



# REGULAR MEETING AGENDA

## FORT COLLINS CITY COUNCIL

December 19, 2006

Doug Hutchinson, Mayor  
Karen Weitkunat, District 2, Mayor Pro Tem  
Ben Manvel, District 1  
Diggs Brown, District 3  
Kurt Kastein, District 4  
Kelly Ohlson, District 5  
David Roy, District 6

City Council Chambers  
City Hall West  
300 LaPorte Avenue  
Fort Collins, Colorado

Cablecast on City Cable Channel 14  
on the Comcast cable system

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### **Proclamations and Presentations 5:30 p.m.**

- A. Proclamation Recognizing the Gay & Lesbian Fund for Colorado for 10 years of Commitment to the Citizens of Fort Collins.

### **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 make comments regarding items scheduled on the Consent Calendar or 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 22. 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. 31, 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. 190, 2006, Appropriating Unanticipated Revenue in the Recreation Fund to Be Used for the Purpose of Improving Youth Football Operations and Increasing Awareness And Interest in the Sport.

The Recreation Division was awarded a three-year National Recreation and Park Association (NRPA) Grant in the amount of \$150,000 over three years. The Recreation Division will receive \$50,000/year to be used for staffing a full-time youth football Coordinator. NRPA, as part of its grant agreement with USA Football, has received funds to be sub-awarded to five community organizations for the purpose of improving youth football operations and increasing awareness and interest in the sport. Fort Collins was selected as one of the five Hubs. This Ordinance, unanimously adopted on First Reading on December 5, 2006, appropriates the funding from NRPA for this sub-grant.

7. Second Reading of Ordinance No. 191, 2006, Amending Chapter 23, Article IX of the City Code to Allow More Site-Specific Regulation of Certain Activities in Natural Areas.

This Ordinance, unanimously adopted on First Reading on December 5, 2006, makes two minor City Code changes to facilitate the transfer of Gateway Park from the Parks Department to the Natural Areas Program.

8. Second Reading of Ordinance No. 193, 2006, Amending Section 15-327 of the City Code Pertaining to Secondhand Dealers and Flea Market Vendor Requirements.

This Ordinance, unanimously adopted on First Reading on December 5, 2006, adds date of birth to the information required from vendors renting a booth in a flea market.

9. Second Reading of Ordinance No. 194, 2006, Approving Revised Electric Service Rules and Regulations.

The current Electric Service Rules and Regulations were last revised in 2002. Since that time, the section of this document governing the installation and operation of distributed electrical generation at a customer's facilities has become obsolete. A growing interest in photovoltaic systems and alternative fuel generation has made it necessary to update the Electric Service Rules and Regulations to better accommodate these types of installations. This Ordinance, unanimously adopted on First Reading on December 5, 2006, approves revisions to the Electric Service Rules and Regulations.

10. Second Reading of Ordinance No. 195, 2006, Adopting the 2007 Classified Employees Pay Plan.

The Pay Plan continues the current practice of setting City **pay range maximums** at the market 70th percentile. Data from the public and private sectors was used to determine the prevailing market rates for approximately 100 benchmark jobs. This Ordinance, unanimously adopted on First Reading on December 5, 2006, sets salary ranges, not specific salaries of individual employees.

11. Second Reading of Ordinance No. 196, 2006, Authorizing the City Manager to Enter into a Second Amendment to the Long-Term Lease for Civic Center Village Adjacent to the Civic Center Parking Structure.

This Ordinance, unanimously adopted on First Reading on December 5, 2006, amends the Civic Center Village Ground Lease to clarify various maintenance responsibilities and to provide two reserved parking spaces in the Civic Center Parking Structure for the Civic Center Village leaseholder. This amendment is needed to clarify the maintenance requirements of the lease, to enhance the business partnership between the leaseholder and the City, and to ensure an ongoing business relationship.

12. Second Reading of Ordinance No. 197, 2006, Designating the Jefferson Lindenmeier House and Garage, 511 South Whitcomb Street, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

Ordinance No. 197, 2006, unanimously adopted on First Reading on December 5, 2006, designates the Jefferson Lindenmeier House and Garage as a Fort Collins Landmark. The owner of the property, Sondra Carson, is initiating this request.

13. Second Reading of Ordinance No. 198, 2006, Amending the City Code for the Purpose of Decriminalizing Certain Code Violations by Creating a Civil Infraction Classification and Procedures for Violations Thereof.

This Ordinance, unanimously adopted on First Reading on December 5, 2006, decriminalizes certain City Code sections for a more effective enforcement of violations that adversely affect the livability of City neighborhoods, such as:

- Collection and disposal of refuse and rubbish;
- Weeds, outdoor furniture and outdoor storage restrictions, storage of inoperable motor vehicles and parking on unimproved surfaces;
- Sidewalk snow and ice removal and signs in the right-of-way;
- Pruning or removing trees or shrubs encroaching streets and sidewalks.

14. Items Relating to Recreational Vehicle (RV) Storage and Parking.

- A. Second Reading of Ordinance No. 199, 2006, Amending Sections 17-181 and 17-182 of the City Code Regarding Camping.
- B. Second Reading of Ordinance No. 200, 2006, Amending Sections 1213 and 1214 of the Traffic Code Relating to Parking.
- C. Second Reading of Ordinance No. 201, 2006, Amending Sections 20-104, 20-105 and 20-106 of the City Code Pertaining to Parking.

Ordinance No. 199, 2006 amends Section 17 of the City Code to eliminate the camping permit requirement and redefine “camping” consistent with the definition and allows temporary and intermittent camping on private property for 7 consecutive days and not more than 14 days in a calendar year. Per Council request, staff has included a provision allowing for an extension of these time periods when extraordinary circumstances or an undue hardship exists.

Ordinance No. 200, 2006 prohibits the use of vehicles for living and sleeping purposes on public property, streets and lots open to the public and private lots open to the public. It amends Section 1214 of the Traffic Code to allow the parking of RVs and trailers on the street for a 48-hour period for loading/unloading purposes and prohibits parking of any RV or trailer in a manner that interferes or obstructs the view of any intersection or traffic control device. Per Council request, staff has made changes to that section to more clearly set forth that the 48 hour provision is an exception.

Ordinance No. 201, 2006 subjects RVs and trailers to the same requirements that are contained in the current "parking on yards" ordinance by requiring RVs and trailers to be parked on an improved surface or be screened from public view by a solid fence, masonry, or shrubbery no less than six (6) feet high.

These Ordinances were unanimously adopted on First Reading on December 5, 2006.

15. Second Reading of Ordinance No. 202, 2006, Amending Section 2-606 of the City Code and Setting the Salary of the Municipal Judge.

City Council met in Executive Session on November 14, 2006 to conduct the performance appraisal of Municipal Judge Kathleen M. Lane. Ordinance No. 202, 2006, unanimously adopted on First Reading on December 5, 2006, establishes the 2007 salary of the Municipal Judge at \$82,581.

16. Second Reading of Ordinance No. 203, 2006, Amending Section 2-581 of the City Code and Setting the Salary of the City Attorney.

City Council met in Executive Session on November 14, 2006 to conduct the performance appraisal of City Attorney Steve Roy. Ordinance No. 203, 2006, unanimously adopted on First Reading on December 5, 2006, establishes the 2007 salary of the City Attorney at \$144,750.

17. Second Reading of Ordinance No. 204, 2006, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager.

City Council met in Executive Session on November 14, 2006 to conduct the performance appraisal of City Manager Darin Atteberry. Ordinance No. 204, 2006, establishes the salary of the City Manager at \$163,404.

18. First Reading of Ordinance No. 205, 2006, Authorizing the Lease of City-owned Property at 424 Pine Street for up to Twenty Years.

United Way of Larimer County has held a ground lease on City-owned property, located at 424 Pine Street, since 1985. This Ordinance renews the lease for up to twenty years.

19. First Reading of Ordinance No. 206, 2006, Amending Chapter 10, Article II of the City Code to Update References to the Federal Emergency Management Agency Flood Insurance Study and Flood Insurance Rate Map.

The Federal Emergency Management Agency (FEMA) has prepared a revised Larimer County Flood Insurance Study (FIS) and Flood Insurance Rate Maps that become effective December 19, 2006. FEMA has requested that the County, and each incorporated community, revise ordinances to reflect the new effective date. This Ordinance will revise Chapter 10-19(a) of the City Code to reflect the new effective date. It also revises the definition of Flood Insurance Study to correct an outdated reference to the mapping prepared by FEMA as part of the Study.

20. First Reading of Ordinance No. 207, 2006, 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 2006, Councilmembers were compensated \$606 per month, and the Mayor received \$912 per month.

This Ordinance amends Section 2-575 of the City Code to set the 2007 compensation of Councilmembers at \$630 and the compensation of the Mayor at \$945, as required by the City Charter.

21. Resolution 2006-129 Approving the Purchase of Chemical Additives for Fort Collins Water Utility and Water Reclamation Facility.

The Fort Collins Water Treatment Facility (FCWTF) is requesting to purchase, special rotary hydrated (SRH) lime for alkalinity addition or pH adjustment from Mississippi Lime. It is also requesting to purchase hydrofluosilicic acid 23% (HFS) from LCI Ltd for use as the fluoride source.

Fort Collins Water Reclamation is requesting approval to purchase from Aqua Ben the cationic polymer for dewatering the centrifuge and dissolved air floatation processes. It also is requesting approval to purchase from ACM Corporation the 60% Calcium Carbonate/40% Magnesium Hydroxide product for pH control. The Resolution will authorize the purchase of these chemicals as an exemption to the use of competitive bid or proposal as provided in Section 8-161(d)(4).

22. Resolution 2006-130 Making Appointments to Various Boards and Commissions.

Vacancies currently exist on various boards, commissions, and authorities due to resignations of board members and the expiration of terms of members. Applications were solicited during September. Council received copies of the applications and Council teams interviewed applicants during October and November.

Section 1 of this Resolution makes 18 appointments to 14 boards and commissions to fill current vacancies with terms to begin immediately. Names of those individuals recommended to fill current vacancies have been inserted in the Resolution with the expiration date following the names.

Section 2 of this Resolution makes 42 appointments to 23 boards and commissions to fill expired terms to begin on January 1, 2007. Names of those individuals recommended to fill expired terms have been inserted in the Resolution with the expiration date following the names.

**END CONSENT**

23. Consent Calendar Follow-up.

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

24. Staff Reports.

25. 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.

26. 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. 208, 2006, Amending Division 4.24 of the Land Use Code.
- D. Hearing and First Reading of Ordinance No. 209, 2006, Amending the City's Zoning Map and Classifying for Zoning Purposes the Property known as the Northwest Subarea Plan Rezoning.

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 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 and a rezoning is needed on 4.8 acres near the northeast corner of West Vine Drive and North Shields Street in order to allow existing properties to change uses, expand or redevelop.

27. Second Reading of Ordinance No. 192, 2006, Making Various Amendments to the City’s Land Use Code. (5 minute staff presentation - 30 minute discussion)

On December 5, 2006, Council voted 5 – 2 (Nays: Manvel, Roy) to approve the Ordinance on First Reading. At First Reading, Council directed that two changes be made to the Ordinance. With regard to election signs, the Ordinance has been revised to reflect the 90-day limitation prior to an election.

With regard to temporary banners, the Ordinance provides Council with three options.

Finally, as indicated at First Reading, staff is deleting an alternative compliance provision as it relates to the standard of addressing building mass in the Downtown zone in the Canyon Avenue and Civic Center sub-districts.

28. Resolution 2006-131 Amending the Downtown Strategic Plan To Add Criteria Relating To Increasing the Maximum Allowable Height in the Canyon Avenue and Civic Center Sub-districts of the Downtown Zone. (5 minute staff presentation - 25 minute discussion)

At the December 5, 2006 City Council meeting, in consideration of the Fall 2006 update of the Land Use Code, Council directed Staff to amend the *Downtown Strategic Plan (DSP)* to capture Council’s discussion of possible factors to consider in future requests for Modification of Standards to increase building height above limits in the proposed standards.

These considerations are relevant to criteria for Modification of Standards in Section 2.8 of the Land Use Code.



29. Items Relating to Signs and Displays in the Public Right-of-Way. (5 minute staff presentation - 30 minute discussion)
- A. First Reading of Ordinance No. 210, 2006, Amending Various Provisions of the City Code Pertaining to Unattended Displays on City Property.
  - B. First Reading of Ordinance No. 211, 2006, Amending Certain Provisions of the City Code Pertaining to Signs in the Right-of-Way.

These ordinances address the placement of signs, displays and other encroachments in the public rights-of-way and on other property owned by the City. The first prohibits all unattended displays other than newsracks. The second deals with the City's ability to remove illegally placed signs from public property and destroy them.

30. Items Relating to the Southwest Enclave Annexation Referendum Petition. (5 minute staff presentation - 15 minute discussion)
- A. Presentation of a Certified Petition Seeking to Repeal Ordinance No. 137, 2006, Annexing Property Known as the Southwest Enclave Annexation to the City of Fort Collins, Colorado. (No Action Needed)
  - B. First Reading of Ordinance No. 212, 2006, Repealing Ordinance No. 137, 2006, Annexing Property Known as the Southwest Enclave Annexation to the City of Fort Collins, Colorado.

**OR**

Resolution 2006-132 Referring Ordinance No. 137, 2006, Annexing Property Known as the Southwest Enclave Annexation, to a Vote of the Registered Electors of the City at the Next Regular Municipal Election on April 3, 2007.

On November 9, 2006, a referendum petition was filed with the City Clerk's Office seeking to repeal Ordinance No. 137, 2006, Annexing Property Known as the Southwest Enclave Annexation to the City of Fort Collins, Colorado. On November 16, the City Clerk determined that the petition did not contain a sufficient number of signatures to require further action by the Council or placement of the issue on an election ballot.

On November 20, Joann Malara, a petition representative, filed a written protest with the City Clerk, setting forth the grounds of protest. A hearing was held on November 29, at which the Hearing Officer (the City Clerk) reviewed the hearing agenda and guidelines, asked for clarification of the protest notice, and received opening remarks from the protestor. The hearing was then continued to December 6 to allow the parties to prepare their evidence. On December 6, evidence was submitted that demonstrated the petition contained a sufficient number of valid signatures.

Upon presentation to the Council of a petition certified as sufficient for referendum, the operation of the ordinance in question is automatically suspended pending repeal by Council or final determination by the voters. If the ordinance is not repealed, the Council must refer

the ordinance to a vote of the registered electors at the next regular or special City election scheduled for any other purpose. Alternatively, the Council may call a special election for this specific purpose. Staff does not recommend calling a special election, since the next regular election is less than 4 months away.

Ordinance No. 212, 2006, repealing Ordinance No. 137, 2006, has been presented for Council consideration. If Council does not wish to repeal Ordinance No. 137, 2006, it should instead consider Resolution 2006-132, which refers Ordinance No. 137, 2006 to the voters at the April 3, 2007 regular municipal election, and directs the City Manager and City Attorney to present for Council's consideration no later than February 6, 2007, a resolution proposing the form of the ballot language for the foregoing referred measure.

31. Pulled Consent Items.

32. Other Business.

NOTE: Motion to Cancel Regular Meeting of January 2, 2007.

33. 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.