



REGULAR MEETING AGENDA

FORT COLLINS CITY COUNCIL

November 15, 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 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 Proclaiming November 13-19, 2005, as American Education Week.

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 29. 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. 39, 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 October 18, 2005.7. Items Relating to the State Highway 14 – East Frontage Road Annexation and Zoning.

- A. Second Reading of Ordinance No. 086, 2005, Annexing Property Known as the State Highway 14 – East Frontage Road Annexation to the City of Fort Collins, Colorado.
- B. Second Reading of Ordinance No. 087, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the State Highway 14 – East Frontage Road Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 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 annexation does not include the westerly 11.3 acres located along the Frontage Road and mostly in the Boxelder Creek floodplain. The recommended zoning is L-M-N, Low Density Mixed-Use Neighborhood which is in conformance with the I-25 Sub Area Plan.

Ordinance Nos. 086 and 087, 2005, were unanimously adopted on First Reading on August 16, 2005.

8. Items Related to the Issuance of City of Fort Collins Downtown Development Authority Subordinate Tax Increment Revenue Bonds, Series 2005A.

A. Second Reading of Ordinance No. 120, 2005, Authorizing the Issuance of City of Fort Collins, Colorado, Downtown Development Authority Taxable Subordinate Tax Increment Revenue Bonds, Series 2005A, Dated Their Delivery Date, in the Aggregate Principal Amount of \$1,890,000 for the Purpose of Financing Certain Capital Improvements and Capital Projects; and Providing for the Pledge of Certain Incremental Ad Valorem Tax Revenues to Pay the Principal of, Interest on and Any Premium Due in Connection with the Redemption of the Bonds

B. Second Reading of Ordinance No. 121, 2005, Appropriating Proceeds from the Issuance of City of Fort Collins, Colorado, Downtown Development Authority Taxable Subordinate Tax Increment Revenue Bonds, Series 2005A, for the Purpose of Making Certain Capital Improvements in the Downtown Area of Fort Collins, Authorizing the Transfer of Appropriations Between Funds And Appropriating Expenditures from the Downtown Development Authority Debt Service Fund to Make the 2005 Payment on the Bonds.

The City of Fort Collins created the Downtown Development Authority to make desired improvements in the downtown area. These Ordinances, which were unanimously adopted on First Reading on October 18, 2005, authorize the issuance of \$1,890,000 in short-term bonds to pay for various projects.

9. Second Reading of Ordinance No. 122, 2005, Designating the Beebe Clinic, 605 South College Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, William Lightfoot, and contract owner, Jay Stoner, are initiating this request for Fort Collins Landmark designation for the Beebe Clinic. The building retains excellent physical integrity and is judged to be both architecturally and historically significant under Fort Collins Landmark Standards (1), (2), and (3). The building is an excellent and locally rare example of the Art Moderne Style in Fort Collins. Character defining features include its flat roof with parapet, stucco wall material, and glass block and corner steel casement window details. In addition to its outstanding architectural value, the building served from 1939 to 1987 as the Beebe Clinic, a well-recognized and much noted element of Fort Collins' mid-town landscape. Dr. Nathan L. Beebe, himself, was also a noteworthy Fort Collins resident, contributing his services to the medical, business, and civic communities for more than a half-century. Ordinance No. 122, 2005, was unanimously adopted on First Reading on October 18, 2005.

10. Second Reading of Ordinance No. 128, 2005, Authorizing the Appropriation of Funds of the Fort Collins-Loveland Municipal Airport for Expenditure to Be Used to Purchase Snow Removal Equipment for Use at the Airport.

Additional appropriations in the amount of \$160,889 are needed for Airport improvements. In order for the Cities to expend this amount, each City must appropriate its half, \$80,444. Ordinance No. 128, 2005, was unanimously adopted on First Reading on November 2, 2005.

11. Second Reading of Ordinance No. 129, 2005, Authorizing the Conveyance of a Sanitary Sewer Easement for a Spring Creek Ranch, LLC Development.

Spring Creek Ranch LLC, is developing an 11-acre parcel located at 1926 Hull Street into 88 condo units. The proposed easement will connect the project to the existing City sewer line under Spring Creek Trail located to the north of the subject property. The City Parks Department is in agreement to allow the connection under above-said trail. The irregular-shaped easement would contain 120 square feet to install an eight inch sewer line.

Ordinance No. 129, 2005, was unanimously adopted on First Reading on November 2, 2005.

12. Items Pertaining to the Minatta Annexation and Zoning.

- A. Second Reading of Ordinance No. 130, 2005, Annexing Property Known as the Minatta Annexation.
- B. Second Reading of Ordinance No. 131, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Minatta Annexation.

This is a request to annex and zone 35.829 acres located on the west side of Overland Trail, at the southwest corner of the Overland Trail - West Elizabeth Street intersection. The property is partially developed, containing one existing single-family residence (with out-buildings) and a portion of the existing Fort Collins-Loveland Water District Pump Station. It is in the FA1 – Farming Zoning District in Larimer County. The requested zoning in the City of Fort Collins is RF - Residential Foothills (15.132 acres) and LMN – Low Density Mixed-Use Neighborhood (20.697 acres).

Ordinance Nos. 130 and 131, 2005, which were unanimously adopted on First Reading on November 2, 2005, have been amended on Second Reading to correct the legal descriptions contained in each Ordinance.

13. Second Reading of Ordinance No. 137, 2005, Amending Chapter 26, Article IV, Division 4 of the City Code Relating to Wastewater Rates and Charges.

This Ordinance, which was unanimously adopted on First Reading on November 2, 2005, increases the City's wastewater rates by 5% effective January 1, 2006. The increase is applied "across the board" for all customers. With the proposed rate, a typical single family residential customer's monthly bill will increase from \$17.87 to \$18.76 or 89 cents per

month. This is based on a system average 5,200 gallons per month winter quarter water use. No rate changes are proposed for electric, water or stormwater for 2006.

14. Second Reading of Ordinance No. 138, 2005, Amending the City Code to Increase the Capital Improvement Expansion Fee, Street Oversizing Fee and Neighborhood Parkland Fee to Reflect Inflation in Associated Costs of Services.

This Ordinance, which was unanimously adopted on First Reading on November 2, 2005, increases the fee schedules for the Capital Improvement Expansion Fees and Neighborhood Parkland Fee by the actual 2004 and estimated 2005 changes in the Denver-Boulder-Greeley Consumer Price Index ("CPI"). Given that the 2004 CPI was 0.20% and that fees are adjusted by whole dollars, a significant portion of the individual fees would not have changed during 2005. Therefore, the 2004 CPI of 0.20% and the 2005 CPI of 1.90% have been combined, resulting in a cumulative change of 2.10%.

Costs in the Capital Improvement Expansion Fees ("CIEF") Study and the fee schedule for the Neighborhood Parkland Fees were calculated using costs from 1995. The fees were last adjusted in 2003. This Ordinance increases the CIEF and the neighborhood parkland fees by the combined increase in the CPI of 2.10%, and the Street Oversizing fees by 1.61%, which reflects the projected increase reported in the Engineering News Record.

15. Items Relating to the 2006 Downtown Development Authority Budget.

- A. Second Reading of Ordinance No. 140, 2005, Appropriating Operating Funds and Approving the Budget of the Downtown Development Authority for the Fiscal Year Beginning January 1, 2006, and Fixing the Mill Levy for the Downtown Development Authority for 2006 at Five Mills.
- B. Second Reading of Ordinance No. 141, 2005, Appropriating Revenue in the Downtown Development Authority Debt Service Fund for Payment of Debt Service for the Year 2006.

The Downtown Development Authority Board of Directors adopted its proposed budget for 2006, totaling \$2,377,757, on November 3, 2005. The Board determined the mill levy necessary to provide for payment of administrative costs incurred by the DDA, at its regular meeting of October 6, 2005.

Ordinance No. 141, 2005, appropriates funds for 2006 from the tax increment received by the City for the DDA for debt service payments.

Ordinance Nos. 140 and 141, 2005, were unanimously adopted on First Reading on November 2, 2005.

16. First Reading of Ordinance No. 142, 2005, Appropriating Prior Years Use Tax Carryover Reserves for the Temporary Manufacturing Equipment Use Tax Rebate Program.

In March 1996, City Council approved a Manufacturing Equipment Use Tax Rebate Program ("Rebate Program") for use tax paid on manufacturing equipment. The goal of the program was to maintain the local economic base by providing modest tax relief to manufacturers located in Fort Collins. The Rebate Program has provided rebates to manufacturers for the calendar years 1996 through 2001. The Rebate Program was suspended for calendar year 2002 due to economic conditions. Council reinstated the program in January of 2004 for a two year period to coincide with the biennial budget. Under the Rebate Program, the rebate payments are paid by the City during the year following the year in which the use tax was remitted by the vendor. This is a rebate of taxes paid in 2004 and not a tax exemption. Twelve companies have filed applications this year for a total of \$168,000 in rebates. The source of funding for the Rebate Program is the sales and use tax fund, specifically the use tax carry-over reserve.

17. First Reading of Ordinance No. 144, 2005, Appropriating Unanticipated Grant Revenue and Prior Year Reserves in the General Fund for the Restorative Justice Youth Conferencing Program.

A grant in the amount of \$20,000 has been received from the Colorado Division of Criminal Justice for salaries associated with the continued operation of the Restorative Justice Youth Conferencing Program. Restorative justice is an alternative method of holding a young offender accountable by facilitating a meeting with the youth, the victim and members of the community to determine the harm done by the crime, and what should be done to repair the harm. By learning to understand the impact of their actions on the victim and community, criminal justice officials are optimistic that repeat offenses by these youth will be reduced. A \$2,222 cash match is required and will be met by appropriating previously collected project income from users of this program. The cash match is currently in General Fund prior year reserves for Police Services.

The grant period is from October 1, 2005 to September 30, 2006.

18. First Reading of Ordinance No. 145, 2005, Approving a General Form of Petition for Initiated Charter Amendments.

This Ordinance approves a general form of petition for citizen-initiated Charter amendments.

19. First Reading of Ordinance No. 146, 2005, Authorizing the Lease of City-Owned Property at 945 East Prospect Road for Up to Five Years.

The City purchased this house and lot as part of the Prospect/Lemay Choices '95 Intersection Improvement Project, which is still pending. Should this project become active in the future, this house will be affected by the right-turn lane that is to be added turning south on Lemay Avenue from Prospect Road. The construction of this right-turn lane can be accomplished at a more affordable price if it can be constructed at the same time as the corner redevelops. It is staff's recommendation to continue renting this house in the interim, having the tenant responsible for all utility expenses and site clean-up.

20. First Reading of Ordinance No. 147, 2005, Authorizing the Grant of a Temporary Construction Easement and an Access Easement from the City of Fort Collins, Colorado, to Spring Creek Ranch, LLC.

Spring Creek Ranch LLC, is developing an 11-acre parcel located at 1926 Hull Street into 88 condo units, and has requested a nonexclusive Access Easement and a Temporary Construction Easement on property owned by the City on the south side of Hull Street, in connection with the development. The proposed Access Easement will provide a necessary emergency access route to the development. The proposed Temporary Construction Easement will be used during construction of the Access Easement to provide proper grading of the area. Utilities (Stormwater) has determined that the proposed easements will not impact the use of the property for stormwater purposes, and has no objection to the proposed easements. The triangular-shaped Access Easement contains 154 square feet and the rectangular Temporary Construction Easement contains 1,829 square feet.

21. First Reading of Ordinance No. 148, 2005, Designating the A.M. Woods House as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Gwyneth Robe, is initiating this request for Fort Collins Landmark designation for the A.M. Woods House. The building is judged to be both architecturally and historically significant under Fort Collins Landmark Standards (1) and (3). The A.M. Woods House is a good example of the locally rare Colonial Revival architectural style. The home is also significant as one of the oldest dwellings existing in Fort Collins. Built circa 1880, the home has been a part of the Eastside Neighborhood for nearly 125 years. The building exhibits good integrity, and readily conveys its architectural and historical significance. The property is listed on the National Register of Historic Places and the State Register of Historic Properties, as a contributing element of the Laurel School National Register District.

22. Items Relating to the Interchange Business Park First Annexation and Zoning.

- A. Public Hearing and Resolution 2005-117 Setting Forth Findings of Fact and Determinations Regarding the Interchange Business Park First Annexation.
- B. First Reading of Ordinance No. 149, 2005, Annexing Property Known as the Interchange Business Park First Annexation.
- C. First Reading of Ordinance No. 150, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Interchange Business Park First Annexation.

This is a 100% voluntary annexation and zoning of a property approximately 15.55 acres in size. The site is located on the east side of the I-25 East Frontage Road south of State Highway 14 (East Mulberry Street). Contiguity with the existing municipal boundary is gained along a portion of the southern boundary which is shared with the north property line of the State Highway 14 – East Frontage Road (35.86 acres). The recommended zoning is C, Commercial, which is in conformance with the I-25 Sub Area Plan. This annexation is the first in a series of three that will cumulatively result in the annexation of 62.33 acres.

23. Items Relating to the Interchange Business Park Second Annexation and Zoning.

- A. Public Hearing and Resolution 2005-118 Setting Forth Findings of Fact and Determinations Regarding the Interchange Business Park Second Annexation.
- B. First Reading of Ordinance No. 151, 2005, Annexing Property Known as the Interchange Business Park Second Annexation.
- C. First Reading of Ordinance No. 152, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Interchange Business Park Second Annexation.

This is a 100% voluntary annexation and zoning of a property approximately 34.08 acres in size. The site is located on the east side of the I-25 East Frontage Road south of State Highway 14 (East Mulberry Street). Contiguity with the existing municipal boundary is gained along the entire south and a portion of the southeast boundary which is shared with the north property line of the Interchange Business Park First Annexation (15.55 acres). The recommended zoning is C, Commercial, which is in conformance with the I-25 Sub Area Plan. This annexation is the second in a series of three that will cumulatively result in the annexation of 62.33 acres.

24. Items Relating to the Interchange Business Park Third Annexation and Zoning.

- A. Public Hearing and Resolution 2005-119 Setting Forth Findings of Fact and Determinations Regarding the Interchange Business Park Third Annexation.
- B. First Reading of Ordinance No. 153, 2005, Annexing Property Known as the Interchange Business Park Third Annexation.
- C. First Reading of Ordinance No. 154, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Interchange Business Park Third Annexation.

This is a 100% voluntary annexation and zoning of a property approximately 12.70 acres in size. The site is located on the east side of the I-25 East Frontage Road south of State Highway 14 (East Mulberry Street). Contiguity with the existing municipal boundary is gained along the entire east property line which abuts the Interchange Business Park Second Annexation (34.08 acres). The recommended zoning is C, Commercial, which is in conformance with the I-25 Sub Area Plan. This annexation is the third in a series of three that will cumulatively result in the annexation of 62.33 acres.

25. Resolution 2005-120 Authorizing the Lease of a Residence on City-Owned Property at Reservoir Ridge Natural Area For Up to Two Years.

City Council approved Resolution 2001-095 on July 17, 2001, authorizing the acceptance of a donation from the Estate of Robert H. Udall of 20.133 acres of land as an addition to the Reservoir Ridge Natural Area. The donation reserved a life estate on part or all of the property for Mr. Udall's widow, Mary Michie Udall. Mrs. Udall decided not to remain on the property but requested that the Natural Areas Program permit the caretaker at the time, Tim LaBaw, to remain on the property. Staff has enjoyed and appreciated Mr. LaBaw's residency on the site since Mrs. Udall moved from this area in September 2002. Mr. LaBaw has been acting in many ways as a caretaker for the property. He has consistently been a responsible tenant. He appreciates the intent of the Natural Areas Program to restore the area, decline public access for the time, and eventually develop an educational center on the site. Entering into this lease with Mr. LaBaw will benefit the Natural Area. Mr. LaBaw will be the only tenant on the site and will continue to expel trespassers, keep the gate leading to the Udall Addition closed and generally watch over the property.

Staff has negotiated an agreement for the lease of the residence to Mr. LaBaw for a period of at least one year, beginning November 1, 2005, with the option to renew for up to one additional year on a month-to-month basis.

26. Resolution 2005-121 Stating the City's Intent to Act As a Reviewing Entity in 2006 for Properties Within the Downtown Development Authority Boundaries for the Colorado Historic Preservation Income Tax Credit for Qualifying Historic Rehabilitation Projects Under C.R.S. §39-22-514.

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.

On October 26, 2005 at a regular meeting, the Landmark Preservation Commission discussed this function and made the decision to recommend that the city accept the reviewing entity function for the Colorado Historic Preservation Income Tax Credit in 2006 for properties within the DDA boundaries. The city is required to maintain a "preservation fund" of fees collected for the service. Fees are set by state legislation, but collected by the local government to be used for expenditures incurred in the performance of the design review duties. Fees range from \$250 to \$750 depending on the cost of the project.

The reviewing entity function for the rest of the city will still be performed by the Colorado Historical Society staff for the 2006 calendar year so that the program will be available to all Fort Collins citizens.

27. Resolution 2005-122 Adopting the 2005-2007 Council Policy Agenda.

Every two years the City Council adopts a Policy Agenda that outlines the policy initiatives it wishes to undertake in the two-year Council term. This proposed Policy Agenda has been developed through discussions with and among Council Members during two City Council retreats and a work session.

28. Postponement of the Consideration of the Appeals of the September 8, 2005, Determination of the Administrative Hearing Officer to Deny the Cherry Street Station Project Development Plan to November 29, 2005

This hearing on the appeal of the September 8, 2005 Administrative Hearing Officer denial of the Cherry Street Station Project Development Plan must be postponed to November 29 because proper notice was not given to some of the parties-in-interest to the appeal.

A new notice of hearing for November 29 was mailed to all parties-in-interest on Thursday, November 10, and the appellants were personally notified of the need for postponement of this hearing.

Adoption of the Consent Calendar will accomplish the necessary postponement.

29. Routine Easement.

A. Emergency access easement from American Retirement Properties, LLC, located in the Lee Minor Lot Division.

END CONSENT

30. Consent Calendar Follow-up.

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

31. Staff Reports.

32. 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.

33. Items Relating to Occupancy Regulations and Other Neighborhood Quality of Life Issues.
(2 1/2 hours - 10 minute staff presentation)

- A. Second Reading of Ordinance No. 123, 2005, Making Various Amendments to the Fort Collins Land Use Code Relating to Residential Occupancy Limits.
- B. Second Reading of Ordinance No. 124, 2005 Amending Chapter 5, Article VI of the City Code Relating to Rental Housing. (Options A and B)
- C. Second Reading of Ordinance No. 125, 2005, Amending the City Code Relating to Court Referees.
- D. Second Reading of Ordinance No. 126, 2005, Amending the City Code Relating to General Penalties.
- E. Second Reading of Ordinance No. 127, 2005, Amending Chapter 20, Article VIII of the City Code Relating to Abatement of Public Nuisances.

Should Council wish to utilize the Utilities records in lieu of a rental registration program, the following ordinance is included for consideration:

- F. First Reading of Ordinance No. 155, 2005, Amending Chapter 26 of the City Code Requiring the Provision of Accurate Ownership Information in Connection With the Provision of Utility Services.

This Council meeting will focus on revisions to the City's current regulations prohibiting more than three unrelated persons from inhabiting a single dwelling unit. Staff is also recommending revisions to the Land Use Code related to boarding houses and is presenting an option that would establish a rental registration program for the purpose of identifying rental units within the city limits of Fort Collins. Refinements have been made to various

provisions since First Reading was held on October 18, 2005, including additional choices related to the rental registration program.

34. Second Reading of Ordinance No. 132, 2005, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2006 and Adopting the Budget for the Fiscal Years Beginning January 1, 2006 and Ending December 31, 2007, and Fixing the Mill Levy for Fiscal Year 2006. (20 minutes - 5 minute staff presentation)

Ordinance No. 132, 2005 was adopted 5-2 (Nays: Ohlson and Roy) on First Reading on November 2, 2005. Council adopted the 2006-2007 City Biennial Budget and the corresponding appropriation of monies for fiscal year 2006 expenditures.

35. Items Relating to 2006 Water, Sewer, Stormwater Plant Investment Fees and Electric Development Charges. (10 minutes - 5 minute staff presentation)

- A. Second Reading of Ordinance No. 133, 2005, Amending Chapter 26 of the City Code to Revise Water Plant Investment Fees and Raw Water Requirements.
- B. Second Reading of Ordinance No. 134, 2005, Amending Chapter 26 of the City Code to Revise Sewer Plant Investment Fees. (Phase-In Implementation - 1/3 in 2006)
- C. Second Reading of Ordinance No. 135, 2005, Amending Chapter 26 of the City Code to Revise Electric Development Fees and Charges.
- D. Second Reading of Ordinance No. 136, 2005, Amending Chapter 26 of the City Code to Establish Stormwater Plant Investment Fees.

These Ordinances adopt the water, sewer and stormwater plant investment fees and electric development fees. These fees were presented and discussed at City Council's August 23, 2005 work session. The fees are one-time charges paid by developers or builders for the cost of the utility infrastructure needed to serve a new development.

Ordinance Nos. 133, 135, and 136, 2005, were unanimously adopted on First Reading on November 2, 2005. Ordinance No. 134, 2005 (Option B - to phase-in implementation) was adopted 6-1 (Nays: Manvel) on First Reading on November 2, 2005.

Per Council direction during the First Reading of these Ordinances, a revision has been made to each Ordinance by adding Code language requiring staff to review the fees annually and to present the fees to Council for approval on at least a biennial basis, which appears in Section I of each Ordinance. These Code changes are being made to mitigate the impact of adjustments in any one year.

A housekeeping revision has been made to the Wastewater PIF Ordinance No. 134, 2005 (Option B) since the First Reading. The change helps to clarify the calculation of the fees for biochemical oxygen demand (BOD) and total suspended solids (TSS) for high strength customers and those customers with tap sizes greater than three inches.

36. Second Reading of Ordinance No. 139, 2005, Adopting the 2006 Classified Employees Pay and Classification Plan. (10 minutes - 2 minute staff presentation)

This Pay Plan continues in support of the practice of setting City pay range maximums at the market 70th percentile. Data from the public and private sectors, including reported published survey data and a special City of Fort Collins Compensation Survey, were used to determine the prevailing market rates for 100 benchmark jobs.

Ordinance No. 139, 2005, was adopted 6-1 (Nays: Ohlson) on First Reading on November 2, 2005.

37. First Reading of Ordinance No. 156, 2005, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Hellenic Plaza Rezoning. (20 minutes - 5 minute staff presentation)

This parcel was annexed into the City in February, 1964 and placed in the A – Residential District. It was rezoned RH - residential High-Density in 1965. In March of 1997, in order to implement City Plan and Land Use Code, the 1.267 acre property now being considered for rezoning was placed in the CC – Community Commercial District. In March, 1999, in accordance with the adoption of the West Central Neighborhoods Plan, the property was rezoned MMN - Medium Density Mixed-Use Neighborhood. The MMN District does not permit a coffee and pastry/deli shop (fast food restaurant) as requested on the Rezoning Petition. Therefore, the rezoning request does not comply with *City Structure Plan* and the West Central Neighborhoods Plan.

On October 4, 2005, Council considered and denied this rezoning request. At the request of the applicant, who was not present at the hearing on October 4, Council, at its October 18 meeting, voted to rescind its October 4 decision and scheduled a new hearing at this meeting.

38. Items Related to the Completion of the Fall Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing Projects/Programs and Community Development Activities Utilizing HOME Investment Partnerships Funds, Community Development Block Grant ("CDBG") Funds, and Funds from the City's Affordable Housing Fund. (10 minutes - 2 minute staff presentation)

- A. Public Hearing and Resolution 2005-123 Approving the Fiscal Year 2005 HOME Investment Partnerships Program and the Utilization of Unprogrammed and Reprogrammed Funds from Previous Fiscal Year HOME and CDBG Grants, and HOME and CDBG Program Income.
- B. Resolution 2005-124 Allocating Funding from the City's Affordable Housing Fund.
- C. First Reading of Ordinance No. 157, 2005, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Projects in the HOME Investment Partnership Program.

- D. First Reading of Ordinance No. 158, 2005, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Projects in the Community Development Block Grant Program.

The City Council is scheduled to conduct a public hearing and consider the adoption of two resolutions. Resolution 2005-123 will establish which programs and projects will receive funding from the City's HOME Program for the FY 2005 Program year and which programs and projects will receive funding from other available HOME Program and CDBG Program funds. Resolution 2005-124, establishes which programs and projects will receive funding from the City's Affordable Housing Fund.

The Resolutions establishing which programs and projects will receive HOME, CDBG, and City Affordable Housing Fund dollars represent the culmination of the fall cycle of a competitive applications process. This process was approved in January 2000 by the Council to apply the City's financial resources to affordable housing programs/projects and community development activities. Additional background material about the competitive process is included in Attachment A. The total amount of funding requests considered by the CDBG Commission was approximately \$2.1 million, however, only about \$1.9 million of funds are available. The CDBG Commission recommends full funding for six (6) proposals, partial funding for two (2), and no funding for one (1) proposal. Unallocated funds will be carried over to the Spring 2006 cycle of the competitive process.

39. Pulled Consent Items.

40. Other Business.

41. Adjournment.

- A. Motion to Cancel the December 6, 2005 Regular Meeting.
- B. Motion to adjourn to November 22, 2005.

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.



REGULAR MEETING AGENDA

GENERAL IMPROVEMENT DISTRICT NO. 1

November 15, 2005

Doug Hutchinson, Mayor
Karen Weitkunat, District 2, Mayor Pro Tem
Ben Manvel, District 1
Diggs Brown, District 3
Kurt Kastein, District 4
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Following the Regular Council Meeting
Cablecast on City Cable Channel 14
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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.

1. Call Meeting to Order.
2. Roll Call.
3. Consideration and Approval of the Regular Meeting Minutes of November 2, 2005.
4. Second Reading of Ordinance No. 050, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2006 of the General Improvement District No. 1 for the Fiscal Year Beginning January 1, 2006, Determining and Fixing the Mill Levy for the General Improvement District No. 1 for the Fiscal Year 2006; and Directing the Secretary of the District to Certify Such Levy to the Board of County Commissioners of Larimer County.

The sum of \$252,575 is available to be used for the Oak Street Plaza Park which consists of funds that are prior year reserves of the GID No. 1.

The sum of \$197,794 is anticipated to be collected from the mill levy of 4.924 mills for fiscal year 2006. Additional revenue for the GID No. 1 from sources like automobile specific ownership taxes, ad valorem taxes, and interest earnings are anticipated to total \$48,056.

Ordinance No. 050, was unanimously adopted on First Reading on November 2, 2005.

5. Other Business.
6. Adjournment.