

AGENDA ITEM SUMMARY

December 3, 2019

City Council

STAFF

Delynn Coldiron, City Clerk

SUBJECT

Consideration and Approval of the Minutes of the October 15 and November 5, 2019 Regular Council Meetings and the November 12, 2019 Adjourned Council Meeting.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes from the October 15 and November 5, 2019 Regular Council meetings and the November 12, 2019 Adjourned Council meeting.

ATTACHMENTS

1. October 15, 2019 (PDF)
2. November 5, 2019 (PDF)
3. November 12, 2019 (PDF)

October 15, 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

Staff Present: Atteberry, Daggett, Coldiron

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry stated there were no changes to the published agenda and noted the Linden Street renovation project conversation will occur under Other Business.

● **PUBLIC COMMENT**

Stacy Lynne complained about a City employee's actions.

Amber Mornes, Whaler's Cove, expressed concern about the safety of the Lemay and Whaler's Way intersection and requested a study be completed to examine the intersection.

Susie Wilmer, Old Firehouse Books, opposed the loss of parking that may result from the Linden Street redevelopment project and opposed the late communication with area businesses regarding the project.

Shay Murphy, Whaler's Cove, expressed concern about the safety of the Lemay and Whaler's Way intersection.

Todd Lentz, Whaler's Cove, requested a study be done on the Lemay and Whaler's Way intersection, noting many students cross the intersection daily.

Renee Walkup commended Council and discussed the Hughes Stadium property rezoning. She suggested Council wait on making a recommendation for the zoning until after the December and January Land Use Code amendment meetings.

Eric Sutherland discussed Municipal Court proceedings and stated City Attorney Daggett routinely misinforms Council about legal matters.

Pastor Newhall questioned why the County mental health facility has yet to be built, why services there will not be free of charge, and why Fort Collins is not contributing more funds.

Holly Wright expressed support for the A1 alternative for the Linden Street renovation and discussed the reasons it is the best option.

Jerell Clover, Salus Bath and Body Care, opposed the proposed Linden Street renovation project that will eliminate parking spaces stating it will negatively affect economic vitality of downtown.

Adam Eggleston stated he has heard no public support for the proposed Linden Street renovation project that will eliminate diagonal parking.

Rich Stave questioned the public notice requirements for boards, noting he received notice of a joint board and commission meeting 24 hours prior to the meeting with no location information.

● **PUBLIC COMMENT FOLLOW-UP**

Mayor Troxell summarized the citizen comments.

Councilmember Summers discussed Pastor Newhall's comments and stated there are mental health issues that need to be addressed in the community. He commented on the Imagine Zero meeting he attended.

Councilmember Pignataro requested staff input regarding the Lemay and Whaler's Way intersection. City Manager Atteberry replied staff will respond in writing shortly and encouraged the citizens who spoke about the issue to talk to Martina Wilkinson, Assistant City Traffic Engineer.

Councilmember Cunniff requested staff input regarding the Hughes Stadium property rezoning timeline. City Attorney Daggett replied the rezoning process requires notice be provided and any change to the process would need to be examined for compliance with statutes. She suggested Council hold its hearing on November 5.

Mayor Pro Tem Stephens commented on the mental health tax funding issues noting \$2 million has already been put into the community for that work. The mental health facility is proceeding as planned and services can be covered for individuals who are struggling to pay.

● **CONSENT CALENDAR**

Eric Sutherland withdrew Item No. 6, *First Reading of Ordinance No. 122, 2019, Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority Relating to the Annual Appropriations for the Fiscal Year 2020 and Fixing Mill Levy for the Downtown Development Authority for Fiscal Year 2020*, from the Consent Agenda.

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

RESULT:	CONSENT CALENDAR 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 September 3 and September 17, 2019 Regular Council Meetings and the September 24, 2019 Adjourned Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the September 3 and September 17, 2019 Regular Council meetings and the September 24, 2019 Adjourned Council meeting.

2. **Second Reading of Ordinance No. 115, 2019, Appropriating Prior Year Reserves and Unanticipated Revenue in Various City Funds and Authorizing the Transfer of Appropriated Amounts of Funds or Projects. (Adopted)**

This Ordinance, unanimously adopted on First Reading on October 1, 2019, combines dedicated and unanticipated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and, therefore, not included in the 2019 annual budget appropriation. The unanticipated revenue is primarily from fees, charges, rents, contributions

3. **Items Relating to Objects Obscuring Traffic Control Devices. (Adopted)**

A. Second Reading of Ordinance No. 117, 2019, Amending the Code of the City of Fort Collins as it Relates to Objects Obscuring Traffic Control Devices.

B. Second Reading of Ordinance No. 118, 2019, Amending the Fort Collins Traffic Code as it Relates to Objects Obscuring Traffic Control Devices.

These Ordinances, unanimously adopted on First Reading on October 1, 2019, amend the City Code and the City Traffic Code as they relate to the responsibilities for pruning private trees, shrubs or other plants that overhang or otherwise encroach on the public right-of-way. The changes will make the requirements in the two Codes consistent and provide a level of flexibility for City staff to immediately address issues of safety in the public right-of-way at its own expense, if needed.

4. **Second Reading of Ordinance No. 120, 2019, Appropriating Prior Year Reserves, Unanticipated Revenue and Authorizing Transfer of Funds for the Small Business Revolving Loan Fund Program. (Adopted)**

This Ordinance, unanimously adopted on First Reading on October 1, 2019, authorizes the transfer of funds from the Keep Fort Collins Great Fund to the General Fund and appropriate therein and to appropriate reserves and current year revenue from Platte River Power Authority (PRPA) Economic Development Program funds in the General Fund to create the City of Fort Collins Revolving Loan Fund for small businesses and startup companies operating in Fort Collins. The City will use the funds to support access to capital for small businesses in Fort Collins, which have historically not had access to traditional financial capital markets (“under banked” or “non-bankable”) The demographic focus of this program will be low-income, minority, veteran, and women-owned small businesses.

5. **First Reading of Ordinance No. 121, 2019, Adopting the 2020 Budget and Appropriating the Fort Collins Share of the 2020 Fiscal Year Operating and Capital Improvements Funds for the Northern Colorado Regional Airport. (Adopted)**

The purpose of this item is to adopt the 2020 budget for the Northern Colorado Regional Airport and appropriate Fort Collins’ share of the 2020 fiscal year operating and capital funds for the Airport. The City’s 50% share of the 2020 Airport operating budget is \$646,445 and 50% share of the 2020 capital budget is \$740,500, for a total City appropriation of \$1,386,945.

6. **First Reading of Ordinance No. 123, 2019, Making Appropriations and Authorizing Transfers of Appropriations for the Spring Creek Sanitary Trunk Sewer Project and Related Art in Public Places. (Adopted)**

The purpose of this appropriation request of \$656,500 from the Wastewater Fund cash reserves is to allow for the replacement of a section of sewer main that is at risk of imminent failure. On July 14, 2019, a section of the Spring Creek Trunk Sewer, located between Stover and Ukiah Lane, collapsed and needed an emergency repair on a 20-foot section of the pipeline. Subsequent televising of the rest of the 500-foot section of pipeline has found that it is structurally compromised and should be replaced. In addition, significant longitudinal cracks were found in the 100-foot section of pipe just downstream. This section of pipe is the original 24-inch clay. Staff is recommending lining this section

of pipe at the same time. This appropriation will allow for these sections of pipe to be replaced this winter rather than through the next budget cycle in 2021.

7. **First Reading of Ordinance No. 124, 2019, Amending Chapter 26 of the Code of the City of Fort Collins Related to Water, Wastewater and Electric Rates, Fees, and Charges Applied Under an Income-Qualified Assistance Program. (Adopted)**

The purpose of this item is to adopt a routine revision to Section 26-724 of City Code Chapter 26 pertaining to Utility Services.

8. **Resolution 2019-103 Supporting the Grant Application for a Local Park and Outdoor Recreation Grant from the State Board of Great Outdoors Colorado to Develop a Link from the Colorado State University Main Campus to the Spring Creek Trail. (Adopted)**

The purpose of this item is to request City Council support for an application toward and municipal sponsorship for the 2019 Great Outdoors Colorado (GOCO) Local Park and Outdoor Recreation (LPOR) Grant. If awarded the grant will partially fund construction of the Phemister Trail, consisting of a paved trail and bridge connecting the bicycle and pedestrian underpass of Prospect Road at Center Avenue to the City of Fort Collins Spring Creek Trail and Center Bikeway. Colorado State University (CSU) will manage and fund the project and has requested the City of Fort Collins act as the required municipal sponsor and fiscal agent for the project. GOCO requires a resolution of support from City Council as part of the grant application package.

9. **Resolution 2019-104 Making Appointments to the Youth Advisory Board of the City of Fort Collins. (Adopted)**

The purpose of this item is to fill vacancies on the Youth Advisory Board due to resignations that occurred on May 31, 2019, as a result of graduations.

● **END CONSENT**

● **STAFF REPORTS**

A. Teaching Tree (staff: Adam Molzer)

Adam Molzer, Lead Specialist, Social Sustainability, discussed the Teaching Tree Childcare expansion at 424 Pine Street that was made possible in part by the City granting the facility an extended lease for \$50 per month and funding pre-construction costs. He showed a video produced by United Way that speaks to the collaboration that led to the formation of the facility.

Mayor Pro Tem Stephens commended the partnership and project.

● **COUNCILMEMBER REPORTS**

Councilmember Cunniff reported Councilmembers met with state legislators, the Colorado Municipal League Policy Committee, and the Legislative Review Committee regarding the 2020 Legislative Policy Agenda. Platte River Power Authority Board wanted Council to be notified of its resolution related to Board representation.

Councilmember Pignataro reported on the Winning with Women event in Denver and mentioned the whitewater park grand opening event.

Councilmember Gorgol reported on a housing conference in Keystone related to affordable and attainable housing in the state.

Mayor Pro Tem Stephens reported on the Interfaith Council's 40th anniversary celebration, the Walk for Down's Syndrome, her service on a renewable energy panel at CSU, her talk at a Soroptimist's meeting, and the whitewater park opening.

Councilmember Gutowsky reported on the Timberline Recycling Center's third anniversary celebration, the whitewater park opening and the ARC of Larimer County town hall meeting.

Mayor Troxell reported on the whitewater park opening, the 30th anniversary celebration of the Abyssinian Community Church, a visit to Harvest Farm, a visit by the Society of Environmental Journalists to Fort Collins, and the dedication of Poudre Fire Authority's ossuary at Grandview Cemetery.

● **DISCUSSION ITEMS**

10. **Items Relating to 2020 Utility Rates. (Adopted on First Reading)**

- A. *First Reading of Ordinance No. 125, 2019, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges.*
- B. *First Reading of Ordinance No. 126, 2019 Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees and Charges.*
- C. *First Reading of Ordinance No. 127, 2019 Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees and Charges.*
- D. *First Reading of Ordinance No. 128, 2019 Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees and Charges.*

The purpose of this item is for Council to consider adjusting monthly charges for electric, water, wastewater, and storm water services in 2020. The revenue requirements to support the 2020 budget will require increasing monthly charges for electric service by 5.0% and stormwater service by 2.0%. While there is no overall percentage increase planned for the Water or Wastewater Funds, there are minor rate class adjustments proposed based on recent cost-of-service model updates. Upon adoption, these rates would be effective January 1, 2020.

Randy Reuscher, Utility Rate Analyst, stated this item consists of four rate ordinances: electric, water, wastewater, and stormwater. There is an overall 5% rate increase for electric, a 2% increase for stormwater, and no overall change for water and wastewater. He discussed the criteria used for determining rate changes and stated an average customer's bill will increase about \$4 per month with all four services. He noted there are several programs available for customers who need financial assistance.

Rick Coen stated the City needs a paradigm shift in the way it approaches rates, especially within the context of the Climate Action Plan goals. He suggested solar customers should be thanked for their assistance in reaching those goals and stated true net metering should be utilized.

Adam Eggleston asked about the effects of time of use rates on average customers' bills and expressed concern about the gradual increase in Fort Collins' cost of living.

Polly Nol stated the increasing overall rates do not correspond to the net metering credit rates for residential solar and are devaluing efforts to contribute to the City's Climate Action Plan goals.

Rich Stave expressed concern regarding the equitability of the rate structures and stated a report on time of use rates should have occurred prior to a rate increase.

Pete Eberle, Northern Colorado Renewable Energy Society, commented on the compromise reached on the solar export rate and the creation of the distributed energy resource working group.

Mayor Troxell stated the distributed energy resource planning endeavor is just beginning and noted Platte River Power Authority must work with all four member communities. He agreed rate classes have been obscure and not aligned with the desired system benefit outputs.

Councilmember Cunniff asked if a large portion of the electric rate increase is due to the fact that previous years' increases were capped per policy, resulting in a carryover. Reuscher replied a rate strategy has been adopted wherein rate increases are limited to no more than 5%. The 2020 increase includes a certain amount of increase that was needed in 2019. Reserves have been slowly brought down over the past decade rather than passing rate increases on to customers and this increase is intended to address the operating income shortfall.

Councilmember Cunniff asked if this rate increase is independent of the rate structure encompassed by time of day/tiered rates. Reuscher replied in the affirmative.

Councilmember Cunniff noted a full report on the time of use rate structure will be forthcoming. He expressed concern that the equitability of the rate classes is not obvious to the layperson and stated more effort may need to be put into educating individual consumers. He requested additional information prior to Second Reading and also requested information regarding the impact of the rate changes to customers who are not part of the City's water utility.

Councilmember Cunniff asked if there is some type of device available for customers to look at their energy use in real time. John Phelan, Energy Services Manager, replied there is a rental program through the library and similar devices can be purchased.

Councilmember Gorgol asked if the discounted rate for the Income Qualified Assistance Program will be increased. Reuscher replied the discounted rate for the program is 23% if the household qualifies for LEAP and that percentage will not change for 2020.

Councilmember Gutowsky asked when the report on time of day rates will be presented. Lance Smith, Utilities Financial Planning and Accounting Director, replied that report will be presented during the first quarter of 2020.

Councilmember Pignataro requested a brief description of the compromise reached regarding solar. Smith replied a number of meetings with the Colorado Solar and Storage Association have occurred, resulting in the presented proposal.

Mayor Troxell stated the time of day rate is having a measurable impact on reducing the peak load on the entire system thereby reducing the need for the requirements of meeting peak load. He also discussed his participation in a panel conversation entitled “Grid Forward”.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 125, 2019, on First Reading.

Mayor Pro Tem Stephens noted this was part of the recommended budget and was therefore expected. She noted the utilities are not for-profit entities and stated she would support changes to the Income Qualified rates.

Councilmember Cunniff agreed with Mayor Pro Tem Stephens’ comments and asked if annual use differences will soon be available on customers’ bills. Lisa Rosintoski, Utilities Customer Connections, replied that type of utility bill history should be available in the second quarter of 2020 with the new utility billing system. Additionally, a new user portal should be created as well.

Councilmember Gutowsky asked if there is a possibility of averaging bills across months on an annual basis. Rosintoski replied in the affirmative.

RESULT:	ORDINANCE NO. 125, 2019, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Susan Gutowsky, District 1
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 126, 2019, on First Reading

RESULT:	ORDINANCE NO. 126, 2019, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 127, 2019, on First Reading.

RESULT:	ORDINANCE NO. 127, 2019, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Susan Gutowsky, District 1
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 128, 2019, on First Reading.

RESULT:	ORDINANCE NO. 128, 2019, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

11. **First Reading of Ordinance No. 129, 2019, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2020; Amending the Budget for the Fiscal Year Beginning January 1, 2020 and Ending December 31, 2020; and Fixing the Mill Levy for Property Taxes Payable in 2020. (Adopted on First Reading)**

The purpose of this item is to amend the adopted 2020 Budget. This Ordinance sets the amount of \$632,403,387 to be appropriated for fiscal year 2020. This appropriated amount does not include what is also being appropriated by separate Council/Board of Director actions to adopt the 2020 budgets for the General Improvement District (GID) No. 1 of \$352,000, the 2020 budget for GID No. 15 (Skyview) of \$1,000, the Urban Renewal Authority (URA) 2020 budget of \$5,952,249 and the Downtown Development Authority 2020 budget of \$19,534,122. The sum of these ordinances results in City-related total appropriations of \$658,242,758 in 2020. This Ordinance also sets the 2020 City mill levy at 9.797 mills, unchanged since 1991.

Mike Beckstead, Chief Financial Officer, discussed the integration of the budget and the City’s leadership system which works to align the budget and operating plan with community needs and Council priorities. He stated this item would provide minor adjustments to the 2020 budget.

Lawrence Pollack, Budget Director, detailed the budget revision process and revision offers. He noted the revision process is not the magnitude of the full budgeting for outcomes process which is why there is less public outreach.

Eric Sutherland asked about a reduction in the operating total for transit services and stated there is a need for additional support of commuter transit. He requested an explanation of the \$5.6 million charge for capitalized interest for the Connexion broadband fund. He questioned why the business plan could not be optimized to reduce that large expense.

Mayor Troxell requested staff input regarding Mr. Sutherland’s questions. Beckstead replied there are no adjustments to transit in this 2020 revision process so he would need to research the details of the overall 2-year budget to answer that question. Pollack replied the budget reduction relates to medical premiums, fuel charges, and the shifting of a bus purchase. He clarified there is no reduction in transit service for 2020.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Pignataro, to adopt Ordinance No. 129, 2019, on First Reading.

Councilmember Cunniff commended the updates to the mid-cycle budget revision process.

Mayor Pro Tem Stephens agreed and commended the aspect of the process that begins to implement the priorities of the new Council.

Mayor Troxell commended the budget process and the coherent approach to aligning resources with community outcomes.

RESULT:	ORDINANCE NO. 129, 2019, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Julie Pignataro, District 2
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

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

12. **First Reading of Ordinance No. 122, 2019, Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority Relating to the Annual Appropriations for the Fiscal Year 2020 and Fixing Mill Levy for the Downtown Development Authority for Fiscal Year 2020. (Adopted on First Reading)**

The purpose of this item is to set the Downtown Development Authority (DDA) Budget.

The following amounts will be appropriated:

<i>DDA Public/Private Investments and Programs</i>	<i>\$3,918,409</i>
<i>DDA Operations & Maintenance</i>	<i>\$ 959,165</i>
<i>Revolving Line of Credit Draws</i>	<i>\$6,400,000</i>
<i>DDA Debt Service Fund</i>	<i>\$8,256,548</i>

The Ordinance sets the 2020 mill levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2020.

Eric Sutherland questioned the interaction of the DDA budget with the tax increase proposed by Poudre School District on the November ballot. He requested the DDA return additional funds it might receive as the result of a favorable vote on the tax increase back to the school district. He stated the DDA tax increment finance diversions have no basis in law.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Summers, to adopt Ordinance No. 122, 2019, on First Reading.

Councilmember Cunniff requested a memo from the DDA regarding processes in the case of subsequent tax increases prior to Second Reading.

RESULT:	ORDINANCE NO. 122, 2019, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ken Summers, District 3
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

● **OTHER BUSINESS**

Councilmember Cunniff received Council support to bring forward any necessary action for Council to enable it to add clarification around various open meetings questions to the Colorado Municipal League policy agenda.

Councilmember Cunniff stated he wanted to provide some clarity around Council's opinions related to the Linden Street revisions. He expressed concern no data analysis or policy making has yet to occur around downtown parking issues.

Mayor Pro Tem Stephens expressed support for the 1A plan and stated the future of city design is to pull cars away from the city center. The plan would make the area very pedestrian and multi-modal friendly and additional wayfinding to parking garages could be beneficial in many ways.

Councilmember Pignataro stated it appears no compromise was made at all. A robust crossing plan for Jefferson Street needs to be put in place if this is to be a gateway to the River District.

City Manager Atteberry stated there has been significant coordination between the Colorado Department of Transportation (CDOT) and the City related to Jefferson Street.

Chad Crager, Planning, Development and Transportation Acting Deputy Director, discussed the history of the Linden Street project, its proposed design, and public outreach. He noted the A1 alternative was a direct result of meetings with Linden Street businesses and property owners. The City will work with CDOT to continue pavers across Jefferson and create bulb-outs to reduce the crosswalk distance. Regarding parking loss mitigation, Crager stated 17 of the 30 spaces have been relocated nearby, there is the potential for additional parking on Jefferson, and the fee structure for the Old Firehouse Alley will be changed. Additionally, wayfinding and an overall downtown parking marketing campaign will be implemented prior to the construction of the project.

Mayor Troxell expressed support for the A1 alternative and stated there will hopefully be other options regarding existing private parking lots.

Councilmember Gutowsky stated the local businesses are fragile and expressed concern that this plan does not support them. She also expressed concern about the availability of handicapped parking and parking for those with mobility needs.

Mayor Pro Tem Stephens stated this plan looks more appealing for pedestrian shoppers and is a more attractive space for the businesses.

Mayor Troxell discussed the success of city center and pedestrian mall developments in Europe.

Councilmember Summers commended staff on their public outreach efforts but expressed concern the time it will take to accomplish may be detrimental to the businesses.

Councilmember Cunniff suggested design not start until no net loss of on-street parking spaces within a 2-block radius has been identified. He discussed a failed attempt at a pedestrian-only area in Los Cruces, New Mexico. He supported the overall vision; however, he noted vehicles are the primary mode of transportation and people do not like parking structures or the electronic check-out process.

Councilmember Summers asked about the construction timeline. Crager replied this is a conceptual design; the next step is to design to around 30% and bring on a contractor to work with the designer. The hope is to begin construction in late spring 2020 with a planned completion by late summer or fall 2020.

City Manager Atteberry asked Crager about the possibility of arriving at a net zero loss solution. Crager replied it would likely take a conversation with CDOT about allowing parking on Jefferson to make that happen within a 2-block radius.

City Manager Atteberry stated he would not want to lose the project over 13 parking spaces and a delay of a year would result in construction inflation of 5-8%; however, it is Council's prerogative to opt for a different solution.

Mayor Troxell encouraged the inclusion of private parking in the discussion.

(Secretary's Note: Mayor Troxell left the meeting at 8:56 p.m.)

Councilmember Summers suggested making parking garages free for 2 hours during the transition time of getting people more familiar with the garages and suggested employee parking be incentivized in garages.

Councilmember Cunniff supported the ideas of incorporating private parking and changing the policy discussion around the parking garages. He expressed concern about the businesses directly around the corner from Linden Street that will not benefit from the improvements. He would be willing to accept a no net loss of free and easy to access parking spaces for customers specifically.

Councilmember Summers asked about the possibility of a Downtown Development Authority (DDA) partnership. Matt Robenault, DDA Executive Director, replied there are always partnership opportunities. He noted the DDA has supported on-street paid parking and that will be considered if a partnership request is formally structured.

City Manager Atteberry stated he is optimistic this feedback can lead to a no net zero parking loss.

Councilmember Gorgol requested and received Council support to direct the City Manager to have a plan put together regarding policy direction prior to the March work session on affordable housing. City Manager Atteberry replied with some details as to what staff will present, including information related to inclusionary zoning, impact fees, down payments, and the land trust.

● **ADJOURNMENT**

The meeting adjourned at 9:23 PM.

Mayor

ATTEST:

City Clerk

November 5, 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
Staff present: Atteberry, Daggett, Coldiron

● **AGENDA REVIEW: CITY MANAGER**

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

● **PUBLIC COMMENT**

Ken Christensen requested Council adopt City Park Master Plan 2 with scenario B for safety improvements. He discussed the public process leading to the recommendation.

Eric Sutherland commented on Item No. 11, *Resolution 2019-105 Expressing Support for Legislation by the Colorado General Assembly Regarding Executive Sessions for Matters Pertaining to Issues of Competition in Providing Local Telecommunications Facilities and Services*, stating its adoption illustrates a lack of knowledge about American government on the part of the City. He claimed Council is being misinformed about legal matters.

Kevin Cross, Fort Collins Sustainability Group, stated the City ignores the emissions of fluorinated gases when it reports communitywide greenhouse gas emissions are 14% below 2005 levels. He urged the City to do everything it can to track and reduce the emission of fluorinated gases.

Kimberly Chambers thanked the City and Council for requiring respectful workplace training and for its proclamations related to LGBTQIA issues. She requested the City provide some leadership in providing space for LGBTQIA non-profit organizations.

Forrest Carlson discussed a circuit court case brought by homeless residents in Boise, Idaho. The court ruled to overturn the City's camping ban in that case. He opposed the treatment of homeless individuals in Fort Collins.

William Cutcher thanked Council and law enforcement for their work. He announced a run for the U.S. House of Representatives for the 2nd District of Colorado.

William Montgomery stated he was wrongfully convicted of being in a park in 2015 when he was actually on a sidewalk. He stated he is collecting signatures on a petition related to the issue.

● **PUBLIC COMMENT FOLLOW-UP**

Mayor Troxell summarized the citizen comments and noted Item No. 11, *Resolution 2019-105 Expressing Support for Legislation by the Colorado General Assembly Regarding Executive Sessions for Matters Pertaining to Issues of Competition in Providing Local Telecommunications Facilities and Services*, ensures transparency related to Council emails.

Councilmember Cunniff asked about Mr. Cross’ comments related to fluorinated gases and suggested their output could be tracked in current inventories or in a separate parallel inventory. He asked if the City Manager would need direction from Council to do that. Jackie Kozak-Thiel, Chief Sustainability Officer, replied the last direction received from Council was to ensure transparent reporting of this data; fluorinated gases will be listed as a specific sector of industrial emissions in the upcoming report though it will be presented separately from the general community inventory.

Mayor Pro Tem Stephens requested additional background information about fluorinated gases. Kozak-Thiel replied these gases are more potent than other greenhouse gases and are therefore regulated at a federal and state level.

● **CONSENT CALENDAR**

An unidentified citizen withdrew Item No. 6, *Items Relating to 2020 Utility Rates*, from the Consent Agenda.

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

RESULT:	CONSENT CALENDAR 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 October 1, 2019 Regular Council Meeting and the October 8, 2019 Adjourned Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the October 1, 2019 regular Council meeting and the October 8, 2019 adjourned Council meeting.

2. **Second Reading of Ordinance No. 121, 2019, Adopting the 2020 Budget and Appropriating the Fort Collins Share of the 2020 Fiscal Year Operating and Capital Improvements Funds for the Northern Colorado Regional Airport. (Adopted)**

This Ordinance, unanimously adopted on First Reading on October 15, 2019, adopts the 2020 budget for the Northern Colorado Regional Airport and appropriate Fort Collins’ share of the 2020 fiscal year operating and capital funds for the Airport. The City’s 50% share of the 2020 Airport operating budget is \$646,445 and 50% share of the 2020 capital budget is \$740,500, for a total City appropriation of \$1,386,945.

3. **Second Reading of Ordinance No. 122, 2019, Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority Relating to the Annual Appropriations for the Fiscal Year 2020 and Fixing Mill Levy for the Downtown Development Authority for Fiscal Year 2020. (Adopted)**

This Ordinance, unanimously adopted on First Reading on October 15, 2019, sets the 2020 Downtown Development Authority (DDA) Budget.

The following amounts will be appropriated:

DDA Public/Private Investments and Programs	\$3,918,409
DDA Operations & Maintenance	\$ 959,165
Revolving Line of Credit Draws	\$6,400,000
DDA Debt Service Fund	\$8,256,548

The Ordinance sets the 2020 mill levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2020.

4. **Second Reading of Ordinance No. 123, 2019, Making Appropriations and Authorizing Transfers of Appropriations for the Spring Creek Sanitary Trunk Sewer Project and Related Art in Public Places. (Adopted)**

This Ordinance, unanimously adopted on First Reading on October 15, 2019, appropriates \$656,500 from the Wastewater Fund cash reserves to replace a section of sewer main that is at risk of imminent failure. On July 14, 2019, a section of the Spring Creek Trunk Sewer, located between Stover and Ukiah Lane, collapsed and needed an emergency repair on a 20-foot section of the pipeline. Subsequent televising of the rest of the 500-foot section of pipeline has found that it is structurally compromised and should be replaced. In addition, significant longitudinal cracks were found in the 100-foot section of pipe just downstream. This section of pipe is the original 24-inch clay. Staff is recommending lining this section of pipe at the same time. This appropriation will allow for these sections of pipe to be replaced this winter rather than through the next budget cycle in 2021.

5. **Second Reading of Ordinance No. 124, 2019, Amending Chapter 26 of the Code of the City of Fort Collins Related to Water, Wastewater and Electric Rates, Fees, and Charges Applied Under an Income-Qualified Assistance Program. (Adopted)**

This Ordinance, unanimously adopted on First Reading on October 15, 2019, amends Section 26-724 of City Code, Chapter 26, pertaining to Utility Services to provide inclusivity for low-income customers, focusing on qualification criteria and program descriptions.

6. **Second Reading of Ordinance No. 129, 2019, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2020; Amending the Budget for the Fiscal Year Beginning January 1, 2020 and Ending December 31, 2020; and Fixing the Mill Levy for Property Taxes Payable in 2020. (Adopted)**

This Ordinance, unanimously adopted on First Reading on October 15, 2019, amends the adopted 2020 Budget and sets the amount of \$632,403,387 to be appropriated for fiscal year 2020. This appropriated amount does not include what is also being appropriated by separate Council/Board of Director actions to adopt the 2020 budgets for the General Improvement District (GID) No. 1 of \$352,000, the 2020 budget for GID No. 15 (Skyview) of \$1,000, the Urban Renewal Authority (URA) 2020 budget of \$5,952,249 and the Downtown Development Authority 2020 budget of \$19,534,122. The sum of these ordinances results in City-related total appropriations of \$658,242,758 in 2020. This Ordinance also sets the 2020 City mill levy at 9.797 mills, unchanged since 1991.

7. **Items Relating to the 2019 Fee Update. (Adopted)**

- A. First Reading of Ordinance No. 130, 2019, Amending Chapter 7.5 of the Code of the City of Fort Collins to Implement the Phase III Increases for the Capital Expansion Fees and Increase for Inflation the Capital Expansion Fees and the Transportation Expansion Fee.
- B. First Reading of Ordinance No. 131, 2019, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections.
- C. First Reading of Ordinance No. 132, 2019, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Sewer Plant Investment Fees.

- D. First Reading of Ordinance No. 133, 2019, Amending Chapter 26 of the Code of the City of Fort Collins to Revise the Stormwater Plant Investment Fees.
- E. First Reading of Ordinance No. 134, 2019, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Plant Investment Fees.
- F. First Reading of Ordinance No. 135, 2019, Amending Chapter 26 of the Code of the City of Fort Collins to Revise the Water Supply Requirements Fee.

The purpose of this item is to review fee updates associated with Electric Capacity Fees, Water Supply Requirement Fees, Wet Utility Plant Investment Fees (PIFs) and Step III of the 2017 Capital Expansion Fees (CEFs). Fee updates have been reviewed by Council Finance Committee twice, and at the November 8th Council Work Session Council was fully supportive of bringing fees forward for Council adoption. Staff met with nine organizations across the City in the summer of 2019 and overall organizations were supportive of the approach and cadence.

Coordination of Council approved fees began in 2016 to provide a more holistic view of the total cost impact. Previously, fee updates were presented to Council on an individual basis. After the 2019 fee update, fee phasing will be complete with regular two and four-year cadence updates beginning in 2021.

2019 fee updates include: Electric Capacity Fees, Water Supply Requirement Fees, Wet (Water, Wastewater and Stormwater) Utility Plant Investment Fees and Step III of the 2017 Capital Expansion Fees.

Staff proposes the following fee changes:

- Wet Utility PIFs as proposed
- Electric Capacity Fees as proposed
- Water Supply Requirement Fee as proposed
- 100% of proposed 2017 Capital Expansion Fees (Step III)
- Transportation Capital Expansion Fees (inflation only)

Development Review/Building Fees were initially planned to be part of the 2019 update but have been decoupled and will come forward once finalized.

- 8. **First Reading of Ordinance No. 136, 2019, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify the Application of Certain Water-Related Fees to Different Forms of Fraternity and Sorority Housing. (Adopted)**

The purpose of this item is to amend Chapter 26 of the City Code to clarify the application of certain water-related fees to different forms of fraternity and sorority housing.

- 9. **First Reading of Ordinance No. 137, 2019, Authorizing the City's Conveyance of Land to Facilitate the Replatting of the Lot on which the City's Foothills Activity Center is Located. (Adopted)**

This item approves the exchange of deeds between the City, the developer of the Foothills Mall (the "Mall") and the owner of the Macy's store in the Mall. This exchange of deeds is needed to replat the lot on which the City's Foothills Activity Center (the "FAC") is now located to eliminate small encroachments that currently exist between the City's FAC lot and adjacent properties owned by the Mall developer and Macy's. This replatting will remove these encroachments and ensure that the FAC, as built, is located entirely and correctly within the City's replatted lot.

10. **Resolution 2019-105 Expressing Support for Legislation by the Colorado General Assembly Regarding Executive Sessions and Electronic Communications Under the Colorado Open Meetings Law. (Adopted)**

The purpose of this item to consider a resolution requested by the City Council supporting potential legislation by the General Assembly supporting potential legislation by the Colorado General Assembly that confirms and expressly permits the City and other cities, town, or municipalities to hold executive sessions to consider matters pertaining to issues of competition in providing telecommunications facilities and services. These matters could include negotiations, strategic planning, pricing, sales and marketing, development phasing in addition to any other matter allowed under the Colorado Open Meetings Law or the Colorado Open Records Act. The Resolution also supports potential legislation clarifying the extent to which use of electronic mail by elected officials to discuss pending legislation or other public business among themselves is considered a “meeting” under that Law so that elected officials can effectively use this now common-place communication technology within appropriate transparency requirements and other reasonable limitations.

● **END CONSENT**

● **STAFF REPORTS**

A. Staff Report: Fort Collins Utilities Smart Energy Provider Designation (Staff: John Phelan)

John Phelan, Energy Services Senior Manager, discussed Fort Collins' official designation as a Smart Energy Provider by the American Public Power Association. The designation supports the City's strategic alignment regarding climate and high performing government goals. Fort Collins was one of 60 utilities that received the inaugural designation this year.

Mayor Troxell and Councilmember Cunniff congratulated Mr. Phelan and the utility.

● **COUNCILMEMBER REPORTS**

Mayor Troxell reported on Councilmembers who met with Congressional leaders in Washington, D.C. He participated in a Drone Advisory Committee meeting during that trip.

Mayor Pro Tem Stephens reported on the Read-a-Thon event at Shepardson Elementary School, the Board and Commission appreciation event, and the upcoming “Reimagining Boards and Commissions” work. She also reported on attending the Eye Ball, which benefits the Insight Vision Program and noted the downtown lights have been lit for the holiday season.

Councilmember Gorgol reported on the Health District's input sessions for the top health issues in the region.

Councilmember Gutowsky reported on attending the Health District's key leaders and seniors' meetings, as well as the White House Roundtable meeting about the opioid epidemic.

Mayor Troxell thanked the Downtown Business Association and Downtown Development Authority for their contribution to the downtown lights.

● DISCUSSION ITEMS

11. **First Reading of Ordinance No. 138, 2019, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Hughes Stadium Site Rezoning and Approving Corresponding Changes to the Residential Neighborhood Sign District Map. (Adopted on First Reading)**

The purpose of this item is to rezone 164.55 acres located on the west side of Overland Trail and north of CR32 (parcel # 9720100913) with one condition and to place the property into the Residential Sign District. City Council initiated the rezoning on July 16, 2019 and directed City staff to prepare a rezoning application and make a recommendation regarding the appropriate zoning. The site is currently zoned Transition (T) and staff recommends placement into the Residential Foothills (RF) and Low-Density Mixed-Use Neighborhood (LMN) zone districts. A recommended condition of the rezone requires that future development in the portion zoned Residential Foothills district meet the requirements of a Cluster Plan pursuant to Land Use Code Section 4.3(E)(2). The request places the property into the Residential Sign District. The Planning and Zoning Board on a 4-2 vote recommended that City Council not adopt the staff proposed zoning and instead zone the property entirely Residential Foothills.

Mayor Troxell requested information as to any possible conflicts of interest.

Councilmember Cunniff stated he lives in the notification area for this project; however, he did not believe he has any financial interest that is different from others and that it will not bias his examination of the issue.

Mayor Pro Tem Stephens stated she is an employee of Colorado State University; however, she has neither financial nor personal interest in the outcome of this item and feels she can give an unbiased opinion.

Mayor Troxell stated he is an employee of Colorado State University and he also has no financial interest in this project which is at the system level of the University. He noted he received an advisory opinion from the Ethics Review Board regarding a stadium issue indicating there was no conflict with his participation.

Mayor Troxell addressed procedural issues and identified speakers.

Tom Leeson, Community Development and Neighborhood Services Director, outlined the staff recommendation for the property zoning, stating it is based on a number of factors and input from various stakeholders.

Cameron Gloss, Long-Range Planning Manager, outlined the history of the property and discussed its physical characteristics. He detailed various plans and policies that influenced the staff recommendation and outlined various scenarios that were presented. The Planning and Zoning Board disagreed with the staff recommendation and recommended a Residential Foothills zone for the entirety of the property, with the condition that the development would be clustered consistent with Land Use Code requirements.

Gloss discussed the public input process, including the neighborhood meeting. Primary comments received involved increasing the amount of open space on the site and dealing with traffic and air quality impacts. He outlined the differences between the staff recommendation and Planning and Zoning Board recommendation and discussed both in relation to the triple bottom-line analysis.

Mike Hooker, Colorado State University System, read a letter from Tony Frank, CSU System Chancellor, in support of Lennar Homes' proposal for development and a zoning decision that will allow that proposal to move forward.

Kevin Jones, Fort Collins Area Chamber of Commerce, discussed the need for attainable and affordable housing in the community, noting this site provides an opportunity for that type of development. The Chamber requested Council not zone any portion of the site Residential Foothills.

Mark DiGregorio, Save Our Stadium, supported the Planning and Zoning Board's recommendation to zone the entire property Residential Foothills with a different clustering requirement.

Nick Fry noted there is no requirement for affordable or attainable housing on this site.

Bonnie Ayer questioned whether there is capacity for additional students in the Poudre School District schools in the area, stating class size is a key factor in school outcomes.

Sean Dougherty stated a Residential Foothills zoning would provide no opportunity for affordable or attainable housing on the site and made suggestions related to transit opportunities. He questioned why the City is superseding the normal development process by initiating this zoning.

Tom Farnsworth supported the Planning and Zoning Board recommendation.

Reilly Snider discussed the importance of natural areas and stated they should be prioritized above inequitable housing.

Adam Eggleston, Fort Collins Board of Realtors, encouraged Council to take a forward-thinking approach to this zoning. Any zoning that would set density below medium-density, mixed-use neighborhood would go against the stated position of improving affordability and attainability of housing options throughout the community.

Joe Rowan discussed the importance of equity, inclusion, and justice and stated Council does not have the authority to zone this property.

Rebecca LaPole suggested the possibility of using a portion of the land for a wildlife rehabilitation center and opposed higher density zoning.

Tom Schipper opposed the staff recommendation.

Lindsay Morgan stated Council should focus on saving this rare and special place in the community.

George Bishop stated CSU has been a bad corporate neighbor.

Layla Smith stated the Hughes site is special and there is not enough infrastructure to handle the existing population and approved developments.

Susan Wannamaker expressed safety concerns related to foothills fires and supported the Planning and Zoning Board recommendation.

Karen Collabity stated the debt incurred by moving the stadium is being funded by taking away this state-owned land. Lennar Homes is not a reputable homebuilder.

Colleen Silan stated she moved here in part because of the continuous nature of the open space and requested Council take ecology into account.

Patricia Babbitt expressed concern about the lack of foresight regarding development and read a statement from CSU acknowledging the land is the traditional ancestral homelands of the Arapaho, Cheyenne, and Ute nations.

John Mercer stated he moved to Fort Collins because of its open space buffers and he supported the Planning and Zoning Board recommendation.

Martha Zook discussed the public support of maintaining the land as open space and discussed the ongoing developments in the city. She expressed concern about traffic and air pollution.

Ted Walkup stated his concern about this redevelopment centers around livability and sustainability. Citizens do not want a dense development on the site and are concerned about degraded air quality, overconsumption of water, marginalization of natural areas, safety, congestion and traffic.

Lisa Baughn stated she does not believe this housing will be developed as affordable for CSU employees. Lennar Homes is not honoring the public outcry on nature and social issues and suggested Council approach CSU with an offer to purchase the property with funds from the state and Natural Areas.

Barbara Denny supported the Planning and Zoning Board recommendation.

Melissa Rosas stated there has been large support for keeping the area as open space and she submitted two petitions related to that support. The contracted sales price between CSU and Lennar Homes is \$10 million and a Natural Resources Department staff member admitted there is more than enough funding available to purchase the site as a natural area for that same price.

Renee Walkup stated there is much speculation that there are protected species on this land; however, an environmental impact study has yet to occur. A School Board representative indicated existing schools in the area are at capacity for K-5th grade students. She requested Council represent the citizens in this matter.

Mary Grant requested Council agree to keep the Hughes property in Transition zoning until either the state agrees to abide by the zoning established by the City, or the property is sold, and the state no longer has any interest in the property. She supported a Residential Foothills zoning and opposed the process to this point.

Doug McAllister stated this development, along with others, will have a negative effect on traffic.

Liz Donovan stated a low-density development feels highly exclusionary and contrary to the feeling of an open and inclusive community. Fort Collins has an opportunity to strive toward housing equity by leaning in to propose creative solutions.

Marc McKee commented on housing density on the west side of Overland Trail and stated the staff-recommended density is not in keeping with the precedent set by historical zoning in the area. Zoning the property 90% Residential Foothills is consistent with the rest of the property west of Overland Trail.

Rachel Shoemaker stated schools in this area are already overcrowded and expressed concern about the extra traffic the development would bring. She supported leaving the site as open space.

Rex Miller stated the proposed zoning is an effort to push the value of the property over the artificial \$10 million threshold. The zoning has no relationship to existing area developments.

Tamra Muere commented on the number of homes that could be allowed with the proposed zoning and expressed concern that CSU can ultimately do what it wants with the property. She would like CSU to follow zoning recommendations and requested Council listen to its constituents.

Yvonne Bias expressed concern about losing the ecology and beauty of the area and supported only low-density development on the east side of the property.

Kent Pedersen, Lennar Homes, stated his organization will continue to work with CSU to provide a structure that will result in attainable housing for the community. They would like to work with the City to help make this a great community.

Lonna Miller stated she and her husband have lived just north of the property for 47 years and she talked about the variety of wildlife on the site.

Pam Jones stated Lennar Homes is a national builder and suggested the characteristics of the sales agreement are much more transactional than the comments that have been made about the value of the site. She supported the Planning and Zoning Board recommendation.

Barbara Heffington stated that while she would prefer the land be left as an open space, she could support the Residential Foothills non-cluster development.

Rory Heath stated this property has a rich history and suggested additional assurances the public outreach is heard should be made.

Rich Stave questioned who owns the land and why an immediate decision regarding zoning needs to be made.

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

Gloss clarified there is a requirement for four housing types as part of low-density mixed-use neighborhood zoning; however, that does not change the density limit which is between 4-9 units per acre with a maximum of up to 12 units per acre if the project is certified as affordable housing. He also clarified the proposed zoning would only allow up to 800 homes at the very maximum. Regarding natural habitat comments, an ecological characterization study would be required upon the submittal of any development application. The study would identify habitat, special features, protected species, or species of concern. The result of that study could very well impact the footprint and nature of any development that would occur.

Martina Wilkinson, Assistant City Traffic Engineer, stated there is not yet a submittal of a traffic impact study as a development has yet to be submitted. If and when a submittal is made to the City, it must prove the development meets level of service standards for vehicular, bicycle, and pedestrian travel as well as the adequate public facilities standards.

Councilmember Pignataro thanked citizens for input on this item. She asked if the next iteration of MAX will be on West Elizabeth. Gloss replied in the affirmative, stating CSU is also currently working on a transit center at the intersection of Elizabeth and Overland Trail.

Councilmember Pignataro asked if there is any way to mandate the location of the clustering. Gloss replied there are no provisions in the Land Use Code for regulating that; however, it may be possible to add that as a condition. City Attorney Daggett replied Council could more specifically define the clustering that is suggested and the condition in the ordinance as presented. She cautioned that it would be beneficial to ensure any modification has been carefully reviewed.

Councilmember Pignataro asked if the clustering must occur in one cluster or if it can occur in multiple clusters. Gloss replied there are no specific mandates for a certain pattern of clustering.

Councilmember Pignataro asked what tools are available to ensure the inclusion of affordable housing. Gloss replied zoning cannot guarantee affordable housing.

Councilmember Pignataro asked if this is the only large piece of vacant land in the Growth Management Area that is serviced by City Utilities. Gloss replied the number of parcels is gradually becoming more limited, but he would not make that general statement.

Councilmember Summers noted the likely price point for a house on 2 acres as would be recommended by the Residential Foothills zoning is high. He requested a review of the existing open spaces and trails. John Stokes, Natural Resources Director, replied there are over 800 acres of publicly owned open space, not including water, and 14 miles of trail within a one-mile radius of the Hughes Stadium site.

Councilmember Summers asked if the proposed zoning will impact access to those areas or trails. Stokes replied the Lennar proposal shows a connection to Maxwell Natural Area on the northwest corner of the property. It is likely there would be additional use of the area, but not likely additional parking pressure.

Mayor Troxell asked how the staff recommendation relates to the July 16 recommendation. Gloss replied Council directed staff to prepare a recommendation and it developed options based largely on City Plan.

Councilmember Gorgol asked about the ecological impacts of a non-clustered Residential Foothills development versus a Low-Density Mixed-Use Neighborhood development. Gloss replied a detailed analysis has not been conducted; however, water consumption for attached housing is significantly lower than it is for larger single-family lots and there might be slightly less solid waste with smaller units.

Councilmember Gorgol asked about the number of proposed homes for a South College development. Rebecca Everette, Development Review Manager, replied there was an article in the Coloradoan that referenced an additional 1,800 units potentially proposed in that area which could result in an additional population of 5,000 new residents. She noted the majority of the

development projects referenced in the article are still in the conceptual stage and in most cases have yet to submit formal applications for review.

Councilmember Gorgol asked if Council would have more room to address affordable housing goals after the submittal of a development plan. Gloss replied the development would go before a hearing officer or the Planning and Zoning Board and staff would consider affordability as an element of the review. He noted a qualified affordable housing project could result in up to 12 units per acre within the LMN portion of the site.

Mayor Pro Tem Stephens asked if there is any type of commitment from CSU related to affordable housing. Gloss replied there has been mention of attainable housing.

Mayor Pro Tem Stephens requested staff confirmation that a development would not remove any natural areas. Stokes replied in the affirmative.

Mayor Pro Tem Stephens asked about the value of the land and whether purchasing it would be a good use of resources for the Natural Areas Department. Stokes replied a variety of factors are considered, including connectivity to other conserved lands and the portfolio of existing conserved lands in an area. Staff decided quite some time ago to not pursue purchasing the land given the amount of publicly owned open space in the area and other conservation opportunities and priorities as defined in the Natural Areas Master Plan.

Mayor Pro Tem Stephens requested staff input regarding safety. Poudre Fire Authority Chief Tom DeMint replied the first review of a development involves an evaluation of points of access and this project has six points of access. Additionally, there is access to the Maxwell Open Space for wildfire suppression. He stated fully sprinkling the development would make it quite safe and would lessen the potential for wildfire.

Mayor Pro Tem Stephens asked how the lines were drawn between the staff proposed zoning districts. Gloss replied that decision was based on the original Foothills Plan.

Mayor Troxell asked if the stormwater detention is inside or outside the proposed development. Gloss replied it is internal to the site and any development would have to accommodate those flows. The existing detention is large enough to serve the development.

Councilmember Gutowsky requested an estimate of the number of units that would result from the staff recommended zoning. Gloss replied it would be between 450 and 650 units, with the likely number being 550 or fewer given site constraints.

Councilmember Gutowsky asked about the \$10 million figure. Leeson replied that number is a contractual agreement between CSU and Lennar and the City is not privy to how that number was generated.

Councilmember Gutowsky asked if there is a certain number of homes that need to be promised to Lennar for them to commit to the project. Leeson replied staff is not aware of the answer to that question.

Councilmember Cunniff asked if there is any way to require affordable or attainable housing under the Land Use Code. Leeson replied there is no way to require it.

Councilmember Cunniff asked if it is true to state the median house price has increased as the population has increased. Leeson replied he believes that statement is true.

Councilmember Cunniff commented on high housing costs in densely populated areas and stated housing near the city's natural areas tends to be priced higher. Stokes agreed.

Councilmember Cunniff stated he does not believe this housing could be attainable as the market will drive costs up.

Councilmember Cunniff asked if it is true that around 8,000 units have been roughly planned for the northeast part of town. Leeson replied in the affirmative.

Councilmember Cunniff noted 10-15% of those units will be affordable as enforced through the metro district mechanism on some developments. He stated his belief that factors outside of Council's control will dictate whether this housing is attainable or affordable.

Mayor Troxell stated supply does influence price and discussed the importance of providing all types of housing in the community. Councilmember Cunniff replied this is a desirable community; therefore, demand continues to outstrip supply.

Mayor Troxell stated he does not want to make the community less desirable and discussed the importance of balancing a very desirable place with a place people can afford to live.

Councilmember Gorgol asked about the timeline for the buildout of the aforementioned 8,000 homes. Leeson replied it will be decades before those are built out.

Councilmember Gorgol asked about the estimated population growth during that time. Leeson replied the annual population growth has been just under 2% annually; therefore, the likely population will be about 250,000 over the next 30 years.

Councilmember Gorgol asked what type of zoning would allow the City more leverage in gaining affordable or attainable housing. Leeson replied the LMN zone would allow greater opportunity for attainable housing.

Councilmember Gorgol noted one of the goals of City Plan was to provide a wider variety of housing types. Leeson replied in the affirmative, noting one goal is to fulfill the missing middle housing type.

Councilmember Gutowsky asked if there is any plan to widen Overland Trail. Wilkinson replied the level of service will be evaluated if and when a proposal is submitted and noted pinch points tend to be intersections; therefore, at this point, the Master Street Plan shows Overland Trail as being appropriately classified.

Councilmember Pignataro questioned how additional density would provide leverage for affordable housing. Leeson replied additional density would not provide leverage but the LMN zoning would provide additional opportunity for attainable housing as it requires four different housing types. There are no requirements in the zoning code for deed-restricted affordable housing nor for attainable housing.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Summers, to adopt Ordinance No. 138, 2019, on First Reading.

Councilmember Cunniff stated he does not agree with the zoning designation but commended the community process. He believes it is better for Council to be involved in the zoning of Transition zones. He discussed concerns with the urban wildland interface and the possibility of purchasing the connector between Maxwell and Pineridge at some point in the future. He would like the development to be worthy of the site.

Mayor Pro Tem Stephens stated Council participating in this zoning decision makes sense, given the site and discussed the benefits of the scaling and clustering in the staff recommendation.

Councilmember Gorgol stated she will support the motion as staff's recommendation is a good compromise. She stated low-density zoning is exclusive and higher density supports things like transit.

Councilmember Pignataro discussed the community's feelings about this site and noted there are no tools available to guarantee attainable housing.

Councilmember Gutowsky discussed the community's feelings around protecting the open space and commented on visiting the area. CSU could create a legacy and donate the land for open space. She did not support the motion.

Mayor Pro Tem Stephens pleaded with CSU to commit to providing affordable housing.

Mayor Troxell stated he would support the motion given the staff recommendation's basis in City Plan.

RESULT:	ORDINANCE NO. 138, 2019, ADOPTED ON FIRST READING [4 TO 3]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ken Summers, District 3
AYES:	Gorgol, Summers, Stephens, Troxell
NAYS:	Pignataro, Gutowsky, Cunniff

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

12. **Items Relating to 2020 Utility Rates. (Adopted on Second Reading)**

- A. *Second Reading of Ordinance No. 125, 2019, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges.*
- B. *Second Reading of Ordinance No. 126, 2019 Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees and Charges.*
- C. *Second Reading of Ordinance No. 127, 2019 Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees and Charges.*
- D. *Second Reading of Ordinance No. 128, 2019 Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees and Charges.*

These Ordinances, unanimously adopted on First Reading on October 15, 2019, adjust monthly charges for electric, water, wastewater, and storm water services in 2020. The revenue requirements

to support the 2020 budget will require increasing monthly charges for electric service by 5.0% and stormwater service by 2.0%. While there is no overall percentage increase planned for the Water or Wastewater Funds, there are minor rate class adjustments proposed based on recent cost-of-service model updates. Upon adoption, these rates would be effective January 1, 2020.

Melinda Armstrong, Clean Energy Collective, discussed concerns related to the proposed electric rate changes and discussed a 2014 contract between the Fort Collins Utility and the Clean Energy Collective called the Renewable Generator Power Purchase Agreement. The proposed rate change, if applied to the agreement, would negatively change how bill credits are calculated in breach of the agreement. She requested clarification that the rights of Clean Energy Collective and its Fort Collins customers under the agreement will not be negatively affected by the proposed 2020 rate changes.

Rich Stave commented on the time of day rates and asked where any resulting monetary benefit would get priced into the rate increase. He also questioned why rate information is not available on the Utility web page and stated he was unable to get the energy monitor from the library to work.

R. Cook Cloninger stated she lives in a totally electric home and commented on the unfairness of time of use rates for all electric homes. The form that is required to be completed for all electric homes does not accurately reflect the amount paid and she opposed the proposed increase.

Councilmember Pignataro asked when the time of day rates presentation will come before Council. Lance Smith, Utilities Strategic Finance Director, replied the time of use began last October and customers are now receiving their 12th bill. After data analysis, a report will be brought before Council in the first quarter of 2020.

Councilmember Pignataro requested that report be presented as early in the quarter as possible. City Manager Atteberry replied that will occur.

Councilmember Pignataro asked if this rate increase involves catching up. Smith replied he would not characterize it that way; however, over the past several years, the Electric Enterprise Fund has run with an operating loss and the 5% increase is intended to generate enough operating revenue to offset operating expenses.

Councilmember Pignataro asked if the operating loss was ever a result of Council not supporting a rate increase. Smith replied in the negative and stated cash reserves were being used to offset the loss.

Councilmember Summers asked about a special rate for all electric homes. Smith replied there is a tiered time of use rate that applies to most residential customers. Residential customers in all electric housing are also subject to a time of use rate, but not to the 700-kilowatt hour tier.

Councilmember Summers asked if it would be possible to look at instituting a special rate for all electric homes. Smith replied there is a separate rate and staff will provide an analysis of the comparison.

Councilmember Cunniff noted the time of use rates were somewhat of a pilot program and the results of the study will provide information related to disproportionate impacts. He asked for staff clarification regarding the Clean Energy Collective agreement. John Phelan, Energy Services Manager, replied the staff recommendation is that Council would proceed with the adoption of the

rate ordinance as proposed and adopted under First Reading and the issues with the Clean Energy Collective concerning differences in the interpretation of the power purchase agreement will be dealt with on a separate track.

Councilmember Cunniff requested staff provide options to help customers understand their hourly use even if they are not technologically savvy.

Mayor Pro Tem Stephens asked if staff is available to work with customers who are concerned about their bills. Lisa Rosintoski, Utilities Customer Connections, replied in the affirmative.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 125, 2019, on Second Reading.

RESULT:	ORDINANCE NO. 125, 2019, ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gorgol, to adopt Ordinance No. 126, 2019, on Second Reading.

RESULT:	ORDINANCE NO. 126, 2019, ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Emily Gorgol, District 6
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gorgol, to adopt Ordinance No. 127, 2019, on Second Reading.

RESULT:	ORDINANCE NO. 127, 2019, ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Emily Gorgol, District 6
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gorgol, to adopt Ordinance No. 128, 2019, on Second Reading. Yeas: Troxell, Cunniff, Gorgol, Gutowsky, Summers, Pignataro and Stephens. Nays: none.

THE MOTION CARRIED.

RESULT:	ORDINANCE NO. 128, 2019, ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Emily Gorgol, District 6
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

● **OTHER BUSINESS**

Councilmember Cunniff requested and received Council support to examine decriminalizing Election Code offenses.

● **ADJOURNMENT**

Consideration of a motion to adjourn to 6:00 p.m., Tuesday, November 12, 2019, for the annual evaluations of the City Manager, City Attorney and Chief Judge.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adjourn to 6:00 p.m. on Tuesday, November 12, 2019, in order to consider a motion to go into executive session to conduct annual performance reviews of Council's direct report employees and for such other business as may come before the Council.

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

The meeting adjourned at 10:16 PM.

Mayor

ATTEST:

City Clerk

November 12, 2019

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Adjourned Meeting – 6:00 PM

- **CALL MEETING TO ORDER**

- **ROLL CALL**

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

A. Consideration of a Motion to Adjourn Into Executive Session.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to go into executive session for the purpose of conducting annual performance evaluations of the Chief Judge, City Attorney, and City Manager.

Mike Pruznick shared concerns about the City's solar program and related obstacles, various issues the City has faced over the years and new ones that have surface, failed sustainability efforts, the City stealing money from his spouse in relation to Utility rates, being denied the opportunity to sit on an advisory committee, and the City Manager's performance.

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

- **OTHER BUSINESS**

Councilmembers discussed what has been done in response to a fatal accident that killed a student in a crosswalk near Lopez Elementary School. A zero-death resolution from 2017 was mentioned as was the possibility of public outreach related to slowing down and being more aware. Council requested a memo on the issue and encouraged collaboration with Poudre School District.

Councilmembers discussed a request from neighbors for speed bumps on Wabash Street and requested staff follow up.

Councilmembers decided to hold the executive session at the end of the November 19 meeting rather than at 5:00 p.m. as was originally planned.

- **ADJOURNMENT**

The meeting adjourned at 10:12 p.m.

Mayor

ATTEST:

City Clerk