



REGULAR MEETING AGENDA

FORT COLLINS CITY COUNCIL

September 20, 2005

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

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 September 17-23, 2005 as "Constitution Week."
- B. Proclamation Proclaiming September 15-October 15, 2005 as "Hispanic Heritage Month."
- C. Proclamation Proclaiming September 21-October 21, 2005 as the annual "Community Homecoming Celebration."
- D. Proclamation Proclaiming September 2005 as "Childhood Cancer Awareness Month."
- E. Proclamation Proclaiming "Faith as the Community Character Focus of the Month" for September 2005 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 25. 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. 31, 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 Regular Council Meeting Minutes of September 6, 2005.

7. Second Reading of Ordinance No. 096, 2005, Appropriating Proceeds from the Issuance of City of Fort Collins, Colorado, Wastewater Utility Enterprise, Sewer Revenue Refunding Bonds, Series 2005, dated October 3, 2005, in the Maximum Aggregate Principal Amount of \$11,900,000, in the Wastewater Utility Fund.

The Board of the Wastewater Utility Enterprise (the "Board") unanimously adopted Ordinance No. 4, of the Board of the Wastewater Utility Enterprise, on First Reading on September 6, 2005, which authorizes the issuance of City of Fort Collins Colorado, Wastewater Utility Enterprise, Sewer Revenue Refunding Bonds, Series 2005, Dated October 3, 2005, in the Maximum Aggregate Principal Amount of \$11,900,000 (the "Bonds"). The Bonds will be issued to refund, pay and discharge the outstanding Sewer Revenue Refunding Bonds, Series 1995. The City will be paying off higher cost bonds with new bonds that will have lower interest rates. The final rates will be determined by selling the Bonds at a competitive sale on October 3, 2005. The City Charter authorizes the City

to form enterprises to issue municipal revenue bonds and, since 1992, all utility bonds have been issued by the appropriate utility enterprise. However, the Charter grants the Council the power to appropriate the funds. Therefore, this action by the Council, which was unanimously adopted on First Reading on September 6, 2005, is necessary in order to appropriate the bond proceeds, approved by the Board, for the Wastewater Utility. Authorizing the issuance of the bonds and appropriating the proceeds are both necessary to complete the bond transaction.

8. Second Reading of Ordinance No. 097, 2005, Authorizing the City Manager to Extend the Term of the Agreement Between the City and CH2M Hill, Inc. for Engineering Services at the Fort Collins-Loveland Municipal Airport.

There is an urgent need to conduct design work for airport improvements which will be completed during next summer's construction season. In order to obtain the most favorable construction costs it is necessary to solicit bids over the winter months. Due to the complexity of the project the design work needs to commence as soon as possible and will take approximately 6 months to complete.

The current Agreement with CH2M Hill expires this October 31, 2005. In order to start this work now and continue work beyond the Agreement expiration term it is necessary to extend the term of the Agreement for one year to October 31, 2006. The funds necessary to complete the design fees have already been adopted in the 2005 Airport budget; 95% of the costs are recovered from an existing FAA Grant and 2.5% of the Airport's match will come from a Grant from the State of Colorado.

Ordinance No. 097, 2005, was unanimously adopted on First Reading on September 6, 2005.

9. Second Reading of Ordinance No. 098, 2005, Authorizing an Option to Lease, and a Subsequent Lease of, City-Owned Property at City Park North Ballfield to New Cingular Wireless PCS, LLC, for the Location of Antenna Equipment and Related Facilities, Along With an Associated Easement.

Cingular Wireless Company contacted the Parks Division to discuss the possible lease of land for an antenna and related equipment to enhance its cellular phone service. The property to be leased and a related utility easement are located in City Park, north of the ballfields. Council has approved similar leases for Sprint, VoiceStream, and Cricket in the same area. Through a series of negotiations, staff has developed a proposed Option and Structure Lease Agreement that meet the needs of the City and Cingular. Ordinance No. 098, 2005, was unanimously adopted on First Reading on September 6, 2005.

10. Items Relating to the Appropriation of Miscellaneous Revenues for the Air Quality Program.
- A. First Reading of Ordinance No. 100, 2005, Appropriating Unanticipated Grant Revenue in the General Fund for the Climate Wise Program.
 - B. First Reading of Ordinance No. 101, 2005, Appropriating Unanticipated Grant Revenue in the General Fund for the Natural Resources Radon Program and

Authorizing the Transfer of Matching Funds Previously Appropriated in the Natural Resources Operating Budget to the Grant Project.

- C. First Reading of Ordinance No. 102, 2005, Appropriating Unanticipated Grant Revenue in the General Fund for the Natural Resources CMAQ Project and Authorizing the Transfer of Matching Funds Previously Appropriated in the Natural Resources Operating Budget to the Grant Project.
 - D. First Reading of Ordinance No. 103, 2005, Appropriating Unanticipated Grant Revenue in the General Fund for the Natural Resources Emissions Testing Transition Project and Authorizing the Transfer of Matching Funds Previously Appropriated in the Natural Resources Operating Budget to the Grant Project.
11. First Reading of Ordinance No. 104, 2005, Appropriating Unanticipated Revenue in the General Fund for Police Services DUI Sobriety Checkpoints.

The Office of Transportation Safety, Colorado Department of Transportation, has received funding from the Federal government for DUI sobriety checkpoints throughout the state between Memorial Day and Labor Day this year.

Fort Collins Police Services was asked to participate by holding four checkpoints during this period. The checkpoints were staffed by off-duty officers working overtime and the grant funds will pay for the overtime costs. Any funds not used for the checkpoints will be used to augment regular DUI enforcement during the summer through the use of off-duty officers.

12. First Reading of Ordinance No. 105, 2005, Appropriating Unanticipated Revenue in the General Fund for E911 and Emergency Medical Dispatch Systems at Fort Collins Police Services Dispatch Center.

LETA collects a monthly fee from all county telephone users and allocates those funds to purchase and maintain equipment used to process E911 phone calls; train users; and dispatch appropriate Emergency Services Providers. In 2003, LETA developed a budget allocation formula for each Public Safety Answering Point (also known as Emergency Services Dispatch Center or "Center") based on the number of Dispatchers and the number of E911 phones calls received in each Center. Based on the formula, LETA provides the funds to the individual Centers to pay expenses. The 2005 amount based on 2004 expenditures for Fort Collins Police Services is \$10,391.

In the same manner, a formula was developed for each Center for Emergency Medical Dispatch ("EMD") based on the number of dispatchers and the number of EMD calls handled by the Center. The 2005 amount based on 2004 expenditures for EMD based on the formula for Fort Collins Police Services is \$44,826.

The total amount to be appropriated from these two budgets is \$55,217.

13. Items Relating to Appropriating Unanticipated Revenue in the General Fund for the Larimer County Drug Task Force.

- A. First Reading of Ordinance No. 106, 2005, Appropriating Unanticipated Revenue in the General Fund for the Larimer County Drug Task Force.
- B. First Reading of Ordinance No. 107, 2005, Appropriating Unanticipated Revenue in the General Fund for the Larimer County Drug Task Force.

Fort Collins Police Services applied to the Edward Byrne Justice Assistance Grant program on behalf of the Task Force for Federal Grant monies to help fund the investigation of illegal narcotics activities in Larimer County. The Task Force includes Fort Collins Police Services, Loveland Police Department, Larimer County Sheriff's Department, Drug Enforcement Administration, and the Colorado State University Police Department.

The grant award for \$92,526 will be used for rental and operational costs at the Task Force off-site location and for the purchase of narcotics from drug dealers by undercover police officers. The grant award for \$105,804 will be used to buy supplies and operating costs for the Colorado State University detective, for the purchase of narcotics from drug dealers by undercover police officers and to pay for overtime costs incurred by drug task force operations. These appropriations are not requests to identify new dollars for Police Services 2005 budget, instead they simply appropriate new Federal grant money.

14. First Reading of Ordinance No. 108, 2005, Amending the Fort Collins Land Use Code Regarding Annexation of Uses Not Legally Permitted.

City Council approved Ordinance No. 070, 2005 on July 5, 2005. This ordinance enacted numerous Land Use Code amendments that were proposed as part of the Spring 2005 Biannual revisions. One of the amendments in the ordinance clarified the annexation regulations as they pertain to uses not legally permitted in the county. Specifically, the amendment established a maximum two year amortization period for uses not legally permitted that were knowingly allowed to continue by the County.

Staff recommended the two year amortization period for uses not legally permitted as a fair and reasonable timeframe in which to allow the illegal use to be abated once the property is in the city. The amendment also contained a stipulation that if the illegal use is the subject of a County initiated zoning or nuisance enforcement action, then the amortization period would end within the time established as a result of the enforcement action or within two years, whichever occurs first.

15. First Reading of Ordinance No. 109, 2005, Authorizing the Purchasing Agent to Enter into an Extension of the Golf Professional Services Agreement at SouthRidge Golf Course for up to Five Additional Years.

The existing Agreement with SouthRidge Golf Professional Dale W. Smigelsky, PGA, expires on December 31, 2005. This five-year Agreement was entered into on December 19, 2000, after being awarded through Request For Proposal (RFP) # P-777. As stated in both the RFP documents and the Agreement, "...This Agreement may be extended beyond

the original five (5) year term if performance is satisfactory and subject to City Council approval and negotiation of a mutually acceptable extension agreement".

16. Emergency Ordinance No. 110, 2005, Suspending Enforcement of the Rule Prohibiting More than Three Unrelated Persons From Occupying a Dwelling Unit as Such Rule Applies to Victims of Hurricane Katrina.

On September 6, 2005, as a part of the Council's consideration of Resolution 2005-099, which Resolution encouraged local support for the victims of Hurricane Katrina, Council directed staff to prepare an emergency ordinance which would have the effect of suspending the "three-unrelated rule" as it applied to victims of Hurricane Katrina. It was also requested by the Council that this suspension of the "three-unrelated rule" be continued for only one year.

This emergency ordinance will suspend for one year the enforcement of the rule which prohibits more than three unrelated persons from occupying a dwelling unit for the limited purpose of accommodating victims of Hurricane Katrina, provided that such victims can show the enforcing officer bona fide evidence that they are persons who were displaced by the hurricane. Since the Land Use Code is the present tool available to the City to enforce the "three-unrelated rule," and since it is anticipated that, in October, Council will be considering a more detailed ordinance containing that prohibition, it was decided to utilize a kind of "moratorium/suspension" as the mechanism whereby the Council's request can be most easily accommodated. Since the Ordinance is only effective for one year, the Ordinance is not of such a permanent nature as to need to be codified, and since it is broadly worded, it will cover both the existing Land Use Code prohibition as well as the new prohibition anticipated to be enacted in October.

17. Items Relating to the East Ridge Second Annexation and Zoning.

- A. Hearing and Resolution 2005-100 Setting Forth Findings of Fact and Determinations Regarding the East Ridge Second Annexation.
- B. First Reading of Ordinance No. 111, 2005, Annexing Property Known as the East Ridge Second Annexation to the City of Fort Collins, Colorado.
- C. First Reading of Ordinance No. 112, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the East Ridge Second Annexation to the City of Fort Collins, Colorado.

The East Ridge Second Annexation and Zoning represents a follow-up action to bring in a small area of land identified for mitigation purposes for the pond and wetlands as part of the original East Ridge Annexation. This negotiated section of approximately 1/2 acre extended into the adjacent property to the south – triggering the requirement for annexation. Contiguity with the existing municipal boundary is gained along the entire northern boundary which is shared with the south property line of the East Ridge Annexation (152.81 acres).

This is a 100% voluntary annexation for a property located within the Growth Management Area. The property satisfies the requirement that no less than one-sixth of the perimeter boundary be contiguous to the existing City boundary. Combined with the original East Ridge Annexation, the two parcels total 153.3 acres. The recommended zoning is L-M-N, Low Density Mixed-Use Neighborhood District. The rezoning request is consistent with the adopted East Mulberry Corridor Plan.

18. Resolution 2005-101 Finding Substantial Compliance and Initiating Annexation Proceedings for the Interchange Business Park First Annexation.

The Interchange Business Park First Annexation is 15.55 acres in size. The site is generally located south of East Mulberry Street and east of Interstate 25 and the Southeast Frontage Road. Contiguity with the existing municipal boundary is gained along a portion of the south boundary which abuts the State Highway 14 – East Frontage Road Annexation.

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. The hearing will be held at the time of First Reading of the annexation and zoning ordinances on November 15, 2005. Not less than 30 days prior, published notice is required by State law.

19. Resolution 2005-102 Finding Substantial Compliance and Initiating Annexation Proceedings for the Interchange Business Park Second Annexation.

The Interchange Business Park Second Annexation is 34.08 acres in size. The site is generally located south of East Mulberry Street and east of Interstate 25 and the Southeast Frontage Road. Contiguity with the existing municipal boundary is gained along the entire south and a portion of the southeast boundary which abut the Interchange Business Park First Annexation.

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. The hearing will be held at the time of First Reading of the annexation and zoning ordinances on November 15, 2005. Not less than 30 days prior, published notice is required by State law.

20. Resolution 2005-103 Finding Substantial Compliance and Initiating Annexation Proceedings for the Interchange Business Park Third Annexation.

The Interchange Business Park Third Annexation is 12.70 acres in size. The site is generally located south of East Mulberry Street and east of Interstate 25 and the Southeast Frontage Road. Contiguity with the existing municipal boundary is gained along the entire east property line which abuts the Interchange Business Park Second Annexation.

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. The hearing will be held at the time of First Reading of

the annexation and zoning ordinances on November 15, 2005. Not less than 30 days prior, published notice is required by State law.

21. Resolution 2005-104 Finding Substantial Compliance and Initiating Annexation Proceedings for the Minatta Annexation.

The applicant, John Minatta, on behalf of the property owners, John Minatta, Al Minatta, Sam Minatta, and Evelyn Minatta, has submitted a written petition requesting annexation of 35.829 acres located on the west side of Overland Trail, at the southwest corner of the Overland Trail - West Elizabeth Street intersection. The property is partially developed, containing one existing single-family residence and a portion of the existing Fort Collins-Loveland Water District Pump Station. It is in the FA-1 Farming District in Larimer County. The requested zoning for this annexation is LMN - Low Density Mixed-Use Neighborhood and RF - Residential Foothills. The surrounding properties are currently zoned FA-1 Farming in Larimer County to the north, LMN - Low Density Mixed-Use Neighborhood in the City to the east, RL - Low Density Residential in the City to the south, and RF – Residential Foothills in the City to the west and the south.

The proposed Resolution makes a finding that the petition substantially complies with the Municipal Annexation Act, determines that a hearing should be established regarding the annexation, and directs that notice be given of the hearing. The hearing will be held at the time of first reading of the annexation and zoning ordinances. Not less than thirty days of prior notice is required by State law.

22. Resolution 2005-105 Adopting the National Incident Management System Principles and Policies.

Since the terrorist attacks of September 11, 2001, the Federal Government has adopted policies and procedures to be utilized in the event of a major emergency or disaster. For state and local governments to continue to receive Homeland Security funding they must adopt and agree to use the NIMS incident management system. Homeland Security funding has provided hundreds of thousands of dollars for training, planning, exercises, and equipment over the last few years. The State of Colorado has already adopted NIMS for use with state emergencies.

Fort Collins Police and Poudre Fire Authority utilize this type of Incident Management system and have been trained in the use of the NIMS system. Adopting this resolution will require the training of other key City personnel that would be involved in any type of emergency or disaster. By training and utilizing this system, we can be assured that Fort Collins, other assisting agencies, State and Federal agencies would be familiar with and accustomed to the NIMS incident management system in the event of an emergency in Fort Collins. This would improve staff's ability to effectively manage the emergency. Staff believes adoption of this resolution will improve our ability to interact and work with State and Federal agencies that would be assisting Fort Collins in the event of any type of major emergency.

23. Resolution 2005-106 Approving a Proposed Collective Bargaining Agreement with the Fraternal Order of Police and Authorizing the Resolution of Pending Litigation.

Passage of Citizen-initiated Ordinance No. 001, 2004 by City voters modified the City Code to provide for collective bargaining between the City and members of the Police Services bargaining unit. While significant portions of the City Code establishing collective bargaining are in dispute, the City and the Fraternal Order of Police Lodge #3 ("FOP") have agreed to enter into a voluntary collective bargaining agreement. This Resolution ratifies the terms and conditions of the voluntary agreement, which takes effect January 1, 2006 and terminates December 31, 2007. This Resolution also approves an agreement with the FOP to settle the pending law suit by stipulating to a judgment which would invalidate the mandatory arbitration and anti-benefit reduction provisions of the Ordinance.

24. Resolution 2005-107 Appointing Two Representatives to the Colorado Municipal League Policy Committee.

Appointments to the CML Policy Committee are made each fall and members serve for a one-year period. Each member municipality of the League is entitled to a representative, and all cities over 100,000 are entitled to designate two representatives.

This Resolution appoints Mayor Pro Tem Karen Weitkumat and City Manager Darin Atteberry to represent the City of Fort Collins on the Colorado Municipal League Policy Committee.

25. Routine Deeds and Easements.

A. Non-Exclusive permanent easement agreement from the Board of Governors of the Colorado State University System for a waterline easement, located on the Hughes Stadium CSU Foothills Campus (CSU will transfer the water supply loop to the City upon completion). Monetary consideration: \$0.

END CONSENT

26. Consent Calendar Follow-up.

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

27. Staff Reports.

28. 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.

29. Second Reading of Ordinance No. 099, 2005, Expanding the Boundaries of the Fort Collins, Colorado Downtown Development Authority and Amending the Plan of Development of the Authority. (30 minutes - 5 minute staff presentation)

This annexation would expand the boundaries of the Fort Collins Downtown Development Authority (DDA) District to include the following properties:

1. City of Fort Collins Transportation Services property (bounded by Linden Street on the West, Vine Drive on the North, Lemay Avenue on the East and by the New Belgium Brewing property on the south).
2. Platte Valley Lumber, Inc, 725 East Vine Drive.
3. The New Belgium Brewing property on the north side of Buckingham from Linden to Lemay.
4. 27.33 acres on the north side of East Vine Drive and directly east of the Platte Valley Lumber property, owned by Rocky Mountain Raptor Program.
5. An additional property owned by Judy Kolz (Buckeye Limited Liability) located on the south side of Buckingham Street just east of the Buckingham neighborhood.

Ordinance No. 099, 2005, was adopted 5-1 (Nays: Ohlson) on First Reading on September 6, 2005.

30. Public Hearing on the 2006-2007 Recommended Biennial Budget for the City of Fort Collins. (undetermined time allotment - 15 minute staff presentation)

This is the first official public hearing on the City Manager's 2006-2007 Recommended Biennial Budget for the City of Fort Collins. The purpose of this public hearing is to gather public input on the 2006-2007 budget.

In an effort to receive further public input, a second public hearing is scheduled for the October 4, 2005 Council meeting. Additionally, Budget Open House and Public Education Sessions will be held Monday, September 19, 2005 from 4:30-6:30 p.m. at the Lincoln Center and Thursday, September 22, 2005 from 4:30-6:30 p.m. (location to be determined). Public input will also be taken during the budget adoption meetings on Wednesday, November 2 and Tuesday, November 15, 2005 at 6:00 p.m. in the Council Chambers.

The City Manager's 2006-2007 Recommended Budget can be reviewed at the Main Library, the Harmony Branch Library, or the City Clerk's Office. The recommended budget can also be viewed on the internet at www.fcgov.com/budget.

31. Pulled Consent Items.

32. Other Business.

33. 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.