

January 26, 2016

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Adjourned Meeting – 6:00 PM

● ROLL CALL

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

Staff present: Atteberry, Daggett, Nelson

1. **Resolution 2016-008 Expressing the City Council's Direction and Intent to Facilitate the Fort Collins Housing Authority's Proposed Affordable Housing Development on the City's Land Bank Property on Horsetooth Road. (Adopted)**

The purpose of this item is to authorize City staff to continue to pursue the Fort Collins Housing Authority's (FCHA) proposal to develop the Horsetooth Land Bank parcel at 1506 West Horsetooth Road in a manner that would serve the needs of low income residents that is consistent with the intention of the land bank program's guidelines but that would require a change to City Code. This Resolution also states that the City expects to sell the parcel to the FCHA for a qualifying development that complies with City Code and the Land Use Code.

Mayor Troxell noted Resolution 2016-008 has been revised.

City Manager Atteberry stated the Resolution was revised to direct staff to bring forward an Ordinance authorizing the conveyance of the Horsetooth Land Bank property to the Fort Collins Housing Authority.

Beth Sowder, Social Sustainability Director, stated this Resolution provides guidance to staff and demonstrates the City's intention to sell the property to the Fort Collins Housing Authority for the purpose of developing affordable housing. The Housing Authority was selected in an RFP process as the City's development partner and the project is based on 96 housing units. A funding application through Colorado Housing Finance Authority needs to be met by February 2 and this action will assist the Housing Authority in that application.

Cheryl Distaso, Fort Collins Community Action Network, supported the item and use of the land; however, she expressed concern regarding the inclusion of Section 3 which would direct staff to look at a 60% AMI, noting the lower AMI categories need to be represented in the project.

Councilmember Stephens requested staff input regarding Ms. Distaso's comments. Sowder replied staff feels the 60% number keeps the average at 50%, but allowing some at 60% can also allow for more at 30%, which provides a more diverse income among residents. There are 43 units planned for the 30% AMI.

Councilmember Cunniff asked about the proposed rent rates at the various AMI levels. Kristin Fritz, Fort Collins Housing Authority, replied the 30% AMI units will be subsidized with project-based vouchers; therefore, the residents will be paying 30% of their income toward the rental amount.

Councilmember Cunniff asked if other options, other than the 60% AMI, have been considered. Sowder replied the Code change will apply to all of the Land Bank properties and noted a full evaluation will occur and changes could be made in the future based on that.

Councilmember Cunniff asked if the ability of the Housing Authority to apply for the grant is hurt if the City is not prescriptive regarding future Land Bank properties. Sowder replied in the negative.

Councilmember Stephens asked if 60% AMI gets into workforce housing. Ms. Fritz replied 60% AMI in Larimer County for a 2-person household is \$37,380 and a 30% AMI for a 2-person household is \$18,690.

Councilmember Campana made a motion, seconded by Councilmember Stephens, to adopt Resolution 2016-008 as revised.

Mayor Pro Tem Horak commended the work of the Housing Authority in the community.

Councilmember Campana commended the agility of staff and Council regarding this item.

Councilmember Martinez asked about the effect of property values near affordable housing projects. Sowder replied studies have shown property values actually increase near these projects.

Councilmember Martinez noted these projects all go through the same City planning process as do other housing projects.

RESULT:	RESOLUTION 2016-008 ADOPTED [UNANIMOUS]
MOVER:	Gino Campana, District 3
SECONDER:	Kristin Stephens, District 4
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

2. **Resolution 2016-009 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Building Review Board Decision Upholding the Chief Building Officer Determination Regarding the Coy Hoffman Silos. (Adopted)**

The purpose of this item is to make Findings of Fact and Conclusions regarding the appeal of the Building Review Board (BRB) decision to uphold the Chief Building Official's declaration that the two historic farm silos located at 1041 Woodward Way are "dangerous structures" and not structures that pose an "imminent danger" (also referred to "imminent threat"). The appeal was heard by City Council on January 19, 2016.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt Resolution 2016-009.

Mayor Pro Tem Horak commended staff work on this issue, particularly Mike Gebo.

RESULT:	RESOLUTION 2016-009 ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

● **OTHER BUSINESS**

Councilmember Cunniff discussed recent allegations regarding the legitimacy of City revenue collections and TABOR requirements. He stated the City Attorney has drafted a public statement and may be willing to draft a more detailed statement if Council were willing to entertain releasing attorney-client privilege for that specific item.

Mayor Troxell stated a question was raised as to whether, under TABOR, the City is legally allowed to retain tax revenues generated from the Keep Fort Collins Great tax measure approved by the voters in November 2010 to the extent the amount collected exceeds the annual tax revenue estimate that was stated in the ballot language. The City is allowed to keep those revenues as the approved ballot language expressly authorized the City to retain all revenues.

Councilmember Campana suggested Council include emails regarding ex parte issues as part of the record.

Councilmember Cunniff agreed with Councilmember Campana's suggestion.

Mayor Pro Tem Horak suggested public comment opportunities at Council meetings remain free of ex parte issues.

City Attorney Daggett stated a staff group has been looking at the appeal process and these concerns will be included in that conversation. A work session has been recommended for the spring.

● **ADJOURNMENT**

The meeting adjourned at 6:24 PM.



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

ATTEST:

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