



REGULAR MEETING AGENDA

FORT COLLINS CITY COUNCIL

January 3, 2006

Doug Hutchinson, Mayor
Karen Weitkunat, District 2, Mayor Pro Tem
Ben Manvel, District 1
Diggs Brown, District 3
Kurt Kastein, District 4
Kelly Ohlson, District 5
David Roy, District 6

City Council Chambers
City Hall West
300 LaPorte Avenue
Fort Collins, Colorado

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on the Comcast cable system

The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (TDD 224-6001) for assistance.

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Proclaiming “Self Control as the Community Character Focus of the Month” for January 2006 in the City of Fort Collins.

Regular Meeting 6:00 p.m.

PLEDGE OF ALLEGIANCE

1. CALL MEETING TO ORDER.
2. ROLL CALL.

3. CITIZEN PARTICIPATION (limited to 30 minutes)

Individuals who wish to address the Council on items not specifically scheduled on the agenda must first be recognized by the Mayor or Mayor Pro Tem. Each speaker is allowed 5 minutes. If there are more than 6 individuals who wish to speak, the Mayor may reduce the time allowed for each individual.

- State your name and address for the record
- Applause, outbursts or other demonstrations by the audience is not allowed
- Keep comments brief; if available, provide a written copy of statement to City Clerk

4. CITIZEN PARTICIPATION FOLLOW-UP:

This is an opportunity for the Mayor or Councilmembers to follow-up on issues raised during Citizen Participation.

5. AGENDA REVIEW: CITY MANAGER

Consent Calendar

The Consent Calendar consists of Items 6 through 17. This Calendar is intended to allow the City Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Anyone may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately. Agenda items pulled from the Consent Calendar will be considered separately under Item No. 22, Pulled Consent Items. The Consent Calendar consists of:

- Ordinances on First Reading that are routine;
- Ordinances on Second Reading that are routine;
- Those of no perceived controversy;
- Routine administrative actions.

6. Consideration and Approval of the Minutes of the November 15, 2005 Regular Meeting.

7. Second Reading of Ordinance No. 170, 2005, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for That Certain Property Known as the Timberline Center Parcel, From T, Transition to I, Industrial.

This Ordinance, which was unanimously adopted on First Reading on December 20, 2005, rezones a 16.13 acre parcel from T, Transition to I, Industrial. The parcel is located on the west side of Timberline Road approximately one-half mile north of East Drake Road. The Union Pacific Railroad right-of-way forms the western boundary. The request complies with the City's Structure Plan Map.

The parcel is a part of the larger 435-acre Timberline Annexation which was annexed in 1997 as an enclave. Upon annexation, all parcels contained within the Timberline Annexation were placed into T, Transition zone district. The Transition zone requires that

City Council change the zoning to another zone district within 60 days of the Planning and Zoning Board hearing of December 8, 2005.

8. Second Reading of Ordinance No. 171, 2005, Amending Section 2-474 of the City Code Pertaining to the Membership of the Fort Collins Housing Authority.

The Board of Commissioners of the Fort Collins Housing Authority has requested that its membership be decreased from nine members to seven members because a seven-member body would be more manageable and would still allow for proper representation from related fields and backgrounds. Section 29-4-205, C.R.S., provides that the Housing Authority shall consist of no more than nine commissioners appointed by the Council. This Ordinance, which was unanimously adopted on December 20, 2005, amends Section 2-474(2) of the City Code to reflect the change recommended by the Commissioners.

9. Second Reading of Ordinance No. 172, 2005, Amending Chapter 26 of the City Code to Revise Sewer Plant Investment Fees.

This Ordinance, which amends the sewer plant investment fee, was unanimously adopted on December 20, 2005.

Ordinance No. 134, 2005, was adopted by Council on November 15, 2005. Council approved Ordinance No. 134, 2005 with the intent to phase in one-third of the increases proposed in the 2005 plant investment fee study. The Ordinance includes fees calculated for high strength commercial customers based on one-third of full implementation; however, corresponding flows were not adjusted to reflect the same. This Ordinance will reduce the flows used to calculate the fees for high strength commercial customers in order to comply with Council's original intent and direction.

This housekeeping change will only affect commercial customers with high strength discharges. Residential and commercial customers with normal strength discharges are not impacted.

10. Second Reading of Ordinance No. 174, 2005, Amending Section 2-596 of the City Code and Setting the Salary of the City Manager.

City Council met in Executive Session on December 13, 2005 to conduct the performance appraisal of City Manager Darin Atteberry. This Ordinance, which was unanimously adopted on December 20, 2005, establishes the salary of the City Manager at \$159,730.

11. Second Reading of Ordinance No. 175, 2005, Amending Section 2-606 of the City Code and Setting the Salary of the Municipal Judge.

City Council met in Executive Session on December 13, 2005 to conduct the performance appraisal of Municipal Judge Kathleen M. Lane. This Ordinance, which was unanimously adopted on December 20, 2005, establishes the 2006 salary of the Municipal Judge at \$99,256.

12. Second Reading of Ordinance No. 176, 2005, Amending Section 2-581 of the City Code and Setting the Salary of the City Attorney.

City Council met in Executive Session on December 13, 2005 to conduct the performance appraisal of City Attorney Steve Roy. This Ordinance, which was unanimously adopted on December 20, 2005, establishes the 2006 salary of the City Attorney at \$137,000.

13. First Reading of Ordinance No. 001, 2006, Appropriating Unanticipated Revenue in the Neighborhood Parkland Fund - Oak Street Plaza Park Capital Project to Be Used to Construct Improvements to the Oak Street Plaza Park.

The Oak Street Plaza Park is an important public space in the downtown area. The Park provides the public a prime venue for small concerts, seating for noontime lunches and a gathering place for people enjoying downtown Fort Collins. The Park was last improved in the early 1980's and is showing its age. The existing concrete plaza, flower beds and fountain require increasing levels of maintenance. The fountain is the type that consumes considerable water when it is operational.

A design effort with the Downtown Development Authority, area businesses and interested parties has resulted in a new design for the Park. This design makes the Park functional and inviting by removing the planters to open up the Park for better movement of people, replacing the concrete surface, replacing the fountain with an interactive water spray feature that uses minimal water, improving landscaping and lighting and providing for improved handicap access. Improvements will also include handicap access to the Museum of Contemporary Art building. The Park improvements are scheduled to begin in January, 2006 and be completed in June, 2006.

14. Items Relating to the McClelland's Creek PD & PLD Annexation and Zoning.

- A. Resolution 2006-001 Setting Forth Findings of Fact and Determinations Regarding the McClelland's Creek PD & PLD Annexation and Zoning.
- B. Hearing and First Reading of Ordinance No. 002, 2006, Annexing Property Known as the McClelland's Creek PD & PLD Annexation.
- C. Hearing and First Reading of Ordinance No. 003, 2006, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the McClelland's Creek PD & PLD Annexation.

This is a request to annex and zone 11.93 acres located on the east side of Lake Ranch Road, approximately 1/8th mile south of Kechter Road between Ziegler Road to the west and Strauss Cabin Road to the east. McClelland's Creek runs along the east side of the property. The property is undeveloped and is in the FA-1 Farming District in Larimer County. The requested zoning in the City of Fort Collins is LMN - Low Density Mixed-Use Neighborhood.

Staff is recommending that this property be included in the Residential Neighborhood Sign District. A map amendment will not be necessary to place this property on the Residential Neighborhood Sign District Map.

15. First Reading of Ordinance No. 004, 2006, Authorizing the Lease of City Owned Property Consisting of Office Space at 281 North College to ICLEI – Local Governments for Sustainability, USA, Inc., for up to Five Years.

This Ordinance would authorize the City of Fort Collins to develop and enter into a lease agreement allowing ICLEI – Local Governments for Sustainability, USA, Inc. (ICLEI) to use 317 square feet of City office space at 281 North College and limited office equipment for their Western Regional Resource Center office. The lease term will be two years, with capacity to be renewed. The City will be able to terminate the lease with 45 days advance notice. ICLEI will not be charged a fee for use of this space and equipment.

Through the provision of limited existing resources, Fort Collins gains a critical opportunity to further strengthen its position as a national leader in environmental and sustainability programs, thus strengthening economic development potential. No funds will change hands. In addition to the opportunity for increased national recognition and increased collaboration with and technical assistance from ICLEI, the City will receive free membership in ICLEI and a free copy of their new software HEAT (Harmonized Emissions Analysis Tool), and numerous other networking benefits.

16. First Reading of Ordinance No. 005, 2006, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the Dry Creek Drainage Improvements Project - Irrigation Pipeline.

The design portion of the entire Dry Creek Drainage Improvements Project began in 2003. The construction of the overall project began in April 2005 with completion scheduled in 2006. The total project involves a combination of sub-projects in the upper, middle and lower basins to reduce the likelihood of flooding.

This Ordinance does not automatically result in the filing of a petition in eminent domain; it simply allows staff to use the process if good faith negotiations fail to result in an agreement between the City and affected property owners. Staff is hopeful that all acquisitions will be accomplished by agreement.

17. Resolution 2006-002 Authorizing an Intergovernmental Agreement with Larimer County Regarding Block 31.

Block 31 is the block on which the Larimer County Justice Center and jointly City/County owned Civic Center Park are located. This Resolution approves a new maintenance agreement regarding Block 31, superseding previous IGAs between the County and City. Previously, a joint account funded Block 31 maintenance activities, which account was filled by rental collections on the block. This account was dissolved when the Justice Center and Civic Center Park were developed due to the increased cost of maintaining the site and the changing circumstances. The proposed new IGA defines the operation and maintenance responsibilities of Block 31 between the City and the County. The City will be responsible

for the day-to-day management and operation of Civic Center Park including turf and irrigation. The County will be responsible for litter, shrub and flower beds. A process to review event requests will be shared by both entities. Responsibility for major infrastructure repair or replacement of improvements, such as the fountains, will shared by both parties.

END CONSENT

18. Consent Calendar Follow-up.

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

19. Staff Reports.

20. Councilmember Reports.

Discussion Items

The method of debate for discussion items is as follows:

- Mayor introduces the item number, and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests citizen comment on the item (five minute limit for each citizen)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all citizens have an opportunity to speak.

21. Emergency Ordinance No. 006, 2006, Temporarily Suspending the Operation and Enforcement of the Land Use Code and Zoning Map Regarding the Usage of the “Ricker Building” as an Emergency Daytime Severe Winter Weather Shelter for the Homeless.
(30 minutes - 5 minute staff presentation)

The City was recently approached by several agencies with a request to provide a City facility for use as a severe winter weather daytime shelter for the homeless. The “Ricker Building” located at 220 North Howes Street will be made available for this purpose through April, 2006. United Way of Larimer County will operate as the fiscal agent, and Catholic Charities Northern will run the program. A minimum of three paid individuals, including a program director, will be on site, as will volunteers. Individuals entering the facility will be screened by the staff, and individuals smelling of alcohol, visibly impaired, or disruptive will be denied entry. A separate, supervised space will be provided for women and children.

The facility will only be open between the hours of 8:00 am and 4:00 pm on weekdays when the temperature is forecast to reach a high temperature/wind chill temperature/wet bulb temperature of no more than 30 degrees Fahrenheit. The decision to open will be made by 3:00 pm the day prior to opening, based on forecast information.

22. Pulled Consent Items.

23. Other Business.

24. Adjournment.

Every Council meeting will end no later than 10:30 p.m., except that: (1) any item of business commenced before 10:30 p.m. may be concluded before the meeting is adjourned and (2) the City Council may, by majority vote, extend a meeting until no later than 12:00 a.m. for the purpose of considering additional items of business. Any matter which has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting which have not yet been considered by the Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.



REGULAR MEETING AGENDA

GENERAL IMPROVEMENT DISTRICT NO. 1

January 3, 2006

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Karen Weitkunat, District 2, Mayor Pro Tem
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1. Call Meeting to Order.
2. Roll Call.
3. Consideration and Approval of the Minutes of the November 15, 2005 Meeting.
4. First Reading of Ordinance No. 051, Appropriating Prior Year Reserves in the General Improvement District No. 1 Fund for Transfer to the City of Fort Collins Neighborhood Parkland Fund to Be Used to Construct Improvements at the Oak Street Plaza Park.

The sum of \$312,575 is available to be used as funding for the Oak Street Plaza Park capital project and which consists of funds that are prior year reserves of the General Improvement District No. 1. The recommended appropriation will fund the following capital projects in the Oak Street Plaza Park ("Park"):

- Remove planters to open the Park for more efficient pedestrian access and movement;
 - Replace the worn and damaged concrete surface in the downtown area;
 - Replace the water fountain with an interactive water spray feature that uses minimal water;
 - Improve landscaping and lighting; and
 - Enhance handicap access.
5. Other Business.
 6. Adjournment.