

December 1, 2020

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

(Secretary's Note: Due to the COVID-19 crisis and state and local orders to remain safer at home and not gather, all Councilmembers, staff, and citizens attended the meeting remotely, via teleconference.)

● **ROLL CALL**

PRESENT: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff
STAFF: Atteberry, Daggett, Coldiron

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry discussed the Spanish interpretation services available for this meeting.

City Manager Atteberry stated the Proclamation declaring 16 days of activism against gender violence was revised to include language that aligns with the equity work of the City. Additionally, Item No. 20, *Public Hearing and First Reading of Ordinance No. 156, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property known as the Northstar Manufactured Housing Community Rezoning*, was published with the incorrect Ordinance number. City Manager Atteberry also recommended withdrawing Item No. 8, *Items Relating to Various Amendments to City Code Chapter 26 Pertaining to Utility Services*, for additional work.

● **Community Report: Commissioner Kefalas - Larimer County Community Report and Survey**

Larimer County Commissioner John Kefalas presented highlights of the Larimer County Community Report and Survey. He discussed the five overall service areas: community planning, infrastructure and resources, public records, information and services, strategic leadership and administrative services, public safety, and human and economic health services.

Councilmember Gutowsky asked about the seemingly premature closing of the overflow hospital at the Ranch. Commissioner Kefalas replied that alternative care site was decommissioned at the end of October by the state.

Councilmember Gorgol asked when the community survey results will be released. Commissioner Kefalas replied the survey is still live and results will be compiled and made available to the public.

Mayor Pro Tem Stephens requested additional information regarding the County's efforts at supporting childcare and housing. Commissioner Kefalas described the County's five-year strategic plan with three overarching goals, and he discussed the use of coronavirus relief funds for childcare. He also noted the County has decided to set aside \$3 million in general fund balance dollars for childcare. In addition, a needs analysis is being conducted and will help inform how reserve dollars can be invested in housing.

Mayor Troxell thanked Commissioner Kefalas and commended the work of Public Health Director Tom Gonzales.

● **PUBLIC COMMENT**

Mayor Troxell outlined the public participation options.

Rich Stave discussed issues with items on Council agendas not being available for public comment.

Joe Rowan expressed concern more activity is being seen under Other Business during Council meetings and that provides an opportunity for direction to be given to staff without pre-announcing it to the public. He suggested that section of the agenda should be reserved for items that may have come about during the meeting rather than have pre-planned items in that section. He also mentioned the Housing Strategic Plan and stated Council does not seem to be taking active measures to address the housing issue.

Eric Sutherland concurred with Mr. Stave's comments and questioned whether the Boards and Commissions are doing much work at all. He stated Council has made itself largely irrelevant in terms of exercising its legislative purview. He opposed the withdrawal of Item No. 8 by the City Manager stating that should have been done by Council and commented on the secrecy around Connexion.

Jessica Dyr Dahl commented on the complexity of local government and thanked Councilmembers for their service and transparency.

● **PUBLIC COMMENT FOLLOW-UP**

Mayor Troxell summarized the citizen comments and noted Council does try to be quite intentional with Other Business items and known items are published ahead of meetings. He also noted there will be a forthcoming work session on the Housing Committee and Connexion.

Mayor Pro Tem Stephens commented on Council's concerted effort to not take up new business items under Other Business. She also noted the ad hoc Housing Committee has been meeting for several months and encouraged citizens to attend those meetings. She commented on Council-driven agenda items.

Councilmember Cunniff commented on Council's take on Other Business but agreed there could be further transparency around the process.

● **CONSENT CALENDAR**

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gutowsky, to adopt and approve all items not withdrawn from the Consent Agenda.

RESULT:	CONSENT AGENDA ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Susan Gutowsky, District 1
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

1. **Consideration and Approval of the Minutes of the October 20, 2020 Regular Meeting and the October 27, 2020 Adjourned Meeting. (Adopted)**

The purpose of this item is to approve the minutes of the October 20, 2020 Regular Meeting and the October 27, 2020 Adjourned Meeting.

2. **Second Reading of Ordinance No. 142, 2020 Authorizing the Conveyance of a Portion of City Property at Kingfisher Natural Area in Exchange for an Access Easement at 1807 East Mulberry Street. (Adopted)**

This Ordinance, unanimously adopted on First Reading on November 17, 2020, conveys a Quit Claim Deed of a portion of Kingfisher Natural Area, historically used for parking and access associated with the businesses occupying 1807 East Mulberry Street, to DD&B Investment Group, LLC (DDB) in exchange for a Non-Exclusive Access Easement from DDB to the City for access to Kingfisher Natural Area.

3. **Second Reading of Ordinance No. 143, 2020, Transferring Appropriations in the General Fund from the Coronavirus Relief Fund, CARES Act, Title V, to the Water and Wastewater Funds. (Adopted)**

This Ordinance, unanimously adopted on First Reading on November 17, 2020, transfers \$27,245 and \$13,562 of the City's Coronavirus Relief Fund (CVRF) money from the General Fund to the Wastewater and Water Funds, respectively. The transfer is necessary to recognize the future depreciation of certain expenses in the Wastewater and Water Funds for lab supplies and to support teleworking capabilities. To account for this depreciation correctly and to recognize the depreciation expense in the correct fund, the original expenditures should occur in the Wastewater and Water Funds.

4. **Postponement to December 15, 2020, of Second Reading of Ordinance No. 145, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Timberline Church Rezoning. (Adopted)**

Required notice for Second Reading of this Ordinance was not published in the Coloradoan. Therefore, second reading will be postponed until December 15, 2020.

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.

This Ordinance, unanimously adopted First Reading on November 24, 2020, amends the City's Zoning Map to change the zoning designation for the Timberline Church Campus from Low Density Mixed-Use Neighborhood (LMN) to Medium Density Mixed-Use Neighborhood (MMN). The area proposed to be rezoned is approximately 32.79 acres. The applicant proposes the rezoning to support future infill housing on the site and enable higher density housing than would be allowed with the current LMN zoning. Additional commercial and institutional uses may also be proposed. The church has been in discussions with CSU regarding a potential land swap to construct an attainable housing project. CSU would donate their 4.76 acres on Timberline Road, and the church will swap 8-10 acres for the CSU property.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 6-0 to recommend approval of the request with condition that the residential density be limited to 20 units per gross acre and that an Overall Development Plan (ODP) precede or accompany the Project Development Plan (PDP). The purpose of the condition of approval is to provide a density limit to help achieve a compatible transition with the surrounding neighborhood because the MMN zone district does not have a maximum density requirement. Additionally, the ODP would help identify the general design parameters for the property - including the general location and nature of proposed uses, transportation circulation, open space, buffers, and drainage features. A traffic study is also required. The ODP is required to be reviewed by the Planning and Zoning Board and would require at least one neighborhood meeting.

5. **First Reading of Ordinance No. 146, 2020 Appropriating Prior Year Reserves in the Self Insurance Fund for Increased Premiums for Property Loss Insurance. (Adopted)**

The purpose of this item is to appropriate funds to compensate for increased premiums for the City's property loss insurance that were paid by the Self Insurance Fund for the 2020/2021 period.

The City's Self Insurance Fund is currently over budget through October 2020 and is expected to remain over budget through year-end. The primary driver of this increase is the higher insurance premiums that have been realized in 2020. These increases are due to two factors: an industry wide adjustment in coverage due to increased risk exposure in the state of Colorado, and more hail storm damage realized at the City in prior years, most notably in 2018.

6. **First Reading of Ordinance No. 147, 2020 Making Supplemental Appropriations for Roof Repairs on City Buildings Due to 2018 Hail Damage. (Adopted)**

The purpose of this item is to appropriate additional insurance proceeds for further scope of work associated with completing roof repair work for a 2018 hail damage claim. These additional proceeds are for recovered depreciation, abatement of asbestos materials, code upgrades and project management.

7. **First Reading of Ordinance No. 148, 2020, Making Supplemental Appropriations of Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding for Transfort Operating Assistance, Preventative Maintenance, and Contracted Service Costs Related to Preparation for and Response to the COVID-19 Pandemic. (Adopted)**

The purpose of this item is to appropriate grant revenue Transfort has been allocated by the Federal Transit Agency (FTA). Transfort was awarded \$10,368,067 and will net the amount of \$8,719,626 in Coronavirus Aid, Relief and Economic Security (CARES) Act through FTA apportionments to urbanized areas. CARES funding is provided at a 100-percent federal share, with no local match required, and is available to support capital, operating, and other expenses to prepare for and respond to COVID-19. Transfort confirmed this money would be available earlier in the year. At that time, Transfort planned to use the CARES funds to pay for what had previously been allocated from the General Fund for operating assistance, preventative maintenance, and contracted service costs.

8. **Items Relating to Various Amendments to City Code Chapter 26 Pertaining to Utility Services. (Adopted)**

- A. First Reading of Ordinance No. 149, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify Utilities' Right of Entry into Buildings and Onto Premises to Access Utilities Equipment, Facilities, and Appurtenances for Utilities Purposes.
- B. First Reading of Ordinance No. 150, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Make Various Updates Regarding the Wastewater Utility.
- C. First Reading of Ordinance No. 151, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify Water and Sewer Plant Investment Fees.
- D. First Reading of Ordinance No. 152, 2020, Amending Sections 26-43, 26-209, 26-392 and 26-493 of the Code of the City of Fort Collins Regarding the City's Utility Enterprise Boards.

The purpose of this item is to adopt a variety of revisions, clarifications, and additions to update portions of City Code Chapter 26 pertaining to Utility Services.

9. **First Reading of Ordinance No. 153, 2020, Adopting the 2021 Larimer County Regional Transportation Capital Expansion Fee Schedule. (Adopted)**

The purpose of this item is to adopt the 2021 Larimer County Regional Transportation Capital Expansion Fee Schedule.

10. **First Reading of Ordinance No. 154, 2020, Declaring Certain City-Owned Property on Arapaho Bend Natural Area as Road Right-of-Way. (Adopted)**

The purpose of this item is to dedicate a strip of property owned by the Natural Areas Department (NAD) as road right-of-way (ROW) via the proposed Arapaho Bend Ponds Subdivision plat, and to authorize the City Manager to sign said plat. NAD is platting a 3.099-acre parcel for the construction of a new trailhead parking lot. This project triggers the development review process and the requirement to dedicate additional road right-of-way for Strauss Cabin Road.

11. **Resolution 2020-106 Consenting to the Dissolution of Block 23 Metropolitan District Nos. 1-2. (Adopted)**

The purpose of this item is to present a Resolution to Council to consent to the dissolution of the Block 23 Metropolitan Districts Nos. 1-2 (the "Districts"). On September 27, 2016, Council approved the Service Plan for the Districts. At the time of adoption, the Service Plan was intended to enable the Districts to function in a limited administrative capacity but not to issue any debt or begin full operations until a service plan amendment was approved by Council. The Boards of Directors of the Districts have recently adopted a joint resolution calling for the dissolution of the Districts and asking the Council to consent to this dissolution. As allowed by state law, the Larimer County District Court can issue an order dissolving the Districts provided the Council consents to the dissolution as proposed in this Resolution.

12. **Resolution 2020-107 Approving a Partial Deferral of Payment of Water Plant Investment Fees and Sewer Plant Investment Fees Associated with the Larimer County Jail Expansion and Authorizing the City Manager to Execute an Agreement Regarding the Same. (Adopted)**

The purpose of this item is to request Council approval for Larimer County to defer the payment of a portion of the water and sewer plant investment fees (PIFs) for the County's jail expansion project. The PIFs are due at the beginning of projects when a water service permit is issued. However, pursuant to City Code Section 26-120(a) and City Code Section 26-283(d), Larimer County desires a Council resolution for approval to pay a portion of the PIFs in 2020 and to pay the remaining balance when the County grows into its full use of water at the expanded jail. This deferral would help Larimer County manage project costs. Utilities staff negotiated a detailed draft agreement with Larimer County regarding the payment of these PIFs that governs when they are due.

13. **Resolution 2020-108 Approving an Exception to the Use of a Competitive Process for the Purchase of Animal Control Services from the Larimer Humane Society for 2021. (Adopted)**

The purpose of this item is to request an exception to the competitive bid process for the purchase of services for a one-year term beginning January 1, 2021, from the Larimer Humane Society for the operation and management of the animal shelter. Approval of this exception may be used as authorized in City Code Section 8-161(d)(4) as the basis for the City Manager and the Purchasing Agent to negotiate and agree to the additional purchase of animal control services from the Larimer Humane Society through December 2025 without further Council approval.

Exception to Competitive Bidding Rationale: Code Section 8-161(d)(1)(a). There exists only one (1) responsible source.

14. **Resolution 2020-109 Adopting the 2020 Update to the Three-Mile Plan for the City of Fort Collins. (Adopted)**

The purpose of this item is to update the *Three-Mile Plan for the City of Fort Collins* ("Plan"). The Plan is a policy document for coordinating future annexation and provision of services required to be updated annually per Colorado Revised Statutes, Section 31-12-105 which requires that cities complete a plan within three miles in any direction from its municipal boundary. The Plan describes the general location, character, utilities, and infrastructure for areas of potential annexation.

This State-required annual update is routine and recurring and highlights the changes to approved plans and other documents applicable to those areas defined in the State Statutes over the past year. Note that the last standalone update was completed in 2018, as the recent adoption of updates to the comprehensive plan (City Plan) fulfilled the annual update requirement in 2019.

15. **Resolution 2020-110 Appointing Kristin Brown and Leviy Johnson as Assistant Municipal Judges of the Fort Collins Municipal Court and Authorizing the Execution of Employment Agreements. (Adopted)**

The purpose of this item is to appoint Kristin Brown and Leviy Johnson as Assistant Municipal Judges for the Fort Collins Municipal Court. The City Charter provides for the appointment of judges of the Municipal Court for two (2) year terms. Chief Judge Jill A. Hueser recommends that Ms. Brown and Mr. Johnson be appointed as Assistant Municipal Judges, to serve in the absence of the Chief Judge.

16. **Resolution 2020-111 Acknowledging Compliance with Established Performance Review, Goal Setting and Compensation Setting Process for the City Manager, City Attorney and Chief Judge. (Adopted)**

The purpose of this item is to acknowledge that Council conducted the performance reviews of Chief Judge, City Attorney and City Manager in an executive session on November 10, 2020. According to their individual contracts each Council-appointed employee salary is reviewed annually. Prior to the November 10 executive session, all three employees stated in light of the City's decision not to provide merit increases to the City employees due to budgetary constraints except for those in the collective bargaining unit, they did not want any consideration of a merit increase.

17. **Resolution 2020-113 Establishing a Process for City Council Selection and Appointment of a District 4 Councilmember to Fill a Vacancy Due to the Resignation of Mayor Pro Tem Kristin Stephens. (Adopted)**

The purpose of this item is to establish the process to be used in filling a vacancy in the District 4 Council seat. Mayor Pro Tem Kristin Stephens has tendered her resignation from Council effective December 31, 2020, as a result of her recent election to the Larimer County Board of Commissioners.

● **CONSENT CALENDAR FOLLOW-UP**

Mayor Troxell commented on Item No. 9, *First Reading of Ordinance No. 153, 2020, Adopting the 2021 Larimer County Regional Transportation Capital Expansion Fee Schedule*, stating it is a good news item and noting all fees collected are used to improve regionally significant roads within the City's growth management area.

Mayor Troxell commented on Item No. 16, *Resolution 2020-111 Acknowledging Compliance with Established Performance Review, Goal Setting and Compensation Setting Process for the City Manager, City Attorney and Chief Judge*, stating Council has confidence in its three direct report employees and is grateful for their leadership. He stated this resolution signifies the annual reviews happened according to contracts and noted all three Council-appointed employees opted out of consideration for merit increases based on the City's decision to not provide merit increases to City employees due to budget constraints.

Mayor Pro Tem Stephens thanked Council's three direct employees for the work they do for the community. She commented on the process around Item No. 17, *Resolution 2020-113 Establishing a Process for City Council Selection and Appointment of a District 4 Councilmember to Fill a Vacancy Due to the Resignation of Mayor Pro Tem Kristin Stephens.*

● **COUNCILMEMBER REPORTS**

Councilmember Pignataro reported on attending a webinar put on by Gallegos Sanitation regarding best practices for recycling in Northern Colorado.

Councilmember Cunniff reported on the upcoming CML Policy Committee meeting.

Councilmember Gorgol reported the next ad hoc Housing Committee meeting is on December 10 at 5:00 PM and on a speaker who will be making a presentation tomorrow morning at 8:00 AM.

Councilmember Summers reported on the current Colorado General Assembly session and its focus on providing reliable internet service throughout the state. He also commented on the Serve 6.8 holiday giving trees.

Mayor Troxell reported on Small Business Saturday and a virtual meeting with Bauder Elementary School first graders.

● **DISCUSSION ITEMS**

18. **Resolution 2020-112 Adopting the City's 2021 Legislative Policy Agenda. (Adopted as Amended)**

The purpose of this item is to consider and adopt the City's 2021 Legislative Policy Agenda. Each year the Legislative Review Committee develops a legislative agenda to assist in the formation, analysis, and advocacy of pending legislation and regulation. The Legislative Policy Agenda is used as a guide by Council and staff to determine positions on legislation and regulation under consideration at the state and federal levels and as a general reference for state legislators and the City's congressional delegation. The Legislative Review Committee recommended adoption of the 2021 agenda at its October 30, 2020 meeting.

Tyler Marr, Interim Director of Information and Employee Services, noted this Legislative Policy Agenda has been recommended for adoption by the Legislative Review Committee (LRC). He highlighted specific changes related to a new childcare section that is aligned with Council priorities and legislative conversations, changes to the public safety section that include changes recommended by Police Services, the LRC, and a community group working with Social Sustainability, and an underscoring of the importance of funding for watershed recovery due to wildfires.

Patricia Miller noted changes were also made to the immigration section of the Policy Agenda and encouraged Council to be as favorable as possible toward the immigrant community.

Councilmember Summers questioned whether immigration issues are relevant to State House policies. He commented on the topic being more of a community trust statement than a legislative review. He noted there is no reference to border security or violence issues taking place at the border. Councilmember Summers also commented on there being no mention of economic issues outside of how to support the local government which is stated as a glaring oversight in the document.

Mayor Pro Tem Stephens thanked Ms. Miller for providing language for the immigration section. She supported the additions to the Policy Agenda noting community members have deemed these issues to be important. She also commented on serving on the Human Development Committee for the National League of Cities noting it adopted some of the same immigration language as was suggested by Ms. Miller. She also supported the inclusion of a priority on childcare.

Councilmember Gorgol commended the inclusion of childcare as well as the language around air quality and oil and gas changes. She also commended the immigration inclusion and asked about the \$500 value stipulation that was mentioned. Marr replied it was a result of work in the Social Sustainability group. He noted state law prevents providing any type of benefit such as a gift card for participation in processes. The item mentioned in the Policy Agenda requests an exemption to that part of the law moving forward. City Attorney Daggett clarified the \$500 amount could be changed.

Councilmember Gorgol suggested either raising that amount or eliminating it.

Councilmember Cunniff commented on economic health being woven throughout the document. He suggested including economic health under the subheading of finance along with high-performing government and adding an item number 7 that would mention support of programs that provide economic assistance to businesses and individuals impacted by the COVID-19 pandemic. Marr agreed with that inclusion.

Councilmember Summers commented on assistance being government funds. He questioned whether there is a specific state law or bill that the City is proposing to address the issue. Marr replied staff did not run through Colorado Municipal League's legislative proposals for this particular issue.

Councilmember Summers suggested the City should initiate language for a proposal if it is a priority. He also commented on subsidizing funding for childcare. He questioned including undocumented residents' feedback on the Policy Agenda and not including feedback from the Chamber of Commerce or developers. He stated the document could be more strategic with a different approach and questioned whether the document provides any legislative achievements.

Mayor Troxell asked if meetings with state legislators have been planned. Marr replied it is planned for next week.

Councilmember Cunniff stated this document is intended to guide staff as legislation moves forward.

Councilmember Pignataro thanked Councilmembers Summers, Cunniff, and Gutowsky for their service on the Legislative Policy Committee. She asked about the reaction to this document by staff and the legislative body. Marr replied the document is modified with graphics to become easily readable for the legislative body, and for staff, it is an invaluable tool to allow for quick responses.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Resolution 2020-112.

Mayor Troxell noted Council is always able to act on legislation outside of this document.

Councilmember Cunniff requested a friendly amendment to add economic health to the subheading of finance and to add item number 7 which would read 'supports programs which provide economic assistance to organizations and individuals impacted by the COVID-19 pandemic.' Mayor Pro Tem Stephens accepted the amendment as friendly.

Mayor Pro Tem Stephens asked about changing the dollar amount, per Councilmember Gorgol's suggestion, under the immigration section.

Councilmember Gorgol questioned how dollars are tracked when other agencies are receiving and distributing public benefit. City Attorney Daggett replied the cap requirement is on the entity providing the public benefit and each entity is not required to consider what other entities are providing in the way of assistance. Additionally, for any entity with which the City contracts to provide a benefit on the City's behalf, the same cap would apply.

City Attorney Daggett suggested adding a new section that would exempt the City from following the verification process for any particular local public benefit that is valued at less than a particular dollar amount, or that is not provided directly to the beneficiary by the City.

Councilmember Summers asked if the entire document is provided to legislators. Marr replied in the affirmative and noted specific items are highlighted at each meeting opportunity.

Councilmember Cunniff suggested the Legislative Policy Committee could meet prior to the Wednesday meeting to determine a short list.

Mayor Pro Tem Stephens commended the document and its usefulness for legislators.

Councilmember Gorgol stated she would be fine leaving the \$500 limit.

Mayor Pro Tem Stephens and Councilmember Cunniff accepted the wording changes made by City Attorney Daggett.

Mayor Troxell commented on the ever-changing nature of the Legislative Policy Agenda.

RESULT:	RESOLUTION 2020-112 ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

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

19. **Public Hearing and First Reading of Ordinance No. 155, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Cottonwood Manufactured Housing Community Rezoning.** (Adopted on First Reading)

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to amend the City's Zoning Map to change the zoning designation for the Cottonwood Manufactured Housing Community (MHC), one of six properties containing manufactured housing communities proposed to be rezoned to the Manufactured Housing (M-H) zone district to support manufactured housing preservation. This rezoning request has been initiated by the City of Fort Collins.

The Cottonwood MHC is located at 1336 Laporte Avenue and the zoning is proposed to change from the Low Density Mixed-Use Neighborhood (LMN) zone district to the Manufactured Housing (MH) zone district.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 5-1 at their November 5, 2020 hearing to recommend approval.

Mayor Troxell outlined the hearing process for zoning and rezoning items Council will follow for each of the upcoming rezoning hearings.

Lisa Felix stated she manages the Skyline Manufactured Housing Community.

Peter Goldstein stated he is one of the owners of the Northstar Manufactured Housing Community.

Caryn Champine, Planning, Development, and Transportation Director, discussed the process that has led to these rezonings.

Cameron Gloss, Planning Manager, noted these rezoning requests have been initiated by the City and these actions account for six of the nine manufactured housing communities in the city. He stated all six of these are currently zoned Low-Density Mixed-Use Neighborhood (LMN) and they vary dramatically in size. He discussed the locations of each of the neighborhoods and noted Northstar and Skyline would each have split zonings with a portion of each being retained as LMN and the portion containing manufactured housing units being rezoned to Manufactured Housing Community (MHC). He discussed the Northstar commercial frontage on Laporte Avenue and the single-family and two-family dwellings that will remain in the LMN zone at the Skyline property.

Gloss stated rezoning criteria include consistency with City Plan, that the rezoning is warranted by changes in the neighborhood, compatibility with existing and proposed uses, whether there are any adverse impacts on the natural environment, and that the rezoning would result in a logical and orderly development pattern. He detailed how each criterion is being met and discussed the need for affordable manufactured housing in the community.

Gloss discussed the public outreach process regarding these rezonings which included a series of neighborhood meetings and conversations with property owners. He outlined the staff findings for the proposed rezonings noting that staff has found the amendments to be consistent with City Plan, compatible with existing and proposed uses, appropriate for the properties, would not cause negative impacts to the natural environment, and would result in a logical and orderly development pattern.

Regarding the Cottonwood property specifically, Gloss noted staff received three letters expressing concern about the condition of the park.

Ms. Felix, Sun Communities, stated she is a manager of the Skyline manufactured housing community and noted Sun Communities has proposed a new manufactured housing development

in Fort Collins. She stated the state allows for community residents to come together to purchase a park if desired. She opposed the rezoning as it limits the pool of potential buyers for a property by limiting allowed uses.

(Secretary's Note: Ms. Felix's comments were directed at the topic for Item No. 21, *Public Hearing and First Reading of Ordinance No. 157, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Skyline Manufactured Housing Community Rezoning*, rather than this item.)

Joe Rowan stated it is important to take this step as it does help to recognize manufactured housing as a component of the city's housing stock; however, as there is no limit on lot rents, he stated it is disingenuous to suggest this furthers the City's affordable housing goals.

Mayor Troxell asked whether these rezonings would require communities to be brought up to standard, specifically citing unpaved roadways in the Cottonwood community. Gloss replied this property was brought into the city limits in 1954 and developed under those standards at the time, which differ considerably from today's standards. He noted the City does not retroactively consider site improvements as something it can require; however, there could be other nuisance code requirements that could be enforced.

Mayor Troxell asked about the enforcement of standards related to utilities. Gloss replied the standards would not be the same as for newer communities and changes would not be required retroactively.

Mayor Troxell asked if the electric service to the property is underground to each unit and whether there is a master meter. Gloss replied it appears all utilities are underground.

Mayor Troxell asked if there are any issues with stormwater. Gloss replied there are no floodplain issues; however, he could not speak to whether there are drainage issues in the community.

Mayor Troxell asked if there is an incentive for the park owners to improve the property. Gloss replied there may be some grant opportunities; however, he could not speak definitively on specifics. He noted that part of the long-range strategy for residents' rights does include incentives for infrastructure improvements. He also clarified the Cottonwood park is not sub-metered; a formula is utilized to calculate the monthly water cost per unit.

Councilmember Summers asked about outreach to community owners. Gloss replied staff sent certified letters to property owners and have engaged with owners of five of the six sites. The owner at the Cottonwood site did not engage with staff nor acknowledge receipt of the certified letters.

Councilmember Summers asked about the status and impact of state laws that may have yet to be implemented. JC Ward, Senior Planner, replied a pair of House bills were passed earlier this year and staff has been involved in the legislative rulemaking associated with both bills. Additionally, staff has been following some items that were submitted to the state complaint system through the mobile home park oversight act.

Councilmember Summers asked if there is any data on how many units are owned versus rented and how much lot rents are. Ward replied staff does have information as to the approximate percentage of rental units, though there are some questions around units that are owned by a park

and rented out. She stated lot rents vary considerably throughout parks. She noted staff does not have that data for Cottonwood specifically as residents did not respond to surveys and there has been no contact with the owner.

Mayor Troxell expressed concern about the level of safety and upkeep at Cottonwood.

Councilmember Summers asked if state living standards apply to manufactured housing units. Ward replied there are specific rules that apply to mobile homes as well as fair housing act regulations. She noted the City is working with CSU regarding water quality issues at all mobile home parks, including Cottonwood.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gorgol, to adopt Ordinance No. 155, 2020, on First Reading.

Mayor Pro Tem Stephens stated she would be interested in looking at how other communities address livability issues perhaps by providing incentives to property owners. She stated this housing is affordable and retaining this stock is important.

Councilmember Cunniff noted this is one component of many in an affordable housing strategy and, while there are livability issues that need to be addressed, it is important that this stock is preserved.

Councilmember Gorgol noted this is a preservation issue and stated this change fits nicely with moving toward resident-owned communities.

Councilmember Gutowsky commented on the value of community in these neighborhoods and stated this zoning change is a good step toward providing housing security for residents.

Mayor Troxell discussed the importance of affordable housing in other more durable forms. He stated he would support the motion but noted livability should be a basic right.

RESULT:	ORDINANCE NO. 155, 2020 ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Emily Gorgol, District 6
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

20. **Public Hearing and First Reading of Ordinance No. 156, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property known as the Northstar Manufactured Housing Community Rezoning. (Adopted on First Reading)**

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to amend the City's Zoning Map to change the zoning designation for the North Star Manufactured Housing Community (MHC), one of six properties containing manufactured housing communities proposed to be rezoned to the Manufactured Housing (M-H) zone district to support manufactured housing preservation. This rezoning request has been initiated by the City of Fort Collins.

North Star MHC is located at 1700 Laporte Avenue and the zoning is proposed to change from the Low Density Mixed-Use Neighborhood (LMN) zone district to a combination of the Manufactured Housing (MH) zone district and the Low Density Mixed-Use Neighborhood zone district.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 5-1 at their November 5, 2020 hearing to recommend approval.

(Secretary's Note: City Attorney Daggett withdrew from the discussion of this item due to a conflict of interest. Deputy City Attorney John Duval filled in for her.)

Cameron Gloss, Planning Manager, stated the Northstar manufactured housing community is somewhat different in that a split zoning is proposed. He noted a previous zoning administrator issued the interpretation that the commercial parcel qualifies as an LMN neighborhood center which allows a host of non-residential uses. He stated staff believes the proposed split rezoning is appropriate and meets necessary criteria.

Peter Goldstein, Northstar owner, suggested Council do some research on the business itself prior to making any decisions. He noted the costs of more onerous standards will ultimately be passed on to residents thereby affecting affordability. He stated grants or low-cost loans would be very helpful for owners to improve and maintain parks. He also stated the split zoning for his property is critical.

Eric Sutherland discussed the sequence of events that has led to these rezoning items, including a moratorium, and stated this seems to be a staff-driven initiative rather than Council-driven. He discussed tax increment financing.

Councilmember Cunniff noted affordable housing has been on the Council Work Plan since the Council retreat at the beginning of this Council's term and mobile home park preservation was one of the items discussed along those lines. He noted Councilmember Gorgol requested the priority of this item be raised to allow for Council to take some action, which has now occurred. He stated it was very much a Council-driven process. City Manager Atteberry concurred.

Councilmember Summers thanked Mr. Goldstein for his comments and asked about the number of rented versus owned units at Northstar. Mr. Goldstein replied that varies by park, but his personal strategy is to have tenant-owned homes as it is expensive to maintain rental units. He stated Northstar has 65 tenants and the rent is between \$650 and \$725 per pad plus utilities. He stated his park is sub-metered.

Councilmember Summers asked about the average square footage of the units. Mr. Goldstein replied a typical mobile home today is about 14' wide by 56' feet long; however, his park has much smaller lots. He commented on costs associated with mobile homes and on the value of mobile homes increasing. He also expressed concern about the rezonings as they will not likely be returned to the current zoning in the future.

Mayor Pro Tem Stephens asked if this ordinance includes the split zoning retaining the Laporte frontage as LMN. Gloss replied in the affirmative.

Mayor Troxell asked if tiny houses could be built under this zoning. Gloss replied in the affirmative.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 156, 2020, on First Reading.

Councilmember Cunniff stated he would support the motion and commented on the importance of this zoning ensuring all present and future owners have the same expectations.

Mayor Pro Tem Stephens thanked Mr. Goldstein for his comments and insight and stated she would support the motion.

RESULT:	ORDINANCE NO. 156, 2020 ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Susan Gutowsky, District 1
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

21. **Public Hearing and First Reading of Ordinance No. 157, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Skyline Manufactured Housing Community Rezoning. (Adopted on First Reading)**

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to amend the City's Zoning Map to change the zoning designation for the Skyline Manufactured Housing Community (MHC), one of six properties containing manufactured housing communities proposed to be rezoned to the Manufactured Housing (M-H) zone district to support manufactured housing preservation. This rezoning request has been initiated by the City of Fort Collins.

The Skyline MHC is located at 2211 West Mulberry Street and the zoning is proposed to change from the Low Density Mixed-Use Neighborhood (LMN) zone district to a combination of the Manufactured Housing (MH) zone district and the Low Density Mixed-Use Neighborhood zone district.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 5-1 at their November 5, 2020 hearing to recommend approval.

(Secretary's Note: Councilmember Gorgol withdrew from the discussion of this item due to a conflict of interest.)

Cameron Gloss, Planning Manager, stated this property is a 25-acre manufactured housing community west of Taft Hill Road and south of Mulberry. The proposal for this site is also for split zoning that would retain LMN zoning for existing single-family housing and duplexes. Gloss stated staff has found this rezoning meets all applicable criteria.

(Secretary's Note: Lisa Felix, Sun Communities, made comments during the discussion of Item No. 19, *Public Hearing and First Reading of Ordinance No. 155, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Cottonwood Manufactured Housing Community Rezoning*, and requested they be applied to this item.)

Lisa Felix, Sun Communities, agreed with Mr. Goldstein's comments from an ownership perspective.

Council agreed to incorporate by reference the previous comments made by Ms. Felix.

Councilmember Summers asked if individuals abandoning mobile homes is a frequent occurrence. Ms. Felix replied that does occur most often with older homes and in cases where individuals cannot afford to maintain their homes. She commented on the high cost of having to remove and replace homes.

Mayor Troxell asked about the water metering at the Skyline property. Ms. Felix replied the water system is very safe and backflow devices are installed, though she could not speak to individual properties in terms of how they are maintaining their pipes. She stated utilities are underground and tree and lot maintenance has been the responsibility of the owners; however, any dead or dying tree would be removed at the cost of the landlord. She stated new state regulations make tree trimming the responsibility of the landlord as well.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 157, 2020, on First Reading.

Mayor Pro Tem Stephens noted Council received many emails and letters from manufactured housing residents which are part of the public record.

RESULT:	ORDINANCE NO. 157, 2020 ADOPTED ON FIRST READING [6 TO 0]
MOVER:	Kristin Stephens, District 4
SECONDER:	Susan Gutowsky, District 1
AYES:	Pignataro, Gutowsky, Summers, Stephens, Troxell, Cunniff
RECUSED:	Gorgol

22. **Public Hearing and First Reading of Ordinance No. 158, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Harmony Village Mobile Home Park Rezoning. (Adopted on First Reading)**

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to amend the City's Zoning Map to change the zoning designation for the Harmony Village Manufactured Housing Community (MHC), one of six properties containing manufactured housing communities proposed to be rezoned to the Manufactured Housing (M-H) zone district to support manufactured housing preservation. This rezoning request has been initiated by the City of Fort Collins.

The Harmony Village MHC is located at 2500 East Harmony Road and the zoning is proposed to change from the Low Density Mixed-Use Neighborhood (LMN) zone district to the Manufactured Housing (M-H) zone district.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 5-1 at their November 5, 2020 hearing to recommend approval.

Cameron Gloss, Planning Manager, stated Harmony Village is the largest manufactured housing community in Fort Collins. He discussed the location and zoning history of the property and stated staff has found all applicable criteria for the rezoning have been met.

Andrea (indecipherable last name) provided a pre-recorded comment in support of the rezoning.

(Indecipherable first name) Alvarez provided a pre-recorded comment in support of the rezoning citing the benefits of the Harmony Village location.

Alvaro (indecipherable last name) provided a pre-recorded comment in support of the rezoning.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Pignataro, to adopt Ordinance No. 158, 2020, on First Reading.

Mayor Pro Tem Stephens thanked the individuals who provided comments.

Councilmember Summers expressed concern this process has made residents fear they are going to lose their homes noting this rezoning does not provide any guarantees for residents. He reiterated Council's commitment to ensuring these neighborhoods remain vibrant and affordable.

RESULT:	ORDINANCE NO. 158, 2020 ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Julie Pignataro, District 2
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

23. **Public Hearing and First Reading of Ordinance No. 159, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Hickory Village Mobile Home Park Rezoning. (Adopted on First Reading)**

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to amend the City's Zoning Map to change the zoning designation for the Hickory Village Manufactured Housing Community (MHC), one of six properties containing manufactured housing communities proposed to be rezoned to the Manufactured Housing (M-H) zone district to support manufactured housing preservation. This rezoning request has been initiated by the City of Fort Collins.

The Hickory Village MHC is located at 400 Hickory Street and the zoning is proposed to change from the Low Density Mixed-Use Neighborhood (LMN) zone district to the Manufactured Housing (M-H) zone district.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 5-1 at their November 5, 2020 hearing to recommend approval.

(Secretary's Note: Councilmember Gorgol withdrew from this discussion due to a conflict of interest.)

Cameron Gloss, Planning Manager, discussed the location of the property and noted it is very well-maintained. He stated staff has found this rezoning to meet all applicable criteria.

Mrs. Mendoza provided a pre-recorded comment in support of the rezoning.

Mrs. Gutierrez provided a pre-recorded comment in support of the rezoning.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 159, 2020, on First Reading.

Mayor Troxell asked if there are any stormwater issues with this property. Teresa Connor, Utilities, replied there is a lack of drainage in the area and the proposed outfall project will be partially funded by the URA to assist with those issues. Gloss noted the park itself is outside the 100-year floodplain.

RESULT:	ORDINANCE NO. 159, 2020 ADOPTED ON FIRST READING [6 TO 0]
MOVER:	Kristin Stephens, District 4
SECONDER:	Susan Gutowsky, District 1
AYES:	Pignataro, Gutowsky, Summers, Stephens, Troxell, Cunniff
RECUSED:	Gorgol

24. **Public Hearing and First Reading of Ordinance No. 160, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Pleasant Grove Manufactured Housing Community Rezoning. (Adopted on First Reading)**

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to amend the City's Zoning Map to change the zoning designation for the Pleasant Grove Manufactured Housing Community (MHC), one of six properties containing manufactured housing communities proposed to be rezoned to the Manufactured Housing (M-H) zone district to support manufactured housing preservation. This rezoning request has been initiated by the City of Fort Collins.

The Pleasant Grove MHC is located at 517 East Trilby Road and the zoning is proposed to change from the Low Density Mixed-Use Neighborhood (LMN) zone district to the Manufactured Housing (M-H) zone district.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 5-1 at their November 5, 2020 hearing to recommend approval.

Cameron Gloss, Planning Manager, stated this site was developed in Larimer County and is one of the smaller parks in the city. He stated staff has found the rezoning to be compatible with all applicable criteria.

Mayor Troxell asked if this property is near a proposed location of the mental health facility or the Sun Communities development. Gloss replied the Sun Communities proposal would be immediately south of this site and it is not in the immediate vicinity of the mental health facility site.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gorgol, to adopt Ordinance No. 160, 2020, on First Reading.

Mayor Pro Tem Stephens commented on the importance of saving these communities and on the value they provide to residents.

RESULT:	ORDINANCE NO. 160, 2020 ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Emily Gorgol, District 6
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

25. Consideration of an Appeal of a Landmark Preservation Commission Decision Determination that 724 and 726 South College Avenue are Eligible for Designation as a Fort Collins Landmark. (Adopted)

The purpose of this item is to consider an appeal of the September 16, 2020 Landmark Preservation Commission's determinations of landmark eligibility for 724 and 726 South College Avenue, which found that both primary residential buildings meet the Fort Collins Municipal Code ("City Code") requirements for landmark designation based on architectural significance and historic physical integrity. On September 30, 2020, a Notice of Appeal was filed alleging that the Landmark Preservation Commission (LPC) failed to properly interpret and apply City Code Section 14-22 in rendering a final decision.

Mayor Troxell outlined the public participation options and procedures.

City Attorney Daggett provided an outline of the appeal process.

Paul Sizemore, Interim Community Development and Neighborhood Services Director, discussed the Landmark Preservation Commission's consideration of an appeal of two determinations of eligibility for designation as Fort Collins landmarks. He stated the Commission found that both residential buildings in question do meet the City's Code requirements for historic resources based on their significance and historic integrity in a five to one vote with the dissenting member citing loss of residential character on the rest of the block. The decision has been appealed by the property owner.

Sizemore detailed the location of the buildings and discussed the sequence of events leading to this appeal. He noted both buildings were determined to not be eligible for landmark designation in 2014 when a development was considered for the property. That determination was valid for five years. In March of 2019, Council adopted changes to the Code that require a new process involving full, intensive level surveys by a third-party professional for all determinations of eligibility. Sizemore stated that a new determination was required for these properties due to the expiring determination and intensive historic surveys were conducted in February of 2020. Those surveys concluded that both properties are eligible for Fort Collins landmark designation and the new determinations were issued in July of 2020. That decision was appealed and upheld by the Landmark Preservation Commission which has led to this appeal.

Sizemore clarified this determination of eligibility does not automatically result in formal landmark designation and does not initiate that process; however, the determination of eligibility does determine which regulations will apply during the development review process. He outlined the processes that would occur should Council uphold or overturn the Commission's determination and reviewed the definitions of integrity factors. Sizemore detailed the Commission's determinations related to significance for each building and discussed the appellants' determination that the buildings should not be eligible for landmark designation.

Mayor Troxell noted an organized site visit was conducted and requested Councilmembers discuss their observations from the visit.

Councilmember Cunniff stated he observed the two buildings in question and specific attributes that were deemed to be original and others that were deemed to be modifications. He stated he had some reservations about the condition of the buildings.

Mayor Troxell stated he observed the two buildings and noted the deterioration of the exterior was significant for 724 South College and significant modifications seemed present. He also commented on the extension of asphalt from the properties' foundation to the alley.

Mayor Troxell requested the appellants and parties-in-interest identify themselves.

Nicole Ament, counsel for Gannett Properties, introduced herself and the Alpine Dental team, Dr. Mick McDill and Dr. Todd Rosenzweig, and Michael LaFlash, historic consultant, as the appellants. No parties opposing the appeal were identified.

Mayor Troxell outlined the time allotments for the hearing.

Dr. McDill discussed the history of their Alpine Dental clinic and noted they purchased the two buildings at 724 and 726 South College for an expansion of that clinic, which they would not have done had they known the historical designation could change. He stated they were not aware of the five-year expiration of the previous designation related to the buildings not being eligible. He discussed their desire to remain in Old Town noting the area is underserved in the dental arena.

Ms. Ament stated the setting of the buildings was what was used in the previous determination that they were not historically eligible, and the Commission ignored that aspect in its decision.

Mr. LaFlash, Heritage Consulting Group historic preservation consultant, discussed the location of the buildings and noted the setting has changed since the homes were built from a residential area to a commercial area. He discussed the construction of the homes and detailed why he does not believe they are eligible for historic designation noting they have twice been determined to not meet criteria for historic designation, both in 1980 when the Laurel School Historic District was formed and the subject buildings were specifically excluded, and again in 2014 with the demolition/alteration review process that was in place at the time.

Mr. LaFlash noted the Commission's determination relied on the 2019 reconnaissance survey which provided no new or additional information. He stated the properties have not changed since 2014 and both are void of design ornamentation and are therefore somewhat limited in their ability to be dedicated as individual resources. Additionally, the historic context has been lost thereby making significance difficult to illustrate.

Mayor Troxell requested input regarding the conflicting designations. Maren Bzdek, Historic Preservation Planner, replied these two properties were not evaluated in 1980 as part of the Laurel School Historic District as the District boundaries were drawn along the zone district boundaries for the residential district that continues to exist today. In 2014, the determination process was different than it is today as the process came before the 2019 Code changes that require an intensive level survey. In 2014, the determination was not made by the entire Landmark Preservation Commission, but rather by the Commission's Chair and the Community Development and Neighborhood Services Director.

Mayor Troxell asked how staff is aware the Historic District did not evaluate the College Avenue properties. Bzdek replied the documentation for the District followed the logic for what could be protected inside the boundary based on history and current use.

Mayor Troxell questioned why the boundary was drawn where it was if these homes are significant. Bzdek replied a certain logic is applied when district boundaries are drawn and it is presumed there are properties immediately abutting district boundaries that could potentially be significant.

Mayor Troxell commented on the lack of context in the explanation and for the properties. He asked if the processes in 2014 were insufficient. Bzdek replied the process was relatively superficial compared to today's process and it did not allow for the consideration of potential significance under the Code criteria because only the architecture of the buildings and comparative photo sets were considered. The 2019 changes were meant to ensure the documentation was more of an evidence-based process requiring a full investigation into the historic records relevant to properties.

Mayor Troxell stated the process is still superficial as the buildings' interiors still are not examined. Bzdek acknowledged that is true but stated only the buildings' exteriors are relevant for local landmark designation.

Mayor Troxell asked why the 1997 commercial district included these houses. Bzdek replied the consideration for eligibility does not consider the use of the property as the assumption is a building's use can change over time.

Mayor Troxell asked how each of these houses stack up to the Avery House in terms of historical significance. Bzdek replied the Avery House is recognized under several criteria including its association with Franklin Avery and its significant high-style architecture, whereas these buildings are examples of vernacular, wood-framed structures. She stated many Fort Collins landmarks are vernacular buildings as Fort Collins' roots are based on modest economic circumstances.

Mayor Troxell stated the Council direction provided during the 2019 Code changes was to prioritize potential landmarks and stated he feels that has been misused in this case and these properties should not be a priority as they do not stand out and are not significant for association. He stated this is a misuse of the funds provided for the surveys.

Councilmember Pignataro asked if the main difference in the 2014 and 2019 process is the inclusion of the third-party evaluation. Bzdek replied the 2019 Code changes included the requirement for determinations of eligibility to be based on an intensive-level survey by an outside professional historic consultant who is familiar with local building stock and local architectural context. Additionally, in 2019, the requirement for evaluation regarding context was eliminated.

Councilmember Pignataro asked if the seven aspects of integrity are all weighted equally. Bzdek replied the federal guidance as well as the Code require evaluation of all seven aspects to decide in totality about a building's integrity. She stated there are aspects of integrity that are more important for certain criteria of significance than others. For example, if one establishes significance for a property based on its design and construction and is looking at the property as an individual property, then design, materials, and workmanship are of primary importance for

evaluation. She stated all seven aspects are examined in each determination, but not all are required to be present to establish integrity.

Councilmember Cunniff asked if the fact that nearby buildings have changed dramatically since their construction is relevant to the determinations made for these properties. Bzdek replied the changes to the broader context on the block are part of the evaluation process when looking at the aspect of setting. When looking at design and construction, what matters most is the integrity of the buildings themselves. The loss of setting is less important than the design, materials, and workmanship of the buildings.

Councilmember Cunniff asked about the context requirement change with the 2019 Code revisions. Bzdek replied that Code requirement is no longer in place and setting is now only defined as per the National Register and newly codified process.

Councilmember Cunniff asked if this evaluation was triggered by a development review process, not by the selective overlay and survey process. Bzdek replied in the affirmative.

Councilmember Cunniff asked if the Commission evaluated all seven aspects in discussing the eligibility of these properties. Bzdek replied in the affirmative.

Mayor Pro Tem Stephens requested information regarding the difference between eligibility and declaring a property a historic landmark. Bzdek replied the eligibility determination process is used in various procedures and she discussed the processes that would occur in each case.

Mayor Troxell stated the 2019 Code changes were misused in this case. He stated the value of historic preservation is being diminished by the lack of prioritization.

Councilmember Gutowsky asked when the designations were made in relation to when the properties were originally purchased. Bzdek replied the applicant purchased the property in 2014 and the determination that they were not eligible was in place at that time. Had the applicants proceeded with their development plans prior to the five-year expiration of that determination, they would have been able to do so without the requirement of the reevaluation of the properties.

Councilmember Cunniff asked if priority is part of the Chapter 14 requirements. City Attorney Daggett replied she did not believe the process of prioritizing was built into the Code.

Councilmember Cunniff asked if contemplating whether other properties in the city might have significance would change the eligibility of any particular property to be considered. Bzdek replied it would not change the eligibility of any particular property.

Councilmember Cunniff made a motion, seconded by Mayor Pro Tem Stephens, that Council uphold the Landmark Preservation Commission's decision stating the Commission did not fail to properly interpret and apply City Code Section 14-22 in determining that 724 and 726 South College are eligible for historic landmark designation for reasons including that it did in fact determine the particular condition of eligibility with respect to the construction methods and techniques, that it did evaluate all seven criteria, and that there were no other questions about the quality of the Commission's work. He further moved, that except as so stated, based on the evidence in the record and presented at this hearing, any other issues raised in the appeal are hereby found to be without merit and are denied.

Mayor Troxell made a motion, seconded by Councilmember Summers, to amend the motion to state the properties in question are eligible to be moved with the City allotting up to \$100,000 for reimbursement for that purpose.

City Attorney Daggett stated that particular amendment may not fit within the determination that Council needs to make regarding the determination of eligibility. She stated those matters could come up later as the property moves through a development process.

Mayor Pro Tem Stephens noted this is a discussion of eligibility rather than designation and stated the fate of these buildings will not be decided by this action.

Mayor Troxell stated it was Council's direction to prioritize based on the survey and that has not occurred.

Ms. Ament noted the properties would be treated as historic resources even if they are just deemed eligible.

Sizemore stated the determination of eligibility in the Code is the key decision point that determines whether or not a property goes down the pathway of being considered a historic resource in the development review process.

Councilmember Gutwosky asked if the buildings would still be owned by the applicants if they were to be moved and questioned where they would be moved. Mayor Troxell replied that would be done as part of the subsequent development review process.

City Attorney Daggett stated the process that would play out under the Land Use Code, which a determination of eligibility would help guide, would consider the question of what can be done with the buildings and how the property could be developed.

Councilmember Cunniff stated he would not support including a budget appropriation in an appeal determination but would support including language indicating the buildings would be equally eligible if they were relocated.

The vote on the motion to amend was as follows: Yeas: Troxell and Summers. Nays: Pignataro, Cunniff, Stephens, Gorgol and Gutowsky.

THE MOTION FAILED.

Councilmember Cunniff suggested a modification of the Commission's decision to state that the historic quality of the buildings is independent of their location.

Councilmember Cunniff made a motion, seconded by Mayor Pro Tem Stephens, to suspend the rules to continue the meeting past midnight to consider the remainder of this item and to consider such other business as may come before Council. Yeas: Stephens, Cunniff, Troxell, Gutowsky, Summers, Gorgol, and Pignataro. Nays: none.

THE MOTION CARRIED.

Mayor Pro Tem Stephens acknowledged these are tough decisions and commented on the importance of saving vernacular buildings. She expressed support for the decision made by the Landmark Preservation Commission.

Councilmember Cunniff agreed with Mayor Pro Tem Stephens and also commented on the importance of prioritizing how historic preservation resources are spent.

Councilmember Pignataro stated she would not support the motion on the table as she believes the appeal is correct.

Councilmember Cunniff stated he believes the Commission's opinion is consistent with the Land Use Code.

Mayor Troxell agreed with Councilmember Pignataro and stated he would oppose the motion on the table.

Councilmember Gorgol stated she is having difficulty seeing an overall sense of past time and place being present for these buildings as the location, setting, feeling, and association are not present in her opinion.

City Attorney Daggett provided new language related to Councilmember Cunniff's suggestion. Mayor Troxell and Councilmembers Summers, Gorgol, and Pignataro stated the language change would not alter their opinions.

The vote on the original motion upholding the Landmark Preservation Commission's decision was as follows: Yeas: Cunniff, Gutowsky and Stephens. Nays: Troxell, Summers, Pignataro and Gorgol.

THE MOTION FAILED.

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

Councilmember Pignataro made a motion, seconded by Councilmember Summers, that Council overturn the Landmark Preservation Commission's decision that 724 and 726 South College Avenue are eligible for historic landmark designation because the Landmark Preservation Commission failed to properly interpret and apply City Code Section 14-22(A) in finding that 724 and 726 South College met integrity criteria such as feeling and association. She further moved that, except as so stated, based on the evidence in the record and presented at this hearing, any other issues raised in the appeal are hereby found to be without merit and are denied.

Councilmember Cunniff stated he would not support the motion as the Code specifically states not all seven aspects of integrity are required to be present.

RESULT:	MOTION ADOPTED [4 TO 3]
MOVER:	Julie Pignataro, District 2
SECONDER:	Ken Summers, District 3
AYES:	Pignataro, Gorgol, Summers, Troxell
NAYS:	Gutowsky, Stephens, Cunniff

● **OTHER BUSINESS**

A. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers.

Councilmember Cunniff suggested Council request staff provide a summary of the Other Business discussions and any next steps in the Thursday packet following each Council meeting. City Manager Atteberry replied that could be done.

Councilmember Pignataro stated that type of summary could be valuable for Council as well.

Councilmember Summers noted citizens do not have the opportunity to comment on Other Business items.

B. Consideration of a Motion to call a Special Meeting at 6:00 p.m. on Wednesday, January 6, 2021, for matters related to filling a Council vacancy:

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, pursuant to Section 2-29(a) of the City Code, that the Council call a special meeting of the Council to take place on Wednesday, January 6, 2021, at 6:00 p.m. for consideration of matters related to the selection and appointment to fill a vacancy in the District 4 Council seat, including interviewing of applicants and possible action to select finalists or modify the selection and appointment process.

RESULT:	MOTION ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

● **ADJOURNMENT**

The meeting adjourned at 12:50 AM.



Mayor

ATTEST:



City Clerk

