



# REGULAR MEETING AGENDA

## FORT COLLINS CITY COUNCIL

October 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

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 “Diligence” as the Community Character Focus of the Month for October.
- B. Proclamation Proclaiming the month of October as National Arts and Humanities Month.
- C. Proclamation Declaring the month of October as Disability Awareness Month.

### **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. **Before speaking, please sign in at the table in the back of the room.** The timer will buzz once when there are 30 seconds left and the light will turn yellow. The timer will buzz again at the end of the speaker's time. 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 26. 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. Postponement of Second Reading of Ordinance No. 133, 2006, Authorizing the Grant of an Access, Drainage, and Utility Easement from the City to The Greens at Collindale Homeowners Association to November 7, 2006.

D. Geisler Development and Packard Enterprise, Inc. is developing The Greens at Collindale PUD, First Replat, located on South Lemay Avenue adjacent to Collindale Golf Course, which is owned by the City of Fort Collins. The proposed access, drainage, and utility easement will relocate and provide a necessary detention area for the development. The Greens at Collindale Homeowners Association has requested that the developer put funds into an escrow account to ensure completion of improvements associated with the easement. The developer does not believe this is necessary. A postponement of Second Reading until November 7, 2006 is requested as the developer and the Homeowners Association have not yet reached an agreement on this issue.

7. Second Reading of Ordinance No. 139, 2006, Amending Land Use Code Sections 3.8.7(a)(3)(C) Regarding Amortization of Nonconforming Signs and 3.8.11(b) Regarding Fencing.

This Ordinance, unanimously adopted on First Reading on September 5, 2006, changes the amortization period from 5 years to 7 years for nonconforming permanent signs located on properties annexed into the City and allows barbed wire fences and electrically charged fences used for livestock and pasture management in UE and RUL zones.

8. Second Reading of Ordinance No. 140, 2006, Amending Chapter 26, Article VI, Division 4 of the Code of the City Relating to Rates and Charges for Electric Service.

This Ordinance was unanimously adopted on First Reading on September 5, 2006 and uses Utility reserve funds to cover all except 5% of the 25% mandated service rights fee for Poudre Valley Rural Electric Authority (PVREA) customers in the Southwest Enclave Annexation area.

9. Second Reading of Ordinance No. 141, 2006, Amending Chapter 26, Article VII, Division 2 of the Code of the City Relating to Stormwater Fees.

This Ordinance, which was unanimously adopted on First Reading on September 5, 2006, phases in monthly stormwater utility fees over a five-year period, charging 20% of the total fee the first year, then 40, 60, 80 and 100%, respectively.

10. Second Reading of Ordinance No. 142, 2006, Amending Chapter 15, Article XI of the Code of the City of Fort Collins Pertaining to Secondhand Dealers and Flea Markets.

This Ordinance was unanimously adopted on First Reading on September 5, 2006. It changes the licensing requirements for secondhand dealers/flea markets so that the owner of the flea market is the licensed secondhand dealer rather than the individual booth operators and specifies record keeping requirements for flea market operators so as not to put an undue burden on individual booth operators, while still addressing and satisfying the intent of the record requirements of identification of stolen property.

Minor changes were made between First and Second Readings in order for the City and Police Services to have records of all vendors during the permit period, rather than just those renting only at the time of application. This will enable greater accountability and ease in enforcement should a question arise regarding a certain item of property.

11. Second Reading of Ordinance No. 143, 2006, Amending Section 4-73 of the Code of the City of Fort Collins Relating to the Possession of Wild or Exotic Animals.

This Ordinance, which was unanimously adopted on First Reading on September 5, 2006, exempts animal shelters and bird rescue and education centers from restrictions on the possession and feeding of wild animals.

12. Second Reading of Ordinance No. 144, 2006, 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.

The Colorado Department of Public Health and Environment has awarded the City a \$5,760 grant for continuing education and outreach to encourage radon testing and mitigation. This Ordinance, unanimously adopted on First Reading on September 19, 2006, appropriates the unanticipated grant revenue for this program. Matching funds of \$5,760 will be provided from the existing 2006 Air Quality Improvement Budget.

13. Second Reading of Ordinance No. 145, 2006, Amending Section 17-101 of the City Code Establishing Criteria for Discharge of a Weapon Permit.

This Ordinance, which was unanimously adopted on First Reading on September 19, 2006, amends the City Code to provide the Police Chief authority to issue a non-transferable, revocable permit allowing the discharge of firearms or weapons by any public or private entity or private person at a specific location to test-fire firearms cleaned or repaired at a licensed firearms dealer's business location within appropriately zoned areas of the City and only to those businesses operating prior to annexation.

14. Second Reading of Ordinance No. 146, 2006, Authorizing the Conveyance of a Conservation Easement on City Natural Area Property (Round Butte Ranch Phase 2) 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 September 19, 2006, authorizes the conveyance of a 720-acre conservation easement on Round Butte Ranch, Phase 2, to Larimer County and authorizes a grant agreement with the Board of the Great Outdoors Colorado Trust Fund. The City will receive a \$212,700 grant from Great Outdoors Colorado to support the conservation of the property. The grant requires that a conservation easement be placed on the property and conveyed to a qualified third party. The conservation easement acknowledges and protects the natural qualities of the property. It also allows a single five-acre building envelope as well as continued ranching and other compatible activities.

15. Second Reading of Ordinance No. 147, 2006, Authorizing the Conveyance of a Telephone Cable Right-of-Way Easement to Qwest Corporation on Cathy Fromme Prairie Natural Area.

There is an existing telephone cable running along the north edge of Cathy Fromme Prairie where it abuts Taft Canyon Subdivision to the north. Qwest acknowledges the cable was put in by Qwest and that Qwest is presently using the cable for telephone service. This Ordinance, unanimously adopted on First Reading on September 19, 2006, conveys a perpetual, nonexclusive easement for the Qwest telephone cable.

16. Second Reading of Ordinance No. 149, 2006, Appropriating Unanticipated Revenues in the City's General Fund and Prior Year Reserves in the Wastewater Fund for the Purpose of Recording the Transfer of Certain Surplus Properties from the Utilities to the General Fund in Exchange for Certain Properties Historically Used for Utilities Purposes but Not Acquired with Ratepayer Revenues and Approving Said Transfer.

This Ordinance, unanimously adopted on First Reading on September 19, 2006, exchanges properties between Utilities and other non-Utilities City purposes. City staff has identified two properties formerly used by Utilities but no longer needed for Utilities purposes - the remaining 25-acre portion of the Wastewater Utility's Resource Recovery Farm and the Electric Utility's Old Power Plant Building at 430 North College Avenue. In exchange for these properties, four properties will be transferred to Utilities. The properties to be transferred to Utilities include three sites that are, and have for years, been in use for Utilities purposes but were not purchased with Utilities funds initially: the Water Treatment Plant #1 site (the area not in use as Gateway Park), the Old Waterworks property on North Overland Trail, and the Mulberry Wastewater Treatment Plant. The fourth property for possible transfer to Utilities is the Police Annex site, Lots 36 and 37, less the north 80 feet, of Block 32 in the City of Fort Collins. This property may be an appropriate future location for Utilities' Customer Information Services office, when it is relocated from 330 South College Avenue. The Charter requires Utilities to reimburse other City funds for services received, and vice-versa. The City's Real Estate Services staff has prepared value estimates for each of the properties and, based on those estimates, Utilities will pay the amount of \$13,400, the difference in total values, to the General Fund in order to make the exchange an even one.

17. Items Relating to the Manufacturing Equipment Use Tax Rebate Program.

- A. First Reading of Ordinance No. 151, 2006, Continuing and Modifying a Manufacturing Equipment Use Tax Rebate Program for Fort Collins Manufacturers.
- B. First Reading of Ordinance No. 152, 2006, Appropriating Prior Year Use Tax Carryover Reserves for the Manufacturing Equipment Use Tax Rebate Program.

The Manufacturing Equipment Use Tax Rebate Program was intended to encourage reinvestment by local manufacturing firms in new manufacturing equipment. The goal of the Program is to maintain the local economic base by providing modest tax relief to manufacturing concerns located in Fort Collins. Investment in manufacturing equipment used to be made every three or four years, but the current standard is every twelve to eighteen months.

The Program remains an economic incentive for retaining local manufacturers. Modifications were last made in 1999 to reflect requests made by the manufacturing community. This year, staff received input from local manufacturers and reviewed the current Program and proposes this Ordinance to modify the Program to better serve the manufacturing business community.

18. First Reading of Ordinance No. 153, 2006, Appropriating Prior Year Reserves and Unanticipated Revenue in Various Funds and Authorizing the Transfer of Appropriated Amounts Between Funds or Projects.

The purpose of this annual "clean-up" ordinance is to combine dedicated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and, therefore, not included in the 2006 budget. The unanticipated revenue is primarily from fees, charges, rents, contributions and grants that have been paid to City departments to offset specific expenses.

19. First Reading of Ordinance No. 154, 2006, Appropriating Unanticipated Revenue in Street Oversizing Contributions-in-Aid in the Street Oversizing Fund for the Drake and Zeigler Road Improvements, Phase 2.

Arterial street improvements are planned for Ziegler Road, from Environmental Drive south to Horsetooth Road (approximately 4,500 linear feet). These street improvements will include realigning and constructing Ziegler Road to a minor arterial street standard, relocating a portion of the Fossil Creek Inlet Ditch ("FCRID") to accommodate the arterial roadway, the construction of a bridge over the Foothills Channel, the construction of a bridge over the FCRID, and the construction of an outfall channel from the existing Rigden Pond to the Poudre River. In order to facilitate the roadway construction in 2007, the relocation of the FCRID and the construction of the bridge structures need to be completed this winter, prior to irrigation season.

In meeting City requests for off-site improvements, developers are able to choose between actually building the improvements or paying the City an equivalent amount that the City then spends when it determines it is most appropriate to do so. These payments are referred to as the "contributions-in-aid-of-construction." This appropriation of the contributions-in-aid-of-construction will allow engineering and bid documents to be prepared and construction of the structures and ditch relocation to be awarded prior to the 2007 construction season. Staff has coordinated this project with the planned construction of a new trunk sewer line to be constructed by the City's water and wastewater utility. This is the second phase of the Drake Road and Ziegler Road Improvement Project. The first phase consisted of roadway improvements on Drake Road from Timberline to Environmental Drive.

20. First Reading of Ordinance No. 155, 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.

Local health and human service agencies have asked the City to assist in providing a facility to house a temporary emergency daytime shelter for the homeless in the event of severe winter weather. This Ordinance allows for the use of the facility at 220 North Howes Street as an emergency severe weather shelter until April 30, 2007.

21. First Reading of Ordinance No. 156, 2006, Amending Section 4.17(B)(2)(c) of the Land Use Code to Add a Permitted Use to the R-D-R, River Downtown Redevelopment Zone District.

This is a request for a text amendment to the Land Use Code to add *Health Clubs* as a permitted use in the River Downtown Redevelopment Zone District. The new use is proposed as being subject to Administrative Review (Type One).

22. Items Relating to the Front Range Second Rezoning and Structure Plan Amendment.

- A. Resolution 2006-101 Amending the City's Structure Plan Map.
- B. Hearing and First Reading of Ordinance No. 157, 2006, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Front Range Second Rezoning.

This is a request for a City Structure Plan amendment and rezoning of 45 acres located along the west side of South College Avenue from Trilby Road to Skyway Drive.

The 45 acres are part of a larger, 58-acre land area. The current City Structure Plan and zoning map both designate an integrated pattern of NC, Neighborhood Commercial, and MMN, Medium Density Neighborhood, and C, Commercial Corridor, for this land area. This request would revert the 45-acre subject area to C, Commercial zoning, and thereby consolidate the whole 58-acre area into C, Commercial zoning. (The difference of 13 acres is already zoned Commercial.)

23. Items Relating to the New Dawn Fort Collins (Rigden Farm) Rezoning and Structure Plan Amendment.

- A. Resolution 2006-102 Amending the City's Structure Plan Map.
- B. Hearing and First Reading of Ordinance No. 158, 2006, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the New Dawn Fort Collins Rezoning.

This is a request to amend the City Structure Plan and zoning map on a 3.9 acre parcel located at the southeast corner of Iowa Drive and Limon Drive, in the Rigden Farm development. The current City Structure Plan designation is Neighborhood Commercial Center, with zoning the corresponding NC - Neighborhood Commercial District. The applicant proposes a Structure Plan amendment on 3.9 acres to Medium Density Mixed-Use Neighborhood.

24. First Reading of Ordinance No. 159, 2006, Authorizing the Acceptance of a Donation of Real Estate from Everline LLC, and Appropriating Unanticipated Revenue to the Natural Areas Fund.

The property to be donated is a 72.195 acre parcel known as Tract B, Fossil Lake PUD, First Filing, Fort Collins, Colorado. The current owner and donor is Everline, LLC, a subsidiary of the Everitt Companies. The owner of this tract purchased and developed approximately 200 acres of land along the north shore of Fossil Creek Reservoir. The subject parcel, Tract B, abuts the Fossil Creek Reservoir shoreline and is subject to a conservation easement granted to Larimer County by the Everline LLC in 1999.

25. First Reading of Ordinance No. 160, 2006, Authorizing a Right-of-Way Easement and Temporary Construction Easements on City-Owned Property at Meadow Springs Ranch, for Overland Pass Pipeline Company, LLC.

Overland Pass Pipeline Company, LLC, has requested a right-of-way construction easement to construct a liquid natural gas pipeline through the Meadow Springs Ranch, owned by the City. This Ordinance will authorize conveyance of the right-of-way easement and temporary construction easements.

26. Resolution 2006-103 Making an Appointment to the Women's Commission.

A vacancy currently exists on the Women's Commission due to the resignation of Paula Cole. Councilmembers Weitkunat and Ohlson reviewed the applications on file and interviewed one new applicant. The Council interview team is recommending Jill Walusis to fill the vacancy.

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| <b>END CONSENT</b> |
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27. Consent Calendar Follow-up.

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

28. Staff Reports.

29. 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. **Please sign in at the table in the back of the room.** The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

30. Second Reading of Ordinance No. 150, 2006, Authorizing Amendments to the Intergovernmental Agreements Between the City and Poudre School District and Thompson School District Pertaining to the Land Dedication and In-Lieu Fee Requirements Contained in Such Agreements. (no staff presentation - 10 minute discussion)

Since 1998, the City of Fort Collins has collected a fee-in-lieu of land dedication for both Poudre School District and Thompson School District. These fees allow a residential developer to pay a school site fee to the School Districts rather than to dedicate a parcel of land to the District for development of future schools. The ability of the school districts to require land dedication is provided under State of Colorado Statute.

The last time the amount of these fees was adjusted was in 2001. This Ordinance, adopted on First Reading on September 19, 2006 by a vote of 6-1 (Nays: Brown), changes the amount of the fees for each district and also modifies the fee structure to reduce the cost in payments for larger, multi-family developments. The school districts requested a substantial increase to the fees in reaction to substantial increases in the cost of securing appropriate school sites. The Ordinance was amended on First Reading to phase in the fee increase for the Poudre School District. The first increase will take place on January 1, 2007 and increase the fee to \$1200 per dwelling unit. The second increase to \$1800 per dwelling unit will occur on January 1, 2008.

31. Second Reading of Ordinance No. 148, 2006, Authorizing the Grant of a Non-exclusive Easement and Right-of-Way to Platte River Power Authority for Construction and Maintenance of a 230kV Transmission Line. (5 minute staff presentation - 30 minute discussion)

Platte River Power Authority is requesting a 75-foot wide, non-exclusive easement for a 230kV transmission line across Colina Mariposa Natural Area along the east side of Shields Street, south of Trilby Road. Staff was aware that the Natural Areas Easement Policy does not allow overhead power lines to be built across natural areas and has worked with Platte River for over a year to find a solution. Platte River has offered to perform a number of

extensive mitigation projects in hopes the policy can be waived in this instance. Staff and the Land Conservation and Stewardship Board have concluded that the alignment of the transmission line is the only reasonable alignment and the mitigation projects offered serve to mitigate the impacts to the natural area and surrounding open spaces. This Ordinance, adopted on First Reading by a vote of 4-3 (Nays: Manvel, Ohlson, Roy), authorizes conveyance of a non-exclusive easement.

32. Items Relating to the Southwest Enclave Annexation and Zoning. (5 minute staff presentation - 30 minute discussion)

- A. Second Reading of Ordinance No. 137, 2006 Annexing Property Known as the Southwest Enclave Annexation.
- B. Second Reading of Ordinance No. 138, 2006, Amending the Zoning District Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in Phase One of the Southwest Enclave Annexation to the City of Fort Collins, Colorado.

This is an involuntary annexation of an enclave area approximately 2.7 square miles (1731 acres) in size, generally bordered on the north by Harmony Road, the south by Trilby Road, South Taft Hill Road on the west and 1/4 mile east of College Avenue to the east. Ordinance No. 137, 2006, adopted on First Reading on September 5, 2006 by a vote of 5-2 (Nays: Brown, Ohlson), annexed the area into the City of Fort Collins. Ordinance No. 138, 2006, unanimously adopted on First Reading on September 5, 2006, designated zoning of lands contained within Phase One of the Southwest Enclave Annexation.

33. Items Relating to the Harmony/Shields Rezoning. ( 20 minute staff presentation - 90 minute discussion)

- A. Resolution 2006-104 Amending the City's Structure Plan Map.
- B. First Reading of Ordinance No. 161, 2006, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Harmony and Shields Rezoning.

This is a request to amend the Structure Plan map and rezone a 58 acre parcel located on the west side of South Shields Street, north of Harmony Road. The rezone would essentially “switch” portions of the area zoned NC, Neighborhood Commercial, presently located in between the proposed Troutman Parkway extension and Wake Robin Lane, with portions of the area zoned Medium Density Mixed Use Neighborhood district. The resulting zone districts would include an NC-zoned parcel at the northwest corner of Harmony and Shields with the balance of the site zoned M-M-N, Medium Density Mixed Use Neighborhood.

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.