

March 17, 2015

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 withdrew Item No. 7, *Resolution 2015-033 Determining That a Single-Lane, Modern Roundabout is the Preferred Alternative for the Intersection of Lincoln Avenue and the North-South Extension of "International Boulevard"*, from the Consent Calendar.

● **CITIZEN PARTICIPATION**

The following citizens spoke in opposition to the new CSU on-campus stadium:

Beverly Hill spoke in opposition to CSU's on-campus stadium and expressed concern regarding financing of the stadium.

Unidentified Female Citizen spoke in opposition to CSU's on-campus stadium and suggested Council has the responsibility to affect change surrounding the stadium.

Martha Roden spoke in opposition to CSU's on-campus stadium.

Sandy Lemburg spoke in opposition to CSU's on-campus stadium and stated citizens have been unable to provide public opinion to CSU's Board of Governors. Additionally, he encouraged the election of new City leadership.

Elizabeth Hudetz spoke in opposition to CSU's on-campus stadium stating a majority of citizens and students do not want the stadium.

Beth Mitchell spoke in opposition to CSU's on-campus stadium.

Nicholas Mouton spoke in opposition to CSU's on-campus stadium specifically with regard to sustainability.

Chester McQueary spoke in opposition to CSU's on-campus stadium.

Doug Brobst spoke in opposition to CSU's on-campus stadium noting the Planning and Zoning Board opposed the stadium.

Christian Hageseth spoke in opposition to CSU's on-campus stadium.

Caroline Franklin spoke in opposition to CSU's on-campus stadium.

Laurel Hageseth spoke in opposition to CSU's on-campus stadium.

Rob Schmidt spoke in opposition to CSU's on-campus stadium stating the height of the stadium would be the height of the tallest building on campus and six to eight times the footprint. Additionally, he stated CSU will not leave Fort Collins regardless of the stadium.

Wayne Shortridge spoke in opposition to CSU's on-campus stadium stating Hughes Stadium should be renewed.

Waydene Pixler spoke in opposition to CSU's on-campus stadium.

Beth Benschmidt spoke in opposition to CSU's on-campus stadium as being inappropriate for the area.

Kathryn Kusmin spoke in opposition to CSU's on-campus stadium stating it is fiscally irresponsible.

Clayton King spoke in opposition to CSU's on-campus stadium.

Kujuan Yearby spoke in opposition to CSU's on-campus stadium stating the majority of CSU students are also opposed to the on-campus stadium.

Andi Didericksen spoke in opposition to CSU's on-campus stadium.

Chris McCartney spoke in opposition to CSU's on-campus stadium.

Casey Flemming spoke in opposition to CSU's on-campus stadium.

Carl Wangsvick stated Mayor Pro Tem Horak and Councilmember Troxell should recuse themselves from CSU-related items given their income sources.

Tim Johnson requested the City release information regarding Councilmember Campana's utility fee payment reduction requests and costs to the City of dealing with the issue.

Joe Machala requested the City release information regarding Councilmember Campana's utility fee payment reduction requests and costs to the City of dealing with the issue.

Bill Mulwinney expressed concern regarding the upcoming election and stated Councilmembers have not upheld the Constitution.

Ken Tharp expressed concern regarding affordable housing near public transportation.

Chris Cooper suggested the existing garden in English Ranch could be utilized this year while input on a new location is being sought.

Ward Luthi encouraged residents to stand up for any issue they feel is important.

Catherine Douras, Women's Commission, announced April as Sexual Assault Awareness Month.

Jennifer Jones, Sexual Assault Victim Advocate Center, thanked the Mayor and Council for the Sexual Assault Awareness Month proclamation and support of sexual assault victims.

Kelly Stirkey, Sexual Assault Victim Advocate Center, thanked the Mayor and Council for the Sexual Assault Awareness Month proclamation and support of sexual assault victims.

John Anderson read a poem.

Jen Kakel, Sexual Assault Victim Advocate Center, thanked the Mayor and Council for the Sexual Assault Awareness Month proclamation and support of sexual assault victims.

Chelsea (no last name given), Sexual Assault Victim Advocate Center, thanked the Mayor and Council for the Sexual Assault Awareness Month proclamation and support of sexual assault victims.

Paulina (no last name given), Sexual Assault Victim Advocate Center, thanked the Mayor and Council for the Sexual Assault Awareness Month proclamation and support of sexual assault victims.

Julia Luciano, Sexual Assault Victim Advocate Center, thanked the Mayor and Council for the Sexual Assault Awareness Month proclamation and support of sexual assault victims.

John Gascoyne discussed questionable actions by Councilmember Horak relating to his current campaign for Council.

Erin Hadlow, Sexual Assault Victim Advocate Center, thanked the Mayor and Council for the Sexual Assault Awareness Month proclamation and support of sexual assault victims.

Rachel Lucas, Sexual Assault Victim Advocate Center, thanked the Mayor and Council for the Sexual Assault Awareness Month proclamation and support of sexual assault victims.

Isabella Sisneros stated more gardens and open space are needed in the community in order to connect humans to others. She also spoke in opposition to the on-campus stadium.

Kevin Kruglet encouraged the use of the new pedi-cab service in town.

David Ham suggested the City control its growth and opposed the on-campus stadium.

Mike Pruznick requested Council take decisive action to end rape among homeless individuals.

Cheryl Distaso, Fort Collins Community Action Network, opposed the on-campus stadium and discussed the need for lockers for homeless individuals.

Thomas Edwards, Fort Collins Bicycle Coalition, encouraged additional enforcement of bicycle laws in Fort Collins.

● **CITIZEN PARTICIPATION FOLLOW-UP**

Mayor Weitkunat thanked those who spoke regarding Sexual Assault Awareness Month.

Councilmember Troxell stated the City looked into the issue raised by Mr. Mulwinney and found it to be unsubstantiated. Additionally, the Ethics Committee has found he does not have a conflict of interest relating to the stadium issue. He noted issues with the on-campus stadium should to be addressed to the Board of Governors and the Governor of Colorado.

Councilmember Poppaw thanked the citizens who spoke and asked if gardening at the existing English Ranch garden would be a possibility. Jeff Mihelich, Deputy City Manager, replied the new garden should be ready in time for the spring planting season.

Councilmember Cunniff thanked the citizens who spoke and requested a report regarding Council's code of conduct policy in relation to Councilmember Campana's conflict of interest issue. City Manager Atteberry replied Council has adopted an ordinance regarding disclosure and an internal administrative policy has been adopted regarding disclosure to the City Manager, City Attorney and City Clerk.

Councilmember Cunniff requested a report regarding the effectiveness of these policies in increasing transparency. Additionally, he requested information regarding the effectiveness of the lockers in the Murphy Center.

Mayor Pro Tem Horak requested the City Attorney discuss the letter written to Mr. Luthi. City Attorney Daggett replied Mayor Pro Tem Horak contacted her regarding comments Mr. Luthi had made regarding the City's authority in case law; as a result, she emailed Mr. Luthi regarding the information he had in terms of such case law.

Mayor Pro Tem Horak noted he has disclosed his wife's employment by CSU and his ownership of bonds put out by CSU.

● **CONSENT CALENDAR**

Eric Sutherland withdrew Item Nos. 2 and 3, *Items Relating to the Downtown Development Authority and Second Reading of Ordinance No. 035, 2015, Establishing Rental Rates and Delivery Charges for Use of the City's Raw Water for the 2015 Irrigation Season*, from the Consent Calendar.

Councilmember Campana made a motion, seconded by Councilmember Poppaw, to adopt and approve all items not withdrawn from the Consent Calendar.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gino Campana, District 3
SECONDER:	Lisa Poppaw, District 2
AYES:	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

1. **Consideration and Approval of the Minutes of the February 17, 2015 Regular Council Meeting and the February 24, 2015 Adjourned Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the February 17, 2015 Regular Council meeting and the February 24, 2015 Adjourned Council meeting.

2. **First Reading of Ordinance No. 041, 2015, Appropriating Reserves in the Wastewater Fund for the Replacement of Two Damaged Trucks. (Adopted)**

The purpose of this item is to appropriate \$272,794 in Reserves in the Wastewater Fund to replace two damaged trucks. In 2014, \$222,794 in unanticipated revenue was received from the Risk Management Fund and from insurance proceeds to compensate the Wastewater Utility for two trucks that were totaled in separate accidents. The \$222,794 in unanticipated revenue contributed to increased Wastewater Reserves at year-end 2014 in this same amount. Due to the cost of replacing one of the trucks, an additional \$50,000 is to be appropriated from the Wastewater Utility Capital Outlay Reserve which is reserved for equipment purchases. The Capital Outlay Reserve currently totals \$657,300. The 2015 supplemental appropriation will be used to replace both trucks.

3. **First Reading of Ordinance No. 042, 2015, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify the Conditions Under Which a Development May Defer Stormwater and Drainage Facility Requirements to Obtain a Certificate of Occupancy by Providing Certain Escrows as Assurance of Completion. (Adopted)**

The purpose of this item is to amend Chapter 26 of City Code, which provides developers an option for obtaining a certificate of occupancy prior to completion of installation, certification, and acceptance of stormwater and drainage facilities. This amendment provides clarification as to when this is allowable, initiates a non-refundable fee for processing and tracking the escrow, and timelines for completion of the work associated with the escrow.

4. **First Reading of Ordinance No. 043, 2015, Authorizing the Acquisition by Eminent Domain of Certain Lands Necessary to Construct Public Improvements in Connection with the Prospect Road and Timberline Road 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 Prospect Road and Timberline Road intersection. The Prospect Road and Timberline Road Intersection Improvements will construct safety and congestion mitigation improvements at the intersection, and on Timberline Road from Prospect Road south to Blackbird Drive. The project is planned to begin construction in the spring of 2016 and be completed by the fall of 2016. To construct these improvements, the City will need to acquire certain property interests adjacent to the project area. The acquisitions include right-of-way, permanent easements, and temporary easements from four property owners. Timely acquisition of the property is necessary to meet the anticipated construction schedule. Staff fully intends to negotiate in good faith with the 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 only if such action is deemed necessary.

5. **Resolution 2015-033 Determining That a Single-Lane, Modern Roundabout is the Preferred Alternative for the Intersection of Lincoln Avenue and the North-South Extension of "International Boulevard." (Withdrawn)**

The purpose of this item is to approve a single-lane, modern roundabout intersection at Lincoln Avenue and the north-south extension of International Boulevard. The adopted Master Street Plan anticipates a new arterial-arterial intersection between Lincoln Avenue east of Lemay Avenue and a north-south extension of 'International Boulevard'. In accordance with Resolution 2001-120, an Alternatives Analysis was completed for this intersection. The conclusions of the Alternatives Analysis show that a single-lane, modern roundabout is the preferred alternative for this intersection.

This project is not a part of or within the boundaries of the recently approved Lincoln Corridor Improvement Project.

6. **Resolution 2015-034 Authorizing the Purchasing Agent to Lease Additional Vehicles and Equipment Under the City's Standard Master Lease Agreement with Pinnacle Public Financing, Inc. (Adopted)**

The purpose of this item is to request approval of the lease-purchase of vehicles and equipment for the cost of \$2,239,424 under the City's Master Lease Agreement with Pinnacle Public Finance and the "First Amendment" to that Agreement (jointly, the "Agreement"). Quarterly Payments of \$118,398 at the 2.15% interest rate will not exceed \$236,796 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 2015 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.

7. **Resolution 2015-035 Making an Appointment to the Northern Colorado Airport Commission. (Adopted)**

The purpose of this item is to appoint Thomas Fleming to a four year term to the Northern Colorado Regional Airport Commission (the "Commission"). The Intergovernmental Agreement ("IGA") between the owners of the Municipal Airport, the cities of Fort Collins and Loveland, provides for a selection committee of two Councilmembers from each City to make recommendations for appointment to the Commission.

● **END CONSENT**

● **CONSENT CALENDAR FOLLOW-UP**

Mayor Weitkunat noted an appointment of the Fort Collins member to the Northern Colorado Airport Commission was made.

● **STAFF REPORTS**

Ginny Sawyer, Policy and Project Manager, reported on the Friendship City partnership agreement with San Cristobal and announced a children's marimba virtual concert on April 30th.

Beth Sowder, Social Sustainability Director introduced Vanessa Fenley, Homeward 2020 Executive Director. Ms. Fenley discussed Homeward 2020's annual point-in-time survey of homeless individuals noting an increase in the number of individuals experiencing chronic homelessness and an increase in the number of homeless veterans.

Sowder announced the opening of Redtail Ponds, a permanent supportive housing project and noted lockers were installed at the Murphy Center. Additionally, she discussed an upcoming planning session regarding future action steps to address homelessness.

Councilmember Overbeck asked how many lockers were installed. Sowder replied 76 new lockers were recently added.

Councilmember Cunniff thanked Ms. Fenley and Ms. Sowder, as well as the Housing Authority.

● **COUNCILMEMBER REPORTS**

Mayor Weitkunat reported on the National League of Cities meetings attended by Council.

Councilmember Campana reported on his participation at the National League of Cities meetings and specifically commended Mayor Weitkunat on her accomplishments on a federal level on behalf of the City.

Councilmember Poppaw commended Dan Weinheimer on his organization of the National League of Cities meetings for Council.

Councilmember Troxell noted discussions were held with the Federal Railroad Administration and a waiver for train horn noise in town was presented.

Councilmember Overbeck reported on the formation of a new park in the Maple Hill neighborhood.

Mayor Weitkunat discussed the importance of the Colorado Municipal League in the National League of Cities meetings and encouraged the formation of a youth coalition in Fort Collins. Additionally, she discussed the variety of ways in which Fort Collins is represented both statewide and nationally by its Councilmembers.

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

● **DISCUSSION ITEMS**

8. **Items Relating to the Appointment, Salary and Employment Contract of the City Attorney.**
(Adopted)

A. *Resolution 2015-036 Appointing Carrie Daggett as City Attorney and Approving the City Attorney's Employment Agreement.*

B. *Second Reading of Ordinance No. 039, 2015, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney.*

C. *Administration of Oath of Office for the City Attorney.*

The purpose of the resolution is to appoint Carrie Daggett as the new City Attorney and to approve the employment agreement of the City Attorney. Ordinance No. 039, 2015, unanimously adopted on First Reading on March 3, 2015, establishes the 2015 salary of the City Attorney at \$177,000.

Janet Miller, Human Resources Director, briefly discussed the recruitment process and ultimate salary and employment contract for City Attorney Carrie Daggett.

Carl Wangsvick stated disclosure of conflicts of interest does not exempt Councilmembers from recusal and requested Mayor Pro Tem Horak recuse himself from this vote stating he violated the City Charter.

Mike Pruznick opposed certain determinations of City Attorney Daggett.

Councilmember Poppaw made a motion, seconded by Councilmember Campana, to adopt Resolution 2015-036.

Councilmember Poppaw commended City Attorney Daggett and her work for the City.

Councilmember Troxell discussed the open recruitment process and commended City Attorney Daggett.

Councilmember Cunniff stated he would support the motion.

Councilmember Campana commended City Attorney Daggett on her work for the City.

Mayor Pro Tem Horak discussed his role in the accusations made by Mr. Wangsvick and commended City Attorney Daggett on her work for the City.

Mayor Weitkunat commended City Attorney Daggett on her work and passion for the City.

RESULT:	RESOLUTION 2015-036 ADOPTED [UNANIMOUS]
MOVER:	Lisa Poppaw, District 2
SECONDER:	Gino Campana, District 3
AYES:	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

Councilmember Poppaw made a motion, seconded by Councilmember Troxell, to adopt Ordinance No. 039, 2015, on Second Reading.

RESULT:	ORDINANCE NO. 039, 2015 ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Lisa Poppaw, District 2
SECONDER:	Wade Troxell, District 4
AYES:	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

City Clerk Nelson administered the Oath of Office to City Attorney Daggett.

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

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

Mayor Weitkunat suspended the rules to allow the two citizen-pulled consent items to be considered prior to the Colorado State University IGA item.

12. **Items Relating to the Downtown Development Authority. (Adopted on Second Reading)**

- A. *Second Reading of Ordinance No. 033, 2015 Appropriating Unanticipated Tax Increment Revenues in the Fort Collins, Colorado Downtown Development Authority Fund for Expenditure on Projects and Programs in Accordance with the Downtown Plan of Development.*
- B. *Second Reading of Ordinance No. 034, 2015, Appropriating Unanticipated Revenue from Interest Earnings and Reappropriating Existing Project Funds for Expenditure on Projects and Programs in Accordance with the Downtown Plan of Development.*

These Ordinances, unanimously adopted on First Reading on March 3, 2015, appropriate certain unanticipated revenues and reappropriate certain funds previously committed for projects and

programs under the Downtown Plan of Redevelopment. Ordinance No.033, 2015, appropriates \$63,205 in unanticipated revenue for use in the Old Town Square Renovation. This ordinance also includes the repayment of the 2015 Revolving Line of Credit Draw #2, in the amount of \$63,205 from the Downtown Development Authority Debt Service Fund. Ordinance No. 034, 2015, appropriates unanticipated revenue from interest earnings in the amount of \$29,220, and will also reappropriate previously committed project funds in the amount of \$438,611 for use in the Old Town Square Renovation.

Mike Pruznick opposed the process involving suspension of the rules and opposed the amount of funding granted to the Downtown Development Authority.

Nancy York expressed concern regarding the Downtown Development Authority not being held to the same standards as the City, particularly with regard to the Climate Action Plan.

Councilmember Campana made a motion, seconded by Councilmember Poppaw, to adopt Ordinance No. 033, 2015, on Second Reading.

Councilmember Cunniff noted this item would not allot extra money to the DDA; it is simply an official allocation.

RESULT:	ORDINANCE NO. 033, 2015, ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Gino Campana, District 3
SECONDER:	Lisa Poppaw, District 2
AYES:	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

Councilmember Campana made a motion, seconded by Councilmember Poppaw, to adopt Ordinance No. 033, 2015, on Second Reading.

RESULT:	ORDINANCE NO. 034, 2015, ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Gino Campana, District 3
SECONDER:	Lisa Poppaw, District 2
AYES:	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

13. **Second Reading of Ordinance No. 035, 2015, Establishing Rental Rates and Delivery Charges for Use of the City's Raw Water for the 2015 Irrigation Season. (Adopted on Second Reading)**

This Ordinance, unanimously adopted on First Reading on March 3, 2015, sets rates and charges for the rental and delivery of the Utilities raw water supplies. These rates are used to invoice agricultural, contractual and other water users.

On First Reading, the agenda item summary (AIS) indicated that the typical rental rate per Water Supply and Storage Company (WSSC) share is \$1,600 over the annual assessment per share. However, this was a typographical error as the typical rental rate per WSSC share is \$600 over the annual assessment per share. This has been corrected in the ordinance. The resultant rental rate per WSSC share is still \$3,500 per share, as indicated in the AIS on First Reading.

Councilmember Cunniff made a motion, seconded by Councilmember Poppaw, to adopt Ordinance No. 035, 2015, on Second Reading.

RESULT:	ORDINANCE NO. 035, 2015, ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Lisa Poppaw, District 2
AYES:	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

● **DISCUSSION ITEMS**

9. **Resolution 2015-037 Authorizing the Mayor to Execute an Intergovernmental Agreement with Colorado State University Regarding Infrastructure Improvements and Event Day Operations Related to an On-Campus Stadium. (Adopted)**

The purpose of this item is to approve an intergovernmental agreement between the City of Fort Collins and Colorado State University regarding infrastructure improvements and event day operations related to an on-campus stadium. CSU is moving forward with plans to build a new on-campus stadium for football and other events. Construction and operation of the stadium will have significant impacts on nearby residents and the community in general, and representatives of the City and CSU have been negotiating an intergovernmental agreement to outline measures to mitigate that impact and establish the commitment of CSU to take specific steps to mitigate those impacts.

Jeff Mihelich, Deputy City Manager, noted the proposed Intergovernmental Agreement (IGA) does not take a stand for or against the stadium, but rather attempts to protect surrounding neighborhoods and provide mitigation and funding for impacts. He detailed proposed parking plans and pedestrian and bicycle crossings. Additionally, Mihelich discussed improvements for which Colorado State University has agreed to provide funding and the plans for neighborhood involvement. He also discussed lighting and noise abatement and construction standards and noted the IGA specifically states CSU is solely responsible for funding all utility, turn lane, intersection control, signalization, enhanced law enforcement, litter abatement, bike and pedestrian improvements, transit enhancements, and signage improvements. Mihelich also noted the adoption of the IGA will help ensure necessary improvements are in place prior to the stadium opening.

Joe Machala spoke in opposition to the adoption of the IGA stating it is not a binding agreement.

Shelby Robinson spoke in opposition to the adoption of the IGA stating CSU should be required to meet firm carbon neutrality standards.

Nancy York spoke in opposition to the adoption of the IGA stating CSU should be required to meet firm carbon neutrality standards.

John Anderson spoke in opposition to the adoption of the IGA.

Dan Leatherman spoke in opposition to the adoption of the IGA.

Kevin Cross, Fort Collins Sustainability Group, spoke in opposition to the adoption of the IGA stating the climate impact of the new stadium should be required to be minimized.

Beverly Hill spoke in opposition to the adoption of the IGA citing financial concerns and stating there are few if any citizens in support of the new stadium.

Elizabeth Hudetz spoke in opposition to the adoption of the IGA citing financial, noise, and traffic impacts to the City.

Dolores Williams spoke in opposition to the adoption of the IGA stating the stadium would not be allowed by the City's planning and zoning regulations.

Liz Pruzner spoke in opposition to the adoption of the IGA expressing concern there are significant omissions from the agreement. She stated the IGA should require CSU to continue to fund impacts throughout the life of the stadium.

Jonathan Carnahan spoke in opposition to the adoption of the IGA.

Clayton King spoke in opposition to the adoption of the IGA stating its adoption should be tabled at least until the item is considered by the ASCSU Senate.

Lynn DeBeers spoke in opposition to the adoption of the IGA questioning how it will be enforced.

Jean Yule spoke in opposition to the adoption of the IGA and supported the renewal of Hughes Stadium.

Nancy Tellez spoke in opposition to the adoption of the IGA.

Linda Vrooman spoke in opposition to the adoption of the IGA questioning traffic and other impacts.

John Yule spoke in opposition to the adoption of the IGA, citing unresolved issues, and supported the renewal of Hughes Stadium.

Beth Mitchell spoke in opposition to the adoption of the IGA stating CSU and Dr. Frank should not be trusted.

Doug Brobst spoke in opposition to the adoption of the IGA stating it cannot possibly address quality of life issues. He noted there are no individuals in attendance in support of the stadium.

Kujuan Yearby spoke in opposition to the adoption of the IGA stating students should be more involved in decision making.

Nicholas Mouton spoke in opposition to the adoption of the IGA stating its language is not concrete enough.

Doug Henderson spoke in opposition to the adoption of the IGA stating firm commitments have not been made to minimize and mitigate climate impacts.

Wesley Alonzo spoke in opposition to the adoption of the IGA and supported the renewal of Hughes Stadium.

Bob Vangermeesch spoke in opposition to the adoption of the IGA stating CSU needs the IGA in order to acquire its bonds.

Chester McQueary spoke in opposition to the adoption of the IGA stating the City should insist on the creation of an environmental impact statement.

Rob Schmidt spoke in opposition to the adoption of the IGA stating a City-wide vote should occur.

Isabella Sisneros spoke in opposition to the adoption of the IGA.

Bill Tucker spoke in opposition to the adoption of the IGA specifically questioning traffic impacts.

Carol Hassan spoke in opposition to the adoption of the IGA specifically questioning traffic, train and noise impacts.

Leo Franzone spoke in opposition to the adoption of the IGA stating the stadium is not necessary for bringing attention to CSU.

Andi Didericksen spoke in opposition to the adoption of the IGA.

Mike Pruznick spoke in opposition to the adoption of the IGA and opposed the make-up of the stadium advisory group.

Beth Benschmidt spoke in opposition to the adoption of the IGA stating a City-wide vote should occur.

Waydene Pixler spoke in opposition to the adoption of the IGA.

Wayne Shortridge spoke in opposition to the adoption of the IGA.

Jimmy De La Franca spoke in opposition to the adoption of the IGA.

Tim Johnson expressed concern regarding possible conflicts of interest for Councilmembers Horak and Troxell.

Paul Smith expressed concern regarding the impact of global climate change on local economics.

Councilmember Cunniff thanked the speakers and asked if the study on the Prospect and College intersection was completed when CSU was in session. Mihelich replied in the affirmative.

Councilmember Cunniff asked about the discussion of future uses for Hughes Stadium. Mihelich replied Hughes Stadium is outside of the City's planning area; therefore, it is not appropriate to be included in the IGA. City Manager Atteberry noted Dr. Frank has expressed interest in that collaboration in the future.

Councilmember Cunniff noted this IGA addresses only \$8 million of the \$30-40 million CSU has set aside to fund infrastructure improvements. Mihelich replied the mitigation report developed in late 2014 resulted in a range of improvements of \$13-22 million. The \$8 million figure includes items for which firm costs are known and which CSU has agreed to fund. Future improvements which need additional study, but are included in the IGA, include the grade-separated crossing at Shields and Elizabeth, Prospect and College improvements, Prospect corridor improvements, and Lake/Centre intersection improvements.

Councilmember Cunniff asked about the inclusion of the "strive to" language with regard to meeting the City's noise ordinance. Mihelich replied the City is not able to enforce its noise ordinance on the stadium itself; however, CSU has agreed to be made aware of the requirements and attempt to modify non-football related events to meet those standards.

Councilmember Cunniff asked about the inclusion of the City's carbon neutrality goals. Mihelich replied CSU has stated its goal is to meet gold LEED certification during construction and be carbon neutral in operation; however, it is not committed specifically to these goals with the stadium.

Councilmember Cunniff asked about the appropriation clause. Mihelich replied the IGA does not specifically address appropriation; however, it does allow either party to terminate the agreement at a future date as it is a voluntary agreement. Amy Parsons, CSU Vice-President of Operations, replied the appropriations language referenced is required by state law.

Councilmember Cunniff asked if the noise impact of the cannon during football games was discussed. Mihelich replied in the negative.

Councilmember Cunniff asked about the make-up of the stadium advisory group. Mihelich replied the inclusion of business owners in the group was an idea suggested by the Planning and Zoning Board. Additionally, two representatives from CSU and one from the City will be included. The remaining members are at-large and could certainly be residents of adjoining neighborhoods.

Mayor Weitkunat noted Council and the City have been insistent this IGA be pursued and asked why that has occurred at this point in time. Mihelich replied Council has insisted on the development of a detailed mitigation plan to lessen the impacts of the stadium as much as possible and stated the focus of the IGA, at Council's direction, has been the interest of the neighborhoods.

Councilmember Troxell asked if the definition of "main campus" has been made clear. Mihelich replied specific language is included in the IGA and the main campus is the central core with the south campus being Centre Avenue and south; however, CSU considers all of the property to be campus and the IGA does not address infrastructure improvements as being part of either the main or south campus.

Councilmember Troxell stated the relationship between CSU and the City needs to be approached more holistically. He asked about the possible use of eminent domain. Mihelich replied he does not have any comments regarding eminent domain with respect to the IGA but stated additional discussions regarding what eminent domain powers the state has granted to CSU will be held.

Councilmember Troxell supported the inclusion of mandatory reviews in the IGA.

Councilmember Campana suggested the postponement or non-approval of the IGA would not prevent the stadium from moving forward and stated the IGA has been vetted as much as possible.

Councilmember Campana made a motion, seconded by Councilmember Troxell, to adopt

Resolution 2015-037.

Councilmember Troxell expressed regret this issue has divided the city and stated this IGA is a step toward working cooperatively with CSU.

Mayor Weitkunat noted actions taken with this IGA, regardless of whether or not the stadium is built, will aid in bringing needed improvements to the city.

Councilmember Cunniff argued there is more the City could do to ensure that the stadium or any other CSU project would be compatible with the surrounding neighborhoods. Additionally, he noted neighborhoods were built around Hughes Stadium after the stadium was in place, while the new stadium would impact existing neighborhoods. He stated he would not support the IGA as it does not protect neighborhoods as requested by citizens.

Councilmember Campana stated this IGA does not hurt the City and expressed appreciation for citizen input.

RESULT:	RESOLUTION 2015-037 ADOPTED [4 TO 3]
MOVER:	Gino Campana, District 3
SECONDER:	Wade Troxell, District 4
AYES:	Weitkunat, Campana, Troxell, Horak
NAYS:	Overbeck, Poppaw, Cunniff

10. **Resolution 2015-038 Adopting the West Central Area Plan as an Element of the Comprehensive Plan of the City and Repealing the West Central Neighborhoods Plan as an Element of the City's Comprehensive Plan. (Adopted)**

The purpose of this item is to adopt the West Central Area Plan (the "Plan") comprised of the neighborhoods south and west of the CSU Main Campus. Subarea plans are a key component in implementing the City Plan vision to create an overall community that is innovative, sustainable and connected. The West Central Area Plan will help citizens address a wide variety of challenges and opportunities to ensure that these neighborhoods continue to be great places to live, work, shop, learn and play. The Plan strives to provide policy, guidance and direction on three primary topics: Land Use and Neighborhood Character, Transportation and Mobility, and Open Space Networks. In addition, other subject areas include urban design, housing, community facilities, and a strategic approach to delivering effective public services.

The Plan also includes new conceptual designs for Prospect Road and Lake Street (from Shields Street to College Avenue), which are intended to improve the safety and comfort of pedestrians, bicycles, buses and cars on both roadways. The Plan also considers various alternatives for making a range of improvements along Shields Street between Prospect Road and Laurel Street, including a potential grade-separated crossing. Extensive public outreach was conducted over the course of the planning process using a range of strategies. Beginning in January 2014 and concluding with an open house in March 2015, a broad range of citizens, a stakeholder committee, and various organizations have participated and contributed to the formation of the Plan.

Laurie Kadrich, Community Development and Neighborhood Services Director, briefly introduced the item.

Ted Shepard, Chief Planner, stated the West Central Area Plan builds upon the 1999 West Central Neighborhoods Plan and the Student Housing Action Plan and discussed the public input process as well as the overall layout of the Plan.

Rebecca Everette, City Planner, discussed the various action items and open space components included in the Plan.

Amy Lewin, Senior Transportation Planner, discussed the transportation and mobility aspects of the Plan and detailed proposed plans for Prospect Road and Lake Street.

Paul Anderson supported adoption of the West Central Area Plan and the “U+2” Ordinance.

Mike Pruznick asked about the inclusion of a CSU medical facility at Prospect and College and about the City’s ownership of a parcel at that corner.

Lynn DeBeers asked about the rental components of the Plan.

Kristy Bird, Northern Colorado Rental Housing Association, supported adoption of the Plan but did not support a rental registration or licensing program.

Eric Sutherland questioned the City’s planning efforts and stated growth does not pay its own way.

Ed Pierce supported adoption of the Plan but questioned whether or not the “U+2” Ordinance is being enforced.

Thomas Edwards asked when Lake Street will be taken over by CSU.

Shepard stated the northwest corner of Prospect and College is not part of CSU’s main campus and noted the City would have jurisdiction over the review of any medical building through the Site Plan Advisory Review process.

City Manager Atteberry noted the City-owned land at the intersection of Prospect and College is for future expansion of the intersection.

Mayor Weitkunat requested staff input regarding the “U+2” Ordinance and its enforcement. Kadrich replied the Code Enforcement office has had one full-time staff member dedicated to enforcement of this Ordinance and a second staff member has been recently added. A more proactive approach is being taken in areas with repeat complaints.

Mayor Weitkunat requested staff input regarding rental registration and licensing programs. Shepard replied the Plan includes a mid-term action item to form an exploratory committee to evaluate the feasibility and potential effectiveness of a citywide landlord registration or licensing program. Additionally, a Neighborhood Renewal Program is being developed by the Social Sustainability Department.

Mayor Weitkunat discussed the importance of alerting the entire community about the possible licensing and registration program.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adopt Resolution 2015-038.

Mayor Pro Tem Horak discussed the importance of systematically dealing with both sides of the rental issue.

Councilmember Cunniff stated this Plan includes many items which will aid in improving the neighborhoods included in the area and commended staff for work on the Plan. Additionally, he questioned the process for high-intensity use parcels. Shepard noted the Plan does not radically change any zone districts in terms of permitted uses.

Councilmember Overbeck commended the public input process.

Councilmember Troxell noted the importance of addressing rental issues with the inclusion of the nuisance Ordinance and expressed full support of the Plan as presented.

Mayor Pro Tem Horak commended the format of the Plan.

Councilmember Campana supported the Plan and public engagement process.

Mayor Weitkunat commended the Plan and discussed the importance of community engagement.

RESULT:	RESOLUTION 2015-038 ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

Motion to Extend the Meeting

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to extend the meeting past 10:30 p.m.

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

11. Resolution 2015-039 Adopting the Nature in the City Strategic Plan as an Element of the Comprehensive Plan of the City. (Postponed to March 24, 2015)

The purpose of this item is to seek City Council approval of the Nature in the City Strategic Plan as an element of the City's Comprehensive Plan. Nature is a defining characteristic of Fort Collins; the community has a 40-year history of protecting nature in the city and region. Nature in the City is a long-term planning effort that capitalizes on these efforts to protect and integrate nature into the community's fabric through a variety of regulatory, policy, outreach and collaborative solutions on public and private lands.

RESULT:	POSTPONED TO March 24, 2015 [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ross Cunniff, District 5
AYES:	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

● **OTHER BUSINESS**

Motion to cancel the April 7, 2015 Regular Council meeting. (Municipal Election)

Mayor Pro Tem Horak made a motion, seconded by Councilmember Campana, to cancel the April 7, 2015 regular Council meeting as permitted under Section 2-28(a) of the City Code due to the municipal election on that date.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Gino Campana, District 3
AYES:	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

Call of Special Meeting for 6:00 p.m., Tuesday, April 14, 2015. (Organizational Meeting)

Mayor Pro Tem Horak made a motion, seconded by Councilmember Troxell, to call a special Council meeting on April 14, 2015 at 6:00 p.m. for the purpose of swearing in the Mayor and City Councilmembers elected at the April 7th municipal election as permitted under Section 2-29(a) of the City Code.

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

● **ADJOURNMENT**

Mayor Pro Tem Horak made a motion, seconded by Councilmember Cunniff, to adjourn to 6:00 p.m. on March 24, 2015, to consider such matters as may come before the Council including a possible Executive Session and any items not addressed tonight.

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

The meeting adjourned at 10:54 PM.



Mayor

ATTEST:



City Clerk



