



REGULAR MEETING AGENDA

FORT COLLINS CITY COUNCIL

November 7, 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 Declaring "Loyalty" as the Community Character Focus of the Month of November 2006.
- B. Proclamation Declaring the month of November as National Adoption Month.
- C. Proclamation Declaring December 2006 as the Celebration of the 25th Anniversary of Boy Scout Troop 12.

Regular Meeting 6:00 p.m.

PLEDGE OF ALLEGIANCE

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

****Presentation of Funds Raised by Golden Corral for Recreation Division
Scholarship Program****

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 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 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 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. 30, 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 September 5, 2006 Regular Meeting.

7. Items Relating to the Multi-jurisdictional Drug Task Force.

- A. Second Reading of Ordinance No. 162, 2006, Appropriating Unanticipated Grant Revenue from the Bureau of Justice Assistance in the General Fund For the Larimer County Drug Task Force.
- B. Second Reading of Ordinance No. 163, 2006, Appropriating Unanticipated Grant Revenue from the Office of National Drug Control Policy in the General Fund for the Larimer County Drug Task Force.

These Ordinances, unanimously adopted on First Reading on October 17, 2006, appropriate grant funds received by the Larimer County Drug Task Force from the Office of National Drug Control Policy and the Bureau of Justice Assistance. These funds are to be used to fund the investigation of illegal narcotics activities in Larimer County.

8. Second Reading of Ordinance No. 164, 2006, Adopting, and Determining the Effective Date of, the District-Precinct Map for the 2007 Regular Municipal Election.

This Ordinance, unanimously adopted on First Reading on October 17, 2006, adopts the District-Precinct Map for the 2007 regular municipal election for the purposes of (1) determining the eligibility for District Council offices for the April 2007 election; (2) determining eligibility for any interim appointments to fill any District Council vacancies which may occur after November 17, 2006; and (3) determining residency for voting in any special municipal election conducted after November 17, 2006.

9. Second Reading of Ordinance No. 165, 2006, Establishing Local Provisions for the Conduct of Mail Ballot Elections.

This Ordinance, unanimously adopted on First Reading on October 17, 2006, establishes local provisions for the conduct of mail ballot elections in Fort Collins and supersedes Title 1, Article 7.5 of the Colorado Revised Statutes, as well as any rules and regulations promulgated by the Secretary of State regarding mail ballot elections.

10. Items Relating to the Arbor South Second Annexation and Zoning.

- A. Second Reading of Ordinance No. 166, 2006, Annexing Property Known as the Arbor South Second Annexation to the City of Fort Collins, Colorado.
- B. Second Reading of Ordinance No. 167, 2006, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Arbor South Second Annexation to the City of Fort Collins, Colorado.

These Ordinances, which were unanimously adopted on First Reading on October 17, 2006, annex and zone 1.83 acres located on the west side of South College Avenue, east of Fossil Boulevard, and north of West Fairway Lane. It is currently vacant, undeveloped property and is in the T – Tourist Zoning District in Larimer County. The requested zoning in the City of Fort Collins is C - Commercial.

11. Second Reading of Ordinance No. 168, 2006, Vacating Portions of Right-of-way as Dedicated on the Plat of Provincetowne P.U.D., Filing No. 2.

This Ordinance, unanimously adopted on First Reading on October 17, 2006, vacates portions of right-of-way located in the Provincetowne, Filing Two that are no longer necessary. A temporary access, drainage and utility easement is retained.

12. Items Relating to the Provincetowne P.U.D. Filing Three Development.

- A. Second Reading of Ordinance No. 169, 2006, Declaring Certain City-Owned Property in Provincetowne P.U.D. As Road Right-Of-Way
- B. Second Reading of Ordinance No. 170, 2006, Authorizing the Conveyance of a Perpetual Drainage Easement and Temporary Construction Easement for the Provincetowne P.U.D. Filing Three Development Project.

The developer of Provincetowne P.U.D. Filing 2, KB Homes Inc., wishes to modify two cul-de-sacs in its development to connect with new roads included in the new Third Filing of Provincetowne P.U.D.. This modification would require the designation of a portion of Outlot I of Filing 2 (future park site) as right-of-way. The developer also wishes to acquire a 30,771 square foot drainage easement through the future park site for the benefit of the development. These Ordinances, unanimously adopted on First Reading on October 17, 2006, designate the right-of-way and authorize conveyance of the drainage easement and temporary construction easement.

13. Items Relating to the 2007 Downtown Development Authority Budget.

- A. Second Reading of Ordinance No. 171, 2006, Appropriating Operating Funds and Approving the Budget of the Downtown Development Authority for the Fiscal Year Beginning January 1, 2007, and Fixing the Mill Levy for the Downtown Development Authority for 2007 at Five Mills.
- B. Second Reading of Ordinance No. 172, 2006, Appropriating Revenue in the Downtown Development Authority Debt Service Fund for Payment of Debt Service for the Year 2007.

The Downtown Development Authority Board of Directors (the "Board") adopted its proposed budget for 2007 totaling \$6,196,867 on September 7, 2006. The Board determined the mill levy necessary to provide for payment of administrative costs incurred by the DDA at its regular meeting of September 7, 2006. Ordinance No. 171, 2006, appropriates the DDA operating funds and sets the mill levy.

Ordinance No. 172, 2006, appropriates funds for 2007 DDA debt service payments from the tax increment received by the City. Both Ordinances were unanimously adopted on First Reading on October 17, 2006.

14. Items Relating to Utility Rates and Charges for 2007.

- A. Second Reading of Ordinance No. 173, 2006, Amending Chapter 26, Article III, Division 4 of the City Code Relating to User Rates and Charges for Water.
- B. Second Reading of Ordinance No. 174, 2006, Amending Chapter 26, Article IV, Division 4 of the City Code Relating to Wastewater Rates and Charges.

- C. Second Reading of Ordinance No. 175, 2006, Amending Chapter 26, Article VI, Division 4 of the City Code Relating to Electric Development Fees and Charges.
- D. Second Reading of Ordinance No. 176, 2006, Amending Chapter 26, Article I & XII of the City Code Relating to Utility Bills and Notices and Administrative Regulations for Billing and Collection.

Ordinance No. 173, 2006 establishes Utilities monthly water rates for 2007. Ordinance No. 174, 2006 establishes Utilities monthly wastewater rates for 2007 and the second phase of the wastewater plant investment fees (PIFs) to be implemented January 1, 2007. Ordinance No. 175, 2006, updates electric development fees and charges to capture the costs associated with providing capital improvements to new development. Ordinance No. 176, 2006, modifies City Code to allow users an option of electronic delivery of utility bills and notices. These Ordinances were unanimously adopted on First Reading on October 17, 2006.

- 15. First Reading of Ordinance No. 178, 2006, Appropriating Unanticipated Revenue in the General Fund to Develop the I-25 and State Highway 392 Interchange Improvement Plan.

On September 7, 2006, the North Front Range Metropolitan Planning Organization (“MPO”) awarded the City a grant of \$25,420 to develop the I-25/SH 392 Interchange Improvement Plan. The Plan is identified in the 2006-2007 Work Program for the Advance Planning Department and \$50,000 was allocated in the budget to represent the City’s share in the joint project. The MPO money was awarded after the project budget was allocated, so this Ordinance is needed to appropriate the unanticipated additional amount of \$25,420.

- 16. First Reading of Ordinance No. 179, 2006, Appropriating Unanticipated Revenue in the Recreation Fund to be Used for the Youth Pottery Program.

On August 15, 2006, Council adopted Resolution 2006-081 authorizing the City Manager to enter into a grant agreement with the Colorado Council on the Arts for funding for the Youth Pottery Program.

The City Recreation Division was recently awarded a matching grant from the Colorado Council on the Arts in the amount of \$7,030. This amount represents the difference between expenses directly attributed to the Youth Pottery Program and program revenues during the fiscal year, July 1, 2006 through June 30, 2007. The Colorado Council on the Arts requires that the City Council appropriate these funds. This request is to appropriate the amount of \$7,030 to support this program in 2006/2007 and authorize the transfer of appropriations totaling \$3,515, from the Recreation Fund 2006 operating budget to grant project budget, representing the required 2006 matching dollars. Grant matching funds for 2007 (\$3,515) are included in the Recreation Fund 2007 budget.

- 17. First Reading of Ordinance No. 180, 2006, Appropriating Unanticipated Revenue in the Wastewater Fund and Authorizing the Transfer of Appropriations Within the Wastewater Fund to be Used for Odor Control Measures at the Drake Water Reclamation Facility.

Additional project dollars (\$1,200,000) are needed to fund odor control due to significant increased costs in materials. The Wastewater Fund recently transferred land valued at

\$2,000,000 to the General Fund in exchange for property used in the operations of the various utilities. \$800,000 of the property transferred to the Wastewater Utility is used in the operations of the Water Utility. The Water Utility will pay the Wastewater Utility \$800,000 for the property. The Wastewater Utility will also transfer \$400,000 from budgeted contingency funds to capital project for odor control.

18. First Reading of Ordinance No. 181, 2006, Appropriating Unanticipated Grant Revenue and Prior Year Reserves in the General Fund for the Restorative Justice Program and Authorizing the Transfer of Matching Funds Previously Appropriated in the Police Services Operating Budget to the Grant Project.

A grant in the amount of \$30,635 has been received from the Colorado Division of Criminal Justice (DCJ) for salaries associated with the continued operation of the Restorative Justice Program. Restorative Justice is an alternative method of holding a youth offender accountable by facilitating a meeting with the young offender, the victim and members of the community to determine the harm done by the crime, and what should be done to repair the harm. By learning to understand the impact of their actions on the victim and community, criminal justice officials are optimistic repeat offenses by these youth will be reduced. A \$10,212 cash match is required and will be met by appropriating previously collected project income (client fees) from users of this program in the amount of \$6,212 and \$4,000 of already appropriated funds designated for Restorative Justice in the Police Services budget.

The grant period is from October 18, 2006 to June 30, 2007.

19. First Reading of Ordinance No. 182, 2006, Authorizing and Approving the Issuance and Sale of Not to Exceed \$20,000,000 Pollution Control Refunding Revenue Bonds (Anheuser-Busch Project) Series 2006 of the City of Fort Collins, Colorado, to Refund Certain Bonds of the City of Fort Collins, Colorado, Issued to Refinance Certain Water Pollution Control Facilities, Sewage Facilities and Solid Waste Disposal Facilities; the Execution and Delivery of an Indenture of Trust to Secure Said Bonds; the Execution and Delivery of a Loan Agreement Between Anheuser-Busch Companies, Inc. and the City of Fort Collins, Colorado Providing for the Repayment of the Loan of the Proceeds of Said Bonds; the Execution and Delivery of a Tax Regulatory Agreement, Bond Purchase Agreement, Official Statement and Said Bonds in Connection Therewith; and Providing for Certain Other Matters in Connection with the Delivery of the Bonds.

In 1984, the City issued \$35,000,000 of pollution control revenue bonds for the Anheuser-Busch Companies, Inc. (the "Company"). In 1986, the bonds were reissued in the amount of \$20,000,000. The first call date for the 1986 bonds was September 4, 1996. The bonds were used to finance the costs of acquiring, constructing, installing and equipping pollution control facilities, sewage facilities, and solid waste disposal facilities to be owned by the Company or one of its subsidiary companies. Because of the change in interest rates, the Company would like to refinance the outstanding bonds to attain debt service savings. The 1986 bonds carry an interest rate of 7.375%. The refinanced rate of interest is expected to be around 6.5%. The proposed refinancing will extend the maturity of the bonds from 2014 to 2036.

20. First Reading of Ordinance No. 183, 2006, Amending the City Code to Increase the Capital Improvement Expansion Fee, Street Oversizing Fee and Neighborhood Parkland Fee to Reflect Inflation in Associated Costs of Services.

This Ordinance increases the fee schedules for the Capital Improvement Expansion Fees and Neighborhood Parkland Fee by the estimated 2006 changes in the Denver-Boulder-Greeley Consumer Price Index (“CPI”).

Costs in the Capital Improvement Expansion Fees (“CIEF”) Study and the fee schedule for the Neighborhood Parkland Fees were calculated using costs from 1995. The fees were last adjusted in 2005. This Ordinance increases the CIEF and the Neighborhood Parkland Fees by the estimated 2006 increase in the CPI of 3.75%, and the Street Oversizing fees by 4.23%, which reflects the projected increase reported in the Engineering News Record.

21. Resolution 2006-109 Providing a Process for Implementing City Fee Increases.

City Councilmembers have requested that staff develop a proposed process for reviewing future increases to a variety of fees currently imposed by the City. This Resolution provides direction to staff about an evaluation process and articulates City Council’s goal of evaluating the impact of fees on the community. The City Manager commits to a fee review process which will compare City fees to those of other communities in the region.

22. Resolution 2006-110 Approving the Purchase of a Sensys Networks In-Pavement Vehicle Detection System.

The Traffic Operations Department has obtained federal funding to develop a travelers web page. The web page will provide real-time information about traffic congestion to assist drivers in planning for and selecting alternative routes. To determine congestion conditions, vehicle detection will be installed along major corridors to collect count and speed information. Sensys is the only manufacturer of wireless in-pavement vehicle detectors with data collection software.

23. Resolution 2006-112 Responding to the Motion for Reconsideration of Ordinance No. 137, 2006 Relating to the Southwest Enclave Annexation.

Following the City Council’s adoption of an ordinance annexing the Southwest Enclave, the Citizens Against Forced Annexation (“CAFA”) filed a motion for reconsideration of that ordinance with the City. This Resolution responds to the grounds stated in the motion, and adoption of the Resolution would deny the motion.

24. Routine Easement.

Easement for construction and maintenance of public utilities from FC Timberline Development, LLC, to underground electric system, located at 4502 JFK Parkway. Monetary consideration: \$5000.

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 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. Public Hearing and Resolution 2006-111 Approving the Programs and Projects That Will Receive Funds From the Federal Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Grants and the City's Affordable Housing Fund. (5 minute staff presentation - 10 minute discussion)

This Resolution will complete the fall cycle of the competitive process for allocating City financial resources to affordable housing programs/projects and community development activities.

29. Items Relating to the Adoption of a Transportation Maintenance Fee and a Community Park Maintenance Fee. (10 minute staff presentation - 45 minute discussion)

OPTION A: Revenue Weighted to TMF

1. First Reading of Ordinance No. 184, 2006, Amending Chapter 7.5 of the City Code to Establish a Transportation Maintenance Fee. (Option A)

AND

First Reading of Ordinance No. 185, 2006, Amending Chapter 7.5 of the City Code to Establish a Community Park Maintenance Fee. (Option A)

OPTION B: Equal Revenue from TMF and CPMF

2. First Reading of Ordinance No. 184, 2006, Amending Chapter 7.5 of the City Code to Establish a Transportation Maintenance Fee. (Option B)

AND

First Reading of Ordinance No. 185, 2006, Amending Chapter 7.5 of the City Code to Establish a Community Park Maintenance Fee. (Option B)

At the October 10, 2006 Work Session, City Council directed staff to prepare two alternatives for the proposed Transportation Maintenance Fee (TMF) and Community Park Maintenance Fee (CPMF). Option A would weight the fee revenue toward the TMF, while Option B would equally divide the revenue between the TMF and CPMF. For each option (A and B), a TMF ordinance and a CPMF ordinance are presented. The Option A ordinances or the Option B ordinances should be adopted as a set.

30. Pulled Consent Items.
31. Other Business.
32. Adjournment.

<p>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.</p>
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