

AGENDA ITEM SUMMARY

September 17, 2019

City Council

STAFF

Delynn Coldiron, City Clerk

SUBJECT

Consideration and Approval of the Minutes of the August 20, 2019 Regular Council Meeting and the August 27, 2019 Adjourned Council Meeting.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes from the August 20, 2019 Regular Council Meeting and the August 27, 2019 Adjourned Council Meeting.

ATTACHMENTS

1. August 20, 2019 (PDF)
2. August 27, 2019 (PDF)

August 20, 2019

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

● **ROLL CALL**

PRESENT: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff
ABSENT: None
Staff Present: Atteberry, Daggett, Coldiron

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry stated there were no changes to the published agenda.

● **PUBLIC COMMENT**

Nathan Myrick, The Forge Publick House, supported plan B to not remove as much parking as part of the Linden Street convertible street project.

Adam Eggleston requested an update regarding the “U+2” ordinance and asked if extra occupancy limits or waivers could be used to aid individuals transitioning from homelessness to stable housing. He also discussed the possibility of employee housing programs to aid in affordability.

Toby Gadd, Nuance Chocolate, opposed the Linden Street convertible street project stating it is being revamped as an event space which is not needed in Old Town as events take away business from retailers.

Forrest Carlson, Copea Permaculture, LLC, discussed Aspen's affordable housing requirement that 10% of every multi-unit development must be affordable. He also opposed the Larimer County jail expansion and suggested the money should go toward mental health and addiction treatment.

Wally Van Sickle, owner of 201 Linden Street, supported option B for the Linden Street renovation project and supported maintaining diagonal parking. He noted events do not increase sales for local businesses.

Carolyn Mita opposed the permanent closure of Transfort southbound route 12.

Eloisa (no last name given) discussed a tree near her house that she feels is dangerous and has yet to be removed by the property manager of Hickory Village.

George Grossman, Happy Lucky's Teahouse, stated removing 30 parking spaces from Linden Street is a direct threat to the economic vitality of businesses on Linden and surrounding areas.

Edith (no last name given), Hickory Village resident, expressed concern about the safety of children in her neighborhood if a homeless campus were to be constructed nearby.

Debra James suggested the possibility of involving homeless residents in constructing the mental health center and possible new shelter.

Magdalena Garza, Hickory Village resident, expressed concern about a tree near her house, about roadways in the development, and about regular rent increases.

Nick Francis, Fort Collins Partners in Climate Action, discussed his group's proposal requiring energy efficiency components for metro districts and stated staff's response to the proposal does not reflect the urgency of setting metro district standards to help the City meet its climate and affordable housing goals. He requested a meeting with Deputy City Manager Mihelich and Economic Health Director Josh Birks as soon as possible.

Fernando Leva, Hickory Village resident, thanked the City for installing a stoplight and speed bumps on Hickory and expressed concern about the number of homeless people at Soft Gold Park stating the issue will worsen if a homeless shelter is located nearby.

Thomas Edwards discussed a decrease in the number of cyclists. He questioned why Councilmembers do not ride their bikes more frequently.

- **PUBLIC COMMENT FOLLOW-UP**

Mayor Troxell summarized the citizen comments and requested a written update regarding the Linden Street project.

Councilmember Gorgol asked if right-size housing is part of Council's affordable housing strategy. City Manager Atteberry replied in the affirmative and stated he would provide information to Council.

Councilmember Gorgol stated the City Forester has visited Hickory Village and found trees that need to be trimmed, some of which were trimmed by a non-professional. She also noted Council will be considering an ordinance on Second Reading this evening that would place a moratorium on the redevelopment of mobile home parks for a year.

Mayor Pro Tem Stephens stated it would be valuable for Councilmembers to be made aware of Transfort route changes in their districts. City Manager Atteberry replied he was unaware of the Route 12 change; however, conversations are ongoing regarding possible changes.

Councilmember Pignataro requested a follow-up on the metro district issue discussed by Mr. Francis. Josh Birks, Economic Health Director, replied a number of the approved metro districts' service plans have development agreements to be approved by Council, which is where many of the pledged performance aspects would be enforced. He also noted staff's position is to focus on developing further and enhancing the public benefit analysis to be able to provide greater clarity on goals.

Mayor Troxell requested staff work to find a more immediate approach to addressing safety issues at Hickory Village, perhaps engaging volunteers. City Manager Atteberry stated staff agrees there needs to be additional tree trimming; however, it is private property and there is a question as to whether the City has authority to regulate in that space.

City Manager Atteberry noted there are individuals with concerns about the Linden Street improvements, which were voter approved. The community engagement process will continue into the fall and construction will occur in the spring and summer of 2020. The preferred design alternative from the perspective of City staff, the Downtown Development Authority, and several

area businesses, would move to parallel parking on Linden Street, which would eliminate up to 38 parking spaces. He noted over 200 parking spaces have been added with parking structures in the area. He stated the City believes these improvements will be a direct enhancement to business.

● **CONSENT CALENDAR**

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Julie Pignataro, District 2
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

1. **Consideration and Approval of the Minutes of the July 2 and July 16, 2019 Regular Council Meetings and the July 30, 2019 Special Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the July 2 and July 16, 2019 Regular Council meetings and the July 30, 2019 Special Council meeting.

2. **Second Reading of Ordinance No. 092, 2019, Appropriating Prior Year Reserves in the General Fund for the Police Interview Room Camera Replacement. (Adopted)**

This Ordinance, unanimously adopted on First Reading on July 16, 2019, appropriates funds from the Fort Collins Police Services Asset Forfeiture federal and state accounts (in the amount of \$101,000) to partially fund the purchase of a replacement interview room recording system at the Fort Collins Police Services building, 2221 South Timberline Road. These funds will be used in conjunction with other identified funds from core budget and contract savings.

3. **Items Relating to 2018 International Code Amendments. (Adopted)**

- A. Second Reading of Ordinance No. 094, 2019, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Enacting Local Amendments to the *2018 International Building Code*.
- B. Second Reading of Ordinance No. 095, 2019, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Enacting Local Amendments to the *2018 International Residential Code*.

These Ordinances, unanimously adopted on First Reading on July 16, 2019, revise two Code requirements first proposed in both the International Building Code (IBC) and the International Residential Code (IRC). The first proposed change relates to an asphalt shingle roof covering requirement exemption where compliance is difficult given certain circumstances. The second proposed change relates to an electric vehicle charging (EV ready) conduit requirement that was submitted to be included in the 2018 codes as adopted in January but was missed and not included in the final ordinance version as intended. Adopting these two Ordinances will make the above changes in both the IRC, which applies to residential property, and the IBC, which applies to commercial property.

4. **Second Reading of Ordinance No. 096, 2019, Approving the Waiver of Certain Fees for the Mason Place Affordable Housing Project. (Adopted)**

This Ordinance, unanimously adopted on First Reading on July 16, 2019, approves Housing Catalyst's request for affordable housing fee waivers for the Mason Place permanent supportive housing project under development at 3750 South Mason Street, currently the site of the Midtown Arts Center. All 60

units of this project target residents making no more than 30% area median income (AMI) and therefore qualify for discretionary fee waivers. The request is to approve the waiver of 100% of the waivable fees up to the amount of \$330,000.

5. **Second Reading of Ordinance No. 097, 2019, Approving and Authorizing Execution of the Second Amendment to Permanent Easement dated April 27, 2006, to Public Service Company of Colorado Related to the Northside Aztlan/Poudre River Site. (Adopted)**

This Ordinance, unanimously adopted on First Reading on July 16, 2019, amends an existing easement located on City property that includes the Northside Aztlan/United Way parcel, 226 Willow Street, and a portion of the Gustav Swanson Natural Area, sometimes referred to as the Aztlan/Poudre River EPA Removal Action Site, at 112 Willow Street.

6. **Second Reading of Ordinance No. 098, 2019, Authorizing the Execution of First and Second Amended and Restated Conservation Easements on the Hazelhurst Property and Assignment of a Conservation Easement to Larimer County. (Adopted)**

This Ordinance, unanimously adopted on First Reading on July 16, 2019, authorizes the execution of a First Amended and Restated Conservation Easement on the Hazelhurst property located at 2887 West Trilby Road. The amended and restated conservation easement will allow for the subdivision of the 45-acre property into two parcels: a 5-acre parcel to be retained by Glenn and Margaret Hazelhurst and a 40-acre parcel to be purchased in fee by the Natural Areas Department. Staff is also seeking authorization to subsequently enter into a Second Amended and Restated Conservation Easement that will split the Conservation Easement into two agreements, one that will apply to the 5-acre tract the Hazelhursts retain and a the other encumbering the 40-acre parcel purchased by the City, so that the conservation easement can be managed separately on each parcel. The conservation easement on the City's parcel would then be assigned to and held by Larimer County through its Open Lands department.

7. **Second Reading of Ordinance No. 099, 2019 Imposing a Moratorium Until August 30, 2020, Upon Certain Development of Existing Mobile Home Parks. (Adopted)**

This Ordinance, unanimously adopted on First Reading on July 16, 2019, imposes a moratorium upon the City's acceptance of any application for development of any kind that, if granted, could result in the partial or total closing or reduction in capacity of any mobile home park in existence on the effective date of this Ordinance, and would remain in effect through the earlier of August 30, 2020, or until City Council adopts an ordinance containing regulations that address the identified issues and concerns.

8. **Items Relating to Safe Routes to School Program Design and Construction of a Bicycle and Pedestrian Crossing at West Drake Road and Hampshire Road. (Adopted)**

A. First Reading of Ordinance No. 101, 2019, Making Appropriations and Authorizing Transfers of Appropriations for the Safe Routes to School Program and Grant From the Colorado Department of Transportation and Related Art in Public Places.

B. Resolution 2019-085 Authorizing the Execution of an Intergovernmental Agreement between the City and the Colorado Department of Transportation Accepting a Grant for the Safe Routes to School Program's Design and Construction of a Bicycle and Pedestrian Crossing at West Drake Road and Hampshire Road.

The purpose of this item is to request appropriation of \$495,851 in unappropriated funds received through a grant for the Safe Routes to School program (part of the City's FC Moves Department). The Colorado Department of Transportation (CDOT) has awarded a \$495,851 grant for design and construction of a new bicycle and pedestrian crossing at West Drake Road and Hampshire Road recommended in the City's 2014 Bicycle Master Plan. This project will provide a crossing for K-8 students connecting to nearby Blevins Middle School and Olander Elementary, while also supporting the completion of the low-stress Hampshire Bikeway. This project requires a 20% local match

(\$123,963), which will be paid from funds already appropriated in the Engineering Department's Pedestrian Program and the FC Moves Department's CCIP - Bike Plan Implementation fund. A total of \$4,959 is provided for Art in Public Places for the Project.

9. **First Reading of Ordinance No. 102, 2019, Amending Section 2-569 of the Code of the City of Fort Collins Regarding the Ethics Review Board. (Adopted)**

The purpose of this item is to consider a change to City Code Section 2-569(d)(1) to extend the time for initial screening of an ethics complaint by the Ethics Review Board from ten working days to thirty working days, plus an additional fourteen days in the event of extenuating circumstances.

10. **First Reading of Ordinance No. 103, 2019, Adding a New Article XII to Chapter 12 of the Code of the City of Fort Collins Relating to the Cultivation and Extraction of Hemp. (Adopted)**

The purpose of this item is to regulate the personal cultivation of hemp within the City of Fort Collins in the same manner that marijuana cultivation is regulated.

11. **First Reading of Ordinance No. 104, 2019, Making Various Amendments to the City of Fort Collins Land Use Code. (Adopted)**

The purpose of this item is to make amendments to the Land Use Code. There are proposed revisions, clarifications and additions to the Code that address specific subject areas that have arisen since the last update was initiated in the spring of 2019.

12. **First Reading of Ordinance No. 105, 2019, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements in Connection with the Realigned Lemay Avenue Bridge over Vine Drive and Burlington Northern Santa Fe Railroad Tracks. (Adopted)**

The purpose of this item is to seek authorization from City Council to use eminent domain, if necessary, to acquire property interests along Realigned Lemay Avenue. The acquisitions will include purchase of rights-of-way and permanent easements from three property owners. To meet project construction timelines, timely acquisition of the property interests is necessary. Staff fully intends to negotiate in good faith with the affected owners and is requesting authorization to use eminent domain only if project staff and the City Attorney's office believe such action is necessary after reasonable efforts to negotiate an acquisition.

This action would ensure the City can secure all the right-of-way required to build the entire project and complete the right-of-way acquisition phase of the project. There may still be a need for acquisition of future temporary construction easements, but no additional permanent right-of-way acquisition.

13. **First Reading of Ordinance No. 106, 2019, Authorizing the Termination of the Declaration of Covenants, Conditions, Restrictions and Easements for Inverness Innovation Park. (Adopted)**

The purpose of this item is to authorize the termination of a restrictive covenant that is obsolete and no longer beneficial to property on East Vine Drive.

14. **Resolution 2019-086 Supporting a Grant Application for Gray and Black Market Marijuana Enforcement Funding for Fort Collins Police Services. (Adopted)**

The purpose of this item is to obtain Council support for the City to apply for grant money to support enforcement of gray- and black-market marijuana activity for Fort Collins Police Services.

15. **Resolution 2019-087 Authorizing the City Manager to Execute an Agreement for Funding Improvements to the Munroe Canal Diversion Structure. (Adopted)**

The purpose of this item is to approve an intergovernmental agreement between the City of Fort Collins, Northern Colorado Water Conservancy District, North Poudre Irrigation Company (NPIC), East Larimer County Water District (ELCO), the Fort Collins-Loveland Water District (FCLWD), and North Weld County Water District. The purpose of the agreement is to fund improvements to the Munroe Canal Diversion Structure on the Cache la Poudre River. The Structure is located approximately one mile west (upstream) of Gateway Natural Area on the Cache la Poudre River. The improvement project will upgrade the Structure to prevent debris from flowing into the Structure and to safeguard the Structure from adjacent vehicular traffic. The Structure delivers Poudre River water to the City's Water Treatment Facility for treatment and is an integral part of the City's Fort Collins Utilities water supply system. The total estimated cost to the City is \$133,250 which is one-sixth of the total design and construction cost of \$799,500.

16. **Resolution 2019-088 Acknowledging Completion and Receipt of the City's 2018 Audited Comprehensive Annual Financial Report and Federal Compliance Audit Report Prepared by BKD LLP, an Independent Public Accounting Firm. (Adopted)**

The purpose of this item is to accept delivery of the City's 2018 audited financial reports provided by the independent accounting firm, BKD LLP.

17. **Resolution 2019-089 Making an Appointment to the Northern Colorado Regional Airport Commission. (Adopted)**

The purpose of this item is to appoint Jerry Stooksbury to the Northern Colorado Regional Airport Commission.

18. **Resolution 2019-090 Making Appointments to the Planning and Zoning Board, the Youth Advisory Board, and the Zoning Board of Appeals of the City of Fort Collins. (Adopted)**

The purpose of this item is to appoint individuals to fill vacancies that currently exist on the Planning and Zoning Board, the Youth Advisory Board, and the Zoning Board of Appeals. The vacancy on the Planning and Zoning Board is due to the resignations of Christine Pardee and Ruth Rollins. The vacancies on the Youth Advisory Board are due to the graduation of five board members. The vacancy on the Zoning Board of Appeals is due to the resignation of Cody Snowdon.

● **END CONSENT**

● **CONSENT CALENDAR FOLLOW-UP**

Mayor Pro Tem Stephens mentioned Item No. 8, *Items Relating to Safe Routes to School Program Design and Construction of a Bicycle and Pedestrian Crossing at West Drake Road and Hampshire Road*, which provides a new signalized crossing on West Drake Road, as being a good news item. City Manager Atteberry noted part of the project was funded by a Colorado Department of Transportation grant of nearly \$500,000 and stated the crossing will also help build out the Hampshire Bikeway, which is part of the city's low-stress network.

Mayor Troxell noted the City is accepting the independently audited financial report and federal compliance audit report as per Item No. 16, *Resolution 2019-088 Acknowledging Completion and Receipt of the City's 2018 Audited Comprehensive Annual Financial Report and Federal Compliance Audit Report Prepared by BKD LLP, an Independent Public Accounting Firm.*

● **STAFF REPORTS**

Neighborhood Party and Noise Enforcement. (staff: Jerry Schiager)

Jerry Schiager, Police Lieutenant, stated parties create ongoing nuisance issues related to noise and commotion as well as have the potential to develop into large riotous gatherings that have the potential to cause property damage and pose threats to public safety. He discussed ways in which Police Services officers attempt to decrease the potential for these types of gatherings, including the annual Community Welcome, the party registration program, and CSU's Party Partners classes. He noted party complaints and parties receiving citations have decreased over the past years.

Councilmember Cunniff commended the work of Police Services and noted the impact of those engaged in improper behavior is disproportionate to their numbers.

Councilmember Gorgol commended the proactive approach of Police Services.

Poudre River Library District. (presented by David Slivken, Executive Director)

David Slivken, Poudre River Public Library District Executive Director, discussed the formation of the District and its funding sources. He highlighted services provided and discussed the recently adopted 20-year master plan for the District which recommends the expansion of the Council Tree library, the addition of a new north location, and the formation of a central high-impact innovation hub.

Mayor Pro Tem Stephens thanked Mr. Slivken for the report and commended the social infrastructure provided by the libraries.

Councilmember Gorgol stated she was part of the master planning committee and commended the library outreach team.

Councilmember Gutowsky commended the work of Sara Scobee, the non-profit resources librarian.

Councilmember Summers asked if the Master Plan is calling for a complete relocation of the Council Tree library. Mr. Slivken replied it calls for an expansion from the existing 17,000 square feet. Staff is working with mall owners to expand the space to 40,000 square feet.

● **COUNCILMEMBER REPORTS**

Councilmember Cunniff noted Council directed the Legislative Review Committee to look at the humanitarian issues that have been reported at the border. He stated the Committee put together a draft resolution; however, the sense of the majority of the Committee was to try to address specific issues identified during the development of the resolution, including assuring full census participation, getting an update on community trust education and outreach efforts, and to engage in a dialogue with CSU's Center for Public Deliberation and Congressman Neguse.

Councilmember Gorgol stated the general public may not understand the meaning of the community trust ordinance and the City needs to assure immigrants they are safe and welcome in Fort Collins.

Councilmember Gutowsky reported on a tour of Halligan Reservoir and the Volunteers of America awards ceremony.

Councilmember Cunniff reported on Neighborhood Night Out.

Councilmember Gorgol reported on Neighborhood Night Out, the Neighbor to Neighbor fundraiser, and the City employee picnic.

Mayor Pro Tem Stephens thanked the Neighborhood Night Out hosts and reported on I-25 construction.

Mayor Troxell reported on Neighborhood Night Out, Comic Con, and his participation in a select congressional committee on climate crisis.

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

● **DISCUSSION ITEMS**

19. **Resolution 2019-091 Acknowledging the Global Climate Emergency and Reaffirming the City's Commitment to Climate Action. (Adopted)**

The purpose of this item is to consider adoption of a Resolution that acknowledges the global climate emergency and reaffirms the City's commitment to climate action. At its July 2, 2019, regular Council meeting, Council directed staff to bring forward this Resolution for consideration.

Deputy City Manager Jeff Mihelich stated this resolution acknowledges the global climate emergency and reaffirms the City's commitment to climate action planning, which has been ongoing for 20 years.

Lindsay Ex discussed the proposed resolution and noted the Natural Resources Advisory Board recommended support of the resolution and the Climate Action Plan community advisory committee provided feedback.

Deputy City Manager Mihelich announced the City has recently determined it will meet its 2020 goals and should exceed them by 2021.

Kevin Cross, Fort Collins Sustainability Group, proposed four sets of modifications to the resolution in order to bring the final version into better alignment with the original version submitted by the Group.

Forrest Carlson supported the changes recommended by Mr. Cross and encouraged Council to listen to their constituents and consider the long-term health of the climate.

Cheryl Distaso, Fort Collins Community Action Network, urged the passage of the resolution including the language suggested by Mr. Cross.

Will (no last name given) encouraged the inclusion of indigenous peoples' views.

Rose Lew stated climate change is widely regarded as the most important public health issue of the 21st century. She encouraged the adoption of the resolution.

Lilliana (no last name given) urged the passage of the resolution including language related to giving full acknowledgement to indigenous people of their ancestral homelands, including indigenous views on the Climate Action Plan committee, and adding education as a requirement.

Sage Wilson stated education of citizens is important and encouraged Council to focus on the end goal of securing the future of the environment.

Big Wind, Northern Arapaho Tribe, stated Council needs to make a commitment to ensure clean water, air, and land for generations to come.

Elizabeth Hudetz discussed the importance of citizens making meaningful changes to fight climate change and encouraged adoption of the resolution.

Mikala Connell encouraged adoption of the resolution including the placement of indigenous people as leaders.

Harry Michaels stated he is proud to live in a city that is taking the threat of global climate change seriously. He stated education is key in achieving the City's goals and encouraged an education campaign that would bring residents in as stakeholders and lead to a collective effort toward reducing the carbon footprint. He supported adoption of the resolution.

Leeann Sullivan discussed the importance of being honest about the immediacy of the climate crisis and the social and political inequities at its roots.

Phil Friedman supported adoption of the resolution including the Fort Collins Sustainability Group's recommended changes.

Kevin Bowler supported the resolution including additional acknowledgement of the traditional ecological knowledge possessed by indigenous people.

Danielle (no last name given) supported adoption of the resolution with the Fort Collins Sustainability Group's recommended changes.

KJ Borilla thanked Council for considering this item and discussed the importance of education for citizens about the climate crisis.

Nick Francis supported adoption of the resolution including the requirement for a periodic review of Climate Action Plan goals.

Robert Havis thanked Council and the City for their commitment to climate action.

Margit Hentschel encouraged adoption of the resolution including language acknowledging impacts on indigenous people.

Erica Finch urged Council to consider the wishes of its constituents.

Sherry Due encouraged Council to provide representation and leadership.

Bill Simpson encouraged the inclusion of a strong educational component.

Jonathan Boeke supported adoption of the resolution.

Lucy Tubber stated change will only occur if conversations occur and people all do their part.

Councilmember Cunniff thanked the groups who originally brought forth the resolution and discussed the importance of the inclusion of indigenous peoples both in this effort and in a more general fashion. He expressed support of the resolution with certain amendments.

Councilmember Pignataro read a letter from a constituent in support of declaring a climate emergency.

Mayor Pro Tem Stephens thanked the speakers and asked if periodic reviews are already included in the Climate Action Plan. Ex replied the 2015 resolution requires staff to provide an annual report tracking progress and allows for a review of goals as information arises.

Mayor Pro Tem Stephens discussed the existing references to indigenous peoples in the resolution and requested a definition of “front line communities”. Ex replied that phrase recognizes that certain populations are more impacted by certain conditions such as air quality decline and excessive heat.

Councilmember Gutowsky stated she supported the resolution as written but would be interested in possible amendments to further strengthen the language.

Councilmember Gorgol asked if an education component is already built into the Climate Action Plan work. Ex replied staff is working to listen to the community first in addition to the community advisory committee. Once community priorities are outlined, strategies to meet them will be developed. She noted education has been a key piece of this work since it began in 1999.

Mayor Troxell discussed the importance of utilizing practical, meaningful, innovative solutions.

Councilmember Summers commended the resolution and its focus on Fort Collins' leadership. He stated he could potentially support an amendment related to education about what actions individual citizens could take to aid in addressing and improving the climate.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gutowsky, to adopt Resolution 2019-091.

Councilmember Cunniff suggested possible amendments to the resolution designed to focus on actions and read his suggested language.

Mayor Troxell questioned the five-year reviews mentioned by Councilmember Cunniff. Ex replied those reviews could be operationalized by staff and stated the language would formalize the opportunity for a conversation between Council and staff.

City Manager Atteberry stated there is a difference between an annual report to Council and a five-year reconciliation or recalibration as suggested by Councilmember Cunniff.

Mayor Troxell asked when the five-year reviews would begin. Councilmember Cunniff replied he selected 2020 as it would be the first five-year interval since 2015; however, that could be changed based on budgeting needs.

Councilmember Cunniff made a motion, seconded by Councilmember Pignataro, to amend the original motion to include various amendments.

Councilmember Summers suggested a language change from “climate emergency” in order to engage as many people as possible. Councilmembers Cunniff and Pignataro accepted the amendment as friendly to change the wording to “urgent need for climate action”.

Councilmembers discussed language changes related to engagement. Deputy City Manager Mihelich suggested “to engage and partner with”.

Councilmembers made additional wording changes which were accepted as friendly amendments by Councilmembers Cunniff and Pignataro.

The vote on the motion to amend was as follows: Yeas: Stephens, Troxell, Gutowsky, Cunniff, Gorgol, Summers and Pignataro. Nays: none.

THE MOTION CARRIED.

RESULT:	RESOLUTION 2019-091 ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Susan Gutowsky, District 1
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

20. **First Reading of Ordinance No. 107, 2019, Approving a Settlement Agreement in the Fort Collins Mennonite Fellowship v. City of Fort Collins Lawsuit and, as Contemplated Under the Agreement, Amending the Conditions Previously Imposed in City Council Resolution 2018-104 that Approved the Fort Collins Mennonite Fellowship’s External Storage Lockers Minor Amendment.** (Adopted on First Reading)

This Ordinance is being presented to City Council for it to consider approval of a proposed settlement of the lawsuit the Fort Collins Mennonite Fellowship (Fellowship) and its pastor Steve Ramer filed last year in federal district court against the City and City Council. The Fellowship and Pastor Ramer sued the City and Council challenging the four conditions the Council imposed in October 2018 on the Fellowship’s installation and operation of outdoor lockers at its 300 East Oak Street church building it wished to make available to individuals experiencing homelessness (Locker Program). These four conditions were imposed as part of the Council upholding on appeal the Planning and Zoning Board’s previous approval of the Fellowship’s application for a minor amendment under the City’s Land Use Code to allow the Locker Program.

Under the proposed settlement, the existing four conditions will be replaced with ten new conditions, the City will pay \$60,000 to reimburse the Fellowship and Pastor Ramer for the attorney fees and costs they have incurred in the lawsuit and the lawsuit will be dismissed with prejudice.

Since there is no prescribed hearing procedure in the City Code or Land Use Code for City Council’s consideration of this Ordinance, it is recommended that the public hearing be conducted as follows:

1. *Announcement of item*
2. *Consideration of any procedural issues*
3. *Staff presentation*
4. *Presentation by the Fellowship (suggested time: 20 min.)*
5. *Presentations by parties-in-interest (suggested time: 20 min.)*
6. *Public testimony concerning the Ordinance*
7. *Councilmember questions of City staff, Fellowship, and parties-in-interest*
8. *Motion, discussion and vote by City Council.*

City Attorney Daggett reviewed the item and process. She noted members of the public will be allowed to speak, as well as parties-in-interest.

John Duvall, Deputy City Attorney, discussed the history of the item and process before Council. He detailed the conditions imposed on the locker program by Council and discussed the resulting lawsuit, settlement negotiations, and new conditions. He noted not approving this ordinance would result in litigation moving forward.

Duvall stated staff believes the proposed settlement balances the City's interests in mitigating effects on the neighborhood with the Fellowship's religious rights to have the locker program.

Mayor Troxell stated he was part of the original site visit and has since only had incidental views of the property.

Councilmember Summers stated he visited the property to see where the lockers were located.

Brian Connolly, attorney representing the Fort Collins Mennonite Fellowship, commended the City Attorney's Office staff and stated this settlement is a fair resolution to the dispute. He requested Council's approval of the settlement agreement.

Laurie Davis stated her neighborhood group, spearheaded mostly by women, has not had its concerns heard.

Robert Davis expressed disappointment with the negotiated agreement and the ACLU stating this is not a civil liberties issue. No successful locker program of this type has been outdoor, unsupervised, and with 24/7 access. He questioned why the individuals using the lockers have more rights than the neighborhood residents.

Mary Ray discussed growing issues in the neighborhood with homeless individuals. She questioned whether there is an exit strategy if the program fails and asked who is responsible for ensuring the church abides by the conditions.

Tricia Diehl discussed issues in the neighborhood with homeless individuals. She stated it has become difficult to operate a business in the area and opposed the \$60,000 payout to help fund the program.

Pamela Refven expressed concern about trash, camping, fighting, and other issues at the Mennonite church and in the neighborhood.

Jen Petrik questioned what criteria was utilized to determine this site was optimal for the lockers, how many other successful external storage programs exist, who researched best practices prior to an agreement being made between the City and the church, whether the City engaged in a public process, and who discussed the safety of neighbors and locker users.

Ms. Refven thanked District 1 police officers and Poudre Fire Authority personnel. She stated she had to put up a fence to keep homeless individuals from her backyard. She requested Council consider not approving the settlement agreement.

Martha Roden discussed the growing incidents of poverty and homelessness in Fort Collins, particularly seniors and disabled individuals. She stated the lockers will provide peace of mind for homeless individuals.

Chloe (no last name given) supported the locker program stating not all homeless individuals are addicted to drugs or alcohol.

Debra James supported the locker program stating it would have benefitted her greatly during the time she was homeless.

Will Rochelle supported the locker program.

Robert Havis supported the locker program.

Bill Steffenhagen stated there is a worldwide homelessness problem and commended the locker program as being functional.

Denise Steffenhagen supported the locker program.

Councilmember Pignataro asked if the lawsuit would continue if the ordinance is not approved. City Attorney Daggett replied in the affirmative.

Councilmember Pignataro asked if the lawsuit is only related to the conditions placed on the program by the last Council. City Attorney Daggett replied the lawsuit raises other broader issues such as whether the City properly required the church to get a minor amendment.

Councilmember Pignataro asked if the church could run the locker program as it sees fit if the lawsuit moved forward and the City was found to be liable. Deputy City Attorney Duvall replied there are certain scenarios in which all of the conditions could be eliminated.

Councilmember Pignataro asked how the church will be defining success with the program. Mr. Connolly replied the definition of success of the program is not relevant to the consideration of the settlement agreement.

Councilmember Pignataro asked how the church prioritizes who gets a locker. Mr. Connolly replied individuals can apply to the church to be part of the program.

Councilmember Pignataro asked if there are statistics related to crime in the area. Kevin Cronin, Assistant Police Chief, replied there has been an increase in crime in the area since last October when he first spoke to Council.

Councilmember Cunniff requested updates on community policing efforts in the area regardless of how Council votes on this ordinance.

Mayor Troxell noted lockers are available at the Murphy Center and there are better practices that have shown success.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gorgol, to adopt Ordinance No. 107, 2019, on First Reading.

Mayor Pro Tem Stephens thanked the citizens who spoke and stated she did not want to invalidate neighbors' concerns. Some of the security measures should be helpful to the neighbors and stated the church is providing a service for those who are struggling.

Councilmember Gorgol thanked the neighbors and stated their concerns have been heard. She discussed the importance of working on solutions to the homelessness situation as a community. The church has a right to provide the lockers and has worked with the City to provide extra safety precautions.

Councilmember Summers stated the lockers are an aspect of the church's commitment to reach out to those who need desperate help. Additional actions to provide security and reassurance for the neighborhood could occur moving forward.

Mayor Troxell stated he would support the motion and stated the City will continue to enforce its laws regarding illegal behavior. He hopes the church continues to evaluate the locker program and thinks about engaging in the community's system of services for the homeless in the best way possible.

Councilmember Gutowsky stated she has been inundated with comments from citizens requesting something be done about the issues with homeless individuals in this neighborhood. Those comments indicate the lockers seem to have exacerbated the problems and other programs are available for storage of belongings. She committed to maintaining the health, safety, and welfare of the residents in surrounding neighborhoods and therefore she would not support the ordinance.

Councilmember Pignataro expressed concern at the lack of a way to measure success of the program. She discussed the importance of helping mindfully and considering all consequences of actions. She stated she would begrudgingly support the ordinance and asked the church to work on repairing its fellowship with its neighbors.

Councilmember Cunniff stated this conversation is not really about lockers, homelessness, or neighborhood protection, but about a lawsuit where it was discovered the constitutional rights of the Mennonite Church to provide this religious service were overlooked. He stated he would support the ordinance but also commended Councilmember Gutowsky's statement.

RESULT:	ORDINANCE NO. 107, 2019, ADOPTED ON FIRST READING [6 TO 1]
MOVER:	Kristin Stephens, District 4
SECONDER:	Emily Gorgol, District 6
AYES:	Pignataro, Gorgol, Summers, Stephens, Troxell, Cunniff
NAYS:	Gutowsky

Motion to Continue the Meeting past 10:30 PM

Councilmember Cunniff made a motion, seconded by Mayor Pro Tem Stephens, to suspend the rules to continue the meeting past 10:30 p.m. to consider Item No. 21 and such other business as may come before Council.

RESULT:	ADOPTED [6 TO 1]
MOVER:	Ross Cunniff, District 5
SECONDER:	Kristin Stephens, District 4
AYES:	Pignataro, Gorgol, Gutowsky, Stephens, Troxell, Cunniff
NAYS:	Summers

21. **First Reading of Ordinance No. 108, 2019, Amending Article XVII, Section 15 of the Code of the City of Fort Collins Relating to Short Term Rentals. (Adopted on First Reading)**

The purpose of this item is to codify regulations addressing existing short-term rental (STR) licenses in multi-family buildings, to decriminalize short-term rental offenses, and to clarify that the thirty-day limit in Section 15-646 was intended to be calendar days. These actions come after multiple work sessions and outreach.

Ginny Sawyer, Policy and Project Manager, stated this item amends the existing short-term rental code, particularly to address units in multi-family buildings, and make clarifications. She discussed the history of the short-term rental licensing program in the city.

Sawyer detailed the proposed amendments to not issue a short-term rental license in a multi-family building that does not meet R1 standards and impose minimum safety requirements for the existing 60 licenses of this type.

Jonathan Boeke stated he would like this work to continue for short-term rentals in general and not just those in multi-family buildings. He questioned how to report non-licensed short-term rentals and encouraged a City-directed public relations effort aimed at educating residents on reporting issues.

Adam Eggleston thanked staff for their outreach efforts. He asked how many of the 60 units in question would be able to reasonably comply with the minimal safety standards and whether the City has looked into the cost of those improvements.

Kathryn Dubiel read a statement from Elizabeth Derbyshire related to an ambiguous definition of a non-primary short-term rental and other issues.

Paul Patterson continued Ms. Derbyshire's statement expressing concern about the inclusion of placing short-term rental standards on multi-family buildings. She also suggested Council request a study of the ramifications of allowing short-term rentals in multi-family dwellings and requested Council delay any action on the ordinance until the study and a community conversation have taken place.

Laura Jacobsen expressed concern about onerous safety requirements for short-term rentals in multi-family buildings. She stated there is no evidence that short-term rentals are at increased risk of fires.

Chris Jacobsen stated every use listed in the R1 classification that is proposed for short-term rentals are commercial uses whereas short-term rentals are residential. He noted the City specifically lists short-term rentals as a separate use from a hotel or motel. He requested Council allow him to keep his grandfathered status with the short-term rental license until this can be further evaluated and that Council reconsider staff's original recommendation that if a building has less than 25% of its dwelling units occupied by short-term rentals, the building would remain R2.

Councilmember Gorgol stated she would be in favor of doing greater outreach related to advertising properties as accommodating large numbers of people. She asked how individuals can report issues with short-term rentals. Sawyer replied there is a short-term rental tab in Access Fort Collins.

Councilmember Summers asked if it is anticipated the International Building Code will address short-term rentals. Sawyer replied the next Code will be in the 2021 version and no action was taken on the issue for that cycle.

Councilmember Summers asked how some of the safety standards, such as automatically closing doors for fire safety, could be implemented in multi-family buildings wherein all units are not owned by the same person. Sawyer replied transient occupancy R1 safety standards aim to protect all residents.

City Attorney Daggett discussed some case law relating to the issue.

Councilmember Summers asked about the inclusion of a criminal penalty for a code violation. Sawyer replied it is not uncommon for City Code offenses to be criminal. She noted criminal violations carry higher burdens of proof and higher fines.

Councilmember Pignataro commented on grandfathering existing short-term rentals of this type and stated she recalled the conversation being primarily around sprinklers. She asked why that conversation has now gone a different way. Sawyer replied staff understood the direction from Council was to ensure non-conforming units met at least minimum level standards.

Mayor Pro Tem Stephens noted Poudre Fire Authority aided in determining what regulations should apply and stated safety is the main concern. She stated she is uncomfortable grandfathering units Poudre Fire Authority deems unsafe.

Councilmember Cunniff agreed and noted guests in short-term rental units may not know how to escape a building quickly in the case of a fire. He asked what advantage self-closing doors would provide for short-term rental guests. Poudre Fire Authority Chief Tom Demint replied these doors self-close and have a gasket that keeps the fire contained. The doors would be required per Code if the building were changing use to multi-family and agreed with Councilmember Cunniff's assessment that the doors would provide the opportunity for a short-term tenant to egress safely.

Mayor Pro Tem Stephens asked if these units could still be rented on a long-term basis. Sawyer replied in the affirmative.

Mayor Troxell stated that while he understands the safety issue, he questions whether it makes sense to place these requirements on units that are right next to an exit door.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 108, 2019, on First Reading.

Councilmember Cunniff stated he would support the motion, though he would prefer to prohibit short-term rentals in multi-family buildings. Short-term rentals are not residential in purpose, but are transactional business operations that deplete the stock of available housing for long-term residents which affects housing affordability.

Councilmember Cunniff stated he supported the grandfathering provisions but encouraged staff to attempt to prevent future grandfathering situations.

RESULT:	ORDINANCE NO. 108, 2019, ADOPTED ON FIRST READING [5 TO 2]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Gorgol, Gutowsky, Stephens, Troxell, Cunniff
NAYS:	Pignataro, Summers

22. Resolution 2019-092 Approving the Northfield Metro District Nos. 1 through 3 Consolidated Service Plan. (Postponed to September 3)

The purpose of this item is for City Council to consider approval of the Northfield Metropolitan District Nos. 1 through 3 Consolidated Service Plan (the "Service Plan"). The developer of the proposed Northfield Development has submitted the Service Plan to support the proposed development of approximately 56 acres located north of Vine Street on the west side of Lindenmeier Road/Lemay Avenue (southeast of the Lake Canal and north of the to-be designated historic Alta Vista neighborhood). The development is anticipated to include 442 residential units and a mixed-use center that will offer light commercial use on the first floor, residential for-rent units on the second floor, and small amenities open to the public. The project has committed to provide approximately 15 percent for-sale affordable housing units. A Mill Levy Cap of 50.00 mills has been proposed under the Service Plan to support the project.

As per the Council's Metro District Policy, proceedings for a public hearing for a Metro District Service Plan public hearing are as follows:

1. *Announcement of item*
2. *Consideration of any procedural issues*
3. *Explanation of the application by City staff*
4. *Presentation by the applicant (suggested time: 15 minutes)*
5. *Public testimony regarding the application*
6. *Rebuttal testimony by the applicant (suggested time: 10 minutes)*
7. *Councilmember questions of City staff and the applicant*
8. *Motion, discussion and vote by City Council.*

RESULT:	NO ACTION TAKEN
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● **OTHER BUSINESS**

Councilmember Gorgol stated the Human Relations Commission has requested the City look at creating a formal response for bias-motivated or hate-based events.

Councilmember Cunniff supported the idea and suggested starting with an examination of the current process and costs associated with various responses.

Mayor Pro Tem Stephens stated she could support some type of response; however, she questioned what parameters would exist.

Mayor Troxell stated these types of responses need to be made on a case by case basis as there are too many variables that exist.

Councilmember Cunniff suggested the possibility of working with the Police Chief to determine to which events the City should respond.

City Manager Atteberry stated there is no protocol for the responses issued by the Chief and stated he would meet with the Commission to determine what it is considering.

● **ADJOURNMENT**

Consideration of a motion to adjourn to 6:00 p.m., Tuesday, August 27, 2019, for the mid-year evaluations of the City Manager, City Attorney and Chief Judge.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gorgol, to adjourn to 6:00 PM on Tuesday, August 27th, in order to conduct mid-year performance reviews of the Council's direct report employees and for such other business as may come before the Council.

RESULT:	ADOPTED [6 TO 0]
MOVER:	Kristin Stephens, District 4
SECONDER:	Emily Gorgol, District 6
AYES:	Pignataro, Gorgol, Gutowsky, Stephens, Troxell, Cunniff
AWAY:	Summers

The meeting adjourned at 11:58 PM.

Mayor

ATTEST:

City Clerk

August 27, 2019

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Adjourned Meeting – 6:00 PM

● ROLL CALL

PRESENT: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell
ABSENT: Cunniff
Staff present: Atteberry, Daggett, Coldiron

1. Consideration of a motion to adjourn into executive session.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gutowsky, to go into executive session, as permitted under Article 2, Section 11 of the City Charter, Section 2-31(a)(1)(a) of the City Code and Colorado Revised Statutes Section 24-6-402(4)(f)(I), for the purpose of conducting a mid-year performance review of the City Manager, City Attorney and Chief Judge.

Eric Sutherland stated the City Attorney does not give accurate advice to Council and that should be considered during the performance review.

Table with 2 columns: Field (RESULT, AYES, ABSENT) and Value (ADOPTED [UNANIMOUS], Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff)

(Secretary’s note: Councilmember Cunniff attended part of the executive session by telephone)

● ADJOURNMENT

The meeting adjourned at 9:13 PM.

Mayor

ATTEST:

City Clerk