

December 2, 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
ABSENT:

Staff Present: Atteberry, Daggett, Nelson

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry read a change to the November 4, 2014 minutes as requested by Councilmember Overbeck and noted that change would be adopted with adoption of the Consent Calendar.

● **CITIZEN PARTICIPATION**

Jack Daniels, 172 North College, commended Council for making Fort Collins a great place to live.

Thomas Edwards, Fort Collins resident, suggested Council hold off on decisions relating to Prospect until after discussing the on-campus stadium.

Jeremy Woodard, Fort Collins resident, encouraged Council to stop ticketing homeless campers as shelter space remains insufficient.

Cheryl Distaso, Fort Collins Community Action Network, reported on the Human Relations Commission awards and discussed the United Nations statement denouncing the criminalization of homelessness. She encouraged Council to look at homelessness issues critically and supported multiple shelter options, lockers, and permanent supportive housing.

● **CITIZEN PARTICIPATION FOLLOW-UP**

● **CONSENT CALENDAR**

Mayor Pro Tem Horak made a motion, seconded by Councilmember Troxell, to adopt and approve all items on the Consent Calendar, including the amended November 4 minutes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Wade Troxell, District 4
AYES:	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

1. **Consideration and Approval of the Minutes of the November 4, 2014 Regular Council Meeting and the November 12, 2014 Adjourned Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the November 4, 2014 Regular Council meeting and the November 12, 2014 Adjourned Council meeting.

2. **Second Reading of Ordinance No. 165, 2014, Appropriating Unanticipated Revenue for the Senior Center Expansion Project and Transferring Appropriations to the Cultural Services and Facilities Fund for Art in Public Places Program. (Adopted)**

This Ordinance, unanimously adopted on First Reading on November 18, 2014, appropriates an additional \$10,000 to the Senior Center Expansion Project. These additional funds were raised by the Senior Center Expansion Committee and will be used toward the cost of constructing a 22-foot x 46-foot storage garage at the far west end of the new parking lot.

3. **Second Reading of Ordinance No. 166, 2014 Amending Section 20-92 of the Code of the City of Fort Collins Pertaining to Inoperable Motor Vehicles. (Adopted)**

This Ordinance, unanimously adopted on First Reading on November 18, 2014, amends the inoperable motor vehicle ordinance to improve its enforceability in light of the general purpose for the provision, which is to prohibit the storage of inoperable vehicles within ordinary public view.

4. **Second Reading of Ordinance No. 167, 2014, Appropriating Unanticipated Revenue in the Home Investment Partnership Program Fund. (Adopted)**

Ordinance No. 167, 2014, unanimously adopted on First Reading on November 18, 2014, appropriates HOME Program Income received between April 1, 2014 and September 30, 2014 for affordable housing and planning/administration uses.

5. **Second Reading of Ordinance No. 168, 2014, Designating the William and Violet Jackson/Robert Bailey Property, 1306 West Mountain Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins. (Adopted)**

This Ordinance, unanimously adopted on First Reading on November 18, 2014, designates the William and Violet Jackson/Robert Bailey Property at 1306 West Mountain Avenue as a Fort Collins landmark. The owner of this property, Robert Bailey, is initiating this request.

6. **First 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)**

The purpose of this item is to appropriate 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.

7. **First 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)**

The purpose of this item is to make a correction to 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.

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

The purpose of this item is to adopt the 2014 Larimer County Transportation Capital Expansion Fee Schedule (Regional Road Fee) as determined by the Intergovernmental Agreement with Larimer County.

9. **First 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)**

The purpose of this item is to update 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.

10. **First 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)**

The purpose of this item is to amend City Code provisions relating to the registration of municipal electors, the conduct of mail ballot elections, and the filing of campaign finance reports.

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

The purpose of this item is to amend 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.

12. **First 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)**

The purpose of this item is to authorize 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.

13. **First 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)**

The purpose of this item is to authorize 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.

14. **Resolution 2014-108 Authorizing the Purchasing Agent to Lease Additional Equipment Under the City's Standard Master Lease Agreement with Pinnacle Public Financing, Inc. and to Enter Into a First Amendment to that Standard Master Lease Agreement. (Adopted)**

The purpose of this item is to request approval of the lease-purchase of vehicles and equipment for the cost of \$1,255,550 under the City's Master Lease Agreement with Pinnacle Public Finance (the "Agreement") and to approve a "First Amendment" to that Agreement. Quarterly Payments of \$66,551.14 at the 2.25% interest rate will not exceed \$266,205 in 2015. Money for 2015 lease-purchase payments is included and appropriated in the 2015 budget. A competitive process was used to select Pinnacle Public Finance for this Agreement. A 2014 Finance Department analysis of current and historical equipment lease financing arrangements showed that lease-purchase is in the best interest of the City given the interest rate offered for the lease. Staff believes acceptance of this lease rate is in the City's best interest.

15. **Routine Deed and Easement (Adopted)**

The purpose of this item is to have Council accept a Deed of Dedication for road right-of-way and drainage easement from Cottonwood Land and Farms, LLC (Cottonwood).

● **END CONSENT**

● **CONSENT CALENDAR FOLLOW-UP**

Councilmember Cunniff noted Item No. 9, *First 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*, increases fees based on inflation and suggested the possibility of discussing various options for indexing the fee. Additionally, he noted candidate guidelines will be available following the passage of the Second Reading of Item No. 10, *First Reading of Ordinance No. 173, 2014, Amending Various Provisions in Chapter 7 of the Code of the City of Fort Collins Relating to Elections*.

Mayor Weitkunat suggested the fee issue be discussed by the Finance Committee and the Economic Advisory Commission.

● **COUNCILMEMBER REPORTS**

Councilmember Campana read a letter the City received from the White House regarding the City's success with the Let's Move Program.

Councilmember Overbeck reported on his participation in an ADA and transition planning meeting at the National League of Cities, as well as a Department of Justice presentation regarding police body-worn cameras.

Mayor Pro Tem Horak reported on his participation in a League of Cities panel discussion regarding college communities and student housing, particularly rent by the bedroom units. He stated he would support a rental licensing and inspection program in the future.

Mayor Weitkunat reported on her participation in a League of Cities presentation regarding building resiliency in terms of water and climate change.

City Manager Atteberry reported on his participation in the League of Cities University town meeting and commended Councilmembers on their presentations.

- **CONSIDERATION OF COUNCIL-PULLED CONSENT ITEMS**

- **DISCUSSION ITEMS**

16. **Consideration of two Appeals of the Administrative Hearing Officer's September 9, 2014 Remand Hearing Decision to Approve the Summit on College Parking Structure, Major Amendment. (Hearing Officer Decision Upheld, With Conditions)**

Two separate parties filed a Notice of Appeal; the grounds for appeal are as follows:

Appellant Councilmember Cunniff:

- *Failure to properly interpret and apply relevant provisions of the City Code, the Land Use Code and Charter.*

Appellant Jeffrey Leef et al.:

- *Failure to conduct a fair hearing in that:*
 - *The board, commission or other decision maker exceeded its authority or jurisdiction as contained in the Code or Charter;*
 - *The board, commission or other decision maker considered evidence relevant to its findings which was substantially false or grossly misleading.*
- *Failure to properly interpret and apply relevant provisions of the City Code, the Land Use Code and Charter.*

City Attorney Daggett explained the appeal process and reviewed the history of the appeals.

Seth Lorson, City Planner, discussed the site and the proposed parking structure. He provided information regarding the history of the proposed parking structure and its appeals. He noted the applicant changed the application between the first hearing and the remand hearing by removing a story from the parking garage and reducing the number of parking spaces to 345. He discussed the allegations of the appeal.

Councilmember Cunniff reported on his attendance at the site visit, stating his observations were limited to the extent of the proposed development and its relationship to the site and Spring Creek.

Councilmember Troxell reported on his attendance at the site visit, stating his observations were limited to the general context of the site relative to its surroundings.

Councilmember Campana reported on his attendance at the site visit, stating he reviewed the south edge of the proposed structure.

APPELLANT PRESENTATIONS

Councilmember Cunniff questioned whether the proposed design complies with Land Use Code Section 3.4.1(i)(2), which deals with floodplain and stream corridor offsets.

Rick Zier, attorney representing the appellants, discussed the history of the issue and stated the principal use on the site is a TOD approved housing project with limited parking and a high density; therefore, the parking structure is not incidental or an accessory use. He argued this project should have been a Type II Planning and Zoning Board review from the beginning of the process and suggested Council require that review at this time.

Jeffrey Leef, appellant, 1801 South College, discussed the obstructed mountain view which would occur with this project and urged Council to oppose the project.

Lester Kaplan, appellant, stated the Code is silent on parking design in a parking structure and commented on safety concerns regarding the applicant's request for a drive aisle width reduction and regarding the lack of a separation between vehicles and pedestrians. Additionally, the criteria for modifying the Code have not been met given the proposed reduction in the standard.

OPPONENT PRESENTATION

Carolynne White, attorney representing the applicant, disagreed with Mr. Zier that this proposal has not had the opportunity to be fully heard under the applicable rules of the Code. She detailed the proposed alternative design for the parking structure and argued the accessory use discussion is not relevant to Council's determination. The sole reason for the parking structure is that it is needed in order to accommodate the parking needs of the existing Summit residents, and is therefore an accessory use. Additionally, any major amendment to a Type I project is considered under Type I regulations and the TOD zone was designed, in part, to encourage the construction of parking structures. Ms. White also discussed the view concerns and proposed landscaping and stated the alternative design increases the level of compliance with the Code.

APPELLANT REBUTTAL

Mr. Leef argued Ms. White is attempting to mislead Council by not showing any views to the west.

Mr. Kaplan suggested the parking issues should be addressed in the same spirit as the original proposal, with off-site parking. He asked why the project proceeded with the knowledge that the originally planned off-site parking was not in place.

Mr. Zier argued there is a jurisdictional problem with the Hearing Officer procedure in this case and stated the parking structure cannot be considered an accessory use.

OPPONENT REBUTTAL

Ms. White stated the views are focused to the north in response to Council direction that the Spring Creek view shed is not only westward, but northward, and stated there are numerous

views to the west throughout the record. Additionally, she stated the initial project proceeded given parking options thought to be available and the estimated student parking originally projected, including the City's projections related to storage parking. Ms. White discussed parking structure levels of service recommended for storage parking and Code requirements for analyzing views, which do not apply in this case.

COUNCIL DISCUSSION

Councilmember Cunniff asked if any consideration was given by the applicant to take photographs closer to the Spring Creek stream bed. Brian Williamson, landscape architect, replied the photos were mainly taken from along the trail edge; however, some were taken from closer to the stream bank which ended up being slightly misleading.

Councilmember Cunniff argued the southernmost wall of the parking structure would appear larger from the stream bed itself than from the trail and noted the stream is the natural feature from which views should be considered. Lindsay Ex, Senior Environmental Planner, replied the grade difference between the stream and the trail edge is minimal on the north side.

Councilmember Cunniff asked what considerations were made for creating the renderings. Ex replied they were chosen to give multiple viewpoints.

Councilmember Overbeck asked if consideration was given to present videos rather than photographs. Mr. Williamson replied that was not considered given the project's scale.

Councilmember Troxell asked about the elevation of the MAX bus line retaining wall. Lorson replied the difference between the grade and the top of the wall is 19 feet with an additional 6 feet of fence. The top of the fence is about one foot taller than the average height of the south elevation of the parking structure, considering the finished floor elevation.

Mayor Weitkunat requested additional information regarding the level of service and safety issues. Lorson replied the safety discussion was based on the level of service and the applicant's proposal which was assessed according to national standards. Staff and the Hearing Officer felt the level of service was not detrimental to safety.

Councilmember Overbeck asked if the parking garage could be moved further north. Lorson replied the applicant was asked to consider that; however, building standards requiring distance between structures would have required a change in fire rating.

Councilmember Cunniff asked if Land Use Code Section 3.4.1 discusses the requirements being modified if there are already existing view shed obstructions in the vicinity. Ex replied the standard does require an examination of the existing visual character compared to the proposed and ensure the proposed minimizes impediments to that visual character. The standard focuses on the views from the natural features to and from the site.

Mayor Weitkunat requested information regarding the number of parking spaces required when this project was originally proposed, per the interim TOD standards, and as compared to the current requirements. Lorson replied the development was proposed in 2008 with 191 parking spaces; however, there were no minimum parking standards at that time in the TOD. In September 2013, interim parking standards for the TOD zone would have required 358 parking spaces for this development. The original parking garage submittal at that time included 535

spaces and the new submittal includes 442 spaces. The TOD parking standards adopted in November 2014 would require a minimum of 499 parking spaces for the development.

Mayor Weitkunat requested information regarding the developments between 2008 and 2014 in terms of the TOD parking requirements.

Councilmember Campana noted Land Use Code standard 3.5.1(j) is a compatibility standard which would require enough parking to be compatible with the surrounding uses and that standard would also have applied.

Laurie Kadrich, Community Development and Neighborhood Services Director, noted Council also adopted alternative compliance standards with the minimum standards in place today, which could imply off-site or shared parking with a nearby business.

Mayor Weitkunat requested information as to the transportation philosophy behind the TOD zone. Kadrich replied the original TOD standard did not have a minimum parking requirement because it is a best practice of communities with transit-oriented districts. She noted there have been instances in which the market has not met the parking objectives for the area.

Mayor Weitkunat asked if the student housing component is a factor. Kadrich replied in the affirmative, noting a main difference is the rent by the bedroom situations and traffic patterns related to students in comparison to other types of residents.

Councilmember Campana made a motion, seconded by Councilmember Troxell, to adopt all of the findings of fact made by the Hearing Officer in his September 9th decision and further find and determine that the Hearing Officer did not fail to conduct a fair hearing by exceeding his authority or jurisdiction or by considering evidence relevant to his findings that was substantially false or grossly misleading and, therefore, based on these findings and determinations and with respect to this ground for appeal, uphold the Hearing Officer's approval of this remanded major amendment and its related modification of standard.

The vote on the motion was as follows: Yeas: Horak, Weitkunat, Overbeck, Troxell, Cunniff, Poppaw and Campana. Nays: none.

THE MOTION CARRIED.

Councilmember Campana made a motion, seconded by Councilmember Cunniff, to adopt all of the findings of fact made by the Hearing Officer in his September 9th decision with a modification of the approval to add the following conditions: the maximum parking is not to exceed the currently adopted TOD minimum number of parking spaces and the south edge of the parking structure is not constructed south of the existing parking lot.

Councilmember Campana discussed the importance of keeping the boundary within the existing parking lot to the view corridor.

Councilmember Cunniff agreed with Councilmember Campana.

Ms. White requested a break to analyze the impact of this condition on the application.

Mr. Zier objected to Ms. White's request.

Mayor Weitkunat accepted the objection and stated Council would vote on the motion.

Mayor Pro Tem Horak asked about the legality of placing a requirement based on the current Code when the project is not covered by the current Code. Councilmember Campana stated he would be willing to amend the motion to the standard in place at the time the project was last heard on appeal. City Attorney Daggett stated Council's conditions and consideration should relate to the applicable legal standards, which include issues such as compatibility and impacts to views from natural features.

Council held a discussion regarding changing the number of parking spaces from the current TOD minimum standard to the compatibility standard Council supports.

Councilmember Campana offered an additional modification to his motion to allow alternative compliance for these conditions. Councilmember Cunniff accepted the friendly amendment to the motion.

City Attorney Daggett read the amendments to the motion as follows: the findings of the Hearing Officer would be adopted with the exception of requiring the project to be subject to a maximum parking limit not to exceed the currently imposed TOD minimum of 499 in light of the concerns that have been raised in terms of neighborhood compatibility, that the south edge of the parking structure would be constructed not further south than the south edge of the existing parking lot in light of impacts to the view sheds to and from Spring Creek, and that alternative compliance using the current recognized TOD alternative compliance provisions in order to allow for an adjustment to the amount of parking in light of the compatibility issue.

Mayor Pro Tem Horak suggested the reference to the current TOD requirements are irrelevant. Councilmembers Campana and Cunniff accepted the removal of that reference as a friendly amendment.

City Attorney Daggett read the amendments to the motion as follows: the conditions added as part of the friendly amendments to the motion include a condition that the maximum number of parking spaces be 499 in light of the compatibility issues, that the south edge of the parking structure be no further south than the south edge of the existing parking lot in light of view shed impacts to and from Spring Creek, and that the applicant be allowed to use alternative compliance methods in order to modify the number of parking spaces in the structure.

RESULT:	HEARING OFFICER DECISION UPHELD, WITH CONDITIONS [UNANIMOUS]
MOVER:	Gino Campana, District 3
SECONDER:	Ross Cunniff, District 5
AYES:	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

17. First Reading of Ordinance No. 175, 2014, Making Various Amendments to the Land Use Code. (Adopted on First Reading)

The purpose of this item is to adopt a variety of revisions, clarifications and additions to the Land Use Code that have been identified since the last update in July 2014.

Ted Shepard, Chief Planner, discussed the proposed changes to the addition of permitted use (APU) which would add two review criteria, clarify the imposition of conditions of approval, and update the prohibition on marijuana uses. Also, any changes to an approved APU would go

before the Planning and Zoning Board. Shepard provided a brief history of the APU process and provided examples of the use of the process in the past. He detailed the proposed two review criteria: that the location, size, and design of the proposed use be compatible and have minimal negative impacts on nearby properties, and that the proposed use will not change the predominant character of the surrounding area.

Councilmember Cunniff asked if additional public process should be considered. Laurie Kadrich, Director of Community Development and Neighborhood Services, replied she has been working with the Citizens Task Force and stated the Planning and Zoning Board is comfortable with the proposed changes. However, the citizens believe additional work needs to be completed; therefore, a work session has been scheduled to further discuss the remaining concerns.

Councilmember Cunniff asked about concerns relating to further expanding the alcohol-centered entertainment culture into additional zones in the city. Shepard replied no explicit concerns of that type were raised.

Councilmember Cunniff asked if a process exists to engage in a dialogue of tightening down proximity requirements in older zones as alcohol-related activities are allowed in newer zones. Shepard replied that discussion has not occurred. Councilmember Cunniff suggested Council have that discussion given citizen concerns.

Councilmember Cunniff asked if consideration to lighting and noise impacts had been given to the inclusion of multi-purpose music facilities in zones near the Poudre River. Shepard replied this type of use is specifically defined so as to not have those types of impacts as they are not permanent venues.

Mayor Weitkunat noted part of the permitted use changes are simply due to evolution of uses over time.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Troxell, to adopt Ordinance No. 175, 2014, on First Reading.

Councilmember Troxell suggested Councilmember Cunniff's concerns are more related to liquor licensing requirements rather than to this topic.

RESULT:	ORDINANCE NO. 175, 2014 ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Wade Troxell, District 4
AYES:	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

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

18. **Resolution 2014-109 Approving and Accepting the Colorado State University On-Campus Stadium Mitigation Report and Expressing the Policy of the City with Respect to Necessary Methods of Mitigation of Impacts Generated by an On-Campus Stadium. (Adopted)**

The purpose of this item is to provide a report on the impacts of a proposed on-campus stadium, and to establish a framework for an intergovernmental agreement with Colorado State University (CSU) to mitigate the impacts through operational planning and management, implementation of

infrastructure improvements, and establishment of neighborhood mitigation advisory groups and funding. If CSU elects to build an on-campus stadium, staff recommends the City negotiate a detailed intergovernmental agreement to address the impacts, including the funding of infrastructure improvements, operational needs, and neighborhood mitigation.

Karen Cumbo, Planning, Development, and Transportation Director, stated this Resolution is an analysis of community impacts and mitigation strategies, not a referendum regarding whether or not to build the on-campus stadium. She stated the majority of considered impacts are in four key areas: operations, infrastructure, City services, and community character.

Mark Jackson, Planning, Development, and Transportation Services Deputy Director, discussed the proposed on-campus stadium location, transportation options to and from the stadium, and parking possibilities. Additionally, he detailed recommended transportation infrastructure improvements and briefly discussed recommended utilities infrastructure improvements.

Laurie Kadrich, Director of Community Development and Neighborhood Services, discussed noise, lighting, and environmental mitigation issues and the possibility of forming a stadium advisory group and neighborhood mitigation fund.

Cumbo stated staff recommends funding needs for infrastructure and operations should be addressed in an intergovernmental agreement with CSU.

Liz Pruzner expressed concern regarding the estimated \$24 million in costs for infrastructure and mitigation and stated the IGA should expressly ensure citizens will not be responsible for this expense.

Linda Vrooman requested assurance that real dollars exist as part of the IGA to pay the City's expenses.

Bob Vangermeersch asked how much information has been exchanged between Dr. Frank and the City regarding these costs and referenced letters in opposition to the stadium proposal. He urged Council to pass a referendum encouraging renewing Hughes Stadium.

Doug Brobst stated Fort Collins citizens have opposed the on-campus stadium and requested Council provide that information to the Board of Governors. He asked if the City will be required to provide utility service to the stadium in the future.

Mike Pruznick suggested a section be added to the Resolution to authorize and encourage the City Manager to use all the tools at his disposal to either renew Hughes or bring Dr. Frank and CSU to the negotiating table on this effort.

Jean Yule suggested CSU be required to submit a complete and independent environmental analysis comparing the proposed stadium with a restored and modernized Hughes prior to any IGA being implemented.

Mayor Weitkunat asked about the possibility of a monetary exchange. Cumbo replied there is no definite budgetary number and noted the City is unaware of what CSU has planned for operational and infrastructure improvements.

Mayor Weitkunat asked if the City will be responsible for furnishing utilities to the stadium in the future. Jon Haukaas, Water Engineering Field Services Manager, replied the City currently

has several agreements with CSU to provide utility service. The proposal for the stadium would include expanding the electrical and the water grids to provide from their existing agreements and allocations, with the addition of wastewater and stormwater services.

Mayor Pro Tem Horak asked if the City is required to furnish utilities currently or in the future. Haukaas replied the Utility has a choice regarding which customers to service; however, the existing agreements in place would make it difficult to refuse that service. City Attorney Daggett replied the City may have some options related to the level of service provided to CSU; the City could choose to limit its willingness to expand service though it is currently obligated to provide service to the campus at its current level.

City Manager Atteberry noted another question would involve whether or not another provider could provide the service should the City opt out.

Councilmember Troxell asked if any attendees are representing CSU's interests with regard to the stadium, to which there were no responses. He questioned what level of mitigation would be needed for congestion issues and asked what level of service could be assured. Joe Olson, Traffic Operations, replied the stadium would be difficult to address with normal development review criteria and congestion will just be a factor.

Councilmember Troxell noted other communities with on-campus stadiums have much more developed transit systems. He suggested the importance of codifying contracted parking in the IGA and expressed concern regarding funding stating the risk on the side of the public is in the \$30-50 million range. He requested a firm IGA and expressed concerns about impacts on nearby neighborhoods and the City.

Councilmember Overbeck asked if boots could be used on illegally parked cars rather than tow trucks. Cumbo replied a number of strategies could be used to manage parking, including limiting access to local streets to residents.

Councilmember Overbeck suggested requiring the elimination of the cannon at football games and suggested a fee related to stadium activity should be required in perpetuity in order to fund neighborhood mitigation. He questioned how public drunkenness and intoxication would be addressed and asked if Homeland Security would be addressing safety issues, stating any resulting costs should not be paid by the City.

Councilmember Cunniff expressed concern there will be negative impacts on quality of life that will not be able to be mitigated by dollars, infrastructure projects or City services and requested assurance there is no cap on the mitigation estimate. City Manager Atteberry replied the number is not settled.

Councilmember Cunniff suggested a process be in place for the identification of quality of life impacts. Additionally, he supported the idea of an environmental impact statement comparing the construction of a new stadium with a retrofitted Hughes and noted his preference is to not build the stadium on the main campus.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Troxell, to adopt Resolution 2014-109.

Councilmember Troxell asked if there has been any assessment related to stranded costs or stranded investments by the City related to infrastructure west of town and to Hughes. Cumbo replied Overland Trail is wider than it would have been under other circumstances; however, there is no specific information on the costs for the Hughes development. City Manager Atteberry suggested research could be completed regarding any possible oversizing decisions being related directly to the stadium.

Councilmember Cunniff asked if there will be any City representation at the Board of Governors meeting. City Manager Atteberry replied Dr. Frank would personally be willing to read any adopted Resolution into the record; however, he is attempting to arrange his schedule in order to be able to attend.

Mayor Weitkunat stated Council is interested in having City representation, either by the City Manager or Deputy City Manager.

Mayor Pro Tem Horak complemented staff work on the Resolution as being an excellent step toward providing meaningful information to CSU and Dr. Frank.

Mayor Weitkunat complemented the information in the report as being helpful regardless of whether or not a stadium is built.

RESULT:	RESOLUTION 2014-109 ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Wade Troxell, District 4
AYES:	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

19. **Second Reading of Ordinance No. 136, 2014, Amending Chapter 26 of the City Code Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections. (Adopted on Second Reading)**

This Ordinance, adopted on First Reading on November 18, 2014, by a vote of 3-2 (Nays: Weitkunat, Troxell; Campana recused; Poppaw absent) revises the City Code provisions relating to Electric Development Fees, in particular, Electric Capacity Fee Charges. The Ordinance clarifies that the fees due are based on the rates effective on the date of final payment.

Councilmember Campana recused himself due to a conflict of interest and left the meeting at this point.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 136, 2014, on Second Reading.

RESULT:	ORDINANCE NO. 136, 2014 ADOPTED ON SECOND READING [6 TO 0]
MOVER:	Gerry Horak, District 6
SECONDER:	Lisa Poppaw, Ross Cunniff
AYES:	Weitkunat, Overbeck, Poppaw, Troxell, Cunniff, Horak
RECUSED:	Campana

● **ADJOURNMENT**

Mayor Pro Tem Horak made a motion, seconded by Councilmember Poppaw, to adjourn to 6:00 PM on Tuesday, December 9, 2014, to consider a possible executive session and such other matters as may come before the Council.

RESULT:	ADOPTED [6 TO 0]
MOVER:	Gerry Horak, District 6
SECONDER:	Lisa Poppaw, District 2
AYES:	Weitkunat, Overbeck, Poppaw, Troxell, Cunniff, Horak
AWAY:	Campana

The meeting adjourned at 9:55 PM.

Soren Weitkunat

Mayor



ATTEST:

Wanda Nelson

City Clerk