

AGENDA
OF THE
COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

November 16, 2004

Regular Meeting
6:00 p.m.

PLEDGE OF ALLEGIANCE

1. CALL MEETING TO ORDER.
2. ROLL CALL.
3. CITIZEN PARTICIPATION (limited to 30 minutes)
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

6. CONSENT CALENDAR

The Consent Calendar consists of Item Numbers 7 through 32. 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 Agenda Item #41, Pulled Consent Items. The Consent Calendar consists of:

- 1) Ordinances on First Reading that are routine;
- 2) Ordinances on Second Reading that are routine;
- 3) Those of no perceived controversy;
- 4) Routine Administrative actions.

CONSENT CALENDAR

7. Consideration and approval of the regular Council meeting minutes of October 5 and October 19, 2004 and the adjourned meeting minutes of October 26, 2004.
8. Second Reading of Ordinance No. 164, 2004, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2005; Amending the Budget for the Fiscal Year Beginning January 1, 2005, and Ending December 31, 2005; and Fixing the Mill Levy for Fiscal Year 2005.

On October 19, 2004, City Council reviewed and approved the recommended additions and changes. With the second reading of the Ordinance, there is an adjustment that was inadvertently left out of the Ordinance on First Reading. An additional appropriation of \$2,360,820 is required in the Sales and Use Tax Fund, from the Use Tax Carryover Reserve, for transfer to the General Fund to cover the 2005 one-time expenditures approved by Council on First Reading. The \$2,360,820, which was not reflected on first reading, increases the total City Appropriations to \$465,122,888.

The Net City Budget of \$363,200,943, for 2005, which excludes transfers, remains the same as shown on the First Reading of this ordinance.

9. Second Reading of Ordinance No. 165, 2004, Amending Section 7.5-61 of the City Code by Modifying the "Pavement Impact Fee" and Adding a "Utility Locate Coring Fee".

Ordinance No. 165, 2004, which was adopted 6-0 (Councilmember Bertschy was absent) on First Reading on October 19, 2004, amends City Code Section 7.5-61 to adjust the amount of the Pavement Impact Fee and to establish a new Utility Locate Coring Fee. It is intended that these changes be made in conjunction with the 2005 budget appropriation ordinance being presented to Council at this same date.

10. Second Reading of Ordinance No. 166, 2004, Appropriating Prior Year Use Tax Carryover Reserves for the Manufacturing Equipment Use Tax Rebate Program.

In March 1996, Council approved a temporary rebate program for use taxes paid on manufacturing equipment. The goal of the program is to maintain the local economic base by providing modest tax relief to manufacturing concerns in Fort Collins. The program has provided rebates to manufacturers for use taxes paid during the calendar years 1996 through 2001. The rebate program was discontinued for calendar year 2002 due to challenging economic conditions. Council reinstated the program in January of 2004 for a two-year period. Under the rebate program, the payments are made in arrears. This is a rebate of taxes paid in 2003 and not a tax exemption. Six companies have filed applications this year for a total of \$172,093 in rebates. Based on review of the applications, the amount was reduced from \$265,000 on First Reading. The source of funding for the rebate program is the sales and use tax fund, specifically the use tax carry-over reserve. A listing of the six companies has been added to the agenda summary.

Ordinance No. 166, 2004, was adopted 6-0 (Councilmember Bertschy was absent) on First Reading on October 19, 2004.

11. Second Reading of Ordinance No. 167, 2004, Adopting a Proposed District-Precinct Map.

This Ordinance, which was adopted 6-0 (Councilmember Bertschy was absent) on First Reading on October 19, 2004, adopts the District-Precinct Map for the 2005 regular municipal election for the purposes of (1) determining the eligibility for District Council offices for the April 2005 election; (2) determining eligibility for any interim appointments to fill any District Council vacancies which may occur after November 26, 2004; and (3) determining residency for voting in any special municipal election conducted after November 26, 2004.

12. Second Reading of Ordinance No. 168, 2004, Authorizing the Lease of the Natural Area Located South of Fort Collins Jointly Owned by the City of Fort Collins and the City of Loveland for Dryland Wheat Farming for up to Five Years.

This natural area was purchased in March of 2000. The City of Loveland, Larimer County, GOCO Funds and the City of Fort Collins participated in the purchase. An Intergovernmental Agreement about this property was entered into on March 22, 2000. As per this Intergovernmental Agreement, the purchasing participants designated that the City of Loveland has a 75% interest in the Property and the City of Fort Collins has the remaining 25% interest in the Property. Further, the Intergovernmental Agreement specifies that the City of Loveland is the managing entity for this property.

Since the purchase of this property, the property has been used for dryland farming. Of the total 785 acres, only 550 acres of land are being used for rotational wheat crops, with 275 acres in crop production annually and the remaining land being fallow. The terms of the lease will require payment of \$10 per acre for the acreage planted. The lease can be automatically renewed each year on July 31 with a final termination date of July 31, 2008.

The Natural Resources Advisory Board considered and recommended that the Council authorize the proposed lease of this property at its meeting on October 6, 2004. This Ordinance was adopted 6-0 (Councilmember Bertschy was absent) on First Reading on October 19, 2004.

13. Items Pertaining to the College and Trilby Annexation.

- A. Second Reading of Ordinance No. 169, 2004, Annexing 5.76 Acres, Known as the College and Trilby Annexation.
- B. Second Reading of Ordinance No. 170, 2004, Zoning 5.76 Acres, Known as the College and Trilby Annexation, into the NC - Neighborhood Commercial Zoning District.

This is a request to annex and zone 5.76 acres located at the northwest corner of State Highway 287 (South College Avenue) and Trilby Road. The property is partially developed, containing one vacant building and parking. There is an undeveloped building pad site on the property. It is in the C - Commercial Zoning District in Larimer County. The request zoning for this annexation is NC - Neighborhood Commercial. The surrounding properties are currently zoned C - Commercial in Larimer County to the south and east and NC - Neighborhood Commercial in the City to the west and north. This is a 100% voluntary annexation.

Ordinance Nos. 169 and 170, 2004 were adopted 6-0 (Councilmember Bertschy was absent) on First Reading on October 19, 2004.

14. Items Relating to Utility Rates and Charges for 2005.

- A. Second Reading of Ordinance No. 172, 2004, Amending Chapter 26, Article IV, Division 4 of the City Code Relating to Wastewater Rates and Charges.
- B. Second Reading of Ordinance No. 173, 2004, Amending Chapter 26, Article VI, Division 4 of the City Code Relating to Electric Rates and Charges.
- C. Second Reading of Ordinance No. 175, 2004, Amending Chapter 26, Article III, Division 5, of the City Code Relating to the Raw Water Requirement for Nonresidential Service.
- D. Second Reading of Ordinance No. 176, 2004, Amending Chapter 26, Article XII of the City Code Relating to Budget Billing.

This item consists of four Ordinances establishing the Utilities rates for 2005. These four ordinances were adopted 6-0 (Councilmember Bertschy was absent) on First Reading on October 19, 2004. Overall, rates for utility services are proposed to increase as follows:

| | <u>Average % Increase</u> | <u>Cost Per Average Household/Month</u> |
|------------|-------------------------------|---|
| Wastewater | 5.00% | \$.85 |
| Electric | 4.35% | \$1.85 |

First Reading of Ordinance No. 174, 2004, relating to Stormwater Fees, was postponed to November 16, 2004.

15. Items Relating to the 2005 Downtown Development Authority Budget.

- A. Second Reading of Ordinance No. 177, 2004, Appropriating Operating Funds and Approving the Budget of the Downtown Development Authority for the Fiscal Year Beginning January 1, 2005, and Fixing the Mill Levy for the Downtown Development Authority for 2005.

The Downtown Development Authority (the "DDA") adopted the proposed DDA budget for 2005, totaling \$6,939,362, and determined the mill levy necessary to provide for payment of administrative costs incurred by the District at its regular meeting on October 7, 2004.

- B. Second Reading of Ordinance No. 178, 2004, Appropriating Revenue in the Downtown Development Authority Debt Service Fund for Payment of Debt Service for the Year 2005.

This Ordinance appropriates funds for 2005 from the tax increment received by the City for the DDA for debt service payments. Debt service and annual lease payments include:

| | |
|----------------------------|------------|
| 2004 Subordinate Bond | \$ 247,430 |
| Prior year refunding Bonds | 2,077,275 |
| Share of Parking Structure | 282,674 |
| 2005 DDA projects | 1,000,000 |

Ordinance Nos. 177 and 178, 2004 were adopted unanimously on First Reading on October 26, 2004.

16. First Reading of Ordinance No. 179, 2004, Appropriating Unanticipated Grant Revenue in the Recreation Fund to be Used for General Operating Support of the Adaptive Recreation Opportunities Program Recreation Works Project.

On September 13, 2004, the Recreation Division received written notice that it had been awarded a \$43,030 grant from the Department of Education, via a sub-award from Colorado State University. This Recreation Works II grant will enable the Adaptive Recreation Opportunities program ("Recreation Program") to continue work begun in the Recreation Works Grant. The Recreation Program will utilize the grant funds to continue providing inclusion support and recreation opportunities to people with disabilities.

17. First Reading of Ordinance No. 180, 2004, Appropriating Unanticipated Revenue in the General Fund for Police Services and Authorizing the Transfer of Matching Funds Previously Appropriated in the Police Services Operating Budget to the Local Law Enforcement Block Grant Program.

Fort Collins Police Services ("FCPS") has been awarded a grant from the U.S. Department of Justice LLEBG program in the amount of \$13,817. The funds are to buy equipment related to basic law enforcement functions. A local cash match of \$1,535 is required and will be met by the existing Police Services budget. The grant funds will be used to purchase trunk vaults for securing SWAT rifles and other SWAT equipment in vehicles.

The grant requires input from an Advisory Board who will make a non-binding recommendation to the U.S. Department of Justice on the agency's use of the funds. The Advisory Board, consisting of representatives from local law enforcement (FCPS Chief Harrison), prosecution (District Attorney Stuart VanMeveren), court system (Judge Kathleen Lane), public school (Ellyn Dickmann), and a non-profit agency active in crime prevention or treatment (Scoot Crandall – TEAM Fort Collins and Pam McCracken – CSU Center for Drug and Alcohol Education), reviewed the project and supported the proposed use of the grant funds.

18. First Reading of Ordinance No. 181, 2004, Authorizing the Purchasing Agent to Enter into an Agreement for the Financing by Lease-Purchase of Vehicles and Equipment.

The cost of the items to be lease-purchased is \$406,132. No payments are due in 2004. Payments at the 4.43% interest rate will not exceed \$91,002 in 2005. Money for the first year lease-purchase payments is included in the 2005 budget. The effect of the debt position for the purpose of financial rating of the City will be to raise the total City debt by .09%. A competitive process was used to select Koch Financial Corporation for this lease. Staff believes acceptance of this lease rate is in the City's best interest.

19. First Reading of Ordinance No. 182, 2004, Authorizing the Conduct of a Mail Ballot Election for the April 5, 2005 Regular Municipal Election.

This Ordinance authorizes the April 5, 2005 regular municipal election to be conducted by mail ballot, adopts the Mail Ballot Election Act of the Uniform Election Code governing mail ballot elections, authorizes the City Clerk to submit a mail ballot plan to the Secretary of State, and establishes the polling place for in-person voting for the April election.

20. First Reading of Ordinance No. 183, 2004, Amending Section 23-114 of the City Code Concerning the Leasing of City Property at the Fort Collins-Loveland Municipal Airport.

The Cities of Loveland and Fort Collins have been reviewing for approval ground leases for the construction of private hangars at the airport; these leases have been generic from one to the other and have been approved through the consent agenda. By giving the City Managers the ability to approve the leases it will expedite the approval process, reduce Councils work load and expedite the initial collections of lease payments.

21. First Reading of Ordinance No. 184, 2004, Authorizing Addendum #1 to the Long-Term Lease of Property at the Fort Collins-Loveland Municipal Airport with Bill Sheel.

Bill Sheel has constructed a private hangar on the airport under a long-term lease agreement. Mr. Sheel wishes to construct an automobile access to his hangar off of Lear Drive. The land needed for this access will be added to his lease and lease payments will be increased by an additional \$115.80 per year.

The cities have the option of canceling the amendment if the land is needed for any purpose in the future. The cities are not obligated for any costs if the amendment is cancelled prior to the expiration of the term of the base lease.

22. First Reading of Ordinance No. 185, 2004, Authorizing the Conveyance of Non-Exclusive Easement Interests for the Construction of a Twenty-Two Foot Wide Drainage Channel for the Redeemer Lutheran Church of Fort Collins on a Portion of the Fossil Creek Reservoir Regional Open Space.

Pursuant to the City of Fort Collins Natural Area and Open Lands Easement Policy adopted by Resolution 2001-094, Redeemer Lutheran Church, located about 600 feet west of the southwest corner of Timberline and Carpenter Roads, is requesting an easement for a drainage channel across the Fossil Creek Reservoir Regional Open Space jointly owned by City of Fort Collins and Larimer County.

The 25-foot wide permanent easement will accommodate a 22-foot wide drainage channel that will be approximately 3-4 feet deep. The easement and channel will be located generally along the Union Pacific Railroad right-of-way for a distance of approximately 785 feet, with a total area of 19,248 square feet (0.44 acre). A 45-foot wide temporary construction easement necessary for the construction of the drainage channel will encompass the permanent drainage easement during the time of construction and reclamation, estimated to be no more than one year, and will be a total of 34,006 square feet (0.78 acre) in size.

23. First Reading of Ordinance No. 186, 2004, Authorizing the Granting of a Non-Exclusive Utility Easement to the City of Loveland on Jointly Owned Property at the Fort Collins-Loveland Municipal Airport.

The proposed easement runs the east 40 feet of the SE 1/4 of Section 28, Township 6 North, Range 68 West, a portion of the Airport property. The City of Loveland's Power Operations Division is seeking to provide new service, and improve existing service in the airpark area. The proposed easement is 40 feet in width and runs the length of the property, or 2647.71 feet. The City of Loveland's Power Operations Division will restore the ground's surface to its prior condition.

Staff has determined that this easement carries a benefit which exceeds its cost. This easement will benefit the Fort Collins-Loveland Municipal Airport by bringing power to areas not currently served and thus facilitating future Airport expansion.

24. First Reading of Ordinance No. 187, 2004, Amending Ordinance No. 050, 2004, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the Stormwater Utility Drainage Outfall for the North Tributary System and the Street Oversizing Ziegler Road Realignment Project.

With Ordinance No. 050, 2004, Council granted authorization to allow the City to begin condemnation proceedings if the continuing negotiations are not successful. The City has continued good faith negotiations with the property owners to acquire the property. As a

result of these negotiations, there have been several minor changes to the construction details of the improvements.

These minor changes affect the amount of property required for the storm water drainage easement, reduce the area of a planned vehicle turn around on the maintenance road, and reduce the slope easement required for the Ziegler Road embankment. In addition, the property owners have requested that the City act as intermediaries for other drainage and utility easements required by the Rigden Farm development for its Sixth Filing.

To accommodate these changes and at the property owner's request, staff has prepared revised legal descriptions for the eminent domain process. This Ordinance amends Ordinance No. 050, 2004 by revising the legal descriptions of the easements.

25. Resolution 2004-137 Expanding the Duties and Functions of the Council Compensation and Benefits Committee.

After reviewing the final Gallagher report with Council and during meetings with City staff, the Committee identified several additional issues and options that it believes should be presented to, and addressed by, the City Council. The Committee has recommended that the Council extend the life of the Committee's existence and expand the scope of its duties and functions in order to work with City staff to address the identified additional issues and options for future Council review.

26. Resolution 2004-126 Making Findings of Fact and Conclusions Pertaining to the Appeal by the Colorado Department of Transportation of a Decision of the Planning and Zoning Board Regarding the Poudre River Rest Area Site Plan Advisory Review.

On September 9, 2004, an appeal of the August 26, 2004 decision of the Planning and Zoning Board to disapprove the CDOT Poudre River Rest Area Site Plan Advisory Review was filed by Appellant Karla Harding, CDOT Region 4 Transportation Director.

On October 19, 2004, City Council voted unanimously to overturn the decision of the Planning and Zoning Board. In order to complete the record regarding this appeal, the Council should adopt a Resolution making findings of fact and finalizing its decision on the appeal.

At the October 19, 2004 hearing on this matter, Council considered the testimony of City staff and the Appellants. In subsequent discussion at this hearing, Council determined that the Planning and Zoning Board improperly interpreted and applied relevant laws, that traffic data was properly counted and projected, there was a correct calculation of traffic impact, and that stormwater impacts were correctly calculated and found to comply with the City's applicable standards.

City Council voted unanimously to overturn the decision of the Planning and Zoning Board.

27. Resolution 2004-127 Stating the City's Intent to Not Act as a Reviewing Entity in 2005 for the Colorado Historic Preservation Income Tax Credit for Qualifying Historic Rehabilitation Projects.

As a Certified Local Government, Fort Collins has the opportunity each year to choose to be a reviewing entity for the Colorado Historic Preservation Income Tax Credit during the next calendar year. The City Council must adopt a resolution stating whether or not it intends to take on this responsibility in the next year.

Fort Collins became a Certified Local Government in 1991 when the Colorado Income Tax Credit was instituted, but did not take on the reviewing entity function for this program until 1995. For three years, the Landmark Preservation Commission was the reviewing entity and performed design review on qualifying historic rehabilitation projects for the Colorado Income Tax Credit. The Commission has declined the review from 1998 through 2004.

28. Resolution 2004-128 Authorizing a Revocable Permit for a Period of One Year on Property Owned by the City for Use as a Staging Area During Construction Activities.

Mason Street North, LLC has requested a revocable permit for the temporary use of 10,000 square feet within Lee Martinez Park as a construction staging area during construction activities on Lot A and Lot 12, Martinez P.U.D., an approved commercial development. City staff has concluded that the construction staging area will not result in adverse impact to the City owned property. Mason Street North, LLC will be responsible for returning the staging area as near to its current condition as possible upon the completion of construction activities.

29. Resolution 2004-129 Accepting the Advisory Opinion and Recommendation No. 2004-2 of the Ethics Review Board.

Section 2-569(e) of the City Code provides that all opinions and recommendations of the City Council Ethics Review Board be submitted to the full Council for review and approval. The Ethics Review Board met on September 7, 2004, to render an opinion as to whether Councilmembers who own rental properties may have a conflict of interest in participating in the City Council's deliberations and/or City decisions regarding the regulation of such properties.

Pursuant to the requirements of the Code, this opinion is being presented to the Council for its review and possible approval.

30. Resolution 2004-130 Reappointing Utilities General Manager Michael B. Smith to the Platte River Power Authority Board of Directors.

The Platte River Power Authority Board of Directors is comprised of two representatives from each of the four member cities. The Mayor (or Mayor's designate) fills one slot and the second representative is appointed by the Council. On April 21, 1998, the Council adopted Resolution 98-70 appointing Utility Services General Manager Michael B. Smith as the City's appointed representative, for a term to expire on December 31, 2000. Council then reappointed Mr. Smith to a second term on December 18, 2001 through the adoption of Resolution 2001-168. Mr. Smith's current term on the Platte River Board of Director's expires December 31, 2004.

31. Resolution 2004-136 Reestablishing the Council Finance Committee.

This Resolution will reestablish the Council Finance Committee to consider financial policy issues facing the City and to make recommendations regarding those issues to the City Council.

32. Routine Easements.

- A. Easement for Construction and Maintenance of Public Utilities from Carrabba's Italian Grill, Inc., to Allow Property to the East to Share the Existing Electric Transformer, Located at 1212 Oakridge. Monetary Consideration: \$10.
- B. Deed of Easement for Utilities, for a Permanent Utility Easement, Located at 801 East Prospect Road. Monetary Consideration: \$10.
- C. Deed of Easement Dedication from the First Baptist Church of Fort Collins, for Sidewalk and Pedestrian Use, Located at 900 East Prospect. Monetary Consideration: \$0.
- D. Deed of Easement from Augusta McCrummen Irrevocable Trust, for Sidewalks and Pedestrian Use, Located at 713 East Prospect. Monetary Consideration: \$0.

END CONSENT

33. Consent Calendar Follow-up.

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

34. Staff Reports.

35. Councilmember Reports.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

36. Items Related to the Competitive Process for Allocating City Financial Resources to Affordable Housing Projects/Programs and Community Development Activities: the Fiscal Year 2004-2005 Home Investment Partnerships (HOME) Program, the Fiscal Year 2004-2005 Community Development Block Grant (CDBG) Program, and the City's Affordable Housing Fund. (15 minutes - 5 minute staff presentation)
- A. Public Hearing and Resolution 2004-131 Approving the FY 2004-2005 Home Investment Partnerships Program for the City of Fort Collins.
 - B. Public Hearing and Resolution 2004-132 Adopting Additional programs/Projects for the FY 2004-2005 Community Development Block Grant Program for the City of Fort Collins.
 - C. Public Hearing and Resolution 2004-133 Allocating Funding from the City's Affordable Housing Fund.
 - D. First Reading of Ordinance No. 188, 2004, Appropriating Unanticipated Revenue in the Home Investment Partnerships Grant Fund.
 - E. First Reading of Ordinance No. 189, 2004, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund.

The Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) Program provide funds from the Department of Housing and Urban Development to the City of Fort Collins that can be allocated to community development and affordable housing related programs and projects, thereby reducing the demand on the City's General Fund Budget to address such issues. The City Council is being asked to consider the adoption of three resolutions and two ordinances. The first resolution (Resolution 2004-131) establishes which programs and projects will receive funding with HOME funds for the FY 2004-2005 Program year, which started on October 1, 2004. The second resolution (Resolution 2004-132) establishes which additional programs and projects will receive funding with CDBG funds for the FY 2004-2005 Program year, which also started on October 1, 2003. The third resolution (Resolution 2004-133) establishes which programs and projects will receive funding from the City's Affordable Housing Fund. The two ordinances (Ordinance No. 188, 2004, and Ordinance No. 189, 2004) appropriate unanticipated program income revenue for the HOME and CDBG programs respectively.

37. Resolution 2004-134 Appointing the Members of an Economic Vitality and Sustainability Panel. (30 minutes - 5 minute staff presentation)

On September 21, 2004 City Council adopted Resolution 2004-113 and endorsed the establishment of an Economic Vitality and Sustainability Panel which shall: (a) serve as a forum for the continued discussion of economic vitality and sustainability issues; (b) provide information and advice to City Council, the City Manager and the Economic Advisor on a regular basis; (c) provide guidance in the creation and implementation of a formal action plan; (d) facilitate partnerships that lend organizational support for the implementation of economic vitality and sustainability partnership strategies; and (e) report to City Council, on an annual basis, progress achieved towards improving the economic vitality and sustainability of the Fort Collins community.

38. First Reading of Ordinance No. 174, 2004, Amending Chapter 26, Article VII, Division 2 of the Code of the City Relating to Stormwater Fees (Options A and B). (15 minutes - 5 minute staff presentation)

Two options for 2005 stormwater rates are presented for Council consideration.

Option A of the Ordinance will:

- NOT increase stormwater rates for 2005; but will
- permit the Utilities General Manager to adjust the area utilized in calculating the monthly stormwater fee for residential lots in excess of one-half acre and for properties used for agricultural purposes.

Option B of the Ordinance will:

- increase monthly stormwater fees 7% across the board; and will
- permit the Utilities General Manager to adjust the area utilized in calculating the monthly stormwater fee for residential lots in excess of one-half acre and for properties used for agricultural purposes.

Staff recommends that Council approve Option A of the Ordinance pending further study and analysis of the capital improvement program and financing plan.

39. Resolution 2004-135 Adopting Voluntary Guidelines for Incumbent Councilmembers Who Are Candidates for Elective Offices. (15 minutes - 5 minute staff presentation)

Under the City Charter, it is permissible for Councilmembers, including the Mayor, to continue to hold their offices while seeking other elective offices. Article II, Section 18 of the Charter merely states that *assuming* another elective office creates a vacancy in the office of the Councilmember or Mayor. Thus, Fort Collins is not among those jurisdictions that have a "resign to run" rule.

At a study session on July 27, 2004, Council directed the City Attorney to meet with Mayor Martinez and Councilmembers Kastein and Tharp to draft proposed guidelines to assist Councilmembers in ensuring maximum separation of private campaign activities from official duties when they choose to run for another elective office during their terms as Councilmembers. This Resolution contains the guidelines that emerged from that meeting.

40. Second Reading of Ordinance No. 171, 2004, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the 221 West Prospect Road Rezoning. (15 minutes - 5 minute staff presentation)

This is a request to rezone Lot 10 of the Griffin Subdivision, which is located at the southeast corner of West Prospect Road and Tamasag Drive and known as 221 West Prospect Road. This parcel is 26,800 sq. ft. in size (0.62 acres) and is currently zoned E – Employment. The proposed rezoning would rezone the property into the CC – Community Commercial zone district. The parcel is designated as part of the Mason Street Transportation Corridor and is identified as part of the Campus District on the City of Fort Collins Structure Plan Map.

The 221 West Prospect Road rezoning was presented to the Planning and Zoning Board on September 16, 2004. The Planning and Zoning Board recommended denial of the rezoning request. Ordinance No. 171, 2004, was adopted on First Reading 5-1 (Nays: Councilmember Hamrick; Councilmember Bertschy was absent) on October 19, 2004, approving the requested zoning of CC - Community Commercial.

41. Pulled Consent Items.
42. Other Business.
43. Adjournment.