



REGULAR MEETING AGENDA

FORT COLLINS CITY COUNCIL

March 4, 2008

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 "Deference" as the Character Focus for March 2008.
- B. Proclamation Declaring March as National Women's History Month.
- C. Proclamation Declaring March 8, 2008 as Alpha Kappa Alpha Day.
- D. Proclamation Declaring March 3-7, 2008 as National FIRST Robotics Week.
- E. Proclamation Declaring March 26-31, 2008 as Cesar Chavez Week.

Regular Meeting 6:00 p.m.

PLEDGE OF ALLEGIANCE

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

Resolution 2008-025 Expressing Appreciation and Gratitude Posthumously to Walter P. Peeples, III For His Contributions to the Community as a Member of the Parks and Recreation Board.

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 21. 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. 28, 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. Second Reading of Ordinance No. 011, 2008, Calling a Special Municipal Election on June 10, 2008 for the Purpose of Submitting to the Registered Electors a Citizen-Initiated Charter Amendment That Would Authorize Collective Bargaining and Binding Arbitration for City Employees.

On January 22, 2008, the City Clerk's Office received an initiative petition to amend the City Charter relating to collective bargaining. The Clerk's Office completed its review of the petition and determined that the petition contained an insufficient number of signatures to place the initiated measure on a special election ballot. The petition circulators withdrew the petition and filed an amended petition on February 21, 2008. The Clerk's Office has completed its review of the amended petition and has determined that it now contains a sufficient number of signatures to require Council to place the issue on a special election ballot. Ordinance No. 011, 2008 calls a special election on June 10, 2008.

Because the examination of the amended petition was not completed until Wednesday afternoon (February 27), and this agenda was printed that same day, this meeting needs to be adjourned to Tuesday, March 11, to allow Council to consider a resolution submitting the citizen-initiated Charter amendment to the voters at the June 10, 2008 special election.

7. Second Reading of Ordinance No. 015, 2008, Appropriating Unanticipated Revenue in the Capital Projects Fund - Building on Basics - Intersection Improvements and Traffic Signals Capital Project for the Design and Construction of Improvements to the Harmony Road and College Avenue Intersection.

This Ordinance, unanimously adopted on First Reading on February 19, 2008, appropriates state and federal funds that are designated for the design, right-of-way acquisition and construction of improvements for the Harmony Road and College Avenue intersection.

8. Items Relating to the Thorland No. 1 Annexation and Zoning.

- A. Second Reading of Ordinance No. 016, 2008, Annexing Property Known as the Thorland No. 1 Annexation to the City of Fort Collins, Colorado.
- B. Second Reading of Ordinance No. 017, 2008, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Thorland No. 1 Annexation to the City of Fort Collins, Colorado.

These Ordinances, unanimously adopted on First Reading on February 19, 2008, annex and zone 1.66 acres located on the north side of Kechter Road approximately 800 feet east of South Timberline Road. It is the northerly portion of Lot 1 of the Blehm Subdivision in Larimer County. The other portion of Lot 1 of the Blehm Subdivision is adjacent to the south of the property. The Stetson Creek residential development is adjacent to the north of the property. The property is undeveloped and is in the FA1 - Farming District in Larimer County. The requested zoning for this annexation is UE - Urban Estate.

9. Items Relating to the Thorland No. 2 Annexation and Zoning.

- A. Second Reading of Ordinance No. 018, 2008, Annexing Property Known as the Thorland No. 2 Annexation to the City of Fort Collins, Colorado.
- B. Second Reading of Ordinance No. 019, 2008, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Thorland No. 2 Annexation to the City of Fort Collins, Colorado.

These Ordinances, unanimously adopted on First Reading on February 19, 2008, annex and zone 5.18 acres located on the north side of Kechter Road approximately 800 feet east of South Timberline Road. It is the southerly portion of Lot 1 of the Blehm Subdivision in Larimer County. The other portion of Lot 1 of the Blehm Subdivision is adjacent to the north of the property. The property is partially developed (with one single-family residence and outbuildings) and is in the FA1 - Farming District in Larimer County. The requested zoning for this annexation is UE - Urban Estate.

10. Second Reading of Ordinance No. 020, 2008, Amending the Zoning District Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in Phase Two of the Southwest Enclave Annexation to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on February 19, 2008, assigns zoning district classifications to Phase Two of the Southwest Enclave Annexation and includes the area in the Residential Sign District. The Southwest Enclave Annexation Phase Two Map was recorded on December 27, 2007, consistent with the phasing schedule approved by City Council under Ordinance No. 137, 2006. The Phase Two area includes the Fairway Estates and Pitner Estates Subdivisions which are being zoned consistent with *City Plan* Structure Plan Map designations.

11. Second Reading of Ordinance No. 021, 2008, Authorizing the Lease of City-owned Property at 208 North Howes Street and 230 LaPorte Avenue for up to Five Years.

This Ordinance, unanimously adopted on First Reading on February 19, 2008, authorizes a lease of city-owned property located at 230 LaPorte Avenue and 208 North Howes Street.

12. Second Reading of Ordinance No. 022, 2008, Authorizing the Issuance and Sale by the City of Fort Collins, Colorado of Variable Rate Economic Development Revenue Bonds, Series 2008a (Custom Blending, Inc. Project) and of Taxable Variable Rate Economic Development Revenue Bonds, Series 2008b (Custom Blending, Inc. Project) in the Combined Aggregate Principal Amount Not to Exceed \$5,000,000 for the Purpose of Financing the Acquisition, Construction and Equipping of a Manufacturing Facility in the City of Fort Collins, Colorado, and to Pay Certain Costs of Such Bond Issue; Approving and Authorizing Execution of a Trust Indenture, Loan Agreement, Promissory Note and Bond Purchase Agreement with Respect to the Bonds; Making Findings and Determinations with Respect to the Project and the Bonds; Authorizing the Execution and Delivery of Related Documents; and Repealing All Action Heretofore Taken in Conflict Herewith.

This Ordinance, unanimously adopted on First Reading on February 19, 2008, authorizes the issuance of an amount not to exceed \$5,000,000 of economic development revenue bonds for the Custom Blending, Inc. project (a small manufacturing company) from the annual statewide allocation the City receives. This is not the receipt of dollars, but the right to issue tax exempt bonds for purposes prescribed in the Internal Revenue Code by the federal government. Economic development revenue bonds are one type of bond that can be issued for private activity purposes. For fiscal year 2008, the City of Fort Collins received a private activity bond allocation of \$5,504,218. **These bonds are not an obligation of the City of Fort Collins.**

Custom Blending, Inc. relocation and expansion on a site within the City limits will result in additional property taxes for the City as well as use tax on construction materials and equipment purchases. The prospect of additional manufacturing jobs also provides economic benefit.

13. First Reading of Ordinance No. 023, 2008, Appropriating Prior Year Reserves.

City Council authorized expenditures in 2007 for various purposes. The authorized expenditures were not spent or could not be encumbered in 2007 because:

- There was not sufficient time to complete bidding in 2007 and therefore, there was no known vendor or binding contract as required to expend or encumber the monies.
- The project for which the dollars were originally appropriated by Council could not be completed during 2007 and reappropriation of those dollars is necessary for completion of the project in 2008.
- To carry on programs, services, and facility improvements in 2008 with unspent dollars previously appropriated in 2007.

In the above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2007 and reflect no change in Council policies.

Monies reappropriated for each City fund by this Ordinance are as follows:

General Fund	\$ 1,451,454
Cultural Services and Facilities Fund	\$ 140,746
Light and Power Fund	\$ 370,000
Storm Drainage Fund	\$ 189,317
Wastewater Fund	\$ 110,460
Water Fund	\$ 25,000
Recreation Fund	\$ 51,000
Transportation Services Fund	\$ 447,749

14. First Reading of Ordinance No. 024, 2008, Appropriating Prior Year Reserves in the Natural Areas Fund for the Purpose of Providing Natural Areas Programming Not Included in the 2008 Adopted City Budget.

The purpose of the previously appropriated funds remains the same: land conservation, construction of public improvements, fences and trails, restoration of wildlife habitat and other natural areas program needs to benefit the citizens of Fort Collins.

15. First Reading of Ordinance No. 025, 2008, Authorizing the Transfer of Existing Management Information Services Appropriations from the General Fund to the Data and Communications Fund.

This Ordinance authorizes the transfer of funds budgeted in the General Fund to the Data and Communications Fund to support operation of the 2008 Management Information Services (MIS) Program.

One change in the City's operation business model that is being implemented in 2008 includes moving all of the City's central information technology functions out of the General Fund to an existing internal service fund – the Data and Communications Fund.

16. First Reading of Ordinance No. 026, 2008, Amending Chapters 8 and 23 of the Code of the City of Fort Collins to Update Miscellaneous Provisions of Purchasing and Contracting.

Chapter 8, Article IV Section 8 of the City Code, relating to purchasing and contracting was last updated in 1996. The changes to the Code include housekeeping changes, increases to dollar limits and changes to improve speed, flexibility, service, and accountability.

17. First Reading of Ordinance No. 027, 2008, Authorizing the Lease of Natural Area Property at 1425 Overland Trail.

The Andrijeski Farm was purchased on September 1, 2004 as part of the City's Land Conservation and Stewardship Master Plan. The farm is located within the City's Growth Management Area at 1425 North Overland Trail. In 2007, this property was incorporated into the Reservoir Ridge Natural Area. Since its acquisition, this parcel has been leased for agricultural production. It is the recommendation of Natural Areas staff to again lease the property to Roger and Keith Amey for agricultural purposes for one year, with the option of up to four annual renewals at the mutual agreement of both parties.

18. First Reading of Ordinance No. 028, 2008, Authorizing the Lease of a Portion of a Building Located at Gateway Natural Area.

The City of Fort Collins owns two houses at Gateway Natural Area. One house is occupied and leased by the Gateway Natural Area Ranger, a full-time employee. The other house is used as the Ranger's office and maintenance shop. The office/house is a three bedroom bi-level including a master bedroom with a full bathroom, kitchen, living room, dining room, and an additional bedroom/office and bathroom on the upper level. The maintenance shop, storage, and garage are on the lower level. A Seasonal Maintenance Assistant would lease a portion of the residential building containing the office and maintenance shop but have exclusive use of only the master bedroom and attached bathroom. The remaining rooms and garage would remain fully functional and continue to be used by City employees for Gateway operations and maintenance and other Natural Areas purposes.

19. First Reading of Ordinance No. 029, 2008, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Trail Improvements.

In assembling property interests for the south-west segment of the Fossil Creek Trail, the City has encountered a property with a significantly complicated and ambiguous ownership. Due to the degree of complication and the property's keystone importance, staff proposes condemnation as the most cost effective and efficient approach to acquire the City's desired purchase of 1,064 square feet. The City has contacted the personal representative of the only surviving original owner, and the representative was agreeable to the condemnation approach.

20. First Reading of Ordinance No. 030, 2008, Authorizing the Dedication to the County of Certain City-Owned Property as Tilden Street Road Right-of-Way.

The City owns a parcel of land at 2313 Kechter Road as part of the City's Land Bank Program. The developer of the adjacent property, located at 2309 Kechter Road, has proposed the City dedicate a strip of right-of-way on the City's property for use as part of the Kechter Crossing Development. The developer, Savant Homes, Incorporated, has agreed to cover all costs associated with the construction of the road and processing of the road dedication. The constructed road will then be available to be used as part of the future development on the City's property.

21. Resolution 2008-027 Ratifying the Reappointment of John Knezovich to the Fort Collins Regional Library Board of Trustees.

Council ratified the initial appointments to the Library Board of Trustees on March 6, 2007 by Resolution 2007-026. Seven Trustees were appointed to the Board with initial terms ranging from 1 to 5 years. The initial term of Trustee John Knezovich is concluding and he needs to be reappointed to the Board or replaced. The Library Trustee Selection Committee, comprised of Council members Manvel and Poppaw and Commissioners Rennels and Eubanks, unanimously recommends the reappointment of John Knezovich to the Library Board of Trustees. Pursuant to the Board's by-laws, the reappointment is for a four year term.

END CONSENT

22. Consent Calendar Follow-up.

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

23. Staff Reports.

24. 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.

25. First Reading of Ordinance No. 031, 2008, Amending Chapter 23, Article III of the City Code for the Purpose of Adding a Division Regarding Encroachment Permits for Newsracks (Option 1 or Option 2). (10 minute staff presentation - 90 minute discussion)

The City's current permit system for encroachments into the public right-of-way does not adequately address the unique circumstances and challenges related to the regulation of newsracks. In addition, the downtown community is seeking City assistance in addressing problems with the maintenance and proliferation of newsracks in the downtown area. At a work session on January 8, 2008, City Council directed staff to bring forward two options for Council consideration. Option 1 has been developed and is recommended by City staff, as well as the Downtown Development Authority and the Downtown Business Association. Option 2 was developed and supported by a coalition of local publishers.

While both options include similar requirements for the placement and maintenance of newsracks outside the downtown area, there are significant differences in how the two options would affect downtown. Option 1 requires publications to be housed in modular newsracks, commonly referred to as news "condominiums," within a designated downtown area. Condominiums will be provided in no less than 9 designated locations within that boundary. Option 2 maintains individual newsracks with the option of placing them in news corrals and seeks to expand the number of existing locations. Locations within the news corrals would be managed by the publishers. In the event an agreement could not be reached, the decision would come back to the City Manager.

Despite good faith efforts amongst all parties, attempts to find a compromise solution have been unsuccessful. Staff recommends that Council adopt Option 1 of Ordinance No, 031, 2008 as it appropriately balances the constitutional issue of free speech, provides ample opportunity to distribute publications both downtown and throughout the community, addresses the concerns of Downtown business, and protects the interests of the entire community.

26. Items Relating to the Northeast Corner East Prospect Road and I-25 Rezoning.
(10 minute staff presentation - 45 minute discussion)
- A. Resolution 2008-028 Amending the *City Plan Structure Plan* Map Pertaining to the Northeast Corner of the Prospect Road and I-25.
 - B. Resolution 2008-029 Amending the I-25 Subarea Plan Pertaining to the Northeast Corner of Prospect Road and I-25.
 - C. First Reading of Ordinance No. 032, 2008, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classifications for that Certain Property Known as the Northeast Corner of East Prospect Road and I-25 Rezoning.

This is a request to amend the *I-25 Subarea Plan* and the *City Plan Structure Plan* map, and rezone 105 acres located at the northeast corner of I-25 and East Prospect Road.

The current *Structure Plan* map and *I-25 Subarea Plan* designation for 86 of the 105 acres is the Employment District; the designation for remaining 19 of the 105 acres is the Urban Estate District. The applicant proposes amendments to the *Structure Plan* map and *I-25 Subarea Plan* to change existing Employment into Commercial Corridor and change Urban Estate into Employment along with corresponding rezonings to the C, Commercial District and the E, Employment District. As indicated, the applicant is proposing amendments to existing City plans because the requested rezonings are not consistent with the *Structure Plan* map and *I-25 Subarea Plan*. In order for Council to approve the rezonings, amendments to the existing plans will be necessary.

27. Resolution 2008-030 Approving Two Agreements Related to the Possible Improvement of the Interstate 25/State Highway 392 Interchange. (10 minute staff presentation - 30 minute discussion)

With new growth in Windsor and southeast Fort Collins in recent years, the permanence of the existing I-25/392 interchange has been significantly impacted. The interchange is an integral, yet poorly functioning part of the transportation network. In January 2006, the City of Fort Collins and the Town of Windsor entered into an Intergovernmental Agreement (IGA) to develop a plan for the improvement of the interchange, including implementation strategies. A Plan has been prepared and presented to both the City and Town, and affected interests.

The next step is to apply to CDOT and the Federal Highway Administration (FHWA) for a determination that Separate Action from the North Colorado I-25 Corridor Environmental Impact Statement (EIS) is justified and to undertake CDOT's 1601 Interchange Approval Process. This will include a public private partnership of the City, Town and Metro Acquisitions LLC (Metro has ownership interest in large tracts of land on both sides of the interchange).

As described in the Resolution, approval of the two IGA's does not commit the City to help fund the construction of the Interchange Improvements; the IGA's will facilitate additional planning, public outreach, and design approval within an accelerated time frame and will

expedite the possible construction of the improvements, assuming the City, Town and CDOT can reach agreement as to how to fund the improvements.

The resolution approves two intergovernmental agreements regarding cost sharing of preparing, filing, and processing the Separate Action and 1601 Process materials, as follows:

1. Intergovernmental Agreement between the Town of Windsor, City of Fort Collins and Developer (Metro Acquisitions, LLC) for a cost sharing agreement to file a Justification for Separate Action (RSA) with the Colorado Department of Transportation (CDOT) and Federal Highway Works Administration (FHWA) and upon its approval, will apply to CDOT, NFR-MPO, and FHWA for approval of the Interchange Improvements in accordance with the 1601 Process, and whereby the Town, the City, and Metro Acquisitions, LLC have also agreed to share the project's initial consulting costs as well as the subsequent costs generated by the 1601 Process..
 2. Intergovernmental Agreement between the Town of Windsor and City of Fort Collins to reimburse CDOT for the costs CDOT incurs in reviewing the conceptual designs, studies, and other documents filed by the Town and City as part of the Justification for Separate Action and 1601 Process.
28. Pulled Consent Items.
29. Other Business.
- a. Motion to adjourn to 6 p.m, Tuesday, March 11, 2008.
30. 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.