

# **AGENDA**

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

October 19, 2004

## **Proclamations and Presentations**

**5:30 p.m.**

- A. Proclamation Proclaiming October 23, 2004 as “Make a Difference Day”.
- B. Proclamation Proclaiming November 8, 2004 as “World Town Planning Day”.
- C. Proclamation Proclaiming November 15, 2004 as “America Recycles Day”.
- D. Recognition of Laurel Elementary School Students.

## **Regular Meeting**

**6:00 p.m.**

### PLEDGE OF ALLEGIANCE

“McGraw IB Choristers” Elementary School Choir will sing the National Anthem.

- 1. CALL MEETING TO ORDER.
- 2. ROLL CALL.
- 3. CITIZEN PARTICIPATION (limited to 30 minutes)
- 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

## 6. CONSENT CALENDAR

The Consent Calendar consists of Item Numbers 7 through 19. 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 Agenda Item #26, Pulled Consent Items. The Consent Calendar consists of:

- 1) Ordinances on First Reading that are routine;
- 2) Ordinances on Second Reading that are routine;
- 3) Those of no perceived controversy;
- 4) Routine Administrative actions.

### CONSENT CALENDAR

7. Consideration and approval of the Council meeting minutes of September 7 and September 21, 2004.
8. Second Reading of Ordinance No. 161, 2004, Appropriating Prior Year Reserves and Unanticipated Revenue in Various Funds and Authorizing the Transfer of Appropriated Amounts Between Funds.

This Ordinance, which was unanimously adopted on First Reading on October 5, 2004, appropriates prior year reserves and unanticipated revenue in various City funds, and authorizes the transfer of appropriated amounts between funds. The City Charter permits the City Council to provide by ordinance for payment of any expense from prior year reserves. The Charter also permits the City Council to appropriate unanticipated revenue received as a result of rate or fee increases or new revenue sources.

9. Second Reading of Ordinance No. 162, 2004, Amending Section 2-140 of the City Code Concerning the Citizen Review Board's Review of Police Internal Investigations.

Under Chapter 2, Division 8 of the City Code, the City's Citizen Review Board is authorized to review certain kinds of internal investigations conducted by Police Services. In several subsections of Section 2.140, the Code states that: "upon completion of its review, the board shall concurrently convey any recommendations concerning the sufficiency and accuracy of the administrative investigation as conducted by Police Services and any other observations about the investigation to the City Manger and the Chief of Police. The review shall be completed and any recommendations conveyed before the Chief of Police makes a decision regarding the merits of the administrative investigation or the complaint".

The Citizen Review Board recommends that this language be changed to the following: "Upon completion of its review, the board shall concurrently convey any observations or recommendations regarding the administrative investigation conducted by Police Services, and the findings reached by the investigating and reviewing officers(s), to the City Manager and the Chief of Police."

Ordinance No. 162, 2004, was unanimously adopted on First Reading on October 5, 2004.

10. Second Reading of Ordinance No. 163, 2004, Authorizing the Execution of an Administrative Order on Consent By the United States Environmental Protection Agency and a Related Environmental Covenant in Connection With Environmental Contamination and Remediation in the Cache La Poudre River Near the Northside Aztlan Community Center Property.

This Ordinance, which was unanimously adopted on First Reading on October 5, 2004, authorizes the execution of an Administrative Order on Consent by the United States Environmental Protection Agency in connection with environmental contamination and remediation in the Cache La Poudre River Near the Northside Aztlan Community Center Property.

11. First Reading of Ordinance No. 164, 2004, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2005; Amending the Budget for the Fiscal Year Beginning January 1, 2005, and Ending December 31, 2005; and Fixing the Mill Levy for Fiscal Year 2005.

This Ordinance amends the adopted 2005 Budget and sets the amount of \$462,762,068 to be appropriated for fiscal year 2005. The Net City Budget, which excludes internal transfers between City funds is \$363,200,943 for 2005.

This Ordinance also sets the 2005 City mill levy at 9.797 mills, unchanged since 1991.

12. First Reading of Ordinance No. 165, 2004, Amending Section 7.5-61 of the City Code by Modifying the "Pavement Impact Fee" and Adding a "Utility Locate Coring Fee".

This is a fee adjustment that is necessary in order to catch up with the increased costs of street construction (inflation) that have occurred since the fee was created five years ago. The proceeds from the Pavement Impact Fee and the proposed "Utility Locate Coring Fee" accrue to the Pavement Management Program. These fees are calculated to offset the adverse impacts of street cuts to the life of the pavement. It is estimated the City will issue approximately 500 excavation permits in 2005. These fee increases will generate approximately \$15,000 of additional revenue in 2005.

13. First Reading of Ordinance No. 166, 2004, Appropriating Prior Year Use Tax Carryover Reserves for the Manufacturing Equipment Use Tax Rebate Program.

In March 1996, Council approved a temporary rebate program for use taxes paid on manufacturing equipment. The goal of the program is to maintain the local economic base by providing modest tax relief to manufacturing concerns in Fort Collins. The program has provided rebates to manufacturers for use taxes paid during the calendar years 1996 through 2001. The rebate program was discontinued for calendar year 2002 due to challenging economic conditions. Council reinstated the program in January of 2004 for a two-year period. Under the rebate program, the payments are made in arrears. This is a rebate of taxes paid in 2003 and not a tax exemption. Six companies have filed applications this year for a total of \$265,000 in rebates. The source of funding for the rebate program is the sales and use tax fund, specifically the use tax carry-over reserve.

14. First Reading of Ordinance No. 167, 2004, Adopting a Proposed District-Precinct Map.

This Ordinance adopts the District-Precinct Map for the 2005 regular municipal election for the purposes of (1) determining the eligibility for District Council offices for the April 2005 election; (2) determining eligibility for any interim appointments to fill any District Council vacancies which may occur after November 26, 2004; and (3) determining residency for voting in any special municipal election conducted after November 26, 2004.

15. First Reading of Ordinance No. 168, 2004, Authorizing the Lease of the Natural Area Located South of Fort Collins Jointly Owned by the City of Fort Collins and the City of Loveland for Dryland Wheat Farming for up to Five Years.

This natural area was purchased in March of 2000. The City of Loveland, Larimer County, GOCO Funds and the City of Fort Collins participated in the purchase. An Intergovernmental Agreement about this property was entered into on March 22, 2000. As per this Intergovernmental Agreement, the purchasing participants designated that the City of Loveland has a 75% interest in the Property and the City of Fort Collins has the remaining 25% interest in the Property. Further, the Intergovernmental Agreement specifies that the City of Loveland is the managing entity for this property.

Since the purchase of this property, the property has been used for dryland farming. Of the total 785 acres, only 550 acres of land are being used for rotational wheat crops, with 275 acres in crop production annually and the remaining land being fallow. The terms of the lease will require payment of \$10 per acre for the acreage planted. The lease can be automatically renewed each year on July 31 with a final termination date of July 31, 2008.

16. Items Pertaining to the College and Trilby Annexation.

- A. Resolution 2004-122 Setting Forth Findings of Fact and Determinations Regarding the College and Trilby Annexation.
- B. Hearing and First Reading of Ordinance No. 169, 2004, Annexing 5.76 Acres, Known as the College and Trilby Annexation.
- C. Hearing and First Reading of Ordinance No. 170, 2004, Zoning 5.76 Acres, Known as the College and Trilby Annexation, into the NC – Neighborhood Commercial Zoning District.

This is a request to annex and zone 5.76 acres located at the northwest corner of State Highway 287 (South College Avenue) and Trilby Road. The property is partially developed, containing one vacant building and parking. There is an undeveloped building pad site on the property. It is in the C – Commercial Zoning District in Larimer County. The requested zoning for this annexation is NC – Neighborhood Commercial. The surrounding properties are currently zoned C - Commercial in Larimer County to the south and east and NC – Neighborhood Commercial in the City to the west and the north. This is a 100% voluntary annexation.

Staff is recommending that this property be excluded from the Residential Neighborhood Sign District.

17. Resolution 2004-123 Finding Substantial Compliance and Initiating Annexation Proceedings for the Liebl Annexation.

The Liebl Annexation is a request to annex and zone 2.8 acres of land located along the east side of Timberline Road, south of Kechter Road. The site contains an existing single family residence and detached garage. The parcel is designated UE – Urban Estate on the Fort Collins Structure Plan and the Fossil Creek Reservoir Area Plan. The anticipated land use is a bed and breakfast consistent with the design standards in the UE zone district. The parcel is currently zoned FA1 - Farming in Larimer County.

The proposed Resolution states it is the City's intent to annex this property and directs that the notice required by State Statutes be given of the Council's hearing to consider the annexation ordinance. The public hearing for the annexation ordinance must occur no less than 30 days and no greater than 60 days from adoption of the Resolution finding compliance with State Statutes.

18. Resolution 2004-124 Adopting a Revenue Allocation Formula to Define the City of Fort Collins' Contribution to the Poudre Fire Authority Budget for the Year 2005 for Operations and Maintenance.

In December 1981, the Council entered into an agreement with the Poudre Valley Fire Protection District, creating the Poudre Fire Authority ("PFA").

According to the Intergovernmental Agreement between the City of Fort Collins and the Poudre Valley Fire Protection District, the City will contribute funding for maintenance and operating costs to the Authority based on a Revenue Allocation Formula ("RAF"). The RAF is to be set annually based upon a percentage of sales and use tax revenues (excluding dedicated sales and use tax revenues that must be spent on specific projects) and a portion of the operating mill levy of the City's property tax. Article X, Section 20 of the State Constitution ("TABOR") limits the rate of growth to a combination of the Denver-Boulder-Greeley Consumer Price Index and additions to the local property tax base primarily due to construction and annexation. Although voters passed a ballot measure in November, 1997 allowing the City to retain excess revenues over the growth limits imposed by TABOR, the RAF is still reviewed annually and proportionately reduced, when necessary, if City revenues exceed the estimated annual percentage increase in revenues that the City would be permitted to retain under TABOR.

19. Resolution 2004-125 Supporting the City's Entry into the Great American Main Street Awards Competition.

This Resolution states City Council's endorsement of the City's entry into the Main Street Awards competition sponsored by the National Trust for Historic Preservation.

**\*\*\*END CONSENT\*\*\***

20. Consent Calendar Follow-up.

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

21. Staff Reports.

22. Councilmember Reports.

## ITEMS NEEDING INDIVIDUAL CONSIDERATION

23. Consideration of the Appeal of the August 26, 2004, Determination of the Planning and Zoning Board to Disapprove the CDOT Poudre River Rest Area Site Plan Advisory Review. (1 hour - 10 minute staff presentation)

On August 26, 2004, the Planning and Zoning Board unanimously denied the CDOT Poudre River Rest Area Site Plan Advisory Review request to construct a 3,300 gross square foot rest area immediately south of the Colorado Welcome Center, near the intersection of Prospect Road and the I-25 frontage road, 1/4 mile west of the I-25/Prospect interchange.

The property lies within two zone districts: RC – River Conservation and POL – Public Open Lands.

On September 9, 2004, a Notice of Appeal was received by the City Clerk's office regarding the decision of the Planning and Zoning Board. In the Notice of Appeal from the Appellant Karla Harding, CDOT Region 4 Transportation Director, it is alleged that: “The Planning and Zoning Board (the “Board”) failed to properly interpret and apply relevant law and failed to conduct a fair hearing.”

24. Hearing and First Reading of Ordinance No. 171, 2004, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the 221 West Prospect Road Rezoning. (45 minutes - 10 minute staff presentation)

This is a request to rezone Lot 10 of the Griffin Subdivision, which is located at the southeast corner of West Prospect Road and Tamasag Drive and known as 221 West Prospect Road. This parcel is 26,800 sq. ft. in size (0.62 acres) and is currently zoned E – Employment. The proposed rezoning would rezone the property into the CC – Community Commercial zone district. The parcel is designated as part of the Mason Street Transportation Corridor and is identified as part of the Campus District on the City of Fort Collins Structure Plan Map.

The 221 West Prospect Road rezoning was presented to the Planning and Zoning Board on September 16, 2004. The Planning and Zoning Board recommended denial of the rezoning request.

25. Items Relating to Utility Rates and Charges for 2005. (30 minutes - 10 minute staff presentation)
- A. First Reading of Ordinance No. 172, 2004, Amending Chapter 26, Article IV, Division 4 of the City Code Relating to Wastewater Fees.
  - B. First Reading of Ordinance No. 173, 2004, Amending Chapter 26, Article VI, Division 4 of the City Code Relating to Electric Rates and Charges.

- C. First Reading of Ordinance No. 174, 2004, Amending Chapter 26, Article VII, Division 2 of the City Code Relating to Stormwater Fees.
- D. First Reading of Ordinance No. 175, 2004, Amending Chapter 26, Article III, Division 5, of the City Code Relating to the Raw Water Requirement for Nonresidential Service.
- E. First Reading of Ordinance No. 176, 2004, Amending Chapter 26, Article XII of the City Code Relating to Budget Billing.

This item consists of five Ordinances establishing the Utilities rates for 2005. Overall, rates for utility services are proposed to increase as follows:

	<u>% Increase</u>	<u>Cost Per Avg Household/Month</u>
Wastewater	5.00%	\$ .85
Electric	4.35%	\$1.85
Stormwater	7.00%	\$1.00

26. Pulled Consent Items.

27. Other Business.

- A. Motion to cancel the November 2, 2004 Council meeting.

28. Adjournment.

This meeting needs to be adjourned to October 26 to allow the Council to consider any business that may come before the Council.