



# REGULAR MEETING AGENDA

## FORT COLLINS CITY COUNCIL

March 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

Cablecast on City Cable Channel 14  
on the Comcast cable system

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### **Proclamations and Presentations 5:30 p.m.**

- A. Proclamation Declaring the Month of March, 2006 as Operation ShoeBox Month.
- B. Proclamation Naming the Week of March 6-10, 2006 as Disability Awareness Week.
- C. Proclamation Declaring the Month of March, 2006 as Women's History Month.
- D. Proclamation Naming Resourcefulness as the Community Character Focus for March, 2006.
- E. Proclamation Naming March, 2006 as Month of International Friendship and Understanding.

### **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 27. 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. 34, 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. 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.

This Ordinance, which was unanimously adopted on First Reading on January 17, 2006, will grant a Cable Franchise Agreement between the City of Fort Collins and Comcast of California/Colorado LLC ("Comcast"). This agreement is a nonexclusive franchise.

7. Second Reading of Ordinance No. 026, 2006 Appropriating Prior Year Reserves in the Natural Areas Fund for the Purpose of Providing Natural Areas Programming Not Included in the 2006 Adopted City Budget.

This Ordinance, which was unanimously adopted on First Reading on February 21, 2006, appropriates prior year reserves for land conservation, construction of parking lots, fences and trails, restoration of wildlife habitat and other natural areas program needs to benefit the citizens of Fort Collins.

8. Second Reading of Ordinance No. 027, 2006, Appropriating Prior Year Reserves.

Ordinance No. 027, 2006, was unanimously adopted on First Reading on February 21, 2006. The Ordinance appropriates prior year's reserves for expenditures authorized in 2005 by Council but which could not be completed by the end of 2005.

9. Second Reading of Ordinance No. 028, 2006, Appropriating Unanticipated Revenue in the Sales and Use Tax Fund From the Proceeds of a Dedicated 0.25 Cent Sales and Use Tax Approved by the Voters for Transfer to the Capital Projects Fund, the Transit Services Fund, and the Cultural Services and Facilities Fund to be Used for Projects Identified in the Building on Basics Capital Improvement Program.

In November 2005, voters approved the renewal of the City's sales and use tax funded capital program known as Building on Basics (BOB). The proceeds from the BOB package were not appropriated in the 2006-2007 Budget process because the success of the measure was not known at the time of Council's consideration of the Budget ordinances. Ordinance No. 028, 2006, which was unanimously adopted on First Reading on February 21, 2006, appropriates funds from the Sales and Use Tax Fund allocation for BOB to the projects which will receive funding in 2006.

10. Second Reading of Ordinance No. 029, 2006, Appropriating Revenue from the Colorado Department of Transportation in the Transportation Fund for the Mason Bicycle/Pedestrian Trail Underpass Project.

Ordinance No. 029, 2006, which was unanimously adopted on First Reading on February 21, 2006, appropriates funds from the Colorado Department of Transportation(CDOT) to allow work to begin on the design for the bicycle/pedestrian trail underpass for the Mason Transportation Corridor, under the Burlington Northern Santa Fe railroad tracks, to connect the University Mall/Whole Foods shopping center to the Natural Resources Research Center (NRRC)/CSU Veterinary Teaching Hospital campus.

11. Second Reading of Ordinance No. 030, 2006, Authorizing the Transfer of Appropriations Between Capital Projects Within the Wastewater Fund for the Purpose of Purchasing Property.

The Wastewater Utility has a time sensitive opportunity to purchase land. This Ordinance, which was unanimously adopted on First Reading on February 21, 2006, transfers money from the budget for land purchases in the Drake Water Reclamation Facility ("DWRF") capital project to the land budget Sludge Disposal Improvements capital project.

12. Second Reading of Ordinance No. 031, 2006, Establishing City of Fort Collins Telecommunication Customer Service Standards - Cable Television.

This Ordinance, which was unanimously adopted on First Reading on February 21, 2006, establishes requirements for the quality of service provided by cable operators to their customers in Fort Collins.

13. Second Reading of Ordinance No. 032, 2006, Amending Section 2-203 of the City Code Regarding the Functions of the Cultural Resources Board.

This Ordinance, which was unanimously adopted on First Reading on February 21, 2006, amends Section 2-203 of the Code to clearly authorize the Cultural Resources Board to disburse both Cultural Development and Programming Account and Tourism Programming Account funds.

14. Second Reading of Ordinance No. 033, 2006, Amending the Effective Date of Section 8 of Ordinance No. 123, 2005, Pertaining to the Definition of "Family" as Contained in Section 5.1.2 of the Land Use Code.

This Ordinance, which was unanimously adopted on First Reading on February 21, 2006, changes the effective date of the new definition of "family" in the Land Use Code so that it coincides with the effective date of the City's new occupancy limit, which is January 1, 2007.

15. Second Reading of Ordinance No. 034, 2006, Amending the City Code with Regard to the Posting of Public Notice of the Meetings of the City Council, Committees of the Council and City Boards and Commissions.

This Ordinance amends various sections in Chapter 2 of the City Code relating to the posting of public notice of meetings of the City Council, committees of the Council and City boards and commissions, to reflect a change in the location of the place of posting, and to clarify existing language about the types of meetings that need to be posted. The Ordinance was unanimously adopted on First Reading on February 21, 2006.

16. Second Reading of Ordinance No. 035, 2006, Amending Chapter 23 of the City Code Relating to the Conveyance of Easements Required to Obtain Utility Service.

This Ordinance, which was unanimously adopted on First Reading on February 21, 2006, amends the City Code to allow the Purchasing Agent, with the approval of the City Manager, to contract for utility services and grant such rights-of-way as may be required in connection with those services.

17. Items Relating to Boma Annexation and Zoning.

- A. Second Reading of Ordinance No. 036, 2006, Annexing Property Known as the Boma Annexation to the City of Fort Collins.
- B. Second Reading of Ordinance No. 037, 2006, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Boma Annexation to the City of Fort Collins.

These Ordinances, which were unanimously adopted on First Reading on February 21, 2006, annex and zone 82.05 acres located at the southwest corner of East Douglas Road (County Road 54) and Turnberry Road (County Road 11).

18. Items Relating to the Sunrise Ridge Second Annexation and Zoning.

- A. Second Reading of Ordinance No. 038, 2006, Annexing Property Known as the Sunrise Ridge Second Annexation to the City of Fort Collins, Colorado.
- B. Second Reading of Ordinance No. 039, 2006, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Sunrise Ridge Second Annexation to the City of Fort Collins, Colorado.

Ordinances No. 038, 2006 and 039, 2006, unanimously adopted on First Reading on February 21, 2006, annex and zone a property approximately 5.29 acres in size. The site is 5221 S. Strauss Cabin Road, located approximately one-half mile south of East Harmony Road on the west side of Strauss Cabin Road.

19. Second Reading of Ordinance No. 040, 2006, Authorizing the Conveyance of a Conservation Easement on City Natural Area Property (Round Butte Ranch Phase I) to Larimer County and Authorizing a Related Grant Agreement with the Board of the Great Outdoors Colorado Trust Fund.

This Ordinance, unanimously adopted on First Reading on February 21, 2006, authorizes the conveyance of a 640-acre conservation easement on Round Butte Ranch, Phase I, from the City's Natural Area system to Larimer County. The City will receive a \$216,000 grant from Great Outdoors Colorado to support the conservation of the property.

20. Second Reading of Ordinance No. 041, 2006, Authorizing the Conveyance of a Non-Exclusive Sanitary Sewer Easement for the Cherry Street Station Development.

Cherry Street Station is a loft project being developed on Cherry Street near North College Avenue. The nearest sewer line connection for this project is located in Martinez Park across the railroad track from the development. The developer has requested a sewer line easement from the City to connect to the City sewer system. Ordinance No. 041, 2006, which was unanimously adopted on First Reading on February 21, 2006, authorizes this easement.

21. First Reading of Ordinance No. 042, 2006, Authorizing the Purchasing Agent to Enter into an Agreement for the Financing by Lease-Purchase of Vehicles and Equipment.

The cost of the items to be lease-purchased is \$ 646,242. Payments at the 4.94% interest rate will not exceed \$ 109,995 in 2006. Money for 2006 lease-purchase payments is included in the 2006 budget. The effect of the debt position for the purpose of financial rating of the City will be to raise the total City debt by .14%. A competitive process was used to select Koch Financial Corporation for this lease. Staff believes acceptance of this lease rate is in the City's best interest.

22. Resolution 2006-028 Approving Amendment #1 to the Collective Bargaining Agreement Between the City of Fort Collins, Colorado and the Northern Colorado Lodge #3 Colorado Fraternal Order of Police (The "Agreement").

Adoption of this Resolution would amend Article 8 of the Agreement and align the wage treatment of the Dispatch Supervisors and Dispatch Manager with that of the Dispatchers. In accordance with the amended Article 8, all Dispatch personnel in the bargaining unit would move proportionately from the 2002 Pay Plan to the new 2006 Pay Plan (i.e., from step-to-step).

23. Resolution 2006-029 Adopting the Fourth Amendment to the City of Fort Collins General Employees' Retirement Plan as Amended and Restated Effective December 31, 2001.

This Resolution removes three members of the Police Services bargaining unit who are Community Service Officers and are also currently participants in the General Employees' Retirement Plan ("GERP"). The collective bargaining agreement between the City and the Fraternal Order of Police Lodge # 3 specifies that Police Services employees will be participants in a 401 pension plan administered by ICMA-RC and that the City and such employees will each contribute 8% of base salary to such plan commencing with the first pay period in 2006.

Maintaining the three Community Service Officers in the GERP is not required by the collective bargaining agreement and would provide them with the windfall of a 4.5% of base salary City pension contribution in excess of what other bargaining unit members are receiving. This resolution, if adopted, would result in all of the Community Service Officers receiving the same percentage of base salary contribution to their pension plans.

24. Resolution 2006-030 Authorizing the Mayor to Execute an Intergovernmental Agreement Between the City and the Town of Windsor Regarding Land Use and Development at the intersection of Interstate Highway 25 and Carpenter Road.

At a recent work session, Council considered a draft intergovernmental agreement (IGA) with the Town of Windsor. The agreement calls for joint funding and staffing on a comprehensive development plan for lands around the I-25/Carpenter Road interchange. The study would include land uses, design, environmental protection, and infrastructure financing.

The legal staffs from both communities are working to amend the draft IGA presented at the work session incorporating Council comments.

25. Resolution 2006-031 Finding Substantial Compliance and Initiating Annexation Proceedings for the Sanctuary Annexation.

The Sanctuary Annexation is 15.65 acres in size. The site is located approximately one-half mile south of Kechter Road and approximately one-quarter to one-half mile east of Ziegler Road.

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.

26. Resolution 2006-032 Making an Appointment to the Human Relations Commission.

A vacancy currently exists on the Human Relations Commission due to the resignation of John Coleman. Councilmembers Roy and Brown conducted interviews and are recommending Jeffery Van Fleet to fill the vacancy with a term to begin immediately and set to expire on December 31, 2010.

27. Routine Easement.

Easement for construction and maintenance of public utilities from Robert and Evelyn McCormick, to underground existing electric system, located at 806 North College Avenue. Monetary consideration: \$2500.

**END CONSENT**

28. Consent Calendar Follow-up.

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

29. Staff Reports.

30. 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.

31. Consideration of the Appeal of the December 13, 2005 Determination of the Administrative Hearing Officer to Approve the Raven View Project Development Plan (PDP) and Modification of Standard. (10 minutes staff presentation - 2 hour discussion)

The Raven View PDP is a proposed residential infill and redevelopment project. The property is in the LMN – Low Density Mixed-use Neighborhood District. A total of fifty-one single-family attached and detached units are proposed on an 8.18 acre infill and redevelopment parcel located southeast of the intersection of Taft Hill and Mulberry Roads, behind the existing residential parcels that line Mulberry and Taft Hill Roads.

On December 13, 2005, an Administrative Hearing was conducted to receive presentations and testimony on the Raven View Project Development Plan (PDP) and Modification of Standard proposal. Staff received no written comments pertaining to this project prior to the hearing. Staff received one phone call from an abutting resident regarding screening fencing between existing and proposed residences prior to the hearing. Staff passed that concern along to the applicant, who addressed the issue in the plan set submitted for the hearing.

At the Hearing, neighbors expressed their fear that the project will cause an unsafe condition for pedestrians, particularly school children traveling along Taft Hill Road to Moore Elementary School. Neighbors added that the lack of City sidewalk maintenance after snowfalls will compound the problem.

After deliberation, the Administrative Hearing Officer concurred with staff recommendation and approved the Raven View Project Development Plan and Modification of Standard.

32. First Reading of Ordinance No. 043, 2006 Amending Chapter 26, Article III, Division 4 of the City Code Relating to Water Fees. (10 minute staff presentation - 30 minute discussion)

Based on Council direction at the February 14, 2006 Work Session, this Ordinance revises single family and duplex water rates effective May 1, 2006. The Ordinance reduces the fixed monthly fee from \$12.72 to \$9.54 (including 6% payments in lieu of taxes) for single family



customers. It also enacts a three-tier rate with 15% between the steps, a change from the current four-tier rate which has 20% increases between tiers. Customers using less than 8,000 gallons or more than 50,000 gallons per month will have moderate reductions in costs. Customers using between 8,000 and 50,000 gallons per month will have moderate increases in costs.

With the proposed rate, a typical single family residential customer's monthly bill will change from \$21.63 to \$20.67 in the winter months, a 4% reduction. During the peak summer watering season, a typical bill would increase 9% from \$55.99 to \$60.79. These calculations are based on a typical use of 5,000 gallons per month in the winter and 20,000 gallons per month during the few peak summer months.

The ordinance also revises duplex rates by reducing the fixed charge from \$15.51 to \$11.66 and changing to a similar three-tier rate structure.

33. First Reading of Ordinance No. 044, 2006 Amending Section 3.5.4(c)(3)(A) of The City of Fort Collins Land Use Code. (10 minute staff presentation - 30 minute discussion)

Staff has identified a revision to Section 3.5.4(C)(3)(a) that would strengthen the existing standard for large retail establishments that requires multiple entrances. The proposed revision would require secondary entrances to be operational. In addition, the change clarifies that such second side entrances may serve the anchor store or, instead, serve only attached small retail store(s) with individual entrance(s). The existing standard and revisions are intended to work in conjunction with the standard for distributed parking so that the impacts associated with large, single-use, single-entry retail stores are mitigated.

34. Pulled Consent Items.

35. Other Business.

36. 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.