



# REGULAR MEETING AGENDA

## FORT COLLINS CITY COUNCIL

January 17, 2006

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

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

Cablecast on City Cable Channel 14  
on the Comcast cable system

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

- A. Proclamation Naming the Week of January 15-22, 2006 as Jaycee Week.
- B. Proclamation Naming 2006 as The Year of Fort Collins Heritage.

### **Regular Meeting 6:00 p.m.**

#### PLEDGE OF ALLEGIANCE

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

3. CITIZEN PARTICIPATION (limited to 30 minutes)

Individuals who wish to address the Council on items not specifically scheduled on the agenda must first be recognized by the Mayor or Mayor Pro Tem. 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 16. 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. 23, 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. Items Relating to the McClelland's Creek PD & PLD Annexation and Zoning.

- A. Second Reading of Ordinance No. 002, 2006, Annexing Property Known as the McClelland's Creek PD & PLD Annexation.
- B. Second Reading of Ordinance No. 003, 2006, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the McClelland's Creek PD & PLD Annexation.

This is a request to annex and zone 11.93 acres located on the east side of Lake Ranch Road, approximately 1/8th mile south of Kechter Road between Ziegler Road to the west and Strauss Cabin Road to the east. McClelland's Creek runs along the east side of the property. The property is undeveloped and is in the FA-1 Farming District in Larimer County. The requested zoning in the City of Fort Collins is LMN - Low Density Mixed-Use Neighborhood.

Staff is recommending that this property be included in the Residential Neighborhood Sign District. A map amendment will not be necessary to place this property on the Residential Neighborhood Sign District Map.

Ordinance Nos. 002 and 003, 2006, were unanimously adopted on First Reading on January 3, 2006.

7. Second Reading of Ordinance No. 004, 2006, Authorizing the Lease of City Owned Property Consisting of Office Space at 281 North College to ICLEI – Local Governments for Sustainability, USA, Inc., for up to Five Years.

This Ordinance, which was unanimously adopted on First Reading on January 3, 2006, authorizes the City of Fort Collins to develop and enter into a lease agreement allowing ICLEI – Local Governments for Sustainability, USA, Inc. (ICLEI) to use 317 square feet of City office space at 281 North College and limited office equipment for their Western Regional Resource Center office. The lease term will be two years, with capacity to be renewed. The City will be able to terminate the lease with 45 days advance notice. ICLEI will not be charged a fee for use of this space and equipment.

Through the provision of limited existing resources, Fort Collins gains a critical opportunity to further strengthen its position as a national leader in environmental and sustainability programs, thus strengthening economic development potential. No funds will change hands. In addition to the opportunity for increased national recognition and increased collaboration with and technical assistance from ICLEI, the City will receive free membership in ICLEI and a free copy of their new software HEAT (Harmonized Emissions Analysis Tool), and numerous other networking benefits.

8. Second Reading of Ordinance No. 005, 2006, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the Dry Creek Drainage Improvements Project - Irrigation Pipeline.

This Ordinance, which was unanimously adopted on First Reading, allows staff to use the eminent domain process if good faith negotiations fail to result in an agreement between the City and affected property owners. Staff is hopeful that all acquisitions will be accomplished by agreement.

9. First Reading of Ordinance No. 007, 2006, Appropriating Unanticipated Revenue in the General Fund for Continuation of the Restorative Justice Program.

A grant in the amount of \$20,000 has been received from the Bohemian Foundation for salaries associated with the continued operation of the Restorative Justice Program, which includes Restorative Justice Youth Conferencing and RESTORE (for shoplifting offenses). Restorative justice is an alternative method of holding a youth offender accountable for his or her actions by conferencing with the young person, the victim and community members to identify the harm caused by the incident, to find meaningful ways for the young person to repair that harm. By learning about the impacts of their actions, criminal justice officials are optimistic that repeat offenses will be reduced.

The grant period is from December 1, 2005 to November 30, 2006.

Donations totaling \$1,575 benefitting the Restorative Justice Program have been received from the Sertoma Club, EyeOpeners Kiwanis, the InterFaith Council and an anonymous individual contributor.

10. Items Relating to the Dry Creek Drainage Improvements Project.

- A. First Reading of Ordinance No. 008, 2006, Authorizing the Dry Creek Drainage Improvements Project Master Agreement with Windsor Reservoir and Canal Company, Larimer and Weld Irrigation Company, Larimer and Weld Reservoir Company, and Water Supply and Storage Company, and Authorizing Conveyance of Certain Real Property Interests in Connection Therewith.
- B. First Reading of Ordinance No. 009, 2006, Authorizing Transfer of Existing Appropriations from the Canal Importation Basin Project to the Dry Creek Basin Project Within the Storm Drainage Fund.

This transfer would fund the replacement of the existing Dry Creek culvert under the Burlington Northern - Santa Fe Railway with new bridges.

11. Resolution 2006-003 Finding Substantial Compliance and Initiating Annexation Proceedings for the Boma Annexation.

The applicant, Crystal Cove Development, LLC (c/o Mike Tilley), on behalf of the property owner, Crystal Cove Development, LLC, has submitted a written petition requesting annexation of 82.05 acres located at the southwest corner of East Douglas Road (County Road 54) and Turnberry Road (County Road 11). The property contains an existing farmstead with agricultural uses and several existing oil wells. It is in the FA1 - Farming District in Larimer County. The requested zoning for this annexation is UE - Urban Estate. The surrounding properties are currently zoned FA1 - Farming in Larimer County to the west, O - Open in Larimer County to the north, FA1 - Farming in Larimer County to the south, and LMN – Low Density Mixed-Use Neighborhood in the City to the east.

The proposed Resolution makes a finding that the petition substantially complies with the Municipal Annexation Act, determines that a hearing should be established regarding the annexation, and directs that notice be given of the hearing. The hearing will be held at the time of First Reading of the annexation and zoning ordinances on February 21, 2006. Not less than thirty days of prior notice is required by State law.

The property is located within the Fort Collins Urban Growth Area. 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. This property gains the required 1/6 contiguity to existing City limits from a common boundary with the Country Club North First Annexation (January, 1984) to the east.

12. Resolution 2006-004 Finding Substantial Compliance and Initiating Annexation Proceedings for the Sunrise Ridge Second Annexation.

The Sunrise Second Annexation is 5.23 acres in size. The site is 5221 S. Strauss Cabin Road located approximately one-half mile south of East Harmony Road on the west side of Strauss Cabin Road. Contiguity with the existing municipal boundary is gained along the entire north boundary which is shared with Sunrise Ridge First Annexation and the entire west boundary which is shared with the Willow Brook Subdivision (Observatory Village).

The proposed Resolution states that it is the City's intent to annex this property and directs that the published notice required by State law be given of the Council's hearing to consider the needed annexation ordinance. The hearing will be held at the time of First Reading of the annexation and zoning ordinances on February 21, 2006. Not less than 30 days prior, published notice is required by State law.

13. Resolution 2006-005 Authorizing the Initiation of Exclusion Proceedings in District Court Regarding the Exclusion of Annexed Properties Within the Territory of the Poudre Valley Fire Protection District..

This resolution authorizes the City Attorney to file a Petition in Larimer County District Court to exclude properties annexed into the City in 2005 from the Poudre Valley Fire Protection District in accordance with state law and to allow for the provision of fire protection services to such properties by the Poudre Fire Authority

14. Resolution 2006-006 Adopting Amendments to the Financial Management Policies.

The budget process for the City of Fort Collins is driven by many financial management policies. To facilitate the opportunity for comprehensive review of financial management policies, management staff compiles them into a separate document and reviews and updates the policies annually, as needed. Staff then presents any updated and revised policies to Council for adoption by resolution. The policies remain in effect until subsequently amended or repealed by Council.

15. Resolution 2006-007 Making an Appointment to the Legislative Review Committee.

At its May 3, 2005 meeting, Council adopted Resolution 2005-044 making board and commission liaison assignments and committee appointments. Resolution 2005-044 appointed Councilmember Kurt Kastein as a member of the Legislative Review Committee.

Councilmember Kastein has expressed a desire to be replaced as a member of the Legislative Review Committee due to time constraints. Councilmember Ben Manvel has expressed a desire to be appointed to the Legislative Review Committee.

This Resolution appoints Councilmember Ben Manvel as a member of the Legislative Review Committee.

16. Routine Easement.

Easement for construction and maintenance of public utilities from Steven Hawes, to underground existing electric system, located at 4519 South Stover. Monetary consideration: \$160.

**END CONSENT**

17. Consent Calendar Follow-up.

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

18. Staff Reports.

19. 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.

20. Consideration of the Appeal of the November 17, 2005, Determination of the Planning and Zoning Board to Approve the Innovation Island ODP and PDP. (2 hours - 10 minute staff presentation)

On November 17, 2005, a Planning and Zoning Board public hearing was conducted to receive presentations and testimony on the Innovation Island ODP, a mixed-use (residential and commercial) project on 4.4 acres (Parcels A and B); and, the Innovation Island PDP, an affordable housing multi-family residential project on 3.2 acres (Parcel A of the ODP). There would be a total of 27 dwelling units in the proposed five residential buildings on Parcel A and approximately 20,000 square feet of non-residential uses in the building(s) on Parcel B. The property is at the southeast corner of West Harmony Road and South Taft Hill Road. On November 17, 2005, the Planning and Zoning Board approved the Innovation Island ODP and PDP.

21. First Reading of Ordinance No. 010, 2006, Granting a Non-exclusive Franchise by the City of Fort Collins to Comcast of California/Colorado LLC and Its Successors and Assigns for the Right to Make Reasonable Use Of, and Erect, Construct, Operate and Maintain Through, the Public Rights-of-way, Easements and Other Public Property Any Equipment Necessary and Appurtenant to the Operation and Maintenance of a Cable System and the Provision of Cable Services to Citizens Within the City. (60 minutes - 10 minute staff presentation)

The proposed Cable Franchise Agreement between the City of Fort Collins and Comcast of California/Colorado LLC (“Comcast”) is a non exclusive franchise. The main elements of the agreement are:

1. Term. The length of the franchise is nine years
  2. Customer Service Standards. The standards will be adopted in February, but are referenced in this agreement. The proposed franchise agreement would establish penalties for non-compliance with these standards.
  3. Franchise Fee. Five percent (5%) of gross revenues will be paid to the City for use of rights of way. Federal law allows cable companies to pass this cost through to subscribers.
  4. Public Educational and Governmental Programming. A PEG fee of 50 cents per subscriber per month will be dedicated to equipment and facility costs associated with providing PEG programming. Comcast has chosen to pass this fee through to subscribers.
22. First Reading of Ordinance No. 011, 2006, Amending the Harmony Corridor Plan and the Harmony Corridor Standards and Guidelines to Add a "Regional Shopping Center" Designation in the Mixed-use Activity Center Located at the Northwest Corner of Harmony Road and Ziegler Road as Shown on the Land Use Map and to Revise the Text of the Definition of "Regional Shopping Center". (60 minutes - 10 minute staff presentation)

The new plan amendments include the following:

1. Harmony Corridor Plan
  - a. Land Use Map - Add “Regional Shopping Center” designation.
2. Harmony Corridor Standards and Guidelines
  - a. Land Use Map - Add “Regional Shopping Center” designation.
  - b. Definition - Increase the size of a Regional Shopping Center from (30 - 70 acres) to (30 - 100) acres.

The developer, Bayer Properties, has initiated an amendment to the *Harmony Corridor Plan* and the *Harmony Corridor Standards and Guidelines*, to add a Regional Shopping Center, within the Mixed-Use Activity Center, in addition to Basic Industrial and Non-Retail Employment as defined and shown on the Land Use Map, at the northwest corner of Harmony Road and Ziegler Road, behind and west of the existing LSI Logic building. The property is currently designated in the *Harmony Corridor Plan* and *Harmony Corridor Standards and Guidelines* for a Lifestyle Shopping Center and/or for Basic Industrial and Non-Retail Employment uses.

The *Harmony Corridor Plan* and *Harmony Corridor Standards and Guidelines* are elements of the City's comprehensive plan, known as *City Plan*. Any proposed changes to these documents require a Minor Amendment process as described in Appendix C of City Plan, meeting specified criteria to support the change.

23. Pulled Consent Items.

24. Other Business.

a. Discussion of Boards and Commissions Work Plans.

25. 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.