



# REGULAR MEETING AGENDA

## FORT COLLINS CITY COUNCIL

August 16, 2005

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 August 27, 2005, as “Annie the Railroad Dog” Day.
- B. Proclamation Proclaiming “Gentleness as the Community of Character Focus of the Month” for August 2005 in the City 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 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. 25, 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 regular Council meeting minutes of July 5 and July 19, 2005 and the special meeting minutes of July 28, 2005.7. Second Reading of Ordinance No. 078, 2005, Appropriating Unanticipated Revenue in the General Fund and Authorizing the Transfer of Appropriated Amounts Between Accounts and Projects for the Multi-Jurisdictional Drug Task Force.

Fort Collins Police Services applied to the Office of Drug Control and System Improvement on behalf of the Task Force for federal grant monies to help fund the investigation of illegal narcotics activities in Larimer County. The application was due to the recent change by the Federal Government in their fiscal year which created a three month funding gap. The City recently received notification of the grant award in the amount of \$51,250, plus an additional \$1,250 in revenue from Colorado State University Police Department. The participating agencies must provide matching funds in the amount of \$108,125. Fort Collins' portion of the match is \$32,168. These funds will be used for rental and operational costs at the Task Force off-site location, overtime funding to help offset the overtime costs of each participating agency, and confidential funds to be used for the purchase of narcotics from drug dealers by undercover police officers.

Ordinance No. 078, 2005, was unanimously adopted on First Reading on July 19, 2005.

8. Second Reading of an Ordinance No. 079, 2005, Appropriating Unanticipated Grant Revenue in the General Fund for the Police Services Victim Services Team.

The Fort Collins Police Services Victim Services Team has been awarded an 18-month grant in the amount of \$35,000 for the period of July 1, 2005 through December 31, 2006, by the V.A.L.E. Board to help fund services provided by this team. These funds will be used for

a part-time paid victim advocate who will provide crisis intervention services during weekday hours and is housed in the Victim Services Office. These funds will also pay for some of the operational expenses needed to provide 24-hour a day, 7-day a week services to victims of crime in our community. Previous V.A.L.E. grant awards have been received each year since 1998.

Ordinance No. 079, 2005, was unanimously adopted on First Reading on July 19, 2005.

9. Second Reading of Ordinance No. 080, 2005, Appropriating Unanticipated Revenue in the Transportation Services Fund to Be Used to Conduct the Downtown River District Improvement Project.

The DDA and the City's departments of Transportation Planning, Engineering, Advanced Planning, Natural Resources, and Utilities have initiated this Project to address the lack of sufficient public infrastructure to support infill development and redevelopment in the Downtown River Corridor area. This Project will be co-managed by the City and the DDA. The first phase of the Project includes detailed design/preliminary engineering and cost estimating of needed transportation and utility improvements for the area including Jefferson, Willow, Lincoln, and Linden Streets. The transportation and utility improvements suggested by this Project will help the area achieve the visions and goals set forth by City Plan and the Downtown River Corridor Implementation Program.

Ordinance No. 080, 2005, was unanimously adopted on First Reading on July 19, 2005.

10. Second Reading of Ordinance No. 081, 2005, Calling a Special Municipal Election to Be Held in Conjunction with the November 1, 2005 Larimer County Coordinated Election.

This Ordinance, which was unanimously adopted on First Reading on July 19, 2005, calls a Special Municipal Election to be held in conjunction with the November 1, 2005 Larimer County Coordinated Election, and preserves the opportunity for Council to place initiated or referred issues on the November ballot.

11. Items Relating to the Crawford Annexation.

- A. Second Reading of Ordinance No. 082, 2005, Annexing Property Known as the Crawford Annexation to the City of Fort Collins, Colorado.

- B. Second Reading of Ordinance No. 083, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Crawford Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 29.56 acres in size. The site is located approximately one-half mile west of North College Avenue on the south side of West Willox Lane. Contiguity is gained along the eastern boundary which is shared with Hickory Village Mobile Home Park. Contiguity is also gained along a portion of the south property line which is shared with the City of Fort Collins Soft Gold Neighborhood Park. The recommended zoning is U-E, Urban Estate. This zoning complies with the Structure Plan Map.

Ordinance Nos. 082 and 083, 2005, were unanimously adopted on First Reading on July 19, 2005.

12. First Reading of Ordinance No. 085, 2005, Amending Various Provisions of the Fort Collins Traffic Code.

This legislative session the Colorado General Assembly amended certain statutory provisions relating to traffic regulations. At the time of the adoption of the Traffic Code, it was the understanding of staff and Council that the Traffic Code would most likely be subject to future amendments, not only for the purpose of clarification and correction of errors, but also for the purpose of ensuring that the Traffic Code remains consistent with state traffic laws. This Ordinance will make several such amendments.

13. Items Relating to the State Highway 14 – East Frontage Road Annexation and Zoning.

- A. Public Hearing and Resolution 2005-086 Setting Forth Findings of Fact and Determinations Regarding the State Highway 14 – East Frontage Road Annexation.
- B. First Reading of Ordinance No. 086, 2005, Annexing Property Known as the State Highway 14 – East Frontage Road Annexation to the City of Fort Collins, Colorado.
- C. First Reading of Ordinance No. 087, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the State Highway 14 – East Frontage Road Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 35.86 acres in size. The site is located on the east side of the I-25 East Frontage Road approximately one-quarter mile south of State Highway 14 (East Mulberry Street). Contiguity with the existing municipal boundary is gained along the entire southern boundary which is shared with the north property line of the Galatia Annexation (230 acres). The annexation does not include the westerly 11.3 acres located along the Frontage Road and mostly in the Boxelder Creek floodplain. The recommended zoning is L-M-N, Low Density Mixed-Use Neighborhood which is in conformance with the I-25 Sub Area Plan.

14. Items Relating to the Waterdale Annexation and Zoning.

- A. Public Hearing and Resolution 2005-087 Setting Forth Findings of Fact and Determinations Regarding the Waterdale Annexation.
- B. First Reading of Ordinance No. 088, 2005, Annexing Property Known as the Waterdale Annexation to the City of Fort Collins, Colorado.
- C. First Reading of Ordinance No. 089, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Waterdale Annexation to the City of Fort Collins, Colorado.

This is a City-initiated application, by virtue of a signed Annexation Agreement, to annex and zone a 38.69 acre parcel. The site is also known as Sunflower Manufactured Home Subdivision and located south of East Mulberry Street approximately one-half mile east of Interstate 25. Contiguity with the existing municipal boundary is gained along the entire south and a portion of the west boundaries which abut the State Highway 14 – East Frontage Road Annexation. The recommended zoning is L-M-N, Low Density Mixed-Use Neighborhood which is in conformance with the I-25 Sub Area Plan.

15. Resolution 2005-088 Finding Substantial Compliance and Initiating Annexation Proceedings for the East Ridge Second Annexation.

The East Ridge Second Annexation is approximately .48 acres in size. The site is located on the south boundary of the East Ridge Annexation, approximately 935 feet east of Timberline Road. Contiguity with the existing municipal boundary is gained along the entire northern boundary which is shared with the south property line of the East Ridge Annexation (152.81 acres). The recommended zoning is L-M-N, Low Density Mixed-Use Neighborhood.

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 September 20, 2005. Not less than 30 days prior, published notice is required by State law.

16. Resolution 2005-089 Adopting a Revised Stormwater Financing Plan.

This Resolution adopts a financing plan for stormwater master plan improvements that will keep monthly stormwater rates at current levels for the foreseeable future. The construction period to complete the capital improvements is extended an additional 10 years with construction build out estimated for 2036.

**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. Resolution 2005-090 Expressing City Council Support for Referenda C and D, “The Colorado Economic Recovery Plan”. (15 minutes - 5 minute staff presentation)

As a result of months of negotiations between the legislature and the governor, the Colorado General Assembly has forwarded two ballot issues to the electorate this November 1. The referenda follow taxation provisions set forth under Article X, Section 20 of the Colorado Constitution, also known as The Taxpayer Bill of Rights (TABOR). Referenda C and D are referred statutes that do not change TABOR, since TABOR can only be changed through a constitutional amendment.

21. Items Relating to the Timberline Road, Drake to Prospect Project and the Creation of Timberline and Prospect Special Improvement District (SID) No. 94. (1 hour - 10 minute staff presentation)
- A. Public Hearing and First Reading of Ordinance No. 090, 2005, Relating to the Creation and Organization of the Timberline and Prospect Special Improvement District No. 94 and Providing for the Construction of Improvements Therein.
  - B. First Reading of Ordinance No. 095, 2005 Amending Section 22-111 of the City Code Pertaining to the Issuance of Bonds for Special Improvement Districts.
  - C. Resolution 2005-091 Submitting a Ballot Issue to the Registered Electors of the Proposed Timberline and Prospect Special Improvement District No. 94 as Part of the Special City Election on November 1, 2005.
  - D. First Reading of Ordinance No. 091, 2005, Authorizing Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements in Connection with the Timberline Road, Drake Road to Prospect Road Project.
  - E. Second Reading of Ordinance No. 084, 2005, Appropriating Unanticipated Revenue in the Capital Projects Fund - Timberline Road Improvements Project and

Appropriating Prior Year Reserves in the Street Oversizing Fund for Transfer to the Capital Projects Fund- Timberline Road Improvements Project to be used to Construct Improvements on Timberline Road Between Drake and Prospect Roads.

The Timberline Road, Drake to Prospect Project is the most heavily congested intersection in the City. In the absence of any City capital improvement funding for this intersection, two impacted developers are electing to privately fund these improvements in order to proceed with their development projects. These developers are the majority property owners and have proposed the initiation of a special improvement district to distribute a portion of the costs through assessments to other undeveloped property in the area benefitted by the improvements.

The primary item being considered is the actual creation by ordinance of the Timberline and Prospect Special Improvement District No.94. In the creation of any SID, there is an opportunity for Council to hear and consider objections and protests. Notification of this hearing has been published and all property owners included in the proposed SID No. 94 have been notified by first class mail as required.

Ordinance No. 084, 2005, was unanimously adopted on First Reading on July 19, 2005.

22. Resolution 2005-092 Submitting to the Registered Electors of the City an Ordinance Extending the Existing Twenty-Five Hundredths Percent (0.25%) "Community Enhancement" Capital Projects Sales and Use Tax on All Taxable Items Except Food for a Period of Ten Years for the Purpose of Obtaining Revenue for Certain "Building on Basics" Capital Projects and Related Operation and Maintenance. (30 minutes - 10 minute staff presentation)

City Council has worked with citizens, staff, and boards and commissions over the past months to develop a list of projects for voters to consider funding through the extension of the current one-quarter cent capital sales tax. City Council has considered the list of possible projects at several recent work sessions and has developed a list of projects to place before the voters. This list includes 13 projects, totaling \$51.8 million in capital costs and \$4.4 million in associated operations and maintenance costs for the first 7 years of operational life of each project.

The Resolution places the question of whether to extend the sales and use tax before the voters on the November 1, 2005 ballot. Voters will be asked to approve the list of projects and several provisions within the Ordinance that will guide the construction of the projects.

23. Items Relating to Placing Proposed Charter Amendments on the November 1, 2005 Ballot. (15 minutes - 5 minute staff presentation)
- A. First Reading of Ordinance No. 093, 2005, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Article II of the City Charter, Pertaining to Publication of Ordinances.

- B. First Reading of Ordinance No. 094, 2005, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Article VIII of the City Charter, Pertaining to the Board of Elections.

These Ordinances place individual Charter amendments on the November 1, 2005 Special Election ballot.

- 24. Resolution 2005-093 Authorizing the City Manager to Enter Into a Grant Agreement with the State Board of the Great Outdoors Colorado Trust Fund for the Inspiration Playground at Spring Canyon Community Park. (10 minutes - 5 minute staff presentation)

The Council-adopted Parks and Recreation Policy Plan identifies the development of the Spring Canyon Community Park as the City's sixth community park. Community parks are designed to serve the recreational needs of about 20,000 people. The City has been collecting impact fees to build this park since 1996. Community parks are developed with large playgrounds that contain a variety of play equipment that can be enjoyed by children of all ages. The City's funding for playgrounds is sufficient to comply with the guidelines contained in the Americans with Disabilities Act. However, these guidelines do not fully integrate play and socializing between able-bodied children and children with disabilities.

An Inspiration Playground has additional elements that allow for children to play side-by-side on sensory rich structures that encourage integration and the development of cognitive, emotional, physical, and social skills for all children. The playground will include a water splash play area that will also be accessible.

The City's public design process in 2004 included information about an Inspiration Playground at the Spring Canyon Park.

- 25. Pulled Consent Items.

- 26. Other Business.

- 27. 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.