

Legislative Review Committee

Meeting Minutes

August 8, 2017 4:00 p.m.

Commons Conference Room

Councilmembers Present: Ken Summers, Ray Martinez, and Bob Overbeck

Staff Present: Judy Schmidt, Jeanne Sanford, Ginny Sawyer, Jeff Mihelich, Tyler Marr, Alyssa Johnson, Carrie Daggett, Carol Webb, Wanda Winkelman, Delynn Coldiron, Eric Potyondy, Rita Knoll, Talisa Gula-Yeast

The meeting came to order at 4:01 pm.

Approval of Minutes

LRC discussed that the July 11th minutes should be modified to reflect the vote on a moratorium. With modification, Martinez moved to approve minutes. Summers seconded. Minutes approved unanimously.

Selection of Chair

- Councilmember Martinez nominated Councilmember Summers as chair. Councilmember Overbeck seconded. Motion passed unanimously. Councilmember Summers is LRC chair.

Potential State Legislative Efforts to Facilitate Water Sharing in the GMA

Carol Webb presented to LRC on the Colorado water laws which limit the ability to use water outside of the service area. There is potential for legislation to allow water-sharing across the GMA.

Background:

- The GMA is served by Fort Collins Utilities and other water districts (East Larimer County water district and Fort Collins Loveland water district).
- Dialogue began in 2014 or 2015 regarding the cost differences in development in those districts related to water supply, water development fees, and the differing service levels.
 - Regional Water Collaboration Committee formed out of that discussion which consists of 2 representatives from each district, 2 councilmembers, 2 members from both boards, and water managers from each entity.
 - They discuss common challenges they all face, including:
 - (1) water conservation, (2) water supply and drought planning, (3) water supply and demand policy
- The Regional Water Collaboration Committee has been engaged in developing strategies and tactics to ensure that they have supplies to meet demand in GMA and in line with land-use policies.
- Water sharing agreements have been discussed, but Colorado water laws limit ability to use water outside of service area. Potential for legislation for water-sharing across the GMA where combined water portfolios could be utilized.

Proposed legislation:

- This approach allows water sharing under certain circumstances without having to go to water court. This would be lowering one barrier to potential sharing, but wouldn't mandate sharing.
- Additionally, IGAs would also be created. But this legislation would remove the one large legal barrier that would pave the way for the agreement(s) to be made.
- This legislation is only discussing municipal use with inter-connected systems and does not address the creation of reservoirs.
- The legislation does not have much to do with financing; it only deals with substantive issues of water rights.

Next steps:

- Contact Representative Arndt.
 - Senator Sonnenberg and Rep Arndt carry and sponsor most of major water bills together. Staff and lobbyists will explore potential sponsors. Senator Kefalas may be a co-sponsor as well.
- Marr and Webb to work with lobbyists, special water districts, and legislators.
- Councilmember Martinez moved to approve the next steps on this. Councilmember Summers seconded the motion, was approved unanimously.

Potential Medical Marijuana Related Ballot Initiative

This ballot initiative was discussed at LRC to gather LRC's perspective on the legislation at the state level and how it impacts our set of voter-approved measures.

- Wanda Winkelman described that voters approved an ordinance that is currently on the code. Any change to those rules will have to be by citizen vote. The proposed initiative would allow for Council to add new license types, but does not change the way that licenses currently operate. It essentially allows voters to grant Council some flexibility to make additions and changes to the code language to keep up with state law without superseding the statute that was enacted in 2012.
- Staff would bring all proposed changes to Council, but Council can reject changes.
- Councilmember Martinez expressed concern that this initiative is essentially asking voters if they are willing to give up their right to vote on certain aspects of the law concerning medical marijuana.
- Request was made for staff to research the impacts of the 2012 legislation to date, especially with recreational marijuana. A concern was expressed that we should be sure that recreational marijuana guidelines are in-line with medical.
- Councilmember Martinez advised to include language about asking voters if they want to limit themselves or if they want Council to have the right to make the decisions quicker.
 - Councilmember Overbeck agreed.
- Councilmember Summers made suggestion that this gets forwarded to LPT, was agreed to by others. Noted this was already on the August 15th Agenda.

Update on Staff Approach to Small Cell Infrastructure Bill

- Two paths are being pursued related to regulation facilities:
 - (1) Change to land use and city codes.
 - Process for receiving applications for these facilities in the right-of-way

- Aesthetic standards are being explored
 - (2) Staff continuing to pursue relationships with companies using master lease agreements.
 - Staff has met with Verizon; Mobilitie will meet with staff later this week.
- Light structures outside of the right-of-way:
 - Sometimes small cells are permitted on buildings and we possess processes to address facilities being constructed on buildings.
 - We don't currently have guidelines in place for companies constructing their own poles in rights-of-way
- Under state law, we have limited ability to say no to providers. We have some obligations to treat everyone equally and we are obligated to process things quickly and do them in big batches if a provider comes along and submits an application.
- As a show of good will, staff is maintaining ability for companies to install these facilities during the moratorium if they agree to a Master Lease Agreement with the City

Potential topics and agency visits for September trip to Washington, D.C.

- September 27-29 is recommended based on congressional calendars and Council availability.
- Recommendations:
 - Department of Justice program for police orientations
 - FRA
 - USDA
 - Jeff Steiner – former Agricultural Dean at CSU now working in research at USDA in D.C.
 - Water – relation to Halogen reservoir
 - Transportation and highway planning
- Suggestion to have ability to discuss talking points prior to trip.

Other Business

- Policy agenda update: Marr and Sawyer will update that document for approval this fall – draft likely coming in September meetings
- LRC date change: Monday from 3-4 PM
 - Overall agreement among committee members to change date, staff will make the changes on the calendar

Adjourned at 5:08 PM