

May 3, 2016

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

● ROLL CALL

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

Staff Present: Atteberry, Daggett, Winkelmann

● AGENDA REVIEW: CITY MANAGER

City Manager Atteberry moved Item No. 6, *First Reading of Ordinance No. 051, 2016, Appropriating Unanticipated Grant Revenue in the Transit Services Fund for a Bicycle Parking Facility at the Downtown Transit Center*, to Discussion

● CITIZEN PARTICIPATION

Anne Cleary discussed the eminent domain proceedings at Prospect and College and opposed the process used by the City regarding learning her house will be impacted.

Chelsey Mandell, Homeless Gear, commended those who played a role in providing safe shelter for homeless citizens during the recent storm.

Carol Seager expressed concern regarding the possible use of eminent domain at the Prospect and College intersection stating alternative plans have not been examined.

Lynn Thompson, Fort Collins Homeless Coalition, commended the expansion of shelter space for women this summer but expressed concern regarding the lack of beds for men. She encouraged transparency and clarity by codifying the City's commitment to stop issuing camping tickets.

Dr. Jessica Whit discussed bicycle commuting in town and expressed concern regarding the Prospect and College intersection and roadway design.

Kelly Connor discussed the Everyone Matters Day proclamation stating it was not inclusive of all citizens.

Carol Miller discussed her concerns regarding the Prospect and College intersection and requested the inclusion of context-sensitive solutions.

Carole Hossan announced National Historic Preservation Month and opposed Council's decision to allow Woodward to deconstruct two silos on its property.

C.W. Miller discussed the Prospect and College intersection suggesting a more thorough examination of alternatives should occur.

Harry Rose discussed the April 19th hearing regarding the Woodward silos.

Deborah (no last name given) opposed the City's monitoring of electricity use every 15 minutes and opposed the amount of the charge for manual meter reading.

Esther Aguila discussed the need for additional services for homeless residents and opposed ticketing for camping.

John Mark applauded those who have opened up warming centers for homeless individuals and stated homelessness needs to be rethought.

- **CITIZEN PARTICIPATION FOLLOW-UP**

Councilmember Overbeck noted there is an ongoing conversation with property owners at Prospect and College. Jeff Mihelich stated staff has met with Remington homeowners.

Councilmember Martinez requested input regarding the fees for manual meter reading. City Manager Atteberry replied Kevin Gertig, Utilities General Manager, will provide more information in written format.

Councilmember Cunniff asked about plans for the Prospect and College intersection. Laurie Kadrich, Planning, Development and Transportation Director, replied a conceptual plan was done for the intersection and partial engineered drawings for the City's improvements and other alternatives have been created.

Councilmember Cunniff asked if a broader plan context to the east of the intersection has been developed. Kadrich replied conceptual plans for east of the intersection, based on a few alternatives, have been developed.

Councilmember Cunniff asked about staff's plan for neighborhood outreach. Kadrich replied staff typically works with the affected property owners directly.

Councilmember Cunniff noted a July 12 work session regarding homelessness issues is scheduled.

City Manager Atteberry noted Council provided direction at a work session to move forward with the Prospect and College intersection design. An alternative concept will also be presented.

Councilmember Overbeck commented on the treescape at the Prospect and College intersection.

Councilmember Stephens recognized individuals and organizations who have come together to provide shelter for homeless individuals.

Mayor Troxell thanked the citizens who spoke and commended the work of staff and the faith-based community for providing shelter during a recent storm.

● **CONSENT CALENDAR**

Eric Sutherland withdrew Item No. 9, *First Reading of Ordinance No. 058, 2016, Amending the Code of the City of Fort Collins to Clarify On-Bill Utility Financing Terms*, from the Consent Agenda.

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

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

1. **Consideration and Approval of the Minutes of the April 5, 2016 Regular Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the April 5, 2016 Regular Council meeting.

2. **Second Reading of Ordinance No. 049, 2016, Appropriating Prior Year Reserves in the Recreation Fund for Remodeling the Lobby of the Edora Pool Ice Center and Authorizing the Transfer of Appropriated Amounts Between Projects for the Art in Public Places Program. (Adopted)**

This Ordinance, unanimously adopted on First Reading on April 19, 2016, appropriates \$410,820 in Recreation Reserve funds for the Edora Pool Ice Center (EPIC) Lobby Improvements. The funds will be used to remodel and relocate the front desk, repurpose the snack bar area, create a recessed trash and recycling area, install new lockers, and renovate the overall appearance of the lobby area. The lobby renovation is desired to take place during the aquatic renovation project occurring this summer from May 20-October 30, to minimize downtime at the EPIC and minimizing the negative impact on customer service.

3. **Second Reading of Ordinance No. 050, 2016, Appropriating Unanticipated Grant Revenue from Great Outdoors Colorado (GOCO) in the Capital Projects Fund for the Fossil Creek Trail-College Avenue to Shields Street Project. (Adopted)**

This Ordinance, unanimously adopted on First Reading on April 19, 2016, appropriates grant funds for the construction of the Fossil Creek Trail from College Avenue to Shields Street. Great Outdoors Colorado (GOCO) has awarded the City a \$1,000,000 trail grant. The proposed project completes a major connection of the Fossil Creek Trail from College Avenue to Shields Street. The project involves 1.25 miles of new concrete trail and a major tunnel underpass structure at the Burlington Northern Santa Fe (BNSF) Railroad. The trail will connect to the existing Fossil Creek Trail just west of College Avenue and terminate at the existing trail on the east side of Shields Street. The layout of the trail has been discussed with appropriate City staff and area residents. Design of the trail tunnel underpass phase of the project has reached the final stage. Construction of the trail tunnel underpass will begin in 2016. Pursuant to the grant agreement the City has until June 2017 to complete the project.

4. **Second Reading of Ordinance No. 052, 2016, Authorizing the Transfer of Previously Appropriated Funds in the Capital Project Fund from the Timberline Recycling Center Project to the Timberline Road – Drake Road to Prospect Road Improvement Project. (Adopted)**

This Ordinance, unanimously adopted on First Reading on April 19, 2016, transfers previously appropriated funds in the amount of \$87,102 from the Timberline Recycling Center into the Capital Projects Fund for the Timberline Road-Drake Road to Prospect Road Improvement Project. This

funding constitutes the Local Street contribution, in aid of construction, for the Timberline Recycling Center on Timberline Road. The Timberline Road frontage improvements along the Timberline Recycling Center frontage will be constructed with this year's Capital Improvement Project.

5. **Second Reading of Ordinance No. 053, 2016, Vacating the East Ridge Plat. (Adopted)**

This Ordinance, unanimously adopted on First Reading on April 19, 2016, vacates various streets dedicated on the East Ridge plat that are no longer necessary or desirable to retain for street purposes. The right-of-way vacation includes various public streets, alleys and a portion of Timberline Road in an area bounded by Timberline Road to the west and Vine Drive to the north. The property is proposed to be replatted as East Ridge Second Filing which was approved through an Administrative Hearing on January 27, 2016.

6. **First Reading of Ordinance No. 056, 2016, 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 2016 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 \$279,915 from its forfeiture reserve account to its 2016 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.

7. **First Reading of Ordinance No. 057, 2016, Appropriating Unanticipated Grant Revenue in the Storm Drainage Fund for Conceptual Design of the Mulberry/Myrtle/Riverside Storm Sewer Project. (Adopted)**

The purpose of this item is to appropriate \$44,615 in grant revenues from the State of Colorado Department of Homeland Security-Office of Emergency Management (DHSEM). The grant will fund city project management costs associated with conceptual design of the Mulberry/Myrtle/Riverside Storm Sewer project. The project is identified in the Old Town Master Drainage Plan to mitigate street and structure flooding.

8. **Items Relating to the Southeast Community Park. (Adopted)**

A. First Reading of Ordinance No. 059, 2016, Declaring Certain City-Owned Property at the Southeast Community Park Site as Road Right of Way.

B. First Reading of Ordinance No. 060, 2016, Authorizing the Conveyance of Two Waterline Easements on City Property to the Fort Collins-Loveland Water District.

The purpose of this item is to declare certain City property as road right-of-way as part of the development of the City's Southeast Community Park property; and to authorize the conveyance of two waterline easements to the Fort Collins-Loveland Water District on the City property. The City of Fort Collins owns a 54-acre property at the northeast corner of Kechter Road and Ziegler Road that is planned to be developed as the Southeast Community Park. Construction is scheduled to begin in the spring of 2016. As part of the requirements for the development of the park, portions of the property need to be declared as road right-of-way for Kechter Road, Ziegler Road, and Lady Moon Drive. The Fort Collins-Loveland Water District will provide water service to a fire hydrant and restroom at the park. As such, the City needs to convey a waterline easement to the District to

install the waterline for service. In addition, the District has requested an additional waterline easement to install a 24-inch waterline to provide service to their customers in the nearby region. The waterline will be installed while the City is completing the construction of the park to minimize disturbance to the City property.

9. **Resolution 2016-039 Updating the Responsibilities of Council Liaisons to City Boards and Commissions and Superseding Resolution 2000-076. (Adopted)**

The purpose of this item is to review and define expectations of Councilmembers in their role of Council Liaisons to their assigned City boards and commissions.

● **STAFF REPORTS**

City Attorney Daggett provided an overview of the context of the Colorado Oil and Gas Association (COGA) case decided by the Colorado Supreme Court and discussed the key findings in the case which essentially state that Fort Collins has no role in regulating oil and gas in any way. The court found that both the Fort Collins moratorium and Longmont's ban on fracking were preempted under state law and were in operational conflict with how the state law regulating oil and gas applied to oil and gas activities.

Mayor Troxell asked if this decision will allow the single Fort Collins operator to commence operations. City Attorney Daggett replied the City has an existing operator agreement and it is not yet clear that either the adoption or the invalidation of the moratorium removes that arrangement from being in effect.

Councilmember Cunniff requested analysis regarding the regulation of lines which are off the well pad sites but not yet on the distribution network.

Councilmember Campana asked if the operator agreement was terminated during the time of the moratorium. Kadrich replied there were no changes to the operator agreement authorized by Council and Prospect Energy as a result of the moratorium.

Police Chief John Hutto discussed events which led to the discovery of some body-worn camera videos not being given to the courts for various cases and detailed the steps that have been taken to ensure no further issues. The Police Department is committed to the technology and the policy changes will help avoid issues.

Councilmember Stephens asked what circumstances trigger a camera to be turned on. Chief Hutto replied there are no automatic triggers; the cameras are turned on and off by the operator based on developed policies involving public interaction that may turn into an enforcement event. Deputy Chief Mike Trombley stated the cameras are used to ensure mutual accountability or because there may be an evidentiary reason. The cameras go back 30 seconds after being turned on by the officer.

Councilmember Cunniff asked what type of audit or check is planned to ensure the policies have corrected these issues. Chief Hutto replied this is an ongoing opportunity for continuous improvement and additional audit steps have already been outlined. Deputy Chief Greg Yeager stated the entire property and evidence team, along with several officers, are working to do a very detailed audit looking at every open case with the District Attorney's office.

Councilmember Campana discussed the benefits of the body-worn camera program and expressed confidence the problems will be solved.

Mayor Troxell commended the transparency of the presentation.

Matt Robenault, Downtown Development Authority, reported on a trip to the Denver Salvation Army Homeless Services Facilities. He detailed various programs offered for citizens through the Salvation Army and stated the largest takeaway from the visit was that the job of the operators is to provide an environment of care and order in the facilities.

Councilmember Stephens asked if the individuals who have gone through the transitional programs are tracked in any way regarding their success. Mr. Robenault replied those individuals are tracked and statistics regarding success are available.

Councilmember Martinez discussed a specific success story from the visit and thanked the organizers.

Councilmember Stephens requested additional information regarding the transitional programs and levels of success.

Mr. Robenault commended Council's diligence in its efforts to refine its role in the community relative to issues of homelessness.

Councilmember Overbeck commended the role of the DDA in its service to the community.

Councilmember Martinez commended the work of community members and companies in aiding homeless individuals.

● **COUNCILMEMBER REPORTS**

Councilmember Cunniff reported on the failure of the petition drive to overturn the City's "U+2" ordinance.

Councilmember Campana reported on the City's new pilot project for lane rentals wherein a contractor is charged for lane closures exceeding a pre-approved time limit. City Manager Atteberry commended the idea.

Mayor Pro Tem Horak reported on the Boxelder Basin Regional Stormwater Authority meeting and his attendance at a graduate class in public health at Colorado State University.

Councilmember Martinez reported on the Conrad Ball award presentation, the Putnam Elementary School Cinco de Mayo celebration, the Fairway Estate property owner association meeting regarding homeless issues, and the Frida Fashion Program.

Mayor Troxell reported on the Northern Colorado Regional Airport Commission's renaming of the airport to the Northern Colorado Regional Airport. He also reported on the Northern Colorado Economic Alliance meeting of regional mayors and the Villages on Plum service learning project ribbon cutting.

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

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

11. **First Reading of Ordinance No. 051, 2016, Appropriating Unanticipated Grant Revenue in the Transit Services Fund for a Bicycle Parking Facility at the Downtown Transit Center. (Adopted on First Reading)**

The purpose of this item is to request an unanticipated 2016 appropriation in the amount of \$210,000 to facilitate the design and construction of a secure bicycle parking facility at the Downtown Transit Center. In 2015, CDOT awarded the City of Fort Collins \$210,000 in Transportation Alternatives Program (TAP) funding to design and construct the facility. Boulder County is the entity that entered into the grant agreement with CDOT and will reimburse the City up to \$210,000. The City and Boulder County executed an IGA to this effect in January 2016. Local match for the project in the amount of \$52,500 in KFCG capital funding was appropriated in the 2015-2016 BFO cycle. All of the funding will be directed towards design of the structure and site, and construction of the facility. A grant agreement was executed by CDOT on January 25, 2016, and a Notice to Proceed was approved on March 11, 2016. To comply with the City's Art in Public Places (APP) Ordinance, we will use existing appropriations in 2016 to cover the 1% of the local match (\$525) to APP.

City Manager Atteberry stated Councilmember Martinez requested this item be pulled to the Discussion Agenda for a public explanation of the cost.

Timothy Wilder, Transfort Service Development Manager, stated very few vendors are available for this product and the cost is higher primarily to ensure a design complimentary to the historic character of the building.

Councilmember Martinez requested a picture of the facility. Wilder showed a picture of the existing South Transit Center secure bike shelter.

Councilmember Martinez made a motion, seconded by Councilmember Stephens, to adopt Ordinance No. 051, 2016, on First Reading.

Mayor Troxell asked how access to the structure is controlled. Wilder replied both existing structures require users to subscribe to use the facilities annually and provide a deposit on a key card.

RESULT:	ORDINANCE NO. 051, 2016, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Ray Martinez, District 2
SECONDER:	Kristin Stephens, District 4
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

● **DISCUSSION ITEMS**

12. **Second Reading of Ordinance No. 054, 2016, Appropriating Prior Year Reserves in the Street Oversizing Fund to be Transferred Into the Capital Projects Fund and Appropriated Therein for the Construction of the Sharp Point/Nancy Gray Connection Project. (Adopted on Second Reading)**

This Ordinance, adopted on First Reading on April 19, 2016, by a vote of 6-0 (Campana recused) appropriates \$984,000 of prior year reserves in the Street Oversizing Fund and \$116,000 from the

Street Oversizing Fund Contributions & Aid into the Capital Project Fund for the Sharp Point/Nancy Gray Connection Project. The currently adopted Master Street Plan identifies Sharp Point Drive connecting Midpoint Drive with Nancy Gray Avenue. This identified connection includes an at-grade crossing of the Great Western Railroad tracks. Right-of-way has previously been dedicated for the roadway connection. Due to recent development to the south as well as support from the Larimer County Sheriff's Office (LCISO), staff has identified this connection as an immediate need.

Councilmember Campana withdrew from the discussion of this item due to a conflict of interest.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 054, 2016, on Second Reading.

Councilmember Cunniff noted the AIS states this item was moved up the priority list due to a request from the Sheriff's Office regarding safety. Tim Kemp, Engineering, replied that is one of the reasons; however, staff felt the timing was right and that was supported by the Sheriff's Office.

RESULT:	ORDINANCE NO. 054, 2016, ADOPTED ON SECOND READING [6 TO 0]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Martinez, Stephens, Overbeck, Troxell, Cunniff, Horak
RECUSED:	Campana

13. **Items Relating to Amending the City of Fort Collins District-Precinct Map. (Adopted on First Reading)**

- A. *Public Hearing and Motion Regarding a Protest filed by Eric Sutherland.*
- B. *First Reading of Ordinance No. 055, 2016, Amending the City of Fort Collins District-Precinct Map.*

The purpose of this item is to amend the City of Fort Collins District-Precinct Map to (1) align the City precinct boundaries with the County precinct boundaries, which were amended in May 2015; and (2) adjust Council district boundaries to achieve a required population deviation between the most populous district and the least populous district. The district boundaries were last adjusted in August 2012.

A protest of the proposed options for amending the District-Precinct map was filed by Eric Sutherland on April 18, 2016.

City Clerk Wanda Winkelmann stated this item would alter the City's Council districts to match the County precinct boundaries and achieve a required population deviation of no more than 10% between the most and least populous district. All options before Council include the CSU population data and the population deviation among the four options ranges from 5.96% to 6.02%. A protest of the redistricting options was received by the City Clerk's Office.

City Attorney Daggett provided an overview of the protest process and recommended Council provide an opportunity for Mr. Sutherland, the protesting party, to describe his protest and explain his concerns prior to allowing general citizen participation. Following citizen input, Council can then move forward with a decision on the protest and then the Ordinance should it so choose.

Eric Sutherland stated all options being considered impair the franchise of voters in the City of Fort Collins as it forces certain precincts to wait six years between choosing an elected representative to Council. He stated options are available so as to prevent this from happening, including waiting until after the 2017 election to go through the redistricting process.

Councilmember Cunniff expressed his understanding of Mr. Sutherland's concerns; however, he stated there is no time for this process before or after an election which would eliminate the six year wait for some individuals unless a larger imbalance is accepted wherein some precincts are moved before and some after the election.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Campana, that Council find the protest filed by Mr. Sutherland has no merit. Yeas: Martinez, Overbeck, Campana, Stephens, Cunniff, Horak and Troxell. Nays: none.

THE MOTION CARRIED.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 055, 2016, Option 1, on First Reading.

Eric Sutherland stated Councilmember Cunniff's analysis is incorrect and there is an option which would allow certain precincts to vote after two years rather than six.

Mayor Pro Tem Horak clarified precincts are not moving, district boundaries are simply changing.

Councilmember Cunniff stated he would be glad to meet with Mr. Sutherland regarding his analysis.

Councilmember Overbeck stated he would not support the motion as he prefers Option 4.

Mayor Pro Tem Horak expressed concern that Option 4 splits the Avery Park neighborhood.

RESULT:	ORDINANCE NO. 055, 2016, ADOPTED ON FIRST READING [6 TO 1]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Martinez, Stephens, Campana, Troxell, Cunniff, Horak
NAYS:	Overbeck

14. Items Relating to Dust Prevention and Control. (Adopted on Second Reading)

- A. *Second Reading of Ordinance No. 044, 2016, Amending Chapter 12, Article X of the Code of the City of Fort Collins Related to Particulate Matter Emissions.*
- B. *Second Reading of Ordinance No. 045, 2016, Amending the Land Use Code by the Addition of Provisions Pertaining to Dust Prevention and Control.*

These Ordinances, unanimously adopted on First Reading on April 5, 2016, implement regulations and a set of consistent best practices (Dust Control Manual) for (twelve) specific activities that generate dust to follow, in order to reduce health impacts and nuisances associated with dust generating activities. Per Council direction during First Reading, staff has revised Ordinance No.

044, 2016, to reflect a higher lot size exemption of 5 acres (from 10,000 square feet), whereby these projects do not have to employ the Dust Control Manual to prevent, control, and minimize dust generation unless two written warnings have been issued within a one year period. Staff continues to recommend lot size (as opposed to disturbed area) to measure the 5-acre threshold, as lot size is a recorded number that can be verified, tracked, and enforced.

In addition to the increase in the size threshold, staff has also amended the checklist in the Manual and included associated language in the Ordinance. Staff has also removed references to chemical stabilization and cover within the Manual. Finally, if adopted, staff will continue to track the implementation of the Ordinances and reevaluate the adopted threshold one year from when enforcement officially begins (November 1, 2017).

Lucinda Smith, Environmental Services Director, stated the objective of this item is to implement an enforceable approach to address the impacts of dust from construction on health, nuisance and safety.

Lindsay Ex, Environmental Program Manager, detailed five issues for which Council requested additional feedback: assessing the size threshold around when the dust control manual should apply, whether or not a disturbed area can be tracked instead of lot size, development of a user-friendly checklist that would apply to all projects regardless of size, removing specific references in the manual, and reevaluating the size threshold and effectiveness one year after hard enforcement. Ex discussed data analyzed from a building permit and dust complaint perspective and stated staff is recommending a five acre threshold for the first year of enforcement.

Mayor Pro Tem Horak commended staff's analysis but asked for additional information regarding staff's recommendation of five acres. Ex replied there are two pieces of data to take into consideration when developing a size threshold: building permit data and compliant data; three out of 24 complaints in 2015 were for sites less than five acres.

Councilmember Cunniff asked about enforcement and expressed concern that a gap in protection is occurring by setting the threshold at five acres, below which compliance is strictly on a citation basis. Smith stated complaints have been addressed thus far by discussing issues with the source. A budget offer has been put forward for additional code enforcement officers, one of whom would focus on environmental codes including this ordinance if it were to pass. With regard to the five acre threshold, Ex stated there is no clear data, especially from the complaint side, to provide clear direction regarding the correct threshold.

Councilmember Cunniff asked if the Stormwater department was approached when the manual was being written with regard to the chemical treatments. Ex replied Stormwater has been involved in the project since its inception and chemical treatments are considered allowable as best management practices by the state; however, that option can be removed.

Councilmember Cunniff asked if Stormwater staff has evaluated the turbid flow of the runoff from dust impacts. Jessie Schlam, Erosion Control Inspector, replied no analysis other than typical runoff associated with plowing has occurred and tracking additional data would require significantly more staff time.

Councilmember Cunniff asked if the size threshold could be circumvented by development of smaller portions of a site at any given time. Ex replied language does exist that Council could consider if it would prefer.

City Attorney Daggett clarified the ordinance provides a definition for a small-scale source, which is a project excluded from the dust control manual requirements, and bases the five acres on a single lot or parcel.

Councilmember Cunniff requested future analysis of how often adjacent lots less than five acres are developed.

Councilmember Campana noted one development construction permit would be issued for site development work applicable to all lots.

Councilmember Stephens asked if synthetic cover is not practical on smaller sites. Ex replied it is seen as practical; however, Council has encouraged the promotion of other techniques because tarps and other covers cannot always be recycled.

Councilmember Martinez made a motion, seconded by Councilmember Campana, to adopt Ordinance No. 044, 2016, on Second Reading.

Councilmember Campana commended staff work on the item.

Councilmember Cunniff expressed concern with the lack of vetting on the recent changes to the ordinance and questioned whether or not the five acre threshold is the correct number.

Mayor Pro Tem Horak requested quarterly updates from staff in order to ensure success of the five acre threshold.

Councilmember Cunniff requested Council's support of the budget offer for increased code enforcement. Schlam noted typical enforcement policies involve a written warning and formal documentation served to the superintendent or developer.

Councilmember Campana noted there is not yet information regarding how much enforcement is needed in terms of dust control.

Councilmember Cunniff noted there are other enforcement needs.

Councilmember Overbeck suggested a budget offer for increased street sweeping in neighborhoods.

RESULT:	ORDINANCE NO. 044, 2016, ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Ray Martinez, District 2
SECONDER:	Gino Campana, District 3
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

Councilmember Martinez made a motion, seconded by Councilmember Campana, to adopt Ordinance No. 045, 2016, on Second Reading.

RESULT:	ORDINANCE NO. 045, 2016, ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Ray Martinez, District 2
SECONDER:	Gino Campana, District 3
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

- **CONSIDERATION OF CITIZEN-PULLED CONSENT ITEMS**

15. **First Reading of Ordinance No. 058, 2016, Amending the Code of the City of Fort Collins to Clarify On-Bill Utility Financing Terms. (Adopted on First Reading)**

The purpose of this item is to clarify interest rate language in relevant Utilities rate ordinances for the Home Efficiency Loan Program (HELP). Loan interest rates would be set at 4.0% starting on June 1, 2016. A 4% interest rate is within the range approved by Council for the program in January 2015 and remains the Chief Financial Officer's recommendation. The interest rate revision was reviewed by the Council Finance Committee, who recommended moving forward with this proposed change. Staff also plans to return to Council in the third quarter of 2016 with options and recommendations for the program, including a transition to third party capital.

Eric Sutherland stated the on-bill financing program lacks effectiveness and made suggestions for use of the Smart meters.

Mike Truett stated he sent Council a PowerPoint presentation outlining the Massachusetts Mass Saves program and discussed a fraud investigation relating to the program.

Councilmember Martinez requested staff input regarding Mr. Truett's comments. John Phelan, Utilities Resource Conservation Manager, stated having a single vendor, as in the Mass Saves program, can lead to conflict of interest issues. Fort Collins does not have that situation and is streamlining its processes in its pilot program.

Councilmember Martinez asked what safeguards the City has in place. Phelan replied the contractors doing the work are not the individuals developing the scope of work, there is verification of the quality of the work, and customer satisfaction surveys exist.

Councilmember Cunniff asked how the City is increasing the knowledge and use of the loans by households with lower incomes. Phelan replied the loan program was not initially targeted at an income qualified demographic but was trying to provide a financing product that was not available from the private sector to stimulate additional and more comprehensive projects. The marketing of the program is to all customers engaged in efficiency programs. Phelan discussed the credit score data of loan customers.

Councilmember Stephens discussed the importance of marketing the loan programs to individuals with lower incomes and asked if individuals who do not qualify are made aware of other programs for which they may qualify. Phelan replied in the affirmative.

Councilmember Cunniff discussed the importance of loan usage fairly reflecting community demographics and the effectiveness of the program in terms of energy savings.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Overbeck, to adopt Ordinance No. 058, 2016, on First Reading.

RESULT:	ORDINANCE NO. 058, 2016, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Bob Overbeck, District 1
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

● **OTHER BUSINESS**

Mayor Pro Tem Horak asked City Manager Atteberry if he thought Council was unduly harsh to Mr. Gebo or the City's hired engineer during the Woodward silo item. City Manager Atteberry replied in the negative.

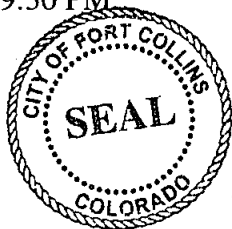
Mayor Pro Tem Horak commended Mr. Gebo and his engineer for their professionalism in answering Council's questions.

Councilmember Martinez distributed Cinco de Mayo schedules.

Councilmember Overbeck received Council support of the development of local rules and regulations regarding rolling coal. Mayor Pro Tem Horak supported looking into the issue and noted it was to be addressed at the state level as it is difficult to enforce locally.

● **ADJOURNMENT**

The meeting adjourned at 9:30 PM



A handwritten signature in black ink, appearing to be "G. Horak", is written over a horizontal line.

Mayor

ATTEST:

A handwritten signature in black ink, appearing to be "Wanda Weikelman", is written over a horizontal line.
City Clerk