



REGULAR MEETING AGENDA

FORT COLLINS CITY COUNCIL

September 6, 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
6:00 p.m.
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.

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 19. 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 August 16, 2005.
7. Second 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, which was unanimously adopted on First Reading on August 16, 2005, will make several such amendments.

8. Postponement of Items Relating to the State Highway 14 – East Frontage Road Annexation and Zoning to the Regular Council Meeting of November 15, 2005.
 - A. Second 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.
 - B. Second 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.

These items have been postponed in order to allow for further discussions relating to property access issues.

9. Postponement of Items Relating to the Waterdale Annexation and Zoning to the Regular Council Meeting of November 15, 2005.
 - A. Second Reading of Ordinance No. 088, 2005, Annexing Property Known as the Waterdale Annexation to the City of Fort Collins, Colorado.

- B. Second 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.

These items have been postponed in order to allow for further discussions relating to property access issues.

10. Items Relating to the Timberline Road, Drake to Prospect Project and the Creation of Timberline and Prospect Special Improvement District (SID) No. 94.

- A. Second 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. Second 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. Second 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.

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 creation of a Special Improvement District will spread the cost of the APF improvements to all undeveloped property which benefits from the construction.

Ordinance Nos. 090, 095, and 091, 2005, were unanimously adopted on First Reading on August 16, 2005.

11. Items Relating to Placing Proposed Charter Amendments on the November 1, 2005 Ballot.

- A. Second 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. Second 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, which were unanimously adopted on First Reading on August 16, 2005, place individual Charter amendments on the November 1, 2005 Special Election ballot.

12. First Reading of Ordinance No. 096, 2005, Appropriating Proceeds from the Issuance of City of Fort Collins, Colorado, Wastewater Utility Enterprise, Sewer Revenue Refunding Bonds, Series 2005, dated October 3, 2005, in the Maximum Aggregate Principal Amount of \$11,900,000, in the Wastewater Utility Fund.

The Board of the Wastewater Utility Enterprise (the "Board") will be considering at its next meeting, which is scheduled to take place after the regular September 6, 2005, Council meeting, Ordinance No. 4, of the Board of the Wastewater Utility Enterprise, which authorizes the issuance of City of Fort Collins Colorado, Wastewater Utility Enterprise, Sewer Revenue Refunding Bonds, Series 2005, Dated October 3, 2005, in the Maximum Aggregate Principal Amount of \$11,900,000 (the "Bonds"). The Bonds will be issued to refund, pay and discharge the outstanding Sewer Revenue Refunding Bonds, Series 1995. The City will be paying off higher cost bonds with new bonds that will have lower interest rates. The final rates will be determined by selling the Bonds at a competitive sale on October 3, 2005. The City Charter authorizes the City to form enterprises to issue municipal revenue bonds and, since 1992, all utility bonds have been issued by the appropriate utility enterprise. However, the Charter grants only the Council the power to appropriate the funds. Therefore, this action by the Council is necessary in order to appropriate the bond proceeds, approved by the Board, for the Wastewater Utility. Authorizing the issuance of the bonds and appropriating the proceeds are both necessary to complete the bond transaction.

13. First Reading of Ordinance No. 097, 2005, Authorizing the City Manager to Extend the Term of the Agreement Between the City and CH2M Hill, Inc. for Engineering Services at the Fort Collins-Loveland Municipal Airport.

There is an urgent need to conduct design work for airport improvements which will be completed during next summer's construction season. In order to obtain the most favorable construction costs it is necessary to solicit bids over the winter months. Due to the complexity of the project the design work needs to commence as soon as possible and will take approximately 6 months to complete.

The current Agreement with CH2M Hill expires this October 31, 2005. In order to start this work now and continue work beyond the Agreement expiration term it is necessary to extend the term of the Agreement for one year to October 31, 2006. The funds necessary to complete the design fees have already been adopted in the 2005 Airport budget; 95% of the costs are recovered from an existing FAA Grant and 2.5% of the Airport's match will come from a Grant from the State of Colorado.

14. First Reading of Ordinance No. 098, 2005, Authorizing an Option to Lease, and a Subsequent Lease of, City-Owned Property at City Park North Ballfield to New Cingular Wireless PCS, LLC, for the Location of Antenna Equipment and Related Facilities, Along With an Associated Easement.

Cingular Wireless Company contacted the Parks Division to discuss the possible lease of land for an antenna and related equipment to enhance its cellular phone service. The property to be leased and a related utility easement are located in City Park, north of the ballfields. Council has approved similar leases for Sprint, VoiceStream, and Cricket in the same area. Through a series of negotiations, staff has developed a proposed Option and

Structure Lease Agreement that meet the needs of the City and Cingular. Maps of the location of the antenna and related equipment are attached as an exhibit to the Ordinance.

15. Resolution 2005-094 Updating the List of Names For Arterial and Collector Streets.

Section 24-91 of the City Code requires that all new arterials and collectors be named from the official list of street names approved by the City Council. The list is adopted by the City Council and names can be added only by resolution of the City Council.

This Resolution represents an update of the official list of eligible street names in order to keep current with the pace of new development. With the support of Police Services, Poudre Fire Authority, U.S. Postal Service and Larimer Emergency Telephone Authority, staff recommends that four new proper names be added to the list at this time. In addition, 11 names are to be deleted for having already been used in the Fort Collins Growth Management Area since the last update. Finally, seven names are to be deleted because they have already been used in other communities in the emergency calling area.

16. Resolution 2005-095 Renaming Coffey Parkway to William Neal Parkway and Revising the List of Names for Arterial and Collector Streets Accordingly.

Changing a street name requires the passage of a resolution by City Council. The City has been asked to rename “Coffey” Parkway to “William Neal” Parkway as a memorial to William L. Neal. This street is located in Rigden Farm and a major segment has recently been constructed. As a collector street, the name must be selected from the official list approved by Council in accordance with Section 24-91 of the City Code. A resolution adding the name of William L. Neal to this list has also been prepared for Council’s consideration.

17. Resolution 2005-096 Approving the Stipulated Determination of Vested Rights Between the City and Village Homes of Colorado, Inc.

Village Homes of Colorado, Inc. is the developer of Willow Brook and has almost completed the project, but there remains about 13 acres to be developed. The plan has expired. Accordingly, Village Homes has filed an application for a Determination of Vested Rights under Division 2.13 of the Land Use Code and the City Manager and City Attorney agree that the application for Determination of Vested Rights should be granted. The proposed resolution would formalize the determination of vested rights.

18. Resolution 2005-097 Setting the Dates of the Public Hearings on the 2006 and 2007 Proposed City of Fort Collins Biennial Budget.

The City will be adopting a biennial budget for the years 2006 and 2007. The City Charter requires that the City Council set a date for a public hearing on the proposed budget. This Resolution sets that hearing date for the Council meeting of September 20, 2005. In an effort to receive further public input, this Resolution also sets an additional hearing date for the October 4, 2005 Council meeting.

19. Routine Deeds and Easements.

- A. Deed of Easement Dedication from Board of Governors of the Colorado State University System by and through Colorado State University, for a waterline, located at Hughes Stadium. Monetary consideration: \$0 (Water supply loop will be transferred to the City). (See Map #1). Staff: Kathy Valdez.
- B. Deed of Dedication for Right-of-Way from the City of Fort Collins to Legacy Development Corporation for public street purposes, located on Old Legacy Road in the Homestead PUD. Monetary consideration: \$10. (See Map #2). Staff: Susan Joy.
- C. Easement Dedication from College and Mountain Properties, LLC, for a building facade easement, located at 107 North College Avenue. Monetary consideration: \$0. (See Map #3). Staff: Patrick Rowe.
- D. Easement Dedication from Mike McCormick, for a building facade easement, located at 132 North College Avenue. Monetary consideration: \$0. (See Map #4). Staff: Patrick Rowe.
- E. Revocable Sign and Landscape Easement Agreement from Centerra Properties West, LLC, located at the Fort Collins-Loveland Airport. Monetary consideration: \$0. (See Map #5). Staff: Patrick Rowe.

END CONSENT

20. Consent Calendar Follow-up.

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

21. Staff Reports.

22. 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.

23. Resolution 2005-098 Amending the "Framework Overlay Plan" which is a Part of the East Mulberry Corridor Plan. (1 hour - 5 minute staff presentation)

The East Mulberry Corridor Plan (EMCP) was adopted September 17, 2002. The Plan shows two scenarios for the Downtown Airpark. One assumes continuing operations as an airport while the other indicates redevelopment. The redevelopment scenario is referred to in the EMCP as the "Framework Overlay Plan" and calls for a combination of Industrial (60%) and Employment (40%) zoning to be placed on the Airpark property.

An application has been received to amend the Framework Overlay Plan so that the entire Downtown Airpark would be placed in the Employment zone, thus eliminating the Industrial zone. On May 19, 2005, the Planning and Zoning Board voted 5 to 0 to annex the property but denied the request to convert the entire 148 acres to Employment zoning. On July 21, 2005, after additional information was presented to the P & Z Board, the Board voted 6 – 0 to deny the applicant's request for 100% Employment zoning and retain the original mix of Industrial and Employment zoning as called for in the EMCP and shown on the Framework Overlay Plan.

24. First Reading of Ordinance No. 099, 2005, Expanding the Boundaries of the Fort Collins, Colorado Downtown Development Authority and Amending the Plan of Development of the Authority. (1 hour - 10 minute staff presentation)

This annexation would expand the boundaries of the Fort Collins Downtown Development Authority (DDA) District to include the following properties:

1. City of Fort Collins Transportation Services property (bounded by Linden Street on the West, Vine Drive on the North, Lemay Avenue on the East and by the New Belgium Brewing property on the south).
2. Platte Valley Lumber, Inc, 725 East Vine Drive.

3. The New Belgium Brewing property on the north side of Buckingham from Linden to Lemay.
 4. 33 acres on the north side of East Vine Drive and directly east of the Platte Valley Lumber property, owned by Judy Kolz of Buckeye LLC.
 5. An additional property owned by Judy Kolz located on the south side of Buckingham Street just east of the Buckingham neighborhood.
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.