



REGULAR MEETING AGENDA

FORT COLLINS CITY COUNCIL

July 5, 2005

Doug Hutchinson, Mayor
Karen Weitkunat, District 2, Mayor Pro Tem
Ben Manvel, District 1
Diggs Brown, District 3
Kurt Kastein, District 4
Kelly Ohlson, District 5
David Roy, District 6

City Council Chambers
City Hall West
300 LaPorte Avenue
Fort Collins, Colorado

Cablecast on City Cable Channel 27
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 Proclaiming "Justice as the Community of Character Focus of the Month" for July 2005 in the City of Fort Collins.

Regular Meeting 6:00 p.m.

PLEDGE OF ALLEGIANCE

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

3. CITIZEN PARTICIPATION (limited to 30 minutes)

Individuals who wish to address the Council on items not specifically scheduled on the agenda must first be recognized by the Mayor or Mayor Pro Tem. Each speaker is allowed 5 minutes. If there are more than 6 individuals who wish to speak, the Mayor may reduce the time allowed for each individual.

- State your name and address for the record
- Applause, outbursts or other demonstrations by the audience is not allowed
- Keep comments brief; if available, provide a written copy of statement to City Clerk

4. CITIZEN PARTICIPATION FOLLOW-UP:

This is an opportunity for the Mayor or Councilmembers to follow-up on issues raised during Citizen Participation.

5. AGENDA REVIEW: CITY MANAGER

Consent Calendar

The Consent Calendar consists of Items 6 through _____. 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. ____, 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 Regular Council Meeting Minutes of May 17, 2005 and June 7, 2005.

7. Postponement of the Second Reading of Ordinance No. 052, 2005, Vacating a Portion of Right-of-Way as Dedicated on the Plat of Prospect Industrial Park, to July 19, 2005.

Second Reading of this Ordinance is being postponed to July 19, 2005. The item needs to be delayed until such time as the dedication of right-of-way and utility easements for the new cul-de-sac location has been provided. The adjacent/requesting property owner is working on getting the dedication documents signed, but was not able to get this completed in time to meet the submittal deadlines for this meeting.

8. Second Reading of Ordinance No. 061, 2005, Appropriating Unanticipated Revenue in the Street Oversizing Fund and Authorizing the Transfer of Appropriations from the Street Oversizing Fund to the Capital Project Fund - Trilby and Ziegler Road Improvements Project.

The construction of Kinard Junior High School requires minor arterial street improvements for Ziegler Road adjacent to the school property. Staff worked with the Poudre R-1 School District in an effort to coordinate the completion of Ziegler between Trilby Road and Kechter Road as well as the connection of Trilby between Timberline Road and Kechter. The improvements will be to an important segment of roadway which will provide primary access to the new Kinard Junior High School projected to open in the fall of 2006. This project is funded entirely through developer contributions and the construction will be managed by the City Street Oversizing Program staff.

Ordinance No. 061, 2005, was unanimously adopted on First Reading on June 7, 2005.

9. Second Reading of Ordinance No. 062, 2005, Approving the Terms of the City's Lease of Building 15, Old Town Square, Fort Collins, Colorado.

In order for this property to become tax exempt, state law requires that the Council approve the terms of the lease by this Ordinance, which was unanimously adopted on First Reading on June 7, 2005.

Since February 1996, the City has been leasing space in Old Town Square for the Police Services District One office. Police Services has leased the present Old Town Square location since January 1, 2000, which term ended and then renewed for one year on January 1, 2004. The present lease term commenced January 1, 2005 and will expire December 31, 2009. Lease payments under the new lease will include base rent, common area maintenance ("CAM") expenses, insurance, utilities and taxes (should they apply). Base rent for the first year shall be \$11.00 per square foot based on 2,075 square feet. The second and third year base rents shall escalate to \$12.00 per square foot. The fourth year will escalate to \$13.00 per square foot, and the fifth year to \$14.00. This escalation was based upon a negotiated amount in line with market rents. CAM, insurance and utilities are based on the City's pro rata share. For the first year the estimated prorated monthly charges amount to \$1.90 per square foot for CAM, \$.28 per square foot for insurance, and \$2.13 per square foot for utilities.

10. Second Reading of Ordinance No. 063, 2005, Authorizing a Deed of Easement for the Pleasant Valley Pipeline.

In April of 2001, the City of Fort Collins purchased certain real property from the estate of Robert Udall to be used as the Reservoir Ridge Natural Area. The City acquired the property along with any existing easements of record. Prior to the City obtaining title to the property, Robert Udall had granted an easement to Northern Colorado Water Conservancy District (NCWCD) for the Pleasant Valley Pipeline, which is used by Fort Collins Utilities to convey water. In March of 2005, NCWCD determined that the legal description used for the original easement was incorrect (it referenced an incorrect Range), making the original easement defective. Because the City is the current owner of record the City has been asked to approve a Deed of Easement correcting the legal description error. Once approved, NCWCD will record the document and provide a copy for City records.

Ordinance No. 062, 2005, was unanimously adopted on First Reading on June 7, 2005.

11. Second Reading of Ordinance No. 064, 2005, Authorizing the Dedication of a Parcel of Land and a Permanent Public Transportation Easement to the City of Loveland on Jointly Owned City and City of Loveland Property at the Fort Collins-Loveland Municipal Airport.

The City of Loveland is seeking to construct a roundabout at the intersection of Crossroads Boulevard and Rocky Mountain Avenue in order to facilitate airport area development and improvements.

Staff has determined that cooperating with Loveland in completing the planned improvements will be of general benefit to the Airport. In addition, due to Federal Aviation Administration ("FAA") funding for the Airport, it is anticipated that the City would be required to pay to the FAA any compensation required from Loveland for the conveyances. Consequently, staff is recommending that no compensation be required in this instance.

Ordinance No. 064, 2005, was unanimously adopted on First Reading on June 7, 2005.

12. Items Relating to the Kingdom Hall Annexation and Zoning.

A. Second Reading of Ordinance No. 065, 2005, Annexing Property Known as the Kingdom Hall Annexation to the City of Fort Collins, Colorado.

B. Second Reading of Ordinance No. 066, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Kingdom Hall Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 3.87 acres in size. The site is 2104 Kechter Road and located at the northeast corner of South Timberline Road and Kechter Road. Contiguity with the existing municipal boundary is gained along the entire west boundary which abuts Timberline Road the Willow Springs subdivision. The requested zoning is U-E, Urban Estate. This zoning complies with the Structure Plan Map. Ordinance Nos. 065 and 066, 2005, were unanimously adopted on First Reading on June 7, 2005.

13. Second Reading of Ordinance No. 067, 2005, Accepting the Abandoned Portion of State Highway 68 (Harmony Road) from Mile Post 0.00 to Mile Post 4.468 as part of the City's Street System.

The Colorado Department of Transportation (CDOT) and City of Fort Collins Transportation Services have been discussing the transfer of ownership of Harmony Road from CDOT to the City of Fort Collins for many years. This 4.5 mile section of road is developing into an urban arterial. CDOT made proposals for transfer of ownership of Harmony Road in the past, but the City resisted because of the additional costs involved.

In the most recent discussions CDOT offered funds in a one-time payment to the City to fund upgrades and offset the cost of maintenance cost over the next 20 years. CDOT and the City's Transportation staff worked together to develop estimates for the 20 year maintenance. CDOT will retain maintenance responsibility for the portion of Highway 68 between the west frontage road and I-25, including the frontage road intersection. The City will accept responsibility for the portion west of the frontage road. CDOT is offering a one-time payment of \$13,700,000 to the City to take ownership on this section of Harmony Road.

There is some urgency to this matter because part of these funds need to be committed by CDOT within its current fiscal year (before July 31, 2005).

Ordinance No. 067, 2005, was unanimously adopted on First Reading on June 7, 2005.

14. Second Reading of Ordinance No. 070, 2005, Making Various Amendments to the City of Fort Collins Land Use Code.

Staff has identified a variety of proposed changes, additions and clarifications in the Spring biannual update of the Land Use Code. On May 19, 2005, the Planning and Zoning Board considered the proposed changes and voted 6-0 to recommend approval of the proposed changes to City Council. The Board then voted 5-1 to recommend to Council that staff be directed to reexamine the neighborhood compatibility criteria related to Small Scale Reception Centers.

Ordinance No 070, 2005, was unanimously adopted on First Reading on June 7, 2005. The Ordinance has been slightly amended since First Reading. A memo explaining the change is attached.

15. Second Reading of Ordinance No. 071, 2005, Amending Chapter 2, Article 5 of the City Code Pertaining to Administrative Organization.

This Ordinance, which was unanimously adopted on First Reading on June 7, 2005, makes the necessary Code amendments involving the restructuring of Administrative Services and Communication and Technology Services. These changes are recommended to ensure a more consistent approach towards improving accountability and increasing efficiencies in the services these two areas support.

16. First Reading of Ordinance No. 072, 2005, Authorizing the Lease of City-Owned Property at 812 North Shields Street, Fort Collins, Colorado, for Up to Five Years.

The City purchased this parcel of land, including house and out buildings, as part of the Operations Services Master Plan. Staff recommends leasing this site until the improvements included in the Master Plan are constructed to discourage vandalism and to lower City costs to maintain the site. The site is currently leased.

17. First Reading of Ordinance No. 073, 2005, Authorizing the Lease of City-Owned Property at 4913 South College Avenue, Fort Collins, Colorado, for Up to Five Years.

This house is located on property owned by the City of Fort Collins. Until the land is utilized, renting the house will generate revenue and will discourage vandalism. This action will approve the leasing of the property for up to five years.

18. First Reading of Ordinance No. 074, 2005, Authorizing the Conveyance of Non-exclusive Easements for the Construction of Home State Bank on the Northwest Corner of Raintree Drive and Shields Street.

Home State Bank is requesting various easements from the City to facilitate construction of a new bank which will be located on a portion of Tract "F", Raintree Planned Unit Development at the northwest corner of Raintree Drive and Shields Street, adjacent to the Fort Collins Senior Center.

In order to complete the project, Home State Bank is asking the City to grant several easements on Senior Center property. Home State Bank will pay all costs associated with the construction of the bank and upon completion of the construction project will restore the easement areas to an equivalent or better condition as prior to construction.

19. First Reading of Ordinance No. 075, 2005, Appropriating Unanticipated Grant Revenue in the General Fund for the Operation of the Fort Collins Welcome Center.

The Colorado legislature created the Colorado Tourism Board (the "Board") and authorized the Board to operate state welcome centers. The Board determined that the state welcome center for Fort Collins would be more efficiently and effectively operated by the City of Fort Collins. In August of 2000, the Colorado Tourism Office was created and was authorized to operate such welcome centers.

Pursuant to Resolution 1999-097, the City contracted with Colorado State University for visitor center space at the Environmental Learning Center/Visitors Center to the south of Prospect Road, approximately one-quarter mile west of Interstate 25. The City, in its effort to welcome visitors to Fort Collins through the activities of its convention and visitor services contractor, the Fort Collins Convention and Visitors Bureau (the "CVB"), will use the space for the Fort Collins welcome center. The CVB, in addition to promoting tourism activity, will operate the welcome center pursuant to amendments to the City's agreement with CVB, and consistent with the City's grant agreement with the State of Colorado.

20. Resolution 2005 -069 Approving Expenditures from the Art in Public Places Reserve Account in the Cultural Services and Facilities Fund to Commission an Artist Team to Create Art and Flood Alert Elements for Walls on the Fossil Creek Trail Project.

This Resolution approves expenditures of \$16,340 for design, materials, installation and contingency for a project with artist Mario Miguel Echevarria of Design Tria to create walls that will serve as a visual warning system to identify the water levels of the adjacent creek and also speak to the prehistoric history of that area.

21. Resolution 2005-070 Finding Substantial Compliance and Initiating Annexation Proceedings for the State Highway 14 – East Frontage Road Annexation.

The State Highway 14 – East Frontage Road Annexation is 35.86 acres in size. The site is located on the east side of the I-25 East Frontage Road approximately one-quarter mile south of State Highway 14 (East Mulberry Street). Contiguity with the existing municipal boundary is gained along the entire southern boundary which is shared with the north property line of the Galatia Annexation (230 acres). The recommended zoning is L-M-N, Low Density Mixed-Use Neighborhood.

The proposed Resolution states that it is the City's intent to annex this property and directs that the published notice required by State law be given of the Council's hearing to consider the needed annexation ordinance. The hearing will be held at the time of First Reading of the annexation and zoning ordinances on August 16, 2005. Not less than 30 days prior, published notice is required by State law.

22. Resolution 2005-071 Finding Substantial Compliance and Initiating Annexation Proceedings for the Waterdale Annexation.

The Waterdale Annexation is 38.69 acres in size. The site is also known as Sunflower Manufactured Home Subdivision and is generally located south of East Mulberry Street approximately one-half mile east of Interstate 25. Contiguity with the existing municipal boundary is gained along the entire south and a portion of the west boundaries which abut the State Highway 14 – East Frontage Road Annexation.

The proposed Resolution states that it is the City's intent to annex this property and directs that the published notice required by State law be given of the Council's hearing to consider the needed annexation ordinance. The hearing will be held at the time of First Reading of the annexation and zoning ordinances on August 16, 2005. Not less than 30 days prior, published notice is required by State law.

23. Resolution 2005-072 Authorizing a Revocable Permit to Northern Colorado Water Association, for a Period of Up to Two Months on Meadow Springs Ranch for the Purpose of an Environmental Study and Survey.

Northern Colorado Water Association ("NCWA") is planning to construct an additional waterline from its storage tanks, located on a portion of Meadow Springs Ranch, to its distribution system approximately eight miles to the south. NCWA is submitting a request for an easement across a portion of the City-owned Meadow Springs Ranch. It is City policy to require an applicant to perform an environmental audit on the City property that will be affected by the proposed work. In order for NCWA to perform this audit, the City needs to grant a revocable permit to NCWA allowing access to City land. This permit will only be in effect for up to two months.

24. Resolution 2005-073 Reestablishing a Telephone Exchange Access Facility Charge and a Wireless Communications Access Charge for the Larimer Emergency Telephone Authority Effective January 1, 2006.

The Larimer Emergency Telephone Authority (LETA) was created in 1990 pursuant to C.R.S. Section 29-11-101, et. seq., by an intergovernmental agreement between the City of Fort Collins and nineteen other governmental entities in Larimer County.

The telephone exchange access facility charge of fifty cents (\$.50) per month became effective January 1, 1991, by approval of the Fort Collins City Council. This fee remained the same each year by annual approval of the LETA Board, until 1998 when the LETA Board decreased the fee by 10% to the current forty-five cents (\$.45). The wireless communications access charge was first established at forty-five cents (\$.45) commencing on April 1, 1998.

The LETA Board has approved a telephone exchange access facility charge and a wireless communications access charge effective January 1, 2006, each at the rate of forty-five cents (\$.45) per month.

These surcharges to telephone subscribers are necessary to continue to adequately fund the Emergency 911 telephone service in the City of Fort Collins through 2006. By approving this Resolution, the Council will be authorizing telephone and wireless telephone service providers to collect the telephone exchange access facility charge and wireless communications access charge.

25. Resolution 2005-075 Authorizing the Mayor to Execute a Restatement and Amendment to the Intergovernmental Agreement with Colorado State University for the Transit Center located at the Lory Student Center.

This Restatement and Amendment to the Intergovernmental Agreement represents the respective rights and obligation of the City and the University concerning the development, maintenance, operation, use, and the ultimate retirement of the transit center. The most significant changes from the previous intergovernmental agreements are the University has agreed to pay the operation and maintenance expenses for the transit center in exchange for design improvements and collecting the revenue from the various parties occupying the facility. The City has been requesting federal capital funds since 2000 to build the transit center. The final federal allocation was authorized in 2005. The bidding for the indoor transit center facility is scheduled for July 8, 2005 with construction beginning this fall. Construction is scheduled for completion in July 2006.

26. Resolution 2005-076 Authorizing the City Manager to Enter Into a Grant Agreement with the State Board of the Great Outdoor Colorado Trust Fund for Development of the Fossil Creek Trail Underpass at State Highway 287.

The project will construct approximately one mile of new trail for the Fossil Creek Trail system. It will provide for the crossing of Highway 287 (College Avenue) via an existing box culvert and new concrete trail paving on both sides. This project will provide immediate connection to the Mason Street Corridor trail project and the South College Bike Lanes project. Future Fossil Creek Trail connections from the underpass west of College Avenue to Shields Street and east of College Avenue to Fossil Creek Community Park and beyond are being planned.

The project has been coordinated with several local and state agencies. These agencies include; Colorado Department of Transportation, City of Fort Collins Transportation Planning, Natural Resources, Stormwater Utilities, and Fort Collins Loveland Water District.

The project will be completed and open to the public in 2006.

27. Routine Easements.

- A. Deed of Easement Dedication from Rigden Farm, LLC, for a sanitary sewer, located on East Drake Road. Monetary consideration: \$10. (See Map #1).
- B. Temporary Construction Easement from Rigden Farm, LLC, located on East Drake Road. Monetary consideration: \$10. (See Map #1).

END CONSENT

28. Consent Calendar Follow-up.

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

29. Staff Reports.

30. 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.

31. First Reading of Ordinance No. 076, 2005 Amending Chapter 26, Article III, Division 4 of the Code of the City of Fort Collins Relating to User Rates and Charges for Water. (45 minutes - 10 minute staff presentation)

At the May 25, 2005 work session, several Councilmembers requested an ordinance to revise the water rates for single family and duplex customers. As requested, this Ordinance would eliminate the tiers and return to a flat or uniform rate structure similar to that in place before the tiered structure was implemented in January 2003.

32. Items Relating to the Sunrise Ridge Annexation and Zoning. (30 minutes - no staff presentation)

- A. Second Reading of Ordinance No. 068, 2005, Annexing Property Known as the Sunrise Ridge Annexation to the City of Fort Collins, Colorado.
- B. Second Reading of Ordinance No. 069, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Sunrise Ridge Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 10.34 acres in size. The site is 5101 South Strauss Cabin Road located approximately one-half mile south of East Harmony Road on the west side of Strauss Cabin Road. Contiguity with the existing municipal boundary is gained along the entire west boundary which is shared with the east property line of the Willow Brook Subdivision (Observatory Village). Contiguity is also gained along the entire northern boundary which is shared with the south property line of Brookfield Subdivision (Morningside Townhomes). Ordinance Nos. 068 and 069, 2005, were unanimously adopted on First Reading on June 7, 2005. (Councilmember Manvel abstained from voting on Ordinance No., 69, 2005.)

33. First Reading of Ordinance No. 077, 2005, Authorizing the Sale of City-owned Property Consisting of a Portion of Block 33, Fort Collins, Colorado, to Penny Flats, LLC. (45 minutes - 10 minute staff presentation)

In July 2004, the City Council adopted Resolution 2004-081 setting out a process for selling portions of Block 33 to a private developer. Staff entered into an exclusive negotiating agreement with Coburn Development after receiving eight proposals and interviewing four teams. Coburn has complied with all provisions of the agreement, and has decided to proceed with development of the property.

Coburn has named the project Penny Flats. It will have approximately 150 dwelling units in a mixed use project with approximately 30,000 square feet of commercial space. Parking would be provided on site, in a combination of below-ground and at-grade spaces.

The sale would be accomplished in phases, with Coburn purchasing property for each phase prior to commencement of construction. The City would grant Coburn options on future phases, with interest on the unpurchased portions accruing to the City at seven percent. They would receive easement(s) on the City land for construction easements.

- The City would retain ownership of the Trolley Car Barn and associated parking area.
34. Second Reading of Ordinance No. 057, 2005, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the Dry Creek Drainage Improvements Project - East Vine Diversion Channel. (15 minutes - no staff presentation)

The design portion of the Dry Creek Drainage Improvements Project ("Project") began in 2003. The construction of the Project began in April 2005 with completion scheduled for 2006. The total project involves a combination of sub-projects in the upper, middle and lower basins of Dry Creek with the goal of reducing the likelihood of flooding in Fort Collins and Larimer County.

The approval of this Ordinance, which was adopted 4-2 (Nays: Councilmembers Ohlson and Roy) on First Reading on May 17, 2005, does not automatically result in the filing of a petition in eminent domain; it simply allows staff to use the process if good faith negotiations fail to result in an agreement between the City and affected property owners. Staff is hopeful that all acquisitions will be accomplished by agreement.

35. Pulled Consent Items.
36. Other Business.
37. 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.

33. First Reading of Ordinance No. 077, 2005, Authorizing the Sale of City-owned Property Consisting of a Portion of Block 33, Fort Collins, Colorado, to Penny Flats, LLC. (45 minutes - 10 minute staff presentation)

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