

December 16, 2014

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

**Council-Manager Form of Government**

**Regular Meeting – 6:00 PM**

● **ROLL CALL**

PRESENT: Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

Staff Present: Atteberry, Daggett, Nelson

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry stated Council will not consider adjourning into executive session under Other Business.

● **CITIZEN PARTICIPATION**

Charles David Hamm stated the City has the right to provide or decline utility services to any entity within the city, including Colorado State University, in regard to the proposed on-campus stadium. He encouraged the creation of a feasibility and cost impact study.

Ward Luthi discussed significant change to the character of a section of the Poudre River due to beaver inhabitation.

Cheryl Distaso, Fort Collins Community Action Network, discussed the need for lockers for homeless individuals, opposed the issuance of camping tickets to homeless residents, and stated inaccurate counts exist regarding the number of homeless in the community. She announced the January community summit regarding homelessness as well.

Diane Smith, Senior Advisory Board, asked about the vision for the BOB 2.0 tax measure and requested an explanation of what the proposed tax would fund.

Thomas Edwards wished Council and staff a Merry Christmas and Happy New Year and commended the work of Police in the Avery Park neighborhood.

● **CITIZEN PARTICIPATION FOLLOW-UP**

Councilmember Cunniff stated a meeting was held regarding Mr. Luthi's concerns about the Poudre River and requested further follow-up regarding the plan for that section of the River, as well as other sections.

Councilmember Overbeck stated 64 tickets were issued to homeless individuals over the last three months. He suggested officers acquire additional information from the individuals as to why they are currently homeless.

● **CONSENT CALENDAR**

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

<b>RESULT:</b>	<b>CONSENT CALENDAR ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerry Horak, District 6
<b>SECONDER:</b>	Wade Troxell, District 4
<b>AYES:</b>	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

1. **Consideration and Approval of the Minutes of the November 18, 2014 Regular Council Meeting and November 25, 2014 Adjourned Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the November 18, 2014 Regular Council meeting and the November 25, 2014 Adjourned Council meeting.

2. **Second Reading of Ordinance No. 146, 2014, Revising Chapter 26 of the City Code Regarding Payments in Lieu of Taxes and Franchise Fees, and Specifying that the Operation and Maintenance of the Street Lighting System is an In Kind Payment by the Light & Power Fund in Lieu of Taxes and Franchise Fees. (Adopted)**

The purpose of this item is to codify the Electric Utility's fiscal responsibility for providing municipal street lighting as an in-kind franchise fee payment to the General Fund. The Ordinance also revises the language related to the Water and Wastewater Funds' required 6% payment to the General Fund to clarify that this is a payment-in-lieu-of-taxes and franchise fees (as opposed to just a payment-in-lieu-of-taxes). The second change is consistent with Article V, Section 23 of the City Charter and with the wording used in City Code to reference the same fee paid by the Light & Power Fund.

The Ordinance was adopted on First Reading on October 28, 2014 by a vote of 4-2 (nays: Overbeck and Cunniff, absent: Poppaw) with direction that staff further review the item with the Council Finance Committee prior to Second Reading.

The City Council Finance Committee discussed this item on November 17, 2014 and recommended that if the Ordinance is approved, staff should provide more transparency to electric customers that the cost of street lighting is included in the electric rates. If approved, the back of the utility bill will be revised to show that approximately 1.2% of the electric bill is used to fund the operation and maintenance of the City's street lighting system. This is approximately \$0.78 per month for a typical residential customer. Staff will also highlight street lighting costs through additional customer outreach and communications.

3. **Second Reading of Ordinance No. 169, 2014, Appropriating Funds from the City's General Fund Reserves for Transfer to the Fort Collins Urban Renewal Authority for the Purpose of URA Reimbursements for the Prospect Station Project, and Approving a Loan Agreement for that Purpose. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 2, 2014, appropriates funds from the City's General Fund Reserves for transfer to the Fort Collins Urban Renewal Authority for the purpose of URA reimbursements for the Prospect Station Project, and approve a loan agreement for that purpose.

4. **Second Reading of Ordinance No. 170, 2014, Amending Ordinance No. 143, 2014, to Correct the Appropriation of Prior Year Reserves to be From the Self-Insurance Fund Rather than from the General Fund for Insurance Expenses (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 2, 2014, corrects adopted Ordinance No. 143, so that \$610,000 of prior year reserves needed to fund the City's worker's compensation, property and liability claim payments for the remainder of 2014 are appropriated from the Self-Insurance Fund rather than from the General Fund.

5. **Second Reading of Ordinance No. 171, 2014, Adopting the 2014 Larimer County Transportation Capital Expansion Fee Schedule. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 2, 2014, adopts the 2014 Larimer County Transportation Capital Expansion Fee Schedule (Regional Road Fee) as determined by the Intergovernmental Agreement with Larimer County.

6. **Second Reading of Ordinance No. 172, 2014, Amending the Code of the City of Fort Collins to Increase the Amounts of the Capital Improvement Expansion Fees Contained in Chapter 7.5 of the Code so as to Reflect Inflation in Associated Costs of Services. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 2, 2014, updates the City Code, which requires an annual adjustment to certain building permit related fees. Capital Improvement Expansion fees and Neighborhood Parkland fees are to reflect the changes in the Denver-Boulder-Greeley Consumer Price Index (CPI). Street Oversizing fees are adjusted by the changes posted in the Engineering News Record (ENR). The CPI has increased 2.9% since its last adjustment and the ENR has not changed significantly enough to warrant an adjustment.

7. **Second Reading of Ordinance No. 173, 2014, Amending Various Provisions in Chapter 7 of the Code of the City of Fort Collins Relating to Elections. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 2, 2014, amends City Code provisions relating to the registration of municipal electors, the conduct of mail ballot elections, and the filing of campaign finance reports.

8. **Second Reading of Ordinance No. 174, 2014, Amending Chapter 15, Article XIV of the Code of the City of Fort Collins Regarding Outdoor Vendors. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 2, 2014, amends Chapter 15 of the City Code regarding Outdoor Vendors with amendments to further support the outdoor vending community. In 2012, City Council adopted new outdoor vendor regulations based on a comprehensive study completed by staff. Since the inception of the new regulations, staff has been monitoring the activity and working with the mobile vending community to address opportunities for improvement to the Code. In May 2014, City Council adopted two minor amendments as part of a phased approach. Staff is recommending an additional amendment to further support the outdoor vending community's request to hold larger gatherings on a more frequent basis. A corresponding amendment is being recommended to the City's Land Use Code.

9. **Second Reading of Ordinance No. 175, 2014, Making Various Amendments to the Land Use Code. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 2, 2014, adopts a variety of revisions, clarifications and additions to the Land Use Code that have been identified since the last update in July 2014.

10. **Second Reading of Ordinance No. 176, 2014, Authorizing the Conveyance of a Non-Exclusive Utility Easement on North Shields Ponds Natural Area to East Larimer County Water District. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 2, 2014, authorizes the conveyance of a non-exclusive utility easement to East Larimer County Water District on North Shields Ponds Natural Area. Larimer County has requested that East Larimer County Water District (ELCO) relocate an existing meter vault that resides in the right of way along the western side of North Shields Street as a part of the larger North Shields Street widening project. The new vault will reside in a location within the same gravel parking lot as it is currently located at North Shields Ponds Natural Area. Because the new location will be outside the right-of-way, a non-exclusive easement will be needed from the City.

11. **Second Reading of Ordinance No. 177, 2014, Authorizing the Conveyance of a Shared Access Easement to Michael and Carleen Birchette across City Property on Ackerman Court. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 2, 2014, authorizes the conveyance of a shared access easement between the City and Michael and Carleen Birchette across a private road called Ackerman Court. The City of Fort Collins Natural Areas Department owns property immediately north of the Poudre River and east of Shields Street known as McMurry Natural Area. Michael and Carleen Birchette own a small tract of adjoining land. The access to the two properties is by means of an existing private road, Ackerman Court, of which a portion falls on to each property. In order to establish an easement of record and the allowed use of the private road by each party, the Natural Areas Department and Birchettes have proposed the conveyance of a shared access easement allowing both parties the right to use the private road for access purposes.

12. **First Reading of Ordinance No. 181, 2014, Authorizing the Acquisition by Eminent Domain of Certain Lands Necessary to Construct Public Improvements in Connection with the Drake and Shields Intersection Improvements Project. (Adopted)**

The purpose of this item is to obtain authorization from City Council to use eminent domain, if deemed necessary, to acquire property interests needed to construct improvements at the Drake Road and Shields Street intersection. The Drake Road and Shields Street Intersection Improvements Project will construct right turn lanes on northbound and southbound Shields Street, bicycle lanes, and medians for safety and air quality improvements at the intersection. The project is planned to begin construction in the summer of 2015. The project budget consists of both federal and local funds. To construct these improvements, the City will need to acquire certain property interests adjacent to the project area. The acquisitions include right-of-way and temporary easements from three property owners. Timely acquisition of the property is necessary to meet the anticipated construction schedule. Staff fully intends to negotiate in good faith with all affected owners and is optimistic that all property negotiations can be completed prior to the start of the project. Staff is requesting authorization of eminent domain for all property acquisitions for the project to comply with federal acquisition requirements. Eminent domain action will be used only if such action is deemed necessary.

13. **First Reading of Ordinance No. 182, 2014, Authorizing the Acquisition by Eminent Domain of Certain Lands Necessary to Construct Public Improvements Related to the Mason Corridor Bus Rapid Transit Project. (Adopted)**

The purpose of this item is to provide City Council authorization to utilize eminent domain, if necessary, to acquire property interests which are necessary to provide intersection improvements at McClelland Drive and Drake Road in order to enhance safety and service for the MAX Bus Rapid Transit System (MAX). As a federally funded transportation project, acquisitions will conform to the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (Public Law 91-646). In accordance with this act, property owners must be informed about the possible use of eminent domain and their rights pursuant to the act through an official Notice of Interest Letter. Authorization from City Council is needed prior to sending this information to

property owners. Staff requests authorization to utilize eminent domain for the MAX Project, if necessary, and only if good faith negotiations break down.

14. **Resolution 2014-110 Adopting the 2014 Update to the Three-Mile Plan for the City of Fort Collins. (Adopted)**

The purpose of this item is to update the *Three-Mile Plan for the City of Fort Collins, Colorado* (Plan). The Plan is a policy document for coordinating future annexation and provision of services, required to be updated annually per Colorado Revised Statutes. Section 31-12-105 of state statutes requires that cities complete a plan within three miles in any direction from any point of its municipal boundary. The Plan describes the general location, character, utilities, and infrastructure for areas of potential annexation. This state-required annual update is routine and recurring, and highlights the 2014 changes to approved plans and other documents applicable to those areas defined in the state statutes. There are very few changes in this year's annual update from the 2013 update.

15. **Items Relating to Intergovernmental Agreements for Mutual Aid for Emergency and Non-Urgent Events. (Adopted)**

- A. Resolution 2014-111 Approving an Intergovernmental Agreement Among the City of Fort Collins and Other Governmental Entities Regarding Disaster-Emergency Mutual Aid and Disaster-Emergency Funding Assistance.
- B. Resolution 2014-112 Approving an Intergovernmental Agreement with Platte River Power Authority and Other Local Governments Affiliated with Platte River Power Authority for Non-Emergency Responses for Utility Network Assistance.

The purpose of this item is to approve two separate mutual aid Intergovernmental Agreements (IGAs). Resolution 2014-111 approves a uniform IGA among government entities lying within or in close proximity to northern Colorado, establishing the protocol for disaster emergency mutual aid and disaster emergency funding assistance.

Resolution 2014-112 approves a utility network assistance IGA that provides cooperation and coordination with Platte River Power Authority and the four founding municipalities: the Cities of Fort Collins, Loveland, and Longmont; and the Town of Estes Park.

16. **Resolution 2014-113 Making Findings of Fact and Conclusions of Law Regarding the Appeal of September 9, 2014, Administrative Hearing Officer Decision Regarding the May 20, 2014, City Council Remand of the Major Amendment to the Summit on College Project Development Plan. (Adopted)**

The purpose of this item is to consider the Resolution making findings of fact and conclusions regarding the two Appeals of the Administrative Hearing Officer's September 4, 2014 Remand Decision to Approve the Summit on College Parking Structure, Major Amendment.

Two separate parties filed a Notice of Appeal concerning the Hearing Officer's September 4, 2014 Remand Decision to Approve the Summit on College Parking Structure, Major Amendment.

On December 2, 2014, City Council voted 7-0 on the motion that the Hearing Officer conducted a fair hearing in approving the Major Amendment; and voted 7-0 that the Hearing Officer did not fail to properly interpret and apply relevant provisions of the Land Use Code, specifically Section 3.4.1(I)(2) and 3.5.1(J), and added conditions to the project's approval.

17. **Resolution 2014-114 Approving an Intergovernmental Agreement Between the City of Fort Collins and the Poudre Fire Authority Regarding the Provision of Legal Services. (Adopted)**

The purpose of this item is to approve an intergovernmental agreement ("IGA") with the Poudre Fire Authority ("PFA") authorizing the City Attorney to provide legal advice to the PFA under certain

circumstances. The IGA will authorize the City attorney and his or her staff to provide non-exclusive legal services on a matter-by-matter basis to the PFA in situations where there is not a direct conflict of interest between the two entities and where the City Attorney has the capacity and resources to provide the service. The PFA will pay the City an annual amount equal to 10% of the yearly salary of one full-time attorney in the City Attorney's Office. For 2015, the payment amount will be Seventeen Thousand Seven Hundred Fifty Dollars (\$17,750).

18. **Resolution 2014-115 Making Appointments to Various Boards, Commissions and Authorities of the City of Fort Collins. (Adopted)**

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

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

● **END CONSENT**

● **CONSENT CALENDAR FOLLOW-UP**

Councilmember Cunniff supported the increase in transparency with regard to Item No. 2, *Second Reading of Ordinance No. 146, 2014, Revising Chapter 26 of the City Code Regarding Payments in Lieu of Taxes and Franchise Fees, and Specifying that the Operation and Maintenance of the Street Lighting System is an In Kind Payment by the Light & Power Fund in Lieu of Taxes and Franchise Fees* and encouraged thorough record-keeping regarding costs in reference to Item No. 17, *Resolution 2014-114 Approving an Intergovernmental Agreement Between the City of Fort Collins and the Poudre Fire Authority Regarding the Provision of Legal Services*.

Mayor Pro Tem Horak noted most of the work regarding the Poudre Fire Authority item would be done by the City and City Attorney's Office anyway. Councilmember Cunniff reiterated his request for an accounting of any additional costs in terms of making the agreement equitable.

● **COUNCILMEMBER REPORTS**

Councilmember Cunniff reported on the Council Finance Committee meeting during which the prioritization of BOB 2.0 projects, revenue diversification, an RMI business update, and the parking fund were discussed.

Councilmember Troxell asked if specific votes were taken at the Finance Committee meeting regarding the street maintenance tax. Councilmember Cunniff replied in the negative.

Councilmember Overbeck reported he was reappointed to the Poudre Heritage Alliance.

Mayor Pro Tem Horak reported on the Platte River Power Authority meeting during which the 2015 budget was passed.

● **DISCUSSION ITEMS**

19. **Resolution 2014-116 Approving the 2014 Bicycle Master Plan. (Adopted as Amended)**

*The purpose of this item is to seek City Council approval of the 2014 Bicycle Master Plan (2014 Plan). The 2014 Plan has been developed over the course of the past 14 months. The 2014 Plan is oriented around the year 2020, and recommends a comprehensive set of bicycle program, policy and network strategies to increase the safety and accessibility of bicycling in Fort Collins for people of all ages and abilities. The 2014 Plan reflects extensive input from the community, a data-driven process, and best practices for achieving a world-class city for bicycling.*

Karen Cumbo, Planning, Development and Transportation Director, discussed the evolution of the Bicycle Master Plan and introduced key staff members.

Tessa Greeger, FC Bikes Program Manager, discussed the public involvement process and provided an overview of the Plan recommendations. Multiple funding sources will be sought in order to implement the recommendations of the Plan. Additionally, Greeger stated the Plan has been recommended for approval by affected boards and commissions.

Bruce Henderson, Bike Fort Collins, recognized audience support for the Plan and commended the Plan as being comprehensive, cost-effective, and visionary.

Charles David Hamm complimented the City on having a bicycle plan and encouraged the inclusion of night-time safety information.

Dave Kemp commended the Plan document and encouraged collaboration with other Platinum Bicycling cities.

Josh Kerson supported the Plan and noted many cyclists move to Fort Collins due to its bicycling infrastructure.

Aaron Faad, Colorado State University Alternative Transportation Manager, commended the City on its world class staff, plan for low-stress networks, and efforts to collect data.

Thomas Edwards encouraged the creation of an enforcement action plan.

Councilmember Cunniff requested information regarding the enforcement pieces of the Plan. Greeger replied enforcement is largely discussed in terms of expanding the FC Bikes partnership with Police Services. She stated a safety panel recently presented to the Transportation Board and discussed the coordination of an education and enforcement effort. Infrastructure improvements should decrease crashes.

Councilmember Cunniff asked about the possibility of future recommendations and data tracking in terms of strategic outcomes. Greeger replied citation information will continue to be tracked and the new Safety Diversion Program has been put in place to educate individuals who have received bicycle citations.

Councilmember Troxell commended the Plan as being comprehensive and thanked those who spoke. Additionally, he discussed enforcement issues with multi-modal infrastructure.

Mayor Pro Tem Horak stated he is not convinced the infrastructure improvements will completely alleviate violation issues and asked if data will be collected regarding the current

level of violations in order to ascertain future improvements. Greegor replied staff can collect that data, though it may not be specifically addressed in the Plan.

Mayor Pro Tem Horak noted the Plan does not necessarily address the annual increase in CSU students and enforcement tactics and results need to be addressed given the dynamic population. He asked Greegor to address the possibility that funding may not occur. Greegor replied the Plan discusses a diverse funding strategy that will be pursued in order to implement the recommendations of the Plan. Federal grants and City opportunities will be leveraged and some grant funding has already been sought.

Paul Sizemore, FC Moves Program Manager, noted there is a matching portion for each of the two current grant applications which will be funded by ongoing revenue sources.

Mayor Pro Tem Horak expressed concern regarding referencing future years when there is no guaranteed funding and suggested more a more detailed illustration of what is actually funded versus possible future gaps.

City Manager Atteberry noted Mayor Pro Tem Horak is attempting to ensure a situation of over-promising and under-delivering does not occur. He suggested the possibility of an annual status report in order to ensure accountability for progress.

Mayor Weitkunat suggested including a clear statement to that effect in either the Plan or the Resolution. Additionally, she commended the Plan and its inclusion of low-stress networks.

Councilmember Campana stated this Plan is another example of Fort Collins driving innovation and commended work on the Plan. He stated enforcement will come from increased ridership and awareness and suggested any annual report requirement should be part of the Plan itself.

Councilmember Poppaw commended staff work on the Plan.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Troxell, to adopt Resolution 2014-116.

Cumbo stated the Plan could be modified to clarify goal language and remove year specificity.

City Attorney Daggett suggested additional whereas clauses for the Resolution to meet Council's requests regarding goals and annual report requirements.

Cumbo stated a qualifying statement would be added to any sections of the Plan with specific references to years or dollars and Council would be provided with follow-up information regarding those specific changes.

Mayor Pro Tem Horak stated the Plan is excellent; however, he wanted to ensure future flexibility. Additionally, he commended the low-stress network portion of the Plan.

Mayor Pro Tem Horak and Councilmember Troxell accepted City Attorney Daggett's language suggestions as a being a friendly amendment to the Resolution.

Councilmember Overbeck commended work on the Plan and suggested the possibility of a "Year of the Bicycle."



Councilmember Cunniff commended the Plan.

Councilmember Troxell thanked Mayor Pro Tem Horak for his suggestions.

<b>RESULT:</b>	<b>RESOLUTION 2014-116 ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerry Horak, District 6
<b>SECONDER:</b>	Wade Troxell, District 4
<b>AYES:</b>	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

20. **Resolution 2014-117 Selecting a Name for a 31-Acre Natural Area. (Adopted)**

*The purpose of this item is to review and select a name for a new 31-acre Natural Area. The property is located next to Woodward Governor's new headquarters and the Poudre River. The staff recommended name for the site is "Homestead Natural Area." The Land Conservation and Stewardship Board supports this recommendation.*

John Stokes, Natural Areas Director, discussed the site and Council's previous direction on its naming. Staff is recommending the name Homestead Natural Area for the site, which was unanimously endorsed by the Land Conservation Stewardship Board.

Heather Wolhart, great-great-great grandchild of John and Emily Coy, stated the family is settling for the suggested name, but would prefer Coy Homestead Natural Area.

Myrne Watrous stated the naming of this site should have been about the City's history.

Carol Tunner stated the Coy name deserves more of a lasting legacy and discussed the family contributions to the area.

Councilmembers Campana and Troxell supported the addition of the Coy name to the Natural Area.

Councilmember Overbeck asked how the family will be celebrated in the trail interpretation. Stokes replied staff has yet to determine the exact interpretive measures; however, he noted interpretation can be done both on and off site.

Councilmember Cunniff discussed the issue of Woodward Governor not donating the land, but it being part of an exchange, and supported the staff suggestion for the Homestead name with interpretive measures recognizing the Coy family.

Councilmember Troxell made a motion, seconded by Councilmember Campana, to adopt Resolution 2014-117 as amended, with the name Coy Homestead Natural Area.

Councilmember Troxell supported comments regarding interpretive signage and added his support for Coy being added to the area name.

Councilmember Campana discussed his support for the addition of the family name.

Mayor Pro Tem Horak stated he would not support the addition of the Coy name and made a motion, seconded by Councilmember Cunniff, to amend the motion to remove the Coy name.

Councilmember Troxell stated his willingness to table the issue in order to allow additional citizen input.

Councilmember Cunniff discussed his support for the staff suggestion and the public process thus far.

The vote on the amendment was as follows: Yeas: Overbeck, Poppaw, Cunniff and Horak. Nays: Weitkunat, Troxell and Campana.

THE MOTION CARRIED.

Mayor Weitkunat discussed her support for the naming process but expressed regret regarding Council's failure to honor historical names in perpetuity.

Councilmember Troxell stated he would support the original motion and supported the direction of the interpretive trail.

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

<b>RESULT:</b>	<b>RESOLUTION 2014-117 ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Wade Troxell, District 4
<b>SECONDER:</b>	Gino Campana, District 3
<b>AYES:</b>	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

21. **Items Relating to the a Leadership Committee with Colorado State University. (Adopted)**

A. *Resolution 2014-118 Authorizing the Formation of a Leadership Committee with Colorado State University and Modifying the Composition of the Previously Established City/CSU Liaison Committee.*

B. *Resolution 2014-119 Appointing Two Representatives to the City/CSU Leadership Committee.*

*Resolution 2014-118 authorizes the formation of a Leadership committee with Colorado State University (CSU) to strengthen town/gown relationships and discuss and address matters of mutual interest to the City and CSU. The Committee will consist of two Councilmembers, the City Manager, the President of CSU, and a local CSU Board of Governors representative and shall meet 2 or more times per year. This Resolution also modifies the previously established City/CSU Liaison Committee by removing the City Councilmember and City Manager's participation so as to provide for a more administrative focus of that committee's efforts. Resolution 2014-119 appoints two City Councilmembers to the newly formed City/CSU Leadership Committee.*

City Manager Atteberry discussed the evolution of this item, stating Councilmember Troxell originally suggested the idea of creating a higher-level, strategic-oriented dialogue with CSU. This Resolution would create such a committee. Two Councilmembers will be named to the committee. Additionally, staff is recommending Councilmembers would no longer serve on the existing CSU/City Liaison Committee.

Councilmember Overbeck suggested Councilmembers from Districts 5, 6 and 1 should serve on the committee.

Mayor Weitkunat stated the issues relating to CSU are citywide.

Councilmember Poppaw stated the residents most impacted live in Districts 5 and 6.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Troxell, to adopt Resolution 2014-118.

Councilmember Troxell stated CSU issues are city-wide and suggested this Leadership Committee will provide the foundation for the first steps in engaging in discussions with CSU and its Board of Governors.

<b>RESULT:</b>	<b>RESOLUTION 2014-118 ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerry Horak, District 6
<b>SECONDER:</b>	Wade Troxell, District 4
<b>AYES:</b>	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

Mayor Pro Tem Horak made a motion, seconded by Councilmember Troxell, to adopt Resolution 2014-119, with Councilmembers Campana and Troxell appointed to serve on the Committee.

Mayor Pro Tem Horak suggested the incoming Council will be able to change appointments as it sees fit and noted Councilmembers Campana and Troxell were already appointed to the Liaison Committee.

Councilmember Overbeck thanked Councilmembers Campana and Troxell for their service on the Committee.

<b>RESULT:</b>	<b>RESOLUTION 2014-119 ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerry Horak, District 6
<b>SECONDER:</b>	Wade Troxell, District 4
<b>AYES:</b>	Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak, Weitkunat

22. **Resolution 2014-120 Accepting Advisory Opinion and Recommendation No. 2014-2 of the Ethics Review Board. (Adopted)**

*The purpose of this item is to submit the opinion of the Ethics Review Board to Council for its consideration and possible approval.*

Mayor Weitkunat withdrew from the discussion of this item.

City Attorney Daggett stated this item relates to an inquiry by Mayor Weitkunat regarding whether, and the extent to which, she has a continuing conflict of interest in participating in matters of various types relating to Foothills Mall. The Ethics Review Board, including Councilmembers Poppaw, Campana and Cunniff, concluded that whether the Mayor has a conflict on new matters related to the Mall should be evaluated based on the particular circumstances related to that matter. Additionally, the Board specifically noted it was not re-evaluating, upholding, or overturning the original 2012 Ethics Review Board opinion in which the Mayor was found to have a conflict of interest related to Mall issues due to the proximity of her residence to the Mall.

Councilmember Cunniff made a motion, seconded by Councilmember Poppaw, to adopt Resolution 2014-120.

Councilmember Cunniff clarified this decision would allow the Mayor to participate in Mall issues on a case-by-case basis.

Councilmember Campana stated this decision removes the Mayor's presumed blanket conflict on every Mall-related issue.

<b>RESULT:</b>	<b>RESOLUTION 2014-120 ADOPTED [6 TO 0]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Lisa Poppaw, District 2
<b>AYES:</b>	Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak
<b>RECUSED:</b>	Weitkunat

23. **Items Relating to the Employment of the Municipal Judge. (Adopted)**

- A. *Resolution 2014-121 Reappointing Kathleen M. Lane as Municipal Judge and Authorizing the Eleventh Addendum to the Judge's Employment Agreement.*
- B. *First Reading of Ordinance No. 178, 2014, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Municipal Judge.*

*City Council met in executive session on November 12, 2014, to conduct the performance review of Municipal Judge Kathleen Lane. Resolution 2014-111 reappoints Judge Lane for another two-year term to expire December 31, 2016 and authorizes the Mayor to execute an addendum to the Judge's employment agreement to reflect the change in term. Ordinance No. 178, 2014, establishes the 2015 salary of the Municipal Judge.*

Mayor Weitkunat discussed the performance evaluations of the Municipal Judge, City Attorney, and City Manager.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Poppaw, to adopt Resolution 2014-121.

Mayor Pro Tem Horak commended Judge Lane's court administration and productivity.

Councilmember Poppaw commended Judge Lane's work and efficiency and stated she is most impressed by Judge Lane's establishment of Special Agency Sessions and her work in the community with homeless individuals.

Councilmember Campana noted Council has thoroughly commented on the Judge's performance during her evaluation and commended her work.

Councilmember Troxell commended Judge Lane and her work with alternative sentencing.

Mayor Weitkunat thanked Judge Lane for her service.

<b>RESULT:</b>	<b>RESOLUTION 2014-121 ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerry Horak, District 6
<b>SECONDER:</b>	Lisa Poppaw, District 2
<b>AYES:</b>	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

Mayor Pro Tem Horak made a motion, seconded by Councilmember Troxell, to adopt Ordinance No. 178, 2014 on First Reading, with a 4% salary increase to a \$109,365 base salary and \$133,760 total compensation.

<b>RESULT:</b>	<b>ORDINANCE NO. 178, 2014 ADOPTED ON FIRST READING [UNANIMOUS]</b>
<b>MOVER:</b>	Gerry Horak, District 6
<b>SECONDER:</b>	Lisa Troxell, District 4
<b>AYES:</b>	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

**24. First Reading of Ordinance No. 179, 2014, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the Interim City Attorney. (Adopted on First Reading)**

*The purpose of this item is to set the 2015 salary for the Interim City Attorney. City Council met in Executive Session with Interim City Attorney Carrie Daggett on November 12, 2014. This Ordinance establishes the 2015 salary of the Interim City Attorney.*

Mayor Pro Tem Horak made a motion, seconded by Councilmember Poppaw, to adopt Ordinance No. 179, 2014 on First Reading, with a 4.5% salary increase over the current Interim salary to \$151,909 base salary.

Mayor Pro Tem Horak requested additional information prior to Second Reading regarding salary information should Interim City Attorney Daggett return to the Deputy City Attorney position. He commended City Attorney Daggett's work and service.

Councilmembers Troxell and Campana commended City Attorney Daggett's work and service.

Mayor Weitkunat commended City Attorney Daggett's leadership of the City Attorney's office.

<b>RESULT:</b>	<b>ORDINANCE NO. 179, 2014 ADOPTED ON FIRST READING [UNANIMOUS]</b>
<b>MOVER:</b>	Gerry Horak, District 6
<b>SECONDER:</b>	Lisa Poppaw, District 2
<b>AYES:</b>	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

**25. First Reading of Ordinance No. 180, 2014, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager. (Adopted on First Reading)**

*The purpose of this item is to set the 2015 salary for the City Manager. City Council met in executive session on November 12, 2014 to conduct the performance review of City Manager Darin Atteberry. This Ordinance establishes the 2015 salary of the City Manager.*

Mayor Pro Tem Horak made a motion, seconded by Councilmember Troxell, to adopt Ordinance No. 180, 2014 on First Reading, with a 3% salary increase to a \$244,839 base salary and \$296,706 total compensation.

Mayor Pro Tem Horak commended City Manager Atteberry's leadership and dedication.

Councilmember Troxell commended City Manager Atteberry's work in allowing for continued excellence in the City organization and commended his integrity.

Councilmember Poppaw commended City Manager Atteberry's leadership.

Councilmember Cunniff stated he would not support the motion citing his opinion that Council made a mistake with the market value used to evaluate the City Manager's salary last year. He stated he would support keeping the salary the same.

Councilmember Campana commended City Manager Atteberry's leadership and consistent work in moving forward. He supported last year's salary increase.

Mayor Weitkunat commended City Manager Atteberry's innovation and service.


<b>RESULT:</b>	<b>ADOPTED ON FIRST READING [5 TO 2]</b>
<b>MOVER:</b>	Gerry Horak, District 6
<b>SECONDER:</b>	Wade Troxell, District 4
<b>AYES:</b>	Weitkunat, Poppaw, Campana, Troxell, Horak
<b>NAYS:</b>	Overbeck, Cunniff

● **ADJOURNMENT**

The meeting adjourned at 8:59 PM.

  
Mayor

ATTEST:

  
City Clerk

