

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

November 20, 2001

Proclamations and Presentations

5:30 p.m

- A. Presentation of Exemplary Citizenship Award to Ellen Long.

Regular Meeting

6:00 p.m.

PRESENTATION OF COLORS BY FALCON PACK 98.

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 23. 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 #24, 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. Second Reading of Ordinance No. 162, 2001, Appropriating Unanticipated Revenue in the General Fund for Police Services Drunk Driving Enforcement Program.

The Colorado Department of Transportation has awarded Fort Collins Police Services a 2002 Law Enforcement Assistance Fund (L.E.A.F.) grant in the amount of \$35,000 to help reduce the number of drunk drivers in Fort Collins. Ordinance No. 162, 2001, which was unanimously adopted on First Reading on November 6, 2001, provides overtime compensation for Fort Collins Police Officers who are involved in Operations, which focuses on the detection and arrest of drunk drivers.

8. Second Reading of Ordinance No. 163, 2001, Authorizing an Option to Lease, and a Subsequent Lease of, City-Owned Property at City Park North Ballfield to Cricket Colorado Property Company, for the Location of Antenna Equipment and Related Facilities, Along With Associated Easements.

Cricket Colorado Property Company, a division of Cricket Communication ("Cricket") 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 and Voice Stream in the same area. Through a series of negotiations, staff has developed a proposed Site Lease with Option that meet the needs of the City and Cricket. Ordinance No. 163, 2001, was unanimously adopted on First Reading on November 6, 2001.

9. Second Reading of Ordinance No. 164, 2001, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands for a Natural Area Along Spring Creek on a Portion of Lot 1 of Shadowbrook P.U.D.

Over the past several years the Brookhaven Homeowner's Association has approached the City inquiring whether the City was interested in purchasing land along Spring Creek as the creek moves through its Planned Unit Development. In June of this year, the Association presented a formal proposal to sell 2.484 acres of land along Spring Creek to the Natural Resources Department for \$10,000. Staff has reviewed and approves the proposal.

However, due to the restrictive nature of the Associations' Condominium Declaration for the conveyance of property, the Associations' Board of Directors has requested the City acquire the property through eminent domain. Without eminent domain, all Brookhaven Homeowners (approximately 50 homeowners) in the Association and any lending institutions holding deeds of trust on each condominium would need to execute the conveyance document pursuant to the Bylaws of the Association. Ordinance No. 164, 2001, which was unanimously adopted on First Reading on November 6, 2001, authorizes the use of eminent domain proceedings to acquire the property.

10. Items Relating to Appropriation of Grant Revenues for Police Services.

- A. First Reading of Ordinance No. 198, 2001, Appropriating Unanticipated Revenue in the General Fund for Police Services and Authorizing the Transfer of Matching Funds Previously Appropriated in the Police Services Operating Budget to the Grant Project.
- B. First Reading of Ordinance No. 199, 2001, Appropriating Unanticipated Grant Revenue in the General Fund for Police Services for the Youth Community/Family Conferencing Program.

Local Law Enforcement Block Grant (LLEBG): Fort Collins Police Services has been awarded a grant under the U.S. Department of Justice, Local Law Enforcement Block Grant (LLEBG) program in the amount of \$75,275 for the procurement of equipment and technology relating to basic law enforcement functions. A local cash match of \$8,364 is required and will be met by the existing Police Services budget. The grant funds will be used to purchase computer, video, and photo imaging equipment, as well as a flexible articulating borescope for SWAT use.

11. First Reading of Ordinance No. 200, 2001, Appropriating Prior Year Use Tax Carryover Reserves for the Manufacturer's Use Tax Rebate Program.

In March 1996, City Council approved a temporary rebate program for use tax paid on manufacturing equipment. The program was amended in February 1999 to include several changes suggested by staff and the manufacturing community. The goal of the program is

to maintain the local economic base by providing modest tax relief to manufacturing concerns located in Fort Collins. During 2000, the City of Fort Collins received \$3,438,535 in use tax receipts from eligible companies within the Standard Industrial Code classification for manufacturers. This constitutes 65% of all use tax paid by local businesses in 2000.

12. First Reading of Ordinance No. 201, 2001, Appropriating Prior Year Reserves Designated for Community Park Improvements in the Capital Improvement Expansion Fund and Neighborhood Parkland Fund Prior Year Reserves for Transfer to the Building Community Choices Capital Projects Fund Fossil Creek Community Park Capital Project for Use With Existing Appropriations to Construct a Maintenance Facility.

Neighborhood and community park impact fees are assessed on new residential dwellings and these fees are used to build new neighborhood and community park improvements described in the current approved plan. The current Parks and Recreation Policy Plan identifies the need for central maintenance facilities for these neighborhood and community parks. Fossil Creek Community Park will have a maintenance facility that will be used to maintain that park, and will also be used to maintain a future 50-acre community park and seven neighborhood parks in the southeast area of the city. Funding for Fossil Creek Community Park cannot be used to pay for the maintenance facilities for the other parks because this funding was approved by the voters for Fossil Creek Park. The neighborhood and community park impact fees for maintenance facilities will be used to enlarge the maintenance facility at Fossil Creek Park. The larger facility will provide adequate space to store equipment and materials for the other southeast parks and to accommodate the needs of the crews that will maintain those parks. Enlarging the Fossil Creek maintenance facility is the most efficient, cost-effective way to provide maintenance facilities for these southeast parks.

13. First Reading of Ordinance No. 202, 2001, Authorizing the Conveyance of Non-Exclusive Utility, Drainage and Temporary Construction Easements at Fort Collins-Loveland Municipal Airport for the Loveland-Fort Collins Industrial Airpark 9th Subdivision.

The Cities of Fort Collins and Loveland each own a 50% share of the Fort Collins-Loveland Municipal Airport. Centre Point LLC has received approval of the Loveland-Fort Collins Industrial Airpark 9th Subdivision from the Loveland Planning Commission, but is required to obtain the proposed utility, drainage and temporary construction easements in order to develop the Subdivision. Centre Point has agreed to improve the Airport retention pond by increasing its size. The improvements to be constructed in the easements will also be beneficial for the Airport.

Section 23-111 of the City Code provides that the City Council must authorize the sale, or conveyance of real property owned by the City following a determination that to do so is in the best interest of the City.

14. First Reading of Ordinance No. 203, 2001, Authorizing the Conveyance of Two Non-exclusive Easements in Connection with the Community Horticulture Center Project.

The development of the City's Community Horticulture Center site requires the conveyance of two easements: (1) an easement for the new location of the Sherwood Lateral Ditch, which will be moved from its current location; and (2) an emergency access easement for Poudre Fire Authority. The Community Horticulture Center project is currently in (Type 1) development review and a public hearing date has been set for December 5, 2001. The anticipated construction start date for the project is expected to be late February of 2002.

15. First Reading of Ordinance No. 204, 2001, Making Various Amendments to the City of Fort Collins Land Use Code.

Staff has identified a variety of proposed changes, additions and clarifications in the Fall biannual update of the Land Use Code. The Planning and Zoning Board will consider the proposed changes at its November 15, 2001 meeting. The Board's recommendation will be provided under separate cover.

16. First Reading of Ordinance No. 206, 2001, Amending Section 2-575 of the City Code Relating to Councilmember Compensation.

Article II, Section 3 of the City Charter provides that the compensation of Councilmembers shall be adjusted annually for inflation in accordance with the Denver/Boulder Consumer Price Index. In 2001, Councilmembers were compensated \$550 per month, and the Mayor received \$825 per month.

This Ordinance amends Section 2-575 of the City Code to set the 2002 compensation of Councilmembers at \$575 and the compensation of the Mayor at \$860.

17. First Reading of Ordinance No. 207, 2001, Amending Section 2-474 of the Code of the City of Fort Collins to Increase from Seven to Nine the Number of Commissioners of the Fort Collins Housing Authority.

The Fort Collins Housing Authority has been established by the Fort Collins City Council, pursuant to the provisions of the Colorado Revised Statutes (C.R.S.) for the purpose of providing affordable, safe and sanitary housing for low income families in our community. C.R.S. §29-4-205(3)(a), allows for as many as nine members of the Board of Commissioners of the Housing Authority. The current Commissioners respectfully request a revision to City Code to allow for the appointment of nine Commissioners. The Commissioners believe that the addition of two Commissioners will allow for more expertise in the areas of development and financing of affordable housing.

18. First Reading of Ordinance No. 208, 2001, Amending Section 13-23 of the City Code Concerning Appeals to the Human Relations Commission.

Section 13-16 of the City Code provides that the Human Relations Commission (“HRC”) will hear appeals from decisions of the City Manager that find no probable cause related to an alleged violation of the Human Rights Code. As currently worded, Section 13-23 of the City Code requires the HRC to conduct an appeal hearing within 30 days of the filing of the appeal with the City Manager’s Office. Over the past couple of years, this 30-day time limit has been difficult to meet because the HRC’s regular meetings are monthly and obtaining a quorum for a special meeting is sometimes difficult to achieve.

The HRC has requested that the 30-day time limit be extended to 50 days. This request takes the following into consideration: there are sometimes as many as 35 days between regular meetings of the HRC; the parties to the appeal hearing need time to prepare for the hearing (a minimum of 10 days is usually necessary); and it generally takes several days from the filing of an appeal to coordinate the hearing date and location among the appealing parties, City support staff, and the 9 members of the HRC. When these factors are considered, the 30-day time limit can be difficult to meet. The additional time would allow for more scheduling flexibility while still ensuring a reasonably, timely hearing.

The Ordinance also adds a sentence which allows the HRC to adopt additional procedures for the conduct of the appeal hearing (such as those regulating the appeal notices, documentary evidence, witness statements, pre-hearing procedures, burden of proof, hearing procedures, decision of the commission on the merits, notification of decision, as long as those procedures do not conflict with the City Code or Charter). The procedures are intended to help ensure a fair yet efficient process for the conduct of the hearing.

19. Resolution 2001-156 Approving the Execution of an Agreement to Modify and Amend an Intergovernmental Agreement Concerning the Implementation of an “E911” Emergency Telephone Service.

The City of Fort Collins is a party to an Intergovernmental Agreement (“IGA”) dated November 14, 1990 which established a separate legal entity called the Larimer Emergency Telephone Authority (“LETA”). LETA is responsible for administering the operation of the emergency telephone service program (911) and defining the manner in which each of the parties will participate in the authority.

On July 16, 2001, the LETA Board of Directors approved an agreement to modify and amend the original IGA. The proposed modification will add the towns of Windsor and Johnstown as signatories to the IGA with regard to those portions of Larimer County now included within the respective boundaries of those municipalities. It also provides for representation for Windsor and Johnstown on the Larimer Emergency Telephone Authority (LETA) Board through the members designated in the IGA as representatives of the small towns in Larimer County that are signatories to the IGA. The Council approved similar

changes in 1999, which added the Windsor-Severence Fire Protection District and Colorado State University as signatories to the IGA.

20. Resolution 2001-157 Adopting the City of Fort Collins General Employees' Retirement Plan as Amended and Restated Effective December 31, 2001.

The City of Fort Collins General Employees' Retirement Plan (the Plan) provides retirement benefits for approximately 117 retirees and beneficiaries. The Plan has 407 active members and 114 former Members that have vested benefits as of the last valuation report.

Over the past few years the General Employees' Retirement Committee (the Committee), with assistance from the Plan's actuary and special legal counsel, identified and studied a number of changes to the Plan. The changes clarify, explain, and redefine some of the provisions of the Plan to conform to Internal Revenue Code changes, provisions of the Colorado Revised Statutes, and otherwise incorporate certain administrative practices. This is the first Plan restatement since 1992. Since that time, there have been several changes in the Internal Revenue Code however, the deadline for their implementation has been extended. Earlier this year, the Internal Revenue Service determined that, to remain tax-qualified, plans such as the City's should have the Plan changes made by the end of 2001.

The Resolution also amends the Plan for a change to the definition of Eligible Retirement Plan to include rollover distributions to other types of Plans and IRAs upon the employee's termination of employment. Under the IRS guidelines, this change cannot go into effect until 2002.

21. Resolution 2001-158 Expressing the City Council's Endorsement of the Larimer County Open Lands Master Plan and Urging the Approval of Said Plan by the Board of County Commissioners of Larimer County.

The development of the Larimer County Open Lands Master Plan has been a year-long citizen driven process. Considerable time and effort have been expended to ensure that County residents including City of Fort Collins residents had ample opportunity to give input and receive information about the master plan. This effort is reflected in the large amount of public participation received throughout the planning process.

22. Resolution 2001-159 Amending the Transfort Service Plan.

The Transfort Strategic Plan is a plan for the development of transit services from 2002 through 2010. On June 19, 2001 Council adopted the Transfort Service Plan as an Element of the Transfort Strategic Operating Plan. Staff is requesting that City Council amend the Service Plan Element to include transit services on the fixed route system of routes 9 and 14 and to include evening service on the paratransit system. Both of these changes are included in Transfort's proposed 2002-2003 budget and the implementation of these changes are contingent on City Council's adoption of the City's proposed 2002-2003 budget.

23. Routine Deeds and Easements.

- A. Easement for construction and maintenance of public utilities to replace a failed primary electric cable, from Mary G. McVicker, located at 707 Rocky Road. Monetary consideration: \$1500.
- B. Easement for construction and maintenance of public utilities to underground overhead electric system, from William E. and Cathy L. Hoffman, located 225 Wood Street. Monetary consideration: \$125.

*****END CONSENT*****

24. Pulled Consent.25. Consent Calendar Follow-up.

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

26. Staff Reports.27. Councilmember Reports.

Committees that have met since November 6, 2001 include:

Growth Management Committee

Poudre School District Liaison Committee

ITEMS NEEDING INDIVIDUAL CONSIDERATION

28. Second Reading of Ordinance No. 190, 2001, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for That Certain Property Known as the Johnson Property Rezoning.

Ordinance No. 190, 2001, was adopted by a vote of 6-1, on November 2, 2001, amending the Zoning Map of the City of Fort Collins to rezone approximately 217 acres of property located on the northeast corner of Timberline and Drake Roads. The property is currently zoned T – Transitional. The Structure Plan designation for the property is a combination of Industrial, Urban Estate, Low Density Mixed-Use Residential, Medium Density Mixed-Use Residential, and Neighborhood Commercial Center. The applicant is proposing to amend the Structure Plan to change the configuration of the Industrial designation, remove the Neighborhood Commercial Center designation from the site, slightly modify the boundary line between Medium Density Mixed-Use Residential and Low Density Mixed-Use Residential, and to slightly modify the boundary line between Urban Estate and Low Density Mixed-Use Residential. The applicant is also requesting to rezone the property to a combination of LMN, MMN, I, and UE to correspond to the requested Structure Plan amendment.

The Ordinance rezoning the property has been changed from the version presented to Council on November 6, 2001, in that the new version includes the legal descriptions of the zone district boundary configurations as directed by Council at that meeting.

29. Resolution 2001-160 Adopting the Northern Colorado Regional Communities I-25 Corridor Plan.

Eight regional communities have joined together to prepare the *Northern Colorado Regional Communities I-25 Corridor Plan* (the "Plan"). The Corridor encompasses an area roughly 1 mile on either side of the I-25 right-of-way for a distance of 32 miles from 2 miles south of Highway 56 (Berthoud exit) to County Road 58 just north of Fort Collins. This Plan establishes a framework for the communities to work together on issues of regional significance including unified quality of development, a local network of future multi-modal transportation improvements, and protection of significant natural areas and open lands within the Corridor. If adopted, the Plan will become an element of the City's Comprehensive Plan.

30. Resolution 2001-161 Repealing Resolution 99-46 and Adopting an Amendment to the Financial Management Policies.

For budget planning purposes, the City's services are categorized in one of three categories: primary, secondary and support. In recent discussions, City Council expressed a desire to consider "transportation" as a primary service.

The proposed Resolution amends the Financial Management Policies so that the list of primary services shown in paragraph D thereof includes the term "transportation" rather than "streets", and so that "Transfort" is eliminated from the list of secondary services shown in paragraph E; and repeals Resolution 99-46, since the principles for budget planning set forth in Resolution 99-46 are incorporated in the Financial Management Policies and future amendments to the principles for budget planning need only be made to the Financial Management Policies themselves. In effect, this new Resolution categorizes "transportation" as a primary service.

31. First Reading of Ordinance No. 209, 2001, Amending Section 2-581 of the City Code and Setting the Salary of the City Attorney.

City Council met in Executive Session on November 13, 2001 to conduct the performance appraisal of City Attorney Steve Roy. This Ordinance establishes the 2002 salary of the City Attorney.

32. First Reading of Ordinance No. 210, 2001, Amending Section 2-596 of the City Code and Setting the Salary of the City Manager.

City Council met in Executive Session on November 13, 2001 to conduct the performance appraisal of City Manager John Fischbach. This Ordinance establishes the salary of the City Manager.

33. First Reading of Ordinance No. 211, 2001, Amending Section 2-606 of the City Code and Setting the Salary of the Municipal Judge.

City Council met in Executive Session on November 13, 2001 to conduct the performance appraisal of Municipal Judge Kathleen M. Lane. This Ordinance establishes the 2002 salary of the Municipal Judge.

ITEMS RELATING TO ANNEXATIONS

34. Items Relating to the Cathy Fromme Natural Area First and Second Annexations.

A. Cathy Fromme Natural Area First Annexation.

1. Second Reading of Ordinance No. 177, 2001, Annexing Property Known as the Cathy Fromme Natural Area First Annexation.
2. Second Reading of Ordinance No. 178, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Cathy Fromme Natural Area First Annexation.

B. Cathy Fromme Natural Area Second Annexation.

1. Second Reading of Ordinance No. 179, 2001, Annexing Property Known as the Cathy Fromme Natural Area Second Annexation.
2. Second Reading of Ordinance No. 180, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Cathy Fromme Natural Area Second Annexation.

On October 2, 2001, Council unanimously adopted Resolution 2001-125 and Resolution 2001-126, Finding Substantial Compliance and Initiating Annexation Proceedings for the Cathy Fromme Natural Area First and Second Annexations.

On November 6, 2001, Council also adopted, by a 6-1 vote, Ordinance Nos. 177, 178, 179, 180, 2001, annexing and zoning the properties known as the Cathy Fromme Natural Area First and Second Annexation. The acreage of the two annexation sites are as follows: Cathy Fromme Natural Area First Annexation is approximately 81 acres, and Cathy Fromme

Natural Area Second Annexation is approximately 156 acres. The recommended zoning is Public Open Lands (POL), which is consistent with the Structure Plan designation of Rural/Open Lands and Stream Corridors.

35. Items Relating to the Coyote Ridge First, Second, Third, Fourth, Fifth, and Sixth Annexations.

A. Coyote Ridge First Annexation:

1. Second Reading of Ordinance No. 165, 2001, Annexing Property Known as the Coyote Ridge First Annexation.
2. Second Reading of Ordinance No. 166, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Coyote Ridge First Annexation.

B. Coyote Ridge Second Annexation:

1. Second Reading of Ordinance No. 167, 2001, Annexing Property Known as the Coyote Ridge Second Annexation.
2. Second Reading of Ordinance No. 168, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Coyote Ridge Second Annexation.

C. Coyote Ridge Third Annexation:

1. Second Reading of Ordinance No. 169, 2001, Annexing Property Known as the Coyote Ridge Third Annexation.
2. Second Reading of Ordinance No. 170, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Coyote Ridge Third Annexation.

D. Coyote Ridge Fourth Annexation:

1. Second Reading of Ordinance No. 171, 2001, Annexing Property Known as the Coyote Ridge Fourth Annexation.
2. Second Reading of Ordinance No. 172, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Coyote Ridge Fourth Annexation.

E. Coyote Ridge Fifth Annexation:

1. Second Reading of Ordinance No. 173, 2001, Annexing Property Known as the Coyote Ridge Fifth Annexation.
2. Second Reading of Ordinance No. 174, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Coyote Ridge Fifth Annexation.

F. Coyote Ridge Sixth Annexation:

1. Second Reading of Ordinance No. 175, 2001, Annexing Property Known as the Coyote Ridge Sixth Annexation.
2. Second Reading of Ordinance No. 176, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Coyote Ridge Sixth Annexation.

On October 2, 2001, Council unanimously adopted Resolutions Finding Substantial Compliance and Initiating Annexation Proceedings for each of the Coyote Ridge annexations listed in A through F above. On November 6, 2001, Council also adopted, by a vote of 6-1, annexation and zoning ordinances for each of the Coyote Ridge annexations.

36. Items Relating to the Fossil Creek Wetlands Natural Area Second Annexation.

- A. Second Reading of Ordinance No. 181, 2001, Annexing Property Known as the Fossil Creek Wetlands Natural Area Second Annexation.
- B. Second Reading of Ordinance No. 182, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Fossil Creek Wetlands Natural Area Second Annexation.

On October 2, 2001, Council unanimously adopted Resolution 2001-124, Finding Substantial Compliance and Initiating Annexation Proceedings for the Fossil Creek Wetlands Natural Area Second Annexation.

On November 6, 2001, Council also adopted, on First Reading, by a 6-1 vote, Ordinance No. 181, 2001 and Ordinance No. 182, 2001, annexing and zoning the property known as the Fossil Creek Wetlands Natural Area Second Annexation. The site is approximately 24.74 acres of publicly owned property located south of Trilby Road, east of Timberline Road, north of Carpenter Road, and west of I-25.

37. Items Relating to the Pineridge Fifth Annexation.

- A. Second Reading of Ordinance No. 183, 2001, Annexing Property Known as the Pineridge Fifth Annexation.
- B. Second Reading of Ordinance No. 184, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Pineridge Fifth Annexation.

On October 2, 2001, Council unanimously adopted Resolution 2001-123 Finding Substantial Compliance and Initiating Annexation Proceedings for the Pineridge Fifth Annexation.

On November 6, 2001, Council also adopted on First Reading, by a 6-1 vote, Ordinance No. 183, 2001 and Ordinance No. 184, 2001, annexing and zoning the property known as the Pineridge Fifth Annexation. The site is approximately 4.76 acres of publicly owned property located southeast of Hughes Stadium including a portion of the South Overland Trail and County Road 42C rights of way, and small piece of the Pineridge Natural Area.

38. Items Relating to the Westchase I and II Annexations.

- A. Items Relating to the Westchase I Annexation:
 - 1. Second Reading of Ordinance No. 185, 2001, Annexing Property Known as the Westchase I Annexation.
 - 2. Second Reading of Ordinance No. 186, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Westchase I Annexation.
- B. Westchase II Annexation:
 - 1. Second Reading of Ordinance No. 187, 2001, Annexing Property Known as the Westchase II Annexation.
 - 2. Second Reading of Ordinance No. 188, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Westchase II Annexation.

On October 2, 2001, Council unanimously adopted Resolutions 2001-127 and 2001-128 Finding Substantial Compliance and Initiating Annexation Proceedings for the Westchase I Annexation and Westchase II Annexation.

On November 6, 2001, Council also adopted on First Reading, by a 6-1 vote, ordinances annexing and zoning the properties known as the Westchase I and Westchase II annexations.

The acreage and location of the two annexation sites are as follows: The Westchase I Annexation and Zoning is approximately 4.279 acres, and is located within and just east of the Timberline Road right-of-way, just north of the intersection of Timberline and Trilby. The Westchase II Annexation is approximately 157.93 acres and is located north of the current Trilby Road alignment and east of the Westchase I Annexation. Both properties are located within the Fossil Creek Reservoir Planning Area.

Both properties are located within the Fort Collins Urban Growth Area (UGA). According to policies and agreements between the City of Fort Collins and Larimer County contained in the Intergovernmental Agreement for the Fort Collins Urban Growth Area, the City will agree to consider annexation of property in the UGA when the property is eligible for annexation according to state law.

ITEMS RELATING TO THE 2002 - 2003 BUDGET

BUDGET CONSENT ITEMS

Items Numbers 39 through 40 are being presented together in the Consent Calendar format. These items have been reviewed and discussed at Budget Study Sessions and are being presented in this manner to expedite their adoption. Any item may be withdrawn for discussion by any member of the Council, staff or public and will be considered after the balance of the Budget Consent is adopted.

39. Second Reading of Ordinance No. 191, 2001, Amending the City Code to Adjust the Capital Improvement Expansion, Neighborhood Parkland and Street Oversizing Fees for Increases Due to Increases in the Cost of Construction and Raw Water.

This Ordinance, which was unanimously adopted on First Reading on November 6, 2001, increases the fee schedules for the Capital Improvement Expansion Fees and Neighborhood Parkland Fee by the change in the 2000 Denver-Boulder-Greeley Consumer Price Index. Costs in the Capital Improvement Expansion Fees ("CIEF") Study and the fee schedule for the Neighborhood Parkland Fees were calculated using costs from 1995. The relevant governing provisions of the City Code call for increases to keep up with annual inflation, and the fees were last adjusted in late 2000. This Ordinance also increases the CIEF and the neighborhood parkland fees by the projected increase in the CPI-U of 4.91%. For the Neighborhood Parkland and Community Parkland fees, the fee levels are increased by \$75.00 and \$126.58, respectively to cover the increase in the raw water cost. The Street Oversizing fees are being increased by 5.96%, the increase in the cost of construction as reported in the Engineering News Record.

40. Items Relating to the 2002 Downtown Development Authority Budget.
- A. Second Reading of Ordinance No. 195, 2001, Appropriating Operating Funds and Approving the Budget of the Downtown Development Authority for the Fiscal Year

Beginning January 1, 2002, and Fixing the Mill Levy for the Downtown Development Authority for 2002.

The Downtown Development Authority (the "DDA") adopted the proposed DDA budget for 2002, totaling \$416,740, and determined the mill levy necessary to provide for payment of all properly authorized expenditures incurred by the District, at its regular meeting of November 1, 2001. Council unanimously adopted Ordinance No. 195, 2001, on First Reading on November 6, 2001.

- B. Second Reading of Ordinance No. 196, 2001, Appropriating Revenue in the Downtown Development Authority Debt Service Fund for Payment of Debt Service for the Year 2002.

This Ordinance, which was unanimously adopted on First Reading on November 6, 2001, appropriates funds for 2002 from the tax increment received by the City for the DDA for debt service payments.

END BUDGET CONSENT

*****BUDGET DISCUSSION ITEMS*****

41. Items Relating to Utility Rates for 2002.

- A. Second Reading of Ordinance No. 192, 2001, Amending Chapter 26, Article III, Division 4 of the City Code Relating to User Rates and Charges for Water.
- B. Second Reading of Ordinance No. 193, 2001, Amending Chapter 26, Article IV, Division 4 of the City Code Relating to Wastewater Fees and Charges.
- C. Second Reading of Ordinance No. 194, 2001, Amending Chapter 26, Article VII, Division 2 of the City Code Relating to Stormwater Fees.

As proposed in the 2002-2003 budget, these three ordinances increase the City's utility rates for customers inside the City limits by 6% for water service and 2% for wastewater service. Stormwater rates increase by 45% for all customers. Electric rates do not change. These changes will become effective on billings issued on or after January 1, 2002. The Water Board reviewed and recommended the rate changes in conjunction with its discussion on the 2002-2003 budget.

Ordinance No. 192, 2001, was adopted on First Reading on November 6, 2001, by a vote of 5-2. Ordinance No. 193, 2001, and Ordinance No. 194, 2001, were unanimously adopted on First Reading on November 6, 2001.

42. Second Reading of Ordinance No. 197, 2001, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2002 and Adopting the Budget for the Fiscal Years Beginning January 1, 2002, and Ending December 31, 2003, and Fixing the Mill Levy for Fiscal Year 2002.

Ordinance No. 197, 2001, which was unanimously adopted on First Reading on November 6, 2001, represents the annual appropriation for fiscal year 2002, and adopts the total City Budget for fiscal year 2002 at \$439,139,184 and for fiscal year 2003 at \$444,933,617. This Ordinance also sets the City mill levy at 9.797 mills, unchanged since 1991, for fiscal year 2002.

43. First Reading of Ordinance No. 205, 2001, Adopting the 2002 Classified Employees Pay and Classification Plan.

This Pay Plan continues in support of the practice of setting City pay range maximums at the market 70th percentile. Data from the public and private sectors, including reported published survey data and a special City of Fort Collins Compensation Survey, were used to determine the prevailing market rates for 100 benchmark jobs.

44. Pulled Budget Consent Items.

45. Other Business.

Motion to cancel the December 4, 2001 and January 1, 2002 regular Council Meetings.

46. Adjournment.

**MEETING OF THE BOARD OF DIRECTORS OF
GENERAL IMPROVEMENT DISTRICT NO. 1**

1. Call Meeting to Order.
2. Roll Call.
3. Second Reading of Ordinance No. 46, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2002 and Approving the Biennial Budget for the General Improvement District No. 1 for the Fiscal Years Beginning January 1, 2002 and January 1, 2003; Determining and Fixing the Mill Levy for the General Improvement District No. 1 for Fiscal Year 2002; and Directing the Secretary of the District to Certify Such Levy to the Board of County Commissioners of Larimer County.

Included in the recommended appropriations of the 2002 General Improvement District No. 1 budget is an appropriation of \$146,800 for lease payments in connection with the Lease Certificates of Participation for Street Improvements. An appropriation of \$106,572 is to be used for improvements to the Downtown District in accordance with the Downtown Capital Improvement Program approved by Council in 1992. The remaining appropriations requested for 2002, totaling \$26,000, will be used for the residential rebate program, electricity costs for downtown lighting and for routine maintenance costs within the District. On November 6, 2001, the Board unanimously adopted Ordinance No. 46 on First Reading.

4. Other Business.
5. Adjournment.