



REGULAR MEETING AGENDA

FORT COLLINS CITY COUNCIL

November 21, 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.

Regular Meeting 6:00 p.m.

PLEDGE OF ALLEGIANCE

1. CALL MEETING TO ORDER.
2. ROLL CALL.

**** Special Presentation of Inspiration Playground Funds by ACT.**

**** Special Presentation of a model of Streetcar #21 by the Fort Collins Municipal Railway Society.**

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 18. 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.27, 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. Second Reading of Ordinance No. 178, 2006, Appropriating Unanticipated Revenue in the General Fund to Develop the I-25 and State Highway 392 Interchange Improvement Plan.

This Ordinance, unanimously adopted on First Reading on November 7, 2006, appropriates a grant from the North Front Range Metropolitan Planning Organization ("MPO") in the amount of \$25,420. This grant is to develop the I-25/SH 392 Interchange Improvement Plan.

7. Second Reading of Ordinance No. 179, 2006, Appropriating Unanticipated Revenue in the Recreation Fund to be Used for the Youth Pottery Program.

The City Recreation Division was recently awarded a matching grant from the Colorado Council on the Arts in the amount of \$7,030. This Ordinance, unanimously adopted on First Reading on November 7, 2006, appropriates \$7,030 to support the Youth Pottery Program

in 2006/2007 and authorizes the transfer of appropriations totaling \$3,515 from the Recreation Fund 2006 operating budget to grant project budget, representing the required 2006 matching dollars. Grant matching funds for 2007 (\$3,515) are included in the Recreation Fund 2007 budget.

8. Second Reading of Ordinance No. 181, 2006, Appropriating Unanticipated Grant Revenue and Prior Year Reserves in the General Fund for the Restorative Justice Program and Authorizing the Transfer of Matching Funds Previously Appropriated in the Police Services Operating Budget to the Grant Project.

A grant in the amount of \$30,635 has been received from the Colorado Division of Criminal Justice (DCJ) for salaries associated with the continued operation of the Restorative Justice Program. This Ordinance, unanimously adopted on First Reading on November 7, 2006, appropriates the grant money.

9. Postponement of Second Reading of Ordinance No. 182, 2006, Authorizing and Approving the Issuance and Sale of Not to Exceed \$20,000,000 Pollution Control Refunding Revenue Bonds (Anheuser-Busch Project) Series 2006 of the City of Fort Collins, Colorado, to Refund Certain Bonds of the City of Fort Collins, Colorado, Issued to Refinance Certain Water Pollution Control Facilities, Sewage Facilities and Solid Waste Disposal Facilities; the Execution and Delivery of an Indenture of Trust to Secure Said Bonds; the Execution and Delivery of a Loan Agreement Between Anheuser-Busch Companies, Inc. and the City of Fort Collins, Colorado Providing for the Repayment of the Loan of the Proceeds of Said Bonds; the Execution and Delivery of a Tax Regulatory Agreement, Bond Purchase Agreement, Official Statement and Said Bonds in Connection Therewith; and Providing for Certain Other Matters in Connection with the Delivery of the Bonds to December 5, 2006.

In 1984, the City issued \$35,000,000 of pollution control revenue bonds for the Anheuser-Busch Companies, Inc. (the "Company"). In 1986, the bonds were reissued in the amount of \$20,000,000. The first call date for the 1986 bonds was September 4, 1996. The bonds were used to finance the costs of acquiring, constructing, installing and equipping pollution control facilities, sewage facilities, and solid waste disposal facilities to be owned by the Company or one of its subsidiary companies. Because of the change in interest rates, the Company would like to refinance the outstanding bonds to attain debt service savings. The 1986 bonds carry an interest rate of 7.375%. The refinanced rate of interest is expected to be around 6.5%. The proposed refinancing will extend the maturity of the bonds from 2014 to 2036. Ordinance No. 182, 2006, authorizing and approving the issuance and sale of the bonds, was unanimously adopted on First Reading on November 7, 2006. Bond counsel for Anheuser-Busch has requested this postponement in order to have additional time to finalize the documents associated with this refinancing and to schedule closing dates.

10. First Reading of Ordinance No. 186, 2006, Appropriating Unanticipated Revenue in the Capital Projects Fund - Inspiration Playground Capital Project to Be Used for Design and Construction of a Fully Accessible Playground for All Children at Spring Canyon Community Park.

This totally accessible playground will ensure that children of all abilities will be able to play side-by-side. No child will be left out at this playground. The playground will have a

rubberized surface for accessibility, enhanced play equipment that allows children to play together throughout the playground with unique sensory and audio features. The water splash park will be barrier-free for the enjoyment of all children.

The community fund raising effort includes \$250,000 in matching money from the Colorado Eagles, a \$200,000 Great Outdoors Colorado grant, and numerous donations from citizens, businesses and community organizations.

11. First Reading of Ordinance No. 187, 2006, Designating 133-137 South College Avenue (the North Half of the Colorado Building) as a Local Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Ida Siegel, through her son Ed Siegel, as attorney-in-fact, is initiating this request for Local Landmark designation for 133-137 South College Avenue, the north half of the Colorado Building. The building has individual significance to Fort Collins under Landmark Preservation Standards (1), (2), and (3).

12. First Reading of Ordinance No. 188, 2006, Authorizing the Acceptance of a Donation of .901 Acres of Real Property from Calvin C. and Lois Johnson and Appropriating Unanticipated Revenue in the Capital Project Fund – Timberline Road Widening Project 305-23270.

The Timberline Road Widening Project required the fee simple acquisition of .464 acres and various easements on a 1.365 acre property located just south of Spring Creek on the westerly side of Timberline Road, which was owned by Calvin and Lois Johnson. These interests were to be used for the interim construction of the Timberline Road improvements. City staff successfully negotiated and acquired the necessary interests for the project and an integral part of the agreement was that the Johnsons would donate the remainder of their property that will be needed in approximately ten years when the City of Fort Collins constructs the ultimate improvements to Timberline Road.

13. Resolution 2006-114 Finding Substantial Compliance and Initiating Annexation Proceedings for the Plank PLD & PD Annexation.

This is a 100% voluntary annexation. The applicant, Stanley K. Everitt, on behalf of the property owners, Leonard and Barbara Plank, has submitted a written petition requesting annexation of 17.35 acres located at the southeast corner of Kechter Road and Ziegler Road. The property is developed as a single-family residence with outbuildings and is in the FA-1 Farming District in Larimer County. The requested zoning for this annexation is LMN - Low Density Mixed-Use Neighborhood. The area to be annexed is the entirety of an enclaved property that has been surrounded by the City of Fort Collins for more than three (3) years. The surrounding properties are currently zoned LMN - Low Density Mixed-Use Neighborhood in the City to the north, south, east, and west.

14. Resolution 2006-115 Finding Substantial Compliance and Initiating Annexation Proceedings for the Liberty Farms Annexation.

The applicant/consultant, Vignette Studios (c/o Don Tiller), on behalf of the property owners, Kevin W. Frazier and Michael P. O'Donnell, has submitted a written petition requesting annexation of 22.32 acres located on the east side of North Timberline Road at the Larimer & Weld Canal, approximately 1/4 to 1/3 mile north of East Vine Drive. The property contains two (2) existing single-family residences and agricultural land. It is in the FA1 - Farming District in Larimer County. The requested zoning for this annexation is LMN - Low Density Mixed-Use Neighborhood. The surrounding properties are currently zoned LMN - Low Density Mixed-Use Neighborhood and MMN - Medium Density Mixed-Use Neighborhood in the City to the north, LMN - Low Density Mixed-Use Neighborhood in the City to the west, FA1 - Farming in Larimer County to the east, and FA1 - Farming in Larimer County to the south.

15. Resolution 2006-116 Authorizing the City to Enter into Change Orders With Felsburg Holt & Ullevig to Amend an Existing Agreement to Advance the City's Funding Request For the Mason Transportation Corridor Project to the Federal Transit Administration.

This Resolution will authorize the Purchasing Agent to amend the existing agreement, by change order, with the consulting firm of Felsburg Holt & Ullevig, to include additional work tasks necessary to complete the Preliminary Engineering and Environmental Assessment of the Mason Transportation Corridor Project. This work is necessary to advance the City's funding request for the Mason Transportation Corridor project to the Federal Transit Administration. Change order #3 will be executed in November 2006 and change order #4 will be executed in March 2007.

16. Resolution 2006-117 Agreeing to Act as a Reviewing Entity for Properties Located Within the Downtown Development Authority Boundaries for the State Income Tax Credit Program for Qualifying Rehabilitation Projects.

This Resolution states the City of Fort Collins chooses to be a reviewing entity for the Colorado Historic Preservation Income Tax Credit within the Downtown Development Authority boundaries during the next calendar year.

17. Resolution 2006-118 Establishing the Fort Collins Regional Library District and Appointing Two Members of City Council to Serve on a Committee to Select Candidates for the Board of Trustees of the District.

The citizen initiative to form and fund the Fort Collins Regional Library District was approved by the voters on November 7. Pursuant to the Colorado Library Law, the City and County must establish the District forthwith and provide for its financial support no later than January 1, 2007. The Colorado Library Law also requires the City Council to appoint two of its members to a committee that will select the initial board of trustees (the Selection Committee). The County Commissioners must appoint two Commissioners to the Committee. Trustees selected by the Committee must be ratified by a two-thirds majority of the Council and a two-thirds majority of the Commissioners. The Council and

Commissioners must act on the Committee's recommendation within 60 days or the recommended trustees are automatically ratified.

The Selection Committee, with approval of the Council and Commissioners, must decide if there will be five, six or seven trustees. The initial appointments for the trustees (set by state law) must be for terms of one, two, three, four, and five years respectively. If there are six trustees, two will have five year terms. If there are seven trustees, two will have four year terms and two will have five year terms. Thereafter, the length and number of terms is determined by the District by-laws. Trustees may only be removed by a majority vote of the Council and the Commissioners upon a showing of good cause.

Once the District Board of Trustees is established, state law requires an intergovernmental agreement (IGA) between the City, the County and the trustees must be effected within 90 days. The IGA must determine the rights, obligations, and responsibilities, financial and otherwise, of the parties to the agreement.

This Resolution appoints Councilmembers Ben Manvel and Karen Weitkunat to the Committee to Select Candidates for the Board of Trustees of the Fort Collins Regional Library District.

18. Resolution 2006-119 Adopting the City's 2007 Legislative Policy Agenda.

Each year the Legislative Review Committee (LRC) develops a legislative agenda to assist in the analysis of pending legislation. The proposed 2007 Legislative Policy Agenda has been updated from the 2006 document and was reviewed and approved by the Legislative Review Committee. This document will be used as a guide for the upcoming 2006 General Assembly and the first session of the 110th Congress. The purpose of the Legislative Policy Agenda is to articulate the City's position on common legislative topics. It will be applied by Council members and staff to determine positions on pending legislation and as a general reference for state legislators and our congressional delegation.

END CONSENT

19. Consent Calendar Follow-up.

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

20. Staff Reports.

21. 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.

22. Items Relating to the Adoption of the Northwest Subarea Plan. (15 minute staff presentation - 45 minute discussion)

- A. Resolution 2006-120 Adopting the Northwest Subarea Plan as an Element of the Comprehensive Plan of the City.
- B. Resolution 2006-121 Amending the City's Structure Plan Map to Comport with the Northwest Subarea Plan.
- C. First Reading of Ordinance No. 189, 2006, Amending Division 4.24 the Land Use Code of the City of Fort Collins.

The proposed Northwest Subarea Plan was developed over an 18-month time frame, beginning in April 2005, involving extensive input from residents, businesses and property owners. The plan is a joint planning effort of the City of Fort Collins and Larimer County.

The Larimer County Planning Commission will consider adoption of the Plan on November 15, 2006.

The primary elements of the Plan include vision, goals, policies and strategies; Framework Plan, Open Land and Trails Plan, and Transportation Plan; Guidelines for the Urban/Rural Edge; and the Action Plan. The Action Plan is a matrix of the strategies and identifies the lead responsibility, start date, and possible funding sources.

Based on the proposed Framework Plan, Subarea Plan Policy LU-1.2, and Subarea Plan Strategy LU-1.2a, amendments to the City Structure Plan Map are needed to (1) change the area west of Overland Trail from Urban Estate to Foothills, (2) change various areas from Low Density Mixed-Use Neighborhoods and Urban Estate to Commercial Corridor District, and (3) include a new stream corridor ("Soldier Creek Restoration").

In addition, based on Subarea Plan policy LU-2.1 and Strategy LU-2.1a, amendments are needed to Division 4.24 (Limited Commercial District) of the Land Use Code.

23. Second Reading of Ordinance No. 180, 2006, Appropriating Unanticipated Revenue in the Wastewater Fund and Authorizing the Transfer of Appropriations Within the Wastewater Fund to be Used for Odor Control Measures at the Drake Water Reclamation Facility. (no staff presentation - 10 minute discussion)

Additional project dollars (\$1,200,000) are needed to fund odor control due to significant increased costs in materials. The Wastewater Fund recently transferred land valued at \$2,000,000 to the General Fund in exchange for property used in the operations of the various utilities. \$800,000 of the property transferred to the Wastewater Utility is used in the operations of the Water Utility. The Water Utility will pay the Wastewater Utility \$800,000 for the property. The Wastewater Utility will also transfer \$400,000 from budgeted contingency funds to capital project for odor control. Ordinance No. 180, 2006, unanimously adopted on First Reading on November 7, 2006, appropriates these funds.

24. Second Reading of Ordinance No. 183, 2006, Amending the City Code to Increase the Capital Improvement Expansion Fee, Street Oversizing Fee and Neighborhood Parkland Fee to Reflect Inflation in Associated Costs of Services. (no staff presentation - 10 minute discussion)

This Ordinance, which was unanimously adopted on First Reading on November 7, 2006, increases the fee schedules for the Capital Improvement Expansion Fees and Neighborhood Parkland Fee by the estimated 2006 changes in the Denver-Boulder-Greeley Consumer Price Index ("CPI").

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 fees were last adjusted in 2005. This Ordinance increases the CIEF and the Neighborhood Parkland Fees by the estimated 2006 increase in the CPI of 3.75%, and the Street Oversizing fees by 4.23%, which reflects the projected increase reported in the Engineering News Record.

25. Items Relating to the Adoption of a Transportation Maintenance Fee and a Community Park Maintenance Fee. (5 minute staff presentation – 30 minute discussion)

- A. Second Reading of Ordinance No. 184, 2006, Amending Chapter 7.5 of the City Code to Establish a Transportation Maintenance Fee. (Option B-1 from First Reading)
- B. Second Reading of Ordinance No 185, 2006, Amending Chapter 7.5 of the City Code to Establish a Community Park Maintenance Fee. (Options B-1 and B-2)

On November 7, 2006, City Council adopted Ordinance No. 184, 2006 on First Reading by a vote of 5-2 (Nays: Ohlson, Roy). Ordinance No. 185, 2006 was adopted on First Reading by a vote of 6-1 (Nays: Roy). The Transportation Maintenance Fee (TMF) would be applied to all properties, including residential and non-residential properties, with \$1.06/month applied to residential properties. The Community Park Maintenance Fee (CPMF) would be applied to each residence in the City in the amount of \$2.67 per month. Fees will be added to utility bills beginning in January 2007.

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

State statutes and the City Charter both require an annual appropriation to cover expenses for the ensuing fiscal year (2007) based upon the adopted budget. The Second Reading must be adopted before the last day of November.

On October 17, 2006, City Council approved the recommended changes to the 2007 budget and approved the 2007 Appropriation Ordinance on First Reading by a vote of 5-2 (Nays: Brown, Kastein). With Second Reading of the Ordinance, there is an adjustment that takes into account changes in the new Special Services Fee (Transportation Maintenance Fee and the Community Parks Maintenance Fee) revenues approved by Council on First Reading on November 7, 2006.

The Net City Budget of \$379,328,212 for 2007, which excludes transfers, remains the same as was included in First Reading of this Ordinance.

27. Pulled Consent Items.
28. Other Business.
29. 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.