

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

March 6, 2001

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

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 33. 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 #40, 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. Second Reading of Ordinance No. 27, 2001, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Funds for Local and Regional Transportation Demand Management Programs.

Ordinance No. 27, 2001, was unanimously adopted on First Reading on February 20, 2001, and appropriates funds for the TDM program and programs in other departments.

8. Second Reading of Ordinance No. 28, 2001, Appropriating Prior Year Reserves in the Sales and Use Tax Fund for Transfer to the Capital Projects Fund to be Used for Design, Acquisition and Installation for the City's Traffic Signal System Replacement Project.

The City's current Traffic Signal System is outdated and declining in performance and usefulness. The City proposes to replace the existing system with a modern Traffic Management System, a new Traffic Management Center to house the system and department, and a fiber optic communication network. This Ordinance, which was unanimously adopted on First Reading on February 20, 2001, appropriates \$4.0 million dollars from the Use Tax Carryover reserve to this project. A future appropriation will be necessary for the \$994,205 in federal funds when the grant paperwork is final.

9. Second Reading of Ordinance No. 29, 2001, Appropriating Prior Year Reserves in the Downtown Development Authority Operation and Maintenance Fund for the Replacement of the Sidewalk on the West Side of the 200 Block of South College Avenue.

This Ordinance, which was unanimously adopted on First Reading on February 20, 2001, appropriates prior year reserves in the Downtown Development Authority's Operation and Maintenance Fund for the purpose of constructing sidewalk improvements on the west side of the 200 block of South College Avenue.

10. Second Reading of Ordinance No. 30, 2001, Appropriating Available General Fund Revenue for the 2001 Police Services Plan.

City Council adopted the 2001 Classified Employees Pay and Classification Plan in January 2001. At that time, it was noted that an additional appropriation would be necessary to fully fund the Police Services Pay Plan and that an appropriation ordinance would be submitted to City Council in the first quarter of 2001. Ordinance No. 30, 2001, was unanimously adopted on First Reading on February 20, 2001.

11. Second Reading off Ordinance No. 31, 2001, Appropriating Prior Year Reserves in Various City Funds Representing a Donation from the Wilkins Charitable Trust.

The City has received a grant of \$235,000 through the generosity of the Don and May Wilkins Charitable Trust. Don and May Wilkins moved to Fort Collins in 1937, and Mr. Wilkins was the editor of the *Fort Collins Express Courier* (now the *Coloradoan*) for over 30 years. The Wilkins created the Charitable Trust to provide support for cultural, charitable, literary, historic, and educational purposes in and around the Fort Collins area. Ordinance No. 31, 2001, was unanimously adopted on First Reading on February 20, 2001.

12. Second Reading Ordinance No. 32, 2001, Authorizing Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the South Taft Hill Projects.

The project components include the South Taft Hill Road Improvements, the Spring Creek Trail Crossing and Extension, the Taft Hill Waterline Extension and the Regional Detention Pond. The combined project is a cooperative effort between the City's Engineering, Parks and Recreation, and Utility Departments.

The Spring Creek Trail Crossing and Extension is part of the Parks and Recreation Department's Master Plan. It will complete the final connection of the Spring Creek Trail under Taft Hill Road from Drake Road west to the existing trail near the Hampshire Pond subdivision. Ordinance No. 32, 2001, was unanimously adopted on First Reading on February 20, 2001.

13. Second Reading of Ordinance No. 33, 2001, Authorizing the Conveyance to Voicestream PCS II of an Additional Easement on City-owned Property at City Park North Ballfield, for the Location of Utilities Associated With its Previously Approved Lease for Antenna Equipment.

Voicestream PCS II Corporation worked with the Parks Division to obtain a lease for a parcel of land for a pole, antenna and related equipment to enhance its cellular phone service. On January 2, 2001 Council approved Ordinance No. 193, 2000, authorizing the lease to Voicestream PCS II of a location for a pole.

Since the adoption of Ordinance No. 193, 2000, Voicestream has determined that one additional easement location will be required to allow for a necessary telephone line connection. Ordinance No. 33, 2001, which was unanimously adopted on First Reading on February 20, 2001, authorizes and additional easement for the location of utilities.

14. Second Reading of Ordinance No. 34, 2001, Amending Chapter 23 of the City Code by Adding a Provision Authorizing the Adoption of Administrative Regulations to Govern Conduct in City Facilities.

This Ordinance, which was unanimously adopted on First Reading on February 20, 2001, amends Chapter 23 (Public Property) of the City Code, to authorize the City Manager to establish administrative rules and regulations for the conduct of the general public in facilities owned or operated by the City.

15. Second Reading of Ordinance No. 36, 2001, Amending Chapter 15, Article V of the City Code Regarding Contractors.

This Ordinance, which was unanimously adopted on First Reading on February 20, 2001, substantially revised the City's contractor license regulations for the primary construction trades, except for electrical and plumbing, which are not affected. It represents the work of an 11-member industry task group and several public comment meetings over a nine-month period. Minor wording changes shown in redline and strikeout, have been made to the Ordinance since First Reading.

16. First Reading of Ordinance No. 37, 2001, Appropriating Unanticipated Grant Revenue in the General Fund and Authorizing the Transfer of Matching Funds Previously Appropriated in the Advance Planning Budget for a Cultural Resources Survey of the Downtown River Corridor.

The City has received a grant of \$25,000 through the Colorado Historical Society Certified Local Government Grant Program. The grant funding will enable City staff, working in cooperation with property owners, community organizations and other members of the community, to complete a cultural resources survey for the Downtown River Corridor. The survey will involve (1) identification and evaluation of existing historic structures; (2) archival research to provide more information about physical changes in the area from 1864 – present; (3) overlay maps showing the historic contexts (e.g., military post period, railroad period, etc.); (4) a plan for future archaeological testing in the Downtown River Corridor; and (5) extensive public involvement.

This project was identified as an existing public project in the Downtown River Corridor Implementation Program Summary Report, approved by City Council on July 18, 2000, with the adoption of Resolution 2000-95. Appropriation of the grant funding will allow completion of this project as well as provide the basis for future educational and interpretive activities in the Downtown River Corridor.

17. First Reading of Ordinance No. 38, 2001, Appropriating Prior Year Reserves and Authorizing the Transfer of Appropriations for a Centralized Police Facility.

A new central Police Services building is part of the Police Services Strategic Plan and the City's Facility Master Plan. The existing building was not designed for a police agency and is no longer suitable for a department the size of Police Services with over 225 members. A new facility is necessary to maintain service to the community, conduct business, and provide public safety.

Land acquisition and/or initial design for a new Police Building was included in the voter-approved Building Community Choices (BCC) capital program. A needs assessment facility study was completed and indicated 92,811 square feet is needed for a centralized facility and 101,606 square feet is needed for a decentralized (two buildings) facility. City Council and staff have expressed the preferred option is a centralized facility.

18. First Reading of Ordinance No. 39, 2001, Amending Chapter 23.5 of the City Code Pertaining to Special Events and Demonstrations.

This Ordinance would amend Chapter 23.5 of the City Code (Special Events), to include a new defined category of event, referred to as a "demonstration". This term is used to clarify provisions in Chapter 23.5 that previously referenced "events for the purpose of exercising free speech." The Ordinance modifies current Code language to clarify that the City shall be entitled to recover traffic control expenses incurred by the City as a direct result of a permitted event, and shall in all instances be entitled to indemnification by the permit holder for costs incurred repairing damage caused by the permit holder or its agents. New provisions have been added allowing: (1) the denial of a permit for an event that would violate an ordinance or statute; (2) revocation of a permit if conditions change so that the permit application would have been denied; and (3) revocation of a permit if continuation of an event presents a clear and present danger to participants or the public. The Ordinance also adds standards for determining when and how much insurance will be required, and makes the knowing violation of a permit a Code violation, in contrast to the present "willful" standard. The Ordinance includes other clarifying language consistent with these described changes, as well as general editing of existing provisions.

The proposed changes are the result of a review of the 14-year-old Special Events provisions, based on fairness and constitutional issues that have been identified through the experience of other jurisdictions.

19. First Reading of Ordinance No. 40, 2001, Amending Chapter 1 of the City Code to Add a New Section Authorizing the City Manager or Designee to Execute Certain Intergovernmental Agreements.

In 1993, the City Council adopted Ordinance 70, 1993, specifying the circumstances under which the City Manager is authorized to execute intergovernmental agreements. The purpose of this Ordinance is to codify the provisions of Ordinance No. 70, 1993.

20. First Reading of Ordinance No. 41, 2001, Authorizing the Conveyance of Non-exclusive Easement Interests for the Construction of a 27-Inch Sewer Line by South Fort Collins Sanitation District on a Portion of the Staley Neighborhood Park Site.

The Staley Neighborhood Park is located on the south side of Kechter Road (East County Road 36) between Ziegler Road (County Road 9) and Strauss Cabin Road (County Road 7). The park site is 10 acres in total area and joins the 15-acre Poudre School District site to the east.

The proposed sanitary sewer line will be located along the west boundary of the Staley Neighborhood Park site, and is being installed to serve a new development to the west of the Park site. The permanent sewer line right-of-way will be 20' wide and adjacent to the park boundary. The temporary 80' wide construction easement will be located adjacent and to the east of the permanent right-of-way. The proposed sanitary sewer line can also provide service to the Park site, as well as to the adjacent school site. This will reduce the cost of developing the Park, because it will reduce the amount of sewer line required to be installed by the City at that time. The Park will not be developed for several years.

21. First Reading of Ordinance No. 42, 2001, Authorizing the Lease of City Property at the Gateway Mountain Park.

The house at 5212 Poudre Canyon will be utilized by the Gateway Park ranger as an on-site residence, while maintaining and operating the Park. This house will allow the City employee to respond to on-site emergencies, reduce vandalism, assist park users and secure the property during closed hours. Having a person at the Park most of the time will assist in deterring undesirable activities.

The tenancy agreement is a month-to-month agreement, and is written to provide the employee a place to live while employed with the City. However, that person will be obligated to move if employment ends or for other criteria listed in the tenancy agreement.

22. Resolution 2001-29 Finding Substantial Compliance and Initiating Annexation Proceedings for the Cathy Fromme Natural Area First Annexation.

This is a request for a 100% voluntary annexation. The site is approximately 81 acres of publicly-owned property located south of Harmony Road, east of Taft Hill Road, north of Trilby Road, and west of Shields Street. The recommended zoning is Public Open Lands (POL), and it is adjacent to a larger piece of Public Open Lands.

23. Resolution 2001-30 Finding Substantial Compliance and Initiating Annexation Proceedings for the Cathy Fromme Natural Area Second Annexation.

This is a request for a 100% voluntary annexation. The site is approximately 156 acres of publicly-owned property located south of Harmony Road, east of Taft Hill Road, north of Trilby Road, and west of Shields Street. The recommended zoning is Public Open Lands (POL), and it is adjacent to the Cathy Fromme Natural Area First Annexation which is also proposed to be Public Open Lands.

24. Resolution 2001-31 Finding Substantial Compliance and Initiating Annexation Proceedings for the Coyote Ridge First Annexation.

This is a request for a 100% voluntary annexation. The site is approximately 2.5 acres of publicly-owned property located south of Harmony Road, north of Trilby Road, within the South Taft Hill Road right-of-way. The recommended zoning is Public Open Lands (POL), and it is adjacent to the Cathy Fromme Natural Area Second Annexation which is also proposed to be Public Open Lands.

25. Resolution 2001- 32 Finding Substantial Compliance and Initiating Annexation Proceedings for the Coyote Ridge Second Annexation.

This is a request for a 100% voluntary annexation. The site is approximately 181 acres of publicly-owned property located south of Harmony Road, north of the Carpenter Road (County Road 32) alignment, west of and within the South Taft Hill Road right-of-way. The recommended zoning is Public Open Lands (POL), and it is adjacent to the Cathy Fromme Natural Area Second Annexation which is also proposed to be Public Open Lands.

26. Resolution 2001-33 Finding Substantial Compliance and Initiating Annexation Proceedings for the Coyote Ridge Third Annexation.

This is a request for a 100% voluntary annexation. The site is approximately 161 acres of publicly-owned property located south of Trilby Road, north of the Carpenter Road (County Road 32)

alignment, west of and within the South Taft Hill Road right-of-way. The recommended zoning is Public Open Lands (POL), and it is adjacent to the Coyote Ridge Second Annexation which is also proposed to be Public Open Lands.

27. Resolution 2001-34 Finding Substantial Compliance and Initiating Annexation Proceedings for the Coyote Ridge Fourth Annexation.

This is a request for a 100% voluntary annexation. The site is approximately 192 acres of publicly-owned property located south of Trilby Road, north of the Carpenter Road (County Road 32) alignment, and west of the South Taft Hill Road right-of-way. The recommended zoning is Public Open Lands (POL), and it is adjacent to the Coyote Ridge Third Annexation which is also proposed to be Public Open Lands.

28. Resolution 2001-35 Finding Substantial Compliance and Initiating Annexation Proceedings for the Coyote Ridge Fifth Annexation.

This is a request for a 100% voluntary annexation. The site is approximately 325 acres of publicly-owned property located south of the Trilby Road alignment, north and south of the Carpenter Road (County Road 32) alignment, and west of South Taft Hill Road. The recommended zoning is Public Open Lands (POL), and it is adjacent to the Coyote Ridge Fourth Annexation which is also proposed to be Public Open Lands.

29. Resolution 2001-36 Finding Substantial Compliance and Initiating Annexation Proceedings for the Coyote Ridge Sixth Annexation.

This is a request for a 100% voluntary annexation. The site is approximately 235 acres of publicly-owned property located south of Trilby Road, north of the Carpenter Road (County Road 32) alignment, east of South Taft Hill Road, and west of Shields Street. The recommended zoning is Public Open Lands (POL), and it is adjacent to the Coyote Ridge Second and Third Annexations which are also proposed to be Public Open Lands.

30. Resolution 2001-37 Finding Substantial Compliance and Initiating Annexation Proceedings for the Rice Homestead Annexation.

The applicant, Shirley M. Slaton, being the property owner, has submitted a written petition requesting annexation of approximately 7.5 acres located south and west of Richard Lake, north of Long Pond, east of County Road 11, and west of State Highway 1 (Terry Lake Road). The requested zoning for this annexation is UE – Urban Estate. The surrounding properties are zoned FA - Farming in Larimer County (to the north, west, and south) and UE - Urban Estate in the City (to the north and east).

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.

The property is located within the Fort Collins Urban Growth Area. According to policies and agreements between the City of Fort Collins and Larimer County contained in the Intergovernmental Agreement for the Fort Collins Urban Growth Area, the City will agree to consider annexation of property in the UGA when the property is eligible for annexation according to State law. This property gains the required 1/6 contiguity to existing City limits from common boundaries with the Country Club North Second Annexation (January 17, 1984) to the north and east.

31. Resolution 2001-38 Finding Substantial Compliance and Initiating Annexation Proceedings for the Staley First Annexation.

This is a request for a 100% voluntary annexation. The site is approximately 24.5 acres of property owned by the City of Fort Collins and the Poudre School District. It is located south of Kechter Road (County Road 36), north of the Fossil Creek Reservoir, east of Ziegler Road (County Road 9), and west of Strauss Cabin Road (County Road 7). The recommended zoning is Low Density Mixed Use Neighborhood (LMN).

32. Resolution 2001-39 Finding Substantial Compliance and Initiating Annexation Proceedings for the Arbor South Annexation.

The Arbor South Annexation is 11.26 acres in size. The site is generally located on the west side of South College Avenue, east of the Burlington Northern Santa Fe Railroad tracks, approximately one-quarter mile south of Harmony Road. Contiguity with the existing municipal boundary is gained along the north property line with a parcel known as the Spradley Barr Annexation.

The proposed Resolution states that it is the City's intent to annex this property and directs that the published notice required by State law be given of the Council's hearing to consider the needed annexation ordinance. The hearing will be held at the time of First Reading of the annexation and zoning ordinances on April 17, 2001. Not less than 30 days prior published notice is required by State law.

33. Routine Easement.

- A. Deed of Dedication from U.S. Home Corporation for a permanent drainage easement, located south of West Trilby Road and west of South Shields Street. Monetary consideration: \$10.

*****END CONSENT*****

34. Consent Calendar Follow-up.
This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
35. Staff Reports.
36. Councilmember Reports.
Committees that have met since February 20 include:
Growth Management Committee Legislative Review Committee
North Front Range Transportation and Air Quality Planning Council

ITEMS NEEDING INDIVIDUAL CONSIDERATION

37. Resolution 2001-40 Establishing a Policy for the Exercise of the City's Eminent Domain Powers in Conjunction with the Development of Private Property.

This issue addresses a policy question: Should the City use its eminent domain powers in certain situations to assist in the acquisition of easements and rights-of-way that are necessary for construction of public improvements required of developers for private development projects? City staff recommends allowing the exercise of eminent domain authority in conjunction with development projects, when the following criteria have been met:

- There is a sufficient public purpose to justify the acquisition by eminent domain;
- It is clear that the eminent domain proceedings are not being commenced primarily to advance a private interest or private use;
- The developer has, to the maximum extent possible, redesigned the project to alleviate or minimize the need for the proposed easement or right-of-way;
- All reasonable efforts have been made to obtain the easements and/or rights-of-way by private agreement and those efforts have been unsuccessful;

- The improvements for which the easements or rights-of-way are needed will be utilized by more than one person, partnership or other entity and are necessary to connect the proposed development with existing infrastructure, such as transportation, water, sewer, stormwater or other utilities; and
- The developer has agreed to pay all costs of the property acquisition, including all City costs related to the eminent domain proceedings.

38. Second Reading of Ordinance No. 35, 2001, Authorizing the Mayor to Enter into an Intergovernmental Agreement Between the City and the Fort Collins-Loveland Water District for the Sale and Delivery of Potable Water.

Ordinance No. 35, 2001, which was unanimously adopted on First Reading on February 20, 2001, authorizes an Intergovernmental Agreement between the City and Fort Collins-Loveland Water District (the "IGA") permitting the City to sell treated water to the Fort Collins-Loveland Water District (the "District") for customers within the city limits in an area located south of Harmony Road, east of the Union Pacific Railroad tracks, west of County Road 7 and north of East Trilby Road extended east (the "Service Area").

At First Reading, Council gave direction to staff to modify the Agreement to more clearly state that Council would have to approve any extension of the Agreement to properties annexed more than five years after the date of the Agreement. This language has been added to Section 1 of the Agreement.

Also, the rate the City will charge the District for treated water has been changed in the IGA from \$1.285 to \$1.36 to reflect the 6% PILOT (payment in lieu of taxes) requirement which was not included in the initial rate of \$1.285. The published rates in the City Code do not include the PILOT because there is a separate Code provision which imposes that requirement. That Code requirement does not apply to the IGA, so the rate specified in the IGA needs to include the PILOT.

39. Consideration of the Appeal of the January 18, 2001, Decision of the Planning and Zoning Board to Approve the Provincetowne PUD, Filing Two - Final.

On January 18, 2001, the Planning and Zoning Board approved the Provincetowne PUD, Filing Two - Final for 331 residential dwelling units (190 single family lots and 141 multi-family townhomes) on 70.00 acres.

The property is zoned LMN - Low Density Mixed Use Neighborhood (as of the effective date of March 28, 1997 for the new Land Use Code). The property is located on the south side of Trilby Road at Brittany Drive, west of South Lemay Avenue, east of South College Avenue, and north of County Road 32.

On January 30, 2001, an insufficient Notice of Appeal was received by the City Clerk's office regarding the decision of the Planning and Zoning Board. An Amended Notice of Appeal was received by the City Clerk's office on February 20, 2001.

40. Pulled Consent Items.

41. Other Business.

42. Adjournment.

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.