

January 6, 2015

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

● **ROLL CALL**

PRESENT: Weitekunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak  
ABSENT: None.

Staff present: Atteberry, Daggett, Nelson

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry stated the agenda has been amended to include a motion to adjourn to January 13 in order for Council to possibly consider an Executive Session, two items related to the City Attorney selection process, and any additional items that may come before Council. Additionally, City Manager Atteberry noted Council's read-before packet contains an amended Resolution related to Item No. 10, *Items Relating to the Fort Collins-Loveland Municipal Airport*.

● **CITIZEN PARTICIPATION**

Rob Cagen discussed his participation in the development of the Fort Collins Congestion Management Plan in 1994 and provided Council with copies of the Plan.

David Hamm provided Council with papers regarding the future of Fort Collins and opposed the on-campus stadium.

Myles Crane, Human Relations Commission, discussed statistics regarding women and stated the Commission will be co-hosting a program on Post-Traumatic Stress Disorder.

Carl Wangsvick stated apartment developments should not be built unless public facilities already exist, or unless they are financed and built concurrently.

Eric Kronwall stated he will run for Council and is excited about serving should he be elected.

Jerry Gavaldon opposed some of the proposed BOB 2.0 Lincoln Avenue improvements as those improvements will not benefit the majority of residents.

Betty Aragon opposed the proposed BOB 2.0 Lincoln Avenue improvements.

Joe Rowan expressed disappointment with the potential list of capital improvements in the BOB 2.0 package and suggested a more long-term, visionary approach.

Linda Hopkins suggested the proposed BOB 2.0 Lincoln Avenue improvements should be more visionary.

Stacy Lynne discussed allegations made by Rocky Scott, of Woodward Governor, against Councilmember Cunniff. Additionally, she discussed ethical issues related to a Chamber of

Commerce survey conducted by David May and asked if the City is contemplating legal action against Mr. Scott and Mr. May.

Kelly Ohlson opposed the currently proposed BOB 2.0 package as being neither "building on basics" nor visionary.

Mike Pruznick discussed improvements that could be made in the city, including issues related to fracking, the disposable bag fee, homelessness, economic development, and Woodward Governor.

● **CITIZEN PARTICIPATION FOLLOW-UP**

Councilmember Cunniff supported the City's legally-binding agreement with Woodward Governor; however, he stated his job is to question priorities particularly when tax issues are involved.

Mayor Pro Tem Horak discussed the visionary aspects of the BOB 2.0 package, including "safe routes to everywhere" and noted other improvements in the BAVA neighborhoods are set to be funded in the next budget cycle.

Councilmember Troxell discussed the long-term perspective to the planning of Fort Collins and stated the Lincoln Corridor holds an historic component for the city.

Councilmember Campana discussed the visionary aspects of the proposed BOB 2.0 package.

Mayor Pro Tem Horak disagreed with the suggestion made by Mr. Pruznick that Council knew two years ago that Jefferson Park would be going away and discussed Mr. Pruznick's criticism of Red Tail Ponds, the new permanent supportive housing project.

Councilmember Cunniff stated there is more work to do on the capital projects list for BOB 2.0 and stated he hopes those involved in the recent newspaper articles are listening to what people are saying.

Mayor Weitkunat stated Council has been charged with moving the City forward and discussed the importance of bringing forth capital improvement projects for the community as a whole.

● **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>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 December 16, 2014 Regular Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the December 16, 2014 Regular Council meeting.

2. **Second 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. (Adopted)**

City Council met in executive session on November 12, 2014, to conduct the performance review of Municipal Judge Kathleen Lane. This Ordinance, unanimously adopted on First Reading on December 16, 2014, establishes the 2015 salary of the Municipal Judge at 109,365.

3. **Second 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)**

City Council met in Executive Session with Interim City Attorney Carrie Daggett on November 12, 2014. This Ordinance, unanimously adopted on First Reading on December 16, 2014, establishes the 2015 salary of the Interim City Attorney at \$151,909.

4. **Second 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)**

This Ordinance, unanimously adopted on First Reading on December 16, 2014, authorizes the use of 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.

5. **Second 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)**

This Ordinance, unanimously adopted on First Reading on December 16, 2014, authorizes the use of 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.

6. **First Reading of Ordinance No. 001, 2015, Appropriating Unanticipated Grant Revenue into the Transportation Services Fund for the Safe Routes to School Program. (Adopted)**

The purpose of this item is to request appropriation of unbudgeted funds received through a grant for the Safe Routes to School program. The City of Fort Collins FC Moves Department has received a \$15,000 grant through the Sensible Transportation and Bicycle Advocacy initiative at New Belgium Brewery for the 2015 Safe Routes to School (SRTS) program. This funding will allow the City's SRTS program (administered and staffed by FC Moves) to purchase strategic SRTS equipment for Fort Collins youth.

7. **First Reading of Ordinance No. 002, 2015, Appropriating Unanticipated Grant Revenue in the General Fund for the Fort Collins Police Services Victim Services Team. (Adopted)**

The purpose of this item is to fund the Victim Services Team of Fort Collins Police Services for victim advocacy services under the Colorado Victim Rights Amendment for victims of crime and their family members. The Fort Collins Police Services Victim Services Team has been awarded a 12-month grant in the amount of \$37,000 for the period from January 1, 2015 to December 31, 2015 by the Eighth Judicial District Victim Assistance and Law Enforcement (VALE) 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 fund will also pay for a portion of the operational expenses needed to provide 24-hour a day, 7-day a week services to victims of crime in the community.

8. **Resolution 2015-001 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 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**

This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.

● **STAFF REPORTS**

● **COUNCILMEMBER REPORTS**

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

● **DISCUSSION ITEMS**

9. **Items Related to Term Limits, Petitions, and Recall Charter Amendments. (Ord. Nos. 004, 005, 006, 2015 Adopted on First Reading; Ord. No. 003, 2015 Postponed Indefinitely)**

*The purpose of this item is to consider Charter Amendments related to term limits, petitions and recall for placement on the April 7, 2015 ballot.*

A. *First Reading of Ordinance No. 003, 2015, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Article II, Section 1(d) of the City Charter Pertaining to the Terms of Office of the Mayor and City Councilmembers.*

B. *First Reading of Ordinance No. 004, 2015, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article X of the City Charter Pertaining to Initiative and Referendum.*

- C. *First Reading of Ordinance No. 005, 2015, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article VIII, Section 4(b) of the City Charter Pertaining to the Sufficiency of a Nominating Petition.*
- D. *First Reading of Ordinance No. 006, 2015, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Article IX, Section 3(c) of the City Charter Pertaining to Recall Elections.*

City Clerk Nelson discussed the Charter amendment procedure, noting all Charter amendments must be approved by the voters. She provided information relating to the four Ordinances with the following topics: term limits, initiative and referendum, sufficiency of nominating petitions, and recall elections.

Eric Sutherland opposed the term limit options stating the definition of a “term” will be changed. Additionally, he opposed the charter amendment process and stated individuals should be allowed to challenge petition language.

Mike Pruznick opposed Item A and questioned why term limits are being examined without current public input. He suggested the petition process is broken but supported Item C and questioned what would happen if Item D does not pass.

Mayor Weitkunat noted there have been instances wherein voters have not supported unconstitutional items that have come out of federal government rulings and multiple ballots were necessary in order to acquire voter approval to come into compliance.

Councilmember Cunniff asked if other cities were analyzed regarding certifying the number of signatures for sufficiency. City Clerk Nelson replied additional research of other communities was not conducted.

Councilmember Cunniff suggested broader public engagement should occur regarding term limits and suggested the issue should be taken up by the next Council.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to postpone Ordinance No. 003, 2015 indefinitely.

Mayor Pro Tem Horak suggested the Charter should at least be changed to match state law regarding term limits and agreed an in-depth citizen review process regarding the Charter should occur.

<b>RESULT:</b>	<b>ORDINANCE NO. 003, 2015 POSTPONED INDEFINITELY [UNANIMOUS]</b>
<b>MOVER:</b>	Gerry Horak, District 6
<b>SECONDER:</b>	Ross Cunniff, District 5
<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. 004, 2015, on First Reading.

**RESULT:**           **ORDINANCE NO. 004, 2015, ADOPTED ON FIRST READING [UNANIMOUS]**  
**MOVER:**           Gerry Horak, District 6  
**SECONDER:**       Wade Troxell, District 4  
**AYES:**            Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

Mayor Pro Tem Horak made a motion, seconded by Councilmember Campana, to adopt Ordinance No. 005, 2015, on First Reading.

Councilmember Cunniff requested additional dialogue regarding this item prior to Second Reading.

**RESULT:**           **ORDINANCE NO. 005, 2015, ADOPTED ON FIRST READING [UNANIMOUS]**  
**MOVER:**           Gerry Horak, District 6  
**SECONDER:**       Gino Campana, District 3  
**AYES:**            Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

Mayor Pro Tem Horak made a motion, seconded by Councilmember Troxell, to adopt Ordinance No. 006, 2015, on First Reading.

**RESULT:**           **ORDINANCE NO. 006, 2015, ADOPTED ON FIRST READING [UNANIMOUS]**  
**MOVER:**           Gerry Horak, District 6  
**SECONDER:**       Wade Troxell, District 4  
**AYES:**            Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

10. **Items Relating to the Fort Collins-Loveland Municipal Airport. (Adopted)**

A. *Resolution 2015-002 Approving the Fort Collins-Loveland Airport Strategic Plan.*

B. *Resolution 2015-003 Authorizing the Mayor to Execute an Amended and Restated Intergovernmental Agreement Between the City and the City of Loveland Regarding the Operation of the Fort Collins-Loveland Airport.*

*The purpose of this item is to adopt the Airport Strategic Plan and approve the Amended and Restated Intergovernmental Agreement between the City of Fort Collins and the City of Loveland.*

Jason Licon, Airport Director, presented the proposed Fort Collins-Loveland Airport Strategic Plan and discussed the related public process. Additionally, he discussed the proposed improved governance structure for the Airport, which includes the creation of an Airport Commission.

Bill Kennedy stated an airport holds a critical place in a community that wants to move forward and supported the agenda items.

Mike Pruznick opposed the Strategic Plan, stating it lacks detail and airports encroach on communities.

Robert Hau supported the agenda items.

Bob Clancy stated he participated in the development of the proposed Strategic Plan and

supported the agenda items.

Jerry Stooksbury commended the work of both Loveland and Fort Collins, as well as that of Mr. Licon, in the development of the Strategic Plan and supported its adoption. Additionally, he discussed the Airport as a key economic asset to the area.

Eric Sutherland discussed public financing as a funding mechanism and suggested the possibility of approaching Timnath for financial contributions.

Councilmember Campana made a motion, seconded by Councilmember Troxell, to adopt Resolution 2015-002 as amended.

Interim City Attorney Daggett read the amendments to the Resolution as presented in Council's read-before packet.

Councilmember Campana commended the development of the Strategic Plan.

Councilmember Troxell stated the airport is key to regional integration and discussed the importance of the airport not solely in terms of flights.

Councilmember Cunniff discussed the importance of a sustainable airport for aircraft operations and supported the item as an incremental step in the right direction.

Mayor Weitkunat noted the Airport partnership is well over fifty years old and stated this item will bring the importance of the Airport as an asset to the forefront. Additionally, she noted this agreement involves the private sector element in the Airport's future.

<b>RESULT:</b>	<b>RESOLUTION 2015-002 ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Gino Campana, District 3
<b>SECONDER:</b>	Wade Troxell, District 4
<b>AYES:</b>	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

Councilmember Campana made a motion, seconded by Councilmember Troxell, to adopt Resolution 2015-003.

Mayor Pro Tem Horak discussed the system of appointees for the commission and expressed cautious optimism regarding future funding for the Airport.

<b>RESULT:</b>	<b>RESOLUTION 2015-003 ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gino Campana, District 3
<b>SECONDER:</b>	Wade Troxell, District 4
<b>AYES:</b>	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

11. **Items Relating to the Capstone Cottages Plan Amendment to the City Structure Plan and East Mulberry Corridor Plan Maps, and Rezoning. (Adopted on First Reading)**

A. *Resolution 2015-004 Amending the City's Structure Plan Map.*

B. *Resolution 2015-005 Amending the East Mulberry Corridor Plan Map.*

C. *First Reading of Ordinance No. 007, 2015, Amending the Zoning Map of the City by Changing the Zoning Classification for that Certain Property Known as the Capstone Cottages Rezoning.*

*The purpose of this item is to amend the City Structure Plan Map and the East Mulberry Corridor Plan Map, to change the land use designation of approximately 12.7 acres of land northeast of the Lincoln Avenue/Lemay Avenue intersection from Industrial to Medium Density Mixed-Use Neighborhood, rezone the property from the Industrial district (I) to the Medium Density Mixed Use Neighborhood district (M-M-N) and rezone the abutting 0.070 acres of land from the M-M-N to the Industrial District.*

*The requests are based on the Applicant's proposal to develop a student oriented single-family residential project; the Project Development Plan for the proposed project is in the process of being reviewed by staff as part of a separate application.*

*On December 11, 2014, the Planning and Zoning Board voted (4-0) to support a recommendation to City Council to approve the proposed Capstone Cottages plan amendment and rezoning.*

Pete Wray, Senior Planner, stated this item includes three actions: a Resolution to amend the East Mulberry Corridor Plan, a Resolution to amend the City Structure Plan, and a rezoning Ordinance. He discussed the property in question and the effects of making these amendments.

Linda Ripley, Ripley Design, Inc., requested support of the proposed rezoning and discussed its benefits and justification.

Matt Delich, Delich Associates, discussed a trip generation comparison analysis related to the proposed zoning change

Mike Pruznick discussed the incompatibility of certain industrial uses with housing and questioned whether or not this rezoning would adequately protect residents of the area.

Mayor Weitkunat requested staff input regarding buffer requirements for industrial uses. Wray stated it would be difficult to develop the currently existing industrial parcels as platted. Additionally, it would be difficult to provide a transition and buffer between land uses should those parcels be developed as industrial. He stated consolidating these parcels into single ownership would provide more opportunity to transition the intensity of residential land use, housing types and buffer next to the industrial development near Webster and Duff Drive.

Councilmember Campana made a motion, seconded by Councilmember Troxell, to adopt Resolution 2015-004.

Councilmember Cunniff expressed concern regarding keeping a balance between industrial and residential uses in developable land.

Councilmember Campana stated additional housing in the area makes sense and stated the 12.7 acres in relation to the 845 acres is quite a small percentage of the industrial land inventory.

Councilmember Troxell supported the proposed rezoning as providing contiguity in the area.

Mayor Weitkunat stated this change is the result of changing dynamics and vision in the area and supported the motion.



**RESULT:** RESOLUTION 2015-004 ADOPTED [4 TO 3]  
**MOVER:** Gino Campana, District 3  
**SECONDER:** Wade Troxell, District 4  
**AYES:** Weitkunat, Campana, Troxell, Horak  
**NAYS:** Overbeck, Poppaw, Cunniff

Councilmember Campana made a motion, seconded by Councilmember Troxell, to adopt Resolution 2015-005.

**RESULT:** RESOLUTION 2015-005 ADOPTED [4 TO 3]  
**MOVER:** Gino Campana, District 3  
**SECONDER:** Wade Troxell, District 4  
**AYES:** Weitkunat, Campana, Troxell, Horak  
**NAYS:** Overbeck, Poppaw, Cunniff

Councilmember Campana made a motion, seconded by Councilmember Troxell, to adopt Ordinance No. 007, 2015, on First Reading.

Mayor Pro Tem Horak discussed the need for affordable housing in the community, noting any increase in the amount of housing allows for additional affordable housing. Additionally, he discussed the location as being appropriately near employment and retail.

**RESULT:** ORDINANCE NO. 007, 2015, ADOPTED ON FIRST READING [4 TO 3]  
**MOVER:** Gino Campana, District 3  
**SECONDER:** Wade Troxell, District 4  
**AYES:** Weitkunat, Campana, Troxell, Horak  
**NAYS:** Overbeck, Poppaw, Cunniff

12. **Second 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 Second Reading)**

*City Council met in executive session on November 12, 2014 to conduct the performance review of City Manager Darin Atteberry. This Ordinance, adopted on First Reading on December 16, 2014, by a vote of 5-2 (nays: Cunniff, Overbeck) establishes the 2015 salary of the City Manager at \$244,839.*

Mike Pruznick stated this level of raise is not justified at this time.

Councilmember Campana made a motion, seconded by Councilmember Poppaw, to adopt Ordinance No. 180, 2014, on Second Reading.

**RESULT:** ORDINANCE NO. 180, 2014, ADOPTED ON SECOND READING [5 TO 2]  
**MOVER:** Gino Campana, District 3  
**SECONDER:** Lisa Poppaw, District 2  
**AYES:** Weitkunat, Poppaw, Campana, Troxell, Horak  
**NAYS:** Overbeck, Cunniff

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

- **OTHER BUSINESS**

Councilmember Cunniff requested information regarding the perception the City has no input into building design and standards with regard to Colorado State University. Interim City Attorney Daggett replied staff would assemble information for Council review.

Mayor Pro Tem Horak noted there is a state statute which allows review by the City; however, the City has never forced this review as it is not enforceable.

Councilmember Troxell requested additional information regarding the difference between CSURF and Board of Governors properties, which are outside the land grant area. Interim City Attorney Daggett replied that issue would be addressed.

- **ADJOURNMENT**

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adjourn to 6:00 PM on Tuesday, January 13, 2015, so that Council may consider a possible executive session and items relating to the selection of candidates for the City Attorney position, as well as any additional business that may come before the Council.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerry Horak, District 6
<b>SECONDER:</b>	Ross Cunniff, District 5
<b>AYES:</b>	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

The meeting adjourned at 8:21 PM.

  
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Mayor

ATTEST:

  
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City Clerk

