

March 23, 2021

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Adjourned 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.)

Mayor Troxell requested a moment of silence for the victims of yesterday's Boulder King Soopers mass shooting.

● **ROLL CALL**

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

● **AGENDA REVIEW**

City Manager Atteberry stated Item No. 2, *Resolution 2020-030 Approving an Agreement to Secure Public Benefits for Mulberry Development as Provided in Service Plan for Mulberry Metropolitan District Nos. 1 through 6*, has been amended to more clearly define the obligations of the developer and to give the City discretion in the timing for requiring particular public benefits.

City Manager Atteberry stated the City is arranging for two free branch drop-off sites at Hageman Earth Cycle and the former Hughes Stadium site for the next six weeks. Additionally, branches will be picked up in a specific highly impacted area of town. He noted free mulch giveaways will occur in the spring. He stated the estimated cost of the storm is approximately \$3 million.

Mayor Pro Tem Cunniff asked if there will be assistance provided for those who cannot get branches to the drop off sites. Kelly DiMartino, Deputy City Manager, replied the Neighborhood Services Department is working on that along with volunteer resources.

● **DISCUSSION ITEMS**

1. **Resolution 2021-036 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Hearing Officer Decision Approving the 738 Campfire Drive Extra Occupancy Rental House #FDP 200018. (Adopted)**

*The purpose of this item is to make Findings of Fact and Conclusions regarding the Appeal of the Hearing Officer decision to approve the 738 Campfire Drive Extra Occupancy Rental House combined Project/Final Development Plan. The appeal was heard by Council on March 16, 2021.*

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Pignataro, to adopt Resolution 2021-036.

Mayor Pro Tem Cunniff expressed concern that Council seems to be more and more willing to interpret the Land Use Code and other codes as they wish it was written, and not how it is actually written, though he stated he would support the motion.

<b>RESULT:</b>	<b>RESOLUTION 2021-036 ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Julie Pignataro, District 2
<b>AYES:</b>	Pignataro, Gorgol, Potyondy, Gutowsky, Summers, Troxell, Cunniff

2. **Resolution 2020-030 Approving an Agreement to Secure Public Benefits for Mulberry Development as Provided in Service Plan for Mulberry Metropolitan District Nos. 1 through 6. (Adopted)**

*The purpose of this item is to consider a Resolution adopting the Agreement to Secure Public Benefits for the Mulberry Development (Public Benefits Agreement). The Public Benefits Agreement is contemplated in the Consolidated Service Plan for Mulberry Metropolitan Districts Nos. 1-6, approved by City Council on April 16, 2019 (Service Plan). Staff has completed its review of the Public Benefits Agreement to ensure it conforms to the Service Plan.*

*The public benefits structure of this public benefits agreement tracks very closely with the changes made to the last public benefits agreement the Council approved. However, some customization was needed to address the particular circumstances of the Mulberry project and where it is in the land use process. To address these issues, new language was added to make clearer what the developer's obligations are and the City discretion in the timing for requiring the particular public benefits that are tied to the development review process. These changes are an improvement to the public benefits agreement that ensures the City gets the public benefits promised as the project proceeds in phases.*

Clay Frickey, Redevelopment Manager, outlined the proposed project noting the applicants anticipate submitting a planned unit development application with the City in the coming months. He noted Council adopted the metro district service plan for the development on April 16, 2019 and this public benefits agreement secures the commitments made by the service plan. He detailed the public benefits to which the developer has committed noting they fall into four categories: affordable housing, infrastructure improvements, smart growth initiatives, and initiatives related to environmental sustainability. Frickey noted there are performance measures in place to assure public benefits are delivered throughout the development and not just at the end.

Jessie DeLaCruz expressed concern about zoning and land use as well as the possible implications of the East Mulberry annexation which would include Pleasant Acres.

Landon Hoover, Hartford Homes owner, provided updates on the development and discussed agreements that are in place to provide the committed affordable housing units.

Mayor Troxell asked about the proposed zoning for this development. Frickey replied most of the project will be low-density, mixed-use neighborhood with some commercial zoning along Mulberry. He also noted this development is separate from any possible East Mulberry annexation process.

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Pignataro, to approve Resolution 2021-030.

Mayor Pro Tem Cunniff stated he opposed the service plan in 2019; however, he stated he would support this motion. He noted the beginning of these processes is the time during which Council has the most input.

Councilmember Pignataro stated she would support the motion and concurred with Mayor Pro Tem Cunniff that the beginning of this process is the time during which Council has the most input.

Councilmember Gorgol noted this is the public benefits agreement for a metro district that was approved prior to her tenure on Council; therefore, she would support the motion.

Mayor Troxell stated he would support the motion and commended the public benefits being provided to the northeast portion of the community.

<b>RESULT:</b>	<b>RESOLUTION 2020-030 ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Julie Pignataro, District 2
<b>AYES:</b>	Pignataro, Gorgol, Potyondy, Gutowsky, Summers, Troxell, Cunniff

3. **First Reading of Ordinance No. 050, 2021, Amending Chapter 22 of the Code of the City of Fort Collins to Add a New Article V. Concerning the Establishment of Tourism Improvement Districts. (Adopted on First Reading)**

*The purpose of this item is to consider adoption of an ordinance outlining the requirements for establishing a Tourism Improvement District (TID). Visit Fort Collins (VFC) began exploring a TID based on engagement for the Tourism and Destination Master Plan. Due to the COVID-19 pandemic, hoteliers are looking for additional revenue streams. Lodging tax collections are down 47.6% through December 2020. A TID would allow hotels to levy an assessment or fee on all hotels that would allow the TID to undertake activities that would help increase demand for overnight visitation.*

*VFC contemplates a TID that would levy an assessment or fee on hotel businesses rather than the underlying property owner. This necessitates a local ordinance outlining the process for forming a TID, the powers of a TID, and TID governance, amongst others. If adopted by Council, VFC contemplates starting the formation process of a TID beginning in April with Council considering the TID in July.*

Clay Frickey, Redevelopment Manager, stated this item was initiated by Visit Fort Collins and discussed the negative impact of the pandemic on local tourism. He noted this item would permit the City to create a business-based improvement district for tourism. He stated the ordinance would allow a Tourism Improvement District (TID) to undertake promotion and marketing, organizing, promoting, marketing and management of public events, and provision and maintenance of tourism improvements. He also outlined the requirements of a TID and next steps.

Councilmember Gutowsky asked who collects the TID surcharge and how it is redistributed. Frickey replied the 3% assessment will be passed onto guests and the City will collect it as part of the lodging tax. The funds will then be returned to the TID for management and distribution. He noted there is a requirement for a TID to outline expenditures which will go before Council for approval annually.

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 050, 2021, on First Reading.

Mayor Pro Tem Cunniff noted this process will continue with the required petition process.

Councilmember Gutowsky commended the idea of a TID and noted revenue generation for hotels is important for Fort Collins.

Mayor Troxell thanked Visit Fort Collins for bringing this forward and stated he would support the motion.

<b>RESULT:</b>	<b>ORDINANCE NO. 050 ADOPTED ON FIRST READING [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Susan Gutowsky, District 1
<b>AYES:</b>	Pignataro, Gorgol, Potyondy, Gutowsky, Summers, Troxell, Cunniff

● **OTHER BUSINESS**

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

Councilmember Pignataro requested Council receive a memo it had previously received regarding the options and limits available to Council regarding gun violence. She requested and received Council support to request a legal analysis regarding Boulder's assault rifle ban.

Mayor Pro Tem Cunniff expressed support and noted the legislative policy agenda includes a line related to Council support of laws designed to reduce gun violence.


Councilmember Gutowsky expressed support for Councilmember Pignataro's suggestion.

Councilmember Summers commented on the current administration blocking media from reporting on the current situation at the border. He supported contacting the congressional delegation and urging them to encourage greater transparency around the impact of the current regulations and policies on conditions at the border.

Mayor Pro Tem Cunniff stated his concerns about the treatment of unaccompanied minors at the border remains and supported Councilmember Summers' suggestion to contact the congressional delegation. Other Councilmembers agreed.

● **ADJOURNMENT**

The meeting adjourned at 6:47 p.m.

  
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Mayor

ATTEST:

  
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City Clerk

