



REGULAR MEETING AGENDA

FORT COLLINS CITY COUNCIL

December 20, 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

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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 41. 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. 53, 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 Special Meeting Minutes of November 2, 2005 and Adjourned Meeting Minutes of November 8, 2005.
7. Second Reading of Ordinance No. 142, 2005, Appropriating Prior Years Use Tax Carryover Reserves for the Temporary Manufacturing Equipment Use Tax Rebate Program.

In March 1996, City Council approved a Manufacturing Equipment Use Tax Rebate Program ("Rebate Program") for use tax paid on manufacturing equipment. The goal of the program was to maintain the local economic base by providing modest tax relief to manufacturers located in Fort Collins. The Rebate Program has provided rebates to manufacturers for the calendar years 1996 through 2001. The Rebate Program was suspended for calendar year 2002 due to economic conditions. Council reinstated the program in January of 2004 for a two year period to coincide with the biennial budget. Under the Rebate Program, the rebate payments are paid by the City during the year following the year in which the use tax was remitted by the vendor. This is a rebate of taxes paid in 2004 and not a tax exemption. Twelve companies have filed applications this year for a total of \$168,000 in rebates. The source of funding for the Rebate Program is the sales and use tax fund, specifically the use tax carry-over reserve. This Ordinance was unanimously adopted on First Reading on November 15, 2005.

8. Second Reading of Ordinance No. 144, 2005, Appropriating Unanticipated Grant Revenue and Prior Year Reserves in the General Fund for the Restorative Justice Youth Conferencing Program.

A grant in the amount of \$20,000 has been received from the Colorado Division of Criminal Justice for salaries associated with the continued operation of the Restorative Justice Youth Conferencing Program. Restorative justice is an alternative method of holding a young offender accountable by facilitating a meeting with the youth, 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 that repeat offenses by these youth will be reduced. A \$2,222 cash match is required and will be met by appropriating previously collected project income from users of this program. The cash match is currently in General Fund

prior year reserves for Police Services. The grant period is from October 1, 2005 to September 30, 2006. Ordinance No. 144, 2005, which was adopted unanimously on First Reading on November 15, 2005, appropriates the grant funds.

9. Second Reading of Ordinance No. 145, 2005, Approving a General Form of Petition for Initiated Charter Amendments.

Ordinance No. 145, 2005, which was unanimously adopted on First Reading on November 15, 2005, approves a general form of petition for citizen-initiated Charter amendments.

10. Second Reading of Ordinance No. 146, 2005, Authorizing the Lease of City-Owned Property at 945 East Prospect Road for Up to Five Years.

The City purchased this house and lot as part of the Prospect/Lemay Choices '95 Intersection Improvement Project, which is still pending. Should this project become active in the future, this house will be affected by the right-turn lane that is to be added turning south on Lemay Avenue from Prospect Road. The construction of this right-turn lane can be accomplished at a more affordable price if it can be constructed at the same time as the corner redevelops. It is staff's recommendation to continue renting this house in the interim, having the tenant responsible for all utility expenses and site clean-up. On November 15, 2005, Council unanimously adopted Ordinance No. 146, 2005 on First Reading.

11. Second Reading of Ordinance No. 147, 2005, Authorizing the Grant of a Temporary Construction Easement and an Access Easement from the City of Fort Collins, Colorado, to Spring Creek Ranch, LLC.

Spring Creek Ranch LLC, is developing an 11-acre parcel located at 1926 Hull Street into 88 condo units, and has requested a nonexclusive Access Easement and a Temporary Construction Easement on property owned by the City on the south side of Hull Street, in connection with the development. The proposed Access Easement will provide a necessary emergency access route to the development. The proposed Temporary Construction Easement will be used during construction of the Access Easement to provide proper grading of the area. Utilities (Stormwater) has determined that the proposed easements will not impact the use of the property for stormwater purposes, and has no objection to the proposed easements. The triangular-shaped Access Easement contains 154 square feet and the rectangular Temporary Construction Easement contains 1,829 square feet. Ordinance No. 147, 2005, was unanimously adopted on First Reading on November 15, 2005.

12. Second Reading of Ordinance No. 148, 2005, Designating the A.M. Woods House as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Gwyneth Robe, is initiating this request for Fort Collins Landmark designation for the A.M. Woods House. The building is judged to be both architecturally and historically significant under Fort Collins Landmark Standards (1) and (3). The A.M. Woods House is a good example of the locally rare Colonial Revival architectural style. The home is also significant as one of the oldest dwellings existing in Fort Collins. Built circa 1880, the home has been a part of the Eastside Neighborhood for

nearly 125 years. The building exhibits good integrity, and readily conveys its architectural and historical significance. The property is listed on the National Register of Historic Places and the State Register of Historic Properties, as a contributing element of the Laurel School National Register District. Ordinance No. 148, 2005, designating the A.M. Woods House as a Fort Collins landmark, was unanimously adopted on First Reading on November 15, 2005.

13. Items Relating to the Interchange Business Park First Annexation and Zoning.

- A. Second Reading of Ordinance No. 149, 2005, Annexing Property Known as the Interchange Business Park First Annexation.
- B. Second Reading of Ordinance No. 150, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Interchange Business Park First Annexation.

This is a 100% voluntary annexation and zoning of a property approximately 15.55 acres in size. The site is located on the east side of the I-25 East Frontage Road south of State Highway 14 (East Mulberry Street). Contiguity with the existing municipal boundary is gained along a portion of the southern boundary which is shared with the north property line of the State Highway 14 – East Frontage Road (35.86 acres). The recommended zoning is C, Commercial, which is in conformance with the I-25 Sub Area Plan. This annexation is the first in a series of three that will cumulatively result in the annexation of 62.33 acres. Ordinances Nos. 149 and 150, 2005, were unanimously adopted on First Reading on November 15, 2005.

14. Items Relating to the Interchange Business Park Second Annexation and Zoning.

- A. Second Reading of Ordinance No. 151, 2005, Annexing Property Known as the Interchange Business Park Second Annexation.
- B. Second Reading of Ordinance No. 152, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Interchange Business Park Second Annexation.

This is a 100% voluntary annexation and zoning of a property approximately 34.08 acres in size. The site is located on the east side of the I-25 East Frontage Road south of State Highway 14 (East Mulberry Street). Contiguity with the existing municipal boundary is gained along the entire south and a portion of the southeast boundary which is shared with the north property line of the Interchange Business Park First Annexation (15.55 acres). The recommended zoning is C, Commercial, which is in conformance with the I-25 Sub Area Plan. This annexation is the second in a series of three that will cumulatively result in the annexation of 62.33 acres. Ordinances Nos. 151 and 152, 2005, were unanimously adopted on First Reading on November 15, 2005.

15. Items Relating to the Interchange Business Park Third Annexation and Zoning.
- A. Second Reading of Ordinance No. 153, 2005, Annexing Property Known as the Interchange Business Park Third Annexation.
 - B. Second Reading of Ordinance No. 154, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Interchange Business Park Third Annexation.

This is a 100% voluntary annexation and zoning of a property approximately 12.70 acres in size. The site is located on the east side of the I-25 East Frontage Road south of State Highway 14 (East Mulberry Street). Contiguity with the existing municipal boundary is gained along the entire east property line which abuts the Interchange Business Park Second Annexation (34.08 acres). The recommended zoning is C, Commercial, which is in conformance with the I-25 Sub Area Plan. This annexation is the third in a series of three that will cumulatively result in the annexation of 62.33 acres. Ordinances Nos. 153 and 154, 2005, were unanimously adopted on First Reading on November 15, 2005.

16. Second Reading of Ordinance No. 155, 2005, Amending Chapter 26 of the City Code Requiring the Provision of Accurate Ownership Information in Connection With the Provision of Utility Services.

Ordinance No. 155, 2005, amending Chapter 26 of the City Code requiring accurate ownership information in connection with utility services, was unanimously adopted on First Reading on November 15, 2005. The Ordinance has been slightly revised between First Reading and Second Reading in response to Council discussion on First Reading, in order to make the required information listed in City Code Section 26-27 consistent with a similar list in Section 26-25(a).

17. Items Related to the Completion of the Fall Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing Projects/Programs and Community Development Activities Utilizing HOME Investment Partnerships Funds, Community Development Block Grant ("CDBG") Funds, and Funds from the City's Affordable Housing Fund.
- A. Second Reading of Ordinance No. 157, 2005, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Projects in the HOME Investment Partnership Program.
 - B. Second Reading of Ordinance No. 158, 2005, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Projects in the Community Development Block Grant Program.

The CDBG Commission recommends which programs and projects should receive funding from several funds including: the City's Home Investments Partnership ("HOME") Program funds for the FY 2005 Program year; other available HOME Program and CDBG Program funds; and/or the City's Affordable Housing Fund. The total amount of funding requests

considered by the CDBG Commission was approximately \$2.1 million, however, only about \$1.9 million of funds are available. The CDBG Commission recommends full funding for six (6) proposals, partial funding for two (2), and no funding for one (1) proposal. Unallocated funds will be carried over to the Spring 2006 cycle of the competitive process. Both Ordinances were unanimously adopted on First Reading on November 15, 2005.

18. Second Reading of Ordinance No. 159, 2005, Appropriating Prior Year Reserves in the General Employees' Retirement Fund.

The City Council created the General Employees' Retirement Plan in 1971 to provide a retirement benefit in addition to the Social Security system. Oversight is provided by a six-member committee, five of whom are appointed by Council, the other being the Financial Officer.

The single-sum benefit, approved by City Council in 1998, is designed to be actuarially neutral to the Plan. When an employee elects to receive a lump sum amount from the Plan, the liability of providing a future pension benefit to the employee is removed from the Plan. Although actuarially neutral, voluntary elections of single sum payments reduce the uncertainty regarding the number of employees for whom the Plan must provide an income over an unknown period of years. From that standpoint, lump sum payments are considered financially favorable.

On November 29, 2005, Ordinance No. 159, 2005, was unanimously adopted on First Reading.

19. Second Reading of Ordinance No. 160, 2005, Authorizing the Lease of Portions of Soapstone Prairie Natural Area to Folsom Grazing Association.

Ordinance No. 160, 2005, which authorizes a grazing lease on approximately 16,450 acres (12,588 Soapstone, 3,862 Colorado Lease Lands) located within the Soapstone Prairie Natural Area to the Folsom Grazing Association beginning on January 1, 2006 and ending December 31, 2008, was unanimously adopted on First Reading on November 29, 2005. The lease was awarded through a competitive request for proposal process.

The duration of this lease corresponds to the opening of Soapstone Prairie to the public in 2009. The interim lease was designed to continue grazing as a habitat management tool while other portions of the Soapstone Management Plan were developed. This ensures that any future grazing plans will be developed to minimize conflicts with recreation use and other management objectives of the Natural Area.

20. Second Reading of Ordinance No. 161, 2005, Making Various Amendments to the City of Fort Collins Land Use Code.

Staff has identified a variety of proposed changes, additions and clarifications in the Fall biannual update of the Land Use Code. On November 17, 2005, the Planning and Zoning Board considered the proposed changes and voted 5 – 0 to recommend approval of the proposed changes to City Council with one exception. On the item relating to requiring a

higher level of connectivity in the Urban Estate Zone (Item 704), the Board voted 4 – 1 to approve the proposed change. Ordinance No. 161, 2005, was unanimously adopted on First Reading on November 29, 2005.

21. Second Reading of Ordinance No. 162, 2005, Amending Section 2-575 of the City Code Relating to Councilmember Compensation.

Article II, Section 3 of the City Charter provides that the compensation of Councilmembers shall be adjusted annually for inflation in accordance with the Denver/Boulder Consumer Price Index. In 2004, Councilmembers were compensated \$595 per month, and the Mayor received \$895 per month. Council compensation remained the same for 2005.

Ordinance No. 162, 2005, which was unanimously adopted on First Reading on November 29, 2005, amends Section 2-575 of the City Code to set the 2006 compensation of Councilmembers at \$606 and the compensation of the Mayor at \$912, as required by the City Charter.

22. Second Reading of Ordinance No. 163, 2005, Amending Section 25-75 of the City Code so as to Extend Certain Portions of the City's Sales and Use Tax in Accordance with Three Voter-Approved Ballot Measures.

Fort Collins' voters have approved the renewal of three one-quarter cent sales and use taxes to fund high priority capital needs in the community. The three taxes were previously used to fund three packages of capital projects in the Building Community Choices capital plan. All three current taxes are set to expire on December 31, 2005. Ordinance No. 163, 2005, which was unanimously adopted on First Reading on November 29, 2005, implements the tax extensions by amending the sales and use tax code to reflect the provisions of the voter actions.

23. Second Reading of Ordinance No. 164, 2005, Appropriating Prior Year Reserves in the Self Insurance Fund to Cover the Annual Actuarial Report Adjustment.

The City's Self-Insurance fund pays for liability (auto, public officials, general liability), property (damage to buildings, flood etc.) and worker compensation claims and related expenses. An actuarial report is provided annually in March to project reserves which are needed for claims which have been filed but not settled and claims that have not been filed or reported to the City. These are known as claims incurred but not reported, or "IBNR" claims.

Claims are affected by timing. Once an incident has occurred, claimants have 180 days after the incident to file a claim with the City for a State covered tort and two years to file claims covered by Federal law.

The reserves necessary to cover claims that have not been reported or filed (IBNR claims) and claims which have not yet been settled, fluctuates annually. For example, in 2002 the reserve/IBNR increased \$156,000, in 2003 it increased \$1,300,000, and in 2004 it decreased

\$1,400,000. It is estimated that the amount of reserves will increase by \$500,000 – 800,000 for 2005.

Ordinance No. 164, 2005, was unanimously adopted on First Reading on November 29, 2005.

24. Second Reading of Ordinance No. 165, 2005, Repealing Division 2 of Article II of Chapter 21 of the City Code Concerning the Personnel Board.

Because the functions of the Personnel Board can be more efficiently and economically met by the use of ad hoc committees and the streamlining of the administrative disciplinary process to allow for the conduct of personnel hearings by the City Manager or his/her designee, the Personnel Board can be dissolved without adversely affecting the City. Ordinance No. 165, 2005, was unanimously adopted on First Reading on November 29, 2005.

25. Second Reading of Ordinance No. 166, 2005, Authorizing the Transfer of Appropriations Between Capital Improvements Within the Downtown Development Authority Operations and Maintenance Fund Related to the City of Fort Collins, Colorado, Downtown Development Authority Taxable Subordinate Tax Increment Revenue Bonds, Series 2004A.

The City of Fort Collins created the Downtown Development Authority (“DDA”) to make desired improvements in the downtown area. Through tax increment financing, the DDA has made significant contributions to the redevelopment and improvement of the downtown area. This Ordinance authorizes the transfer of unexpended appropriations in the Downtown Development Authority Operations and Maintenance Fund resulting from the cancellation of an improvement identified in Ordinance No. 89, 2004, the 2004 Bond Appropriation Ordinance for the DDA. Ordinance No. 166, 2005, which was unanimously adopted on First Reading on November 29, 2005, authorizes the transfer of funds for the improvements identified or are in process of being identified and an existing improvement that will receive increased funding.

26. Second Reading of Ordinance No. 167, 2005, Amending the City Code Relating to General Penalties.

This Ordinance, which was unanimously adopted on First Reading on November 29, 2005, provides a new and dedicated revenue source to fund enforcement of speed limits in neighborhoods, citywide awareness programs and other traffic calming measures. Approval of this Ordinance changes the way the City approaches the “speeding in neighborhoods” issue.

This program is an enhancement to the existing Neighborhood Traffic Safety Program (NTSP) housed currently housed in Traffic Operations. Fort Collins residents want to feel safe in their neighborhoods. This is an important quality of life aspect that many folks believe they are missing. One of the main causes of concern is speeding in neighborhoods. The Traffic Operations Department has had a neighborhood traffic calming program in place for approximately 10 years and the program has been largely ineffective at reducing speeds

in neighborhoods. The new program approach is intended to change the approach to reducing speeds on neighborhood streets.

27. Second Reading of Ordinance No. 168, 2005, Appropriating Unanticipated Grant Revenue in the General Fund for the Poudre Valley Health System “Reduce Intoxicated Driving” Program.

Poudre Valley Health System (“PVHS”) developed a comprehensive prevention program called Reduce Intoxicated Driving (“RID”) to minimize the number of individuals who drive while intoxicated. RID collaborates with local government, businesses, law enforcement, health care providers, Colorado State University, Poudre School District and other community sectors to reduce the number of individuals who drive intoxicated. The program uses many strategies to decrease the number of people who drive intoxicated such as public education and dissemination of information about hazards of driving while intoxicated to youth in the community.

The State of Colorado and the Alcohol and Drug Division of the Colorado Department of Human Services require that the grant funds be dispersed to a “local public procurement unit.” A “local public procurement unit” means any county, city, municipality, or other public subdivision of the state, any public agency of any such political subdivision, any public authority, any education, health or other institution, and to the extent provided by law, any other entity which expends public funds for the procurement of supplies, services and construction.

PVHS requested that the City serve as the local public procurement unit and a pass-through recipient of the grant proceeds. This Ordinance will allow the City to disburse the grant funds to PVHS (via the Hospital Foundation) upon completion of any grant-related documents and a subgrant agreement between the City and PVHS.

Ordinance No. 168, 2005, was unanimously adopted on First Reading on November 29, 2005.

28. Second Reading of Ordinance No. 169, 2005, Creating the Land Conservation and Stewardship Board.

In November 2002, voters passed a ballot measure known as Open Space, Yes! (OSY), a continuation of the City’s .25 cent sales tax for the acquisition and management of open space. Open Space, Yes! begins collecting and distributing revenues to the City’s Natural Areas Program as of January 1, 2006.

Section 15 of OSY states that: “...the City Council shall designate a voluntary City Advisory Board, either existing or new, to advise and make recommendations to the City Council regarding the expenditure of the moneys for the purposes stated herein.”

Ordinance No. 169, 2005, was unanimously adopted on First Reading on November 29, 2005.

29. Hearing and First Reading of Ordinance No. 170, 2005, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for That Certain Property Known as the Timberline Center Parcel, From T, Transition to I, Industrial.

This is a request to rezone a 16.13 acre parcel from T, Transition to I, Industrial. The parcel is located on the west side of Timberline Road approximately one-half mile north of East Drake Road. The Union Pacific Railroad right-of-way forms the western boundary. The request complies with the City's Structure Plan Map.

The parcel is a part of the larger 435-acre Timberline Annexation which was annexed in 1997 as an enclave. Upon annexation, all parcels contained within the Timberline Annexation were placed into T, Transition zone district. The Transition zone requires that City Council change the zoning to another zone district within 60 days of the Planning and Zoning Board hearing of December 8, 2005.

30. First Reading of Ordinance No. 171, 2005, Amending Section 2-474 of the City Code Pertaining to the Membership of the Fort Collins Housing Authority.

The Board of Commissioners of the Fort Collins Housing Authority has requested that its membership be decreased from nine members to seven members because a seven-member body would be more manageable and would still allow for proper representation from related fields and backgrounds. Section 29-4-205, C.R.S., provides that the Housing Authority shall consist of no more than nine commissioners appointed by the Council. This Ordinance would amend Section 2-474(2) of the City Code to reflect the change recommended by the Commissioners.

31. First Reading of Ordinance No. 172, 2005, Amending Chapter 26 of the City Code to Revise Sewer Plant Investment Fees.

This is a housekeeping ordinance to amend the sewer plant investment fee.

Ordinance No. 134, 2005, was adopted by Council on November 15, 2005. Council approved Ordinance No. 134, 2005 with the intent to phase in one-third of the increases proposed in the 2005 plant investment fee study. The Ordinance includes fees calculated for high strength commercial customers based on one-third of full implementation; however, corresponding flows were not adjusted to reflect the same. This Ordinance will reduce the flows used to calculate the fees for high strength commercial customers in order to comply with Council's original intent and direction.

This housekeeping change will only affect commercial customers with high strength discharges. Residential and commercial customers with normal strength discharges are not impacted.

32. Resolution 2005-131 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 Bobcat Ridge Project.

This Resolution would approve expenditures of \$7,544 for design, materials, installation and contingency for a project with artist Robert Tully to create three sculptural elements for Bobcat Ridge Natural Area. Robert Tully has already been paid \$2,830 for Design Consultant Services to develop the art concepts for the Project site.

33. Resolution 2005-132 Approving the Purchase of Animal Control Services from the Larimer Humane Society for 2006 and 2007 as an Exception to the Competitive Purchasing Process.

The City of Fort Collins has contracted with the Larimer Humane Society for animal control services for over 30 years. The contract requires the Larimer Humane Society to provide a variety of specialized equipment and personnel necessary to provide animal control services to the City of Fort Collins; to operate a shelter facility; to provide emergency veterinary care; to dispose of dead animals; to respond to animal-related calls for service; to enforce City ordinances pertaining to animals; to administer a pet licensing program; and to provide accurate quarterly reports to City staff. There is no other known organization, entity or individual currently capable of performing these services.

The City of Fort Collins relies on the Larimer Humane Society to address animal-related issues within the City limits and it remains dedicated to providing professional animal control services to the City. Adoption of this Resolution will allow this contractual relationship to continue.

34. Resolution 2005-133 Authorizing the Mayor to Execute the Drunk Driving Enforcement Grant Contract #L06-24 Between the City and the Colorado Department of Transportation.

The Colorado Department of Transportation has awarded Fort Collins Police Services a 2006 Law Enforcement Assistance Fund (L.E.A.F.) grant in the amount of \$11,750 to help reduce the number of drunk drivers in Fort Collins. This grant will provide overtime compensation for Fort Collins police officers who are involved in operations which focus on the detection and arrest of drunk drivers.

35. Resolution 2005-134 Authorizing the Extension of the Sublease Agreement with the Fort Collins Convention and Visitors Bureau for a Portion of the Facility at the Welcome Center, Located at 3545 East Prospect Road.

In August 1999, the City and the Colorado State Board of Agriculture ("State") entered into an Intergovernmental Agreement ("IGA") regarding the Environmental Learning Center/Visitor's Center/Welcome Center (the "Facility") located at 3545 East Prospect Road. Under the terms of the IGA, the City leased a portion of the Facility from the State. In June 2001, the City entered into a Sublease Agreement with the Fort Collins Convention and Visitors Bureau to sublease the City's portion of the Facility for convention and visitor services. The sublease terminates December 31, 2005. The City Purchasing Department anticipates bidding out convention services in the early part of 2006. The successful bidder

will then enter into a new sublease agreement with the City for use of the Facility. Since the bid is not until the early part of 2006 and this lease terminates at the end of this month, we are requesting approval to extend the current lease to March 31, 2006.

36. Resolution 2005-135 Approving Revised Costs and Fees for Fort Collins Municipal Court.

The Fort Collins Municipal Court assesses various costs and fees, in addition to fines and other penalties. According to the City Charter, these costs and fees are enacted by Council, upon recommendation of the Judge. Various costs and fees have been approved by resolution over the years. At this time, Judge Lane recommends increasing the amount of certain existing costs and fees.

Although there may be some increase in revenues collected by the Municipal Court due to the revised costs and fees, the increases are being recommended not to raise revenues but, rather, to provide monetary incentive to the public to appear, pay and /or comply on a more timely basis. Better attention to such requirements will reduce the Court staff time needed to address failures to appear, pay and/or comply.

Under the proposed Resolution, the revised costs and fees would become effective January 1, 2006.

37. Resolution 2005-136 Expressing the Intent of the City Council With Respect to Council Involvement in Acquisitions for the Natural Areas Program.

At its November 29 meeting, City Council directed staff to bring forward a Resolution that would articulate its role in land and water acquisitions undertaken for the Natural Areas Program and with *Open Space, Yes!* and *Help Preserve Open Space* funds.

38. Resolution 2005-137 Making Appointments to the Land Conservation and Stewardship Board.

Ordinance No. 169, 2005, adopted on Second Reading this same date, created a new Land Conservation and Stewardship Board. Vacancies were advertised during September and Mayor Hutchinson and Councilmember Manvel interviewed applicants. The Council interview team recommends the nine individuals listed in the Resolution to fill the newly created Board.

39. Resolution 2005-138 Making Appointments to Various Boards and Commissions.

Vacancies currently exist on various boards, commissions, and authorities due to resignations of board members and the expiration of terms of members. Applications were solicited during September. Council received copies of the applications and Council teams interviewed applicants during October and November.

This Resolution makes 65 appointments to 26 boards and commissions. Names of those individuals recommended for appointment by each Council interview team have been inserted in the Resolution.

40. Resolution 2005-139 Authorizing a Revocable Permit For Civil, Environmental, Cultural and Geotechnical Surveys on Meadow Springs Ranch.

Williams Pipeline is considering the construction of a twenty inch (20”) diameter Liquid Natural Gas pipeline under a portion of Meadow Springs Ranch in northern Weld County along and near a presently-existing pipeline. Survey crews for Williams are asking to enter Meadow Springs Ranch in December or January to conduct an initial route (civil) survey. Then, in the spring after local plants have bloomed, Williams is further asking to send an environmental survey team to the Ranch to conduct an environmental impact assessment. Only after those two surveys have been completed will Williams design the proposed route of the new pipeline and determine whether said route will cross City-owned property at Meadow Springs Ranch or on other property. At that time, should Williams decide to construct this new pipeline within City-owned property, Williams will enter into negotiation with the City to purchase appropriate easement rights and request that Council approve an appropriate written easement prior to initiation of construction.

41. Routine Easements.

- A. Easement for construction and maintenance of public utilities to underground electric system, from Gregory A. Vaniscak and Silva Properties, LLC, located at 1736, 1740, 1742, and 1746 East Mulberry. Monetary consideration: \$500.
- B. Easement for construction and maintenance of public utilities to underground electric system, from 1802 N. College Investments, LLC, located at 1802 N. College Avenue. Monetary consideration: \$600.
- C. Easement for construction and maintenance of public utilities to underground electric system, from Ray M. And Norma J. Mayes, located at 120 Grape. Monetary consideration: \$200.

END CONSENT

42. Consent Calendar Follow-up.

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

43. Staff Reports.

44. 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.

45. First Reading of Ordinance No. 173, 2005, Amending Section 4.16(B)(2)(c) of the Land Use Code (Text Amendment). (30 minutes - 5 minute staff presentation)

The applicant is J & M Automotive which owns 425 and 429 North College Avenue. This is a request to amend the text of the Land Use Code so that three additional auto-related uses would become permitted in the C-C-R, Community Commercial – Poudre River zone district. The three uses are *Vehicle Minor Repair; Vehicle Major Repair and Vehicle Sales and Leasing*. The affected code section is 4.16(B)(2)(c) which is the permitted use list for land uses that are subject to administrative review (Type One). The applicant further requests that these three uses be conditioned upon abutting North College Avenue and being 300 feet from the Poudre River.

46. Resolution 2005-140 Making Findings of Fact Regarding the Appeals of the Administrative Hearing Officer's Denial of the 120 Cherry Street, Cherry Street Station Project Development Plan (#9-05). (5 minutes - no staff presentation)

On September 21, 2005, and September 30, 2005, Amended Notices of Appeal (a total of two) were filed regarding the September 8, 2005 decision of the Administrative Hearing Officer to deny the Cherry Street Station Project Development Plan.

On November 29, 2005, City Council voted 4-3 to overturn the decision of the Administrative Hearing Officer. In order to complete the record regarding these appeals, the Council should adopt a Resolution making findings of fact and finalizing its decision on the appeal.

47. First Reading of Ordinance No. 174, 2005, Amending Section 2-596 of the City Code and Setting the Salary of the City Manager. (5 minutes - no staff presentation)

City Council met in Executive Session on December 13, 2005 to conduct the performance appraisal of City Manager Darin Atteberry. This Ordinance establishes the salary of the City Manager.

48. First Reading of Ordinance No. 175, 2005, Amending Section 2-606 of the City Code and Setting the Salary of the Municipal Judge. (5 minutes - no staff presentation)

City Council met in Executive Session on December 13, 2005 to conduct the performance appraisal of Municipal Judge Kathleen M. Lane. This Ordinance establishes the 2006 salary of the Municipal Judge.

49. First Reading of Ordinance No. 176, 2005, Amending Section 2-581 of the City Code and Setting the Salary of the City Attorney. (5 minutes - no staff presentation)

City Council met in Executive Session on December 13, 2005 to conduct the performance appraisal of City Attorney Steve Roy. This Ordinance establishes the 2006 salary of the City Attorney.

50. Resolution 2005-141 Establishing an Ad-hoc Public Safety Planning and Funding Committee to Formulate Recommendations Regarding the Staffing of, and Funding for, the City's Public Safety Services. (20 minutes - 5 minute staff presentation)

In order to determine the specific, future staffing and resources needs related to Police Services, Council has asked staff to prepare a more detailed service plan and set of metrics that are pertinent and directly applicable to Fort Collins' community profile and public safety needs.

To facilitate this work, this Resolution establishes a two-member Council committee (Public Safety Planning and Funding Committee) to work with the City Manager in preparing an assessment of the resource needs of Police Services and recommendations as to how best to maintain, as well as increase, the funding available for such services. The Committee is an ad-hoc committee of the City Council and will serve until the completion of this project.

51. Resolution 2005-142 Making an Appointment to the Water Board. (20 minutes - no staff presentation)

A vacancy currently exists on the Water Board due to the expiration of Jim Finley's term.

Councilmembers Roy and Brown conducted interviews but did not agree on a recommendation for the Water Board. The Council interview team wishes to submit two names (Paul Czarnecki and Phil Phelan) for Council's consideration for that position.

52. Resolution 2005-143 Assigning a Councilmember as Liaison to the Land Conservation and Stewardship Board. (15 minutes - no staff presentation)

Ordinance No. 169, 2005, adopted on Second Reading this same date, created a new Land Conservation and Stewardship Board. City Council appoints a Council liaison to each board and commission. This Resolution appoints a Council liaison, to be determined by the Council, to the newly created Land Conservation and Stewardship Board.

53. Pulled Consent Items.

54. Other Business.

55. 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.