



REGULAR MEETING AGENDA

FORT COLLINS CITY COUNCIL

October 17, 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

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 Declaring October 28, 2006 as "Make a Difference Day".
- B. Recognition by the Mayor of 4 winners of Commission on Disability Awards.

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 28. 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. 35, 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 August 15, 2006 Regular Meeting and August 22, 2006 Special Meeting.7. Items Relating to the Manufacturing Equipment Use Tax Rebate Program.

- A. Second Reading of Ordinance No. 151, 2006, Continuing and Modifying a Manufacturing Equipment Use Tax Rebate Program for Fort Collins Manufacturers.
- B. Second 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. These Ordinances, unanimously adopted on First Reading on October 3, 2006, continue this program.

8. Second 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. This Ordinance was unanimously adopted on First Reading on October 3, 2006.

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

Arterial street improvements are planned for Ziegler Road, from Environmental Drive south to Horsetooth Road. This Ordinance, which was unanimously adopted on First Reading on October 3, 2006, appropriates contributions-in-aid-of-construction to 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.

10. Second 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. The facility will only be open Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m. on those days when the high daily temperature is forecast to reach a temperature, wind chill temperature, or wet bulb temperature of no more than 39 degrees Fahrenheit. This Ordinance, unanimously adopted on First Reading on October 3, 2006, allows for the use of the facility at 220 North Howes Street as an emergency severe weather shelter until April 30, 2007.

11. Second 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 Ordinance, unanimously adopted on First Reading on October 3, 2006, amends 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).

12. Second 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.

Ordinance No. 157, 2006, unanimously adopted on First Reading on October 3, 2006, rezones 45 acres located along the west side of South College Avenue from Trilby Road to Skyway Drive. This Ordinance reverts the 45-acre subject area to C, Commercial zoning.

13. Second 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 Ordinance, which was unanimously adopted on First Reading on October 3, 2006, rezones 3.9 acres located at the southeast corner of Iowa Drive and Limon Drive, in the Rigden Farm development to MMN - Medium Density Mixed-Use Neighborhood.

14. Second 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.

This Ordinance, unanimously adopted on First Reading on October 3, 2006, authorizes the acceptance of a donation of real estate from Everline, LLC, a subsidiary of the Everitt Companies. The parcel is located along the north shore of Fossil Creek Reservoir and abuts the Fossil Creek Reservoir shoreline.

15. Second 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, unanimously adopted on First Reading on October 3, 2006, authorizes conveyance of the right-of-way easement and temporary construction easements.

16. Items Relating to the Multi-jurisdictional Drug Task Force.

- A. First Reading of Ordinance No. 162, 2006, Appropriating Unanticipated Grant Revenue from the Office of National Drug Control Policy in the General Fund for the Larimer County Drug Task Force
- B. First Reading of Ordinance No. 163, 2006, Appropriating Unanticipated Grant Revenue from the Bureau of Justice Assistance in the General Fund For the Larimer County Drug Task Force

These Ordinances appropriate grant funds received by the Larimer County Drug Task Force from the Office of National Drug Control Policy and the Bureau of Justice Assistance. These funds are to be used to fund the investigation of illegal narcotics activities in Larimer County.

17. First Reading of Ordinance No. 164, 2006, Adopting, and Determining the Effective Date of, the District-Precinct Map for the 2007 Regular Municipal Election.

This Ordinance adopts the District-Precinct Map for the 2007 regular municipal election for the purposes of (1) determining the eligibility for District Council offices for the April 2007 election; (2) determining eligibility for any interim appointments to fill any District Council vacancies which may occur after November 17, 2006; and (3) determining residency for voting in any special municipal election conducted after November 17, 2006.

18. First Reading of Ordinance No. 165, 2006, Establishing Local Provisions for the Conduct of Mail Ballot Elections.

This Ordinance establishes local provisions for the conduct of mail ballot elections in Fort Collins and supersedes Title 1, Article 7.5 of the Colorado Revised Statutes, as well as any rules and regulations promulgated by the Secretary of State regarding mail ballot elections.

19. Items Relating to the Arbor South Second Annexation and Zoning.

- A. Hearing and First Reading of Ordinance No. 166, 2006, Annexing Property Known as the Arbor South Second Annexation to the City of Fort Collins, Colorado.
- B. Hearing and First Reading of Ordinance No. 167, 2006, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Arbor South Second Annexation to the City of Fort Collins, Colorado.

This is a request to annex and zone 1.83 acres located on the west side of South College Avenue, east of Fossil Boulevard, and north of West Fairway Lane. It is currently vacant, undeveloped property and is in the T – Tourist Zoning District in Larimer County. The requested zoning in the City of Fort Collins is C - Commercial.

20. First Reading of Ordinance No. 168, 2006, Vacating Portions of Right-of-way as Dedicated on the Plat of Provincetowne P.U.D., Filing No. 2.

This Ordinance vacates portions of right-of-way located in the Provincetowne, Filing Two that are no longer necessary. A temporary access, drainage and utility easement is retained.

21. Items Relating to the Provincetowne P.U.D. Filing Three Development.

- A. First Reading of Ordinance No. 169, 2006, Declaring Certain City-Owned Property in Provincetowne P.U.D. As Road Right-Of-Way
- B. First Reading of Ordinance No. 170, 2006, Authorizing the Conveyance of a Perpetual Drainage Easement and Temporary Construction Easement for the Provincetowne P.U.D. Filing Three Development Project.

The developer of Provincetowne P.U.D. Filing 2, KB Homes Inc., wishes to modify two cul-de-sacs in its development to connect with new roads included in the new Third Filing of Provincetowne P.U.D.. This modification would require the designation of a portion of

Outlot I of Filing 2 (future park site) as right-of-way. The developer also wishes to acquire a 30,771 square foot drainage easement through the future park site for the benefit of the development.

22. Items Relating to the 2007 Downtown Development Authority Budget.

- A. First Reading of Ordinance No. 171, 2006, Appropriating Operating Funds and Approving the Budget of the Downtown Development Authority for the Fiscal Year Beginning January 1, 2007, and Fixing the Mill Levy for the Downtown Development Authority for 2007 at Five Mills.
- B. First Reading of Ordinance No. 172, 2006, Appropriating Revenue in the Downtown Development Authority Debt Service Fund for Payment of Debt Service for the Year 2007.

The Downtown Development Authority Board of Directors (the "Board") adopted its proposed budget for 2007 totaling \$6,196,867 on September 7, 2006. The Board determined the mill levy necessary to provide for payment of administrative costs incurred by the DDA at its regular meeting of September 7, 2006. Ordinance No. 171, 2006, appropriates the DDA operating funds and sets the mill levy.

Ordinance No. 172, 2006, appropriates funds for 2007 DDA debt service payments from the tax increment received by the City.

23. Items Relating to Utility Rates and Charges for 2007.

- A. First Reading of Ordinance No. 173, 2006, Amending Chapter 26, Article III, Division 4 of the Code of the City of Fort Collins Relating to User Rates and Charges for Water.
 - B. First Reading of Ordinance No. 174, 2006, Amending Chapter 26, Article IV, Division 4 of the Code of the City of Fort Collins Relating to Wastewater Rates and Charges.
 - C. First Reading of Ordinance No. 175, 2006, Amending Chapter 26, Article VI, Division 4 of the Code of the City of Fort Collins Relating to Electric Development Fees and Charges.
 - D. First Reading of Ordinance No. 176, 2006, Amending Chapter 26, Article I & XII of the Code of the City Of Fort Collins Relating to Utility Bills and Notices and Administrative Regulations for Billing and Collection.
- Two of the Ordinances establish Utilities monthly water and wastewater rates for 2007 as follows:

	% Increase
Water	3
Wastewater	5

The water and wastewater increases will be “across the board” and do not vary by customer class. In total, a typical residential customer’s bill, charges for electric, water, wastewater and stormwater will increase \$1.41 in winter when water usage is low and \$3.27 in the summer when water is used for irrigation.

- Two Ordinances also make changes in development fees as follows:

The second phase of the wastewater plant investment fees (PIFs) will be implemented January 1, 2007 to comply with Council’s direction to phase such fees in over a three year period.

Electric development fees and charges are reviewed and updated annually to capture the costs associated with providing capital improvements to new development.

- Other changes addressed in the Ordinances are as follows:

In response to customer demand for the convenience of online bill payments, staff is recommending a modification to the Code to allow users an option of electronic delivery of utility bills and notices.

The water and wastewater Ordinances each include a new section of Code to expressly authorize the Utilities General Manger to enter into agreements to provide special services beyond those required for basic service. The new Code provision requires that a written agreement establishing charges which modify those in the Code be approved by the City Council pursuant to Section 6 of Article XII of the City Charter.

Other minor housekeeping changes and clarifications are also included in the ordinances.

24. Resolution 2006-105 Adopting a Revenue Allocation Formula to Define the City of Fort Collins’ Contribution to the Poudre Fire Authority Budget for the Year 2007 for Operations and Maintenance.

This Resolution establishes a Revenue Allocation Formula between the City of Fort Collins and the Poudre Fire Authority to contribute funding for maintenance and operating costs of Poudre Fire Authority.

25. Resolution 2006-106 Renaming Star Gazer Drive to Cosmos Lane.

This is a request to rename a street within Willow Brook Subdivision, located north of Kechter Road and west of Strauss Cabin Road. The street name change request was initiated by the City’s Engineering Department in collaboration with the property owner in order to avoid future confusion. The street name will be changed from Star Gazer Drive to Cosmos Lane.

26. Resolution 2006-107 Authorizing the Mayor to Execute a Revised Version of the Intergovernmental Agreement Between the City and Larimer County Regarding Cooperation on Managing Urban Development Within the Fort Collins Growth Management Area.

In November 2005, the City Council approved Resolutions 2005-129 and 2005-130 to expand the Fort Collins Growth Management Area (GMA) boundary to include the former Fossil Creek Cooperative Planning Area (CPA). In addition to the new version of the map showing the recently approved GMA boundary amendment, staff believes there are several minor wording edits that are also necessary to the Intergovernmental Agreement (IGA).

27. Resolution 2006-108 Expressing City Council's Opposition to Ballot Issue 38 in the November 7, 2006 Election and Urging Residents of the City to Vote Against Such Measure.

This Resolution expresses City Council's opposition to Amendment 38, which will eliminate local control over the initiative and referendum process.

28. Resolution 2006-109 Making Appointments to the Affordable Housing Board and the Human Relations Commission.

Several vacancies exist on the Affordable Housing Board due to the resignations of Chris Crutcher, Donna Wetzler, Michelle Jacobs and Joe Hebert. Applications were solicited and Councilmember Kastein conducted interviews. Councilmember Kastein is recommending Jason Oldham, Rachel Davis, Robert Sullivan and Dan Byers to fill the vacancies.

Several vacancies exist on the Human Relations Commission due to the resignations of Parker Preble, Lester Washington and Jeffery VanFleet. Applications were solicited and Councilmembers Roy and Brown conducted interviews. The Council interview team is recommending Karen Wong-Brown, Christina Matsushima and Lisa Poppaw-Schinnerer to fill the vacancies.

END CONSENT

29. Consent Calendar Follow-up.

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

30. Staff Reports.

31. 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.

32. Second 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. (10 minute staff presentation - 1 hour discussion)

This Ordinance, adopted on First Reading on October 3, 2006, by a vote of 4-3 (Nays: Manvel, Ohlson, Roy) rezones 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. The Ordinance has been amended to accurately reflect the basis for City Council’s findings.

33. Second Reading of Ordinance No. 122, 2006, Amending Article III of Chapter 12 of the Code of the City of Fort Collins to Conform to the Colorado Clean Indoor Act, and to Clarify Certain Provisions. (10 minute staff presentation - 30 minute discussion)

The Ordinance was previously presented to Council for Second Reading on September 5th and September 19th. Staff has developed three versions of the Ordinance, which are being presented for Council consideration, based on input from the Council. Option A deals primarily with public health and is the most restrictive of the options. It would "grandfather" current tobacco businesses including their smoking lounges, but would limit future retail tobacco establishments to those that are primarily engaged in the sale of tobacco products. Lounge areas in those new establishments would be limited to a size that would be suitable for sampling of the products for sale, but not for use as lounge areas. Option B proposes a "level playing field" for all tobacco businesses including existing and future businesses. Option B1 also offers a “level playing field” but adds size limitations on smoking establishments and on smoking areas within those establishments.

34. First Reading of Ordinance No. 177, 2006, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2007; Amending the Budget for the Fiscal Year Beginning January 1, 2007, and Ending December 31, 2007; and Fixing the Mill Levy for Fiscal Year 2007. (30 minute staff presentation - 90 minute discussion)

This Ordinance amends the adopted 2007 Budget and sets the amount of \$472,620,071 to be appropriated for fiscal year 2007. The Net City Budget, which excludes internal transfers between City funds, is \$379,328,212 for 2007. The Net City Budget, as amended, is allocated to:

	Adopted 2007	Amended 2007
Operations	\$322,633,068	\$322,799,201
Debt Service	24,269,655	24,269,655
Capital	26,465,106	32,259,356

This Ordinance also sets the 2007 City mill levy at 9.797 mills, unchanged since 1991.

35. Pulled Consent Items.

36. Other Business.

37. 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.