



REGULAR MEETING AGENDA

FORT COLLINS CITY COUNCIL

January 16, 2007

Doug Hutchinson, Mayor
Karen Weitkunat, District 2, Mayor Pro Tem
Ben Marvel, 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

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.

**Proclamations and Presentations
5:30 p.m.**

**Regular Meeting
6:00 p.m.**

PLEDGE OF ALLEGIANCE

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

**** Track to Win Prize Presentation - Kim Newcomer**

3. CITIZEN PARTICIPATION (limited to 30 minutes)

Individuals who wish to make comments regarding items scheduled on the Consent Calendar or 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. 33, 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 October 3, 2006 Regular Meeting.7. Second Reading of Ordinance No. 205, 2006, Authorizing the Lease of City-owned Property at 424 Pine Street for up to Twenty Years.

United Way of Larimer County has held a ground lease on City-owned property, located at 424 Pine Street, since 1985. This Ordinance, unanimously adopted on First Reading on December 19, 2006, renews the lease for up to twenty years.

8. Second Reading of Ordinance No. 206, 2006, Amending Chapter 10, Article II of the City Code to Update References to the Federal Emergency Management Agency Flood Insurance Study and Flood Insurance Rate Map.

The Federal Emergency Management Agency (FEMA) has prepared a revised Larimer County Flood Insurance Study (FIS) and Flood Insurance Rate Maps that become effective December 19, 2006. FEMA has requested that the County, and each incorporated community, revise ordinances to reflect the new effective date. This Ordinance, unanimously adopted on First Reading on December 19, 2006, revises Chapter 10-19(a) of the City Code to reflect the new effective date. It also revises the definition of Flood Insurance Study to correct an outdated reference to the mapping prepared by FEMA as part of the Study.

9. Second Reading of Ordinance No. 207, 2006, 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 2006, Councilmembers were compensated \$606 per month, and the Mayor received \$912 per month.

This Ordinance, unanimously adopted on First Reading on December 19, 2006, amends Section 2-575 of the City Code to set the 2007 compensation of Councilmembers at \$630 and the compensation of the Mayor at \$945, as required by the City Charter.

10. Postponement of Items Relating to the Adoption of the Northwest Subarea Plan to February 6, 2007.

- A. Postponement of Second Reading of Ordinance No. 208, 2006, Amending Division 4.24 of the Land Use Code.
- B. Postponement of Second Reading of Ordinance No. 209, 2006, Amending the City's Zoning Map and Classifying for Zoning Purposes the Property known as the Northwest Subarea Plan Rezoning.

The Northwest Subarea Plan was initiated in 2005 in response to *City Plan (2004)*, which identified the Northwest Area as a priority for future subarea planning. It provides a more specific vision and policy framework for neighborhoods, commercial areas, open spaces and undeveloped land. The primary objective is to tailor *City Plan* principles to the specific circumstances of this area. The Northwest Subarea Plan was adopted on December 19, 2006 by Resolution 2006-120.

This postponement is requested to allow for publication of the rezoning notice due to legal description errors that have been discovered. The Hearing and Second Reading of both Ordinances will be held on February 6, 2007.

11. First Reading of Ordinance No. 001, 2007, 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 a 12-month grant in the amount of \$36,850 for the period from January 1, 2007 through December 31, 2007, by the Eighth Judicial District Victims Assistance and Law Enforcement (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 provides 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 hours a day, 7 days a week services to victims of crime in our community.

12. First Reading of Ordinance No. 002, 2007, Appropriating \$250,000 from the Transportation Fund Reserves into the Mason Corridor Project Budget.

This Ordinance appropriates the necessary funding into the Project budget to complete the Preliminary Engineering and Environmental Assessment (PE/EA) work for the Mason Corridor Project. This work is necessary to advance the City's funding request for the Mason Corridor Project with the Federal Transit Administration. The request is consistent with the Resolution approved by City Council on November 21, 2006, regarding the Mason Corridor PE/EA contract with the consulting firm of Felsburg Holt & Ullevig.

13. First Reading of Ordinance No. 003, 2007, Amending Section 2-656 of the City Code Relating to the Reporting of Gifts, Honoraria and Other Benefits.

This Ordinance amends Section 2-656 of the City Code relating to the report of gifts, honoraria and other benefits, to conform to the state statute requirement for quarterly reporting.

14. First Reading of Ordinance No. 004, 2007, Amending Chapter 23 of the City Code by Changing Certain References therein From "Public" Property to "City" Property.

Chapter 23 of the City Code contains many references to "public" property. The term "public" is, in some instances, subject to an interpretation that is too broad for lawful application because it might imply that the City has the power and jurisdiction to regulate property owned by the United States or the State of Colorado or other public entities which may be outside of the jurisdiction of the City. Therefore, staff is recommending that the Council change certain references in Chapter 23 so that the language will read "City" property rather than "public" property.

15. First Reading of Ordinance No. 005, 2007, Amending Chapter 2, Article V, Division 3 of the City Code Pertaining to City Service Areas.

Following a detailed analysis and review, the City Manager has decided to implement some changes to the City's internal organizational structure. These changes impact some of the existing service areas and result in a new reporting structure, which necessitates updates to related provisions of the City Code.

16. Items Pertaining to the Plank PLD & PD Annexation and Zoning.

- A. Resolution 2007-001 Setting Forth Findings of Fact and Determinations Regarding the Plank PLD & PD Annexation and Zoning.
- B. Hearing and First Reading of Ordinance No. 006, 2007, Annexing Property known as the Plank PLD & PD Annexation.
- C. Hearing and First Reading of Ordinance No. 007, 2007, Amending the Zoning Map and Classifying for Zoning Purposes the Property Included in the Plank PLD & PD Annexation.

This is a request to annex and zone 17.35 acres located at the southeast corner of Kechter Road and Ziegler Road. The property is developed as a single-family residence with outbuildings and is in the FA-1 Farming District in Larimer County. The area to be annexed is the entirety of an enclaved property that has been surrounded by the City of Fort Collins for more than three (3) years. The requested zoning for this annexation is LMN - Low Density Mixed-Use Neighborhood.

17. Items pertaining to the Liberty Farms Annexation and Zoning.

- A. Resolution 2007-002 Setting Forth Findings of Fact and Determinations Regarding the Liberty Farms Annexation and Zoning.
- B. Hearing and First Reading of Ordinance No. 008, 2007, Annexing Property Known as the Liberty Farms Annexation.
- C. Hearing and First Reading of Ordinance No. 009, 2007, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Liberty Farms Annexation to the City.

This is a request to annex and zone 22.32 acres located on the east side of North Timberline Road at the Larimer & Weld Canal, approximately 1/4 to 1/3 mile north of East Vine Drive. The property contains two (2) existing single-family residences and agricultural land. It is in the FA1 - Farming District in Larimer County. The requested zoning for this annexation is LMN - Low Density Mixed-Use Neighborhood.

18. First Reading of Ordinance No. 010, 2007, Authorizing Acquisition By Eminent Domain Proceedings Of Certain Flood Plain Easements Necessary To Construct The Fossil Creek Drainage Project.

The present City 100-year floodplain boundary near Trilby Road and the Union Pacific Railroad right-of-way encompasses 105 homes presently constructed in the Paragon Point and Stanton Creek subdivisions. All 105 of these homes will be removed from the 100-year floodplain by the construction of two (2) 120-inch diameter culverts through the Union Pacific Railroad embankment on Fossil Creek, just south of Trilby Road. The collateral effect of these new culverts through the railroad embankment will cause an increased 100-year floodplain impact to two (2) landowners downstream of those new culverts. City staff has conducted several meetings and communications with the landowners and will continue these efforts into the future in order to obtain a settlement by mutual agreement. An eminent domain authorization is proposed for consideration by the Council in case no agreement can be reached regarding the acquisition of these two (2) 100-year flood plain easements from the landowners.

19. First Reading of Ordinance No. 011, 2007, Authorizing the Conveyance of Certain Small Tracts of Land in the Pineridge Natural Area Located Within the Burns Ranch at Quail Ridge Subdivision from the City of Fort Collins to Burns Ranch Open Space Non-Profit Corporation.

Natural Resources staff is requesting authorization to convey certain small tracts of land in the Pineridge Natural Area located within the Burns Ranch at Quail Ridge Subdivision to Burns Ranch Open Space Non-Profit Corporation, formed for the purpose of owning and maintaining the property to be conveyed in order to save the City costs associated with the maintenance of these areas.

20. First Reading of Ordinance No. 012, 2007, Authorizing the Conveyance of a Permanent Non-Exclusive Easement Over a Portion of the Eagle View Natural Area for Inundation by a Reservoir.

John Jensen has requested a reservoir inundation easement over a portion of the Eagle View Natural Area. In order to augment an adjacent reservoir he owns, he will need this permission from the City for the possible inundation of an area of City property not to exceed 7,209 square feet at the proposed high water mark for the reservoir.

The proposed area of inundation is located in a naturally depressed wetland area and will not require improvement, construction or re-grading to accommodate the inundation. The initial impact to existing wetlands is expected to be minimal and no long term negative impacts are expected. In fact, the project is likely to facilitate the expansion of existing wetlands due to the increased inundated area. Due to the small size of the water inundation area (less than one acre), the Army Corps of Engineers will not require an individual permit for the inundation.

The adjacent reservoir is to be used for water storage and will provide habitat for water fowl; no motorized recreation will take place on the reservoir.

Due to the benign impact of the request, and the possible positive benefits (increased wetland habitat and open water for water fowl), staff recommends this easement be granted.

21. First Reading of Ordinance No. 013, 2007, Authorizing the Conveyance of a Permanent Ditch Easement on Arapaho Bend Natural Area for Box Elder Ditch Lateral in Exchange for Vacation of Existing Prescriptive Rights.

Flatiron Companies ("Flatiron") owns land on the east side of I-25, across from Arapaho Bend Natural Area. Historically, the land was farmed and irrigated via the Box Elder Ditch Lateral, which runs across Arapaho Bend. Flatiron mined gravel on the site and restored the site to a water storage reservoir many years prior to the City's acquisition of Arapaho Bend. Flatiron plans to fill the reservoir using the Box Elder Ditch Lateral. Although Flatiron has a prescriptive easement for the ditch lateral across Arapaho Bend, Flatiron has requested a permanent 60-foot wide easement that can be documented and conveyed to the future owners of the storage reservoir – New Cache la Poudre Ditch Company ("New Cache"). New Cache will reconstruct and improve the existing ditch within the easement, and restore the area disturbed, according to the conditions agreed to in the new easement.

22. First Reading of Ordinance No. 014, 2007, Designating the David B. Leshner House, 1204 West Oak Street, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Don V. Bath and Maureen Somervell-Bath, are initiating this request for Fort Collins Landmark designation for the property. The David B. Leshner House qualifies for Landmark designation under Standard 2, for its association with noted Fort Collins educator and Superintendent of Schools, Dr. David B. Leshner. While living in the home, Dr. Leshner served as superintendent of Larimer County School District 5, beginning in 1944, and later became the first superintendent for the Poudre R-1 School District, in 1960. In that same year Leshner Junior High School was opened in his honor. Additionally, the property qualifies for Landmark designation under Standard 3, for its architectural significance to Fort Collins as a very nice example of Craftsman architecture.

23. Resolution 2007-003 Stating the Intent of the City of Fort Collins to Annex Certain Property and Initiating Annexation Proceedings for Such Property to be Known as the Weiner Enclave Annexation.

The area to be annexed is the entirety of an enclave that has been surrounded by the City of Fort Collins for more than three years; therefore, no annexation petition is required for this annexation.

There are two properties (5117 Ziegler Road and 5305 Ziegler Road), totaling 7.55 acres in size, that are located on the west side of Ziegler Road, between Kechter Road (to the south) and Rock Creek Drive (to the north). Fossil Ridge High School is directly to the east, across

Ziegler Road. They are currently properties that are developed as single-family residences with several outbuildings. The property at 5117 Ziegler Road contains a livestock feedlot and the property at 5305 Ziegler Road contains a commercial business (Express Concrete). The McClelland's Channel runs along the south property line of 5305 Ziegler Road. The proposed zoning for this annexation is LMN - Low Density Mixed-Use Neighborhood. The surrounding properties are zoned LMN - Low Density Mixed-Use Neighborhood to the north, east, west, and south.

The proposed Resolution makes a finding that the annexation complies with the Municipal Annexation Act for annexation of an enclave, states the Council's intent to annex the Enclave, initiates the annexation, and directs that notice be given of the hearing. The hearing will be held at the time of First Reading of the annexation and zoning ordinances on February 20, 2007. Not less than thirty days of prior notice is required by State law.

24. Resolution 2007-004 Fixing the Ballot Language for Voter Consideration of Referred Ordinance No. 137, 2006, Annexing Property Known as the Southwest Enclave Annexation.

On November 9, 2006, a referendum petition was filed with the City Clerk's Office seeking to repeal Ordinance No. 137, 2006, Annexing Property Known as the Southwest Enclave Annexation to the City of Fort Collins, Colorado. On December 15, the City Clerk determined that the petition contained a sufficient number of valid signatures.

The petition was certified to the City Council on December 19, and the Council adopted Resolution 2006-132 Referring Ordinance No. 137, 2006, Annexing Property Known as the Southwest Enclave Annexation, to a Vote of the Registered Electors of the City at the Next Regular Municipal Election on April 3, 2007. Resolution 2006-132 directed the City Manager and City Attorney to present for Council's consideration no later than February 6, 2007, a resolution proposing the form of the ballot language for the foregoing referred measure.

END CONSENT

25. Consent Calendar Follow-up.

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

26. Staff Reports.

- A. Annexation Policies and Practices
B. Snow Removal Update

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. First Reading of Ordinance No. 015, 2007, Amending Chapter 10 of the City Code Concerning Standards for Development in the Poudre River Floodplain in the City of Fort Collins. (15 minute staff presentation - 30 minute discussion)

The Ordinance modifies City Code to change the floodplain regulations for the Poudre River.

Properties in the Poudre River floodplain in the City of Fort Collins are subject to different regulations than those located in Larimer County. City and County staffs have developed recommendations that would address most of the problems created by the different regulations.

Public outreach was performed during the formulation of the regulation changes which included notices to owners of properties in the floodplain in both the City and the County about an open house, presentations to special interest groups, review by City and County boards and commissions and information posted on the City's web page. City Council discussed this item at its December 12, 2006 work session.

29. Items Relating to the Issuance of City of Fort Collins Downtown Development Authority Subordinate Tax Increment Revenue Bonds, Series 2007A. (10 minute staff presentation - 20 minute discussion)

- A. First Reading of Ordinance No. 016, 2007, Authorizing the Issuance of City of Fort Collins, Colorado, Downtown Development Authority Taxable Subordinate Tax Increment Revenue Bonds, Series 2007A, Dated Their Delivery Date, in the Maximum Aggregate Principal Amount of \$5,700,000 for the Purpose of Financing Certain Capital Improvements, Capital Projects and Development Projects Within the Downtown Development Authority Area; and Providing for the Pledge of Certain

Incremental Ad Valorem Tax Revenues to Pay the Principal of and Interest on the Bonds; Approving Documents in Connection Therewith; and Ratifying Action Previously Taken and Appertaining Thereto.

- B. First Reading of Ordinance No. 017, 2007, Appropriating Proceeds from the Issuance of City of Fort Collins, Colorado, Downtown Development Authority Taxable Subordinate Tax Increment Revenue Bonds, Series 2007A, for the Purpose of Making Certain Capital Improvements, Capital Projects and Development Projects Within the Downtown Area of Fort Collins, Authorizing the Transfer of Appropriations Between Funds and Appropriating Expenditures from the DDA Debt Service Fund to Make the 2007 Payment on the Bonds

The City of Fort Collins created the 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. These two Ordinances contemplate additional improvements and initiate both a façade grant program and a cultural program in the downtown area. The first ordinance issues short term bonds for the projects which will be paid from the tax increment revenue. The second ordinance appropriates the bond proceeds to the DDA Operating Fund for the various projects.

30. Resolution 2007-005 Determining That a Modern Roundabout is the Appropriate Type of Intersection Improvement to be Constructed at the Intersection of Horsetooth Road and Ziegler Road. (10 minute staff presentation - 20 minute discussion)

The intersection of Horsetooth and Ziegler Roads is scheduled for improvements to lessen the traffic impacts of the Front Range Village Shopping Center Project. An Intersection Alternative Study has determined a roundabout at the intersection of Horsetooth/Ziegler is the best alternative for the intersection. This Resolution authorizes construction of a modern roundabout at this intersection.

If approved by Council, the City's Street Oversizing Program will construct the project during 2008 along with other improvements associated with the Bayer development along Ziegler Road.

31. Second Reading of Ordinance No. 210, 2006, Amending Various Provisions of the City Code Pertaining to Unattended Displays on City Property. (5 minute staff presentation - 10 minute discussion)

This Ordinance, adopted on First Reading on December 19, 2006, by a vote of 6-1 (Nays: Kastein), prohibits all unattended displays other than newsracks. One amendment is being made on Second Reading to remove the fixed amount of the fee required for an encroachment permit for newsracks.

32. First Reading of Ordinance No. 018, 2007, Amending Certain Provisions of the City Code Pertaining to Signs in the Right-of-Way. (5 minute staff presentation - 20 minute discussion)

This Ordinance deals with the City's ability to remove illegally placed signs from public property and right-of-way and the circumstances under which the signs may be removed and destroyed without notice.

33. Pulled Consent Items.

34. Other Business.

A. Boards and Commissions Workplan Revisions.

B. Motion to Adjourn Meeting to January 23, 2007.

35. 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.