

AGENDA
OF THE
COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

April 1, 2003

Proclamations and Presentations
5:30 p.m.

- A. Proclamation Proclaiming April 6, 2003, as “Colorado Tartan Day”.
- B. Proclamation Proclaiming the Month of April as “Fair Housing Month”.
- C. Proclamation Proclaiming Telavi, Georgia as a “City of Friendship”.

Regular Meeting
6:00 p.m.

PRESENTATION OF COLORS BY THE ROYAL RANGERS

- 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 25. 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 #33, 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 February 18 and March 4, 2003.
8. Second Reading of Ordinance No. 042, 2003, Authorizing the Issuance of City of Fort Collins Sales and Use Tax Revenue Refunding Bonds, Series 2003A, in the Aggregate Principal Amount of \$5,860,000.

Ordinance No. 042, 2003, which was unanimously adopted on First Reading on March 25, 2003, authorizes the issuance of the bonds. Bond Counsel will file a copy of the revised bond ordinance in the office of the City Clerk, on or before March 28, 2003. The bonds will be sold on April 1. The Financial Officer will read the final numbers into the record at the regular meeting on April 1.

9. Items Relating to the Second Sheet of Ice at EPIC.
 - A. Second Reading of Ordinance No. 043, 2003, Reauthorizing a Lease Agreement Between the City and Twice the Ice, Inc., for the Use of Certain City Property at EPIC for the Sale of Advertising Space.
 - B. Second Reading of Ordinance No. 044, 2003, Appropriating Unanticipated Revenue in the Building Community Choices Capital Projects Fund - EPIC Second Sheet of Ice Capital Project, Authorizing the Transfer of Related Art in Public Places Funds, and Increasing the Total Project Budget Accordingly.

The second ice arena at Edora Pool Ice Center (EPIC) is scheduled for completion in March, 2003. This project is a joint effort between the City through Building Community Choices (BCC)

and Twice the Ice (TTI) a private fundraising group that agreed to raise 22% of the project costs. Ordinance No. 043, 2003, and Ordinance No. 044, 2003, were both unanimously adopted on First Reading on March 25, 2003.

10. Second Reading of Ordinance No. 045, 2003, Appropriating Unanticipated Revenue in the General Fund for the Purchase, Training and On-going maintenance of the E911 and Emergency Medical Dispatch Systems at Fort Collins Police Services Dispatch Center.

This Ordinance, which was unanimously adopted on First Reading on March 25, 2003, appropriates the funds provided to Fort Collins Police Services by Larimer Emergency Telephone Authority (LETA) to purchase equipment, train users and maintain equipment for Emergency Services Dispatching.

11. Second Reading of Ordinance No. 046, 2003, Designating the Darrah House, 612 South College Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Judith Reid, initiated this request for Fort Collins Landmark designation for the Darrah House. The Darrah House qualifies for designation under Landmark Standards 14-5 (A) "Association with events that have made a significant contribution to the broad patterns of history;" (B) "Association with the lives of persons significant in history;" and (C) "Embodies the distinctive characteristics of a type, period, or method of construction." Ordinance No. 046, 2003 was unanimously adopted on First Reading on March 25, 2003, designating the Darrah House, located at 612 South College Avenue, a Fort Collins Landmark.

12. Second Reading of Ordinance No. 047, 2003, Designating the Gamble House, 407 Wood Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins. First Reading of Ordinance No. 048, 2003, Superceding Emergency Ordinance No. 112, 2002, and Prescribing Temporary Restrictions on and Requirements for the Use of City Treated Water Pursuant to a Water Supply Shortage Response Plan to Be Effective April 11, 2003.

The owners of the property, Gregory and Darcy Gamble, initiated this request for Fort Collins Landmark designation for the Gamble House. The Gamble House exhibits good integrity relative to other extant vernacular dwellings in Fort Collins, and qualifies for designation under Landmark Standard 14-5 (A), "Association with events that have made a significant contribution to the broad patterns of history;" and (c) "Embodies the distinctive characteristics of a type, period, or method of construction." Ordinance No. 047, 2003, was unanimously adopted on First Reading on March 25, 2003, designating the property at 407 Wood Street, a Fort Collins Landmark.

13. Second Reading of Ordinance No. 048, 2003, Superceding Emergency Ordinance No. 112, 2002, and Prescribing Temporary Restrictions on and Requirements for the Use of City Treated Water Pursuant to a Water Supply Shortage Response Plan to Be Effective April 11, 2003.

Current projections for water supply from the Poudre River and the Colorado-Big Thompson (CBT) Project for this and coming years indicate that supply may not be sufficient to meet unrestricted demand. Ordinance No. 048, 2003, was unanimously adopted on First Reading on March 25, 2003, prescribing temporary restrictions pursuant to the Water Supply Shortage Response Plan.

14. First Reading of Ordinance No. 050, 2003, Appropriating Unanticipated Revenue in the Golf Fund for the Purpose of Funding Capital Improvements.

In 1999 and 2001 the City executed lease transactions to provide funding for capital improvements at the City's three golf courses. The total amount of the transactions allocated to the Golf Fund was \$5,085,000 to fund several high priority improvements such as the \$2.65 million Collindale Clubhouse Project. Due to unexpected circumstances beyond the control of the City, several of the improvements were delayed. Proceeds from the two transactions were invested at competitive interest rates. When the projects were delayed, the investments earned greater amounts of interest than originally anticipated. In September, 2002, Council passed an Ordinance appropriating a portion of these extra interest earnings in the amount of \$165,000 to help allow the Golf Division to complete several additional capital improvements at City Park Nine, Collindale, and South Ridge Golf Courses. Almost all of the golf projects have now been completed and we are requesting appropriation of the remaining interest earnings in the amount of \$27,072.63 in order to close-out the funding. All of the financial transactions will be completed within the Golf Fund, an enterprise category fund.

15. Items Relating to the Peterson Annexation and Zoning.

- A. Resolution 2003-041 Amending the Structure Plan for the Property Known as the Peterson Annexation.
- B. Resolution 2003-042 Setting Forth Findings of Fact and Determinations Regarding the Peterson Annexation.
- C. First Reading of Ordinance No. 051, 2003, Annexing Property Known as the Peterson Annexation to the City of Fort Collins.
- D. First Reading of Ordinance No. 052, 2003, 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 for a 100% voluntary annexation of approximately 27.89 acres, located a half mile east of I-25 and south of Vine Drive. This requested zone district is Urban Estate. A Structure Plan amendment is also requested to change the designation of the property from Rural Open Lands / Stream Corridor to Urban Estate.

This property is eligible for annexation according to CRS, requiring 1/6 contiguity to the existing city limits. Peterson Annexation and Zoning complies with this standard since the property has 1866.19 feet of its total boundary of approximately 10,643.30 feet contiguous to the existing City limits. This meets the minimum 1773.88 feet required to achieve 1/6 contiguity. This contiguity occurs through a common boundary with the Kirschner Annexation (December 1993).

The property is located within the Fort Collins Urban Growth Area (UGA). 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.

16. Items Relating to the Streamside Annexation and Zoning.

- A. Resolution 2003-043 Amending the Structure Plan for the Property Known as the Streamside Annexation.
- B. Resolution 2003-044 Setting Forth Findings of Fact and Determinations Regarding the Streamside Annexation.
- C. First Reading of Ordinance No. 053, 2003, Annexing Property Known as the Streamside Annexation to the City of Fort Collins.
- D. First Reading of Ordinance No. 054, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Streamside Annexation.

This is a request for a 100% voluntary annexation of approximately 73.67 acres, located just over half a mile east of I-25 and south of Vine Drive. This requested zone district is Urban Estate. A Structure Plan amendment is also requested to change the designation of the property from Rural Open Lands/Stream Corridor to Urban Estate.

This property is eligible for annexation according to CRS, requiring 1/6 contiguity to the existing city limits. Streamside Annexation and Zoning complies with this standard since the property has 2869.70 feet of its total boundary of approximately 13,742.27 feet contiguous to the existing City limits. This meets the minimum 2290.38 feet required to achieve 1/6 contiguity. This contiguity occurs through a common boundary with the Peterson Annexation, which is under review and will be processed simultaneously with this Streamside Annexation.

The property is located within the Fort Collins Urban Growth Area (UGA). 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.

17. First Reading of Ordinance No. 055, 2003, Authorizing Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the North College Improvements Project.

The North College Improvements Project includes the addition of sidewalks, off-street bike lanes, a trail connection, access improvements, center medians, curb and gutter, drainage improvements, signal improvements, lighting improvements and roadway construction on North College Avenue from Jefferson to approximately 300 feet north of Burlington Northern Railroad crossing.

Ordinance No. 027, 2003 authorized the use of eminent domain to acquire certain lands for the construction of the public improvements. This Ordinance amends the legal description of specific property interests to be acquired from Earnest T. Garner and Marilyn S. Garner.

18. Items Relating to Construction of the Pleasant Valley Pipeline Across a Portion of Reservoir Ridge Natural Area by the Northern Colorado Water Conservancy District.

- A. Resolution 2003-045 Authorizing a Revocable Permit over a Portion of Reservoir Ridge Natural Area for Construction of Pleasant Valley Pipeline by the Northern Colorado Water Conservancy District.
- B. First Reading of Ordinance No. 056, 2003, Authorizing a Temporary Construction Easement for Construction of a Waterline Across a Portion of Reservoir Ridge Natural Area by the Northern Colorado Water Conservancy District.

NCWCD requested a temporary construction easement (0.95 acres) from the Natural Areas Program for a portion of Reservoir Ridge (Udall addition) located at Michaud Lane. The request is for a construction easement to be used for the purposes of installing a waterline along a permanent easement that was previously granted to NCWCD prior to the City's ownership of the property. NCWCD is already working in the area of the previously granted permanent easement, and will begin work in the temporary construction easement area as soon as permitted hereunder. The term of the temporary construction easement expires upon completion of the work under the temporary easement, but not later than two years after the effective date of that easement.

In the easement agreement, Natural Resources has defined specific resource protection standards that NCWCD must meet in order to minimize the long-term impacts to the Natural Area. In addition, NCWCD agreed to complete the initial revegetation and restoration of the site. NCWCD will also reimburse the City \$2,400/acre for long term vegetation management of the site, including the area of the Permanent Easement. In this way, the City's Natural Area Program will control the future management of the site while reducing the administrative costs of monitoring activities by outside entities on the Natural Area.

19. Items Relating to Riverbend Ponds Natural Area.

- A. First Reading of Ordinance No. 057, 2003, Authorizing Easements Across a Portion of Riverbend Ponds Natural Area for Construction and Operation of an 8-Inch Waterline
- B. First Reading of Ordinance No. 058, 2003, Authorizing Easements Across a Portion of Riverbend Ponds Natural Area for Construction and Operation of an 18-Inch Storm Sewerline.

The subject property is located on the east side of Timberline Road along Countryside Drive on Riverbend Ponds Natural Area. Three separate easements are being requested:

1. Temporary Construction Easement of an area approximately 2,926 square feet for the installation of an 8" waterline along the north property line of Riverbend Ponds Natural Area.
2. A Permanent Easement of an area approximately 2,499 square feet for the operation and maintenance of the 8" waterline by East Larimer County Water District (ELCO).
3. Temporary Construction Easement of an area approximately 2,340 square feet for installation and maintenance of an 18" storm sewerline from the proposed detention/water quality pond located on the Riverbend Condominiums property with discharge into an existing gravel pond on Riverbend Ponds Natural Area. The storm sewerline will be installed by Hooraz, Inc., developer of Riverbend Condominiums and owned and maintained by the homeowners association of the Riverbend Condominiums.
4. A Permanent Easement of an area approximately 1,525 square feet for the operation and maintenance of an 18" storm sewerline from the proposed detention/water quality pond located on the Riverbend Condominium property with discharge into an existing gravel pond on Riverbend Ponds Natural Area.

20. Resolution 2003-046 Authorizing an Amendment to the Intergovernmental Agreement with Larimer County for Fossil Creek Reservoir Area Properties.

The Resolution approves two modifications to the City's Intergovernmental Agreement with Larimer County regarding joint purchase and ownership of properties in the Fossil Creek Reservoir area. These modifications reflect the change in the acquisition price and cost sharing on Parcel D and the sharing of costs of the development for public use of the several jointly owned properties. The final purchase price on Parcel D was \$520,000 rather than the \$400,000 that was anticipated at the time of signing of the original IGA. The original IGA called for the purchase price to be split 50/50; the amended IGA states that the City's share will be \$300,000 and the County's share will be \$220,000. The original IGA stated that the County would pay for the development costs of the properties, the amendment states that the City and County will jointly develop the site improvement plans according to the Fossil Creek Reservoir Resource Management Plan and will equally share in the costs for developing site. The County will continue to manage the properties and to pay all maintenance costs .

21. Resolution 2003-047 Authorizing an Intergovernmental Agreement with Larimer County for the Joint Acquisition and Ownership of Approximately 1,540 Acres Known as the Indian Creek Property.

The Intergovernmental Agreement (IGA) allows the City and County to partner on the purchase of approximately 1,540 acres of foothills property between the Rimrock Open Space and the Devils Backbone Open Space. This foothill property includes large cottonwoods along Indian Creek, an active golden eagle nest along the rimrock outcrops, and spectacular views. The acquisition of this parcel will allow the County to construct a trail that will connect the Coyote Ridge/Rimrock trail to the Devils Backbone and to Horsetooth Mountain Park. The County will be responsible for developing the trails, restoration, and ongoing management and maintenance of the property.

22. Resolution 2003-048 Making Finds of Fact and Conclusions Regarding the Caribou Apartments Project Development Plan, Current Planning File #18-02, Appeal to the City Council.

On February 20, 2003, an Amended Appeal of the January 16, 2003, decision of the Planning and Zoning Board to approve the Caribou Apartments Project Development Plan was filed by Appellant Janet Winters.

On March 25, 2003, City Council voted 5-1 (Mayor Martinez withdrew and Councilmember Hamrick opposed) to uphold the decision of the Planning and Zoning Board. In order to complete the record regarding this appeal, the Council needs to adopt a Resolution making findings of fact and finalizing its decision on the appeal.

23. Resolution 2003-049 Finding Substantial Compliance and Initiating Annexation Proceedings for the Halcyon Second Annexation.

The Halcyon Second Annexation is 17.32 acres in size, located east of College Avenue south of Trilby Road and north of Robert Benson Lake. The parcel is contiguous to existing City boundaries by the Halcyon Annexation. The recommended zoning is Low Density Mixed-Use Neighborhood. (LMN).

The proposed resolution states it is the City's intent to annex this property and directs that the notice required by state statutes be given of the Council's hearing to consider the annexation ordinance. The public hearing for the annexation ordinance must occur no less than 30 days and no greater than 60 days from adoption of the resolution finding compliance with state statutes.

24. Resolution 2003-050 Finding Substantial Compliance and Initiating Annexation Proceedings for the Willow Brook Third Annexation.

The Willow Brook Third Annexation is 4.76 acres in size, located north of Kechter Road, west of Jupiter Road. The parcel is contiguous to existing City boundaries by the Willow Brook Annexation No.2 and the Webster Farm Annexation. The recommended zoning is Low Density Mixed-Use Neighborhood. (LMN).

The proposed resolution states it is the City's intent to annex this property and directs that the notice required by State Statutes be given of the Council's hearing to consider the annexation ordinance. The public hearing for the annexation ordinance must occur no less than 30 days and no greater than 60 days from adoption of the resolution finding compliance with State Statutes.

25. Routine Easement.

- A. Water line easement from Board of Governors of the Colorado State University System for the use and benefit of Colorado State University for a fire hydrant, located at C.S.U.'s South Campus. Monetary consideration: \$0.

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

26. Consent Calendar Follow-up.

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

27. Staff Reports.

28. Councilmember Reports.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

29. Consideration of the Appeal of the February 13, 2003 Decision of the Zoning Board of Appeals (Appeal #2408) to Unanimously Uphold the Administrative Interpretation of the Current Planning Director Regarding the Definition of "Neighborhood".

On February 13, 2003, the Zoning Board of Appeals, by a vote of 7-0, upheld written administrative interpretation #5-02, issued by Current Planning Director Cameron Gloss. The Director's interpretation was for the purpose of determining the "neighborhood" in which the property at 1109 West Harmony Road is located. This interpretation was rendered in response to Mark Brophy's request for an interpretation of elements of the City's Land Use Code.

30. Resolution 2003-051 Approving and Adopting an Updated Natural Area Policy as a Policy Element of the City's Comprehensive Plan.

The proposed amendments to the Natural Areas Policy reflect the growth of the Natural Areas Program since its inception in 1992. The Natural Areas Policy has not been amended since that time. The primary amendment expands the City's ability to pursue land conservation in Fort Collins and regionally. To provide manageability to the geographic reach of the City's land conservation, an inventory showing focus areas will be presented by staff to Council.

31. Items Relating to the Strauss Lakes Development Annexation and Zoning.

- A. Resolution 2003-052 Setting Forth Findings of Fact and Determinations Regarding the Strauss Lakes Development Annexation.
- B. First Reading of Ordinance No. 059, 2003, Annexing Property Known as the Strauss Lakes Development Annexation to the City of Fort Collins.
- C. First Reading of Ordinance No. 060, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Strauss Lakes Development Annexation.

This is a request for a 100% voluntary annexation of approximately 17.79 acres of privately owned property located on the northeast corner of Horsetooth Road and Ziegler Road. The recommended zoning is LMN – Low Density Mixed-Use Neighborhood.

This property is eligible for annexation according to CRS, requiring 1/6 contiguity to the existing city limits. Strauss Lakes Development Annexation and Zoning complies with this standard since the property has 1219 feet of its total boundary of approximately 3934 feet contiguous to the existing City limits. This meets the minimum 656 feet required to achieve 1/6 contiguity. This contiguity occurs through a common boundary with the Webster 2nd Annexation (July 1992).

32. Emergency Ordinance No. 061, 2003, Appropriating Prior Year Reserves in the General Fund, Authorizing the Transfer of Appropriated Amounts Between Funds, and Authorizing Appropriations in the Emergency Recovery Fund.

On March 18 and 19, 2003, a potent winter storm, one of the most severe in the history of northern Colorado, deposited approximately 32 inches of snowfall the City of Fort Collins and the surrounding area. The storm stranded travelers, caused accidents, damaged buildings, trees, and other property in the area. Street crews from the City incurred many hours of overtime as they attempted to keep roads safe and passable. On March 18, the City Manager sent most City employees home and later declared a local emergency. Essential personnel, including Police, road crews, members of the Poudre Fire Authority continued to work through the storm. By this proposed Emergency Ordinance, the Council will appropriate \$2,500,000 in the Emergency Recovery Fund. This fund will serve as the means to account for the costs of the storm. The City will be using the accounting information to apply for federal and state aid to offset the costs of the storm. Federal and state agencies often take several months to evaluate emergency related costs and these funds will provide City staff sufficient resources to provide services while awaiting federal and state reimbursement.

33. Pulled Consent Items.

34. Other Business.

35. Adjournment.