

AGENDA ITEM SUMMARY

February 7, 2017

City Council

STAFF

Wanda Winkelmann, City Clerk

SUBJECT

Consideration and Approval of the Minutes of the January 3 and January 17, 2017 Regular Council Meetings.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes from the January 3 and January 17, 2017, Regular Council meetings.

ATTACHMENTS

1. January 3, 2017 (PDF)
2. January 17, 2017 (PDF)

January 3, 2017

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

● **ROLL CALL**

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

Staff Present: Atteberry, Duvall, Winkelmann

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry stated there were no changes to the published agenda. He recognized Vince DeChand, owner of Counterfeit Press, for printing Council's agendas for 46 years.

● **CITIZEN PARTICIPATION**

Eric Tanning supported regulating short-term rentals but opposed the current draft ordinance.

Mel Hilgenberg mentioned global warming.

Heather Lahdenpara questioned how short-term rentals affect neighborhood livability.

James Janty expressed thanks for the proclamation addressing idling cars in cold temperatures in front of neighborhood schools. He opposed allowing non-primary short-term rentals in residential neighborhoods.

Ken Summers commended the proclamation on anti-human trafficking and recognized the U-count campaign.

Mike Pruznick stated 2016 was a year of exploitation in government.

Gina Janett encouraged only allowing primary short-term rentals and supported the current U + 2 Ordinance.

Bill Fairbank supported the regulation of short-term rentals.

Sally Lee commented on the value of neighborhoods and supported the regulation of short-term rentals.

Renee Sheri supported the regulation of short-term rentals stating downtown neighborhoods are being eroded by short-term rentals.

Maggie Dennis discussed the growth of short-term rentals and encouraged the development of an equitable solution for residents that preserves neighborhood livability and contributes to housing affordability and availability. She opposed non-primary short-term rentals.

Tamela Wahl echoed the comments regarding short-term rentals and opposed non-primary short-term rentals.

Eric Levine opposed the rebranding of the Climate Action Plan to the Road to 2020.

Katherine Dubiel shared an article regarding the explosion of short-term rentals.

Deborah James supported starting Sunday bus service as soon as possible and discussed housing in Fort Collins.

● **CITIZEN PARTICIPATION FOLLOW-UP**

Councilmember Overbeck requested a memo capturing tonight's comments made by residents regarding short-term rentals for the work session on January 10.

Councilmember Martinez asked about Mr. Pruznick's comment relating to the City's collection of food tax. Mike Beckstead, Chief Financial Officer, replied the City's 2.25% sales tax is applied to food and a comparison has been made with other communities regarding the amount. He stated he believes the City is in complete compliance with its Code and Charter; however, he will confirm that information with the Sales Tax office.

Councilmember Martinez asked if the rebranding of the Climate Action Plan was due to the Chamber of Commerce, as suggested by Mr. Levine. City Manager Atteberry replied feedback has been received from several different sources, including Councilmembers, regarding the development of a brand which relates to community members who are not climate experts.

Councilmember Campana stated the Futures Committee had a discussion regarding the rebranding. Jeff Mihelich, Deputy City Manager, replied the name change was not to address comments from the Chamber of Commerce and noted the Climate Action Plan was a framework. Council believed going from a framework to an operational plan required a rebranding; that effort resulted in the Road to 2020 as the next major milestone, which was a transitional name. Staff has identified a new name for both the Climate Action Plan and its operationalizing: Fortify Fort Collins, Healthy, Efficient, and Resilient.

Councilmember Cunniff noted the City's website may appear to be less emphatic on climate action than it had been. He stated he does not want to lose the "climate action" aspect.

Councilmember Cunniff commented on the housing voucher program, noting that is a federal program administered by Housing Catalyst. He stated he will look into the bedroom count advertising to address Ms. James' question.

Councilmember Stephens thanked the citizens who spoke regarding short-term rentals. She requested an update regarding Sunday bus service and reminded citizens there is a rebate program for food sales tax. She thanked Mr. Summers for his comments and work in the community.

Councilmember Campana thanked the citizens who spoke regarding short-term rentals. He stated staff responded to his previous questions confirming a bed and breakfast use requires a resident operator. He thanked Mr. Summers for his comments and work in the community.

Councilmember Cunniff thanked the citizens who spoke regarding short-term rentals.

Mayor Pro Tem Horak discussed the plan for the development of a short-term rental ordinance. He commented on the name of the Climate Action Plan and noted the important aspect of the issue is the funding of programs which are making a difference.

Councilmember Stephens stated it is important for citizens to understand the meaning of the name.

Mayor Troxell thanked the citizens who spoke and noted short-term rentals will be addressed at next week's work session.

● **CONSENT CALENDAR**

Mayor Pro Tem Horak made a motion, seconded by Councilmember Campana, to adopt and approve all items on the Consent Agenda.

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

1. **Consideration and Approval of the Minutes of the December 6, 2016 Regular Council Meeting and the December 13, 2016, Adjourned Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the December 6, 2016, Regular Council meeting and the December 13, 2016, Adjourned Council meeting.

2. **Second Reading of Ordinance No. 138, 2016, Designating the Howell Property Located at 519 East Mulberry Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins. (Adopted)**

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

This Ordinance, unanimously adopted on First Reading on December 20, 2016, designates the Howell property, located at 519 East Mulberry Street, as a Fort Collins Landmark. The owner of this property, Housing Catalyst, formerly the Fort Collins Housing Authority, is initiating this request.

3. **Second Reading of Ordinance No. 139, 2016, Designating the Kimball Property Located at 608 and 608 ½ South Grant Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins. (Adopted)**

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

This Ordinance, unanimously adopted on First Reading on December 20, 2016, designates the Kimball Property, located at 608 and 608 ½ South Grant Avenue, as a Fort Collins Landmark. The owner of this property, Housing Catalyst, formerly the Fort Collins Housing Authority, is initiating this request.

4. **Second Reading of Ordinance No. 140, 2016, Designating the Schroeder/McMurry Property Located at 701 Mathews Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins. (Adopted)**

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

This Ordinance, unanimously adopted on First Reading on December 20, 2016, designates the Schroeder/McMurry property, located at 701 Mathews Street, as a Fort Collins Landmark. The owner of this property, Housing Catalyst, formerly the Fort Collins Housing Authority, is initiating this request.

5. **Second Reading of Ordinance No.141, 2016, Designating the Wilhelm Property Located at 717 and 717 ½ West Mulberry Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins. (Adopted)**

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

This Ordinance, unanimously adopted on First Reading on December 20, 2016, designates the Wilhelm Property, located at 717 and 717 ½ West Mulberry Street, as a Fort Collins Landmark. The owner of this property, Housing Catalyst, formerly the Fort Collins Housing Authority, is initiating this request.

6. **Second Reading of Ordinance No. 142, 2016, Approving and Authorizing the Mayor to Execute Amendment Number One to the Intergovernmental Agreement Between the City and Larimer County Regarding Cooperation on Managing Urban Development Within the Fort Collins Growth Management Area and Amending the Boundaries of the Fort Collins Growth Management Area. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 20, 2016, amends the Intergovernmental Agreement (IGA) with Larimer County regarding the Growth Management Area (GMA) boundary to ratify the same boundary agreed to by the City of Fort Collins and the Town of Timnath.

7. **Resolution 2017-001 Approving Revised Fees for Fort Collins Police Services' Criminal Justice Records. (Adopted)**

The purpose of this item is to propose a new fee schedule for Police Services for criminal justice records. The existing fee schedule has been in existence since 2008 and the proposed adjustments are necessary to keep up with the change in technology and staff expenses. In addition, the staff is proposing to begin charging the public for Vehicle Identification Number (VIN) Verifications to reflect actual costs incurred by staff. Currently, this is a free service, while a neighboring agency charges double the amount being proposed.

8. **Resolution 2017-002 Authorizing the City Manager to Execute an Intergovernmental Agreement with the State Board of the Great Outdoors Colorado Trust Fund Regarding Poudre River and Floodplain Habitat Restoration at Kingfisher Point Natural Area. (Adopted)**

The purpose of this item is to approve a contractual agreement with Great Outdoors Colorado (GOCO) to receive a \$100,000 grant in support of the Natural Areas Department's (NAD) Poudre River and floodplain habitat restoration at Kingfisher Point Natural Area scheduled for construction in 2017. The award was made by the GOCO Board of Directors on December 8, 2016. A draft agreement and Resolution is due to GOCO on January 9, 2017 with a final formalized agreement by

February 6, 2017. Under the terms of the grant all work must be completed by December 2018. NAD is confident it can meet that deadline.

9. **Resolution 2017-003 Making Appointments to Various Boards and Commissions of the City of Fort Collins. (Adopted)**

The purpose of this item is to appoint individuals to fill vacancies that currently exist on various boards, commissions, and authorities due to resignations of board members and vacancies to be created upon the expiration of terms of current members. Applications were solicited from October through December. Council teams interviewed applicants during November and December. This Resolution appoints individuals to fill current vacancies and expiring terms.

This Resolution does not fill all vacancies. Interviews are continuing, and any remaining vacancies will be advertised as needed.

● **CONSENT CALENDAR FOLLOW-UP**

Councilmember Cunniff commented on Item No. 7, *Resolution 2017-001 Approving Revised Fees for Fort Collins Police Services' Criminal Justice Records*, and requested it be made policy that the intent is not to be a revenue generator. City Manager Atteberry replied that is not the intent and stated staff will provide additional information. Mayor Pro Tem Horak requested that data be included in the overall fee policy for the City.

Councilmember Campana commended the candidates for Boards and Commissions and congratulated those who were appointed.

● **STAFF REPORTS**

Honore Depew, Environmental Planner, spoke about the Wasteshed Coalition and detailed the public outreach process. The Coalition agreed to share a standardized set of recycling guidelines for greater educational consistency throughout the region.

Mayor Troxell discussed the Coalition and the importance of working together regionally.

Mayor Pro Tem Horak asked about the accuracy of the eight-year landfill lifespan. Depew replied landfill management staff has confirmed that, under current regulations, there is no opportunity for expansion at the current site and the estimate is based on the current usage of the landfill.

Mayor Pro Tem Horak requested a graphic representing the lifespan and its variability.

Councilmember Campana noted that while there may be no room for expansion, there is room for innovation.

● **COUNCILMEMBER REPORTS**

Councilmember Campana discussed a report he received from staff regarding the City's debt. He noted the City's outstanding debt over the last five years has fallen by over \$50 million, no new external debt has occurred, and \$8.8 million has been saved with refinancing.

Mayor Troxell stated he sent a letter to the president-elect regarding Fort Collins' position as a leader relating to clean energy and climate action.

● **DISCUSSION ITEMS**

10. **Items Relating to the Submission of Charter Amendments to a Vote of the Registered Electors of the City at the April 4, 2017, Regular Municipal Election. (Adopted on First Reading)**

- A. *Possible Public Hearing and Motions Regarding Protest(s) of Ballot Language.*
- B. *First Reading of Ordinance No. 001, 2017, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 7 of Article VIII of the City Charter Pertaining to the Date of Certification of Election Results (the "Canvass"), Proposed Amendments to Section 1 (d) and Section 4 of Article II of the City Charter Pertaining Respectively to the Timing of the Council Organizational Meeting Following an Election, and when Councilmember Terms of Office Begin.*
- C. *First Reading of Ordinance No. 002, 2017, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 11 of Article II of the City Charter Pertaining to the Process for Cancelling a Council Meeting.*
- D. *First Reading of Ordinance No. 003, 2017, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 9 of Article IV of the City Charter Pertaining to Conflicts of Interest and Certain Prohibited Sales to the City.*
- E. *First Reading of Ordinance No. 004, 2017, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 1 of Article VII of the City Charter Pertaining to Appointment of Municipal Judges.*

The purpose of these items is to submit various Charter amendments to the voters in April that will: (1) change the deadline for final certification of an election so that the City may implement signature verification, and corresponding changes to the date of the Council organizational meeting and the beginning of Councilmember terms of office; (2) outline a process for the cancellation of a Council meeting in the event of unforeseen circumstances (i.e., weather, natural disasters, emergencies); (3) clarifying when City officials and employees, and their relatives, have a conflict of interest in a sale of property or services to the City concerning which sale the officer or employee has decision-making or supervisory authority; and (4) to allow the Council to appoint additional Municipal Judges and to designate a Chief Municipal Judge.

Any protest of the proposed ballot language must be received no later than Tuesday, January 3, at noon. The protest(s) shall be heard, considered, and resolved by Council prior to adoption of Ordinances No. 001, 002, 003 and 004, 2017. If protest(s) are received, copies will be included in Council's "Read-before" packet.

Mayor Troxell stated a protest has been filed regarding the proposed language for Ordinance No. 004, 2017, and that issue will be first heard, considered, and resolved. Second, Council will consider the four Ordinances which make up the item.

John Duval, Deputy City Attorney, stated a protest has been filed regarding the proposed ballot language.

Mayor Troxell established the process the hearing and consideration of the protest.

Eric Sutherland, protestor, disagreed with Duval's interpretation of the City Code and protest definition. He stated his protest disagrees with the final result of the language placed in the amendment because it is ambiguous and improperly phrased regarding whether or not the entire collective municipal judiciary or individual judges need to be licensed by the state. He questioned how it is possible that amendments are being proposed to organic law without any citizen review.

Councilmember Martinez asked Mr. Sutherland what he wants to change. Mr. Sutherland replied the language of the final result of the charter should indicate the individual persons who are appointed as judges in the Municipal Court should be attorneys licensed with the State of Colorado, rather than the collective judiciary.

Councilmember Martinez asked if there is a requirement that judges be licensed attorneys. Duval replied in the affirmative and stated the City Charter requires Municipal Judges to be licensed to practice law in the state of Colorado during their tenure. The language could be amended to state "each" Municipal Judge shall be licensed to practice law in the state of Colorado during his or her tenure.

Councilmember Campana made a motion, seconded by Councilmember Martinez, that Council respond to Mr. Sutherland's protest by amending Ordinance No. 004, 2017, on First Reading to state "each Municipal Judge" rather than "the Municipal Judges," and to replace "their" with "his or her."

RESULT:	ORDINANCE NO. 004, 2017, AMENDED IN RESPONSE TO PROTEST [UNANIMOUS]
MOVER:	Gino Campana, District 3
SECONDER:	Ray Martinez, District 2
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

Wanda Winkelmann, City Clerk, stated Council adopted a Resolution in 2015 which created an ad hoc committee to discuss changes to the Charter and Code. The first proposed Charter amendment would amend the canvass date, when election results must be certified, from three days to ten days after Election Day. This would also require a change to the date of the organizational meeting to after the final certification of election results and after the expiration of the recount period.

The second proposed amendment deals with the cancellation of a Council meeting in the event of an emergency or natural disaster in the absence of all Council members.

Duval stated the third proposed Charter amendment is the result of an Ethics Review Board opinion adopted by Council which recommended that certain Charter provisions prohibiting City officers and employees from being involved in certain sales of property and services to the City be clarified.

The fourth proposed Charter amendment would allow Council to appoint multiple municipal judges, a chief judge, and temporary judges.

Eric Sutherland stated that section of the Charter requires the Municipal Court to develop procedures for handling its business. People who believe the Charter is not being followed should have recourse through the Municipal Court.

Mike Pruznick supported full-time paid Council positions and ranked voting.

Councilmember Cunniff noted there was a failed citizen initiative for ranked voting six years ago. He stated there is value in having the Municipal Court handle civil cases.

Councilmember Stephens discussed the importance of citizen comment and input.

Councilmember Campana made a motion, seconded by Councilmember Martinez, to adopt Ordinance No. 001, 2017, on First Reading.

RESULT:	ORDINANCE NO. 001, 2017 ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Gino Campana, District 3
SECONDER:	Ray Martinez, District 2
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

Councilmember Cunniff made a motion, seconded by Councilmember Martinez, to adopt Ordinance No. 002, 2017, on First Reading.

RESULT:	ORDINANCE NO. 002, 2017, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Ray Martinez, District 2
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

Councilmember Martinez made a motion, seconded by Councilmember Ovebeck, to adopt Ordinance No. 003, 2017, on First Reading.

RESULT:	ORDINANCE NO. 003, 2017, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Ray Martinez, District 2
SECONDER:	Bob Overbeck, District 1
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

Mayor Pro Tem Horak made a motion, seconded by Councilmember Campana, to adopt Ordinance No. 004, 2017, on First Reading as amended.

Mayor Pro Tem Horak noted these proposed changes are more housekeeping type issues and stated an entire Charter review would be a much longer process.

RESULT:	ORDINANCE NO. 004, 2017, ADOPTED ON FIRST READING, AS AMENDED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Gino Campana, District 3
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

11. **Items Relating to City Elections. (Adopted on First Reading)**

- A. *First Reading of Ordinance No. 005, 2017, Amending Chapter 7 of the Code of the City of Fort Collins to Amend Requirements and Procedures for City Elections.*
- B. *Resolution 2017-004 Establishing a Council Election Code Committee and Appointing its Members.*

The purpose of this item is to adopt changes to Chapter 7 of the City Code as recommended by the ad hoc Council Committee and the City Clerk and to create a Council Election Code Committee.

Wanda Winkelmann, City Clerk, discussed the proposed Election Code changes, which include recommending conducting signature verification with the 2019 municipal election, requiring committees to retain records for one year and to produce those records within three business days upon request, and clarifying the circumstances that would prompt review of the population deviation between districts.

John Duval, Deputy City Attorney, discussed the amendment which would add a much more detailed process for citizen election complaints and the amendment dealing with the reporting requirements for small-scale issue committees.

City Clerk Winkelmann discussed the final Election Code amendment which would change the Election Committee to a standing committee which would meet only when an issue presents itself for discussion.

Eric Sutherland discussed the practice of eliminating ballots due to signature verification stating it is unconstitutional. He suggested the possibility of voters including email addresses or phone numbers on ballots and stated the Municipal Court should be the launching pad for any elections dispute.

Mike Pruznick expressed concern regarding the requirements for the delivery of receipts for committees.

Karen Wagner thanked Council for considering these improvements to the Election Code. She suggested the possibility of extending the campaign season by moving up the filing date.

Councilmember Stephens requested information regarding the process for handling signature discrepancies. Rita Knoll, Chief Deputy City Clerk, replied the current process involves looking at the printed name in comparison to the signature for elements of the name in the signature. If those elements are found, it is presumed the signature belongs to the person to whom the ballot was sent. Ballots where signatures clearly do not match the name are set aside for further research. If matches are not made at that point, they ballot must be rejected as the envelope was clearly not signed by the person to whom the ballot was sent, which is a requirement of state law and local ordinance. There are very few ballots rejected for mismatched signatures; most rejections are for unsigned ballots, which was still extremely low for the last election.

Councilmember Stephens asked if individuals are contacted to correct signatures. Knoll replied voters with unsigned ballots are contacted up to the point letters will arrive.

Councilmember Cunniff noted part of the intent of the proposed Charter amendment is to give more time for ballot certification. City Clerk Winkelmann agreed and stated County Clerk

Angela Myers has agreed to have a staff member present at the City for a week for the 2017 election for electronic signature verification.

Councilmember Martinez asked if the placement of a phone number or email is allowed on ballots. City Clerk Winkelmann replied individuals can check the status of their ballot online. Knoll replied that online search does inform individuals of ballot issues and alerts them to contact the Clerk's Office. The proposed charter amendment will allow ballots to be corrected up to eight days following the election.

Councilmember Campana made a motion, seconded by Councilmember Stephens, to adopt Ordinance No. 005, 2017, on First Reading.

Councilmember Cunniff requested clarification regarding Mr. Pruznick's questions prior to Second Reading.

RESULT:	ORDINANCE NO. 005, 2017, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Gino Campana, District 3
SECONDER:	Kristin Stephens, District 4
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

Councilmember Campana made a motion, seconded by Councilmember Stephens, to adopt Resolution 2017-004 to appoint Councilmembers Cunniff, Stephens, and Overbeck to the Election Committee.

RESULT:	RESOLUTION 2017-004 ADOPTED [UNANIMOUS]
MOVER:	Gino Campana, District 3
SECONDER:	Kristin Stephens, District 4
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

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

12. **Resolution 2017-005 Expressing Support for the Mayors National Climate Action Agenda's Open Letter to President-Elect Donald Trump on Climate Action.** (Postponed to January 17, 2017)

The purpose of this item is to consider a resolution endorsing and supporting the Mayors National Climate Action Agenda (MNCAA) open letter to President-elect Donald Trump on climate action.

Cheryl Distaso, Fort Collins Community Action Network, supported the Mayor's individual letter and supported this Resolution as a good complement to that letter.

John Calderazo supported the Resolution citing the overwhelming scientific consensus regarding climate change.

Janice Lynn supported the Resolution stating signing the letter is the morally correct thing to do.

Michelle Betzel supported the Resolution and discussed the agreement on climate change among CSU faculty and staff.

Zach Heath supported the Resolution.

Kevin Henry supported the Resolution and thanked the Mayor for sending the Fort Collins letter.

Rachel Pries supported the Resolution.

Mike Pruznick questioned what in the Climate Mayors' letter contradicts the City's current values and supported the Resolution.

Elizabeth Hudetz supported the Resolution.

Suzanne Trask supported the Resolution stating the president-elect pays attention to numbers.

Nancy York supported the Resolution citing the importance of standing with others.

Karen Wagner spoke on behalf of 350.org and supported the Resolution.

Councilmember Campana stated Council is not partisan and he is concerned about signing a letter which could be seen as being partisan. He stated he chooses to show leadership and innovation by working on the issue as a community. He discussed the Climate Mayors' letter's reference to the Paris Agreement and stated he has volunteered to compare the City's policies to that agreement.

Councilmember Stephens made a motion, seconded by Councilmember Overbeck, to adopt Resolution 2017-005.

Councilmember Stephens stated she does not believe the Climate Mayors letter is partisan and stated it would be important to send to any incoming president.

Councilmember Cunniff stated he does not believe the letter is partisan and discussed the importance of joining with others to affect climate change. He did agree a review of the Paris agreement would be prudent.

Councilmember Campana suggested the review of the Paris Agreement occur prior to signing the letter and questioned certain inclusions in the Agreement which do not seem to deal with climate change.

Councilmember Martinez questioned some aspects of the Paris Agreement and supported further vetting of the Agreement. He supported the City sending its own letter rather than joining with others. He noted only 48 of over 19,000 mayors have signed the letter and stated the City's individual letter contains more information than the Climate Mayors letter.

Councilmember Overbeck supported the Resolution noting all the speakers supported it as well.

Mayor Troxell stated Fort Collins and Council have always avoided making statements outside of their jurisdiction, which has allowed the focus to remain on what is important to Fort Collins citizens. He supported a review of the Paris Agreement.

Councilmember Cunniff suggested the addition of a Whereas statement to the Resolution that would direct the Legislative Review Committee to review the Paris climate agreements and

compare them with adopted Fort Collins policy. He stated the signing of the Climate Mayors letter should move forward.

Councilmember Martinez questioned the letter's inclusion of the Paris Agreement.

Councilmember Cunniff disagreed with the conclusion the letter requires the City to implement the Paris Agreement.

Mayor Pro Tem Horak stated passing the Resolution is not a good idea without further vetting of the alignment of the Paris Agreement with the City's goals. He suggested postponing the Resolution to a date certain.

Councilmember Martinez questioned the aspect of the letter which references climate change as a threat to national security.

Mayor Pro Tem Horak noted the Department of Defense has expressed concerns regarding the effect of rising sea levels on military bases.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Campana, to postpone consideration of Resolution 2017-005 to February 7, 2017 to allow the Legislative Review Committee to make its recommendations.

Councilmember Cunniff opposed the February date and suggested convening a special meeting of the Legislative Review Committee to allow consideration before Council earlier.

Mayor Pro Tem Horak stated he wanted the public to have more time to review the recommendations.

Councilmember Cunniff discussed the importance to citizens of addressing the issue prior to the inauguration.

Mayor Troxell noted the City's individual letter was already sent, and practically speaking, the Climate Mayors letter has also already been sent.

Councilmembers held a brief discussion regarding meeting timing.

Mayor Pro Tem Horak and Councilmember Campana amended the motion to postpone consideration of Resolution 2017-005 to January 17, 2017.

RESULT:	RESOLUTION 2017-005 POSTPONED TO JANUARY 17, 2017 [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Gino Campana, District 3
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

● **OTHER BUSINESS**

Councilmember Overbeck commented on the need to keep the meeting orderly by not allowing Councilmembers to speak over others.

Councilmember Campana supported the idea of broadening the Nature in the City campaign.

- **ADJOURNMENT**

The meeting adjourned at 9:30 PM.

Mayor

ATTEST:

City Clerk

January 17, 2017

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

● **ROLL CALL**

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

Staff Present: Atteberry, Daggett, Knoll

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry stated Item No. 9, *Public Hearing and First Reading of Ordinance No. 011. 2017, Authorizing the Execution of an Amended and Restated Conservation Easement with Colorado Open Lands on the Kingfisher and Nix Natural Areas, Including Conveyance of a Conservation Easement on Additional Lands*, includes a public hearing. A revised resolution for Item No. 13, *Resolution 2017-008 Making Appointments to Various Boards and Commissions of the City of Fort Collins*, has been provided to Council and the scheduled staff report has been withdrawn from the agenda.

Mayor Troxell opened the public hearing for Item No. 9, *Public Hearing and First Reading of Ordinance No. 011. 2017, Authorizing the Execution of an Amended and Restated Conservation Easement with Colorado Open Lands on the Kingfisher and Nix Natural Areas, Including Conveyance of a Conservation Easement on Additional Lands*.

● **CITIZEN PARTICIPATION**

Mary Kopco, Fort Collins Symphony Executive Director, announced the Youth Education Series concert for Poudre School District students.

Wes Kenny, Fort Collins Symphony Music Director, discussed the narrator of the Youth Education Series, Greg Smith.

Daniel Watt, Fort Collins Symphony, played a trombone piece.

Jana Newman announced the Women's March on Denver and thanked Mayor Troxell for sending the letter to President-Elect Trump regarding the City's efforts regarding climate change.

Eric Levine discussed the Climate Action Plan and opposed its rebranding.

Eric Sutherland stated the integrity of elected leaders is poor and discussed the Keep Fort Collins Great sales tax.

Dylan Lindsey discussed snow and ice buildup on Silvergate Road between Harmony and Seneca.

Mike Pruznick opposed the use of tax increment financing for the Lyric Cinema Theater.

Keith Gilmartin discussed an easement he owns on Vine Drive which has been used as a right-of-way for Poudre Fire Authority.

● **CITIZEN PARTICIPATION FOLLOW-UP**

Councilmember Stephens thanked Dylan for speaking and stated she will look into the snow issue on Silvergate. She thanked Ms. Newman for her comments and thanked the Symphony speakers and performer.

Mayor Troxell thanked the speakers for their comments.

Councilmember Martinez stated he has been in contact with Mr. Gilmartin and requested staff input regarding the issue. City Attorney Daggett replied the City Manager entered into an intergovernmental agreement with Poudre Fire Authority (PFA) outlining certain responsibilities PFA will take on in terms of managing the use of the access easement. Mr. Gilmartin was a party to the original granting of the access easement.

● **CONSENT CALENDAR**

Eric Sutherland withdrew Item Nos. 2, *Items Relating to the Submission of Charter Amendments to a Vote of the Registered Electors of the City at the April 4, 2017, Regular Municipal Election*, and 7, *First Reading of Ordinance No. 009, 2017, Appropriating Prior Year Reserves in the Storm Drainage Fund to Pay 2017 Fees for the City of Fort Collins Areas within the Boxelder Basin Regional Stormwater Authority*, from the Consent Agenda.

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

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

1. **Consideration and Approval of the Minutes of the December 20, 2016 Regular Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes of the December 20, 2016 Regular Council meeting.

2. **Second Reading of Ordinance No. 005, 2017, Amending Chapter 7 of the Code of the City of Fort Collins to Amend Requirements and Procedures for City Elections. (Adopted)**

This Ordinance, unanimously adopted on First Reading on January 3, 2017, adopts changes to Chapter 7 of the City Code as recommended by the ad hoc Council Committee and the City Clerk.

3. **First Reading of Ordinance No. 006, 2017, Appropriating Unanticipated Grant Revenue in the General Fund for the Fort Collins Police Services Victim Services Unit. (Adopted)**

The purpose of this item is to fund the Victim Services Unit of Fort Collins Police Services for victim advocacy services under the Colorado Victim Rights Amendment for victims of crime and their family members. The Fort Collins Police Services Victim Services Unit has been awarded a 12-month grant in the amount of \$48,000 for the period from January 1, 2017 to December 31, 2017, by the Eighth Judicial District Victim Assistance and Law Enforcement (VALE) Board to help fund services provided by this team. These funds will be used for part of the salary for the victim advocate who provides crisis intervention services during weekday hours and is housed in the Victim Services

office. A part-time victim advocate will be hired from this grant to help with the growing demand our unit is facing. These funds will also pay for a portion of the operational expenses needed to provide 24-hour a day, 7-day a week services to victims of crime in the community.

4. **First Reading of Ordinance No. 007, 2017. Appropriating Unanticipated Grant Revenue in the General Fund for the Encore Fellowship Program. (Adopted)**

The purpose of this item is to appropriate \$25,000 of unanticipated grant revenues to the General Fund from the Encore Fellowship Program to the City of Fort Collins. Encore implements an innovative social purpose workplace initiative designed to utilize experienced and talented corporate employees in the non-profit sector. The Encore Fellowship Program will provide the City with 1,000 hours of paid hourly staff time in 2017 to support the City's Indoor Air Quality initiatives, including the Healthy Homes program. Indoor air quality is one of the four "High Priority" pollutants as identified in the City's 2011 Air Quality Plan.

5. **First Reading of Ordinance No. 008, 2017, Appropriating Unanticipated Grant Revenue in the General Fund for the Environmental Services Radon Program and Authorizing the Transfer of Matching Funds Previously Appropriated in the Environmental Services Department Operating Budget. (Adopted)**

The purpose of this item is to appropriate unanticipated grant revenue in the General Fund for the Environmental Services Radon Program and transfer existing and unexpended appropriated funds from the Environmental Services 2017 operating budget to the Radon Grant project. This Ordinance appropriates \$7,960 of unanticipated grant revenues in the General Fund. The Colorado Department of Public Health and Environment granted these funds to the City for a program to encourage radon testing and mitigation through media advertising and low-cost test kit sales. The grant directly supports radon activities identified in the Environmental Services Department's core budget offer. The grant requires a local match of \$5,307. Matching funds are appropriated and unexpended in the 2017 Environmental Services operating budget and will be transferred to the Environmental Services Radon Program.

6. **First Reading of Ordinance No. 019, 2017, Adopting the 2017 Amended Classified Employees Pay Plan to Update Classified Positions as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police. (Adopted)**

The purpose of this item is to recommend changes to the City's Classified Employee Pay Plan based on a market analysis conducted as agreed upon through the 2016-2017 Collective Bargaining Agreement with the Northern Colorado Lodge #3 of the Fraternal Order of Police (FOP). This agreement was approved by Council by Resolution 2015-104, on December 1, 2015. Although ratified in 2015, the bargaining agreement specifies a salary data collection method and evaluation process that included the postponement of final data collection and analysis until January 2017 when additional benchmark data became available. This data has been collected and analyzed, resulting in the revised 2017 Classified Employee Pay Plan.

7. **Public Hearing and First Reading of Ordinance No. 011, 2017, Authorizing the Execution of an Amended and Restated Conservation Easement with Colorado Open Lands on the Kingfisher and Nix Natural Areas, Including Conveyance of a Conservation Easement on Additional Lands. (Adopted)**

The purpose of this item is to authorize the execution of the amended and restated Nix Natural Area Conservation Easement, which is being renamed the Kingfisher Natural Area Conservation Easement. The amended and restated conservation easement offers a conveyance of a conservation easement on an additional 46.13 acres to Colorado Open Lands to mitigate the building envelope on an additional 6.12 acres to allow for the future expansion of the Nix Farm Natural Areas Facility.

8. **Items Relating to Cathy Fromme Prairie Natural Area Encroachments. (Adopted)**

- A. First Reading of Ordinance No. 012, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Steven Jones.
- B. First Reading of Ordinance No. 013, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Frank and Lorenda Volker.
- C. First Reading of Ordinance No. 014, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Dane and Lynn Brandt.
- D. First Reading of Ordinance No. 015, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Barbara and Thomas Cynkar.
- E. First Reading of Ordinance No. 016, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Steven Huval.
- F. First Reading of Ordinance No. 017, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Robert and Yukari Samuel.
- G. First Reading of Ordinance No. 018, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Cathy Fromme Prairie Natural Area to Stephanie Yang and Scott LaVolette.

The purpose of this item is to review and recommend the sale of seven small parcels of Cathy Fromme Prairie Natural Area Land, a total of 0.31 acres, to seven residents of the Fox Hills Subdivision to resolve long-standing and significant encroachments.

9. **Resolution 2017-006 Stating the Intent of the City of Fort Collins to Annex Certain Property and Initiating Enclave Annexation Proceedings for Such Property to be Known as the Lehman-Timberline Annexation. (Adopted)**

This is a City-initiated request to annex the 5.684-acre enclave at 5830 South Timberline Road into the City of Fort Collins. The parcel became an enclave with the annexation of the Mail Creek Crossing Annexation on January 7, 2014. As of January 7, 2017, the City is authorized to annex the enclave by ordinance in accordance with Colorado Revised Statutes § 31-12-106. The Lehman-Timberline Annexation is located in southeast Fort Collins. The parcel abuts the Mail Creek Ditch to the north, South Timberline Road to the west and Bacon Elementary to the south. The requested zoning for this annexation is the Low Density Mixed-Use (LMN) zone district, which complies with the City of Fort Collins Structure Plan. The surrounding properties are existing residential, education (Bacon Elementary), and agriculture land uses in the City of Fort Collins.

10. **Resolution 2017-007 Stating the Intent of the City of Fort Collins to Annex Certain Property and Initiating Enclave Annexation Proceedings for Such Property to be Known as the Mail Creek Crossing Second Annexation. (Adopted)**

This is a City-initiated request to annex a 42.37-acre enclave consisting of 11 parcels into the City of Fort Collins. The parcels became an enclave with the annexation of the Mail Creek Crossing Annexation on January 7, 2014. As of January 7, 2017, the City is authorized to annex the enclave by ordinance in accordance with Colorado Revised Statutes § 31-12-106. The Mail Creek Crossing Second Annexation is located in southeast Fort Collins, abuts the east side of South Timberline Road and is bisected by Kechter Road. The requested zoning for this annexation is the Urban Estate (UE) zone district, which complies with the City of Fort Collins Structure Plan. The surrounding properties are existing residential, education (Bacon Elementary), and agriculture land uses.

11. **Resolution 2017-008 Making Appointments to Various Boards and Commissions of the City of Fort Collins. (Adopted)**

The purpose of this item is to appoint individuals to fill vacancies that currently exist on various boards, commissions, and authorities due to resignations of board members and vacancies to be created upon the expiration of terms of current members. Applications were solicited from October through December. Council teams interviewed applicants in January. This Resolution appoints individuals to fill current vacancies and expiring terms.

● **END CONSENT**

Mayor Troxell closed the public hearing for Item No. 9, *Public Hearing and First Reading of Ordinance No. 011. 2017, Authorizing the Execution of an Amended and Restated Conservation Easement with Colorado Open Lands on the Kingfisher and Nix Natural Areas, Including Conveyance of a Conservation Easement on Additional Lands.*

● **COUNCILMEMBER REPORTS**

Councilmember Campana attended the first summit for the “It’s On Us” campaign at the White House. He showed a video of Coyote Ridge Natural Area.

Councilmember Overbeck reported on upcoming public open houses for CSU game day events and noted the Stadium Advisory Group will be meeting on January 23rd regarding the use of the Good Neighbor funds.

Mayor Pro Tem Horak provided an update on I-25 work.

Councilmember Stephens reported on the Martin Luther King, Jr. Day celebration.

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

● **DISCUSSION ITEMS**

12. **Resolution 2017-005 Expressing Support for the Mayors National Climate Action Agenda's Open Letter to President-Elect Donald Trump on Climate Action. (Adopted)**

The purpose of this item is to consider a resolution endorsing and supporting the Mayors National Climate Action Agenda (MNCAA) open letter to President-elect Donald Trump on climate action.

As the letter makes reference to the Paris Agreement, which the Council had not reviewed, this resolution was postponed from the January 3, 2017 meeting. This postponement will allow for the Legislative Review Committee to meet on January 13, 2017, to evaluate the alignment between the Paris Agreement and the City's Legislative Policy Agenda and Strategic Plan and provide feedback to Council accordingly.

Michelle Betzel commended the staff review of the Paris Climate Agreement and stated it reinforced the synergy between Fort Collins efforts and the global discussion regarding climate change. She supported the Resolution.

Kevin Cross, Fort Collins Sustainability Group, stated the Climate Mayors’ letter is not a partisan effort and discussed the importance of addressing climate change. He supported the Resolution.

Kevin Henry commended the staff members who analyzed the Paris Climate Agreement and stated no major misalignment was found between the legislative policy agenda and that Agreement. He supported the Resolution.

Jana Newman supported the Resolution.

Tom Hoehn supported the Resolution.

Mike Pruznick stated the community as a whole supports climate action and questioned why it has taken Council so long to adopt the Resolution.

Eric Levine supported the Resolution

Ted Walker, Sierra Club Poudre Canyon, supported the Resolution.

Rachel Pries supported the Resolution and discussed the population represented by the other signing cities.

Rose Lew supported the Resolution.

Doug Henderson, 350 Group, supported the Resolution.

LeRoy Poff supported the Resolution.

Maggie (no last name given) supported the Resolution.

Elizabeth Hudetz supported the Resolution.

Andrew Bondi supported the Resolution and noted no speakers tonight or during other meetings have opposed it.

Cheryl Distaso, Fort Collins Community Action Network and Fort Collins Sustainability Group, supported the Resolution.

Councilmember Campana reported on the Legislative Review Committee (LRC) meeting during which the Climate Mayors' letter was reviewed and not recommended for a signature by a 2-1 vote of the Committee. Staff and four community members conducted a thorough review on the alignment of the Paris Climate Agreement with the City's legislative policy agenda and the Committee reviewed that report. While nothing was found in the report that the Agreement and the City's legislative policy agenda are directly in conflict, the Committee chose to unanimously take a position of "monitor," which would mean the letter would not be signed, nor would it be opposed.

Councilmember Cunniff stated that while the Legislative Review Committee took the monitor position, it would be reasonable for Council to support signing the letter, as the Paris Agreement is more of an aspirational plan. He commended the deep dive on the Paris Agreement.

Councilmember Campana agreed the review of the Paris Agreement was positive.

Councilmember Stephens asked if the “monitor” position is in regard to the letter or just the Paris Agreement. Councilmember Cunniff replied it is for the Paris Agreement.

Councilmember Cunniff thanked the speakers and discussed the importance of signing on to the letter prior to the inauguration.

Councilmember Stephens made a motion, seconded by Councilmember Overbeck, to adopt Resolution 2017-005.

Councilmember Stephens commended the process and discussed the large number of citizens in favor of signing the letter. She stated the letter is not partisan and reflects the values of the community.

Councilmember Martinez discussed the Paris Agreement and stated it was signed by executive order of President Obama. He questioned the need for Fort Collins to sign a second letter to the president elect and noted only 62 of 19,000+ mayors have signed the letter. He stated Council has received a letter opposed to signing the Climate Mayors’ letter from the Chamber of Commerce.

Councilmember Campana stated making generalized statements regarding partisan issues on an issue facing Council is inappropriate. He stated he would not support signing the letter, but he does support the City’s climate goals and the initial letter sent to the President-Elect.

Councilmember Stephens stated this has gone through a process and encouraged Councilmembers to look at the language in the letter which she feels is conciliatory. Not signing the letter could show the City does not have as much pride at it ought to in the climate program it has enacted.

Councilmember Overbeck agreed with Councilmember Stephens.

Councilmember Campana asked when the LRC last took a position of “monitor” and still sent a letter of support.

Councilmember Cunniff replied the LRC has not previously been asked to contemplate something which is not legislation. He does not believe this is inconsistent because the letter is asking the administration to work with Congress and find ways to join the global community in honoring the Paris Agreement, which is not prescriptive.

Councilmember Campana stated the accepted process of Council is not being followed with the motion that has been made.

Councilmember Cunniff stated the process is being followed; however, Councilmember Campana’s interpretation of the LRC recommendation is not being followed.

Mayor Troxell expressed appreciation for the time taken to look at this issue. He stated he will support the motion given the deliberative process occurred.

RESULT:	RESOLUTION 2017-005 ADOPTED [5 TO 2]
MOVER:	Kristin Stephens, District 4
SECONDER:	Bob Overbeck, District 1
AYES:	Stephens, Overbeck, Troxell, Cunniff, Horak
NAYS:	Martinez, Campana

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

13. **First Reading of Ordinance No. 020, 2017, Authorizing the Conveyance of a Portion of City-Owned Property at Running Deer Natural Area to Fence Post Properties, LLC. (Postponed until such time as staff can complete work to explore other options)**

The purpose of this item is for City Council to consider the proposed sale of approximately 11.85 acres of land to Fence Post Properties, LLC, (Roger Hageman, Hageman Earth Cycle (HEC)). About seven months ago, the City Manager's Office inquired about the possibility of selling approximately 15 acres of land to HEC. The land was purchased by the City's Natural Areas Department eighteen years ago, along with additional land for Running Deer Natural Area. Prior to the City's purchase, the 15 acres was leased by HEC for the operation of a yard waste/organic material recycling business. The land has continued to be leased to HEC and the current lease will expire in 2017. The proposed sale area has been reduced to 11.85 acres after exclusion of a wetland and boundary adjustments.

John Stokes, Natural Resources Director, discussed the property in question on East Prospect. Hageman Earth Cycle is currently leasing 15 acres of the Running Deer Natural Area from the City. The City has never occupied this particular acreage as Hageman's has been in business longer than the City has owned the property. This item would authorize the sale of 11.8 acres of the 15 acres to Hageman's. Both the Land Conservation Stewardship Board and Natural Resources Advisory Board are opposed to the sale primarily because of the precedent it might set. However, staff is recommending the sale given the City has never occupied the property and Hageman's business is in line with the City's recycling goals. The land would be deed restricted in terms of use and no permanent structures can be built on the property. The City will also maintain a buy-back provision.

Marsha Patton-Mallory, Land Conservation and Stewardship Board Vice-Chair, stated the Board is unanimously opposed to the sale and suggested a possible long-term lease as an alternative.

Trudy Haines opposed the sale and suggested continuing with the lease.

Vicky McLane opposed the sale.

Ray Watts discussed the ecological value of the property and opposed the sale.

Paul Stutheit opposed the sale, citing the possibility of setting a precedent.

Oliver Richardson stated this sale is insignificant given the total land area owned by the City in Natural Areas.

Bill Jenkins opposed the sale citing the possibility of setting a precedent.

Ed Reifsnnyder commended the service provided by Hageman's but opposed the sale. He suggested the continuation of the lease.

Mike Pruznick supported the continuation of the lease and expressed concern regarding some of the details of the proposed sale.

Bob Viscount discussed the various purchases and land transfers made by Hageman's and opposed the sale.

Peggy Hageman discussed her business' commitment to the Fort Collins community and stated the land sale is vital to its continued operation.

Doug Evans supported the land sale.

Dan McGuire supported the land sale.

Brad Kennedy opposed the land sale and expressed concern the appraised land value may not be accurate. He asked if the City receives any discount for utilizing Hageman's service.

Gina Janett opposed the land sale and stated the highest and best use of the land is as a Natural Area.

Ron Nebelsick supported the land sale.

Dallas Hageman supported the land sale.

Cordelia Stone opposed the land sale.

David Tweedale opposed the land sale.

Merv See supported the land sale and commended the business.

David Roy opposed the land sale despite the business being a valuable asset to the city.

Brad Florin supported the land sale and stated the business reduces vehicle miles travelled for thousands of residents.

Donna Walter supported the land sale and commended the business.

Elizabeth Hudetz opposed the land sale and suggested continuing the lease.

Ken Summers supported the land sale as being a public-private partnership.

Roger Hageman supported the land sale and stated a long-term lease is not likely in his plan.

Councilmember Cunniff asked if annual reviews were conducted as per the 2008 resolution. Stokes replied compliance reviews dealing with water quality were conducted and are being compiled.

Councilmember Cunniff asked if the City received a discounted rate at Hageman's. Stokes replied in the negative.

Councilmember Martinez asked if there are other providers of similar services. Stokes replied in the negative.

Councilmember Martinez asked what would occur should the business leave the area. Stokes replied he was unsure; however, Hageman's processes about 20,000 tons of material per year.

Councilmember Martinez asked if this sale would work toward the City's climate goals. Stokes replied in the affirmative.

Councilmember Martinez noted the importance of the buy-back clause and asked if there is any potential for the land to be damaged based on its current use. Stokes replied in the negative and stated the City would require the parcel to be cleaned up prior to repurchasing it.

Councilmember Overbeck asked if the soil condition has been analyzed on the property. Stokes replied there are monitoring wells for water quality on the site and no problematic components have been found.

Councilmember Overbeck asked if the price of the buy-back would be affected should any negative soil conditions be found. Stokes replied that would be a possibility.

Councilmember Overbeck asked how the \$255,000 value was determined. Mark Sears, Natural Areas Manager, replied the property was appraised with the deed restriction in mind.

Councilmember Overbeck asked why multiple appraisals were not requested. Sears replied one appraiser is typically used and Real Estate staff evaluate the report.

Councilmember Overbeck asked if the property value would change based on the Boxelder stormwater and I-25/Prospect improvements. Sears replied in the affirmative, assuming the deed restriction were removed and an upzoning was approved; however, should the business be closed or the use changed and the City decides to repurchase the property, it will be repurchased based on the price received plus an escalator based on the assessed value of the property.

Councilmember Overbeck asked if the City has considered other assistance for the service provided by Hageman's. Stokes replied in the negative and stated it is extremely difficult to find other properties for this use.

Councilmember Stephens asked why it is difficult to find another location for this type of operation. Stokes replied there are very few locations, if any, within the Growth Management Area.

Councilmember Stephens asked if there are other providers of this service in the area. Jeff Mihelich, Deputy City Manager, replied there is one small business owner on West Mulberry that takes a limited amount of yard waste; however, Hageman's handles the recycling of 72% of yard waste within the city.

Councilmember Stephens asked if this type of use is being considered for the regional watershed. Councilmember Cunniff replied that would be quite far in the future.

Councilmember Stephens asked if the City could buy something comparable in terms of acreage for this same price. Sears replied the price equates to a little over \$20,000 an acre and land has been purchased within the Growth Management Area for \$5,000 to \$50,000 an acre. Within the river corridor, another 11 acres could be purchased for approximately the same value.

Councilmember Cunniff asked about the escalator for the buy-back value. Sears replied the difference between the assessed value now and then would be the escalator that would be applied to the \$255,000 sales price.

Councilmember Cunniff asked if keeping this money in escrow to use for future repurchase would be possible. Stokes replied in the affirmative; however, he noted the proceeds from this sale must go back into land conservation and staff has taken the approach that finding land to purchase and protect now would be a better use of the funds.

Councilmember Campana asked if there are conditions regarding liens on the property. Sears replied any liens on the property would have to be cleared prior to repurchase; however, that is not a requirement during the time of Hageman's ownership.

Councilmember Campana asked what the lease terms have been to this point. Stokes replied it was a ten-year lease that renewed annually and it will be expiring this year.

Councilmember Campana asked what type of long-term lease the Boards proposed. Stokes replied the Land Conservation and Stewardship Board proposed a twenty-year lease with annual renewals.

Councilmember Campana suggested the removal of annual reviews and the institution of a long-term lease rather than a sale as a possible option to strike a balance and allow Hageman's to have a viable business plan.

Councilmembers Cunniff and Stephens supported the idea of a possible long-term lease.

Mayor Pro Tem Horak requested input from Mr. Hageman. Mr. Hageman replied he does not want a long-term lease due to the possibility of future Councils having the ability to cancel the lease. He stated he cannot invest in the front of his business without assuring control of the back acreage.

Mayor Pro Tem Horak noted CSU has a long-term lease on the Engines Lab.

Mr. Hageman discussed the value of land appreciation.

Councilmember Martinez asked if a lease could be written with definite terms and assurance it could not be cancelled. City Attorney Daggett replied in the affirmative.

Councilmember Martinez asked Mr. Hageman if he would consider a firm 99-year lease. Mr. Hageman replied he would consider it but that is not his desire. He stated he has no intention of putting a lien on this land.

Councilmember Martinez made a motion, seconded by Mayor Troxell, to adopt Ordinance No. 020, 2017, on First Reading.

City Attorney Daggett reviewed the changes made to the Ordinance since the published agenda.

Councilmember Cunniff made a motion to amend, seconded by Councilmember Overbeck, to postpone consideration of this item until the March 7, 2017 meeting to allow staff to investigate the long-term lease option.

Mayor Pro Tem Horak stated he would also like to receive additional information regarding the value of the property without the deed restriction.

Stokes stated it would be difficult for staff to develop a full lease proposal by March 7.

City Attorney Daggett noted the current lease does not terminate until June 2018; however, the final annual review will occur in June of this year.

Councilmembers Cunniff and Overbeck accepted a friendly amendment to postpone indefinitely to allow staff time to provide a full market value appraisal, examine a long-term lease, and gather information on possible river corridor land acquisitions.

City Attorney Daggett suggested postponement to the next Council meeting for staff to present a timeline.

Councilmember Cunniff made a motion, seconded by Councilmember Overbeck, to postpone the item until such as time as staff has determined it can provide acceptable answers to Council's questions.

RESULT:	FIRST READING OF ORDINANCE NO. 020, 2017, POSTPONED UNTIL SUCH TIME AS STAFF CAN COMPLETE WORK TO EXPLORE OTHER OPTIONS [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Bob Overbeck, District 1
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

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

14. **Items Relating to the Submission of Charter Amendments to a Vote of the Registered Electors of the City at the April 4, 2017, Regular Municipal Election. (Adopted on Second Reading)**

- A. *Second Reading of Ordinance No. 001, 2017, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 7 of Article VIII of the City Charter Pertaining to the Date of Certification of Election Results (the "Canvass"), Proposed Amendments to Section 1 (d) and Section 4 of Article II of the City Charter Pertaining Respectively to the Timing of the Council Organizational Meeting Following an Election, and when Councilmember Terms of Office Begin.*
- B. *Second Reading of Ordinance No. 002, 2017, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 11 of Article II of the City Charter Pertaining to the Process for Cancelling a Council Meeting.*
- C. *Second Reading of Ordinance No. 003, 2017, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 9 of Article IV of the City Charter Pertaining to Conflicts of Interest and Certain Prohibited Sales to the City.*
- D. *Second Reading of Ordinance No. 004, 2017, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 1 of Article VII of the City Charter Pertaining to Appointment of Municipal Judges.*

These Ordinances, unanimously adopted on First Reading on January 3, 2017, submit various Charter amendments to the voters in April that will: (1) change the deadline for final certification of an election so that the City may implement signature verification, and corresponding changes to the

date of the Council organizational meeting and the beginning of Councilmember terms of office; (2) outline a process for the cancellation of a Council meeting in the event of unforeseen circumstances (i.e., weather, natural disasters, emergencies); (3) clarifying when City officials and employees, and their relatives, have a conflict of interest in a sale of property or services to the City concerning which sale the officer or employee has decision-making or supervisory authority; and (4) to allow the Council to appoint additional Municipal Judges and to designate a Chief Municipal Judge.

Eric Sutherland suggested a Charter amendment allowing future Councils the ability to appoint a Municipal Court Judge for a period of time less than two years.

Mike Pruznick discussed the inclusion of full-time Council members.

Councilmember Cunniff asked about Mr. Sutherland's question. City Attorney Daggett replied the two-year term is intended to provide a regular, predictable cycle. The language does allow the appointment of a temporary judge as Council deems necessary.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Campana, to adopt Ordinance No. 001, 2017, on Second Reading.

RESULT:	ORDINANCE NO. 001, 2017 ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Gino Campana, District 3
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

Mayor Pro Tem Horak made a motion, seconded by Councilmember Martinez, to adopt Ordinance No. 002, 2017, on Second Reading.

RESULT:	ORDINANCE NO. 002, 2017, ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ray Martinez, District 2
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

Mayor Pro Tem Horak made a motion, seconded by Councilmember Campana, to adopt Ordinance No. 003, 2017, on Second Reading.

RESULT:	ORDINANCE NO. 003, 2017, ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Gino Campana, District 3
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

Mayor Pro Tem Horak made a motion, seconded by Councilmember Campana, to adopt Ordinance No. 004, 2017, on Second Reading

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

15. **First Reading of Ordinance No. 009, 2017, Appropriating Prior Year Reserves in the Storm Drainage Fund to Pay 2017 Fees for the City of Fort Collins Areas within the Boxelder Basin Regional Stormwater Authority. (Adopted on First Reading)**

The purpose of this item is to appropriate \$330,000 from prior year reserves in the Storm Drainage Fund to pay stormwater service and stormwater system development fees in advance to the Boxelder Basin Regional Stormwater Authority (BBRSA) for those developed areas of the City of Fort Collins that also are located within the BBRSA service area boundary based on existing development (i.e., impervious surface area) conditions.

Eric Sutherland discussed the Boxelder Stormwater Authority and opposed the use of tax increment financing. He opposed the Ordinance.

Tim Singewald, Mayor of Wellington, introduced himself and stated he has some concerns regarding this item.

Mayor Pro Tem Horak discussed the read-before memo which addressed some of his concerns regarding this item. He noted the long-term cash flow is positive while the short-term cash flow is a problem.

Councilmember Cunniff stated he has significant concerns regarding this item.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Martinez, to adopt Ordinance No. 009, 2017, on First Reading.

Councilmember Campana commended this as a creative solution.

RESULT:	ORDINANCE NO. 009, 2017, ADOPTED ON FIRST READING [6 TO 1]
MOVER:	Gerry Horak, District 6
SECONDER:	Ray Martinez, District 2
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Horak
NAYS:	Cunniff

● **Motion to Extend the Meeting**

Councilmember Cunniff made a motion, seconded by Councilmember Campana, to suspend the rules to continue past 10:30 PM in order to consider any other business to come before the Council.

RESULT:	ADOPTED [6 TO 1]
MOVER:	Ross Cunniff, District 5
SECONDER:	Gino Campana, District 3
AYES:	Stephens, Overbeck, Campana, Troxell, Cunniff, Horak
NAYS:	Martinez

● **OTHER BUSINESS**

Councilmember Martinez requested and received Council support to write a letter of support for the Food Bank becoming an Enterprise Zone.

Mayor Pro Tem Horak requested information regarding other entities which could possibly benefit from the Enterprise Zone.

Councilmember Campana discussed the Stormwater Criteria Manual update and asked if any type of citizen committee has been assembled to review the Manual. City Manager Atteberry replied he would return with that information.

● **Call of Special Meeting**

Mayor Pro Tem Horak made a motion, seconded by Councilmember Martinez, to call a Special Meeting of the Council pursuant to Section 2-29(a) of the City Code for 6:00 PM on Tuesday, January 31, 2017, for the purpose of conducting the Landmark Apartments appeals and any other items that may come before the Council.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ray Martinez, District 2
AYES:	Martinez, Stephens, Overbeck, Campana, Troxell, Cunniff, Horak

● **ADJOURNMENT**

The meeting adjourned at 10:44 PM.

Mayor

ATTEST:

City Clerk