



REGULAR MEETING AGENDA

FORT COLLINS CITY COUNCIL

April 17, 2007

Doug Hutchinson, Mayor
Kelly Ohlson, District 5, Mayor Pro Tem
Ben Manvel, District 1
Lisa Poppaw, District 2
Diggs Brown, District 3
Wade Troxell, District 4
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.

- A. Proclamation Declaring "Discernment" as the Community Character Focus for the month of April 2007.
- B. Proclamation Declaring April 2007 as National Volunteer Month.
- C. Proclamation Declaring April 22, 2007 as Arbor Day.
- D. Announcing the 7th, 8th and 9th grade winners of the Women's History Essay Contest.
- E. Presentation of Marcele M. Wood Award.

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 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 20. 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. 24, 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 January 16, 2007, February 6, 2007, and February 20, 2007 Regular Meetings and the Adjourned Meeting of February 27, 2007.7. Second Reading of Ordinance No. 046, 2007, Appropriating Unanticipated Revenue in the General Fund for E911 and Emergency Medical Dispatch Systems at Fort Collins Police Services Dispatch Center.

This Ordinance, unanimously adopted on First Reading on March 20, 2007, appropriates the funds provided to Fort Collins Police Services by Larimer Emergency Telephone Authority (LETA) to purchase equipment, train users and maintain equipment for Emergency Services Dispatching. The total amount to be appropriated is \$59,445.

8. Second Reading of Ordinance No. 047, 2007, Appropriating Funds for the Harmony and Ziegler Roads Front Range Village Improvements Project.

This Ordinance, unanimously adopted on First Reading on March 20, 2007, appropriates funds for arterial street improvements to support the development of the Front Range Village. There are extensive improvements to Harmony Road to widen it to a 6-lane arterial from Timberline to Ziegler, including the construction of a new signalized intersection at Harmony and Corbett. There are also extensive improvements planned for the Ziegler/Harmony intersection.

9. Second Reading of Ordinance No. 048, 2007, Authorizing the Conveyance of a Perpetual Easement for a Sanitary Sewer Line and Temporary Construction Easement for the Registry Ridge, 5th Filing PDP Project.

The City owns a tract of land in the Registry Ridge development that was dedicated as a future park site. The developer of Registry Ridge, 5th Filing PDP, Lennar Colorado, LLC wishes to acquire an 8,850 square foot easement for a sanitary sewer line and 10,256 square foot temporary construction easement through the future park site for the benefit of the development. The City will be able to use this same line for the restroom planned for construction in the park at a future date. This Ordinance, unanimously adopted on First Reading on March 20, 2007 authorizes the conveyance of this easement.

10. Items Relating to Adoption of the North College Corridor Plan.

- A. Second Reading of Ordinance No. 049, 2007, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Conifer Street Rezoning.
- B. Second Reading of Ordinance No. 050, 2007, Amending Division 4.19 of the Land Use Code by Adding Large Retail Establishments to the List of Permitted Uses.

The updated North College Corridor Plan (*NCCP*) was adopted by Resolution 2007-032 on March 20, 2007. Ordinance No. 049, 2007, unanimously adopted on First Reading on March 20, 2007, rezones nine parcels of land containing approximately 4.1 acres located along the north side of Conifer Street and just west of Redwood Street to conform with the updated *NCCP*.

The Plan recommends a specific change to Permitted Uses in the Community Commercial-North College zone district (C-C-N zone). The change would add Large Retail Establishments to the C-C-N zone. Ordinance No. 050, 2007, unanimously adopted on March 20, 2007 adopts this change to the Land Use Code.

11. Second Reading of Ordinance No. 051, 2007, Authorizing the Lease of a Portion of the Resource Recovery Farm for Agricultural Use.

This Ordinance, unanimously adopted on First Reading on March 20, 2007, authorizes an agricultural lease on approximately 110 acres located within the Resource Recovery Farm for a period of time starting January 1, 2007 and ending December 31, 2011.

12. First Reading of Ordinance No. 052, 2007, Appropriating Prior Year Reserves in the General Fund for Police Seizure Activity.

Nearly 100 years ago, the Colorado Legislature passed legislation allowing for the seizure of illegal contraband used in or gained from criminal activity. The intent is to deter crime and to recover proceeds gained through criminal conduct and apply those assets to defraying the costs of law enforcement.

Asset seizure and forfeiture actions are civil cases that have been reviewed, filed, and pursued by the District Attorney's asset forfeiture specialist, and they are always accompanied by a parallel criminal prosecution. The defendant is served with a written summons, an affidavit detailing probable cause, and an advisement of legal rights and procedures for exercising due process. The defendant is entitled to a civil trial.

Colorado state law requires that the proceeds from successful asset seizure and forfeiture actions be used for law enforcement purposes and that the governing body of the seizing agency appropriates these proceeds to supplement the seizing agency's budget or, in the alternative, forfeit the proceeds to the general fund of the State of Colorado. Colorado state law also authorizes the creation of a Forfeiture Committee which must consist of the Mayor, District Attorney and Chief of Police, or their designees. The Committee oversees and approves the seizure budget and spending decisions made by the Chief of Police.

13. First Reading of Ordinance No. 053, 2007, Authorizing the Appropriation of 2007 Fiscal Year Operating and Capital Improvement Funds of the Fort Collins-Loveland Municipal Airport and Authorizing the Reappropriation of Unspent and Unencumbered Funds from 2006.

The 2007 annual operating budget for the Airport totals \$580,170, and will be funded from Airport operating revenues, contributions from the Cities of Fort Collins and Loveland, and interest earnings. This Ordinance appropriates the City of Fort Collins' contribution, which is a 50% share of the 2007 Airport budget and totals \$290,085.

This Ordinance also appropriates the City of Fort Collins' 50% share of capital funds, totaling \$550,250, for the Airport from federal and state grants; passenger charges; contributions from Fort Collins and Loveland; and the Airport General Fund. The 2007 Airport capital funds, totaling \$1,100,500, will be used to construct improvements taxiway improvements, purchase a storage building for Airport equipment, rebuilding directional/informational signs along the Airport's entrance road, and minor equipment purchases.

In addition, this Ordinance reappropriates the City's 50% share of unspent and unencumbered funds, totaling \$1,089,000, for various Airport Improvements, not completed as of the end of the year 2006. The reappropriated funds, totaling \$2,178,000, will be used for ramp/taxiway Alpha rehabilitation (\$1,924,770), runway fog seal and markings repainting (\$181,520), FAA Master Plan Update (\$33,100), Airport fire fighting equipment (\$17,760), and other minor improvements (\$20,850). The reappropriated amounts will be funded from federal dollars, totaling \$1,942,530, and Fort Collins-Loveland Airport prior year reserves, totaling \$235,470.

14. Items Relating to Civil Infraction Penalties, Appeals and Abatement Assessments.

- A. First Reading of Ordinance No. 054, 2007, Amending the City Code by Adding a New Section to Chapter 24, Article II, Division 1 Establishing Penalty for Snow Removal Violations.
- B. First Reading of Ordinance No. 055, 2007, Amending the City Code Pertaining to the Appeal of Municipal Referee Orders Regarding Abatement Assessments.

In December of 2006, Council adopted Ordinance No. 198, 2006, which decriminalized certain nuisance provisions of the City Code. Prior to the adoption of that ordinance, nearly all City Code violations were classified as criminal misdemeanors punishable by six months jail and/or \$1,000 fine. Ordinance No. 198, 2006, reclassified many nuisance provisions from criminal to civil violations in an effort to ensure greater compliance and more effective enforcement of Code provisions that affect livability of City neighborhoods. One ordinance provision, Section 24-21, relating to snow removal, was inadvertently omitted from this decriminalization. By adding a new Section 24-22 through the adoption of Ordinance No. 054, 2007, an initial violation of Section 24-21 will be a civil infraction rather than a criminal misdemeanor.

Ordinance No. 198, 2006, also provided for the Municipal Court Referee to hear civil infraction violations and review abatement costs assessed by the City. The amendments proposed by Ordinance No. 055, 2007, clarify the process for appealing referee judgments on civil infraction cases and also provide parameters for the referee to use in deciding the propriety of abatement cost assessments by the City in particular cases.

15. First Reading of Ordinance No. 056, 2007, Amending Certain Sections of the City Code Relating to Corporate Liability and Individual Liability for Corporate Conduct.

Under the current provisions of the City Code, a business entity's accountability for behavior which is in violation of the Code is dependent upon whether the entity is a "corporation". The term "corporation" is not defined in the City Code. Staff recommends that the Code be amended to clarify that what is presently referred to as "corporate" liability should actually apply to liability on the part of any kind of business entity.

16. First Reading of Ordinance No. 057, 2007, Authorizing the Conveyance of Two Small Tracts of Land Located in the Bobcat Ridge Natural Area to Philip and Connie Sprague.

During the acquisition of the Bobcat Ridge Natural Area, which involved a series of purchase and sale transactions, it was discovered that the fence line of the neighboring parcel, owned by Philip and Connie Sprague, encroached on the Natural Area property according to the legal description. As an effort to resolve this issue and clearly define the boundaries of the Natural Area, Natural Resources Department staff recommends that the City recognize the fence line as the property line and convey the two small areas of encroachment to the Spragues. The two tracts are 1.84 acres and .50 acres in size.

17. Items Relating to the Rigden Farm, Tract A, Rezoning and Structure Plan Amendment.

- A. Resolution 2007-037 Amending the City's Structure Plan Map.
- B. Hearing and First Reading of Ordinance No. 058, 2007, Amending the Zoning Map of the City by Changing the Zoning Classification for That Certain Property Known as the Rigden Farm Tract A Rezoning.

This is a request to amend the City Structure Plan and zoning map on a 4.5 acre parcel located at the southeast corner of South Timberline Road and Custer Drive, in the Rigden Farm development. The current City Structure Plan designation is Medium Density Mixed-Use Neighborhood, with zoning the corresponding MMN - Medium Density Mixed-Use Neighborhood District. The applicant proposes a Structure Plan amendment on 4.5 acres to Neighborhood Commercial Center. The proposed zoning is the NC - Neighborhood Commercial District.

The property is currently in the City's Residential Neighborhood Sign District and should remain in the District; therefore, an amendment to the District map would not be necessary.

18. Items Relating to the Kinard Junior High School Annexation and Zoning.

- A. Resolution 2007-038 Setting Forth Findings of Fact and Determinations Regarding the Kinard Junior High School Annexation.
- B. Hearing and First Reading of Ordinance No. 059, 2007, Annexing Property Known as the Kinard Junior High School Annexation to the City of Fort Collins, Colorado.
- C. Hearing and First Reading of Ordinance No. 060, 2007, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Kinard Junior High School Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 27.18 acres in size. The site is 3002 East Trilby Road, located approximately one-half mile south of Kechter Road on the west side of Ziegler Road. Contiguity with the existing municipal boundary is gained along the entire east boundary which is shared with the Fossil Lake Annexation No. 2. Contiguity is also gained along a portion of the north boundary which is shared with the Homestead Annexation.

19. Resolution 2007-039 Authorizing the Lease of City-owned Vacant Land Located at the Southwest Corner of East Prospect Road and Interstate 25 for up to Two Years.

This property was transferred in 2006 to the General Fund. The City does not have an immediate need identified for this tract.

This lease authorizes an agricultural lease on approximately 25 acres for a period of one year with the City having the option to renew for an additional year. The Lessee will be allowed to farm the 25 acres in row crop, such as corn. The Lessee will be responsible for controlling noxious and toxic plants found within the leased area. The Lessee will also be

responsible for costs associated with producing the crop including all costs of tillage, seeds, seeding, fertilizer, irrigation management, weed management, and harvesting. The Lessee will have the use of adjudicated wells located on the Property. In addition, this lease will transfer the responsibility of weed control and other maintenance work on the agricultural land to the farming Lessee. Leasing the property for agriculture production reduces management and maintenance costs by the General Fund.

20. Resolution 2007- 040 Submitting the Existing Conditions Survey and Foothills Mall Urban Renewal Plan to the Planning and Zoning Board and the Poudre School District Board of Education, and Ratifying the Submittal of the Plan and Survey to the Larimer County Board of Commissioners.

At the March 27, 2007 work session, the Council provided direction to staff to take the necessary steps to bring forward an Urban Renewal Plan for the Foothills Mall area. One of the steps required by Colorado's Urban Renewal Law is for the Council to formally submit the *Foothills Mall Urban Renewal Plan* to the Planning and Zoning Board for its review and recommendation regarding the *Foothills Mall Urban Renewal Plans* conformance with *City Plan*, which is the general plan for development of the municipality as a whole. The Council must also allow the Poudre School District and Larimer County to "participate in an advisory capacity." On April 11, 2007, the staff submitted the proposed Plan and Existing Conditions Survey to the Board of the County Commissioners as required pursuant to C.R.S. 31-25-107(3.5)(a).

The Planning and Zoning Board is scheduled to review the proposed *Foothills Mall Urban Renewal Plan* and *Existing Conditions Survey* on April 19, 2007. The Council is scheduled to conduct a public hearing and consider resolutions approving the *Foothills Mall Existing Conditions Survey* (a.k.a "Blight Study") and the *Foothills Mall Urban Renewal Plan* on May 15, 2007. Adoption of Resolution 2007-040, referring the *Foothills Mall Urban Renewal Plan* and *Existing Conditions Survey* to the Planning and Zoning Board and to the other respective bodies, does not commit the Council to approving the *Existing Conditions Survey* and *Urban Renewal Plan* for the Foothills Mall area at the May 15th meeting.

END CONSENT

21. Consent Calendar Follow-up.
- a. This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
22. Staff Reports.
23. Councilmember Reports.
- (There are no Discussion items)
24. Pulled Consent Items.

25. Other Business.

26. 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.