

AGENDA ITEM SUMMARY

December 2, 2014

City Council

STAFF

Wanda Nelson, City Clerk

SUBJECT

Consideration and Approval of the Minutes of the November 4, 2014 Regular Council Meeting and the November 12, 2014 Adjourned Council Meeting.

EXECUTIVE SUMMARY

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

ATTACHMENTS

1. November 4, 2014 (PDF)
2. November 12, 2014 (PDF)

November 4, 2014

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

● **ROLL CALL**

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

Staff present: Atteberry, Daggett, Nelson

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry stated Council's read-before packet contained an amended position profile for Consent Agenda Item No. 13, *Resolution 2014-099 Approving a Position Profile for the City Attorney Position*. Additionally, he stated the Leadership Team has added an item under Other Business regarding the on-campus stadium.

● **CITIZEN PARTICIPATION**

Jack Daniels, 172 North College, thanked Council and stated Fort Collins is a great place to live.

Sarah Bruce, Colorado State University Legislative Affairs Deputy Director, discussed the importance of student input in the community and stated students support lockers for homeless residents, Sunday routes for MAX, and pedestrian crosswalks at Pitkin and Shields.

Doug Brobst, 1625 Independence Road, commended Council for discussing the CSU on-campus stadium. He urged Council to work with CSU to form a reasonable resolution to the issue.

Jean Yule, 1109 Williams, requested Council make a clear statement in opposition to the proposed on-campus stadium.

Chris Marshall, 926 West Mountain, opposed the proposed on-campus stadium.

Linda Vrooman, 912 Cheyenne, requested Council support a resolution detailing negative impacts the proposed on-campus stadium would have on the community.

Frank Johnson, 700 Birky Place, supported a Council Resolution proclaiming the on-campus stadium is not the preferred option.

Clint Skutchan, Fort Collins Board of Realtors CEO, discussed the Board's efforts at protecting the community's housing future and announced its Housing Hero Award recipient, Mayor Weitkunat.

Tom Linnell, 1524 Wildwood Court, requested Council speak for citizens in opposition to the proposed on-campus stadium.

Cheryl Distaso, Fort Collins Community Action Network, supported funding for lockers for homeless residents and requested a stop to ticketing homeless campers. Additionally, she requested a report on the visit to Eugene, Oregon regarding its approach to homelessness.

Jennifer Shriver, Fort Collins resident, opposed the proposed on-campus stadium and requested Council take a stand in opposition to the stadium.

● **CITIZEN PARTICIPATION FOLLOW-UP**

Mayor Weitkunat thanked Ms. Bruce for speaking and stated Council met with ASCSU in a round table discussion.

Mayor Pro Tem Horak requested staff examine the crosswalk at Pitkin and Shields. Additionally, he stated Sunday transit service could be considered with the implementation of student fees to help achieve the goal. He discussed the on-campus stadium.

Councilmember Campana encouraged dialogue with CSU regarding funding for Sunday transit service. The administration of lockers for homeless residents is being discussed at the Murphy Center.

Councilmember Cunniff thanked the citizens who spoke and stated the stadium discussion will occur during Other Business.

Councilmember Poppaw asked when a report regarding the Eugene trip will be ready. City Manager Atteberry replied a work session is scheduled for November 25 to discuss the issue.

Mayor Weitkunat thanked Mr. Skutchan for his announcement regarding the Housing Hero award.

● **CONSENT CALENDAR**

Councilmember Cunniff withdrew Item No. 9, *First Reading of Ordinance No. 159, 2014, Amending Section 2-568 of the City Code to add to the Ethical Rules of Conduct a Prohibition on Special Treatment and to Establish a Reporting Requirement for Councilmember Contacts with City Staff* from the Consent Calendar.

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

RESULT:	CONSENT CALENDAR ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Lisa Poppaw, District 2
AYES:	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

1. **Second Reading of Ordinance No. 139, 2014 Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority Relating to the Annual Appropriations for Fiscal Year 2015 and Fixing the Mill Levy for the Downtown Development Authority for Fiscal Year 2015. (Adopted)**

This Ordinance, unanimously adopted on First Reading on October 21, 2014, sets the Downtown Development Authority (DDA) 2015 Operations and Maintenance Budget amount of \$744,084 to be appropriated for fiscal year 2015 for the administrative operations budget, appropriates the 2015 Line of Credit Draw in the amount of \$1,000,000, sets the amount of \$3,191,396 for debt service payments to be appropriated for fiscal year 2015 and sets the 2015 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2015.

2. **Items Relating to Appropriating Prior Year Reserves and Unanticipated Revenue in Various City Funds and Authorizing the Transfer of Appropriated Amounts between Funds or Projects. (Adopted)**

- A. Second Reading of Ordinance No. 140, 2014, Appropriating Prior Year Reserves and Unanticipated Revenue in Various City Funds and Authorizing the Transfer of Appropriated Amounts Between Funds or Projects.
- B. Second Reading of Ordinance No. 141, 2014, Appropriating Prior Year Reserves in the Benefits Fund for Unanticipated Expenditure Increases.
- C. Second Reading of Ordinance No. 142, 2014, Appropriating Prior Year Reserves in the Transportation Services Fund to be Used to Cover Snow Removal Expenses.
- D. Second Reading of Ordinance No. 143, 2014, Appropriating Prior Year Reserves in the Self-Insurance Fund for Insurance Expenses.

The purpose of this item is for the Annual Year-End Adjustment. This year it is comprised of 4 separate ordinances. Ordinance No. 140, 2014, appropriates non-controversial expenses related to unanticipated revenue, grants, and unforeseen costs that had not previously been budgeted. Ordinance No. 141, 2014, appropriates funds from the Benefits Fund to cover unanticipated expenditures and employee benefits. Ordinance No. 142, 2014, appropriates funds for snow removal for the remainder of 2014 as the entire snow removal budget has been spent. Ordinance No. 143, 2014, appropriates prior year reserves for property and liability claims that are expected to exceed budget. These Ordinances were unanimously adopted on First Reading on October 21, 2014.

3. **Items Relating to Ethics Review Board Code Changes. (Adopted)**

- A. Second Reading of Ordinance No. 144, 2014, Amending Section 2-569 of the City Code Pertaining to Procedures of the Ethics Review Board.
- B. Second Reading of Ordinance No. 145, 2014, Amending Section 2-568(a) of the City Code Pertaining to Definitions Applicable to Ethical Rules of Conduct.

The purpose of Ordinance No. 144, 2014 is to adopt revisions to the City Code to simplify and expedite the process of initiating Ethics Review Board review of ethics complaints and to update provisions related to alternative composition of the Board in the event members of the Board are themselves the subject of a complaint. Ordinance No. 145, 2014 is intended to incorporate into the City Code the definitions related to conflicts of interest that are specified in the City Charter, and to add new definitions to assist in the interpretation and application of the conflicts of interest provisions in the City Charter and City Code. Both Ordinances were unanimously adopted on First Reading on October 21, 2014.

4. **Items Relating to City Code Clarifications for Plant Investment Fees. (Adopted)**

- A. Second Reading of Ordinance No. 147, 2014, Amending Chapter 26 of the City Code to Revise Water Plant Investment Fees, Excess Water Surcharge Rates and Raw Water Requirements for Meters Larger Than Two Inches in Size.

- B. Second Reading of Ordinance No. 148, 2014, Amending Section 26-284 of the City Code to Clarify the Calculation of Infiltration and Inflow in Determining Sewer Plant Investment Fees.

These Ordinances, unanimously adopted on First Reading on October 21, 2014, address several sections of Chapter 26 of the City Code relating to how plant investment fees are calculated and when the Excess Water Use Surcharge is applicable. These changes do not impact the amount charged for plant investment fees or the Excess Water Use Surcharge but rather seek to clarify the exact calculation of the fees.

5. **Second Reading of Ordinance No. 149, 2014 Approving a First Amendment to the Agreement with Woodward, Inc. (Adopted)**

This Ordinance, unanimously adopted on First Reading on October 21, 2014, amends the Agreement with Woodward, Inc. and the Fort Collins Downtown Development Authority by changing a key date in the requirement of the City Manager to present City Council with a package to renew the Building on Basics dedicated sales tax including funding for Lincoln Boulevard Improvements from November 2014 to April 2015.

6. **Second Reading of Ordinance No. 150, 2014, Vacating a City Trail Easement and Any Associated Rights on Colorado State University Property Between Centre Avenue and Bay Road. (Adopted)**

This Ordinance, unanimously adopted on First Reading on October 21, 2014, vacates a trail easement, located between Centre Avenue and Bay Road, that was obtained from Colorado State University Research Foundation in 1979 (including any prescriptive rights that may exist). This segment of the Spring Creek trail was replaced with a new and superior alignment in 2013 from an additional trail easement obtained from Colorado State University and Colorado State University Research Foundation.

7. **First Reading of Ordinance No. 157, 2014, Appropriating Unanticipated Grant Revenue in the General Fund for the Environmental Services Radon Program and Authorizing the Transfer of Matching Funds Previously Appropriated in the Environmental Services Operating Budget. (Adopted)**

The purpose of this item is to appropriate \$4,973 awarded to the City by the Colorado Department of Public Health and Environment, transfer a matching amount of \$4,973 from the 2014 General Fund and, combine these funds in the Environmental Services Radon Program account. The Radon Program carries out radon risk-reduction activities as identified in the current City budget.

8. **First Reading of Ordinance No. 158, 2014, Appropriating Unanticipated Revenue and Prior Year Reserves in the General Fund to Reimburse Woodward, Inc. for Development Fees. (Adopted)**

The purpose of this item is to appropriate \$88,344 of current year General Fund Revenue and prior year General Fund Reserves for a rebate to Woodward of development fees as approved by City Council on April 2, 2013 (Ordinance No. 055, 2013). Ordinance No. 055, 2013 approved an agreement between the City, Downtown Development Authority (DDA), and Woodward, Inc. The agreement provides Business Investment Assistance for the relocation of Woodward's headquarters as well as an expansion of its manufacturing and office facilities to a new location at the corner of Lincoln Avenue and Lemay Avenue. The project will retain or create between 1,400 and 1,700 primary jobs in the City. The City's assistance includes a rebate of Use Tax, Development Fees, and Capital Improvement Fees.

9. **First Reading of Ordinance No. 160, 2014, Designating the Avery Duplex Cottage, 134-136 North Sherwood Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins. (Adopted)**

The owners of the property, Kevin and Suzanne Murray and Carl and Karen McWilliams, are initiating this request for Fort Collins Landmark designation of the Avery Duplex at 134-136 North Sherwood Street.

10. **First Reading of Ordinance No. 161, 2014, Designating the Garcia Property, 321 North Whitcomb Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins. (Adopted)**

The owner of the property, Kate A. Polk, is initiating this request for Fort Collins Landmark designation of the Garcia Property, located at 321 North Whitcomb Street.

11. **First Reading of Ordinance No. 162, 2014, Designating the 508 Remington Street Property, 508 Remington Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins. (Adopted)**

The owner of the property, James L. MacDowell III, is initiating this request for Fort Collins Landmark designation of the 508 Remington Street Property, located at 508 Remington Street.

12. **Resolution 2014-099 Approving a Position Profile for the City Attorney Position. (Adopted)**

The purpose of this item is to approve a position profile to be used in the recruitment and selection process for filling the City Attorney position. The Council Committee, in conjunction with the executive recruiter, Slavin Management Consultants created a draft position profile.

● **END CONSENT**

● **CONSENT CALENDAR FOLLOW-UP**

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

● **STAFF REPORTS**

John Stokes, Natural Areas Director, showed two videos regarding two projects for which the City Natural Areas program won awards from the Colorado Open Space Alliance. The City won the Blue Grama award for both a river restoration project and the reintroduction of the Black Footed Ferret at the Soapstone Prairie Natural Area.

Mayor Weitkunat commended the Ferret reintroduction as a proud moment for the City of Fort Collins.

● **COUNCILMEMBER REPORTS**

Councilmember Overbeck reported on a tour to Reservoir No. 4 in Wellington regarding the removal of trees. He expressed concern regarding this issue being raised in 2012 and the current Council being unaware of the project.

Mayor Pro Tem Horak also expressed concern regarding the City's representation in various water districts and ditch companies, such as North Poudre Irrigation Company. City Manager

Atteberry replied this issue reinforces the need for greater communication; however, he stated there was no intentional lack of communication.

Mayor Weitkunat reported on Council's meeting with the City of Loveland Council during which an economic strategic plan for development around the Airport was discussed.

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

- 13. **First Reading of Ordinance No. 159, 2014, Amending Section 2-568 of the City Code to add to the Ethical Rules of Conduct a Prohibition on Special Treatment and to Establish a Reporting Requirement for Councilmember Contacts with City Staff. (Adopted as Amended on First Reading)**

The purpose of this item is to promote transparency and awareness in connection with Councilmember contacts with the administrative service of the City and to establish clear standards related to special treatment in the interpretation, administration or enforcement of the Code, City regulations, policies or programs, or provision of City services by any City officer or employee.

Councilmember Cunniff stated he pulled this item because the policy as it was presented did not adequately convey his intent and seemed to have some unreasonably strict requirements for Councilmembers and staff.

Councilmember Troxell requested additional context regarding the changes and asked why additional vetting did not occur. City Manager Atteberry replied he wanted to provide a staff recommendation for Council's consideration, which is why additional vetting did not occur.

Jeff Mihelich, Deputy City Manager, stated the main substantive change involves a narrowing of the definition of "routine City matter."

Councilmember Troxell requested additional information regarding the rules of conduct section. Mihelich replied with a detailed description of reporting requirements and stated this should provide a deterrent for any Councilmember from even considering asking for special treatment in the future.

Councilmember Cunniff discussed the changes and stated he does not believe they are overly burdensome to normal City business.

Councilmember Cunniff made a motion, seconded by Councilmember Campana, to adopt Ordinance No. 159, 2014 on First Reading.

Mayor Pro Tem Horak questioned how this would apply should an agent of a Councilmember be dealing with City staff. City Attorney Daggett replied the reporting requirement is aimed only at Councilmember contacts.

Councilmember Cunniff asked if an appeal would be considered a normal and routine process. City Attorney Daggett replied it would be difficult to call an appeal an ordinary application or request.

Councilmember Troxell stated the appeal process is not extraordinary.

Councilmember Cunniff noted the reporting requirement is different from the ethics violation piece and will increase transparency.

City Manager Atteberry noted he has never had an issue wherein he has felt pressure by a Councilmember and stated this would simply provide additional transparency. He noted this policy was requested by Council.

Councilmember Troxell questioned the need for disclosure of appeals as that information is public.

Mayor Weitkunat made a motion, seconded by Councilmember Troxell, to amend the item to include appeals as routine City matters.

Mayor Pro Tem Horak supported the amendment.

Councilmember Cunniff opposed the amendment.

Councilmember Campana discussed his thoughts regarding the purpose of the item.

Councilmember Cunniff stated he would be willing to support the amendment should development review applicant information be more commonly available.

Councilmembers Cunniff and Campana accepted the amendment as friendly.

RESULT:	ORDINANCE NO. 159, 2014 ADOPTED AS AMENDED ON FIRST READING [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Gino Campana, District 3
AYES:	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

● **DISCUSSION ITEMS**

14. **Second Reading of Ordinance No. 151, 2014, Repealing Ordinance No. 099, 2014, Amending Chapter 12 of City Code to Establish Regulations Regarding Disposable Bags. (Adopted on Second Reading)**

On October 10, 2014, the City Clerk certified that a referendum petition seeking to repeal Ordinance No. 099, 2014, Amending Chapter 12 of City Code to Establish Regulations Regarding disposable Bags was sufficient. On October 21, 2014, Council voted 6-1 (nays: Poppaw) to repeal Ordinance No. 099, 2014.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Troxell, to adopt Ordinance No. 151, 2014, on Second Reading.

Councilmember Cunniff stated he would not support the motion due to conversations he has had with community members who desire to have the issue placed before the voters.

Councilmember Overbeck stated he would not support the motion for the same reason.

Mayor Weitkunat noted that option would exist for a citizen group.

Mayor Pro Tem Horak stated he did not receive any communication from citizens regarding the topic.

Councilmember Cunniff stated he received input through one-on-one conversations.

Councilmember Poppaw stated citizens should have the opportunity to vote. Mayor Weitkunat replied citizens could initiate a ballot measure.

Councilmember Overbeck compared this issue to the fracking vote. Mayor Pro Tem Horak argued a referendum differs from an initiative.

Councilmember Overbeck requested a review of the language of the citizen petition submitted.

Councilmember Cunniff made a motion, seconded by Councilmember Poppaw, to postpone consideration of this item until the conclusion of Item No. 15. Yeas: Weitkunat, Cunniff, Overbeck, Campana and Poppaw. Nays: Troxell and Horak.

THE MOTION CARRIED.

(Secretary's note: The Council considered the next item on the agenda prior to returning to the discussion of this item.)

Mayor Weitkunat read the language of the citizen petition into the record stating the request was to repeal Ordinance No. 099, 2014.

Councilmember Cunniff noted Council has the option to either repeal the Ordinance, as requested, or to refer the item to the ballot.

RESULT:	ORDINANCE NO. 099, 2014 ADOPTED ON SECOND READING [4 TO 3]
MOVER:	Gerry Horak, District 6
SECONDER:	Wade Troxell, District 4
AYES:	Weitkunat, Campana, Troxell, Horak
NAYS:	Overbeck, Poppaw, Cunniff

15. Items Relating to the Transit-Oriented Development (TOD) Parking Study and Revised TOD Off-Street Parking Requirements. (Adopted)

- A. *Resolution 2014-100 Approving the Transit-Oriented Development (TOD) Parking Study.*
- B. *First Reading of Ordinance No. 163, 2014, Amending the Land Use Code to Address Parking Issues Related to the Transit-Oriented Development (TOD) Overlay Zone.*

The purpose of this item is to consider approval of the Transit Oriented Development (TOD) Parking Study and corresponding revisions to residential and commercial off-street parking requirements within the Land Use Code (LUC). At its September 11, 2014 meeting, Planning and Zoning Board recommended adoption of the following LUC revisions:

Residential

- 1. *Minimum parking requirements for multi-family and mixed-use dwellings; and*
- 2. *Alternative compliance.*

Commercial*

- 1. *Minimum parking requirements for nonresidential land uses city-wide; and*
- 2. *Alternative compliance.*

**The commercial parking recommendation was qualified as a necessary interim measure until a comprehensive parking management approach is adopted. The management approach includes on-street paid parking and residential parking permit programs at the perimeter, public parking garages, and a transportation demand management (TDM) program.*

Laurie Kadrich, Community Development and Neighborhood Services Director, noted these proposals are to be considered a first step in a much larger parking management system for the TOD.

Seth Lorson, City Planner, stated the purpose of this item is to consider approval of the TOD parking study and adoption of the corresponding Land Use Code revisions. He detailed the recommendations of the parking study.

Clint Skutchan, Fort Collins Board of Realtors CEO, stated the Board does not support any additional minimum parking standards related to the non-residential items. Additionally, he requested Council consider a scaled approach above the 50% of AMI.

Mayor Pro Tem Horak requested input regarding the Board of Realtors suggestions. Lorson replied staff is of the opinion that the proposed standards do not inhibit affordable housing.

Mayor Weitkunat stated the market in the middle income bracket would be encouraged with the sliding scale. Lorson stated parking has not been seen as the inhibitor to affordable housing development.

Councilmember Campana suggested changing the AMI number from 50% to 60%. Lorson replied the Fort Collins Housing Authority has projects up to 60%; therefore they would support that change.

Councilmember Campana expressed concern regarding the seeming contradiction of instituting a minimum parking requirement in the TOD for commercial uses.

Councilmember Cunniff asked how the issue will be addressed without a minimum requirement. Additionally, he questioned whether a TOD is right for Fort Collins as a whole. Councilmember Campana replied the market needs time to adjust when a project is approved without parking.

Cameron Gloss, Planning Manager, discussed the history of the City's parking requirements and stated there is a fear of parking spreading to adjacent projects if enough parking is not required; therefore, staff is proposing these minimum standards as an interim measure to protect adjacent property owners.

Councilmember Campana asked if a citywide commercial parking minimum has been considered. Gloss replied in the affirmative.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Troxell, to adopt Ordinance No. 163, 2014, on First Reading, with the AMI changed to 60%.

Mayor Weitkunat expressed concern regarding the minimum commercial parking standards. She asked if alternative compliance could be considered the alternative without having the minimum requirement. Lorson replied there is no mechanism in place to hold developments to the alternative compliance.

Kadrich noted this was at the heart of the Planning and Zoning Board's concern about project review and sparked some of the original discussion.

Mayor Weitkunat asked if the minimum standard for commercial is based on square footage. Lorson replied in the affirmative and noted it varies according to the type of commercial land use. Alternative compliance allows for reductions based on employee bus pass programs and others.

Mayor Pro Tem Horak and Councilmember Troxell withdrew the motion on the Ordinance to allow the proper order of items.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Troxell, to adopt Resolution 2014-100.

RESULT:	RESOLUTION 2014-100 ADOPTED [7 TO 0]
MOVER:	Gerry Horak, District 6
SECONDER:	Wade Troxell, District 4
AYES:	Weitkunat, Campana, Troxell, Horak, Overbeck, Poppaw, Cunniff

Mayor Pro Tem Horak made a motion, seconded by Councilmember Troxell, to adopt Ordinance No. 163, 2014, on First Reading, with the AMI changed to 60%.

Councilmember Campana commended staff work on the item.

Councilmember Cunniff stated he would not support the item as he would prefer to repeal the TOD.

RESULT:	ORDINANCE NO. 163, 2014 ADOPTED ON FIRST READING [4 TO 3]
MOVER:	Gerry Horak, District 6
SECONDER:	Wade Troxell, District 4
AYES:	Weitkunat, Campana, Troxell, Horak
NAYS:	Overbeck, Poppaw, Cunniff

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

- **OTHER BUSINESS**

Motion to not move forward with the crafting of a previously requested Resolution stating a City position regarding the proposed CSU on-campus stadium at this time

Mayor Pro Tem Horak requested clarification regarding this item. Councilmember Cunniff replied he wanted Council to consider a Resolution indicating its preference that the stadium remains in its current location, prior to the CSU Board of Governors meeting.

Councilmember Cunniff began to read his suggested Resolution. Mayor Pro Tem Horak expressed concern this wording was not distributed and stated the logical response for Council would be to look at impacts and possible mitigation measures for CSU's four options.

Mayor Pro Tem Horak asked what would be the purpose of Council adopting a Resolution in

opposition to an on-campus stadium.

Councilmember Cunniff replied the purpose would be to indicate the impacts of an on-campus stadium on noise, traffic, parking and other issues, and the costs necessary to mitigate those, and to indicate Council's preference that the stadium remain in its off-campus location.

Mayor Weitkunat stated she would not support such a resolution.

Councilmember Campana stated it seems premature to pass such a resolution given specific negative impacts have not yet been identified, nor has CSU been given an opportunity to mitigate them.

Councilmember Campana made a motion, seconded by Mayor Weitkunat, to not move forward with the crafting of a previously requested resolution stating a City position regarding the proposed CSU on-campus stadium at this time.

Linda Vrooman, 912 Cheyenne, requested Council support a resolution, to be presented to CSU's Board of Governors, detailing the impacts the proposed on-campus stadium would have on the City of Fort Collins.

Bob Vangermersch, Fort Collins resident, noted Dr. Frank has stated CSU needs to listen to the requests of citizens and stated Council is the voice of residents in opposition to the stadium.

Doug Brobst, 1625 Independence Drive, disagreed Council has put forth a great deal of effort with the stadium issue. He asked what types of issues former Deputy City Manager Diane Jones is dealing with in her role as a consultant to the City. He also asked how Jones is being compensated.

Jean Yule, 1109 Williams, implored Council to stand up for the residents in opposition to the on-campus stadium. She questioned who should be held accountable for deferred maintenance at Hughes stadium.

Councilmember Overbeck stated the stadium would be a detriment to the city's unique quality of life, protecting and preserving neighborhood safety is paramount to citizens in keeping a high quality of life, City services could be in jeopardy with the proposed stadium, and the stadium would cause severe environmental, parking and traffic impacts to the community. He requested information regarding Jones' contract work. City Manager Atteberry replied Jones was hired as a contractual employee to help specifically with stadium work to aid in mitigation identification; however, her contract has since been terminated as her services were no longer needed, and she is no longer a contractual employee.

Councilmember Troxell reiterated concerns he shared with Dr. Frank at a recent work session. He stated it is outside of the City's best interest to put forth an opinion on a specific option and encouraged a more robust dialogue and interaction regarding the University's growth as a whole.

Councilmember Cunniff requested Council allow the resolution to be completed and presented for a vote and stated it would be useful for the Board of Governors to know what is preferred by City representatives.

Mayor Pro Tem Horak stated his preference is to discuss impacts and asked about the progress of the City's discussions with CSU in terms of those issues. Karen Cumbo, Planning, Development and Transportation Director, replied a staff group has been working to identify the impacts and assign costs to mitigation. She stated a report is expected later in the month.

Councilmember Campana stated his preference would be to identify the large impacts for the existing stadium and ensure CSU is held accountable for mitigating impacts as it has promised. City Manager Atteberry clarified staff's focus has not been on the existing stadium given the focus on development of an IGA for an on-campus stadium.

Councilmember Cunniff clarified he did not request a November 18 date for the consideration of his Resolution.

Councilmember Troxell discussed the importance of examining all four stadium options.

Mayor Pro Tem Horak commended citizen work on this issue and discussed his desire for a meaningful resolution addressing impacts and mitigation.

Councilmember Overbeck stated citizens are concerned about the level of public financing in the on-campus proposal.

RESULT:	MOTION ADOPTED [4 TO 3]
MOVER:	Gino Campana, District 3
SECONDER:	Karen Weitkunat, Mayor
AYES:	Weitkunat, Campana, Troxell, Horak
NAYS:	Overbeck, Poppaw, Cunniff

Mayor Pro Tem Horak received Council support for the development of a resolution addressing on-campus stadium impacts and mitigation measures.

● **ADJOURNMENT**

A. Council will consider a motion to adjourn to 6:00 p.m., Wednesday, November 12, 2014.

Mayor Pro Tem Horak made a motion, seconded by Councilmember Troxell, that Council adjourn to 6:00 pm on Wednesday, November 12, 2014, so that the Council may consider an emergency Ordinance to exempt a proposed winter overflow shelter from the Land Use Code and a motion to go into Executive Session for the purpose of conducting the annual evaluation of the City Manager, Municipal Court Judge, and Interim City Attorney, along with other such business as may come before the Council.

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

The meeting adjourned at 8:55 PM.

Mayor

ATTEST:

City Clerk

November 12, 2014

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Adjourned Meeting – 6:00 PM

PRESENT: Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak (6:07 PM)
ABSENT:

Staff present: Atteberry, Daggett, Nelson

1. **Emergency Ordinance No. 164, 2014, Temporarily Suspending the Operation and Enforcement of the Land Use Code and Zoning Map to Allow for a Temporary Overflow Wintertime Night Shelter for the Homeless. (Adopted)**

The purpose of this item is to temporarily suspend the operation and enforcement of the Land Use Code and zoning map to allow for a temporary overflow wintertime shelter for the homeless.

Bruce Hendee, Chief Sustainability Officer, discussed the proposed location for the emergency shelter, noting it is at the edge of a zoning district which would allow the shelter use. This Ordinance will be applicable for one year and he suggested an amendment to the Ordinance that would limit the number of women in the shelter to twenty. Additionally, he listed other locations that had been considered.

Sue Beck-Ferkiss, Social Sustainability Specialist, discussed the existing shelters in the city and the need for additional shelter space for twenty women. The proposed shelter will be managed by Catholic Charities and will be located at Community of Christ Church, at the corner of Mathews and Oak. She detailed the hours of operation and results of the neighborhood meeting.

Heather McDonald, Faith Family Hospitality, discussed the need for family shelters in the community.

Cheryl Distaso, Fort Collins Community Action Network, stated an average of ten homeless individuals die each year in Fort Collins and discussed the need for additional shelter beds, lockers, and more permanent supportive housing.

David Rout, Homeless Gear Executive Director, supported the Emergency Ordinance.

Zach Heath, 135 South Sunset, supported the Emergency Ordinance, but expressed concern it is not enough.

Guy Ment, Catholic Charities Director, supported the Emergency Ordinance and ensured a harmonious relationship with the neighborhood.

Jeremy Woodard, Fort Collins resident, stated he has been homeless in Fort Collins and discussed the shortage of shelter housing for couples, families, and individuals with pets.

Sandy Lemburg, Fort Collins resident, supported the Emergency Ordinance.

Lynn Thompson, Homeless Coalition, supported the Emergency Ordinance but expressed concern this is not a one-year need.

Sister Mary Alice Murphy, Fort Collins resident, stated the City should have a better plan in order to eliminate the need for these types of emergency situations.

Rebecca Sorber, Fort Collins resident, stated she expects that any individual who needs shelter should be provided that opportunity.

Tim Dolan, 4212 New Hampton Court, supported the Emergency Ordinance and stated this is an opportunity for Fort Collins to earn its reputation as the Choice City.

Councilmember Poppaw requested information regarding the actual number of shelter beds needed in the community. Beck-Ferkiss replied the numbers for this winter overflow shelter for women have been quantified correctly.

Councilmember Poppaw asked if additional plans are in place should this number of beds be insufficient. Hendee replied the overall issue of homelessness will be discussed and staff will be seeking Council input and direction in those discussions.

Councilmember Poppaw asked how much money was allocated for this particular need, and how much of that is going toward administrative costs. Hendee replied \$10,000 was allocated and there are no administrative costs in the budget.

Councilmember Poppaw stated the issue of homeless families and residents with companion animals need to be addressed.

Councilmember Overbeck requested information about security for women going to and from the overflow shelter. Mr. Ment replied security protocol will be the same as for anyone using the shelters now.

Councilmember Overbeck asked how the City is taking requests for financial and time donations. Hendee replied those opportunities can be made available.

Councilmember Overbeck asked if the City has any resources or commitment to ensure the safety of neighborhoods. Hendee replied issues such as litter and loitering will be addressed in the memorandum of understanding with Catholic Charities.

Councilmember Overbeck suggested the possibility of a hotline phone number to allow citizens to call in immediate concerns. Chief Hutto noted the Police Services non-emergency number is always available, as is 911.

Mayor Pro Tem Horak discussed the fact that no major problems arose with previous winter overflow shelters. Chief Hutto stated the neighborhood enforcement team will review any types of concerns.

Mayor Pro Tem Horak requested the neighborhood be given all appropriate contact information and potentially meet with Police Services representatives. Hendee suggested holding additional neighborhood meetings to alleviate concerns.

Councilmember Campana commended the work of staff and non-profits to develop a location for this overflow shelter and encouraged the formation of long-term strategies. He supported the allocation of additional resources to encourage neighborhood safety and suggested the possibility

of opening the shelter earlier in the evening. Beck-Ferkiss replied Catholic Charities will require chores, such as picking up area trash, as part of the privilege of staying in the shelter.

Councilmember Poppaw encouraged the inclusion of the homeless population in any type of neighborhood meeting.

Councilmember Troxell made a motion, seconded by Councilmember Poppaw, to adopt Emergency Ordinance No. 164, 2014, as amended to limit the number of nightly residents to twenty women.

Councilmember Cunniff stated he would like to address the emergency situation of this issue every year. He asked how United Way and Catholic Charities were chosen as partners. Hendee replied those organizations volunteered to help address the issue and noted the City is not a direct service provider, though it does aid with funding. Beck-Ferkiss noted the collaborative came forward with the program proposal and suggested it would be best to use United Way as a fiscal agent.

Mayor Weitkunat stated this Ordinance would establish the ability for a temporary shelter in this location. She stated the broader issue needs to be further discussed. Additionally, she commended the organizations which reach out to fill this need in the community.

Councilmember Poppaw asked about possible discrimination related to same-sex couples at shelters. Mr. Ment replied Catholic Charities is governed by the belief that it does not recognize same-sex marriage; however, everyone that comes to the facility is accommodated with compassion, though they are not allowed a family room.

Councilmember Poppaw commended the generosity and willingness of the non-profit organizations to fill this community need.

Councilmember Cunniff questioned the annual need for this type of overflow shelter. City Manager Atteberry replied a long-term, guaranteed severe weather shelter would be a perfect scenario; however, the location was only recently made unavailable which made this particular situation unavoidable.

Councilmember Troxell stated he has no issues with the Emergency Ordinance and commended staff for work on the issue. He also thanked the community non-profits which aid in the needs of homeless populations.

Councilmember Overbeck thanked the non-profit organizations and stated the solution to homelessness should be a larger statewide issue.

RESULT:	EMERGENCY ORDINANCE NO. 164, 2014 ADOPTED [UNANIMOUS]
MOVER:	Wade Troxell, District 4
SECONDER:	Lisa Poppaw, District 2
AYES:	Weitkunat, Overbeck, Poppaw, Campana, Troxell, Cunniff, Horak

Executive Session

Mayor Pro Tem Horak made a motion, seconded by Councilmember Poppaw, to adjourn to Executive Session as permitted under Section 2-31(a)(1) of the City Code and the Colorado

Revised Statutes Section 24-6-402(4)(f)(i) for the purpose of conducting the annual performance reviews of the City Manager, City Attorney and Municipal Judge.

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

● **ADJOURNMENT**

The meeting adjourned at 9:30 PM.

Mayor

ATTEST:

City Clerk