



# REGULAR MEETING AGENDA

## FORT COLLINS CITY COUNCIL

May 16, 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 Proclaiming May as ALS Month.
- B. Proclamation Proclaiming May 15 through June 4, 2006 as Buckle Up Fort Collins Month.
- C. Proclamation Declaring the month of May as Foster and Kinship Care Month.
- D. Presentation of Friends of Preservation Award to Susan M. Walker and Emily Fehler.

### **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. **Before speaking, please sign in at either podium or 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 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 24. 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. 32, 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 April 4, 2006 Regular Meeting.7. Postponement of Second Reading of Ordinance No. 071, 2006, Vacating Portions of the Rights-of-Way as Dedicated on the Plat of Cameron Park Second Filing to July 18, 2006.

This Ordinance, which was unanimously adopted on First Reading on May 2, 2006, vacates the right-of-way for the frontage road in Cameron Park Second Filing, located west of College Avenue, north of Cameron Drive. The Redtail development proposal, submitted November 20, 2003, shows a different street layout than was originally platted in the Cameron Park Second Filing. The right-of-way is no longer needed but the area will be retained as a utility, drainage and public access easement.

Staff is asking that consideration of the Second Reading of Ordinance No. 071, 2006, be postponed until July 18, 2006, after the Redtail project has been approved and recorded. This is so the option can be preserved for the frontage road to continue if the proposed Redtail project fails to be finalized and another proposal would want to utilize this connection. Staff is working with the developer on this project and hopes to finalize the details and plans soon.

8. Second Reading of Ordinance No. 072, 2006, Vacating Portions of the Rights-of-Way as Dedicated on the Plat of Cameron Park Second Filing.

This Ordinance was unanimously adopted on First Reading on May 2, 2006 and vacates portions of rights-of-way in Cameron Park Second Filing, located west of College Avenue, on the west end of Cameron Drive. The Redtail development proposal, submitted November 20, 2003 shows a different street layout than was originally platted in the Cameron Park Second Filing. Therefore, the rights-of-way for the streets are no longer necessary.

9. Items Relating to Land Conservation at Soapstone Prairie Natural Area.

- A. Second Reading of Ordinance No. 073, 2006, Authorizing the Conveyance of 441 Acres of Land to the State Land Board Subject to a Conservation Easement in Exchange for 3,873 Acres of Land Located Within Soapstone Prairie Natural Area.
- B. Second Reading of Ordinance No. 074, 2006, Authorizing the Lease of Portions of the Bernard Ranch Property to be Acquired by the City to the Bernards Through 2012.

This item includes two ordinances, each of which authorize a real property transaction related to the conservation and use of Soapstone Prairie Natural Area. Both Ordinances were unanimously adopted on First Reading on May 2, 2006.

The first transaction entails a trade of 441 acres within the Wellington community separator for 3,873 acres of State Land Board property that lies within the boundary of Soapstone Prairie Natural Area. The City retains a conservation easement on the 441-acre parcel, enforceable by the City, that restricts development to a total of twenty-three home sites. Three of the home sites are already built out and the additional twenty home sites will be clustered on the northwest corner of the property. The State Land Board obtains various water rights associated with the property. In addition to the 3,873 acres of land, the City receives \$811,000 in cash to equalize the exchange values.

The second transaction entails a purchase of 1,760 acres over a seven-year period for total consideration of \$2,000,000. As portions of the "Bernard Ranch" are acquired, they will be leased back to the seller for continued ranching activities. This lease requires City Council approval. Ultimately, the property will be resold to conservation-minded buyers subject to a conservation easement by which the City would limit development on the property.

10. First Reading of Ordinance No. 075, 2006, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities and the Fort Collins Convention and Visitor's Bureau.

This Ordinance appropriates lodging tax revenues that were in excess of 2005 budgeted lodging tax receipts to Cultural Development and Programming ("CDP"), Visitor Events, and the Convention and Visitors Bureau ("CVB") accounts. Lodging tax revenue for 2005 was estimated to be \$593,122 and the 2006 budget appropriated an equal amount. However, actual receipts totaled \$668,499 for 2005 and the difference of \$75,377 has not been appropriated.

11. First Reading of Ordinance No. 076, 2006, Appropriating Unanticipated Grant Revenue in the Cultural Services and Facilities Fund to Be Used for Research and Documentation of the Soapstone Natural Area.

The City was awarded a \$147,563 grant from the National Park Service. This Ordinance appropriates that grant money in the Fort Collins Museum's Soapstone Natural Area grant project.

12. First Reading of Ordinance No. 077, 2006, Appropriating Unanticipated Grant Revenue in the Cultural Services and Facilities Fund to Be Used for Repatriation of Human Remains and Cultural Artifacts in the Holdings of the Fort Collins Museum.

The City was awarded two grants from the National Park Service for \$16,375. This Ordinance appropriates the grant money in the Fort Collins Museum's Native American Graves Protection and Repatriation Act ("NAGPRA") Repatriation grant project.

13. First Reading of Ordinance No. 078, 2006, Appropriating Unanticipated Revenue in the Street Oversizing Fund and Authorizing the Transfer of Appropriations from the Street Oversizing Fund to the Capital Project Fund - Lemay Avenue, Trilby Road to Carpenter Road Capital Project.

Intersection and arterial street improvements are planned for Lemay Avenue, from Trilby Road south to Carpenter Road (approximately 5280 linear feet). These street improvements will include the widening of Lemay Avenue to a four-lane arterial street from its existing two-lane configuration, and interim widening at the Lemay/Carpenter intersection to accommodate auxiliary turn lanes. The City's Pavement Management Program is coordinating rehabilitation and overlay work on Lemay Avenue with the intersection and arterial improvements. Roadway improvements include the installation of curb-and-gutter, asphalt paving, bike lanes, some landscaped medians, and storm and sanitary sewers. The construction is planned to begin in July 1, 2006 and be completed on November 16, 2006.

14. First Reading of Ordinance No. 079, 2006, Appropriating Prior Year Reserves in the Wastewater Fund for the Purpose of Purchasing Property.

The Wastewater Utility has a time sensitive opportunity to purchase land. This can be achieved by utilizing prior year reserves.

15. First Reading of Ordinance No. 080, 2006, Authorizing the Lease of City-Owned Property at 200 West Mountain Avenue, Suite C, For Up to Five Years.

The Fort Collins Technology Incubator (FCTI) provides critical business assistance to the most promising high tech startup companies in the community. As part of its service, FCTI offers below market lease space to its client companies. In 2004, the Council approved Resolution 2004-069, which authorized the lease of City-owned property at 200 West Mountain, Suite C, to FCTI and its clients. This Ordinance would allow the lease to FCTI and its participants to continue for up to five years.

16. Items Relating to the Mountain/Frey Rezoning and Amendment to the *West Side Neighborhood Plan*.

- A. Resolution 2006-052 Amending the Westside Neighborhood Plan Pertaining to the Frey Subdivision.
- B. First Reading of Ordinance No. 081, 2006, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for That Certain Property Known as the Mountain/Frey Rezoning.

This is a rezoning request for most of the Frey Subdivision (approximately 11.6 acres) to change the zoning from the L-M-N, Low Density Mixed Use Neighborhood, District designation to the N-C-L, Neighborhood Conservation Low Density, District designation and making an amendment to the *West Side Neighborhood Plan* by changing the subject area on the “Future Land Use” map of the Plan from the “Retain or Convert to Multi-Family” classification to the “Retain or Convert to Single Family” classification. The request represents a resident initiated rezoning (downzoning) that acknowledges the manner in which the subject area has developed. The Advance Planning Department is also an applicant for the rezoning because Section 2.9.3 of the Land Use Code limits rezoning requests to be “proposed by the Council, the Planning and Zoning Board, the Director or the owners of the property to be rezoned.” Not all property owners within the subject area (Frey Subdivision) have signed the rezoning petition and the Advance Planning Department determined that the rezoning request should be considered for the whole subject area and not a checkerboard pattern of parcels owned just by the signers of the rezoning petition. The portion of the Frey Subdivision not included in the rezoning request is the original Block 2 Lot 12, a 1.2 acre parcel that was redeveloped in May 1983 as the Mountain Court Planned Unit Development (PUD) for 10 townhome units and retaining the existing single-family home on the parcel.

17. First Reading of Ordinance No. 082, 2006, Amending the Zoning Map of the City by Changing the Zoning Classification for that Certain Property Known as the Willow Brook Parcel F Rezoning.

This is a request to rezone a .28 acre parcel from L-M-N, Low Density Mixed-Use Neighborhood, to U-E, Urban Estate. The parcel is a remnant created by the curving alignment of Rock Creek Drive platted as part of the Willow Brook Subdivision. This curvature is necessary in order to create a future intersection of Rock Creek Drive with Strauss Cabin Road that is not in conflict with the steep grades associated with the Fossil

Creek Reservoir Inlet Ditch. Upon rezoning, it is proposed that Parcel F be made a part of Lot One of Sunrise Ridge First Filing.

18. First Reading of Ordinance No. 083, 2006, Designating the Ernest and Anna Meyer House, 309 East Mulberry Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Linda J. Bova, is initiating this request for Fort Collins Landmark designation for the Ernest and Anna Meyer House. The property qualifies for designation as a Fort Collins Landmark under Preservation Standard (3), embodying the distinctive characteristics of a type, period, and method of construction, and contributing to the historical and architectural significance of Fort Collins. Built in 1905 by Ora E. Long, this brick dwelling is a very nice example of Late 19th-Early 20th century Eclectic residential architecture, with distinctive "Pagoda" influence. The home is listed on both the National Register of Historic Places and the Colorado Register of Historic Properties, as a contributing element of the Laurel School National Register District.

19. Resolution 2006-053 Adopting the Recommendations of the Cultural Resources Board Regarding Fort Fund Disbursements.

The guidelines for the Cultural Development and Programming and Tourism Programming accounts (Fort Fund) provide a three-tiered funding system. Organizations may apply for grants from these accounts to fund community events. Tier #1 was established as an annual programming fund for organizations whose primary purpose is to present three or more public events annually. These groups may apply for funding from Tier #1 each April. Tier #2 allows organizations that are not eligible for Tier #1 support to apply for funding of events that are not fund-raising in nature and do not generate more than \$5,000 in proceeds after expenses. Tier #3 allows organizations that are not eligible for Tier #1 support to apply for funding of events that generate more than \$5,000 in proceeds after expenses and are fund-raising in nature. Applications for support from Tier #2 and Tier #3 are accepted each January and June.

Disbursements from funds in the City's Cultural Development and Programming and Tourism Programming accounts were recommended by the Cultural Resources Board at its regular meeting of April 26, 2006. Adoption of this Resolution will approve the recommended disbursements.

20. Resolution 2006-054 Approving Expenditures from the Art in Public Places Reserve Account in the Cultural Services and Facilities Fund to Commission an Artist to Create Art Elements for the CSU Transit Center Project.

This Resolution approves expenditures of \$65,936 for design, materials, installation and contingency for a project with artist David Griggs to create multiple art elements for the CSU Transit Center Project.

21. Resolution 2006-055 Approving Expenditures from the Art in Public Places Reserve Account in the Cultural Services and Facilities Fund to Commission an Artist to Create Art Elements for the Northside Aztlan Community Center Project.

This Resolution approves expenditures of \$78,037 for design, materials, installation and contingency for a project with artist Carolyn Braaksma to create multiple elements for the Northside Aztlan Community Center Project.

22. Resolution 2006-056 Approving Expenditures from the Art in Public Places Reserve Accounts in the Storm Drainage Utility Fund to Commission an Artist to Create a Sculptural Element for the City Park Sheldon Lake Shoreline.

This Resolution approves expenditures of \$67,006 for design, fabrication, installation and contingency for a project to install a sculptural element by Brower Hatcher Studios on the shoreline of City Park's Sheldon Lake.

23. Resolution 2006-057 Nominating Mayor Doug Hutchinson as a Candidate to the Executive Board of the Colorado Municipal League.

This Resolution formally endorses the nomination of Mayor Doug Hutchinson as a candidate to the Executive Board of the Colorado Municipal League. Council believes Mayor Hutchinson would make an excellent candidate for the Executive Board and this Resolution expresses its support of his nomination.

24. Resolution 2006-058 Making an Appointment to the Housing Authority.

The resident commissioner position on the Housing Authority currently is vacant due to the resignation of Mary Greeley. The Board of Commissioners of the Housing Authority, including Councilmember Karen Weitkunat, has made a formal recommendation to request Council appoint Stephanie Barratt to the vacant resident commissioner seat. The term will begin immediately and is set to expire on December 31, 2010.

**END 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.

## 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 either podium or 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.

28. Items Relating to the Completion of the Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing and Community Development Activities Utilizing the Federal Community Development Block Grant Program and Home Investment Partnership Program Grants, and the City's Affordable Housing Fund and Human Services Program. (5 minute staff presentation - 15 minute discussion)
- A. Resolution 2006-059 Approving the Programs and Projects that Will Receive Funds from the Federal Community Development Block Grant Program and Home Investment Partnership Program Grants and the City's Affordable Housing Fund and Human Services Program.
  - B. Resolution 2006-060 Approving the FY 2006 Home Investment Partnerships Program for the City of Fort Collins.
  - C. First Reading of Ordinance No. 084, 2006, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Community Development Block Grant Fund.
  - D. First Reading of Ordinance No. 085, 2006, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Home Investment Partnerships Fund.

These Resolutions and Ordinances will complete the spring cycle of the competitive process for allocating City financial resources to affordable housing projects/programs and community development activities (CDBG/HOME/Affordable Housing/Human Services funds).

29. Items Relating to Spring Creek Farms Rezoning and Amendment to the *Structure Plan*.  
(10 minute staff presentation - 1 hour discussion)

- A. Resolution 2006-061 Amending the City's Structure Plan Map.
- B. First Reading of Ordinance No. 086, 2006, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for That Certain Property Known as the Spring Creek Farms Rezoning.

This is a request to amend the *City Plan* Structure Plan map and a concurrent request for a corresponding rezoning. Staff finds the amendment to the Structure Plan to be inconsistent with the vision, goals, principles and policies of *City Plan*. The Structure Plan amendment is not warranted since the existing mix of retail and service uses found within the Rigden Farm Neighborhood Commercial Center located directly across Timberline Road provides sufficient goods and services necessary to sustain nearby neighborhoods. The rezoning fails to satisfy the criteria of Section 2.9.4 of the Land Use Code.

30. First Reading of Ordinance No. 087, 2006, Amending Chapter 3 of the City Code to Allow Alcohol Beverage Tastings (Options A and B). (5 minute staff presentation - 30 minute discussion)

This Ordinance will amend the City Code to allow alcohol beverage tastings at retail liquor stores. Staff is presenting two options for Council consideration. Option A will limit alcohol beverage tastings to beer and wine. Option B will allow tastings of spirituous liquors as well as beer and wine. The number of tasting events for a retail liquor store license would be limited to 52 days per year.

31. Items Relating to the Amendment of the Appeals Process Contained in Chapter 2, Article II, Division 3 of the City Code. (15 minute staff presentation - 1 hour discussion)

- A. First Reading of Ordinance No. 088, 2006, Making Various Amendments to Chapter 2, Article II Division 3 of the City Code Pertaining to the Appeals Process.
- B. First Reading of Ordinance No. 089, 2006, Amending Chapter 2, Article II, Division 3 of the City Code with Regard to the Grounds upon which Appeals to the City Council are Decided.
- C. First Reading of Ordinance No. 090, 2006, Amending Chapter 2, Article II, Division 3 of the City Code Pertaining to the Filing of Appeals by Members of the City Council.

Ordinance No. 088, 2006, makes various amendments to the appeals process that are perceived to be non-controversial.

Ordinance No. 089, 2006, (Options 1 and 2) pertains to the basis for Council's decision on appeal. Option #1 would retain the existing provision that limits the grounds to those stated in the notice of appeal and eliminates the opportunity for Councilmembers to add additional

issues prior to the appeal. Option #2 would allow the Council to address issues relevant to the appeal even if they were not raised by the appellant in the notice of appeal.

Ordinance No. 090, 2006, (Options 1, 2 and 3) pertains to appeals filed by Councilmembers. Option #1 would eliminate the ability of Councilmembers to file an appeal. Option #2 would retain Councilmembers' ability to file an appeal and states that the fact that a Councilmember has filed an appeal does not, in itself, prevent the Councilmember from participating in hearing the appeal. Option #3 again retains Councilmembers' ability to file an appeal but states that a Councilmember who does so should not participate in hearing the appeal.

One other possible change discussed at the work session on April 11, 2006, that is not included in these ordinances is a proposed amendment that would eliminate the ability of members of the general public to file an appeal or participate in the hearing of an appeal. The City Attorney is recommending consideration of that proposed amendment be postponed pending the outcome of a civil action in the local District Court in which the Court is expected to address the question of whether members of the general public have standing to contest City Council's site-specific land use decisions in court.

32. Pulled Consent Items.

33. Other Business.

34. 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.