

DATE: March 20, 2012
STAFF: Rita Harris

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

6

SUBJECT

Consideration and Approval of the Minutes of the February 21, 2012, Regular Meeting and the February 27, 2012, Special Meeting.

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COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting - 6:00 p.m.

A regular meeting of the Council of the City of Fort Collins was held on Tuesday, February 21, 2012, at 6:00 p.m. in the Council Chambers of the City of Fort Collins City Hall. Roll call was answered by the following Councilmembers: Horak, Kottwitz, Manvel, Ohlson, Poppaw, Troxell and Weitkunat.

Staff Members Present: Atteberry, Krajicek, Roy.

Agenda Review

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

Eric Sutherland, 3520 Golden Currant, withdrew Item Nos. 10, 11, and 13, *Second Reading of Ordinance No. 013, 2012, Amending Section 2-581 of the City Code and Setting the Salary of the City Attorney, Second Reading of Ordinance No. 014, 2012, Amending Section 2-596 of the City Code and Setting the Salary of the City Manager, and First Reading of Ordinance No. 016, 2012, Appropriating Unanticipated Grant Revenue in the Capital Projects Fund and Appropriating Prior Year Reserves and Authorizing the Transfer of Existing Appropriations in the Keep Fort Collins Great Fund for the North College Improvements Project - Conifer Street to Willox Lane*, from the Consent Calendar.

Citizen Participation

Pretty Sathe, Human Relations Commission member, announced the Human Relations Commission annual breakfast and awards ceremony.

Myles Crane, Human Relations Commission member, announced a program on elder abuse to be held in October.

Ross Cunniff, 2267 Clydesdale Drive, Energy Board Chairperson, discussed the newly formed Board and stated its work plan will be voted upon at its meeting on March 1.

Doug Brobst, 1625 Independence Road, expressed concern regarding the proposed on-campus stadium at Colorado State University.

Mel Hilgenberg, 172 North College, expressed concern regarding the proposed on-campus stadium at Colorado State University.

Susan Kirkpatrick, 210 West Magnolia, opposed downtown parking meters.

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Margaret Stumpf, 1808 Stover, opposed the proposed on-campus stadium at Colorado State University.

Ray Bergner, Fort Collins resident, expressed concern regarding the proposed Jefferson Street roundabout, to be discussed at the February 28 Work Session.

Carl Patton, 619 Skysail Lane, opposed the proposed on-campus stadium and requested that Council publicly oppose it as well.

Chris Marshall, 926 West Mountain Avenue, opposed the proposed on-campus stadium at Colorado State University.

Eric Sutherland, 3520 Golden Currant, expressed concern regarding the RMI2 building financing.

Citizen Participation Follow-up

Councilmember Troxell stated downtown parking meters should be reconsidered. He discussed the public input process regarding the proposed on-campus stadium.

Councilmember Horak stated Dr. Frank, President of Colorado State University, has requested a work session with Council regarding the stadium on April 24, 2012. He suggested the City's website be linked to CSU's website to allow citizen comments.

City Manager Atteberry stated the parking meter issue and roundabout will be discussed at the next work session, on February 28. He confirmed the April 24 date for the work session to discuss the proposed on-campus stadium.

Mayor Pro Tem Ohlson commended the formation of the Energy Board and noted Council has yet to weigh in regarding the parking meter issue.

Councilmember Horak suggested the City work with employers to provide incentives for employees to park in farther removed areas.

CONSENT CALENDAR

6. **Items Relating to the Safe Routes to School Program.**
 - A. Second Reading of Ordinance No. 006, 2012, Appropriating Unanticipated Grant Revenue in the Transportation Services Fund for the FY 2011-12 Safe Routes to School Program.
 - B. Resolution 2012-006 Authorizing the Execution of an Intergovernmental Agreement Between the City and the Colorado Department of Transportation for Infrastructure Funding of the Safe Routes to School Program.

This Ordinance, unanimously adopted on First Reading on February 7, 2012, appropriates a \$50,176 federal grant received through the Colorado Department of Transportation (CDOT) for the FY 2011–12 Safe Routes to School program. This funding will allow the City of Fort Collins' Safe Routes to School Program (administered and staffed by the Transportation Planning Division) to provide new, higher quality bike racks at public schools within the City of Fort Collins and roll out a new "Bicycle Parking at Schools" educational program. The Resolution authorizes the execution of the agreement with CDOT.

7. Second Reading of Ordinance No. 007, 2012, Approving a Third Amendment to the Fort Collins-Timnath Intergovernmental Agreement Regarding Cooperation on Annexation, Growth Management, and Related Issues, Extending the Deadlines for the City and Town to Amend Their Growth Management Area Boundaries.

On February 17, 2009, the City of Fort Collins and the Town of Timnath entered into an intergovernmental agreement regarding annexations, growth management, and related issues. The agreement resolved certain differences that had arisen between the City and Town concerning a variety of planning and growth management issues. The agreement set one-year deadlines for the parties to amend their Growth Management Area boundaries and for Timnath to exercise an option to purchase the Vangbo property from the City. In early 2010, the parties approved an amendment to this intergovernmental agreement that extended the deadlines for approval of the Fort Collins GMA and for Timnath to decide whether to exercise its option. In early 2011, a second amendment was approved by the City and Timnath that extended the deadline for the parties to amend their Growth Management boundaries and deleted all references to Timnath's possible purchase of the Vangbo property because Timnath decided not to move forward with the purchase. Another extension is needed, and Ordinance No. 007, 2012, unanimously adopted on First Reading on February 7, 2012, extends the period of time within which the parties' Growth Management Area boundaries are to be amended to February 12, 2013.

8. Second Reading of Ordinance No. 008, 2012, Appropriating Unanticipated Revenue in the Capital Projects Fund, Mason Corridor Project for the MAX Bus Rapid Transit Project.

In 2009, the Federal Transit Administration (FTA) approved Small Starts funding to construct the MAX Bus Rapid Transit Project. Previous Council actions appropriated \$54,622,000 of FTA funds, and \$17,366,772 of funding designated for local match. This Ordinance, unanimously adopted on First Reading on February 7, 2012, appropriates the remaining identified FTA funds of \$14,845,076, to achieve the total \$86,833,848 project cost.

9. Second Reading of Ordinance No. 012, 2012, Amending Section 2-606 of the City Code and Setting the Salary of the Municipal Judge.

City Council met in executive session on November 9, 2011, to conduct the performance review of Municipal Judge Kathleen Lane. Ordinance No. 012, 2012, unanimously adopted on First Reading on February 7, 2012, establishes the 2012 salary of the Municipal Judge at \$95,436.

10. Second Reading of Ordinance No. 013, 2012, Amending Section 2-581 of the City Code and Setting the Salary of the City Attorney.

City Council met in Executive Session on January 17, 2012 to conduct the performance review of City Attorney Steve Roy. Ordinance No. 013, 2012, unanimously adopted on First Reading on February 7, 2012, establishes the 2012 salary of the City Attorney at \$165,691.

11. Second Reading of Ordinance No. 014, 2012, Amending Section 2-596 of the City Code and Setting the Salary of the City Manager.

City Council met in executive session on November 9, 2011, to conduct the performance review of City Manager Darin Atteberry. Ordinance No. 014, 2012, unanimously adopted on First Reading on February 7, 2012, establishes the salary of the City Manager at \$197,203.

12. Items Relating to the City's Traffic Signal System Software.

- A. Resolution 2012-007 Authorizing the Execution of an Intergovernmental Agreement Between the City and the Colorado Department of Transportation to Use Federal Congestion Mitigation Air Quality Funds for the Purpose of Procuring New Traffic Signal System Software.
- B. First Reading of Ordinance No. 015, 2012, Appropriating Unanticipated Grant Revenue in the Transportation Services Fund for the Acquisition of New Traffic Signal System Software.

The City's Traffic Operations Department has been awarded a \$248,000 Federal Congestion Mitigation Air Quality (CMAQ) grant to procure and install new traffic signal system software to replace existing software in the City's Traffic Operations Center and in traffic signal controllers at intersections throughout the City. The current software is aging and the vendor has discontinued support. Updating the system software provides the ability to utilize new technologies that were not available previously. The installation process will be done in phases and the old software will be retired, once full conversion is completed.

13. Items Relating to the North College Improvements Project - Conifer Street to Willox Lane.

- A. Resolution 2012-008 Authorizing the Execution of an Intergovernmental Agreement with the Colorado Department of Transportation for Funding for the North College Improvements Project - Conifer Street to Willox Lane.
- B. First Reading of Ordinance No. 016, 2012, Appropriating Unanticipated Grant Revenue in the Capital Projects Fund and Appropriating Prior Year Reserves and Authorizing the Transfer of Existing Appropriations in the Keep Fort Collins Great Fund for the North College Improvements Project - Conifer Street to Willox Lane.

The North Front Range Metropolitan Planning Organization (NFRMPO) has awarded the City of Fort Collins \$2,039,000 in federal funds to design improvements, and begin rights-of-way acquisition along North College Avenue between Conifer Street and Willox Lane. This Resolution authorizes the Mayor to sign an intergovernmental agreement with the Colorado Department of Transportation (CDOT) authorizing the City of Fort Collins to receive this funding. The Ordinance will appropriate fiscal year 2012 federal funds into the Capital Project Fund for use on the North College Improvements Project – Conifer to Willox. Keep Fort Collins Great (KFCG) funds are intended to be used as the local funds required for the project as per the intergovernmental agreement with CDOT. This project is one of the highest ranked roadway projects in the City’s Capital Improvements Plan.

14. Items Relating to the Bryan Bridge Replacement Project.

- A. Resolution 2012-009 Authorizing the Execution of an Intergovernmental Agreement Between the City and the Colorado Department of Transportation in Support of the Bryan Avenue Bridge Replacement Project.
- B. First Reading of Ordinance No. 017, 2012, Appropriating Unanticipated Grant Revenue in the Capital Projects Fund for the City Bridge Program Project.

The City has been awarded a grant in the amount of \$552,000 in federal funds from the Colorado Off-System Bridge Program. This intergovernmental agreement between the City and Colorado Department of Transportation (CDOT) is for the replacement of the structurally deficient Bryan Avenue Bridge over the Larimer County Canal No. 2, located just north of Poudre Fire Authority Fire (PFA) Station 2 by City Park.

15. Resolution 2012-010 Adopting the Recommendations of the Cultural Resources Board Regarding Fort Fund Disbursements.

The Cultural Development and Programming and Tourism Programming accounts (Fort Fund) provide grants to fund community events. This Resolution will adopt the recommendations from the Cultural Resources Board to disburse these funds.

16. Resolution 2012-011 Supporting the City’s Application for a Local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado Trust Fund for the Environmental Education Sites at the Gardens on Spring Creek and Authorizing the Execution of a Grant Agreement.

The Gardens on Spring Creek is currently applying for a \$350,000 Great Outdoors Colorado Local Parks and Outdoor Recreation Grant. Staff is preparing an application for construction of the Environmental Education Sites at The Gardens. These sites include: (1) Foothills Demonstration Site, (2) Prairie Demonstration Site, (3) Wetland Demonstration Site, and (4) the Undaunted Garden, a xeriscape demonstration garden.

As part of the application process, Great Outdoors Colorado requires a resolution which indicates the City’s support for the project, verifies that matching funds must be secured, that

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the project will be maintained in a high quality condition, the land for the project is City-owned, and designates an official to sign the grant agreement.

17. Resolution 2012-012 Authorizing a Revocable Permit for Lafarge West, Inc. to Access and Complete Initial Work to Repair a Breach in the Riverbank Within the Archery Range Natural Area.

Lafarge West, Inc. owns and operates the Port of Entry (POE) Gravel Mine adjacent to Running Deer and Archery Range Natural Areas. During the spring runoff in 2011, Poudre River flows overtopped the River bank on the northwest corner of the POE Pit and eroded the bank back to the River so deeply that the River bank was breached and the River was completely diverted through the gravel mine and back into the River at the southeast corner of the pit. The breach is partially located within the Archery Range Natural Area. Lafarge has developed a plan to repair the breach and return the Poudre River to its former channel prior to spring 2011 runoff. The revocable permit is needed to allow Lafarge access to the City property and begin implementation of the plan within the time frame being required by the Colorado Division of Reclamation, Mining, and Safety.

18. Resolution 2012-013 Approving a Two Year Extension of the Second Interim Intergovernmental Agreement among the City, the Downtown Development Authority, the Downtown Business Association and Progressive Old Town Square, LLC, Regarding the Maintenance and Management of Old Town Plaza.

This Resolution authorizes the City to extend the current Old Town Plaza maintenance and management agreement for two years by amending the existing agreement with the Downtown Development Authority (DDA), the Downtown Business Association (DBA), and Progressive Old Town Square, LLC (POTS).

19. Routine Easements.

- A. Easement for construction and maintenance of public utilities from PJM7, LLC, to install an electric switch cabinet, located at 1611 South College Avenue
- B. Easement for Johnson Investments, to relocate existing electric duct bank, located on South College Avenue, Lot 1, Choice Center.

*****END CONSENT*****

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

6. Second Reading of Ordinance No. 006, 2012, Appropriating Unanticipated Grant Revenue in the Transportation Services Fund for the FY 2011-12 Safe Routes to School Program.
7. Second Reading of Ordinance No. 007, 2012, Approving a Third Amendment to the Fort Collins-Timnath Intergovernmental Agreement Regarding Cooperation on Annexation,

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Growth Management, and Related Issues, Extending the Deadlines for the City and Town to Amend Their Growth Management Area Boundaries.

8. Second Reading of Ordinance No. 008, 2012, Appropriating Unanticipated Revenue in the Capital Projects Fund, Mason Corridor Project for the MAX Bus Rapid Transit Project.
9. Second Reading of Ordinance No. 012, 2012, Amending Section 2-606 of the City Code and Setting the Salary of the Municipal Judge.
10. Second Reading of Ordinance No. 013, 2012, Amending Section 2-581 of the City Code and Setting the Salary of the City Attorney.
11. Second Reading of Ordinance No. 014, 2012, Amending Section 2-596 of the City Code and Setting the Salary of the City Manager.
24. Second Reading of Ordinance No. 131, 2011, Amending the Appeals Procedure Contained in Chapter 2, Article II, Division 3 of the City Code Relating to the Procedures for Hearing Appeals to the City Council.
25. Items Relating to Medical Marijuana.
 - A. Second Reading of Ordinance No. 009, 2012, Repealing and Reenacting Chapter 15, Division 1, Article XVI of the City Code Relating to Medical Marijuana.
 - B. Second Reading of Ordinance No. 010, 2012, Amending the Land Use Code to Delete All References to Medical Marijuana Businesses.
 - C. Second Reading of Ordinance No. 011, 2012 Amending Chapter 15, Article XVII of the City Code to Add Additional Provisions Regarding Medical Marijuana Patients and Primary Caregivers (Option A or Option B).

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

12. First Reading of Ordinance No. 015, 2012, Appropriating Unanticipated Grant Revenue in the Transportation Services Fund for the Acquisition of New Traffic Signal System Software.
13. First Reading of Ordinance No. 016, 2012, Appropriating Unanticipated Grant Revenue in the Capital Projects Fund and Appropriating Prior Year Reserves and Authorizing the Transfer of Existing Appropriations in the Keep Fort Collins Great Fund for the North College Improvements Project - Conifer Street to Willox Lane.
14. First Reading of Ordinance No. 017, 2012, Appropriating Unanticipated Grant Revenue in the Capital Projects Fund for the City Bridge Program Project.

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Councilmember Manvel made a motion, seconded by Councilmember Troxell, to adopt and approve all items not withdrawn from the Consent Calendar. Yeas: Weitkunat, Manvel, Kottwitz, Ohlson, Horak and Troxell. Nays: none.

(Secretary's note: Councilmember Poppaw was not in the room at the time the vote on the Consent Calendar was taken.)

THE MOTION CARRIED.

Consent Calendar Follow-up

Mayor Pro Tem Ohlson noted Item No. 14, *First Reading of Ordinance No. 017, 2012, Appropriating Unanticipated Grant Revenue in the Capital Projects Fund for the City Bridge Program Project*, will replace some community bridges and confirmed the funds for those replacements are coming from the Transportation Fund. He requested a follow-up regarding unspent money for the Fort Fund allocations in Item No. 15, *Resolution 2012-010 Adopting the Recommendations of the Cultural Resources Board Regarding Fort Fund Disbursements*. Jill Stillwell, Cultural Services Director, replied the January and June sessions are for the second tier of funding. The April session receives the largest funding allocation. Stillwell stated she would provide additional information.

Councilmember Horak asked about the broad goals for the Fort Fund program and asked where the program is headed. Stillwell replied the Cultural Resources Board's overarching goal is to help make Fort Collins a destination for arts and cultural events. City Manager Atteberry stated a work session could be scheduled regarding altering that goal.

Councilmember Horak asked about the problem that cannot be resolved regarding Item No. 18, *Resolution 2012-013 Approving a Two Year Extension of the Second Interim Intergovernmental Agreement among the City, the Downtown Development Authority, the Downtown Business Association and Progressive Old Town Square, LLC, Regarding the Maintenance and Management of Old Town Plaza*. City Attorney Roy replied the City has been responsible for maintenance under the old agreement, and will continue to do so in the absence of a new agreement.

Mayor Pro Tem Ohlson stated the private downtown partner has not been participating in negotiations.

Staff Reports

Jon Haukaas, Water Engineering Field Operations Manager, stated the City received an award from the American Public Works Association for the canal Importation Ponds and Outfall project. He introduced Owen Randall, Chief Engineer, Matt Fader, Special Project Manager, and Keith Reester, American Public Works Colorado Chapter Chairperson. Randall gave a brief presentation regarding the project.

Mr. Reester presented the award to Mayor Weitkunat.

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Jason Licon, Fort Collins Loveland Municipal Airport Executive Director, introduced Larry Mack, Airport Operations and Maintenance Supervisor, and discussed the recent improvements to the airport including runway repaving and terminal additions. A grant was recently obtained for the wingless flight initiative.

Councilmember Reports

Councilmember Horak discussed the clean energy works project or on-line financing of home energy improvements in Portland, Oregon, and supported the idea in Fort Collins. He stated Platte River Power Authority will be meeting next week and encouraged more detailed policies for PRPA including public participation, reserve funds, and employee compensation.

Mayor Weitkunat discussed the Natural Areas volunteer appreciation dinner hosted by the City and detailed the volunteer activities and hours donated.

Councilmember Troxell called attention to the proclamation for National Engineers Week.

Ordinance No. 131, 2011, Amending the Appeals Procedure Contained in Chapter 2, Article II, Division 3 of the City Code Relating to the Procedures for Hearing Appeals to the City Council, Adopted on Second Reading

The following is staff's memorandum for this item.

“EXECUTIVE SUMMARY

This Ordinance, which is being presented on Second Reading, has been modified in several respects in response to comments and concerns expressed during the public outreach process that has been conducted since First Reading. The changes include: shortening the previously proposed period of time within which the hearing on an appeal must be held; clarifying the form of notice of appeal; eliminating the provision that would have allowed parties-in-interest to file a written response to the notice of appeal; and changing to the provisions dealing with the introduction and handling of new evidence. No changes have been made to two of the amendments that were proposed on First Reading. The amendments that remain the same are: the amendment that would allow a Councilmember to participate in hearing an appeal even if he or she had filed the appeal, and amendments related to the site inspection process.

BACKGROUND / DISCUSSION

When this Ordinance was presented to Council on First Reading, there were two proposed amendments that the Council modified before voting in favor of the Ordinance. The first Council modification was to the proposed amendment that would allow parties-in-interest who were opposed to an appeal to file a written response to the notice of appeal. The Council modified that proposal by expanding the group of persons who could file a written response to the notice of appeal so as to include any party-in-interest, rather than just those who were opposed to the appeal. The second

change that Council made was to reject a proposed amendment that would have allowed members of the general public to participate in the hearing on an appeal.

Second Reading of the Ordinance was postponed in order to allow time for additional public outreach. Staff has conducted three different outreach meetings—two with the general public and one with the Chamber of Commerce--and additional changes to the proposed Ordinance have been made in response to citizen comments received at these meetings. Summaries of the comments received at each of those meetings are attached.

Several concerns raised during the meetings have been addressed by additional revisions to the proposed Ordinance. The concerns expressed and the revisions suggested by staff are as follows:

- *That the new period of time that staff had suggested for scheduling the hearing on an appeal was too long. Under the Code as presently written, an appeal must be heard no less than 30 nor more than 60 calendar days after the date of filing of the notice of appeal. This time frame has created problems because the City Clerk is sometimes unable to find a date within 60 days that is acceptable to the parties-in-interest and that accommodates the other business that is scheduled for Council's consideration during that period of time. On First Reading, staff had suggested expanding the period to 120 days. Because of concerns that this expanded time frame would cause undue delay in the processing of a development application, staff is now recommending that the hearing be set as soon as reasonably practicable but no more than 75 days after the date of filing of the notice of appeal.*
- *That the form of the notice of appeal should be clarified. In order to ensure that the notice of appeal contains all the requisite information and does not introduce new information into the appeal process, staff is recommending that language be added to Section 2-49, pertaining to the filing of the notice of appeal, clearly stating that no information other than that specified in the revised version of that section may be included in or attached to the notice of appeal or submitted to or received by the City prior to the hearing on the appeal. In addition, a standardized form has been prepared for the notice of appeal.*
- *That it would be a mistake to allow parties-in-interest to file a written response to an appeal. While a written response could help better frame the issues, the primary concern expressed was that those responses would likely contain new evidence, which would create a need to either disallow the responses or have them modified. Another concern was that adding an opportunity for a written response would lengthen and complicate the process. Staff believes that these concerns have merit; therefore, staff is no longer recommending that parties-in-interest be allowed to file a written response.*
- *That Councilmembers who file an appeal should not participate in hearing the appeal. The concern here is that if a Councilmember feels strongly enough about a decision made by a board or commission or hearing officer to appeal the decision, he or she may not be able to be impartial in deciding the appeal. While staff believes that this concern may have merit, the Council directed that this change be brought forward, so it is still included in the proposed amendments. From a strictly legal standpoint, there is a strong presumption under the relevant case law that administrative decision makers will be impartial. Consequently,*

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it is unlikely that a decision on appeal would be overturned on the grounds of bias merely because one or more Councilmembers who participated in the appeal hearing had asked the Council to review the decision by filing an appeal.

- *That the way in which new evidence is handled at appeal hearings is confusing and unpredictable. The Ordinance addresses this concern in the following ways.*
 - *The opportunity for parties-in-interest to file written materials in advance of the hearing has been eliminated. At present, Section 2-54(b) states that such materials may be filed in the office of the City Clerk up until noon on the Wednesday prior to the hearing as long as any new evidence contained in the materials is limited to that which responds to an allegation that the original decision maker considered evidence that was substantially false or grossly misleading. This provision has proven to be confusing to parties-in-interest and has led to the misconception that written materials other than those permitted under this section can be presented to the Council prior to the hearing on the appeal.*
 - *Section 2-57(b), which describes the extent to which new evidence may be considered on appeal, has been amended by the addition of a new subparagraph stating that any new evidence offered by the appellant at the hearing shall be limited to the new evidence that is either described in the notice of appeal or offered in response to Council questions.*
 - *A provision has been added to Section 2-57 stating that any party-in-interest may object to the introduction of new evidence at the hearing, and the objection will be ruled on by the Mayor, subject to being overridden by the majority of the Council.*
- *That the changes being recommended to the section relating to site inspections should not allow for individual site inspections without staff or parties-in-interest being present. The changes to the provision relating to site inspections are being recommended in response to questions and concerns that were raised by a citizen during the appeal of the Planning and Zoning Board's decisions regarding The Grove ODP and PDP. The revised language would, among other things, allow Councilmembers to inspect the site of a proposed development plan either alone or in the company of staff and any parties-in-interest who wish to attend the inspection. Concern was expressed that, if Councilmembers inspect the site without staff present (other than by simply driving by the site), their observations might somehow compromise the integrity of the process and/or lead to misimpressions about the development proposal or its impact upon adjacent properties. However, staff continues to believe that the proposed changes are appropriate, that they will allow for more flexibility in the site inspection process, and that this flexibility is necessary because it is often difficult to find a date and time when all Councilmembers who are interested in viewing the site can attend as a group.*

In combination, staff believes that the proposed amendments will improve the appeals process and are responsive to the concerns that have been raised during the public outreach. Because a considerable period of time has elapsed since First Reading, the Ordinance shows in blue the

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changes that have been made since First Reading as well as in comparison to the existing language of the Code.”

City Attorney Roy stated this Ordinance makes several amendments to the appeal process, and was adopted on First Reading on October 4, 2011. At that time, Council directed staff to conduct outreach regarding the issue. City Attorney Roy detailed the proposed changes to the Ordinance that have resulted from that outreach.

Karen Cumbo, Director of Planning, Development, and Transportation Services, discussed the overall concerns of the outreach including ensuring fair hearings in a simple and timely fashion.

Eric Sutherland, 3520 Golden Currant, opposed the Ordinance and stated ethics violations have been committed.

Clint Skutchan, Fort Collins Board of Realtors, supported the Ordinance, but stated the item should have been more thoroughly vetted and the public outreach should have occurred prior to First Reading.

Nick Haas, 2221 Sandberg, supported staff presence at site inspections.

Councilmember Troxell asked if this Ordinance is the same as the First Reading Ordinance. City Attorney Roy replied it is a revised version; however, the original purpose of the Ordinance is unchanged which allows for this Ordinance to be heard on Second Reading.

Councilmember Troxell asked about the provision which allows Councilmembers to file an appeal and also be allowed to hear the appeal. Councilmember Ohlson stated Councilmembers were allowed to appeal and participate from at least 1983 until 2005 or so. After that time, it was changed to disallow participation by a Councilmember filing an appeal.

City Attorney Roy verified the changes to the Code and noted it is not an issue from a legal standpoint to allow participation in an appeal hearing by a Councilmember filing an appeal.

Councilmember Kottwitz asked what type of input from a Councilmember would justify a legal conflict. City Attorney Roy replied the Code presently requires all appeals, except those filed by Councilmembers, to contain grounds for the appeal, including specific allegations of error and a summary of the facts which support those allegations. Councilmembers are exempt from that requirement in order to avoid making it too difficult to participate in an unbiased way.

Councilmember Kottwitz asked how an appeal with no grounds should be considered. City Attorney Roy replied Council could initiate a review of a Planning and Zoning Board decision in two ways: by requiring a majority of Council to make the decision rather than one member, or by requiring some kind of statement by the Councilmember filing the appeal which would identify the issues that member felt needed to be reviewed.

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Councilmember Manvel supported allowing one member to file an appeal. He asked how many Councilmembers have filed appeals in the last five years. City Attorney Roy replied there were no appeals by Councilmembers in the last five years.

Councilmember Horak made a motion, seconded by Councilmember Poppaw, to adopt Ordinance No. 131, 2011, on Second Reading.

Mayor Weitkunat expressed concern regarding Councilmembers taking a position which shows bias.

Councilmember Horak stated the duty of final decisions is given to Council in the City Charter.

Mayor Weitkunat made a motion, seconded by Councilmember Troxell, to amend Section 2-48 to remove the ability of Councilmembers filing an appeal to participate in the appeal hearing.

Councilmember Manvel opposed the amendment, citing his opinion that Councilmembers should be able to raise questions.

Councilmember Kottwitz supported the amendment citing public perception of possible bias.

Councilmember Poppaw opposed the amendment, noting Councilmembers should be expected to withdraw from discussions should they have a conflict.

Mayor Pro Tem Ohlson opposed the amendment.

Councilmember Troxell supported the amendment.

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

THE MOTION FAILED.

Mayor Weitkunat made a motion, seconded by Councilmember Kottwitz, to amend the Ordinance by removing the provision allowing individual site inspections.

Mayor Pro Tem Ohlson opposed the amendment as the change would allow Councilmembers to make site visits if scheduling conflicts arise.

City Attorney Roy recommended reinstating the sentence in Section 2-55(b) which allowed for site observation by individual Councilmembers from public rights-of-way.

Councilmember Poppaw clarified that Councilmembers are required to make note of any observations made at the site. City Attorney Roy clarified that would not change should individual site visits be allowed.

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Councilmember Kottwitz suggested requiring a staff member to be present with a Councilmember needing an individual site visit. City Attorney Roy recommended against that, unless a stipulation is included that other parties of interest be notified.

City Attorney Roy clarified the language changes which would result from this amendment. The words “either alone or with City staff present” would be eliminated and the language would be clarified to allow only for group inspections and the provision regarding travel on public rights-of-way would be added back into the language. The intent would be to limit inspections to group inspections with staff present and notice having been given to parties-in-interest.

Mayor Weitkunat stated her amendment was to eliminate individual inspections.

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

THE MOTION FAILED.

The vote to adopt Ordinance No. 131, 2011, on Second Reading, was as follows: Yeas: Ohlson, Manvel, Poppaw and Horak. Nays: Weitkunat, Kottwitz and Troxell.

THE MOTION CARRIED.

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

Items Relating to Medical Marijuana, Adopted on Second Reading

The following is staff’s memorandum for this item.

“EXECUTIVE SUMMARY

- A. *Second Reading of Ordinance No. 009, 2012, Repealing and Reenacting Chapter 15, Division 1, Article XVI of the City Code Relating to Medical Marijuana.*
- B. *Second Reading of Ordinance No. 010, 2012, Amending the Land Use Code to Delete All References to Medical Marijuana Businesses.*
- C. *Second Reading of Ordinance No. 011, 2012 Amending Chapter 15, Article XVII of the City Code to Add Additional Provisions Regarding Medical Marijuana Patients and Primary Caregivers (Option A or Option B).*

On Second Reading of Ordinance No. 011, 2012, staff is presenting two options for Council to consider that deal with the cultivation of medical marijuana in dwelling units that are located in two-family and multi-family dwellings and their accessory structures. Option A would impose the same twelve-plant limit for such structures that applies to single-family dwellings. Option B would entirely prohibit the cultivation of medical marijuana in such structures. Staff is recommending Option A pending further review of the issue.

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At Council's direction, staff is also exploring a possible amendment to Ordinance No. 010, 2012, which deals with the permitted uses in various zone districts in the City. This Ordinance, if adopted "as is" on Second Reading, will eliminate all references to medical marijuana businesses in the Land Use Code, thereby also eliminating any zone districts in which the cultivation medical marijuana is specifically permitted. The practical effect of this will be to leave only residential dwelling units as permissible locations for such cultivation. Staff believes that it will be able to present a recommendation to the Council on this subject within the next four to six months, following a public outreach process and review by the Planning and Zoning Board.

These Ordinances were unanimously adopted on First Reading on February 7, 2012.

BACKGROUND / DISCUSSION

When Council approved these ordinances on First Reading, it gave staff direction to explore two possible changes on Second Reading. The first had to do with Ordinance No. 011, 2012, which contains certain regulations pertaining to the cultivation of medical marijuana by primary caregivers and patients. The Code section that contains these regulations, Section 15-501, limits the number of plants that can be cultivated or kept within, or on the same legal parcel as, a single-family dwelling to twelve plants, only six of which may be mature. However, the Code is silent as to whether cultivation activities may be undertaken in two-family and multi-family dwellings and their accessory structures.

When staff first presented this Code section to Council for adoption in March of 2011, staff recommended that the cultivation of medical marijuana in these kinds of structures be prohibited. However, the Council decided against adopting such a prohibition and instead amended the ordinance on second reading to delete the proposed prohibition, thus leaving the Code silent with regard to cultivation in such structures.

On Second Reading staff has presented for Council's consideration two options for dealing with this subject. Option A would impose the same twelve-plant limit for dwelling units in two-family and multi-family dwellings and their accessory structures as exists for single-family dwellings. Option B would ban cultivation in such structures as recommended in March 2011. Staff recommends adoption of Option A. The reason for this recommendation is to ensure that, pending further study, all patients and primary caregivers have the same opportunity to cultivate at their residences.

The second issue that staff has been directed to pursue has to do with the areas of the City in which medical marijuana may be cultivated by primary caregivers and patients. In response to the voter-approved ban on medical marijuana businesses that went into effect February 14, 2012, Ordinance No. 010, 2012, amends the City's Land Use Code to delete all references to such businesses. The effect of this amendment to the LUC is that residential dwelling units will now be the only locations in the City where medical marijuana may be cultivated. At the hearing on First Reading, several primary caregivers and one of their representatives asked that Council reconsider this situation and make available additional areas in the City where they and their patients may lawfully cultivate medical marijuana.

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Because any additional amendment to the LUC dealing with this issue would require review by the Planning and Zoning Board, and because additional research and outreach will need to be conducted in order for staff to formulate a recommendation on this subject, no other amendments to Ordinance No. 010, 2012, are being recommended at this time. Instead, staff intends to return to Council with a recommendation within the next four to six months. At that point in time, staff will present a comprehensive recommendation to the Council with regard to a system of regulation for the cultivation of medical marijuana by primary caregivers and patients.”

Ginny Sawyer, Neighborhood Administrator, stated Ordinance No. 009, 2012, repeals the City Code section addressing the regulation of medical marijuana businesses and replaces it with language more consistent with the adopted ballot language. Ordinance No. 010, 2012 addresses changes to the Land Use Code which will limit all cultivation by patients and caregivers to residential dwelling units. Staff will return at a later date with a recommendation regarding the addition of other zone districts. Ordinance No. 011, 2012 addresses regulations toward primary caregivers and patients. Option A would allow cultivation of up to 12 plants in any single-family, two-family, or multi-family dwelling unit. Option B would not allow cultivation in two-family or multi-family units. Staff is recommending adoption of Option A.

William Rowley, 3412 Pearstone Place, supported Option B of Ordinance No. 011, 2012.

Gary Peterson, Fort Collins resident, opposed allowing cultivation in any residential area but supported the ability of caregivers to grow elsewhere.

Debbie McKee, medical marijuana patient, expressed concern regarding medical marijuana availability.

Barbara McKee, medical marijuana patient, expressed concern regarding medical marijuana availability.

Mary Hesterman, Fort Collins resident, supported the ban of medical marijuana dispensaries.

Robert Durr, Fort Collins resident, discussed the benefits of medical marijuana and supported its availability.

Caroline Montague, Wellington resident, discussed her experience with medical marijuana and supported its availability.

Rushann Martin, 149 Hillcrest Drive, medical marijuana patient, supported the availability of medical marijuana.

Wayne Haile, Fort Collins resident, supported Option B of Ordinance No. 011, 2012.

Kathy Bergo, 845 Southridge Greens, supported Option B of Ordinance No. 011, 2012.

Charles Overby, Fort Collins resident, medical marijuana patient, supported the availability of medical marijuana.

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Dan Eversoll, 813 Biscay Lane, supported Option B of Ordinance No. 011, 2012.

David Straugh, Fort Collins resident, supported allowing caregivers to grow in commercial areas.

Jim Patella, 3331 Pineridge Place, supported Option B of Ordinance No. 011, 2012.

Alfred Reaud, 1104 Columbine Court, supported the availability of medical marijuana.

Justin Smith, Larimer County Sheriff, discussed the hazardous materials aspects of medical marijuana and supported Option B of Ordinance No. 011, 2012.

Ken Correia, Fort Collins resident, stated cultivation needs to be allowed in commercial zones.

Sandra Gomez, Fort Collins resident, supported the availability of medical marijuana.

Don Butler, Fort Collins resident, supported Option B of Ordinance No. 011, 2012.

Dr. Nancy Smith, 420 South Loomis, read a statement from Dr. Debra Archer supporting Option B of Ordinance No. 011, 2012.

Deb James, Fort Collins resident, discussed the environmental impact of medical marijuana grows in residential units and supported allowing cultivation in commercial zones.

Carl Elliott, Timnath resident, urged Council to abide by the election results.

Tina Valenti, Fort Collins resident, cited legal arguments which require the City to allow caregivers the ability to provide medical marijuana for up to five patients and supported allowing cultivation in commercial areas.

Ray Martinez, 4121 Stoneridge Court, urged Council to abide by the election results.

Sheeva Freeland, Fort Collins resident, supported the availability of medical marijuana.

Kurt Scramstead, Fort Collins resident, requested clarification regarding Referendum 300, which he understood to ban medical marijuana businesses, optional cultivation facilities, and marijuana infused product businesses, but does not ban the availability of medical marijuana in Fort Collins. He supported allowing cultivation of medical marijuana in commercial zones.

Jeff Abbott, Loveland resident, medical marijuana patient, supported the safe preparation of medical marijuana edibles, and therefore cultivation in commercial facilities.

Dr. Mike Smith, 420 South Loomis, read a statement from Dr. Richard Guest supporting Option B of Ordinance No. 011, 2012.

Eli (no last name given), Fort Collins resident, supported the availability of medical marijuana.

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Kathryn Schofield, medical marijuana patient, supported the availability of medical marijuana.

Mayor Weitkumat thanked the speakers and recognized the challenges in making these decisions.

Councilmember Troxell asked what constitutes multi-family. Peter Barnes, Zoning Supervisor, replied a multi-family dwelling is defined as a building that contains one or more dwelling units. For example, if each unit of a townhome is on its own platted lot, those units are defined as attached single-family units.

Councilmember Horak asked if it is legal for Fort Collins to pass any of these Ordinances. City Attorney Roy replied, as a home rule city, Fort Collins has the authority to regulate these subjects. An express grant of authority from the State is not necessary for a Home Rule city to regulate in matters of mixed state and local concern.

Councilmember Horak asked for the legal consequences of the passage of Proposition 300. City Attorney Roy replied it banned medical marijuana businesses but did not speak to cultivation facilities of caregivers or patients.

Councilmember Horak asked about the consequences of not passing these Ordinances. City Attorney Roy replied the status quo, with regard to cultivation by caregivers and patients in Fort Collins, is that cultivation is permitted as an accessory use in residences. In multi-family dwellings, there is currently no regulation of the quantity that can be cultivated. In single-family dwellings, there is a 12 plant per unit limit.

Councilmember Manvel asked if any Colorado municipalities have outlawed the growing of medical marijuana. City Attorney Roy replied he is not aware of any municipalities which have outlawed growing. There is no constitutional wording which speaks to the way in which patients and caregivers can lawfully acquire medical marijuana.

Councilmember Manvel stated Council has received a fair amount of input asking that it defer to the State regulations. He requested legal input on that topic. City Attorney Roy replied those requesting that change are likely requesting that Council not locally regulate cultivation by caregivers and patients to a greater extent that does the State.

Councilmember Troxell asked about the staff recommendation of Option A. Police Captain Schiager replied this issue addresses a gap in the current law which has no regulations regarding growing medical marijuana in multi-family dwellings.

Councilmember Troxell made a motion, seconded by Mayor Pro Tem Ohlson, to adopt Ordinance No. 009, 2012, on Second Reading. Yeas: Weitkumat, Manvel, Kottwitz, Manvel, Poppaw, Horak and Troxell. Nays: none.

THE MOTION CARRIED.

Councilmember Troxell made a motion, seconded by Mayor Pro Tem Ohlson, to adopt Ordinance No. 010, 2012, on Second Reading.

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Councilmember Manvel asked for clarification regarding whether or not medical marijuana businesses which were in operation prior to regulations will be able to continue operations. Barnes replied, prior to the first Ordinances adopted in March, 2010, there were some dispensaries in existence and were classified as retail stores. Once those Ordinances were adopted, the dispensaries and cultivation facilities were defined. Moving forward, a caregiver grow operation would need to be listed separately and defined.

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

THE MOTION CARRIED.

Councilmember Troxell made a motion, seconded by Councilmember Horak, to adopt Option B of Ordinance No. 011, 2012, on Second Reading.

Councilmember Manvel asked what percentage of the building units in Fort Collins are multi-family. Barnes replied approximately 40% of the units are multi-family.

Councilmember Manvel expressed concern regarding the fairness issue of not allowing those individuals to grow medical marijuana.

Councilmember Horak stated he would rather attempt an extensive public process prior to changing regulations.

Councilmember Kottwitz stated these regulation changes do not mean Council is not compassionate. She stated this should be a federal level issue.

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

THE MOTION CARRIED.

(Secretary's note: Councilmember Kottwitz left at this point in the meeting.)

**Ordinance No. 013, 2012,
Amending Section 2-581 of the City Code and Setting
the Salary of the City Attorney, Adopted on Second Reading**

The following is staff's memorandum for this item.

“EXECUTIVE SUMMARY

City Council met in Executive Session on January 17, 2012 to conduct the performance review of City Attorney Steve Roy. Ordinance No. 013, 2012, unanimously adopted on First Reading on February 7, 2012, establishes the 2012 salary of the City Attorney at \$165,691.”

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Eric Sutherland, 3520 Golden Currant, expressed concern about the City's good faith efforts. He stated Fort Collins is at fault for the lack of informed consent regarding the power poles at Pineridge Open Space and opposed Ordinance Nos. 013, 2012 and 014, 2012.

Councilmember Horak made a motion, seconded by Councilmember Troxell, to adopt Ordinance No. 013, 2012, on Second Reading.

Councilmember Horak commended City Attorney Roy and stated the issues discussed by Mr. Sutherland are being examined.

Mayor Pro Tem Ohlson commended and supported City Attorney Roy and City Manager Atteberry.

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

THE MOTION CARRIED.

**Ordinance No. 014, 2012,
Amending Section 2-596 of the City Code and Setting
the Salary of the City Manager, Adopted on Second Reading**

The following is staff's memorandum for this item.

“EXECUTIVE SUMMARY

City Council met in executive session on November 9, 2011, to conduct the performance review of City Manager Darin Atteberry. Ordinance No. 014, 2012, unanimously adopted on First Reading on February 7, 2012, establishes the salary of the City Manager at \$197,203.”

Councilmember Horak made a motion, seconded by Councilmember Troxell, to adopt Ordinance No. 014, 2012, on Second Reading.

Councilmember Horak commended City Manager Atteberry and his interaction with Council and citizens.

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

THE MOTION CARRIED.

**Items Relating to the North College Improvements
Project - Conifer Street to Willox Lane, Adopted on First Reading**

The following is staff's memorandum for this item.

“EXECUTIVE SUMMARY

- A. *Resolution 2012-008 Authorizing the Execution of an Intergovernmental Agreement with the Colorado Department of Transportation for Funding for the North College Improvements Project - Conifer Street to Willox Lane.*

- B. *First Reading of Ordinance No. 016, 2012, Appropriating Unanticipated Grant Revenue in the Capital Projects Fund and Appropriating Prior Year Reserves and Authorizing the Transfer of Existing Appropriations in the Keep Fort Collins Great Fund for the North College Improvements Project - Conifer Street to Willox Lane.*

The North Front Range Metropolitan Planning Organization (NFRMPO) has awarded the City of Fort Collins \$2,039,000 in federal funds to design improvements, and begin rights-of-way acquisition along North College Avenue between Conifer Street and Willox Lane. This Resolution authorizes the Mayor to sign an intergovernmental agreement with the Colorado Department of Transportation (CDOT) authorizing the City of Fort Collins to receive this funding. The Ordinance will appropriate fiscal year 2012 federal funds into the Capital Project Fund for use on the North College Improvements Project – Conifer to Willox. Keep Fort Collins Great (KFCG) funds are intended to be used as the local funds required for the project as per the intergovernmental agreement with CDOT. This project is one of the highest ranked roadway projects in the City's Capital Improvements Plan.

North College Avenue, also known as US Highway 287, is a major north-south, four lane arterial that runs through north Fort Collins, providing both local and regional connectivity. Through previous planning efforts, City staff identified the need to enhance the northern gateway to the city, improve multimodal travel while accommodating the large volume of interstate truck traffic, and to address aging utility infrastructure and drainage issues. There was also a desire to establish a strong connection between the growing North College corridor and the rest of the community, in particular, the historic Old Town area as well as the locally and regionally significant Poudre River bicycle/pedestrian trail.

The portion of North College Avenue north of Conifer Street to Willox Lane is typical of older state highway corridors; it was constructed over many years in a fragmented approach aimed at accommodating development, minor roadway improvements, and increased traffic flows. North College is, within this section, a four-lane highway with a striped center left turn lane, has partially paved shoulders, sporadic curb and gutter, occasional drainage swales, discontinuous sidewalks, no on-street bike lanes, and minimal defined accesses. Much of this section of North College lacks defined business access points, creating a dangerous traveling environment, as well as impacting vehicular flow for a defined truck route. In addition to high automobile and truck traffic volumes, many pedestrians and cyclists use North College to access residential, employment, and commercial destinations.

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Through previous improvement projects, much of the North College Corridor either has been constructed, or will be constructed, to current City of Fort Collins street standards by the end of 2012. The section of North College from Conifer Street to Willox Lane will be the only remaining section of North College within the city limits to be constructed to complete the City’s vision for the corridor. In the summer of 2011, the NFRMPO awarded the City of Fort Collins \$2,039,000 in federal funds to design improvements and begin rights-of-way acquisition along North College Avenue between Conifer Street and Willox Lane. The funding will be available over a four year period. Of the total federal funds received for this project, \$1,426,000 is currently available for use by the City. Per the intergovernmental agreement, \$326,481 is required from the City in 2012 as local match and over-match funds.

Goals for the roadway and streetscape improvements along North College Avenue between Conifer Street and Willox Lane include:

- *Creating a safe and effective travel corridor for all users including bicycles, pedestrians, transit users, passenger vehicles, and heavy vehicles.*
- *Defining access points as highlighted in the US 287/SH14 Access Management Report.*
- *Maintaining compatibility with utilities, including stormwater, water, sewer, power, and communications.*
- *Supporting the economic viability of the project area.*
- *Upgrading the image of the North College Corridor while minimizing impacts to existing infrastructure.*
- *Maintaining compatibility with the intent of previous local planning efforts.*

All of the planned improvements along North College Avenue will be designed in accordance with previous planning efforts: the Larimer County Urban Area Street Standards (LCUASS), the CDOT Standard Specifications for Road and Bridge Construction, the US 287/SH14 Access Management Report, and the North College Corridor Plan.

FINANCIAL / ECONOMIC IMPACTS

Ordinance No. 016, 2012, will authorize the appropriation of fiscal year 2012 Federal Grant Funds into the City of Fort Collins Capital Project Fund to begin the design and right-of-way acquisition phases for the North College Improvements Project – Conifer to Willox. The following is a summary of the funding appropriation:

Funding Summary (FY 2012)	
Total Federal Funds	\$1,426,000
Local Agency Matching Funds (2011 unspent KFCG Funds)	\$226,000
Local Agency Match and Overmatch Funds (2012 budgeted KFCG Funds)	\$100,481
Total Budgeted Funds	\$1,752,481

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The North College Improvements Project – Conifer to Willox was awarded a total of \$2,039,000 from the NFRMPO. The following is an anticipated schedule summary of the federal funding awarded to the project:

	<i>FY 2012</i>	<i>FY 2013</i>	<i>FY 2014</i>	<i>FY 2015</i>	<i>TOTAL</i>
<i>Federal Funds</i>	<i>\$1,426,000</i>	<i>\$174,000</i>	<i>\$19,000</i>	<i>\$420,000</i>	<i>\$2,039,000</i>

One of the primary goals of this project is to support the economic viability of the project area by upgrading the image and safety of the North College Corridor, while minimizing impacts to existing infrastructure. This is consistent with adopted long-term plans for the area, including the North College Corridor Plan (2007) and Fort Collins City Plan (2011). The project will address these goals through the design and construction of multimodal improvements, urban design features, the consolidation and definition of accesses, and other improvements which target and encourage redevelopment. The awarded federal funds will enable design development as well as partial right-of-way acquisition. At this time no funds have been identified for construction. With a completed design, the project will be in a position to compete for potential construction funding. The completion of these improvements will provide an economic benefit to the North College area as well as to the City of Fort Collins as a whole with increased property values and sales tax collection.

ENVIRONMENTAL IMPACTS

The project will have a positive impact on long-term air and storm water quality. The addition of improved bicycle and pedestrian facilities will increase the number of people walking and biking along North College Avenue, resulting in a clearly definable air quality improvement. The utility upgrades in this project include improvements to the stormwater distribution system. Stormwater will ultimately be piped to water quality ponds where suspended solids and hydrocarbon contaminants from roadway drainage will be removed prior to discharge into receiving waters.”

Eric Sutherland, 3520 Golden Currant, expressed concern about funding sources for this project and stated the loan for the RMI2 building should not have occurred.

Mayor Weitkunat noted this project deals with a state highway and some of the funds are from the North Front Range Metropolitan Planning Organization.

Councilmember Horak made a motion, seconded by Councilmember Poppaw, to adopt Resolution 2012-008. Yeas: Weitkunat, Manvel, Ohlson, Poppaw, Horak and Troxell. Nays: none.

THE MOTION CARRIED.

Councilmember Horak made a motion, seconded by Councilmember Poppaw, to adopt Ordinance No. 016, 2012, on First Reading.

Mayor Pro Tem Ohlson stated a united Council is doing its best to complete the work on North College.

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

THE MOTION CARRIED.

Other Business

Councilmember Manvel suggested a review of Council's term limit policy and suggested a November ballot item increasing the number of terms allowed from two to three.

Mayor Weitkumat suggested a review of the Mayoral term limit as well.

Councilmember Horak suggested placing the item on a work session agenda.

Councilmember Troxell encouraged a broader discussion regarding term limits as well as district configuration and at-large representation.

Councilmember Manvel disagreed with holding a discussion of at-large representation.

Councilmember Troxell clarified he is simply encouraging a broader discussion.

Mayor Weitkumat commended retiring City Clerk Krajicek on her service to the City.

Adjournment

The meeting adjourned at 10:40 p.m.

Mayor

ATTEST:

Interim City Clerk

February 27, 2012

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Special Meeting – 5:00 p.m.

A special meeting of the Council of the City of Fort Collins was held on Monday, February 27, 2012, at 5:00 p.m. in the Council Chambers of the City of Fort Collins City Hall. Roll call was answered by the following Councilmembers: Horak, Manvel, Poppaw, and Weitkumat.

Councilmembers Absent: Kottwitz, Ohlson, Troxell.

Staff Members Present: Atteberry, Harris, Roy.

Motion to Waive Attorney-Client Privilege, Adopted

Councilmember Manvel made a motion, seconded by Councilmember Poppaw, that Council waive the attorney-client privilege with regard to advice given by the City Attorney's Office to current and past members of the Planning and Zoning Board, to such extent as the Council Ethics Review Board, in consultation with the City Attorney, determines is necessary and appropriate in order for the Review Board to be able to render an advisory opinion and recommendation to the Council regarding the complaint filed by David Bell against Planning and Zoning Boardmember Gino Campana. Yeas: Horak, Manvel, Poppaw, and Weitkumat. Nays: none.

MOTION CARRIED.

Adjournment

The meeting adjourned at 5:05 p.m.

Mayor

ATTEST:

Chief Deputy City Clerk