

July 19, 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 noted Item No. 13, *Resolution 2016-055 Setting for August 16, 2016, a noticed public hearing for the City Council's Consideration of an Ordinance Authorizing the Organization of the Midtown Business Improvement District*, will be postponed until July 26 as the required petitions have not yet been submitted.

● CITIZEN PARTICIPATION

Eric Sutherland discussed a loan extended by the URA Board for the Rocky Mountain Innosphere, stating the loan the City made to the URA for that purpose will not be repaid. He opposed the use of TIF for the Innosphere.

Liz Derbyshire stated short-term rentals challenge the integrity of the City's zoning, occupancy and related regulations. She encouraged Council to prohibit non-primary rentals.

Debra (no last name given) stated charges made to customers are being padded by Fort Collins Utilities for costly projects such as the Smart Meter program.

Bob Sutton, Fort Collins Board of Realtors, requested Council provide direction to staff to conduct an extensive ten-year performance review of the U+2 occupancy ordinance with a particular focus on the impacts of affordability in neighborhoods.

Eric Tamme requested Council direct staff to begin drafting regulations for short-term rentals to more accurately align with the City's zoning and planning documents.

Michelle Haefle encouraged the regulation of short-term rentals in residential zones as City Code clearly defines lodging as any rental less than 30 days. She requested that definition be included in the Land Use Code and encouraged its enforcement in every district.

Rick Hausman, Fort Collins Board of Realtors, requested Council instruct staff to conduct a review of the U+2 ordinance with a focus of its effect on neighborhoods and affordability.

Mike Knowles discussed the potential impacts of staff's proposed STR regulations. He suggested denying non-primary STRs in residential zones and encouraged a minimum proximity regulation.

Will Flowers, Fort Collins Board of Realtors, requested a review of the U+2 ordinance.

Paul Patterson discussed the impacts of short-term rentals on neighborhoods and suggested limiting STRs to primary residences only.

Cindy Minatta, Fort Collins Board of Realtors, requested Council instruct staff to conduct a review of the U+2 ordinance with a focus on affordability.

Nick Haas commended Item No. 3, *Second Reading of Ordinance No. 084, 2016, Appropriating Prior Year Reserves in the Data and Communications Fund for Implementation of Electronic Plan Review*, as being a substantial improvement to building permit reviews and commended Item No. 6, *First Reading of Ordinance No. 085, 2016, Amending Sections 26-98 and 26-128 of the Code of the City of Fort Collins Regarding Fire Sprinkler Systems for Single Family Attached Homes*, as it had the potential to impact housing affordability. He suggested housing affordability and neighborhood protection can be better addressed.

Lynn Barker discussed the need for affordable housing in the community and cautioned Council against simply accepting data and numbers provided by staff.

Deborah James discussed the camping ban and two deaths caused by hypothermia.

Clint Skutchan, Fort Collins Board of Realtors, discussed the importance of housing affordability, including rental housing affordability with regard to the U+2 ordinance.

Margaret Mitchell questioned how short-term rentals will affect zoning and encouraged the implementation of regulations.

Pranaya Sathe, ASCSU, requested Council instruct staff to conduct a review of the U+2 ordinance with a focus on affordability and encouraged a discussion to better maintain campus and community relations in line with the growth of the city.

William Montgomery discussed fencing being placed within a public right-of-way and stated he was arrested for climbing the fence, claiming that action was not illegal.

Eddie Kendall thanked Council and staff for their work for the City and commended the hospitality of Councilmembers.

David Montgomery discussed a special agency tribunal that helps with homeless-related tickets. He questioned why he and his brother were disqualified from utilizing the tribunal.

Reed Mitchell stated short term rentals cannot be allowed for economic reasons, such as the development of a new downtown hotel.

- **CITIZEN PARTICIPATION FOLLOW-UP**

Councilmember Campana asked if a study regarding U+2 has already been completed as part of the affordable housing study. Deputy City Manager Jeff Mihelich replied that topic was studied as part of the affordable housing study, but not to the depth the Board of Realtors is requesting.

Councilmembers Campana and Martinez supported a more comprehensive study with community involvement. City Manager Atteberry suggested a meeting with Mr. Skutchan regarding the scope of their request and returning to Council with additional details and the effect on the Work Plan.

Councilmember Cunniff opposed spending a great deal of money to evaluate the U+2 ordinance at this time; however, he suggested additional data could be helpful. He suggested consideration of the low-density single-family neighborhoods separately from other zone uses.

Councilmember Martinez noted there is public interest in evaluating the U+2 ordinance.

Councilmember Stephens asked about the special agency session mentioned by Mr. Montgomery and whether that offer would not be extended to certain individuals for some reason. City Attorney Daggett replied special agency session is an alternative path for defendants who chose to plea bargain their offenses. It is typically not available to those not interested in obtaining the services available through that program and are not interested in seeking help. Other considerations include the type of offense and whether the program would offer benefit to the defendant.

Councilmember Stephens asked if defendants are made aware of the option when going through the system. City Attorney Daggett replied it is discussed with the defendants as part of the plea bargain conversation.

Mayor Pro Tem Horak stated utilities and their operations are consistently studied to ensure fairness in rates. City Manager Atteberry noted the utility rate ordinances for 2017-2018 will be formally considered by Council on November 1.

● **CONSENT CALENDAR**

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, Overbeck, Campana; Troxell, Cunniff, Horak

1. **Consideration and Approval of the Minutes of the June 21, 2016, Regular Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the June 21, 2016, Regular Council meeting.

2. **Second Reading of Ordinance No. 083, 2016, Approving a Revision to the Airport Operating Budget and Appropriating Reserves in the Airport Fund for the Northern Colorado Regional Airport to Complete the Strategic Plan Goals. (Adopted)**

This Ordinance, unanimously adopted on First Reading on July 5, 2016, approves an amendment to the 2016 Airport operating budget and appropriates funds from the Airport Fund to initiate work associated with the Airport Strategic Plan. The 2016 Airport operating budget will be amended to authorize expenditure of the total amount of \$165,000 from the Airport Fund. The City of Fort Collins

will appropriate 50% (\$82,500) of the total \$165,000 request, and the City of Loveland will be providing the other half of the appropriation. This appropriation is needed as the funding resources were not included in the adopted 2016 Airport Budget approved by Council and expenditure of additional funds not included in the Budget requires City Council appropriation as outlined in the current Intergovernmental agreement between the Cities.

3. **Second Reading of Ordinance No. 084, 2016, Appropriating Prior Year Reserves in the Data and Communications Fund for Implementation of Electronic Plan Review. (Adopted)**

This Ordinance, unanimously adopted on First Reading on July 5, 2016, appropriates funds from the reserves of the Data and Communications Fund for implementation of electronic plan review as part of the building permit and development review process.

4. **Second Reading of Ordinance No. 087, 2016, Designating the Leo and Hilda Ritter Property, 720 West Oak Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins. (Adopted)**

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with the procedures described in Section 1(e) of the Council's Rules of Meeting Procedures adopted in Resolution 2015-091.

This Ordinance, unanimously adopted on First Reading on July 5, 2016, designates the Leo and Hilda Ritter property located at 720 West Oak Street as a Fort Collins Landmark. The owners of this property, Margaret M. Kool Dunn and Robert Louis Dunn 3rd, are initiating this request.

5. **First Reading of Ordinance No. 089, 2016, Appropriating Unanticipated Grant Revenue in the General Fund and Transferring Funds from the Community Development and Neighborhood Services Operating Budget in the General Fund to the Restorative Justice Grant Project. (Adopted)**

The purpose of this item is to appropriate grant revenue to fund Restorative Justice Services within Community Development and Neighborhood Services (CDNS). A grant in the amount of \$56,192 has been received from the Colorado Division of Criminal Justice (DCJ) Juvenile Diversion fund for the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program (RJCP) for all other offenses. Required match is \$18,731, which is 25% of the total grant (total grant = state funds \$56,182 + match \$18,731). The match requirement will be met by transferring \$9,646 in appropriated funds from the CDNS operating budget designated for restorative justice to the grant project, and by a \$9,085 match designated in the form of office space provided by the City for grant funded services. The grant period for is July 1, 2016 to June 30, 2017. This is the third year in a 3-year cycle for the Juvenile Diversion grant.

6. **First Reading of Ordinance No. 085, 2016, Amending Sections 26-98 and 26-128 of the Code of the City of Fort Collins Regarding Fire Sprinkler Systems for Single Family Attached Homes. (Adopted)**

The purpose of this item is to create a new rate class to accommodate the short-term high flow rate water service demands for single family attached homes with residential fire suppression systems and to make related changes regarding water meter requirements and installation. Changes to the International Residential Code adopted by the City in 2014 increased the short-term high flow rate water service demands for single family attached homes (such as townhomes and condominiums) due to the inclusion of residential fire suppression systems. Staff is proposing that a new rate class be created in order to accommodate these demands and to make related changes regarding water meter requirements and the installation related to fire sprinkler systems for single family attached homes.

7. **Items Relating to the Majestic Place Annexation. (Adopted)**

- A. Resolution 2016-051. Setting Forth Findings of Fact and Determinations Regarding the Majestic Place Annexation.
- B. Public Hearing and First Reading of Ordinance No. 090, 2016, Annexing the Property Known as the Majestic Place Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex 19.93 acres located at 2150 Rock Castle Lane (southeast of Timberline Road and Trilby Road) which is presently vacant. The Initiating Resolution was adopted on June 7, 2016. The property is located within the Fossil Creek Reservoir Area Plan. A related item to zone the annexed property is presented as the next item on this Agenda.

8. **Public Hearing and First Reading of Ordinance No. 091, 2016, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Majestic Place Annexation to the City of Fort Collins, Colorado. (Adopted)**

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2015-091.

The purpose of this item is to zone the property included in the Majestic Place Annexation, located at 2150 Rock Castle Lane (southeast of Timberline Road and Trilby Road), into the Urban Estate zone district.

9. **First Reading of Ordinance No. 092, 2016, Authorizing the Conveyance of a Permanent Utility Easement and a Temporary Construction Easement on City Property at the Northern Colorado Regional Airport to the City of Loveland. (Adopted)**

The purpose of this item is to authorize the conveyance of a permanent utility easement and a temporary construction easement to the City of Loveland at the Northern Colorado Regional Airport. The City of Fort Collins and the City of Loveland each own a 50% interest in the Airport property. The City of Loveland is extending its electrical service to this area. The proposed permanent easement area borders Boyd Lake Avenue and County Road 30 and the temporary construction easement is along the easement on County Road 30.

10. **Resolution 2016-052 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Hearing Officer Decision Denying the Maple Mixed Use Project Development Plan, PDP 150025. (Adopted)**

The purpose of this item is to make Findings of Fact and Conclusions regarding the appeal of the Hearing Officer decision to deny the 320 Maple Mixed Use Project Development Plan. The appeal was heard by City Council on July 12, 2016.

11. **Resolution 2016-053 Approving Fort Fund Grant Disbursements. (Adopted)**

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming and Tourism Programming Accounts for the selected community and tourism events based upon the recommendations of the Cultural Resources Board.

12. **Resolution 2016-054 Approving the 2016 Certification to the Larimer County Assessor Pursuant to C.R.S. Section 31-25-807(3)(a)(IV)(B) for the Downtown Development Authority Property Tax Increment. (Adopted)**

The purpose of this item is to certify to the Larimer County Assessor the percentages of property tax distributions that are to be allocated for the Downtown Development Authority by the Assessor as tax

increment from the 2016 property taxes payable in 2017 to the City and to all other affected taxing entities.

- 13. **Resolution 2016-056 Recognizing and Supporting the City's Culture and Health in Order to Join the Healthy Eating and Active Living Cities & Towns Campaign and Fulfill the Requirements for the Kaiser Permanente Walk & Wheel Colorado Grant Awarded to the City in 2014. (Adopted)**

The purpose of this item is to consider a resolution in support of the City's culture of health. The City's FCMoves Department was awarded a Kaiser Permanente Walk & Wheel grant to fund bicycle safety education and outreach, Open Streets events, bicycle and pedestrian data collection, an update to and printing of the Fort Collins bicycle map, and the development of the Fort Collins Bike Share Business Plan. Joining the HEAL Cities & Towns Campaign of LiveWell Colorado by adopting this resolution fulfills Kaiser's expectations for grant recipients.

- **CONSENT CALENDAR FOLLOW-UP**

Councilmember Cunniff requested additional information regarding City plans to track water usage and ensure it has the correct raw water buy-in requirements over time. Jon Haukaas, Water Utilities, replied the information comparing the pipe sizes is trackable.

- **STAFF REPORTS**

- **COUNCILMEMBER REPORTS**

Councilmember Martinez reported on the Salvation Army's monthly report.

Councilmember Overbeck reported on the Buckeye neighborhood's 37th annual neighborhood gathering.

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

- 14. **Resolution 2016-055 Setting for August 16, 2016, a Noticed Public Hearing for the City Council's Consideration of an Ordinance Authorizing the Organization of the Midtown Business Improvement District. (Postponed to July 26, 2016)**

The purpose of this item is to consider the adoption of a resolution setting a public hearing date for August 16, 2016 to consider the formation of a Business Improvement District within Midtown Fort Collins. Adoption of the Resolution only sets the public hearing date for consideration of this matter.

RESULT: Resolution 2016-055 Postponed to July 26, 2016

- **DISCUSSION ITEMS**

- 15. **Second Reading of Ordinance No. 082, 2016, Appropriating Proceeds from the Issuance of City of Fort Collins, Colorado, Wastewater Utility Enterprise, Sewer Revenue Refunding Bonds, Series 2016A, in the Maximum Aggregate Principal Amount of \$21,900,000 in the Wastewater Utility Fund. (Adopted on Second Reading)**

This Ordinance, adopted on First Reading on July 5, 2016 by a vote of 6-0 (Horak recused) appropriates the proceeds from the Revenue Refunding Bond, series 2016A, for the purpose of refinancing the callable portion of the 2009A Revenue Bonds. Proceeds will be used to pay off

callable bonds as well as pay for cost of issuance fees. The proceeds from the original 2009A bonds of \$30.7 million were used to make improvements to the Mulberry Water Reclamation Facility. Savings are anticipated to be \$2.4 million.

Mayor Pro Tem Horak withdrew from the discussion of this item due to a conflict of interest.

Councilmember Campana made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 082, 2016, on Second Reading.

Councilmember Cunniff stated the use of the money is directed by Council as the Wastewater Board and suggested once a specific capital need is identified in the plans, this money will be returned to the rate payers unless other operational costs arise.

RESULT:	ORDINANCE NO. 082, 2016, ADOPTED ON SECOND READING [6 TO 0]
MOVER:	Gino Campana, District 3
SECONDER:	Ross Cunniff, District 5
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff
RECUSED:	Horak

16. Second Reading of Ordinance No. 081, 2016, Appropriating Prior Year Reserves in the General Fund for 2016 Projects Associated with the 2020 Climate Action Plan (CAP) Strategic Plan. (Adopted on Second Reading)

This Ordinance, unanimously adopted on First Reading on June 21, 2016, appropriates funding from the prior year reserves in the General Fund to implement two initiatives outlined in the Draft 2020 Climate Action Plan (CAP) Strategic Plan. First, the Ordinance appropriates \$85,000 accumulated during 2015 and 2016 in the Waste Innovation Fund account into the City's General Fund account to initiate the Municipal Green Waste (Composting) Site Initiative. Second, based on direction at First Reading, the Ordinance also appropriates \$1,460,000 from the General Fund to provide energy efficiency rebates for the business community (\$1.37M) and the Efficiency Works Neighborhoods Pilot (\$0.09M) through 2016.

Deputy City Manager Mihelich stated three Climate Action Plan initiatives are ready for funding and implementation. The initiatives include municipal green waste composting, energy efficiency business incentives, and solar incentives and rebates. Mihelich presented information regarding cost savings as well as expenditures.

Tom Hoehn supported funding of the three programs and commended the public-private partnership between the City and residents.

Hunter Buffington encouraged allowing people who are already investing in energy efficiency in their businesses to continue to do so.

Mike Truitt spoke on behalf of contractors who have benefitted from the rebate program.

Jeff Morisette discussed global warming and encouraged funding of the programs.

Kevin Cross, Fort Collins Sustainability Group, supported funding of the two energy efficiency programs. He opposed pausing either of those programs mid-year and discussed the importance of the programs in meeting the CAP goals.

Eric Sutherland requested the amount of Light and Power reserves used to fund the new utility building. He opposed the City tax on food for home consumption and argued emphasis should

be placed on providing energy efficiency upgrades for housing that needs it most rather than on lower rates.

Councilmember Cunniff noted a food tax rebate program does exist.

Councilmember Martinez supported placing the CAP on the ballot.

Councilmember Stephens requested additional information regarding the food tax rebate program. Mike Beckstead, Chief Financial Officer, replied that information is on the website and can be placed on the home page, noting the program runs from August through October and involves extensive community outreach. Participation in the program has increased from 1,100 to about 1,500 in the past few years.

Councilmember Campana asked how program success will be measured. John Phelan, Energy Services Manager, replied that success has been historically measured by looking at the program portfolio and the utilities investment in those programs and comparing that to the wholesale cost of electricity. In terms of the CAP, some additional metrics such as dollars per ton are being considered.

Councilmember Campana asked if a mechanism is in place to adjust the requirements or criteria of the rebates. Phelan replied the rebate amounts and technologies are examined annually.

Councilmember Campana supported the staff recommendation of a 60 day postponement as being part of the plan, do, check, act process. City Manager Atteberry replied the recommendation to delay the program was based on preserving all the options for Council going into the 2017-2018 budget and noted the recommendation for postponement came from the CAP executive team.

Councilmember Campana asked if hybrid options have been considered. Mihelich replied staff did consider a scaled option with varying commitment levels.

Mayor Troxell asked about the difference in the CAP between electric energy and thermal energy. Phelan replied thermal energy is impacted by some of the new home Code-related initiatives. Most of the modeling deals with electric energy and a portion relates to natural gas.

Mayor Troxell asked about the target use inventory. Phelan replied electricity represents about half of the climate inventory and about a quarter is from natural gas which is mostly home and business heating.

Councilmember Martinez asked about the accuracy of a Coloradoan story indicating the four greatest entities contributing about 20% of the area's emissions. Phelan replied in the affirmative, noting those customers are eligible for rebates.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 081, 2016, on Second Reading.

Mayor Pro Tem Horak stated this makes financial sense and is therefore easy to support. He commented on the clean energy economy and supported moving forward.

Councilmember Campana noted he is still unsure which metrics are being used to measure success and questioned whether or not this actually makes financial sense. He stated he would support additional funding for the program given data to make an informed decision.

Councilmember Cunniff stated collecting data and measuring effectiveness are necessary; however, he stated General Fund reserves have been closely monitored for the purpose of climate action spending and this expenditure does not put the City in jeopardy nor is it unexpected. He also supported potentially backfilling the General Fund reserves in the future.

Councilmember Stephens stated she would support this item and commended the success of the energy efficiency program thus far.

Councilmember Martinez asked if rates would go up if these funds were taken from electric reserves. Beckstead replied this one action would likely not cause a rate increase.

Councilmember Martinez commended the program as a whole; however, he noted the program should go through the budget process.

Mayor Pro Tem Horak stated the reserves are being used as part of an opportunity and there is a 2:1 cost savings ratio. This expenditure makes sense and saves money.

Councilmember Campana stated Councilmembers committed to each other that they will debate and evaluate its implementation.

Mayor Troxell expressed concern regarding prioritization and supported the staff recommendation to postpone 60 to 90 days. Beckstead stated the original staff recommendation was to let this be a part of the budget process. Staff did not anticipate funding to come from the General Fund or the Light and Power Fund.

City Manager Atteberry stated he would like to return with a reaffirmation of sales and use tax funding or Light and Power funding.

Councilmember Campana asked about the demand for funds. Phelan replied customers have been told staff is considering moving to a wait list because of limited funds. The number of applications has dropped dramatically as applicants are holding on to them.

Councilmember Campana discussed a hybrid option which would include an amount of money that would allow business to continue to take place in combination with increasing standards for rebates.

Councilmember Overbeck requested information regarding the Air Quality Advisory Board recommendation. Phelan replied the Board recommended the City fully and immediately fund the \$1.46 million required for the business efficiency rebate program and efficiency works neighborhood pilot program. He stated the amount and source of funding is guided by Council and noted these programs are collaboration between Platte River Power Authority and its other member cities. City Manager Atteberry noted the budget schedule and stated there will be no funding for this program until January 1 without supplemental funding.

Mayor Troxell stated he would support the motion in the spirit of trying to work toward something in the next week. He discussed the importance of prioritization moving forward.

RESULT:	ORDINANCE NO. 081, 2016, ADOPTED ON SECOND READING [5 TO 2]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Stephens, Overbeck, Troxell, Cunniff, Horak
NAYS:	Martinez, Campana

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

17. **Second Reading of Ordinance No. 088, 2016, Designating the Coy Farmstead Barn and Milk House Located on the Woodward Technology Center Subdivision as Individual Fort Collins Landmarks pursuant to Chapter 14 of the Code of the City of Fort Collins. (Adopted as Amended on Second R)**

This item has been treated as a quasi-judicial matter and will be considered in accordance with the procedures established by the Mayor, with the consent of the Council, as described in Section 1(e) of the Council's Rules of Meeting Procedures adopted in Resolution 2015-091.

This Ordinance, adopted on First Reading by a vote of 6-1 (Nays: Cunniff), designates the Coy Farmstead, located on the Woodward Technology Center property, as a Fort Collins Landmark. The Coy Farmstead currently consists of an 1866 stone and timber barn and a c.1900 brick milk house. Two historic silos associated with the property were recently removed.

Non-substantive changes to Section 6 of the Ordinance adopted on First Reading were made to clarify the meaning of the language.

Mayor Troxell outlined the process for this item.

Councilmember Cunniff mentioned general concern regarding quasi-judicial proceedings with regard to landmark designation.

Chris Fawzy, General Counsel for Woodward, noted the consensual portion of the designation is based on what Woodward submitted to Council at the July 5 hearing. Since that time, various language changes were suggested by the City. As a result, Woodward agrees with the notion of successor in title to the designated property; however, should Woodward be a continued occupant of the property, it does not want to lose its right to withdraw consensual designation should another hearing occur. Mr. Fawzy read Woodward's suggested language. Woodward does not want to suggest that it would be obligated to exhaust all appeals in order for the consent to be withheld.

City Attorney Daggett supported the recommended wording changes.

Councilmember Cunniff asked if any of the parties-in-interest in support of non-consensual designation have seen the language. City Attorney Daggett replied in the negative.

Bill Woodley suggested it would not be beneficial to oppose the wording changes.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Campana, to adopt Ordinance No. 088, 2016, as amended, on Second Reading.

Councilmember Cunniff expressed concern regarding quasi-judicial proceedings with regard to landmark designation and discussed the ability of corporations and large entities to access legal representation. He expressed disappointment the new language was not discussed with supporters of non-consensual designation and stated he could not support the motion at this time.

Councilmember Overbeck stated he would not support the motion.

Mayor Troxell stated he would support the motion and commended the work of both sides to arrive at the designation.

RESULT:	ORDINANCE NO. 088, 2016, ADOPTED AS AMENDED ON SECOND READING [5 TO 2]
MOVER:	Gerry Horak, District 6
SECONDER:	Gino Campana, District 3
AYES:	Martinez, Stephens, Campana, Troxell, Horak
NAYS:	Overbeck, Cunniff

18. First Reading of Ordinance No. 093, 2016, Amending the City Code Pertaining to the Disposition of Tangible Personal Property. (Adopted on First Reading)

The purpose of this item is to amend the City Code to eliminate the current provisions pertaining to disposition of tangible personal property and replace with a reference to administrative procedures. The disposition of lost, abandoned, unclaimed or unattended tangible personal property found within a natural area, park, trail, other outdoor City property, and within a City facility will be governed by administrative policies adopted by the City Manager and on file in the City Clerk's Office. The disposition of firearms, illegal property, identification documents, financial transaction devices, computers or electronic items that store personal identification information will be governed by Fort Collins Police Services Standard Operating Procedures.

Wendy Williams, Assistant City Manager, stated this item amends City Code relating to the disposition of tangible personal property and authorizes an administrative policy that would be adopted by the City Manager. The current Code requires an inventory process through the Police Services evidence system and storage for no less than 30 days. The amount of unclaimed property has increased drastically lately which has overwhelmed the system. Staff is recommending a new administrative policy that is practical, consistent, and changeable as necessary. The policy has a definition of trash to include perishable and hazardous items, and items of little or no value. A 72-hour notice would be placed on items and, if not removed, items deemed "not trash" would be stored at the Parks facility for 30 days. Additionally, the City is planning to partner with a service provider to distribute unclaimed items in accordance with its purchasing procedures.

Lynn Thompson, Fort Collins Homeless Coalition, supported the balance and due process considerations being made with this proposal; however, she expressed concern regarding the distinction being made between single items and multiple items. She also encouraged additional publication regarding where items can be found.

In terms of what constitutes a single item, Williams stated a single item would be considered one item; bags will not be gone through to determine the presence of additional items. However, backpacks and bags will be inventoried upon arrival at the Parks Shop and held for 30 days as all other items would be.

Mayor Pro Tem Horak requested information for addressing single items separately. Williams replied this was a last minute change made at the request of District 1 Police Officers as one item is often left behind or is lost and rather than going through the process of tagging the item, it would simply be moved to the Parks Shop and held for 30 days. Williams supported publishing claim information in various locations.

Mayor Pro Tem Horak suggested creating a viewable database of items.

Councilmember Stephens asked where the Parks Shop is located. Williams replied it is on Bryan Street near City Park golf course.

Councilmember Stephens encouraged the use of judgment with larger single items such as a tent or backpack.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 093, 2016, on First Reading.

Mayor Pro Tem Horak suggested quarterly reports to Council regarding the changes made to the process over time.

Councilmember Stephens commended staff work on the item and supported the compromise solution.

RESULT:	ORDINANCE NO. 093, 2016, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

19. **First Reading of Ordinance No. 094, 2016, Appropriating Prior Year Reserves in the Capital Expansion Fund for Transfer to the Capital Projects Fund and the Cultural Services and Facilities Fund for the Art in Public Places Program for the Southeast Community Park. (Adopted on First Reading)**

The purpose of this item is to request appropriations for the Southeast Community Park Project in the amount of \$1.6M from the Community Parkland Capital Expansion Reserves. The park is currently under construction and scheduled to open in 2017. An additional appropriation is needed to fully fund the park as designed.

Kurt Friesen, Director of Park Planning and Development, discussed the community outreach process and resulting plan changes for the Southeast Community Park. Friesen detailed the six planned farm experiences and other aspects of the park design. The funding request is for \$1.6 million which will come from community parkland capital expansion reserves. \$780,000 will be set aside for contingency.

Eric Sutherland stated disparity in public finance should be avoided and discussed the disparity between north and south Fort Collins specifically in terms of water rates. He suggested Timnath should have contributed to the cost of the park.

Scott Sinn, Parks and Recreation Advisory Board Chair, commended the Southeast Community Park and updates provided to the Board by staff. However, he stated the Board has not had the

opportunity to review the additional funding request proposed and therefore cannot make a recommendation for or against a course of action.

Bruce Henderson, Parks and Recreation Advisory Board Vice Chair, reiterated Mr. Sinn's comments and commended the park design. He encouraged Council to do its due diligence in terms of weighing the park's features and budget.

Councilmember Overbeck asked if the metal silos will cause a burn risk. Friesen replied staff has done testing on the silos and the exterior of the silos in full sun is at about 95 degrees. The silos will be painted inside and out and the insulating qualities of the paint should address the heat issue. Other means of addressing the heat are also available.

Councilmember Cunniff commended the park design and suggested it is not extravagant in its design. He asked if the Nature in the City and stormwater funds for the park will come before Council for a subsequent appropriation. Friesen replied those funds have already been appropriated.

Councilmember Cunniff stated he would like the Parks and Recreation Board to be able to provide feedback on prioritization. He asked where the stream lies in the stormwater stream restoration priority plan. Friesen replied the stream, in its current state, is not acceptable due to erosion; therefore, it makes sense to handle it at this time.

Councilmember Cunniff stated this is evidence that construction costs with respect to capital construction and land acquisition for community parks need to be reevaluated. City Manager Atteberry agreed and stated that conversation will begin with the Finance Committee.

Mayor Pro Tem Horak asked why this item was not on last month's Parks and Recreation Board agenda. Friesen replied both he and Craig Kisling were out of town at that time. The Board was offered the opportunity for a special session to discuss the financing issue but opted not to do so.

Councilmember Campana stated Parks and Recreation Board minutes dating back to last fall included comments and discussion about the budget shortfall. Friesen agreed but stated there was not time for the Board to hear information regarding the options as presented at the Council work session.

Mayor Pro Tem Horak stated he was assured at the last work session that this has been fully vetted by the Board throughout the process. This should have been discussed despite Friesen and Kisling being out of town.

Councilmember Martinez asked about the ground material. Friesen replied it is engineered wood fiber, is commonly used in playgrounds and is considered an accessible surface.

Councilmember Martinez stated he would like additional information regarding the accessibility of the surface.

Councilmember Overbeck asked about the toxicity of the ground cover. Friesen replied poured-in-place surfacing is not being used because of its replacement cost. Some rubberized material is being used; however, it has no off-gassing properties.

Councilmember Campana requested additional information regarding the need for additional funding. Friesen replied cost estimates were completed throughout the design phase; however, once the project was put out for a bid, it was determined the project was over budget and the initial appropriation was not enough.

Councilmember Campana encouraged staff to go back before the Parks and Recreation Board to seek an improved relationship; however, he stated he would support funding for the park.

Councilmember Martinez asked about the possibility of moving a Transfort stop closer to the park. City Manager Atteberry stated that will be discussed.

Councilmember Martinez asked about the ability for individuals to fly drones at the park. City Manager Atteberry replied that is prohibited in City parks and natural areas.

Councilmember Overbeck asked when the Land Conservation and Stewardship Board and Natural Resources Advisory Board will look at this topic. City Manager Atteberry replied it will be presented as soon as possible in regard to Nature in the City dollars.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 094, 2016, on First Reading.

Mayor Pro Tem Horak asked if the Commission on Disability has had this item before them. Friesen replied staff works with a professional consultant regarding accessibility; however, the Commission on Disability has not reviewed the project.

Mayor Pro Tem Horak and Councilmember Martinez encouraged staff to present the item before the Commission.

Council discussed a possible new standard for identifying appropriate boards and commissions to review various projects.

Mayor Pro Tem Horak requested a memo regarding Board input prior to Second Reading.

Mayor Troxell commended the park design and staff and Board work on the item.

Councilmember Martinez asked if a ground breaking ceremony will occur. Friesen replied it will be August 4th.

RESULT:	ORDINANCE NO. 094, 2016, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

20. **Resolution 2016-057 Appointing Two City Representatives to the Larimer County Housing Affordability Working Group. (Adopted)**

The purpose of this item is to appoint two City representatives to serve on a working group convened by the Larimer Board of County Commissioners to pursue local, regional, and state-level solutions to make housing more affordable in Larimer County.

City Manager Atteberry recommended that one of the appointed members be Sue Beck-Ferkiss, Social Sustainability Specialist.

Eric Sutherland discussed affordable housing and growth and development in Timnath.

Mayor Troxell discussed a recent meeting regarding affordable housing which included Timnath and Fort Collins.

Councilmember Cunniff made a motion, seconded by Councilmember Campana, to adopt Resolution 2015-057, with Councilmembers Martinez and Stephens as the representatives.

Councilmember Overbeck suggested including the City's high standards in all realms in the conversations moving forward.

RESULT:	RESOLUTION 2016-057 ADOPTED [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Gino Campana, District 3
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

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

● **OTHER BUSINESS**

Councilmember Campana requested a status update regarding the College and Prospect intersection. City Manager Atteberry replied he will be presenting a memo Thursday with the hope of having a decision back to Council within a month and potentially sooner. Council will be presented a series of options with tradeoffs.

Councilmember Campana discussed the Land Use Code policy relating to extra occupancy and stated that option needs to be more widely publicized.

Councilmember Cunniff requested staff examine the City's open books web site for Council expenditure functionality.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to extend the meeting past 10:30 PM to consider two motions regarding upcoming Council meetings.

RESULT:	MOTION TO EXTEND MEETING PAST 10:30 PM [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to cancel the August 2, 2016 Council meeting as permitted under Section 2-20 of the City Code so Councilmembers may participate in the annual Neighborhood Night Out.

RESULT: AUGUST 2, 2016, REGULAR MEETING CANCELED [UNANIMOUS]
MOVER: Gerry Horak, District 6
SECONDER: Ross Cunniff, District 5
AYES: Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

Mayor Pro Tem Horak made a motion, seconded by Councilmember Martinez, to adjourn to 6:00 PM, Tuesday, July 26, 2016, to consider an Ordinance establishing a Midtown Improvement District and other such business as may come before the City Council.

RESULT: ADJOURN TO 6:00 PM, TUESDAY, JULY 26, 2016, ADOPTED [UNANIMOUS]
MOVER: Gerry Horak, District 6
SECONDER: Ray Martinez, District 2
AYES: Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

● **ADJOURNMENT**

The meeting adjourned at 10:38 PM.



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

Mayor

ATTEST:

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

City Clerk