



REGULAR MEETING AGENDA

FORT COLLINS CITY COUNCIL

February 7, 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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Proclamations and Presentations 5:30 p.m.

- A. Presentation of Winners and Participating Businesses in Clean Air Track to Win and Air Quality Improvements Announced.
- B. Proclamation Naming the Week of February 12-18, 2006 as Child Passenger Safety Week.
- C. Proclamation Naming the Week of January 30 - February 3, 2006 as Catholic School Week.
- D. Proclamation Declaring Punctuality as the Community Character Focus for the Month of February, 2006.
- E. Proclamation Naming the Month of February, 2006 as Black History Month.
- F. Proclamation Naming the Week of February 12-18, 2006 as Career and Technical Education Week.

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 30. 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. 37, 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 29, 2005 Adjourned Meeting, the December 13, 2005 Adjourned Meeting, and the December 20, 2005 and January 3, 2006 Regular Meetings.
7. Second Reading of Ordinance No. 007, 2006, Appropriating Unanticipated Revenue in the General Fund for Continuation of the Restorative Justice Program.

This Ordinance, which was unanimously adopted on First Reading on January 17, 2006, authorizes appropriation of unanticipated revenue in the General Fund to continue the Restorative Justice Program. A grant in the amount of \$20,000 has been received from the Bohemian Foundation to continue this program. Donations totaling \$1,575 benefitting the Restorative Justice Program have also been received from the Seratoma Club, EyeOpeners Kiwanis, the InterFaith Council and an anonymous individual contributor.

8. Items Relating to the Dry Creek Drainage Improvements Project.
 - A. Second Reading of Ordinance No. 008, 2006, Authorizing the Dry Creek Drainage Improvements Project Master Agreement with Windsor Reservoir and Canal Company, Larimer and Weld Irrigation Company, Larimer and Weld Reservoir Company, and Water Supply and Storage Company, and Authorizing Conveyance of Certain Real Property Interests in Connection Therewith.
 - B. Second Reading of Ordinance No. 009, 2006, Authorizing Transfer of Existing Appropriations from the Canal Importation Basin Project to the Dry Creek Basin Project Within the Storm Drainage Fund.

This transfer would fund the replacement of the existing Dry Creek culvert under the Burlington Northern - Santa Fe Railway with new bridges.

Ordinances Nos. 008 and 009, 2006, were adopted unanimously on First Reading on January 17, 2006.

9. Postponement of Second Reading of Ordinance No. 010, 2006, Granting a Non-exclusive Franchise by the City of Fort Collins to Comcast of California/Colorado LLC and Its Successors and Assigns for the Right to Make Reasonable Use Of, and Erect, Construct, Operate and Maintain Through, the Public Rights-of-way, Easements and Other Public Property Any Equipment Necessary and Appurtenant to the Operation and Maintenance of a Cable System and the Provision of Cable Services to Citizens Within the City to February 21, 2006.

The existing Cable Television Franchise calls for the cable operator (Comcast) to underground its cable lines within a certain time frame after the City places electric lines underground. A question has recently been raised about the time frame allowed for undergrounding in the existing franchise, and whether or not Comcast is allowed additional time to underground its cable lines under the existing franchise. Comcast is requesting a postponement to allow more time to meet with City staff to clarify and resolve the matter before Second Reading of the new franchise occurs..

10. First Reading of Ordinance No. 012, 2006, Appropriating Unanticipated Grant Revenue in the General Fund for the Landmark Preservation Commission and Staff Education and Training.

The Advance Planning Department has been awarded a \$1,494 grant from the Colorado Historical Society with no cash match for the purpose of education and training of Landmark Preservation Commission members and staff. The grant funds will be used to send Commission members and staff to Colorado Preservation Inc.'s statewide conference "SAVING PLACES 2006: Building on the Past" in Denver.

Accepting this grant will enable the Fort Collins Advance Planning Department to provide training for three new Landmark Preservation Commission members and also three staff persons. Ongoing training is an activity that is a requirement of maintaining the City of Fort Collins' Certified Local Government status.

11. Items Relating to the Construction of a Water Slide Project at City Park Pool.
- A. Resolution 2006-008 Authorizing the City Manager to Enter Into a Grant Agreement With the State Board of the Great Outdoors Colorado Trust Fund for the Receipt of Funds for the Water Slide Project at City Park Pool.
 - B. First Reading of Ordinance No. 013, 2006 Appropriating Unanticipated Revenue in the Recreation Fund and Authorizing the Transfer of Existing Appropriations in the Recreation Fund for Construction of a Water Slide Project at City Park Pool.

The Recreation Division has identified funding for a double-flume water slide for City Park Pool. The water slide addition will complete the main pool's master plan. The slides will be the very first of their kind in Fort Collins. Because of the total expense of this capital improvement, acceptance of the GOCO grant and subsequently the Don and May Wilkins Family Charitable Trust grant makes it possible for the City to afford this pool addition. The slides are also a key element of implementation of a marketing strategy to result in a break-even/profit center for this operation by 2007.

12. First Reading of Ordinance No. 014, 2006, Appropriating Unanticipated Revenue in the General Fund for the Fort Collins Police Services Drunk Driving Enforcement Program.

On December 20, 2005, City Council approved a Resolution authorizing the Mayor to enter into a contract with the Colorado Department of Transportation for Fort Collins Police Services ("Police Services") to apply for a 2006 Law Enforcement Assistance Fund grant in the amount of \$11,750 to help reduce the number of drunk drivers in Fort Collins. This Ordinance appropriates the grant funds.

13. First Reading of Ordinance No. 015, 2006, Appropriating Unanticipated Revenue in the Capital Projects Fund - South Taft Hill Road, Horsetooth Road to Harmony Road Project, to Be Used for the Construction of Improvements to a Section of South Taft Hill Road from Horsetooth Road South to Harmony Road and Authorizing an Intergovernmental Agreement for the Project.

The City of Fort Collins Engineering Department has received \$1,736,400 from Larimer County's Regional Road Capital Expansion Fee Program (the "Program"). Under this Program, the County collects a fee from building permits issued within unincorporated Larimer County and the City of Fort Collins. This Program was initiated by Larimer County in 1999 and adopted by the City of Fort Collins in February of 2000. South Taft Hill Road (County Road 19) between Fort Collins and Loveland is identified as one of five regional roads in the Larimer County Transportation Plan dated 1998. Larimer County has selected South Taft Hill Road from Horsetooth Road to Harmony Road for funding of interim improvements. The Ordinance also authorizes an intergovernmental agreement documenting the City's and County's respective rights and responsibilities in connection with the construction project.

14. Items Relating to Oak Street Plaza Park.
- A. Resolution 2006- 009 Adding Oak Street Plaza Park to the Inventory of City Parks in the 1996 Parks and Recreation Policy Plan.
 - B. 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.

Council adopted the Parks and Recreation Policy Plan in 1996 (the “Policy Plan”). The Policy Plan includes an inventory of existing parks and identifies general locations for future parks. Oak Street Plaza is not included in the 1996 Park Inventory. Recently the downtown area has seen residential development that has generated parkland fees and the need for improved urban parks. The Oak Street Improvement Project planned for 2006 will greatly improve Oak Street Plaza Park, creating a very attractive urban park setting. Improvements planned for the park include an interactive water feature, new, colorful paving, turf grass, a stage and better landscaping. The park is about one-half acre in size. It was last improved in the early 1980's and is showing its age. The existing concrete plaza, flower beds and fountain require increased maintenance. The plaza is dated and is not the vibrant community gathering place it will be after it is renovated.

Adding Oak Street Plaza Park to the inventory of parks in the Policy Plan will clarify its status as a City park and allow the use of neighborhood parkland fees from nearby residential development to be used for the Improvement Project. It will also allow staff to manage the site using park regulations.

15. First Reading of Ordinance No. 016, 2006, Amending Chapter 8 of the City Code Relating to the Creation of the Storm Drainage Fund.

This Ordinance revises the City Code description of the Storm Drainage Fund to be consistent with City Council’s adopted policy of citywide stormwater plant investment fees and the citywide pay-as-you-go financing policy for the stormwater master plan. The change allows plant investment fees to be used for city wide capital improvements and no longer restricts funding capital projects in the basin in which the plant investment fees are collected.

16. First Reading of Ordinance No. 017, 2006, Amending Section 2-566 of the City Code Concerning the Adoption of the Classified Employee Pay Plan.

Section 2-566 of the City Code currently provides that City Council shall fix the salaries of all classified employees by ordinance. This Code change will clarify that the City Council adopts a pay plan by ordinance. The City Manager will then administer the pay plan by determining the salary of individual classified employees within the pay ranges/skill levels within the pay plan.

17. First Reading of Ordinance No. 018, 2006, Amending Chapter 17, Article IV (Offenses Against Public Authority) and Chapter 23, Article IX (Natural Areas) of the City Code to Clarify and Update Certain Enforcement Authority and Natural Areas Restrictions.

The Natural Resources Department is proposing revisions and amendments to portions of Article IV of Chapter 17 of the City Code (Offenses Against Public Authority) and Article IX of Chapter 23 (Natural Areas) of the City Code.

The proposed modifications to Chapter 17 of the Code will ensure that Natural Areas Rangers, as “specially commissioned officer[s] of the city,” will have the necessary authority and protection under the Code, by clarifying that the Rangers are legally entitled to require the cooperation of members of the general public.

Proposed amendments and revisions to Chapter 23 of the Code reflect specific code changes necessary to implement new Natural Areas General Management Guidelines that have previously been presented to the Council in 2005, and to clarify and improve other existing Natural Areas provisions.

18. First Reading of Ordinance No. 019, 2006, Designating the J.M. Morrison House and Carriage House, 718 West Mountain Avenue, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, John P. Gascoyne, is initiating this request for Fort Collins Landmark designation for the J.M. Morrison House and Carriage House. The home is a nice example of Edwardian residential architectural, with many stylistic details.

19. First Reading of Ordinance No. 020, 2006, Designating the Lee House Property, 1530 Remington Street, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, 1530 Remington Limited Partnership, is initiating this request for Fort Collins Landmark designation for the Lee House Property. The house is a distinctive and attractive example of Moderne-influenced Ranch style domestic architecture, with excellent integrity.

20. First Reading of Ordinance No. 021, 2006, Designating the Kirby/Wade House and Historic Garage, 816 Laporte Avenue, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Thomas Trumbower, is initiating this request for Fort Collins Landmark designation for the Kirby/Wade House and Historic Garage. Built in 1905 for the John E. Kirby family, this historic five-room frame cottage at 816 LaPorte Avenue is over 100 years old.

21. First Reading of Ordinance No. 022, 2006, Designating the James House Property, 210 North Loomis Avenue, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, John F. Leach, is initiating this request for Fort Collins Landmark designation for the James House Property. The quaint Classic Cottage on the corner of

Loomis and Laporte Avenues has continuously added to the historic nature of the West Side Neighborhood for over 98 years.

22. First Reading of Ordinance No. 023, 2006, Designating the 1953 GMC 500 GPM Front Mount Pumper, Owned by the Poudre Fire Authority, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Poudre Fire Authority, is initiating this request for Fort Collins Landmark designation for the 1953 GMC 500 GPM Front Mount Pumper. The fire engine is eligible for individual Fort Collins Landmark Designation under both Landmark Standards (1) and (3). For fifty years, for three districts, this fire engine has played an important role in fire protection and holds a unique place in the history of fire service in the area. The engine is being restored to become a part of the Poudre Fire Authority's safety program.

23. First Reading of Ordinance No. 024, 2006, Authorizing the Conveyance of a Portion of the Timberline Substation Site Property to the Public Service Company.

The Timberline Road Street Oversizing Project requires the acquisition of 6,237 square feet of the Public Service Company ("Public Service") meter site located on Timberline Road which is surrounded by the substation site parcel that is part of the City utility system. This conveyance grants the City the necessary property interests for the ultimate design of Timberline Road. Instead of purchasing the needed property along with the improvements on site, Matt Baker, the project manager, has proposed a reconfiguration of the land owned by Public Service. The improvements will be able to stay where currently located and some fixtures will be relocated to the north of the building.

Staff is proposing a land exchange between the Utilities Department and Public Service, with each conveying the other 6,237 square feet of land. Conveying this land to Public Service will provide them the land necessary to continue the operation of the site without relocating. If Public Service had relocated, the City would need to purchase their building and improvements. The exchange is a more cost effective approach because Street Oversizing will compensate Utilities for the value of vacant land only. The compensation, as set by the appraiser for this project, is \$25,500, or \$4 per square foot.

Staff from Real Estate Services and Street Oversizing has met with all affected parties. The Utilities Department and Public Service have agreed to this exchange.

24. First Reading of Ordinance No. 025, 2006, Authorizing the Conveyance of a Replacement Sewer Line Easement to Anheuser-Busch, the Transfer of Additional Prospect Road Rights-of-Way from the Natural Areas Program, and the Approval of Certain Drainage and Temporary Construction Alignments for the East Prospect Road and Related Improvements Adjacent to the Running Deer, Riverbend Ponds and Cottonwood Hollow Natural Areas.

Transportation Services is proposing to improve a portion of East Prospect Road between the Poudre River on the west and Summit View Drive on the east. The road improvements involve widening the existing narrow two-lane road to provide bike lanes, a median, and a sidewalk/trail along the road. The road improvements should provide enhanced safety and

comfort for pedestrians, bicyclists and motorists, and enhanced access to the three natural areas.

To construct the new “Poudre River – Overflow Bridge”, Transportation will need to relocate a small stretch of Anheuser Busch’s sewer line from its current location on Riverbend Ponds and Cottonwood Hollow Natural Areas to a new location on the same properties. The Natural Areas Program will not be compensated for the relocation of easement, since the old easement alignment will be vacated resulting in no net increase in the easement area.

25. Resolution 2006-010 Making Findings of Fact Regarding the Appeal of the Planning and Zoning Board Approvals of the Innovation Island, Overall Development Plan and Project Development Plan and Upholding the Decisions of the Board.

On December 20, 2005, an appeal of the November 17, 2005 decisions of the Planning and Zoning Board to approve the Innovation Island, Overall Development Plan and Project Development Plan was filed by the Appellants Cathy Lund (Primary Person of Contact) and 23 other adjacent property owners.

On January 17, 2006, City Council voted to uphold the decisions of the Planning and Zoning Board. In order to complete the record regarding this appeal, the Council should adopt a Resolution making findings of fact and finalizing its decision on the appeal.

26. Resolution 2006-011 Finding Substantial Compliance and Initiating Annexation Proceedings for the Airpark Village Annexation.

The Airpark Village is 148.55 acres in size. The site is an existing privately owned airport, and three abutting properties, all generally located north of East Lincoln Avenue, south of East Vine Drive and west of Timberline Road. Contiguity with the existing municipal boundary is gained along portions of the west and east property lines. The east property line abuts the Dry Creek Subdivision.

The proposed Resolution states that it is the City’s intent to annex this property and directs that the published notice required by State law be given of the Council’s hearing to consider the needed annexation ordinance.

27. Resolution 2006-012 Authorizing the Amendment of the Intergovernmental Agreement Between the City of Fort Collins and Larimer County Regarding the Management of Fossil Creek Regional Open Space

Staff is proposing to amend the Intergovernmental Agreement (IGA) between Fort Collins and Larimer County regarding the management of Fossil Creek Regional Open Space (FCROS). The current IGA calls for management of FCROS to shift from the County to the City immediately upon annexation of the area by the City. The amended IGA delays the shift to the City until 2010.

28. Resolution 2006-013 Authorizing an Intergovernmental Agreement with the Grove Metropolitan Districts Numbers 1 through 3 for the Provision of Wastewater Treatment Services by the City's Wastewater Utility.

Resolution 2005-018 authorized the City Manager to negotiate an agreement with new development near the town of Laporte for the provision of wastewater treatment services by the City's Wastewater Utility. As directed by City Council, the City Manager has negotiated an agreement, and has approved a schedule of surcharges for projected usage of City streets, community parks and libraries by the new development and has included such surcharges in the proposed agreement with the Grove Metropolitan Districts Numbers 1 through 3.

29. Resolution 2006-014 Amending Various Boards and Commissions 2006 Work Plans.

Council liaisons have reviewed 2006 Work Plans submitted by boards and commissions. On January 17, 2006, Council gave direction (under other business) to amend the following 2006 Work Plans:

- Affordable Housing Board
- Art in Public Places Board
- Community Development Block Grant Commission
- Electric Board
- Library Board
- Retirement Committee
- Transportation Board
- Youth Advisory Board

30. Routine Easement.

Easement for construction and maintenance of public utilities from Harry J. And Mary Lou Elder, to underground existing electric system, located at 920 North College Avenue. Monetary consideration: \$1800.

END CONSENT

31. Consent Calendar Follow-up.

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

32. Staff Reports.

33. 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.

34. Second Reading of Ordinance No. 011, 2006, Amending the Harmony Corridor Plan and Harmony Corridor Standards and Guidelines as They Pertain to Regional Shopping Centers. (30 minutes - 10 minute staff presentation)

On January 17, 2006 Council approved on First Reading Ordinance No. 011, 2006, with direction to include on Second Reading staff proposed amendments to the Harmony Corridor Standards and Guidelines to apply the design standards for both Lifestyle and Regional Shopping Centers.

The developer, Bayer Properties, has initiated an amendment to the *Harmony Corridor Plan* and the *Harmony Corridor Standards and Guidelines*, to add a Regional Shopping Center, within the Mixed-Use Activity Center, in addition to Basic Industrial and Non-Retail Employment as defined and shown on the Land Use Map. The proposed regional shopping center is approximately 94 acres and generally located at the northwest corner of Harmony Road and Ziegler Road, behind and west of the existing LSI Logic building. The property is currently designated in the *Harmony Corridor Plan* and *Harmony Corridor Standards and Guidelines* for a Lifestyle Shopping Center and/or for Basic Industrial and Non-Retail Employment uses. The *Harmony Corridor Plan* and *Harmony Corridor Standards and Guidelines* are elements of the City's comprehensive plan, known as *City Plan*. Any proposed changes to these documents require a Minor Amendment process as described in Appendix C of *City Plan*, meeting specified criteria to support the change.

35. Consideration of the Appeal of the December 8, 2005, Determination of the Planning and Zoning Board to Deny the Shields Street Lofts Project Development Plan (PDP). (2 hours - 10 minute staff presentation)

On October 20, 2005, a Planning and Zoning Board public hearing was conducted to receive presentations and testimony on the Shields Street Lofts PDP proposal, a mixed-use (residential and commercial) project on 0.22 acre located at 515 South Shields Street. At this public hearing the Board continued the item to the regularly scheduled December 8, 2005 public hearing with direction to the applicant/developer to consider revisions to the plan based

on concerns regarding adequate parking on-site and a privacy issue. On December 8, 2005, the Planning and Zoning Board continued the Shields Street Lofts PDP public hearing and received staff and applicant presentations and public testimony. The applicant submitted a revised plan. After discussion and deliberation, the Planning and Zoning Board denied the Shields Street Lofts PDP based on the development proposal not being compliant with Section 3.5.1 Building and Project Compatibility of the Land Use Code.

36. Consideration of the Appeal of the December 8, 2005 Planning and Zoning Board Denial of the Modification of Standard Relating to the Separation Requirements for Convenience Retail Stores with Fuel Sales within the Timberline Center Project Development Plan.
(2 hours - 10 minute staff presentation)

On December 8, 2005, the Planning and Zoning Board conducted a public hearing considering the Timberline Center Project Development Plan (PDP). A component of this PDP was a Request for Modification to Section 4.23(B)(c)5. which requires a minimum of three-quarters of a mile (3,960 feet), measured in a straight line, as the distance between retail stores with fuel sales and any fueling station. The Board considered testimony from the applicant, the public and Staff. The Request for Modification was denied. The PDP was approved. The site is located on the west side of Timberline Road, approximately one-half mile south of Prospect Road, and is zoned I, Industrial.

37. Pulled Consent Items.
38. Other Business.
39. 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.