



# REGULAR MEETING AGENDA

## FORT COLLINS CITY COUNCIL

April 18, 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.**

- A. Proclamation Proclaiming April 21, 2006 as Arbor Day.
- B. Proclamation Proclaiming the month of April as "Volunteer Month".

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

#### PLEDGE OF ALLEGIANCE

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

3. CITIZEN PARTICIPATION (limited to 30 minutes)

❖❖ Presentation of the Key to the City to Mayor Uli Paetzel of Herten, Germany.

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 17. 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. Consideration and Approval of the Minutes of the March 7, 2006 Regular Meeting.

7. Second Reading of Ordinance No. 055, 2006, Appropriating Prior Year Reserves in the General Fund for Police Asset Forfeiture Activity.

This Ordinance, which was unanimously adopted on First Reading on April 4, 2006, appropriates funds obtained through civil asset seizure and forfeiture actions to be used by Police Services to purchase new equipment, fund additional training, and contribute to partnerships with community groups that seek to promote positive youth activities, anti-violence, anti-drug, and diversity activities.

8. Second Reading of Ordinance No. 056, 2006, Appropriating Unanticipated Revenue in the Street Oversizing Fund for Transfer to the Capital Projects Fund - Trilby and Ziegler Road Improvement Project and Authorizing the Transfer of Existing Appropriations from the Street Oversizing Fund to the Capital Project Fund - Trilby and Ziegler Road Improvements Project to be Used to Construct a Roundabout at the Intersection of Ziegler and Kechter Roads.

Ordinance No. 056, 2006, unanimously adopted on First Reading on April 4, 2006, appropriates unanticipated revenue in the Street Oversizing Fund for the Ziegler and Kechter Roundabout Project which includes intersection and arterial street improvements for Ziegler Road, from Kechter Road south to Kinard Junior High School. These street improvements include widening Ziegler Road to minor arterial street standards from its existing two-lane configuration and the construction of a modern roundabout at the intersection of Ziegler Road and Kechter Road. The Fort Collins Loveland Water District will install a 24-inch water main prior to roadway paving and is including some of this work in conjunction with the Project. Roadway improvements include the installation of curb-and-gutter, sidewalks, asphalt paving, bike lanes, and storm sewers.

9. Items Relating to the Northside Aztlan Community Center Located at 112 Willow Street.
- A. Second Reading of Ordinance No. 058, 2006, Authorizing the Conveyance of an Exclusive Easement For a High Pressure Natural Gas Line to Public Service Company of Colorado Located at 112 Willow Street.
  - B. Second Reading of Ordinance No. 059, 2006, Exempting the Relocation of a High Pressure Gas Line in Connection with the Redevelopment of the Northside Aztlan Community Center From Regulation Under the Land Use Code.
  - C. Second Reading of Ordinance No. 060, 2006, Authorizing the Conveyance of a Permanent, Non-Exclusive Easement to Public Service Company of Colorado and the United States Environmental Protection Agency For Environmental Remediation Activities and Facilities On the Northside Aztlan Community Center Property and Gustav Swanson Natural Area.
  - D. Second Reading of Ordinance No. 061, 2006, Vacating an Alley Right-of-way Established as Part of the 1873 Map of the Town of Fort Collins.

These Ordinances, which were adopted on First Reading on April 4, 2006, relate to the completion of the plat and preliminary work associated with the construction of the new Northside Aztlan Community Center ("NACC") at 112 Willow Street. Two of the Ordinances relate to the relocation of a high pressure gas line, which will be necessary in order to allow the platting and construction of the NACC to proceed. In addition to a new easement for Public Service Company of Colorado for the gas line, an exemption from the requirements of the Land Use Code is in order to allow the relocation to proceed without separate advance review of the relocation. Ordinance No. 060, 2006, authorizes the grant

of an easement to Public Service Company and the U.S. Environmental Protection Agency for permanent facilities for the environmental work along the Poudre River near the NACC. Ordinance No. 061, 2006, vacates an alley right-of-way that was shown on the original Town Plat and is located on the site of the NACC.

10. Second Reading of Ordinance No. 062, 2006, Authorizing the Conveyance of a Right-of-Way Easement and Temporary Construction Easement for the Construction of a Natural Gas Pipeline on Meadow Springs Ranch.

This Ordinance, unanimously adopted on First Reading on April 4, 2006, authorizes conveyance of a right-of-way easement and temporary construction easement for construction of a natural gas pipeline at Meadow Springs Ranch at the northeastern-most corner of the Ranch, in Weld County, Colorado.

11. Second Reading of Ordinance No. 063, 2006, Vacating a Portion of Right-of-way as Dedicated At Book 1174, Page 543 of the Larimer County Records.

Ordinance No. 063, 2006, which was unanimously adopted on First Reading on April 4, 2006, vacates a 25 foot by 349.70 foot strip of land located south of Plum Street, between Shields Street and City Park Avenue. The owners of the properties at 813 Scott Street, 809 Scott Street and 1201 West Plum Street have requested the City vacate this strip of land as they wish to upgrade, renovate or redevelop their properties and feel this land is needed in order to do so. This area of land is not paved and is not used for access or as a driveway to the properties, nor is it planned as use for public access. It does contain several utilities within the area. The applicants have been notified and are aware the City does not determine who will get the vacated property and that ownership of the vacated property is determined in accordance with state statutes. All public and private utilities have been notified of the proposed vacation and no objections have been stated, provided the area is retained as a utility easement. The entire area proposed to be vacated will be retained as a utility easement.

12. First Reading of Ordinance No. 065, 2006, Amending the City of Fort Collins District-Precinct Map.

This Ordinance amends the City of Fort Collins District-Precinct Map, which was adopted by Council on November 16, 2004, by adjusting precinct boundaries to correspond with election precincts established by Larimer County. **These changes do not affect Council District boundaries.**

13. First Reading of Ordinance No. 066, 2006, Amending Section 2-166 of the Code of the City of Fort Collins to Change the Name of the Commission on the Status of Women to the Women's Commission.

The purpose of the Ordinance is to change the name of the group which advises City Council on issues pertaining to women from the "Commission on the Status of Women" to the "Women's Commission".

14. First Reading of Ordinance No. 067, 2006, Amending the Legal Descriptions for Certain Conveyances to the Colorado Department of Transportation Approved in Ordinance No. 007, 2005.

Ordinance No. 007, 2005, approved real estate legal descriptions to convey a non-exclusive permanent sewer easement, domestic water and gas easement and a road right-of-way to accommodate the installation of a turn lane from East Prospect Road onto the access road in connection with the Colorado Department of Transportation's development of a new rest area on East Prospect Road near the Welcome and Visitor's Center. These legal descriptions contained typographical errors which rendered the descriptions unclear. This Ordinance amends the legal descriptions to be used in the documents of conveyance by correcting the errors.

15. Items Relating to the Sanctuary Annexation and Zoning.

- A. Resolution 2006-041 Setting Forth Findings of Fact and Determinations Regarding the Sanctuary Annexation.
- B. Hearing and First Reading of Ordinance No. 068, 2006, Annexing Property Known as the Sanctuary Annexation to the City of Fort Collins, Colorado.
- C. Hearing and First Reading of Ordinance No. 069, 2006, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Sanctuary Annexation to the City of Fort Collins, Colorado.

This is a request to annex and zone 15.65 acres located approximately one-half mile south of Kechter Road and approximately one-quarter to one-half mile east of Ziegler Road. 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 UE – Urban Estate District.

Staff recommends that this property be included in the Residential Neighborhood Sign District. A map amendment is necessary to place this property on the Residential Neighborhood Sign District Map.

16. Resolution 2006-042 Finding Substantial Compliance and Initiating Annexation Proceedings for the Johnston Annexation.

The Johnston Annexation is 36.82 acres in size. The site is 6111 Timberline Road, located approximately one-half mile south of Kechter Road on the west side of Timberline Road. Contiguity with the existing municipal boundary is gained along the entire southern boundary which is shared with the Keating Annexation and the entire west boundary which is shared with the Union Pacific Railroad Fourth Annexation.

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 June 6, 2006. Not less than 30 days prior, published notice is required by State law.

17. Resolution 2006-043 Renaming a Portion of Cacklebur Drive to Cutting Horse Drive, a Portion of Kerry Hill Drive to Blue Yonder Way and a Portion of Scarecrow Road to Trestle Road.

This is a street name change request to rename three segments of roadway dedicated and approved within Filing 2 of the Side Hill development. Side Hill is located northeast of the intersection of Timberline and Drake Roads. This street name change request was initiated by the City of Fort Collins GIS Department in collaboration with the property owner in order to avoid future confusion. The segments to be changed include a segment of Kerry Hill Road northeast of Blackbird Drive, a section of Cacklebur Drive east of Yearling Drive, and a section of Scarecrow Road south of Nancy Gray Avenue.

## END CONSENT

18. Consent Calendar Follow-up.

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

19. Staff Reports.

20. 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.

21. Second Reading of Ordinance No. 047, 2006, Authorizing an Addendum to the Existing Intergovernmental Agreement with the Fort Collins-Loveland Water District, Extending for Five Years the Time for Annexations of Subdivisions to be Eligible Under the Agreement.  
(no staff presentation - 15 minute discussion)

Ordinance No. 047, 2006, authorizes an addendum to the existing Intergovernmental Agreement with the Fort Collins-Loveland Water District, extending for five years the time for annexations of subdivisions to be eligible under the agreement. The Ordinance was unanimously adopted by Council on First Reading on March 21, 2006. On April 4, Council voted to postpone the consideration of the Second Reading of Ordinance No. 047, to the regular meeting of April 18. The postponement was the result of questions expressed by Council about the difference between the City's and District's water development fees, the fee the City charges the District for treated water per the IGA, and whether or not the City's fees recover the City's total cost of providing service in accordance with the IGA.

22. Items Relating to the Harmony and Shields Rezoning and Amendment to the Structure Plan.  
(15 minute staff presentation - 2 hour discussion)

- A. Resolution 2006-044 Amending the City's Structure Plan Map.
- B. First Reading of Ordinance No. 070, 2006, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Harmony and Shields Rezoning.

This is a request to amend the Structure Plan map and rezone a 58 acre parcel located on the west side of South Shields Street north of Harmony Road. The rezone would essentially reconfigure the pattern of existing zone districts by moving the 17.9 acre area zoned NC, Neighborhood Commercial, presently located in between the proposed Troutman Parkway extension and Wake Robin Lane, approximately 500 feet to the south. The resulting zone districts would include an NC-zoned parcel at the northwest corner of Harmony and Shields with the balance of the site zoned M-M-N, Medium Density Mixed Use Neighborhood.

23. Pulled Consent Items.

24. Other Business.

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.