

July 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, Campana, Troxell, Cunniff, Horak

ABSENT: Overbeck

Staff Present: Atteberry, Daggett, Winkelmann

● **AGENDA REVIEW**

City Manager Atteberry stated Item No. 1, *Items Relating to the Organization of the Midtown Business Improvement District*, has been withdrawn from the agenda. He recommended Council consider going into an Executive Session under Other Business prior to consider Item No. 2, *First Reading of Ordinance No. 097, 2016, Calling a Special Municipal Election to be Held in Conjunction with the November 8, 2016 Larimer County General Election*.

1. **Items Relating to the Organization of the Midtown Business Improvement District. (Withdrawn)**

A. *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.*

B. *First Reading of Ordinance No. 095, 2016, Establishing the Midtown Business Improvement District, Appointing the Initial Members of the Board of Directors of the District, Approving the District's Initial Operating Plan and Preliminary 2017 Budget, and Designating the Service Area of the District.*

The purpose of this item is the formation of a Business Improvement District (BID) within Midtown Fort Collins. The Midtown BID's purpose is to increase commercial and economic activity within the district by focusing on promotion, placemaking, and programming.

RESULT: WITHDRAWN

1. **Resolution 2016-058 Accepting Advisory Opinion and Recommendation No. 2016-01 of the Ethics Review Board. (Adopted)**

The purpose of this item is to submit the opinion of the Ethics Review Board to Council for its consideration and possible approval.

City Attorney Daggett stated this item approves Ethics Opinion 2016-1. She reviewed the purpose of the Ethics Review Board and stated this particular process was initiated when Councilmember Campana submitted an inquiry in response to discussions among various boardmembers related to the extent to which a member of a board or commission, after having declared a conflict, may take action as a private citizen to influence the decision of his or her board. Code language states that once a conflict is declared, an individual must refrain from voting on, attempting to influence, or otherwise participating in such decision in any manner as an officer or employee.

The Ethics Review Board approved Ethics Opinion 2016-1 which was detailed by City Attorney Daggett.

Councilmember Campana made a motion, seconded by Councilmember Cunniff, to adopt Resolution 2016-058.

Councilmember Campana commended the work done by the Ethics Review Board and City Attorney Daggett. He discussed the need for additional board work on language clarification.

Councilmember Cunniff thanked the Board for considering his concerns and requests.

City Attorney Daggett suggested language could be crafted by early September.

RESULT:	RESOLUTION 2016-058 ADOPTED [UNANIMOUS]
MOVER:	Gino Campana, District 3
SECONDER:	Ross Cunniff, District 5
AYES:	Martinez, Stephens, Campana, Troxell, Cunniff, Horak
ABSENT:	Overbeck

2. **First Reading of Ordinance No. 097, 2016, Calling a Special Municipal Election to be held in Conjunction with the November 8, 2016 Larimer County General Election. (Adopted on First Reading)**

The purpose of this item is to call a Special Municipal Election to be held in conjunction with the November 8, 2016 Larimer County General Election, and preserves the opportunity for Council to place Council-initiated or referred issues on the November ballot. If Council decides to place any measures on the ballot, it would need to do so no later than at its September 6 meeting. If Council does not take action by ordinance or resolution before the statutory deadline (September 9) to certify ballot language to Larimer County, the election will be cancelled and the provisions of this Ordinance will be of no further force and effect.

This Ordinance does not submit a specific measure to the November 8, 2016 ballot. Adoption of this Ordinance is a required step in preserving the option for City Council to submit any ballot measures that Council may desire, at the November 8, 2016 General Election.

Eric Sutherland discussed constitutional rights related to TABOR items on the ballot.

Councilmember Campana requested information regarding the proper notice to the County Clerk and potential dilemma related to such notice. City Clerk Winkelmann replied she has been in discussions with County Clerk Meyers and the City will notify Larimer County via letter if the City plans to participate. If this item is adopted, a letter would be hand-delivered tomorrow, which is in advance of the 100-day requirement.

City Attorney Daggett read the statutory provision which addresses the topic.

Councilmember Cunniff asked why this item is an ordinance. City Attorney Daggett replied the process of calling a special election requires an ordinance.

Councilmember Cunniff made a motion, seconded by Councilmember Martinez, to adopt Ordinance No. 097, 2016, on First Reading.

Councilmember Campana supported the placement of the item on the ballot and expressed his hope that voters will recognize the City's prudent spending.

Mayor Pro Tem Horak noted staff does examine and address concerns brought to them by citizens.

RESULT:	ORDINANCE NO. 097, 2016, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Ray Martinez, District 2
AYES:	Martinez, Stephens, Campana, Troxell, Cunniff, Horak
ABSENT:	Overbeck

3. **First Reading of Ordinance No. 096, 2016, Appropriating Prior Year Reserves in the General Fund and in the Light and Power Fund for Continuation of Energy Efficiency Initiatives Associated with the 2020 Climate Action Plan (CAP) Strategic Plan and Rescinding Ordinance No. 081, 2016. (Adopted on First Reading)**

The purpose of this item is to rescind Ordinance No. 081, 2016 (Adopted on July 19, 2016) and amend the \$1,460,000 appropriated by Ordinance No. 081, 2016; appropriating from the General Fund \$730,000, and \$730,000 from the Electric Utility Light & Power fund, for continuation of energy efficiency programs in 2016, as outlined in the draft 2020 Climate Action Plan (CAP) Strategic Plan. Ordinance No. 081, 2016 will become effective as originally adopted and shall provide funding until this Ordinance becomes effective, i.e., funding for the Energy Efficiency Programs up to \$730,000 will not be further delayed pending Second Reading of this Ordinance.

Kevin Gertig, Utilities Executive Director, stated this item rescinds Ordinance No. 081, 2016, adopted on Second Reading on July 19, 2016, and splits \$1.46 million of efficiency funding 50/50 between the General Fund and the Light and Power Reserves. The logic behind this split relates to the sharing of City and Utilities goals for the Climate Action Plan and Energy Policy and is consistent with historical splits.

Eric Sutherland discussed metrics and encouraged a data-driven approach addressing the program's success.

Councilmember Cunniff stated there was an indication from many contractors that the lapse in funding halted future projects and requested additional information regarding obtaining objective metrics. John Phelan, Energy Services Manager, replied customers and contractors were notified of the wait list status approximately 6 weeks ago. Following that notification, there was a 47% decrease in the number of applications being received. Restarting the program will provide an additional data point on the rate of applications. In terms of additionality, cost effectiveness, and savings impact, discussions have begun regarding hiring a third-party consultant to provide a formal evaluation of the programs.

Councilmember Campana questioned the usefulness of the statistics relating to the number of applications. Phelan agreed but noted there are few other data points regarding that issue to provide.

Mayor Pro Tem Horak noted Longmont and Estes Park both changed their incentive cap number and asked how that relates to Fort Collins. Phelan replied the other cities generally do not contribute as much as Fort Collins because of differing community goals. Both cities have reduced their caps and are out of funding for the year at this point.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 096, 2016, on First Reading.

Councilmember Martinez commended the program but opposed the funding change stating voters should be allowed to consider the overall program.

Councilmember Campana commended the work done on this topic but stated difficult decisions loom ahead regarding the Climate Action Plan.

Mayor Pro Tem Horak noted this item deals primarily with an efficiency works program among Platte River Power Authority and its member cities.

Councilmember Campana discussed the need to look at all initiatives collectively as part of the Plan and agreed with Councilmember Martinez' suggestion regarding the placement of the Plan on a ballot.

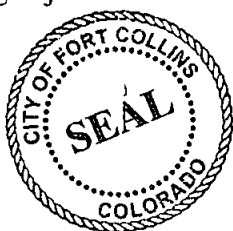
RESULT:	ORDINANCA NO. 096, 2016, ADOPTED ON FIRST READING [4 TO 2]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Stephens, Troxell, Cunniff, Horak
NAYS:	Martinez, Campana
ABSENT:	Overbeck

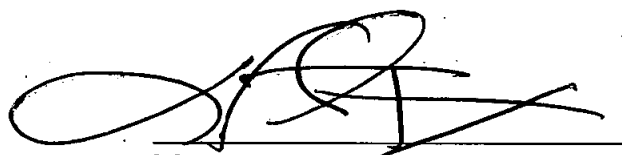
● **OTHER BUSINESS**

Councilmember Cunniff received Council support to direct the City Attorney to prepare a public draft of information regarding the November TABOR election.


● **ADJOURNMENT**

The meeting adjourned at 6:42 PM.




Mayor

ATTEST:


City Clerk