and wastewater service areas.

7. **Second Reading of Ordinance No. 059, 2017, Making Various Amendments to the Land Use Code. (Adopted)**

This Ordinance, unanimously adopted on First Reading on April 18, 2017, adopts a variety of revisions, clarifications and additions to the Land Use Code that have been identified since the last update in December 2015.

8. **Items Relating to the Tax Code. (Adopted)**

A. Postponement of 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 to May 16, 2017.

- B. Postponement of 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 to May 16, 2017.
- C. Postponement of 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 to May 16, 2017.

Staff requests postponement of Second Reading of these Ordinances to May 16, 2017, due to additional time needed to vet the definition for "Disabled individual" with the Commission on Disability. **If these items are pulled from the Consent Calendar, Council may choose to postpone the Ordinances or consider them on Second Reading, in Council's discretion.**

9. **Resolution 2017-040 Repealing Resolution 2017-010 and Authorizing the Initiation of Exclusion Proceedings of Annexed Properties Within the Territories of the Poudre Valley Fire Protection District and the Windsor-Severance Fire Protection District. (Adopted)**

The purpose of this item is to repeal Resolution 2017-010 and to enact a new Resolution to clarify that the Lodgepole Investments LLC Annexation is within the territory of the Windsor-Severance Fire Protection District rather than the Poudre Valley Fire Protection District. This Resolution will also authorize the City Attorney to file a petition in the Larimer County District Court to exclude five properties within the Poudre Valley Fire Protection District that were annexed into the City in 2016, and to file a petition in the Weld County District Court to exclude one property within the Windsor-Severance Fire Protection District that was annexed into the City in 2016. The properties affected by this Resolution are Lodgepole Investments, LLC Annexation, Maverik First Annexation, Mountain's Edge Annexation, East Prospect at Boxelder Creek Annexation, Majestic Place Annexation, and the Cache la Poudre River Annexation. C.R.S. Section 32-1-502 requires an order of exclusion from the district court to remove these annexed properties from special district territories. The properties have been receiving fire protection services from the Poudre Fire Authority and will continue to do so. The City Attorney's Office files petitions each year seeking exclusion for all properties annexed in the previous year that should be removed from the fire protection districts (Districts) to avoid double taxation.

● **CONSENT CALENDAR FOLLOW-UP**

Councilmember Cunniff requested information regarding the design of the creek improvements relating to Item No. 4, *Second Reading of Ordinance No. 055, 2017, Appropriating Prior Year Reserves in the Storm Drainage Fund Perform Stream Rehabilitation Improvements on McClellands Creek in Connection with the Twin Silo Park Development Project and Transferring Appropriations to the Cultural Services and Facilities Fund for the Art in Public Places Program.*

● **STAFF REPORTS**

Mayor Troxell stated a competitive process was held in the Youth Advisory Board and two students were selected to go to the National League of Cities.

Sarah Stone, Recreation Supervisor and Staff Liaison to the Youth Advisory Board, accompanied Vivian Bear and Betsy Pruznick to the National League of Cities in Washington D.C. Bear and Pruznick discussed their trip and goals to experience, learn, and connect.

Councilmember Martinez stated interviews for new boardmembers has just occurred.

Bear and Pruznick discussed the community chalkboard idea they have planned for the Foothills Mall.

Kelly Bernish, Director of Safety, Security and Risk Management, discussed the City's historical focus on safety and the newer focus of injury prevention and safety. The primary goal is to avoid injuries to employees and citizens.

Councilmember Overbeck asked if seasonal and hourly workers receive this message as well. Bernish replied in the affirmative.

● **COUNCILMEMBER REPORTS**

Councilmember Overbeck reported on the upcoming CSU open house regarding game day operations and stated the rolling coal bill passed in the State House.

Councilmember Martinez reported on the Affordable Housing Board presentation at his last listening session, the Elevations Credit Union groundbreaking, and a tour of the walkway under Shields at Elizabeth.

Councilmember Summers reported on the breakfast for the Center for Family Outreach.

Councilmember Stephens reported on the work the Center for Family Outreach does in the community.

Mayor Pro Tem Horak reported on the Platte River Power Authority Board meeting.

Mayor Troxell discussed Fort Collins high schools participating in the National Robotics competitions.

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

10. **Second Reading of Ordinance No. 058, 2017, Reappropriating Funds Previously Appropriated in 2016 But Not Expended and Not Encumbered in 2016. (Adopted on Second Reading)**

This Ordinance, unanimously adopted on First Reading on April 18, 2017, reappropriates 2016 appropriations approved by City Council that lapsed at the end of 2016. City Council authorized expenditures in 2016 for various purposes. The authorized expenditures were not spent or could not be encumbered in 2016 because:

- *there was not sufficient time to complete bidding in 2016 and therefore, there was no known vendor or binding contract as required to expend or encumber the monies*
- *the project for which the dollars were originally appropriated by Council could not be completed during 2016 and reappropriation of those dollars is necessary for completion of the project in 2017*
- *to carry on programs, services, and facility improvements in 2017 with unspent dollars previously appropriated in 2016.*

In the above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2016 and reflect no change in Council policies.

Mike Beckstead, Chief Financial Officer, reaffirmed the determination that there is a benefit to the utility rate payers associated with the broadband strategic planning effort. To this end, a Whereas clause has been added since First Reading for clarity and transparency.

Eric Sutherland stated the nexus between the broadband strategic planning efforts and the utility fees is not strong enough to support the conclusion as it needs to be made under the City Charter. He stated the other provision of the Ordinance that should be reviewed is the expenditure of KFCG money to study the impact of NISP on the Poudre River.

City Attorney Daggett stated what is being presented to Council on Second Reading includes an additional “Whereas” clause which she read into the record.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Stephens, to adopt Ordinance No. 058, 2017, on Second Reading as amended.

RESULT:	ORDINANCE NO. 058, 2017, ADOPTED ON SECOND READING AS AMENDED [5 TO 2]
MOVER:	Gerry Horak, District 6
SECONDER:	Kristin Stephens, District 4
AYES:	Stephens, Overbeck, Troxell, Cunniff, Horak
NAYS:	Martinez, Summers

11. **Resolution 2017-039 Authorizing the Execution of the Third Amendment to First Amended Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange. (Adopted)**

The purpose of this item is to amend the City of Fort Collins and Town of Windsor Intergovernmental Agreement pertaining to the development of the Interstate 25/State Highway 392 interchange to allow single-family residential as a permitted use on a portion of the Windsor side of the Corridor Activity Center Overlay Zone.

Tom Leeson, Community Development and Neighborhood Services Director, stated the original IGA with Windsor was adopted in 2010 and established permitted uses, design standards, and revenue sharing agreement. In 2015, Windsor proposed adding single-family housing and automobile dealerships to the list of permitted uses and enhanced design standards. The design standards were adopted by both communities and the automobile dealerships withdrew their application. The current proposal from Windsor is to amend the IGA to allow single-family use on a portion of the Muth property located on the northeast corner of I-25 and Highway 392.

Leeson discussed the proposed revenue sharing and special assessment fees for original investments.

Eric Sutherland stated his comments are to contrast what is happening with this intersection with what is happening with the plan to fund improvements to I-25. He commended the collaboration and revenue sharing arrangements in this agreement but opposed funding development by regional partners.

Councilmember Cunniff stated he would like to discuss tax increment financing at the Council retreat. He asked about the payback interval. Leeson replied the timing is based on build-out and stated the read-before packet contains a table comparing the proposed zoning with the existing zoning and the resulting difference in sales tax collection. Tom Muth, property owner, stated commercial development will follow housing development. The build-out timeline for the residential aspect is likely within four years.

Councilmember Martinez made a motion, seconded by Mayor Pro Tem Horak, to adopt Resolution 2017-039.

RESULT:	RESOLUTION 2017-039 ADOPTED [UNANIMOUS]
MOVER:	Ray Martinez, District 2
SECONDER:	Gerry Horak, District 6
AYES:	Martinez, Stephens, Summers, Overbeck, Troxell, Cunniff, Horak

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

● **DISCUSSION ITEMS**

12. **Consideration of an Appeal of the Planning and Zoning Board Decision Regarding the Water's Edge Project Development Plan. (Planning and Zoning Board Decision Upheld)**

The purpose of this item is to consider an appeal of the Planning and Zoning Board (the "Board") decision to approve the Water's Edge Project Development Plan. On March 29, 2017, an appeal was filed challenging the Planning and Zoning Board Decision made at the March 16, 2017, hearing (the "Hearing").

The Appeal includes the following assertions:

The Planning and Zoning Board failed to conduct a fair hearing, in that:

- 1. The Board improperly failed to receive all relevant evidence offered by the Appellants.*
- 2. The Board was biased against the Appellants by reason of a conflict of interest or other close business, personal or social relationship that interfered with the decision maker's independence of judgment. In support of this assertion, the Appellants intend to introduce new evidence stated as "Pattern of indifference toward, and bias against Serramonte Highlands by Fort Collins."*

Mayor Troxell stated Council is acting in a quasi-judicial role for this appeal.

City Attorney Daggett provided an overview of the appeal process and new evidence received by Council.

Mayor Troxell asked parties-in-interest to identify themselves and outlined time allocations for presentations.

Tom Leeson, Community Development and Neighborhood Services Director, discussed the Waters' Edge project proposal and requested modifications of standard. The project was approved in March by the Planning and Zoning Board and that approval was appealed by 29 residents of the Serramonte Highlands development. The notice of appeal asserts the Board failed to receive all relevant evidence offered by the appellants and that the Board was biased against the appellants by reason of a conflict of interest or other close business, personal, or social relationship that interfered with the decision-maker's independence of judgement.

The appellants alleged three specific claims: emails from residents of Serramonte Highlands were forwarded to City Planner Jason Holland prior to the hearing, and at the hearing, the clerk indicated many emails from Hearthfire had been received, but no mention of the Serramonte Highlands emails was made, an email from Amanda Gentile, a Serramonte Highlands resident,

sent to and acknowledge by Jason Holland, is missing from the supplemental correspondence for the hearing, and several important issues raised by the Serramonte Highlands emails contained in the supplemental correspondence were not discussed during the hearing sparking concern they were never read.

Leeson discussed evidence pertinent to the assertions.

Mayor Troxell asked Councilmembers to discuss observations made during the site visit.

Councilmember Cunniff stated he oriented himself with the site and observed the plugged and abandoned oil well on the property.

Councilmember Overbeck stated he asked questions regarding well head locations.

Councilmember Summers stated he got a general layout of the property and proposed project.

Mayor Troxell stated he looked at the site and surrounding neighborhoods and walked to the well site.

Mayor Troxell asked if there is any new evidence any parties-in-interest intend to offer. John Daharsh asked that the email from Amanda Gentile be allowed to be presented during his presentation. The applicants presented no objection.

Councilmembers and City Attorney Daggett had a discussion regarding the admission of emails and other evidence and no objections were heard.

APPELLANT PRESENTATION

Mr. Daharsh discussed Ms. Gentile's email being sent to the planner and not received by the Board and noted it has been mentioned that Ms. Cosmas misspoke at the Board hearing when she referenced emails as being from Hearthfire residents. He discussed the concerns mentioned in various emails that were not mentioned in the summary presented to the Board.

Regarding the conflict of interest allegation, Mr. Daharsh stated a clear pattern of bias against Serramonte Highlands has existed throughout the history of this PDP and appears to be related to Serramonte Highlands not being within City limits. He stated the City only discussed density in relation to the entire site and has not addressed repeated request for different distribution of the homes on the site. He stated the largest lot sizes should be placed along the border with Serramonte Highlands given the precedent the City set with Hearthfire.

Mr. Daharsh expressed concern the LMN zoning will bring crime and police activity to the area. He stated neighbors are not opposed to development on the property but are requesting their opinions be heard and considered, and that a meaningful and obvious transition including more space be included.

APPLICANT PRESENTATION

Jim Martell, attorney representing the applicants, discussed the conditions of approval imposed by the Planning and Zoning Board: to install a traffic light at the corner of Turnberry and Country Club Road, the 55+ age restrictions, the elimination of two units adjacent to Serramonte Highlands, and the restriction of those houses bordering Serramonte to one story.

Mr. Martell discussed the appeal allegations of failure to conduct a fair hearing by failing to receive all relevant evidence and bias on the part of the Board. He stated the City's definition of bias involves a conflict of interest and is not the same definition used by Mr. Daharsh. He stated there is no requirement for discussion of every item, simply a requirement that all documents be received, and noted the residents of Serramonte attended neighborhood meetings.

Mr. Martell stated a mistake was made when Ms. Gentile's email was not given to the Board; however, the Board did not refuse to accept evidence given the email was used to express concerns, not to present evidence. He requested Council uphold the approval by the Planning and Zoning Board.

APPELLANT REBUTTAL

Mr. Daharsh stated he was not alleging the Board was biased, but rather the City of Fort Collins. The City would benefit financially from revenue generation on the site. He stated there was no discussion of a buffer and transition between the subject property and the Serramonte FA-1 property. He reiterated concerns about the proposed development dramatically impacting the quality of life in his neighborhood.

Patrick Renworth stated a conflict of interest does exist because, despite working and paying taxes in Fort Collins, residents of Serramonte are not treated equally.

Noreen Reist noted the developer was willing to remove additional units in order to meet some of the requests of Serramonte residents; however, the City would not allow that change as the development would then not meet the standards for minimum dwelling units per acre.

APPLICANT REBUTTAL

Mr. Martell stated the City does not approve subdivisions to benefit financially from tax revenue. He stated the City must allow development that fully complies with City Codes.

COUNCIL DISCUSSION

Councilmember Martinez asked how the City defines bias. City Attorney Daggett replied the Code does not actually define "bias", although it is used in the discussion of the grounds for this appeal. There is a specific reference to conflict of interest that addresses the bias ground for an appeal. Conflicts of interest are defined as personal or financial and there is no evidence of any of the Board members having such a conflict.

Councilmember Cunniff asked if the City currently collects fees sufficient to cover all the impacts of new development within City limits. Leeson replied fees do not completely cover the cost of development, although fees are being examined. There are very few land uses that actually give a return to the municipality enough to cover the cost of serving it.

Councilmember Cunniff asked if Serramonte Highlands is within the City's growth management area. Jason Holland, City Planner, replied in the affirmative.

Councilmember Cunniff asked if the transitions would be compatible if Serramonte Highlands were annexed as Urban Estate. Holland replied in the affirmative and stated buffers and transitions are examined based on a comparison of uses rather than a comparison of zoning.

Mayor Troxell asked if the Hearthfire development was approved under different versions of City code. Holland replied Urban Estate exists to the western portion of Waters' Edge primarily because of views and Richard's Lake.

Councilmember Overbeck asked about the September neighborhood meeting and references to oil well buffers. Holland replied a project similar to this was approved in 2010, at which time residential setbacks from oil wells were 150 feet. The approved plan expired, and changes were made to buffer standards requiring a 350-foot buffer prior to the plan being submitted again for development review. That buffer also applies to plugged and abandoned oil wells. The Board approved the modification to reduce the 350-foot buffer to 150 feet.

Councilmember Overbeck asked about standard 3.8.26(c). Holland replied that Land Use Code section addresses buffering.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Martinez, that Council find that the Planning and Zoning Board conducted a fair hearing in its consideration of the Waters' Edge Project Development Plan #160006, did not improperly fail to receive all relevant evidence offered by the appellants, and was not biased against the appellants by reason of a conflict of interest or other close business, personal, or social relationship that interfered with its independence of judgement. He further moved that based on the evidence in the record and presented at this hearing, the appeal alleging the Planning and Zoning Board did not conduct a fair hearing is hereby found to be without merit and is denied.

Mayor Pro Tem Horak stated the appeal was about a fair hearing rather than about buffer standards. He stated revenue is never a consideration in a land use decision.

Councilmember Cunniff stated he would support the motion given the format of the appeal and its allegations.

Councilmember Summers noted there is evidence the Board made amendments to the plan's northern boundary to the extent it could.

Councilmember Martinez stated there is no evidence of bias or conflict of interest and the email that was not received by the Board did not present any evidence.

Councilmember Stephens noted Council was charged with determining whether this was a fair hearing.

- **RESULT: PLANNING AND ZONING BOARD DECISION UPHELD [7 TO 0]**
- **MOVER:** Gerry Horak, District 6
- **SECONDER:** Kristin Stephens, District 4
- **AYES:** Stephens, Overbeck, Troxell, Cunniff, Horak, Martinez, Summers

● **OTHER BUSINESS**

Councilmember Cunniff requested and received Council support to get an assessment of underground oil and gas lines in an urgent manner.

Mayor Pro Tem Horak stated the Boxelder Basin Regional Stormwater Authority has a new member, Martina Wilkinson.

● **ADJOURNMENT**

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adjourn to May 9, 2017 at 6 PM to consider an agreement dealing with the Boxelder Stormwater Authority, a possible Executive Session, and any other items as may come before Council.

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

The meeting adjourned at 10:01 PM.

Mayor

ATTEST:

City Clerk

May 9, 2017

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Adjourned Meeting – 6:00 PM

● ROLL CALL

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

Staff present: Atteberry, Daggett, Winkelmann

1. **First 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 as Amended on First Reading)**

The purpose of this item is to amend 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.

Councilmember Martinez stated some language amendments have been suggested. City Attorney Daggett stated a question had been raised about clarifying the status of a reconvened meeting; therefore, a clarifying sentence has been added to note a reconvened meeting is the continuation of a regular meeting.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Stephens, to adopt Ordinance No. 063, 2017, on First Reading, as amended.

RESULT:	ORDINANCE NO. 063, 2017, ADOPTED AS AMENDED ON FIRST READING [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Kristin Stephens, District 4
AYES:	Martinez, Stephens, Summers, Overbeck, Troxell, Cunniff, Horak

2. Council will consider a motion to adjourn into executive session.

No motion was made.

3. **Resolution 2017-041 Supporting a Preliminary Conceptual Framework and Participation in a Working Group to Address Modification of the Intergovernmental Agreement Creating the Boxelder Basin Regional Stormwater Authority. (Adopted as Amended)**

The purpose of this item is to authorize the City Manager to appoint one or more appropriate City representatives to participate in the working group on behalf of the City, with advice and assistance from the City Attorney's Office, to recommend modifications to the Boxelder Intergovernmental Agreement (IGA).

Eric Sutherland discussed mistakes in the project and stated the project has not been lawful.

Mayor Pro Tem Horak stated this item addresses Wellington's cap concerns, the maintenance of two major assets in perpetuity, and the formation of a working group to create an agreement therefore.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Summers, to adopt Resolution 2017-041.

Councilmember Cunniff suggested language for recommendations for *possible* modification of the IGA. Mayor Pro Tem Horak and Councilmember Summers accepted the amendment as friendly.

RESULT:	RESOLUTION 2017-041 ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ken Summers, District 3
AYES:	Martinez, Stephens, Summers, Overbeck, Troxell, Cunniff, Horak

● **ADJOURNMENT**

The meeting adjourned at 6:15 PM.

Mayor

ATTEST:

City Clerk

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 Baraias 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

The meeting adjourned at 10:17 PM.

Mayor

ATTEST:

City Clerk