

January 3, 2012

**COUNCIL OF THE CITY OF FORT COLLINS, COLORADO**

**Council-Manager Form of Government**

**Regular Meeting - 6:00 p.m.**

A regular meeting of the Council of the City of Fort Collins was held on Tuesday, January 3, 2012, at 6:00 p.m. in the Council Chambers of the City of Fort Collins City Hall. Roll call was answered by the following Councilmembers: Horak, Kottwitz, Manvel, Ohlson, Poppaw, Troxell and Weikunat.

Staff Members Present: Atteberry, Krajicek, Roy.

**Agenda Review**

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

**Citizen Participation**

Eric Sutherland, 3520 Golden Currant, discussed the City Charter prohibition of lending money to organizations not under control of the City.

Gary Peterson, Fort Collins resident, discussed the alleged intimidation by the Larimer County Sheriff's Office of doctors who write medical marijuana prescriptions.

Cheryl Distaso, 135 South Sunset Street, Center for Justice, Peace, and Environment, thanked Council for its decision to approve financial assistance for individuals forced to relocate from the Bender Mobile Home Park. She encouraged similar assistance from both the developer and Larimer County and supported the formation of a task force relating to these issues.

**CONSENT CALENDAR**

6. Consideration and Approval of the Minutes of the December 6, 2011 Regular Meeting.
7. Postponement of Second Reading of Ordinance No. 183, 2011, Authorizing the Lease of City-owned Property at 430 North College Avenue and 100 Willow Street to the Colorado State University Research Foundation to January 17, 2012.

Staff is requesting postponement of Second Reading of Ordinance No. 183, 2012, until January 17, 2012. There were portions of the Lease Agreement that caused concern with the City Council at its December 20, 2011 meeting. Staff from the City and Colorado State University Research Foundation need to discuss these areas of concern and agree on changes to the lease. Several of the key team members will be out of the office for the holiday season. This does not leave enough time to meet and complete negotiations prior to the meeting of January 3, 2012.

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8. First Reading of Ordinance No. 001, 2012, Appropriating General Fund Reserves for Additional City Contribution to the Poudre Fire Authority Budget for the Year 2012 for Operations and Maintenance.

This Ordinance outlines the contribution from the City of Fort Collins to the Poudre Fire Authority (PFA) for the Southwest Enclave Annexation in the amount of \$158,009 to contribute funding for operating and maintenance of the Poudre Fire Authority.

9. First Reading of Ordinance No. 002, 2012, Appropriating Unanticipated Grant Revenue in the General Fund for the Police Services Victim Services Team.

The Fort Collins Police Services Victim Services Team has been awarded a 12-month grant in the amount of \$30,000 for the period from January 1, 2012 to December 31, 2012, by the Eighth Judicial District Victims Assistance and Law Enforcement (V.A.L.E.) Board to help fund services provided by this team. These funds will be used for part of the salary for the victim advocate who provides crisis intervention services during weekday hours and is housed in the Victim Services office. These funds will also pay for some of the operational expenses needed to provide 24-hour a day, 7-day a week services to victims of crime in the community.

10. First Reading of Ordinance No. 003, 2012, Appropriating Prior Year Reserves in the Transportation Services Fund for the Construction of the East Harmony Road Maintenance Improvements - College Avenue to Timberline Road.

The proposed project will provide congestion relief and rehabilitate the pavement on East Harmony Road from College Avenue to Timberline Road by completing the following major work items: turn lane construction, utility relocations, asphalt overlay and restriping. The lane configurations from College to Boardwalk will look similar to the current striping. The Boardwalk to Timberline stretch will be restriped to a six-lane configuration.

11. First Reading of Ordinance No. 004, 2012, Amending Section 14-72(b)(6) of the City Code to Correct an Error in the Procedures for Review of Applications for Demolition or Relocation of Historic Structures.

This is an amendment to Section 14-72(b)(6) of the City Code correcting an error regarding a citation cross-reference to requirements for the final Landmark Preservation Commission hearing needed in the event that the Landmark Preservation Commission fails to make a decision within 60 days of the submittal of these requirements. As the City Code currently stands, this error requires the Landmark Preservation Commission to make a decision regarding a historic structure demolition application upon the submittal of only one part of a submittal requirement outlined in 14-72(2)(b). This amendment corrects the error and requires the Landmark Preservation Commission to make a decision pursuant to fulfillment of all the submittal requirements.

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12. Resolution 2012-001 Adopting an Updated Policy for the Review and Approval of Easements on City Natural Areas and Conserved Lands.

The City of Fort Collins Natural Areas and Open Lands Easement Policy was adopted by Resolution 2001-094. To date, approximately forty right-of-way easements have been granted by the City under this Policy. The Natural Areas program (NAP) is proposing revisions to the Policy to address:

1. Compensation and mitigation requirements
2. Review and approval of projects proposed within existing easements
3. Above-ground features associated with buried utility cables and pipelines
4. Specific types of facilities
5. Review and approval of projects within new or existing utility easements on lands conserved with Conservation Easements
6. Oil and Gas and Minerals Exploration and Production
7. Public Information and Review Process.

13. Resolution 2012-002 Authorizing a First Amendment to the Intergovernmental Agreement between the Poudre River Public Library District, the City of Fort Collins and Larimer County.

In December 2007 the City Council approved an intergovernmental agreement (IGA) between the Fort Collins Regional Library District (later renamed the Poudre River Public Library District), the City and Larimer County. That agreement addressed a range of items, including the transfer of City-owned assets and library operations to the newly formed Library District, use of remaining library impact fees, and the availability of City support services to the District at District expense.

This amendment to the IGA adds Project Management as a service the City will provide to the District and provides a detailed scope of project management services. It also clarifies that in the event that the City receives a request for a refund of City Impact Fees held in the Public Library Fund, the District will reimburse the City for the full amount of any such refund.

**\*\*\*END CONSENT\*\*\***

Ordinances on Second Reading were read by title by City Clerk Krajicek.

18. Second Reading of Ordinance No. 182, 2011, Amending Section 15-483 of the City Code So as to Eliminate the Eight Ounce Limitation on the Amount of Medical Marijuana That Can Be Distributed by Licensees to Other Licensed Medical Marijuana Centers.

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Ordinances on First Reading were read by title by City Clerk Krajicek.

8. First Reading of Ordinance No. 001, 2012, Appropriating General Fund Reserves for Additional City Contribution to the Poudre Fire Authority Budget for the Year 2012 for Operations and Maintenance.
9. First Reading of Ordinance No. 002, 2012, Appropriating Unanticipated Grant Revenue in the General Fund for the Police Services Victim Services Team.
10. First Reading of Ordinance No. 003, 2012, Appropriating Prior Year Reserves in the Transportation Services Fund for the Construction of the East Harmony Road Maintenance Improvements - College Avenue to Timberline Road.
11. First Reading of Ordinance No. 004, 2012, Amending Section 14-72(b)(6) of the City Code to Correct an Error in the Procedures for Review of Applications for Demolition or Relocation of Historic Structures.

Councilmember Troxell withdrew from the discussion of the Consent Calendar due to a conflict of interest with Item No. 7, *Postponement of Second Reading of Ordinance No. 183, 2011, Authorizing the Lease of City-owned Property at 430 North College Avenue and 100 Willow Street to the Colorado State University Research Foundation to January 17, 2012.*

Councilmember Manvel made a motion, seconded by Councilmember Poppaw, to adopt and approve all items on the Consent Calendar. Yeas: Weitkunat, Manvel, Kottwitz, Ohlson, Poppaw and Horak. Nays: none.

THE MOTION CARRIED.

### Staff Reports

Carol Webb, Regulatory and Governmental Affairs Manager, stated the Drake Water Reclamation Facility has received ISO certification for environmental management.

Mayor Pro Tem Ohlson asked if this accomplishment will be advertised by the City. Webb replied in the affirmative.

Councilmember Horak asked that the costs and benefits of the certification be disclosed. Webb replied that information will be forthcoming.

Adrienne Battis, City/CSU Community Liaison, gave an update regarding party registration and noted the registration of a party is not only for students.

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**Councilmember Reports**

Mayor Weitkunat discussed the two proclamations read before the Council Meeting and noted this is Radon Action Month and the 100th anniversary of City Park.

**Ordinance No. 182, 2011,  
Amending Section 15-483 of the City Code So as to Eliminate the Eight Ounce Limitation  
on the Amount of Medical Marijuana That Can Be Distributed by Licensees to Other  
Licensed Medical Marijuana Centers, Adopted on Second Reading**

The following is staff's memorandum for this item.

***“EXECUTIVE SUMMARY***

*All medical marijuana businesses in Fort Collins must cease operation by February 14, 2012. This Ordinance, adopted on First Reading on December 20, 2011 by a vote of 6-1 (nays: Troxell) will allow existing businesses to sell more than 8 ounces of product to another licensed business outside the City limits in an effort to eliminate inventory by February 14, 2012.”*

Ginny Sawyer, Neighborhood Administrator, stated no changes have been made to the Ordinance since First Reading and noted the Ordinance would aid medical marijuana dispensaries in legally disbursing inventory outside the City limits.

Councilmember Troxell expressed concern dispensaries will continue to grow marijuana until February 14th as they would have the ability to sell an unlimited quantity. Jerry Schiager, Police Services, replied this Ordinance could encourage some growers to continue to grow, but noted the timeframe may not allow for a full 12 week grow cycle.

Councilmember Manvel made a motion, seconded by Councilmember Poppaw, to adopt Ordinance No. 182, 2011, on Second Reading.

Councilmember Troxell stated he would not support the motion as the Ordinance encourages the sale of medical marijuana which is a violation of federal law.

Councilmember Horak noted Colorado citizens adopted Amendment 20, allowing the use of medical marijuana in the state.

Councilmember Troxell argued the retail model was not addressed as part of Amendment 20.

The vote on the motion was as follows: Yeas: Weitkunat, Manvel, Kottwitz, Ohlson, Poppaw and Horak. Nays: Troxell.

**THE MOTION CARRIED.**

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**Other Business**

Mayor Pro Tem Ohlson made a motion, seconded by Councilmember Poppaw, that the City Manager and City Attorney prepare a written statement that can be made available to the general public explaining, from the City's perspective, why the transaction among the City, Urban Renewal Authority and RMI2 was legally permissible and, from a policy standpoint, why it was in the best interests of the City and the URA; and that the City Council waive the attorney-client privilege to the extent that the City Attorney considers necessary in order to prepare that statement.

The vote on the motion was as follows: Yeas: Weitkunat, Manvel, Kottwitz, Ohlson, Poppaw, Horak and Troxell. Nays: none.

THE MOTION CARRIED.

Mayor Pro Tem Ohlson requested information regarding the City's plan regarding "fracking" and asked that it take appropriate action to protect citizens and property rights.

City Attorney Roy stated a roundtable discussion, spearheaded by the Colorado Municipal League, is scheduled for January 20, 2012. Members of City staff will be in attendance at that discussion.


City Manager Atteberry stated a response regarding the City's position will be forthcoming later in January.

**Adjournment**

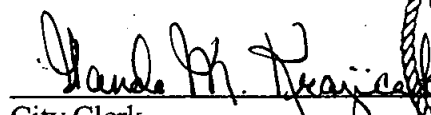
Mayor Pro Tem Ohlson made a motion, seconded by Councilmember Manvel, to adjourn to 6:00 p.m. on January 10, 2012, to consider various matters related to the Northern Integrated Supply Project, including a possible executive session. Yeas: Weitkunat, Manvel, Kottwitz, Ohlson, Poppaw and Troxell. Nays: Horak.

THE MOTION CARRIED.

The meeting adjourned at 7:00 p.m.

  
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Mayor

ATTEST:

  
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City Clerk

