

# **AGENDA**

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

January 20, 2004

## **Proclamations and Presentations**

**5:30 p.m.**

- A. Proclamation Proclaiming January 31, 2004 as “Walk-About Fort Collins Day”.
- B. Proclamation Proclaiming the week of January 25 - February 1, 2004 as “Catholic School Week”.

## **Regular Meeting**

**6:00 p.m.**

- A. Annual Report to the Community - Mayor Martinez and City Manager John Fischbach.

### PLEDGE OF ALLEGIANCE

- 1. CALL MEETING TO ORDER.
- 2. ROLL CALL.
- 3. CITIZEN PARTICIPATION (limited to 30 minutes)
- 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

## 6. CONSENT CALENDAR

The Consent Calendar consists of Item Numbers 7 through 30. 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 Agenda Item #35, Pulled Consent Items. The Consent Calendar consists of:

- 1) Ordinances on First Reading that are routine;
- 2) Ordinances on Second Reading that are routine;
- 3) Those of no perceived controversy;
- 4) Routine Administrative actions.

### CONSENT CALENDAR

7. Consideration and Approval of the Council Meeting Minutes of November 4, and November 18, 2003.
8. Second Reading of Ordinance No. 174, 2003, Continuing a Temporary Manufacturing Equipment Use Tax Rebate Program for Fort Collins Manufacturers.

In March 1996, City Council approved a temporary 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 manufacturing concerns located in Fort Collins. The program has provided rebates to manufacturers for taxes paid during the calendar years 1996 through 2001. The rebate program was discontinued for calendar year 2002 due to economic conditions. Staff is proposing that the program be reinstated for 2003 and 2004, so that rebates may be made of taxes received by the City during those two years.

Payments are made in arrears. This is a "rebate" of tax paid in the previous year. It is not a tax exemption. If approved for calendar years 2003 and 2004, staff will ask manufacturing companies to submit applications by late March of each year – as prescribed in the program. Rebates will be paid upon review of the applications. Historically, many of the companies have requested extensions to file at an even later date. Modifications were last made to the program in 1999 to reflect several requests made by the manufacturing community. Ordinance No. 174, 2003, was unanimously adopted on First Reading on December 2, 2003.

9. Second Reading of Ordinance No. 001, 2004, Appropriating Prior Year Reserves in the Street Oversizing Fund and Authorizing the Transfer of Appropriated Amounts to Be Used to Construct Improvements on Ziegler Road from Timberwood Drive, South to Kechter Road.

With the construction of the Fossil Ridge High School, arterial street improvements are planned for Zeigler Road adjacent to the school property. Parks and Recreation owns the Southeast Community Park site adjacent to Zeigler Road immediately south of the high school site. Hewlett Packard owns an undeveloped site adjacent to Zeigler Road immediately north of the high school. Staff has worked with these property owners in an effort to complete this portion of Zeigler Road between Harmony and Kechter. The property owners have combined to improve Zeigler Road to a minor arterial from Timberwood Drive south to Kechter Road. Combining the roadway construction into one project will save costs for all property owners due to economies of scale and complete an important segment of roadway which will provide primary access to the new Fossil Ridge High School opening in the fall of 2004. Ordinance No. 001, 2004, was adopted 6-0 (Councilmember Bertschy was absent) on First Reading on January 6, 2004.

10. Second Reading of Ordinance No. 002, 2004, Amending Chapter 17 of the City Code by the Addition of a New Section 17-45 to Make it Unlawful for Any Person to Damage or Destroy Public Improvements in Public Rights-of-Way Unless Authorized or Permitted to Do So in Accordance with Law.

Ordinance No. 002, 2004, which was adopted 6-0 (Councilmember Bertschy was absent) on First Reading on January 6, 2004, amends Chapter 17 of the City Code adding language to state that no person shall do any act in the public right-of-way that will deface or cause damage to public street improvements unless they are permitted to do so in accordance with law. Along with this change the City Engineer's authority would be expanded to prevent damage to public street improvements that are caused by non-permitted contractors, suppliers and other parties causing damage to streets and related facilities by their activities. This authority would be exercised through the Engineering Construction Inspectors, who are currently sworn officials, similar to Building Inspectors. Engineering Construction Inspectors, as well as Police Officers, would then be able to enforce City Code provisions that make it unlawful to damage public improvements in the public rights-of-way.

11. Second Reading of Ordinance No. 003, 2004, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the East Ridge Rezoning.

Ordinance No. 003, 2004, which was adopted 6-0 (Councilmember Bertschy was absent) on First Reading on January 6, 2004, rezones 159 acres of land located east of Timberline Road and south of East Vine Drive from T-Transition to the LMN – Low Density Mixed-Use Neighborhood district.

12. Second Reading of Ordinance No. 004, 2004, Approving and Authorizing the Execution and Delivery of a First Amendment to the Trust Indenture Relating to the City of Fort Collins, Colorado, Multifamily Housing Revenue Bonds, Series 1997 (the Bull Run Townhomes Project); and Authorizing the Preparation and Execution of Related Documents.

As one of its tools to facilitate the development of affordable housing, the City of Fort Collins occasionally issues private activity bonds on behalf of qualified projects. The interest on the bonds is not subject to income taxation. Therefore the rates are lower than taxable market rates. This allows a portion of the units in a qualified project to pay lower rents. To become qualified, the project must rent the housing units to individuals or families that meet low- or moderate-income guidelines. The City issued bonds for the Bull Run Townhomes Project in 1997.

The changes to the Trust Indenture were requested by AIG Retirement Services, Inc. AIG provides financial security for the 1997 bonds. The changes include a different means by which to calculate the interest on the bonds and a change in the repayment schedule to lower the annual payments. Ordinance No. 004, 2004, was adopted 6-0 (Councilmember Bertschy was absent) on First Reading on January 6, 2004.

13. Second Reading of Ordinance No. 005, 2004, Approving and Authorizing the Execution and Delivery of a First Amendment to the Trust Indenture Relating to the City of Fort Collins, Colorado, Multifamily Housing Revenue Bonds, Series 1998 (the Country Ranch II Limited Partnership Project); and Authorizing the Preparation and Execution of Related Documents.

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The changes to the Trust Indenture were requested by AIG Retirement Services, Inc. AIG provides financial security for the 1998 private activity bonds. The changes include a different means by which to calculate the interest on the bonds and a change in the repayment schedule to lower the annual payments. Ordinance No. 005, 2004, was adopted 6-0 (Councilmember Bertschy was absent) on First Reading on January 6, 2004.

14. Second Reading of Ordinance No. 006, 2004, Authorizing the Grant of a Non-exclusive Easement to Qwest Corporation Across City-owned Property in Avery Park.

This easement is located within Avery Park near the intersection of South Taft Hill Road and Clearview Avenue. The easement area will be used for a telecommunication cabinet to

provide DSL service to the community. Ordinance No. 006, 2004, was adopted 6-0 (Councilmember Bertschy was absent) on First Reading on January 6, 2004.

15. Second Reading of Ordinance No. 007, 2004, Authorizing the Exchange of a City Property for a Parcel of Land Adjacent to Kingfisher Natural Area and Appropriating the Value of the Partial Donation of the Property to Be Acquired.

Ordinance No. 007, 2004, which was adopted 6-0 (Councilmember Bertschy was absent) on First Reading on January 6, 2004, authorizes a land exchange with William C. and Maureen D. Stockover.

16. First Reading of Ordinance No. 008, 2004, Appropriating Unanticipated Revenue into a Project Account for the Design of Improvements to South Taft Hill Road, Between Horsetooth Road and Harmony Road (CR-38E).

The City of Fort Collins Engineering Department has received a total of \$300,000 from Larimer County's Regional Road Capital Expansion Fee Program. Under this program, the County collects a fee from building permits issued within unincorporated Larimer County and the City of Fort Collins. This impact fee program was initiated by Larimer County in 1999, and adopted by the City of Fort Collins in February of 2000. Taft Hill Road (County Road 19) between Fort Collins and Loveland is identified as one of five regional roads in the Larimer County Transportation Plan dated 1998. Larimer County has selected this segment of South Taft Hill Road (Horsetooth to Harmony) from among the five eligible regional roads for use of these funds. This project will design this section of South Taft Hill Road for the ultimate four-lane urban arterial street section. At the request of the County, a design for a potential interim three-lane arterial street section will also be produced.

17. Items Relating to the North College Improvements.

- A. Resolution 2004-007 Authorizing the Mayor to Enter into a Contract Funding Increase Approval Letter with the Colorado Department of Transportation for the Construction of the North College Avenue Corridor Improvements, Phase I.
- B. First Reading of Ordinance No. 009, 2004, Appropriating Unanticipated Revenue in the Building Community Choices Capital Projects Fund- North College Avenue Corridor Improvements, Phase I.

The North College Avenue Corridor Improvement project covers an area on Riverside/Jefferson from Mulberry to College and on North College Avenue from Jefferson to north of Cherry Street. The project is managed by City of Fort Collins Transportation Services and is funded by a combination of sources including the City's 1997 Building Community Choices funds, Colorado Department of Transportation (CDOT) resurfacing funds, Federal Congestion Mitigation and Air Quality (CMAQ) funds, and Federal Surface Transportation Program (STP) funds.

The goals of the project include the addition of pedestrian and bicycle facilities, installation of drainage, access and landscaping improvements, and reconstruction of the roadway surface with concrete paving on North College Avenue between Jefferson and Cherry Street. Also incorporated in the project are roadway resurfacing improvements on Jefferson/Riverside between College Avenue and Mulberry Street, including the Riverside/Mulberry intersection.

18. First Reading of Ordinance No. 010, 2004, Appropriating Unanticipated Grant Revenue in the General Fund for the Police Services Victim Services Team.

The Fort Collins Police Services Victim Services Team has been awarded an 18-month grant in the amount of \$36,800 for the period of January 1, 2004 through June 30, 2005, by the Eighth Judicial District Victims and Law Enforcement (V.A.L.E.) Board to help fund services provided by this team. These funds will be used for a part-time paid victim advocate who provides crisis intervention services during weekday hours and is housed in the Victim Services Office. These funds will also pay for some of the operational expenses needed to provide 24-hour a day, 7-day a week services to victims of crime in our community. Previous V.A.L.E. grant awards received were \$19,500 in 1998, and \$19,000 for each year from 1999 through 2003. This particular grant was changed to an 18-month cycle, and will then run from July 1 through June 30 in future years.

19. First Reading of Ordinance No. 011, 2004, Appropriating Unanticipated Grant Revenue in the General Fund for the Police Services Drunk Driving Enforcement Program.

On November 18, 2003, City Council approved Resolution 2003-125 authorizing the Mayor to enter into a Law Enforcement Assistance Fund (L.E.A.F.) Contract, #L-24-04, with the Colorado Department of Transportation to provide funds for the Fort Collins Police Services Drunk Driving Enforcement Program. This Ordinance appropriates the grant funds.

20. First Reading of an Ordinance No. 012, 2004, Appropriating Unanticipated Revenue in the General Fund for Police Services for the State Homeland Security Program.

Fort Collins Police Services has been awarded a grant (one of the seven cooperating agencies in Larimer County) from the State Homeland Security Program. Fort Collins Police Services has been awarded \$259,550 to purchase:

- Bomb detection, disarming, and protective equipment
- Hazmat suits and breathing equipment
- Communications equipment, and an
- Equipment storage trailer

In coordination with other area law enforcement, fire, and health agencies, Fort Collins Police Services equipment will provide a higher level of safety for officers that respond to bomb calls or to incidents where biological or chemical may be present.

21. First Reading Ordinance No. 013, 2004, Amending Section 8-106 of the City Code Concerning the Payment of Covered Expenses.

The City Attorney and Risk Management staffs have been reviewing the existing self-insurance program. Expenses which relate to loss prevention activities of the City are not specifically listed in the Code. The proposed Code amendment clarifies that the payment of expenses relating to loss prevention activities are allowed.

22. First Reading of Ordinance No. 014, 2004, Designating the Garnick House, 516 South Meldrum Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The American Foursquare design gained popularity at the turn of the twentieth century. The Foursquare style was relatively short lived, lasting from 1900 to about 1920. The style became popular for several reasons. First, the ease of design and lack of ornamentation represented a reaction to Victorian elements of design popular before the early 1900s. Second, the Foursquare was indicative of the growth of working and middle class sectors in the United States. The American middle class was beginning to emerge in the early twentieth century, and the Foursquare design appealed to new home buyers as a way to get the most value for their space. Cheap to build, the American Foursquare became one of the most common housing styles found in Colorado after 1900, and is a classic example of the pre World War One housing boom that the United States experienced in the early twentieth century.

23. First Reading of Ordinance No. 015, 2004, Authorizing the Grant of a Correction Sewerline Easement to Boxelder Sanitation District in Exchange for the Vacation of Part of an Existing Easement.

In 1973 Riverbend Farms, Inc. granted a perpetual sewer line easement to Boxelder Sanitation District along East Prospect Road. Boxelder subsequently installed the sewer line outside the easement area in some locations. The City of Fort Collins has since purchased the parcels the sewer line crosses for the Riverbend Ponds (1988 and 1998) and Running Deer (2000) Natural Areas. The District is requesting that the City grant a correction easement to reflect the area where the sewer line was actually installed and has agreed to vacate that part of the original easement no longer needed by the District in view of the actual location of the sewer line. This correction benefits the City in that the new easement will accurately describe the location of the sewer line and language specific to the natural areas and agreeable to both parties can be included in the new easement agreement.

24. First Reading of Ordinance No. 016, 2004, Authorizing the City to Grant a Permanent Easement to Paradigm Properties, LLC on the Resource Recovery Farm.

Paradigm Properties LLC, owner of a 12.75 acre tract of land at the southeast corner of the intersection of I-25 and Prospect Road, also known as 1800 SE Frontage Road, has requested a permanent, nonexclusive storm drainage easement across the Resource Recovery Farm located at the Southwest corner of the intersection. The easement is needed for a proposed development of a commercial mixed use project on Paradigm's property. The conceptual plan shows five detention ponds amid pad sites which will release surface water runoff to the southwest portion of the tract. A culvert running under I-25 and proceeding into an open ditch area adjacent and running parallel to I-25 allows the flow to enter a 24-inch pipe that runs southwesterly across the Resource Recovery Farm forming a holding pond at approximately the center of the easement distance. There is a release valve at the southwestern corner of the pond that diverts the flow at an historic flow rate of 1.36 CFS. The flow continues to a 36-inch culvert that deposits the water into a wetland area at the western edge of the parcel and subsequently into the Boxelder Creek.

25. Resolution 2004-008 Authorizing the City Manager to Grant a Revocable Permit to Hewlett Packard for Fiber Optic Line.

OnFiber has requested a revocable permit for installation and maintenance of fiber optic conduit in the Harmony Road and Ziegler Road rights-of-way. These facilities will serve the Agilent/Hewlett-Packard complex adjacent to that intersection. City staff has reviewed the plans and specifications for these improvements, and has concluded that the improvements will not result in adverse impacts to the rights-of-way. OnFiber will also be required to obtain approval of the Colorado Department of Transportation for the location under Harmony Road as a condition of the revocable permit.

26. Resolution 2004-009 Authorizing the City Manager to Grant a Revocable Permit to Poudre School District for Fiber Optic Line.

Poudre School District has requested a revocable permit for a fiber optic duct bank and a revocable permit for an irrigation water pipe, both in the Kechter Road right-of-way. These facilities will serve the new Fossil Ridge High School and Zach Elementary School. City staff has reviewed the plans and specifications for these improvements, and has concluded that the improvements will not result in adverse impacts to the right-of-way. The District will be responsible for maintenance of the irrigation pipe.

27. Resolution 2004-010 Authorizing the Lease of City-Owned Property at 945 East Prospect Road for Up to Two Years.

The City purchased this house and lot as part of the Prospect/Lemay Choices '95 Intersection Improvement Project. This house will be affected by the right-turn lane that is to be added



turning south on Lemay Avenue from Prospect Road. Construction of this right-turn lane has been delayed due to negotiations with the Texaco station on the corner. 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. Rite-Aid and Walgreen's have both submitted plans for this area; however, redevelopment costs have been too high to make their developments viable. As a result, it is staff's recommendation to continue renting this house, having the Tenant responsible for utilities and site clean-up, until a redevelopment plan is approved for this area or until the vehicle count mandates the construction of the turn lane due to an unacceptable service level.

28. Resolution 2004-011 Finding Substantial Compliance and Initiating Annexation Proceedings for Such Property to be Known as the Harmony Farm Second Annexation.

The Harmony Farm Second Annexation consists of approximately 5.0 acres of privately owned property. The Annexation is an enclave located south of Harmony Road and east of Cambridge Avenue. The recommended zoning is the LMN zone district.

29. Resolution 2004-012 Finding Substantial Compliance and Initiating Annexation Proceedings for Such Property to be Known as the Adrian Annexation.

The applicant, M. Torgerson Architects, on behalf of the property owners, John and Julie Adrian, has submitted a written petition requesting annexation of 2.18 acres located at the southeast corner of West Vine Drive and Impala Drive. The property is north of Laporte Avenue, west of North Taft Hill Road, and east of North Overland Trail. It is currently being used as an existing single-family residence (with house and horse barn). The requested zoning for this annexation is LMN – Low Density Mixed-Use Neighborhood. The surrounding properties are zoned LMN - Low Density Mixed Use Neighborhood in the City to the north, FA – Farming in Larimer County to the east, FA – Farming in Larimer County to the west, and FA – Farming in Larimer County to the south.

The proposed Resolution makes a finding that the petition substantially complies with the Municipal Annexation Act, determines that a hearing should be established regarding the annexation, and directs that notice be given of the hearing. The hearing will be held at the time of first reading of the annexation and zoning ordinances. Not less than thirty days of prior notice is required by State law.

30. Routine Easements.

- A. Deed of dedication for easement from Front Range Limited Partnership, for a slope easement on College Avenue, located on the northwest corner of Trilby Road and College Avenue. Monetary consideration: \$10. Staff: Sheri Wamhoff.

- B. Deed of dedication for easement from Front Range Limited Partnership, for a drainage easement, located on the northwest corner of Trilby Road and College Avenue. Monetary consideration: \$10. Staff: Sheri Wamhoff.
- C. Deed of dedication for easement from Front Range Limited Partnership, for a slope easement on Trilby Road, located on the northwest corner of Trilby Road and College Avenue. Monetary consideration: \$10. Staff: Sheri Wamhoff.
- D. Pedestrian Sidewalk Easement from Boston Colorado, Inc., dba Aspen Leaf Apartments, located at 3501 Stover Street. Monetary consideration: \$0. Staff: Alice Faye Richardson.
- E. Deed of Dedication for Right-of-Way, from the Board of Governors of the Colorado State University System, for public street purposes, located at Centre Avenue and Prospect Street. Monetary consideration: \$10. Staff: Carrie Daggett.

**\*\*\*END CONSENT\*\*\***

- 31. Consent Calendar Follow-up.  
This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
- 32. Staff Reports.  
Status Report on Council Requests.
- 33. Councilmember Reports.

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

- 34. Second Reading of Ordinance No. 178, 2003, Imposing a Moratorium upon the Acceptance of Applications for the Approval of Development Plans and/or the Issuance of Building Permits for Dwellings Constructed on the Rear Portion of Lots Located Within the N-C-L, Neighborhood Conservation Low Density, N-C-M, Neighborhood Conservation Medium Density, and the N-C-B, Neighborhood Conservation Buffer Zone Districts. (30 minutes)

This Ordinance, which was adopted 4-2 (Nays: Kastein and Martinez; Councilmember Bertschy was absent) on First Reading on December 16, 2003, imposes a moratorium on the acceptance of applications for the approval of development plans and/or issuance of building permits for "alley houses" or other dwellings on the rear portion of lots located within the Eastside and Westside neighborhoods. The Ordinance has been modified on Second Reading to also include accessory structures that exceed 576 feet in floor area or twenty feet in height.

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