



# REGULAR MEETING AGENDA

## FORT COLLINS CITY COUNCIL

June 6, 2006

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

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### Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring "Discretion" as the Character Quality of the Month.
- B. Proclamation Declaring the week of June 26 - July 1, 2006 as Bike Week.
- C. Presentation from the Organizers of Greeley Independence Stampede Declaring June 23, 2006 as "Fort Collins Day" at the Greeley Independence Stampede.

### 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. **Before speaking, please sign in at the table in the back of the room.** The timer will buzz once when there are 30 seconds left and the light will turn yellow. The timer will buzz again at the end of the speaker's time. Each speaker is allowed 5 minutes. If there are more than 6 individuals who wish to speak, the Mayor may reduce the time allowed for each individual.

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

## 4. CITIZEN PARTICIPATION FOLLOW-UP:

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

## 5. AGENDA REVIEW: CITY MANAGER

### Consent Calendar

The Consent Calendar consists of Items 6 through 27. 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. 34, 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 April 18, 2006 Regular Meeting.7. Second Reading of Ordinance No. 075, 2006, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities and the Fort Collins Convention and Visitor's Bureau.

This Ordinance, unanimously adopted on First Reading on May 16, 2006, appropriates lodging tax revenues that were in excess of 2005 budgeted lodging tax receipts to Cultural Development and Programming ("CDP"), Visitor Events, and the Convention and Visitors Bureau ("CVB") accounts. Lodging tax revenue for 2005 was estimated to be \$593,122 and the 2006 budget appropriated an equal amount. However, actual receipts totaled \$668,499 for 2005 and the difference of \$75,377 has not been appropriated.

8. Second Reading of Ordinance No. 076, 2006, Appropriating Unanticipated Grant Revenue in the Cultural Services and Facilities Fund to Be Used for Research and Documentation of the Soapstone Natural Area.

Ordinance No. 076, 2006, unanimously adopted on First Reading on May 16, 2006, appropriates \$147,563 in grant money from the National Park Service to be used for the Fort Collins Museum's Soapstone Natural Area grant project.

9. Second Reading of Ordinance No. 077, 2006, Appropriating Unanticipated Grant Revenue in the Cultural Services and Facilities Fund to Be Used for Repatriation of Human Remains and Cultural Artifacts in the Holdings of the Fort Collins Museum.

The City was awarded two grants from the National Park Service for \$16,375. This Ordinance, which was unanimously adopted on First Reading on May 16, 2006, appropriates the grant money in the Fort Collins Museum's Native American Graves Protection and Repatriation Act ("NAGPRA") Repatriation grant project.

10. Second Reading of Ordinance No. 078, 2006, Appropriating Unanticipated Revenue in the Street Oversizing Fund and Authorizing the Transfer of Appropriations from the Street Oversizing Fund to the Capital Project Fund - Lemay Avenue, Trilby Road to Carpenter Road Capital Project.

Intersection and arterial street improvements are planned for Lemay Avenue, from Trilby Road south to Carpenter Road (approximately 5280 linear feet). This Ordinance, unanimously adopted on First Reading on May 16, 2006, appropriates \$522,119 in unanticipated revenue from Contributions-in-Aid-of-Construction in the Street Oversizing Fund (received from the Provincetowne Filing 2 and Everitt Enterprises) and transfers an additional \$1,141,110 from existing appropriations in the Street Oversizing Fund into the Capital Projects Fund for this project.

11. Second Reading of Ordinance No. 079, 2006, Appropriating Prior Year Reserves in the Wastewater Fund for the Purpose of Purchasing Property.

The Wastewater Utility has a time sensitive opportunity to purchase land. This Ordinance, unanimously adopted on First Reading on May 16, 2006, appropriates funds for this purchase by utilizing prior year reserves.

12. Second Reading of Ordinance No. 080, 2006, Authorizing the Lease of City-Owned Property at 200 West Mountain Avenue, Suite C, For Up to Five Years.

The Fort Collins Technology Incubator (FCTI) provides critical business assistance to the most promising high tech startup companies in the community. As part of its service, FCTI offers below market lease space to its client companies. In 2004, the Council approved Resolution 2004-069, which authorized the lease of City-owned property at 200 West Mountain, Suite C, to FCTI and its clients. This Ordinance, unanimously adopted on First Reading on May 16, 2006, allows the lease to FCTI and its participants to continue for up to five years.

13. Second Reading of Ordinance No. 081, 2006, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for That Certain Property Known as the Mountain/Frey Rezoning.

This Ordinance, unanimously adopted on First Reading on May 16, 2006, approves the rezoning of most of the Frey Subdivision (approximately 11.6 acres) from the L-M-N, Low Density Mixed Use Neighborhood, District designation to the N-C-L, Neighborhood Conservation Low Density, District designation.

14. Second Reading of Ordinance No. 082, 2006, Amending the Zoning Map of the City by Changing the Zoning Classification for that Certain Property Known as the Willow Brook Parcel F Rezoning.

Ordinance No. 082, 2006, unanimously adopted on First Reading on May 16, 2006, rezones a .28 acre parcel created by the curving alignment of Rock Creek Drive platted as part of the Willow Brook Subdivision. The parcel will be rezoned from L-M-N, Low Density Mixed-Use Neighborhood, to U-E, Urban Estate and made a part of Lot One of Sunrise Ridge First Filing.

15. Second Reading of Ordinance No. 083, 2006, Designating the Ernest and Anna Meyer House, 309 East Mulberry Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

Ordinance No. 083, 2006, which was unanimously adopted on First Reading on May 16, 2006, designates the Ernest and Anna Meyer House as a Fort Collins Landmark. The owner of the property, Linda J. Bova, is initiating this request.

16. Items Relating to the Completion of the Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing and Community Development Activities Utilizing the Federal Community Development Block Grant Program and Home Investment Partnership Program Grants, and the City's Affordable Housing Fund and Human Services Program.

- A. Second Reading of Ordinance No. 084, 2006, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Community Development Block Grant Fund.
- B. Second Reading of Ordinance No. 085, 2006, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Home Investment Partnerships Fund.

These Ordinances, unanimously adopted on First Reading on May 16, 2006, complete the spring cycle of the competitive process for allocating City financial resources to affordable housing projects/programs and community development activities (CDBG/HOME/Affordable Housing/Human Services funds).

17. First Reading of Ordinance No. 091, 2006, Appropriating Unanticipated Revenue in the Capital Projects Fund - Willow Street Environmental Remediation Project and Northside Aztlan Community Center Replacement Project to be Used for Environmental Site Mitigation in the Vicinity of Willow Street.

This Ordinance appropriates \$200,000 in unanticipated revenue in the Capital Projects Fund - Willow Street Environmental Remediation capital project, in the form of a payment from Public Service Company of Colorado, and up to \$50,000 in the Northside Aztlan Community Center Replacement Project in the form of a payment from Schrader Oil Company of Colorado. The payment will help offset some of the City's costs in complying with Environmental Protection Agency requirements to mitigate contamination and take reasonable steps required in connection with contamination that passes across and under Willow Street and the Northside Aztlan Community Center site. The payment from Schrader is designated for design and construction of a passive vapor barrier/venting system for the Northside Aztlan Community Center.

18. First Reading of Ordinance No. 092, 2006, Appropriating Prior Year Reserves Designated for Fire Services in the Fire Protection Capital Improvement Expansion Fund for Payment to the Poudre Fire Authority to be Used for Headquarters Building Expansion.

The Headquarters Building, located at 102 Remington, houses the Fire Prevention Bureau as well as operations and administrative personnel for the Poudre Fire Authority (the "Authority"). The Authority is planning to expand the Headquarters Building as there is a shortage of space for current and future needs. In order to pay for the expansion, the Authority is requesting Council appropriate prior year reserves collected from the fire protection capital expansion fee in the amount of \$1,400,176, and transfer that amount to the Authority capital budget.

19. First Reading of Ordinance No. 093, 2006, Amending Section 2-447 of the City Code Relating to Membership of the Youth Advisory Board.

The Team Fort Collins Leadership Team has indicated it no longer wishes to make appointments to the Youth Advisory Board. The Youth Advisory Board supports this request. This Ordinance, if adopted, will reduce the membership of the Youth Advisory Board from 9 members to 7 and will no longer require any members to be appointed by Team Fort Collins.

20. First Reading of Ordinance No. 094, 2006, Amending Section 2-182 of the City Code Relating to Membership of the Community Development Block Grant Commission ("CDBG Commission").

The membership of the Community Development Block Grant (CDBG) Commission ("Commission") consists of 11 members appointed by City Council. For the past several years it has become difficult to recruit and maintain full membership. The Commission has been experiencing difficulty in obtaining a quorum for some of its meetings, making it difficult to conduct its duties and functions. Commission members and staff have requested that the membership be reduced to 9 members in an effort to make it easier to obtain quorums and to perform its duties in a more efficient and timely manner.

21. First Reading of Ordinance No. 095, 2006, Authorizing the Conveyance of Certain Real Property along Cedarwood Drive Subject to a Perpetual Utility Easement.

The City acquired the 3,935 square-foot parcel of land that is the subject of this Ordinance in order to install a sewer line to serve surrounding development. The City is presently maintaining and mowing this small strip of ground. Staff has determined it is not necessary for the City to own the property and the maintenance costs associated with owning the property can be avoided by conveying the property to an interested adjoining property owner. The City will reserve and retain a utility easement on and under this tract for the existing sewer line and in order to utilize the easement for any other utility purposes.

22. First Reading of Ordinance No. 096, 2006, Amending the Zoning Map by Changing the Zoning Classification for That Certain Property Known as the Cargill Rezoning.

This is a request to rezone 29.5 acres located on the north side of Drake Road, approximately 1/2 mile east of Timberline Road. The site currently contains the Cargill canola research facility and test fields. It is in the T - Transition District. The requested zoning for this property is LMN - Low Density Mixed-Use Neighborhood.

23. Items Relating to the Peterson Annexation and Zoning.

- A. Resolution 2006-062 Setting Forth Findings of Fact and Determinations Regarding the Peterson Annexation.
- B. Hearing and First Reading of Ordinance No. 097, 2006, Annexing Property Known as the Peterson Annexation.
- C. Hearing and First Reading of Ordinance No. 098, 2006, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Peterson Annexation.

This is a request to annex and zone 27.89 acres located on the south side of East Vine Drive between Interstate 25 and County Road 5. The property is undeveloped and located in the FA1 - Farming District in Larimer County. The requested zoning for this annexation is UE - Urban Estate, which is consistent with the Structure Plan designation and is in conformance with the I-25 Subarea Plan.

Staff is recommending this property be included in the Residential Neighborhood Sign District. A map amendment will not be necessary to place this property on the Residential Neighborhood Sign District Map because the property is shown to already be outside of the Areas Not In The Sign District.

24. Items Relating to the Streamside Annexation and Zoning.

- A. Resolution 2006-063 Setting Forth Findings of Fact and Determinations Regarding the Streamside Annexation.
- B. Hearing and First Reading of Ordinance No. 099, 2006, Annexing Property Known as the Streamside Annexation.
- C. Hearing and First Reading of Ordinance No. 100, 2006, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Streamside Annexation to the City.

This is a request to annex and zone 73.67 acres located on the south side of East Vine Drive between Interstate 25 and County Road 5. Contiguity is gained along west property lines that abut the Peterson Annexation being evaluated concurrent to this request. The property is undeveloped and located in the FA1 - Farming District in Larimer County. The requested zoning for this annexation is UE - Urban Estate, which is consistent with the Structure Plan designation and is in conformance with the I-25 Subarea Plan.

Staff is recommending this property be included in the Residential Neighborhood Sign District. A map amendment will not be necessary to place this property on the Residential Neighborhood Sign District Map because the property is shown to already be outside of the Areas Not In The Sign District.

25. Items Relating to the Johnston Annexation and Zoning.

- A. Resolution 2006-064 Setting Forth Findings of Fact and Determinations Regarding the Johnston Annexation.
- B. Hearing and First Reading of Ordinance No. 101, 2006, Annexing Property Known as the Johnston Annexation to the City of Fort Collins, Colorado.
- C. Hearing and First Reading of Ordinance No. 102, 2006, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Johnston Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 36.82 acres in size. The site is 6111 S. Timberline Road located approximately one-half mile south of Kechter Road on the west side of Timberline Road. Contiguity with the existing municipal boundary is gained along the entire south boundary which is shared with the Keating Annexation (Linden Park Subdivision). Contiguity is also gained along the entire east boundary which is shared with Westchase Annexation Number One and along the entire west boundary which is shared with the Union Pacific Railroad Fourth Annexation.

26. First Reading of Ordinance No. 103, 2006, Calling a Special Municipal Election on September 12, 2006 and Authorizing the Conduct of Said Election as a Mail Ballot Election.

On May 19, 2006, the City Clerk's Office received an initiative petition to amend the City Charter relating to collective bargaining. The Clerk's Office has completed its review of the petition and has determined that the petition contains a sufficient number of signatures to place the initiated measure on a special election ballot. Pursuant to C.R.S. 31-2-210(4), if the petition is certified as sufficient by the City Clerk, the election must be held as near as possible to the approximate date stated in the petition (September 12, 2006). A Resolution submitting the measure to the voters will be brought to Council at an adjourned meeting on June 13.

27. Resolution 2006-065 Making Appointments to the Community Development Block Grant Commission, the Electric Board, and the Youth Advisory Board.

A vacancy currently exists on the Community Development Block Grant Commission due to the resignation of William Slye. Applications were solicited and Councilmembers Manvel and Brown conducted interviews. The Council interview team is recommending Tom LeSavage to fill the vacancy with a term to begin immediately and set to expire on December 31, 2010.

A vacancy currently exists on the Electric Board due to the resignation of Tracy Babst-Wiedenbrug. Applications were solicited and Councilmembers Kastein and Brown conducted interviews. The Council interview team is recommending Steven Wolley to fill the vacancy with a term to begin immediately and set to expire on December 31, 2010.

Ordinance No. 093, 2006, considered on First Reading on June 6, eliminates two positions on the Youth Advisory Board appointed by Youth Leadership Committee of Team Fort Collins. The Youth Leadership Committee no longer exists, therefore, Team Fort Collins and the Youth Advisory Board initiated a request to remove those two positions from the Board. Currently one of those positions is vacant and the other is filled by Ryan Hennig who desires to remain on the Board. A Council appointment to the Youth Advisory Board is currently vacant due to the resignation of Kristi Thomas. This Resolution would appoint Ryan Hennig to fill the current Council appointed vacancy.

<b>END CONSENT</b>
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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. **Please sign in at the table in the back of the room.** The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

31. Second Reading of Ordinance No. 087, 2006, Amending Chapter 3 of the City Code to Allow Alcohol Beverage Tastings. (no staff presentation - 15 minute discussion)

This Ordinance amends the City Code to allow beer and wine tastings at retail liquor stores. The number of tasting events for a retail liquor store license will be limited to 52 days per year. It was adopted on First Reading on May 16, 2006 with a vote of 6-1 (Nays: Ohlson).

32. Items Relating to the Amendment of the Appeals Process Contained in Chapter 2, Article II, Division 3 of the City Code. (5 minute staff presentation - 15 minute discussion)

- A. Second Reading of Ordinance No. 088, 2006, Making Various Amendments to Chapter 2, Article II Division 3 of the City Code Pertaining to the Appeals Process.
- B. Second Reading of Ordinance No. 089, 2006, Amending Chapter 2, Article II, Division 3 of the City Code with Regard to the Grounds upon which Appeals to the City Council are Decided.
- C. Second Reading of Ordinance No. 090, 2006, Amending Chapter 2, Article II, Division 3 of the City Code Pertaining to the Filing of Appeals by Members of the City Council.

Ordinance No. 088, 2006, unanimously adopted on First Reading on May 16, 2006, makes various amendments to the appeals process that are perceived to be non-controversial.

Ordinance No. 089, 2006, pertains to the basis for Council's decision on appeal and retains the existing provision that limits the grounds to those stated in the notice of appeal and eliminates the opportunity for Councilmembers to add additional issues prior to the appeal. This Ordinance was adopted on First Reading on May 16, 2006 with a vote of 5-2 (Nays: Manvel, Roy).

Ordinance No. 090, 2006, pertains to appeals filed by Councilmembers. It retains Councilmembers' ability to file an appeal but states that Councilmembers who do so should not participate in deciding the appeal, although they may participate in the appeal hearing in the same manner as other appellants. This Ordinance was adopted on First Reading, with amendments, on May 16, 2006 with a vote of 5-2 (Nays: Ohlson, Roy).

33. First Reading of Ordinance No. 104, 2006, Making Various Amendments to the Land Use Code. (10 minute staff presentation - 30 minute discussion)

Staff has identified a variety of proposed changes, additions and clarifications in the Spring biannual update of the Land Use Code. The proposed changes are offered in order to resolve implementation issues and to continuously improve both the overall quality and "user-friendliness" of the Code.

34. Pulled Consent Items.

35. Other Business.

- A. Motion to Adjourn to 6:00 p.m. on June 13, 2006 to Conduct Mid-year Evaluations of the City Manager, City Attorney and Municipal Judge and to Conduct Any Other Business That May Come Before the Council.

36. 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.