



# REGULAR MEETING AGENDA

## FORT COLLINS CITY COUNCIL

August 15, 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

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

- A. Proclamation Declaring "Meekness" as the Community Character Focus of the Month for August 2006.
- B. Proclamation Declaring September 15-16 as Colorado Legal Support Staff Days.
- C. Proclamation Proclaiming September 4-8 as "Payroll Week".
- D. Proclamation Declaring August as Poudre Fire Authority Firefighters Month.

### Regular Meeting 6:00 p.m.

#### PLEDGE OF ALLEGIANCE

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

## 3. CITIZEN PARTICIPATION (limited to 30 minutes)

## ❖❖❖ Honoring Mai Tran, Winner of the Small Business Award.

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 35. 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. 40, 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 July 18, 2006 Regular Meeting.7. Second Reading of Ordinance No. 105, 2006, Appropriating Unanticipated Developer Contributions in the General Fund for Affordable Housing.

This Ordinance, unanimously adopted on First Reading on July 18, 2006, appropriates unanticipated revenue in the Advance Planning budget from Flying Heights, LLC, for density bonuses the City received in exchange for a binding, written recordable relinquishment of the City's rights under the Agreement of Restrictive Covenants Affecting Real Property. \$14,242 will be appropriated to the Affordable Housing Fund to be used in the Competitive Process to award the funds for other affordable housing projects.

8. Second Reading of Ordinance No. 106, 2006, Appropriating Unanticipated Revenue in the General Fund for the Development of the North Fort Collins Business Association Action Plan.

On November 15, 2005, the City Council adopted Resolution 2005-123, which allocated \$19,000 from the Community Development Block Grant ("CDBG") Program to the North Fort Collins Business Association ("NFCBA") to complete an Action Plan outlining redevelopment strategies for the North College Avenue commercial corridor. The City has contracted with PMG Associates, Inc. ("PMG Associates") for consultant services to help complete the Action Plan. The contract has a total cost of \$20,000. As recommended by the CDBG Commission, the NFCBA is contributing \$1,000 toward the development of the Action Plan. This Ordinance, which was unanimously adopted on First Reading on July 18, 2006, appropriates the \$1,000 contribution from the NFCBA.

9. Second Reading of Ordinance No. 107, 2006, Authorizing the Transfer of Appropriations Between the Building Community Choices - Taft Hill Road Improvements, Drake Road to Derby Court Project and the Building Community Choices - Prospect Road Improvements, Poudre River to Summitview Drive Project to Be Used for the Riverbend Ponds Berm Stabilization Work.

This Ordinance, unanimously adopted on First Reading on July 18, 2006, transfers \$779,890 of excess funds from the previously constructed Taft Hill - Drake to Derby project, to the Prospect Road - Poudre River to Summitview Project to address a greater than anticipated drainage need.

10. Second Reading of Ordinance No. 109, 2006, Amending Various Provisions of the Fort Collins Traffic Code.

The Colorado General Assembly amended certain statutory provisions this legislative session relating to various provisions in state traffic laws. This Ordinance, which was unanimously adopted on First Reading on July 18, 2006, ensures that the Traffic Code is consistent with state traffic laws.

11. Second Reading of Ordinance No. 110, 2006, Calling a Special Municipal Election to Be Held in Conjunction with the November 7, 2006 Larimer County General Election.

This Ordinance, unanimously adopted on First Reading on July 18, 2006, calls a Special Municipal Election to be held in conjunction with the November 7, 2006 Larimer County General Election, and preserves the opportunity for Council to place initiated or referred issues on the November ballot.

12. Second Reading of Ordinance No. 111, 2006, Authorizing the Conveyance of a Permanent, Non-exclusive Underground Utility Easement and Multiple Temporary Construction Easements on City Property to the Boxelder Sanitation District for the Purpose of Extending Regional Sanitary Sewer.

The Boxelder Sanitation District is extending a regional sanitary sewer line to the east of its current plant at the confluence of Boxelder Creek and the Cache La Poudre River. The

sanitary sewer will provide service to areas designated within the District's service area to the east of I-25. Ordinance No. 111, 2006, unanimously adopted on First Reading on July 18, 2006, authorizes the conveyance to the District of a permanent non-exclusive utility easement and a temporary construction easement on a City-owned property that is part of the Timnath Community Separator and a number of temporary easements on former Resource Recovery Farm property and Archery Range Natural Area, all for the regional sewer line project.

13. Second Reading of Ordinance No. 112, 2006, Authorizing the Conveyance of a Temporary Construction Easement over City Property to the Boxelder Sanitation District for the Purpose of Extending Sanitary Sewer.

This Ordinance, unanimously adopted on First Reading on July 18, 2006, authorizes a temporary construction easement along the western edge of the Vangbo property, a 2005 Natural Resources Timnath Community Separator purchase, east of the Boxelder Plant across I-25, for the construction of a sanitary sewer line on the east side of I-25 by the Boxelder Sanitation District.

14. Second Reading of Ordinance No. 113, 2006, Authorizing the Conveyance of a Permanent Drainage Easement on Pelican Marsh Natural Area for the Provincetowne Third Filing Development.

This Ordinance, which was unanimously adopted on First Reading on July 18, 2006, authorizes a permanent, non-exclusive drainage easement on the Pelican Marsh Natural Area to the Provincetowne Third Filing Development.

15. Second Reading of Ordinance No. 114, 2006, Designating the Reinholt/Mitchell House, 509 East Myrtle Street, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

Ordinance No. 114, 2006, which was unanimously adopted on First Reading on July 18, 2006, designates the Reinholt/Mitchell House as a Fort Collins Landmark. The owner of the property, Robert Mitchell, is initiating this request.

16. Second Reading of Ordinance No. 115, 2006, Amending Section 4.21(b)(2)(c) of the Land Use Code to Add Two Permitted Uses to the H-C, Harmony Corridor Zone District.

This Ordinance, unanimously adopted on First Reading on July 18, 2006, makes two Text Amendments to the Land Use Code to add *Small Animal Hospitals* and *Indoor Kennels* as permitted uses in the Harmony Corridor Zone District. The proposal to add *Indoor Kennels* would be conditioned such that there must be an association with either a *Small Animal Veterinary Clinic* or *Small Animal Veterinary Hospital*. Both new uses are proposed as being subject to Administrative Review (Type One).

17. Second Reading of Ordinance No. 116, 2006, Vacating an Alley Right-of-way on Block 33 Established as Part of the 1873 Map of the Town of Fort Collins.

This Ordinance, unanimously adopted on First Reading on July 18, 2006, authorizes the vacation of an alley right-of-way located north of Maple Street, west of North Mason Street,

in Block 33. A pedestrian spine linear park is proposed through the middle of the block where the right-of-way is located. The right-of-way is no longer needed, but access, drainage, and utility easement will be retained.

18. Items Relating to Block 33, Fort Collins, Colorado.

- A. Second Reading of Ordinance No. 117, 2006, Authorizing the Sale of City-owned Property Consisting of the Vacated Alley Right-of-Way on Block 33, Fort Collins, Colorado to Penny Flats, LLC.
- B. Second Reading of Ordinance No. 118, 2006, Authorizing the Conveyance of a Non-Exclusive Public Access, Drainage, Utility and Maintenance Easement to Penny Flats, LLC.
- C. Second Reading of Ordinance No. 119, 2006, Authorizing the Conveyance of a Temporary Construction Easement over Portions of Block 33 to Penny Flats, LLC.

In July 2004, the City Council adopted Resolution 2004-081, setting out a process for selling portions of Block 33 to a private developer. A developer was selected and on July 19, 2005, City Council approved Ordinance No. 077, 2005, which authorized the sale, in phases, of a portion of Block 33 to Penny Flats, LLC. The proposed development is a mixed use project having approximately 150 dwelling units with approximately 30,000 square feet of commercial space.

The Option Agreement for Purchase and Sale of Real Property was entered into on February 24, 2006. This Agreement has the property being conveyed in three parcels, with the first portion to be conveyed 30 days following final approval of the PDP process for the development, which is expected this fall. During the negotiations and planning of this project, a few items were identified that needed further Council approval. These Ordinances, unanimously adopted on First Reading on July 18, 2006, approve these items.

19. First Reading of Ordinance No. 120, 2006, Appropriating Unanticipated Grant Revenue in the General Fund for the Poudre Valley Health System Choose the Right Road Driving Program.

Poudre Valley Health System ("PVHS") developed a comprehensive prevention program called "Choose the Right Road" to minimize the number of individuals who drive while intoxicated. Choose the Right Road collaborates with local government, businesses, law enforcement, health care providers, Colorado State University, Poudre School District and other community sectors to reduce the number of individuals who drive intoxicated. The program uses many strategies to decrease the number of people who drive intoxicated, such as public education and dissemination of information about hazards of driving while intoxicated to youth in the community. A listing of strategies and the program budget are attached.

The State of Colorado and the Alcohol and Drug Division of the Colorado Department of Human Services require that the grant funds be dispersed to a "local public procurement unit." A "local public procurement unit" means any county, city, municipality, or other

public subdivision of the state, any public agency of any such political subdivision, any public authority, any education, health or other institution, and to the extent provided by law, any other entity which expends public funds for the procurement of supplies, services and construction.

PVHS requested that the City serve as the local public procurement unit and a pass-through recipient of the grant proceeds. This Ordinance will allow the City to disburse the grant funds to PVHS (via the Hospital Foundation) upon completion of any grant-related documents and a subgrant agreement between the City and PVHS.

20. First Reading of Ordinance No. 121, 2006, Appropriating Unanticipated Grant Revenue in the General Fund for the Larimer County Drug Task Force.

The Larimer County Drug Task Force (“Task Force”) includes Fort Collins Police Services, Loveland Police Department, Larimer County Sheriff’s Department, Drug Enforcement Administration, and the Colorado State University Police Department.

Fort Collins Police Services applied to the Office of National Drug Control Policy on behalf of the Task Force for federal grant monies to help fund the investigation of illegal narcotics activities in Larimer County. The City has recently received notification of the grant award in the amount of \$55,320. These funds will be used to help offset the overtime costs of each participating agency.

This appropriation is not a request to identify new dollars for the Fort Collins Police Services 2006 budget. This action appropriates the \$55,320 in new federal grant money. As the administrator of this grant, Fort Collins Police Services will ensure participating agencies receive their share of the funds.

21. First Reading of Ordinance No. 122, 2006, Amending Article III of Chapter 12 of the Code of the City of Fort Collins to Conform to the Colorado Clean Indoor Air Act, and to Clarify Certain Provisions.

Certain exceptions to the smoking restrictions found in the City Code are inconsistent with the requirements of the Colorado Clean Indoor Air Act, which was enacted in 2006. The Ordinance eliminates those exceptions. In addition, the Ordinance amends the restriction on placement of ashtrays in nonsmoking areas to allow ashtrays in the 20-foot exterior perimeter of a nonsmoking area where physical constraints make placement of ashtrays difficult. The Ordinance also adds to the City Code additional provisions regarding private nursing home rooms and the definition and operation of a “retail tobacco store”.

22. First Reading of Ordinance No. 123 , 2006, Extending the Contract for Advertising on Exterior and Interior of Buses for Up to Five Additional Years.

The existing Agreement with Outdoor Promotions, Inc. expires on September 30, 2006. This five-year Agreement was entered into on September 18, 2001, after being awarded through Request for Proposals #P792. The contract allows for another five (5) year extension upon approval by the City Council.

Outdoor Promotions also has a twenty (20) year contract with the City to provide bus bench and shelter advertising. Outdoor Promotions has developed business relationships with individuals and businesses who advertise on both the City buses and on the benches and shelters. It would be beneficial to the City to extend this contract for an additional five (5) years and take advantage of the synergy created by having one firm offering a variety of ways to advertise on the bus system.

23. Items Relating to the Sale of Certain Natural Areas Lands.

- A. First Reading of Ordinance No. 124, 2006, Authorizing the Conveyance in Fee of the Vangbo Natural Areas Property Subject to a Conservation Easement for the Benefit of the City of Fort Collins and the Natural Areas Program.
- B. First Reading of Ordinance No. 125, 2006, Authorizing the Sale of Lots 1, 2 and 3 of the Amended Hersh Minor Residential Development for the Benefit of the City of Fort Collins and the Natural Areas Program.

The first sale authorization and approval is for three thirty-five acre parcels from the 105 acre Vangbo property purchased in August 2005. The property is located in the Timnath Community Separator area along the I-25 frontage, and was purchased from a willing out-of-state seller who was not interested in selling a conservation easement to the City. The property was purchased in fee, with the intent of resale of the property, subject to conservation easements granted to the City which will restrict development of each parcel to a specific building envelope for the purpose of conserving open space in the Timnath Community Separator. Each tract will be subject to conservation easements, which will restrict any development which could be allowed under Larimer County zoning to a specific building envelope.

The second sale transaction is for the resale of three reconfigured lots and one residence and a portion of the water rights from the 42.685 acre Hersh Property purchased in 2002 by the City for the Natural Areas Program, with the intent to re-cluster and reconfigure the lots to sell for residential purposes. The original purchase was made in order to preserve and increase the acreage (approximately 34.4 acres) of the Cathy Fromme Prairie Natural Area.

24. First Reading of Ordinance No. 126, 2006, Authorizing the Conveyance of a Telephone Cable Right-of-Way Easement to Qwest Corporation on Cathy Fromme Prairie Natural Area.

Presently, there is an existing telephone cable running along the north edge of Cathy Fromme Prairie where it abuts Taft Canyon Subdivision to the north. The cable runs from the right-of-way of South Taft Hill Road westerly just south of the northern boundary line of Cathy Fromme Prairie approximately 2,691.07 feet to the western boundary line of that Natural Area. The cable was installed by Qwest at some time shortly after the Second Replat of Taft Canyon PUD was approved in March, 1987, in a trench prepared for the cable by the developer(s) of Taft Canyon Subdivision. Qwest acknowledges that the cable was put in by Qwest and that Qwest is presently using that cable for telephone service.

Staff has proposed that the City convey a perpetual, nonexclusive easement for the Qwest telephone cable subject to the following restrictions and limitations on that telephone easement:

1. The easement shall be for operation, repair and maintenance of the existing cable only;
2. No new cable or additional cable, of any size, or any replacement cable of any size or type, shall be installed in the easement area; and
3. Any action by Qwest other than repair or maintenance of the existing cable will require Qwest to seek appropriate written approval and/or authorization from the City.

25. Resolution 2006-069 Authorizing the City Manager to Execute a Capital Funding Grant Agreement with the Federal Aviation Administration for Improvements to Existing Facilities at the Fort Collins-Loveland Airport.

The Airport is programmed each year to receive FAA Entitlement Funds in the amount of \$1,000,000 as a result of enplaning at least 10,000 passengers per calendar year. In addition, the FAA has programmed Discretionary Funds to help the Airport repair badly deteriorated pavements and lighting equipment. The amount of the Grant is \$4,627,500 and combines the Entitlement and Discretionary Funds. The Grant Agreement is on file with the City Clerk's office.

26. Resolution 2006-080 Reestablishing a Telephone Exchange Access Facility Charge and a Wireless Communications Access Charge for the Larimer Emergency Telephone Authority Effective January 1, 2007.

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, 2007, 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 2007. By approving this Resolution, the Council will authorize telephone and wireless telephone service providers to collect the telephone exchange access facility charge and wireless communications access charge.



27. Resolution 2006-081 Authorizing a Grant Contract with the Colorado Council on the Arts for Funding for the Youth Pottery Program.

The City Recreation Division was recently awarded a matching grant from the Colorado Council on the Arts in the amount of \$7,030. This amount represents the difference between expenses directly attributed to the Youth Pottery Program and program revenues during the fiscal year, July 1, 2006 - June 30, 2007. The Colorado Council on the Arts requires that the City Council obligate the local funding match, and authorize the execution of the grant contract.

28. Resolution 2006-082 Authorizing the Mayor to Enter into an Intergovernmental Agreement with the Fort Collins Urban Renewal Authority.

On February 21, 2006, the Board of Commissioners of the Urban Renewal Authority passed and adopted a resolution establishing an Ad Hoc Committee. The purpose of this Committee was to formulate recommendations to the Board generally regarding administration of the Authority.

A report and recommendations of the Committee was submitted to the full Board on May 22, 2006. One of the recommendations was that a formal general "umbrella" IGA be entered into and between the City and the URA governing various topics. On June 27, 2006, the Board held a work session on the Report and directed staff to prepare an Agreement.

The IGA addresses several issues including, but not limited to, the City's responsibility to provide staff and other services necessary for the administration of the URA, and the URA compensating the City for such services at such time as the URA has sufficient funding sources; and, collection and disbursement of sales and property tax increment.

29. Resolution 2006-083 Approving the Downtown Development Authority's Call for a Special Election to be Held in Conjunction with the Larimer County General Election on November 7, 2006, for the Purpose of Submitting a Proposed Ballot Measure to the Qualified Electors of the Downtown Development Authority District.

The Downtown Development Authority's original bond ceiling, established in 1982, was set at \$25 million. The Authority is within \$3 million of hitting that ceiling and is seeking authorization from qualified electors within the district to increase that ceiling by \$15 million. Projections of tax increment collections between now and 2011 when the DDA tax increment district is scheduled to sunset reflect that roughly \$15 million in additional project funding will be left unused because of the current bond cap of \$25 million. City Council is being asked to approve a special election called by the DDA Board to ask voters to authorize the proposed new bond ceiling.

Changing the bond ceiling has no impact on property tax obligations of those properties within the DDA district. Nor does it change the method by which bonds are issued. The procedure will still be, first, approval by the DDA Board of expenditures for projects and second, submittal of those Board-approved projects for approval by City Council and authorization by City Council to issue bonds to cover those expenditures.

The \$150 million bond ceiling does not mean bonds will ever be issued in that amount. Typically, the DDA Board will approve a series of projects with an aggregate amount somewhere between one and ten million dollars. That group of projects would then go to City Council for its approval and its authorization for the issuance of bonds.

The current bond ceiling of \$25 million that was established in 1982 is about \$78 million in 2006 dollars. Therefore, the proposed \$150 million ceiling is a little less than twice the current bond ceiling. Approval by the voters of this new ceiling will be carried over to any extensions of the existing tax increment district or to the creation of a new district in 2011.

30. Resolution 2006-084 Designating the City Manager as Representative of the Municipal Corporation for the Purpose of Casting the Ballot of the City with Regard to a Downtown Development Authority Ballot Measure.

This Resolution designates City Manager Darin Atteberry as the City's representative for the purpose of casting the City's ballot with regard to the Downtown Development Authority question on the November 7, 2006 ballot.

31. Resolution 2006-085 Concerning Senate Bill 06-090 Regarding Cooperation with Federal Officials on Immigration Matters.

This past legislative session, the General Assembly enacted SB 06-090, creating Article 29 of the Colorado Revised Statutes pertaining to immigration status and local government cooperation with federal officials. The new law requires that Council provide written notice to peace officers of the duty to cooperate with federal and state officials regarding immigration enforcement and provide confirmation to the General Assembly that Council has done so. Further, the law requires the local governing body to provide an annual report to the General Assembly regarding the number of persons referred to the federal Immigration and Customs Enforcement Office pursuant to the new law. The penalty for non-compliance with the statutory requirements is that the City would be ineligible for grants administered by the Department of Local Affairs.

32. Resolution 2006-086 Approving an Intergovernmental Agreement with the Colorado Department of Transportation Providing for the Operation and Maintenance of Traffic Signals, Crosswalks, Stopbars, Signs and Pavement Markings.

The State of Colorado currently reimburses the City of Fort Collins for the operation and maintenance of 46 traffic signals and 11.6 miles of signs and markings. The contract amount has been increased this year from \$142,104 to \$193,440 annually. During the five year period, traffic signals and lane miles can be added to the contract by submitting a Bilateral Change Order.

For the efficiency of travel flow and the safety and convenience of the public, the City of Fort Collins maintains and operates CDOT's traffic signals within the Urban Growth Area. The traffic signals are connected to the City's Advanced Traffic Management System. A review of the costs has shown that the reimbursement rate from CDOT is consistent with our costs. This is a standard contract and payment schedule that CDOT has with all municipalities in Colorado.

33. Resolution 2006-087 Authorizing the Lease of City-Owned Property at 906 East Stuart Street for Up to Two Years.

The property at 906 East Stuart was acquired by the City of Fort Collins in 1985 for use by the Sunshine School to offer child care services. Community Development Block Grant Funding (“CDBG”) was used to purchase the property. All Tenants of this facility must meet the criteria of the national CDBG objective by serving a majority (51% or more) of low-moderate income clients below 80% of Area Median Income (AMI). Sunshine School closed its doors in 2005.

Through the City’s Purchasing Department, a Request for Proposals (“RFP”), Proposal Number P1026, was distributed in the summer of 2006, looking for qualified non-profit tenants. Staff received proposals from River Song Waldorf School and The Family Center. The selection committee selected River Song Waldorf School as the qualified tenant.

The proposal from River Song Waldorf School is to operate a year-round early childhood program, and other associated uses, for pre-kindergarten children. Since this site has historically been used as a child care center, the use is permitted in the LMN zoning district. River Song Waldorf School meets all requirements of the RFP and will be beneficial to the community. Staff recommends Council authorize the City Manager to enter into a Lease Agreement with River Song Waldorf School.

34. Resolution 2006-088 Authorizing a Revocable Permit to the Fort Collins Fire Museum Foundation for Access to City-Owned Property at 330 North Howes Street for up to Two Years.

The property at 330 North Howes Street (the “Car Barn”) currently houses Poudre Fire Authority (“PFA”) and City Museum antique fire fighting equipment. The Fort Collins Fire Museum Foundation, a non-profit organization created by former Fire Chief Ed Yonker for the purpose of restoring the City’s and PFA’s fire equipment, desires access to the Car Barn in order to perform the organization’s restoration work, which shall be done off the premises.

35. Resolution 2006-089 Appointing a Representative to the Larimer County Open Lands Advisory Board.

This Resolution reappoints Councilmember Ben Manvel as the City’s representative on the Larimer County Open Lands Advisory Board.

**END CONSENT**

36. Consent Calendar Follow-up.

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

37. Staff Reports.

38. 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.

39. Resolution 2006-090 Submitting to the Registered Electors of the City at a Special City Election to Be Held on November 7, 2006, the Question of Whether Citizen-initiated Ordinance No. 142, 1999, Pertaining to the Relocation of the Colorado Highway 14 Truck Route, Should Be Repealed. (10 minute staff presentation - 1 hour discussion)

At the May 23rd work session, Council directed staff to bring forward a Resolution placing the repeal of Citizen-Initiated Ordinance No. 142, 1999 and the subsequent release of any remaining project funds for other transportation uses on the November 2006 City Election Ballot.

Following completion of Phase II of the Northern Colorado Truck Mobility Study (Non-Route Based Strategies), City Council was presented with several options as how best to proceed with the "Truck Bypass" issue. Feedback received from Larimer County Commissioners, as well as the Colorado Department of Transportation, indicated that there was little interest in their participation of any joint effort to identify, fund and construct a new route to alleviate truck traffic on Mulberry, Riverside and Jefferson Streets (SH-14), unless all potential routes could be considered. This is currently prohibited by language contained within the 1999 Ordinance. Next steps included making certain that the project was included in the 2030 Regional Transportation Plan so as to be eligible for possible future Federal/State funding. The project will be prioritized against other regional transportation needs and available funding supplies. CDOT officials estimate that even if the "Truck Bypass" project rose to a level of regional significance warranting the National Environmental Policy Act (NEPA) process and analysis, it would be at least ten years before such a study could be undertaken.

Given the economic situation the City of Fort Collins currently faces in regards to transportation funding, Council felt it inappropriate to hold the remaining project funds (est. \$1.8M) for such an extended length of time. If citizen-initiated Ordinance No. 142, 1999 is

repealed, these dollars could be spent now for more immediate transportation needs that would benefit the northeast area of Fort Collins. When warranted, Fort Collins would still participate in a future NEPA analysis with CDOT and other key regional stakeholders. Repeal of citizen-initiated Ordinance No. 142, 1999 would also bring Larimer County and CDOT more willingly to participate in the analysis of a preferred route for the "Truck Bypass".

40. Pulled Consent Items.

41. Other Business.

42. 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.