



REGULAR MEETING AGENDA

FORT COLLINS CITY COUNCIL

March 21, 2006

Doug Hutchinson, Mayor
Karen Weitkunat, District 2, Mayor Pro Tem
Ben Marvel, 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 Naming Joseph Akmakjian as the 2006 Fort Collins Goodwill Ambassador for the Muscular Dystrophy Association.
- B. Proclamation Declaring March 31, 2006 as Cesar Chavez Day.

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 21. This Calendar is intended to allow the City Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Anyone may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately. Agenda items pulled from the Consent Calendar will be considered separately under Item No. 28, Pulled Consent Items. The Consent Calendar consists of:

- Ordinances on First Reading that are routine;
- Ordinances on Second Reading that are routine;
- Those of no perceived controversy;
- Routine administrative actions.

6. Consideration and Approval of the Minutes of the February 7, 2006 Regular Meeting.7. Second Reading of Ordinance No. 034, 2006, Amending the City Code with Regard to the Posting of Public Notice of the Meetings of the City Council, Committees of the Council and City Boards and Commissions.

This Ordinance amends various sections in Chapter 2 of the City Code relating to the posting of public notice of meetings of the City Council, committees of the Council and City boards and commissions, to reflect a change in the location of the place of posting, and to clarify existing language about the types of meetings that need to be posted. The Ordinance was unanimously adopted on First Reading on February 21, 2006.

Based on public input on Second Reading on March 7, 2006, staff withdrew this item for additional work prior to adoption on Second Reading. The Ordinance has been amended to require, where possible, the posting of notices on the City's web site, in addition to the vestibule at the south entrance of City Hall West.

8. Second Reading of Ordinance No. 042, 2006, Authorizing the Purchasing Agent to Enter into an Agreement for the Financing by Lease-Purchase of Vehicles and Equipment.

This Ordinance, which was unanimously adopted on First Reading on March 7, 2006, authorizes the Purchasing Agent to enter into a lease-purchase financing agreement with Koch Financial Corporation at 4.94 percent interest rate. The agreement is for an original term from the execution date of the agreement to the end of the current fiscal year. The agreement provides for renewable one-year terms thereafter, to a total term of five (5) years, subject to annual appropriation of funds needed for lease payments.

9. Second Reading of Ordinance No. 044, 2006 Amending Section 3.5.4(c)(3)(A) of The City of Fort Collins Land Use Code.

This ordinance, adopted unanimously on First Reading on March 7, 2006, strengthens the existing standard for large retail establishments that requires multiple entrances and requires secondary entrances to be operational.

10. First Reading of Ordinance No. 045, 2006, Appropriating Unanticipated Grant Revenue in the General Fund From the Colorado Department of Revenue, Enforcement of Underage Drinking Law Program.

Fort Collins Police Services has been awarded a grant by the Colorado Department of Revenue, Enforcement of Underage Drinking Laws Program in the amount of \$51,983. The grant funds will be used to pay for overtime in possession/illegal sales operations, joint enforcement activities with Colorado State University Police, and educational supplies and implementation through CSU's Office of Alcohol and Other Drug Prevention and Education Services Department. The grant period begins April 1, 2006 and ends April 1, 2007.

11. First Reading of Ordinance No. 046, 2006, Authorizing the Appropriation of Operating Funds of the Fort Collins-Loveland Municipal Airport for the Fiscal Year Beginning January 1, 2006, and Authorizing the Appropriation of Unanticipated Revenue and Prior Year Reserves for Capital Improvements at the Fort Collins-Loveland Municipal Airport.

The 2006 annual operating budget for the Airport totals \$538,370, and will be funded from Airport operating revenues, contributions from the Cities of Fort Collins and Loveland, and interest earnings. This Ordinance appropriates the City of Fort Collins contribution which is a 50% share of the 2006 Airport budget and totals \$269,185.

This Ordinance also appropriates the City of Fort Collins 50% share of capital funds for the Airport from federal and state grants; passenger charges; contributions from Fort Collins and Loveland; and the Airport General Fund. The capital funds are to be used to construct improvements to the Airport's ramp area for commercial aircraft, reconstruct taxiway Alpha, replace taxiway Alpha's lighting system, replace the airfield lighting control system, fog seal the main runway and replace the markings, and other measures aimed at increasing Airport safety.

12. First Reading of Ordinance No. 047, 2006, Authorizing an Addendum to the Existing Intergovernmental Agreement with the Fort Collins-Loveland Water District, Extending for Five Years the Time for Annexations of Subdivisions to be Eligible Under the Agreement.

Under the provisions of the existing Intergovernmental Agreement, certain developing properties in the Fort Collins-Loveland Water District service area have the option of meeting either City or District water development requirements. The Agreement specifies that the properties were within the city limits at the time of the Agreement or must be annexed into the City within five years from the date of the Agreement to be eligible. The initial five-year period is nearly passed. The Agreement allows for two five-year extensions to the period under which properties can annex and be eligible.

13. First Reading of Ordinance No. 048, 2006, Amending Chapter 2, Article IV of the City Code by the Addition of a New Division 4 Regarding the Urban Renewal Authority.

Chapter 2, Article IV of the City Code currently lists the "Authorities of the City" as differentiated from the listing of City "Boards and Commissions" contained in Chapter 2, Article III of the Code. Authorities of the City have different legal status, roles, responsibilities, and powers that go beyond those of the City Boards and Commissions. On February 20, 2001, the Council adopted Ordinance No. 026, 2001, creating a new Article IV of the City Code pertaining to Authorities of the City and included the Downtown Development Authority (DDA) and the Fort Collins Housing Authority (FCHA) in the listing of Authorities. The DDA, created by an ordinance of the Council, is a separate corporate entity from the City. The FCHA, established by the Council in the manner provided by state statute, is a body both corporate and politic and is a separate legal entity from the City. Likewise, the Urban Renewal Authority (URA), established by the Council in the manner provided by state statute is also a separate "body politic." Therefore, staff believes the URA should be added to the listing of Authorities contained in Chapter 2, Article IV of the City Code.

14. First Reading of Ordinance No. 049, 2006 Authorizing the Lease of City-Owned Property at 2313 Kechter Road, Fort Collins, Colorado, for Up to Five Years.

The City acquired this property as part of the Affordable Housing Land Bank Program (the "Land Bank Program"). The property is composed of 15.959 acres of development land and is improved with a 2,967 square foot single family house and three outbuildings. One of the goals of the Land Bank Program is to hold land for a minimum of five years. Leasing the property during this time period generates revenue for the program, eliminates ground maintenance and discourages vandalism in empty structures.

The lease for 2313 Kechter Road will include the entire 15.959 acres with the single family residence and the three outbuildings.

15. First Reading of Ordinance No. 050, 2006, Authorizing the Conveyance of Non-exclusive Easement Interests for the Construction of a Sanitary Sewer Line By the South Fort Collins Sanitation District On a Portion of Fossil Creek Reservoir Regional Open Space.

The South Fort Collins Sanitation District wishes to acquire a permanent right-of-way as well as temporary construction easements in order to install, maintain, and repair a sanitary sewer line on the Fossil Creek Reservoir Regional Open Space. The new sanitary sewer and related easements will parallel an existing right-of-way and sewer line that the District currently maintains on the property. The new sewer line will replace the existing sewer line which is not capable of providing adequate service.

16. First Reading of Ordinance No. 051, 2006, Authorizing the Dedication of Certain Street Rights-of-Way and the Disposition of Certain Interests in Real Property in Connection with the Fort Collins Police Services Facility Site and the Spring Creek Farms North Plat.

This Ordinance dedicates certain street rights-of-way in connection with the Fort Collins Police Services Facility site. These streets surround the Police Services Facility site and are Charles Brockman Drive, Joseph Allen Drive, Nancy Gray Avenue, and Timberline Road. It also conveys two utility easements included within the boundary of the Police Services Facility site.

17. Resolution 2006-033 Making Findings of Fact and Conclusions Pertaining to the Appeal of the Determination of the Administrative Hearing Officer Regarding the Raven View Project Development Plan and Modification of Standard.

On January 25, 2006, an Amended Notice of Appeal was filed regarding the December 13, 2005 decision of the Administrative Hearing Officer to approve the Raven View Project Development Plan and Modification of Standard.

On March 7, 2006, City Council voted 6 – 1 to modify and uphold the decision of the Administrative Hearing Officer. In order to complete the record regarding these appeals, the Council should adopt a Resolution making findings of fact and finalizing its decision on the appeal.

18. Resolution 2006-034 Approving Expenditures from the Art in Public Places Reserve Account in the Cultural Services and Facilities Fund to Commission an Artist to Create Art Elements for the Mason Transportation Corridor Trail Project.

This Resolution approves expenditures of \$55,235 for design, materials, installation and contingency for a project with artist Mario Miguel Echevarria to create sculptural elements for Mason Transportation Corridor Trail.

19. Resolution 2006-035 Establishing Rental Rates and Delivery Charges for the City's Raw Water for the 2006 Season.

This Resolution approves rates for the rental and use of the City's raw water supplies. The Water Utility uses these rates to assess charges for agricultural use, for various contractual raw water obligations and for raw water deliveries to other City departments. Each year,

prior to the irrigation season, the City's Water Board ("the Board") makes a recommendation to Council regarding the raw water charges. The Board discussed the proposed rental rates and charges at its February 23, 2006 meeting. The proposed rate for each type of water is based on several factors including market conditions and assessments charged by irrigation companies.

20. Resolution 2006-036 Authorizing the City Manager to Consider Annexations Under the City's Intergovernmental Agreement with Larimer County Regarding Cooperation on Managing Urban Development.

This Resolution authorizes the City Manager to defer annexation of parcels eligible for annexation if specific criteria are met.

21. Resolution 2006-037 Authorizing and Directing the City Manager to Join the Efforts of Colorado State University, the Northern Colorado Economic Development Corporation, the Fort Collins Area Chamber of Commerce, Poudre School District, Larimer County, and Private Enterprise in Developing a Clean Energy Cluster for Northern Colorado.

This Resolution authorizes and directs the City Manager to proceed on behalf of the City to participate in a Clean Energy Cluster formation and development, and to work with Colorado State University, Larimer County, Poudre School District, the Northern Colorado Economic Development Corporation, the Fort Collins Area Chamber of Commerce, and local business entities to develop the Cluster's strategic plan and to support the advancement of the plan as it is implemented.

END CONSENT

22. Consent Calendar Follow-up.

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

23. Staff Reports.

24. Councilmember Reports.

Discussion Items

The method of debate for discussion items is as follows:

- Mayor introduces the item number, and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests citizen comment on the item (five minute limit for each citizen)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all citizens have an opportunity to speak.

25. Items Relating to the Airpark Village Annexation and Zoning. (1 hour - 5 minute staff presentation)

- A. Resolution 2006-038 Setting Forth Findings of Fact and Determinations Regarding the Airpark Village Annexation.
- B. Hearing and First Reading of Ordinance No. 053, 2006, Annexing Property Known as the Airpark Village Annexation to the City of Fort Collins, Colorado.
- C. Hearing and First Reading of Ordinance No. 054 , 2006, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Airpark Village Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 148 acres in size. The site is an existing, privately owned airport and three abutting properties, all generally located north of East Lincoln Avenue, south of East Vine Drive and west of Timberline Road. Contiguity with the existing municipal boundary is gained along portions of the west and east property lines. The east property line abuts the Dry Creek Subdivision.

26. Items Relating to a Loan to the Urban Renewal Authority (Options 1 and 2). (30 minutes - 5 minute staff presentation)

On January 24, 2006, Council discussed options for financing URA projects until the tax increment revenues materialize in 2007. Staff was directed to consider the type of public improvement created by the project and obtain a loan from the related source. For example, if the improvement being funded by the URA in the expansion of utility infrastructure, then the Utilities' reserves should be the funding source. On the other hand, if the improvement is a general government infrastructure (sidewalks, curb and gutter, street right of way, etc), then the reserves of the City's General Fund would serve as the funding source for a loan. Based on the types and scale of projects that would likely occur in the North College Plan

Area, the total amount of financing that the URA could currently service was determined to be \$500,000.

Two Options are under consideration:

1. First Reading of Ordinance No. 052, 2006, Appropriating Prior Year Reserves in the Stormwater Fund for Funding a Loan to the Fort Collins Urban Renewal Authority;
OR
 2. First Reading of Ordinance No. 052, 2006, Appropriating Prior Year Reserves in the General Fund for Funding a Loan to the Fort Collins Urban Renewal Authority.
27. Second Reading of Ordinance No. 043, 2006 Amending Chapter 26, Article III, Division 4 of the City Code Relating to Water Fees. (15 minutes - 5 minute staff presentation)

Ordinance No. 043, 2006 was adopted on First Reading on March 7, 2006 with a vote of 5-2 (Nays: Brown, Kastein). It revises single family and duplex water rates effective May 1, 2006. The Ordinance reduces the fixed monthly fee from \$12.72 to \$9.54 (including 6% payments in lieu of taxes) for single family customers. It also enacts a three-tier rate with 15% between the steps, a change from the current four-tier rate which has 20% increases between tiers. Customers using less than 8,000 gallons or more than 50,000 gallons per month will have moderate reductions in costs. Customers using between 8,000 and 50,000 gallons per month will have moderate increases in costs.

28. Pulled Consent Items.
29. Other Business.
30. Adjournment.

Every Council meeting will end no later than 10:30 p.m., except that: (1) any item of business commenced before 10:30 p.m. may be concluded before the meeting is adjourned and (2) the City Council may, by majority vote, extend a meeting until no later than 12:00 a.m. for the purpose of considering additional items of business. Any matter which has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting which have not yet been considered by the Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.