

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

April 6, 2004

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Proclaiming the Month of April as “Sexual Assault Awareness Month”.
- B. Proclamation Proclaiming the Month of April as “Records and Information Management Month”.

Regular Meeting

6:00 p.m.

PRESENTATION OF COLORS BY CUB SCOUT PACK 95, WEBELOS DEN 6

- 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 24. 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 3, 2004.
8. Second Reading of Ordinance No. 034, 2004, Authorizing the Sublease to Larimer County of Portions of the Fossil Creek Reservoir Property Leased by the City from North Poudre Irrigation Company.

The Natural Areas Program holds a lease on 810 acres of land and surface water rights from North Poudre Irrigation Company for Fossil Creek Reservoir. This Ordinance, which was unanimously adopted on First Reading on March 16, 2004, approves a sublease of all or a portion of that leased property to Larimer County. The sublease will allow Larimer County Open Lands to lease, operate, maintain and manage a 150' strip (approximately 25 acres) along the south shore of the reservoir adjacent to Fossil Creek Reservoir Regional Open Space (FCRROS). FCRROS is jointly owned by the City and County, but it will be operated by Larimer County. Larimer County has completed the design of the public improvements for FCRROS, which will be constructed this spring/summer/fall and the site opened to the public late this year.

9. Second Reading of Ordinance No. 040, 2004, Appropriating Unanticipated Grant Revenue in the Capital Projects Fund - Traffic Signal Timing System Project to Be Used for the Installation of Fiber Optic and Wireless Communications and the Purchase of Additional Equipment for the Advanced Traffic Management System.

The City of Fort Collins has been awarded a Federal Congestion Mitigation and Air Quality Grant. This Ordinance, which was unanimously adopted on First Reading on March 16, 2004, appropriates the funds needed to complete this project.

10. Second Reading of Ordinance No. 047, 2004, Appropriating Unanticipated Revenue in the Capital Projects Fund Building Community Choices - Community Horticulture Center Capital Project to be Used for Design and Construction of a Children's Garden.

In 1997, the voters approved Ordinance No. 29, 1997, which provided funding for the establishment of the Community Horticulture Center (now referred to as the Gardens on Spring Creek), as part of the Building Community Choices capital improvement program. The first phase of construction has now been completed, and the Gardens on Spring Creek is open to the public (with a Grand Opening scheduled for Saturday, May 8). This Ordinance, which was unanimously adopted on First Reading on March 16, 2004, appropriates revenue to be used for design and construction of a Children's Garden.

11. Second Reading of Ordinance No. 048, 2004, Amending Chapter 23, Article III, Division 3 of the City Code Pertaining to Encroachments.

This Ordinance, which was unanimously adopted on First Reading on March 16, 2004, revises Sections 23-81 and 23-82 of the City Code. The changes clarify the requirement for encroachment permits when privately-owned utilities, telecommunications lines, irrigation pipes, and similar facilities are allowed to reside within the public rights-of-way. The changes also give the City Manager the ability to require liability insurance to protect the City, if necessary and appropriate.

12. Second Reading of Ordinance No. 049, 2004, Authorizing the Lease of City-owned Property at 6916 South College Avenue, Fort Collins, Colorado, for up to Five Years.

The City acquired this property as part of the Affordable Housing Land Bank Program. The property is composed of 17.11 acres of vacant development land. Prior to the City's purchase and during last summer, the site was leased for hay production. This lease is for land only and does not allow the use of City-owned water on the property. Ordinance No. 049, 2004, was unanimously adopted on First Reading on March 16, 2004.

13. First Reading of Ordinance No. 054, 2004, Appropriating Prior Year Reserves in the General Fund for Police Seizure Activity.

Nearly 100 years ago, the Colorado Legislature passed legislation allowing for the seizure of illegal contraband used in or gained from criminal activity. The intent is to deter crime and to recover proceeds gained through criminal conduct and apply those assets to defraying the costs of law enforcement.

Asset seizure and forfeiture actions are civil cases that have been reviewed, filed, and pursued by the District Attorney's asset forfeiture specialist, and they are always accompanied by a parallel criminal prosecution. The defendant is served with a written summons, an affidavit detailing probable cause, and an advisement of legal rights and procedures for exercising due process. The defendant is entitled to a civil trial.

Staff is confident that it demonstrates exceptional care, responsibility, and fairness regarding when to file asset seizure and forfeiture actions. When Police Services has been involved in an asset seizure and forfeiture action, the Courts have consistently ordered some or all of the assets forfeited.

Colorado state law requires that the proceeds from successful asset seizure and forfeiture actions are to be used for law enforcement purposes and that the governing body of the seizing agency appropriate these proceeds to supplement the seizing agency's budget or, in the alternative, forfeit the proceeds to the general fund of the State of Colorado. Colorado state law also authorizes the creation of the Forfeiture Committee which must consist of the Mayor, District Attorney and Chief of Police, or their designees. The Committee oversees and approves the seizure budget and spending decisions made by the Chief of Police.

14. First Reading of Ordinance No. 055, 2004, Appropriating Prior Year Reserves in Capital Projects Fund - Natural Areas Capital Project for Transfer to the Natural Areas Fund and Authorizing the Transfer of Appropriated Amounts to be Used for Natural Areas Acquisition, Construction, Enhancement and Maintenance.

The Building Community Choices ("BCC") sales tax stipulates that revenues remaining unencumbered after completion of projects set forth in the ordinance shall be used for natural areas acquisition, construction, enhancement and maintenance. The unspent revenues in this fund as of December 31, 2003 were \$4,400,000. The recommendation is that these funds now be appropriated for the above stated purposes.

In addition this ordinance will move appropriations of \$4,635,364 from the BCC-Natural Areas Fund within the Capital Projects Fund to the Natural Areas Fund in compliance with the Governmental Accounting Standards Board requirements.

15. First Reading of Ordinance No. 056, 2004, Amending the Land Use Code to Allow Small Scale Reception Centers in the Urban Estate Zone District, Clarifying the Definition of Such Centers and Adopting Performance Standards as Supplemental Regulations Relating Thereto.

On December 2, 2003, during consideration of the Fall 2003 Land Use Code Revisions, Council voted to remand this issue back to the Planning and Zoning Board for further consideration. Since that time, staff has worked closely with two private parties on expanding and refining the performance standards that would be necessary in order to ensure neighborhood compatibility within the Urban Estate District.

In addition, a new required minimum parking standard has been added as well as minor clarifications to the existing definition. The Planning and Zoning Board voted 6-1 at its February 19, 2004, meeting to recommend approval of the proposed Ordinance. City Council reviewed this item at its March 23, 2004 study session.

16. First Reading of Ordinance No. 057, 2004, Amending Chapter 26 of the City Code to Reflect the Adoption of Updated Master Drainage Plans And to Revise the Official Repository of Plan Documents.

The Ordinance updates current City Code references to the master drainage plans for the various basins in the city by repealing and reenacting Code Section 26-543(a). A number of the master drainage plans have been updated or revised since the related Code language was modified. This is in part due to the fact that in 1999, the City Council adopted a higher rainfall standard based upon a technical analysis of rainfall statistics, which resulted in modifications to the master plans. In addition, updated topographic information, changes in conditions, and better technical data and methods has resulted in other improvements from the previously listed plans. Staff has prepared a Stormwater Master Plan Executive Summary Report that summarizes citywide information and presents brief summaries of the master plan for each basin. The summarized basin master plans strive to design projects that provide cost-effective flood protection for a 100-year rainfall event. The basin master plans recommend a number of flood control and other types of improvements.

In addition, the Ordinance modifies City Code Section 26-543(b), so as to provide that the master drainage plans and updates to those plans will be maintained on file in the office of the Utilities, rather than the office of the City Clerk. This change is to improve the efficiency and effectiveness of the use and maintenance of those records.

17. First Reading of Ordinance No. 058, 2004, Designating the Judge Claude C. Coffin House as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Anne T. Stewart, is initiating this request for Fort Collins Landmark designation for the Judge Claude C. Coffin House. The residence is individually eligible for landmark designation under City of Fort Collins Landmark Preservation Standard

(2), for its association with Judge C. C. Coffin, a nationally noted avocational archaeologist known for the discovery of the Lindenmeier Site; and Landmark Preservation Standard (3), for the home's architectural significance as a very well preserved representation of the Folk Victorian style of architecture.

18. First Reading of Ordinance No. 059, 2004, Designating the Dr. C. E. Honstein House/Diane Louise Johnson Cultural Center, and the Honstein/Johnson Carriage House, Pool, and Pump House as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Don L. and Margaret Webber, are initiating this request for Fort Collins Landmark designation for the Honstein/Johnson House, Carriage House, Pool and Pump House. The buildings and structures are individually eligible for landmark designation under City of Fort Collins Landmark Preservation Standards 2 and 3, for their association with the lives of Dr. C. E. Honstein, a distinguished Fort Collins physician, and with noted educator and former Superintendent of Schools, Don Webber; and for their architectural merits as excellent examples of a vernacular colonial revival dwelling and carriage house, with very good integrity; also significant under Standards 2 and 3 are the metal swimming pool, likely the earliest residential swimming pool to be constructed in Fort Collins, and its associated pump house.

19. First Reading of Ordinance No. 060, 2004, Designating the Charles H. Sheldon House as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Jack and Maryann Blackerby, are initiating this request for Fort Collins Landmark designation for the Charles H. Sheldon House. The property is individually eligible for landmark designation under City of Fort Collins Landmark Preservation Standard 2, for its association with Charles H. Sheldon, an early day banker of Fort Collins; with Arthur M. Garbutt, a prominent architect in the Fort Collins area; and with Herman W. Schroeder, one of the most important contractors and builders in Fort Collins. The Sheldon House is also significant under Standard 3, as a good representation of the American Foursquare style of architecture. The property contains a non-historic garage which does not contribute to the historic character of the property and is not a part of these designation proceedings.

20. Items Relating to the Prospect East 4th Annexation and Zoning.

- A. Resolution 2004-046 Setting Forth Findings of Fact and Determinations Regarding the Prospect East 4th Annexation.
- B. First Reading of Ordinance No. 061, 2004, Annexing Property Known as the Prospect East 4th Annexation.

- C. First Reading of Ordinance No. 062, 2004, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Prospect East 4th Annexation.

This is a request to annex and zone 21.18 acres located on the south side of East Prospect Road, east of Sharp Point Drive, and west of the Cache La Poudre River. It is currently being used as a farm & calving operation and is in the FA – Farming Zoning District in Larimer County. The requested zoning in the City of Fort Collins is RC – River Conservation.

Staff is recommending that this property be included in the Residential Neighborhood Sign District. A map amendment will not be necessary to place this property on the Residential Neighborhood Sign District Map.

21. Resolution 2004-047 Declaring the Official Intent of the City to Use Proceeds of Tax-Exempt Obligations to Reimburse Itself for Certain Capital Expenditures Made from Other Sources.

This item facilitates for proper accounting of capital projects that the City *may* finance through tax-exempt financing. It is essentially a “house-keeping” action. Based on discussions with Service Areas and the Downtown Development Authority, the Finance Department has identified five potential tax-exempt financial transactions that may need to be completed in 2004. The projects to be financed include acquisition of property and constructions of the new Police Services Building (\$28 million), land conservation for natural areas and community separators (\$15 million), improvements in the Downtown Development area (\$6 million), a Transportation Facilities Building (\$1.3 million) and participation in a southeast branch of the Fort Collins Library (\$5 million). The various projects may require the City to spend money in advance of the financial transactions being completed. Federal tax laws and regulations allow the City to reimburse itself for such costs provided that the Council adopts a reimbursement resolution. Resolution 2004-047 declares the Council's official intent to use proceeds of tax-exempt financing to reimburse the City for expenditures made in conjunction with the projects.

22. Resolution 2004-048 Approving the Purchase of Twenty-Eight ISI Viking ST Self-Contained Breathing Apparatus (SCBA) Units as an Exception to the Competitive Process.

Larimer County is the Lead Agency awarded a Federal grant from the Department of Homeland Security for the purpose of supporting emergency preparedness in the event of acts of terrorism or other emergency situations. Fort Collins Police Services (FCPS) is one of the sub-grant agencies which has been awarded \$159,514.50 for the procurement of self-contained breathing apparatus equipment that will enable their law enforcement officers to function in the event of chemical or biological emergency.

23. Resolution 2004-049 Adopting the Northern Colorado Regional Multi-Hazard Mitigation Plan.

In July of 2002, the State of Colorado Office of Emergency Management ("OEM") informed the City of Loveland, City of Fort Collins, City of Greeley, and Larimer County that FEMA required an All Hazard Mitigation Plan to be completed and approved by the local, state and FEMA officials by the end of 2003 in order to be eligible for future emergency funding and/or grants. The State of Colorado OEM had FEMA pass-through grant money available to complete these plans and wanted the four entities listed above to complete a regional plan. Mike Gavin, Captain, Poudre Fire Authority, coordinated and wrote the Plan. The Plan outlines the City's community profile, risk assessment; hazard specific goals and action items and plan maintenance. The City submitted its completed plan to Colorado OEM in October of 2003; it was approved and forwarded to FEMA. FEMA has conditionally approved the Plan until such time that all governing bodies from each of the four entities approve the Plan. Therefore, the City is currently eligible for future funding and grants through FEMA with the condition of local approval.

24. Resolution 2004-050 Making Appointments to Various Boards and Commissions.

A vacancy currently exists on the Community Development Block Grant Commission due to the resignation of Shelley Steele. Councilmembers Bertschy and Tharp reviewed the applications on file and are recommending Laura Sutherlin to fill said vacancy with a term to begin immediately and set to expire on December 31, 2006.

A vacancy currently exists on the Golf Board due to the resignation of Manual Jimenez. Councilmembers Bertschy and Hamrick reviewed the applications on file and are recommending David Thilmany to fill said vacancy with a term to begin immediately and set to expire on December 31, 2007.

A vacancy currently exists on the Senior Advisory Board due to the resignation of Mike Buderus. Applications were solicited and Mayor Martinez and Councilmember Weitkunat interviewed the applicants. The Council interview team is recommending Don Wells to fill said vacancy with a term to begin immediately and set to expire on December 31, 2005.

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

25. Consent Calendar Follow-up.

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

26. Staff Reports.

Status Report on Council Requests.

27. Councilmember Reports.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

28. Second Reading of Ordinance No. 050, 2004, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the Stormwater Utility Drainage Outfall for the North Tributary System and the Street Oversizing Ziegler Road Realignment Project. (15 minutes)

A stormwater drainage easement is required for the North Tributary outfall across property east of CR 9 owned by Ed McDowell. The North Tributary Stormwater pipe drains areas of existing Parkwood, Parkwood East, and Meadows East neighborhoods. Installation of this storm water pipe across Timberline Road was done in 1999, and currently floods property owned by the Rigden Farm Development before spilling into the Fossil Creek Reservoir Inlet Ditch (FCRID), overtopping CR13 and draining into the Poudre River.

The Street Oversizing Program has been working with the developer to obtain the right of way necessary to construct Ziegler Road from Drake to Horsetooth on a new alignment west of the FCRID. This new alignment will meet minor arterial standards and eliminate the current substandard roadway with narrow one lane bridges. Ordinance No. 050, 2004, was adopted 5-2 (Councilmember Hamrick and Roy opposed) on First Reading on March 16, 2004.

29. Items Relating to the Adrian Annexation and Zoning. (45 minutes)

- A. Second Reading of Ordinance No. 051, 2004, Annexing Property Known as the Adrian Annexation.
- B. Second Reading of Ordinance No. 052, 2004, Amending the Zoning Map and Classifying for Zoning Purposes the Property Included in the Adrian Annexation.

This is a request to annex and zone 2.18 acres located at the southeast corner 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) and is in the FA – Farming Zoning District in Larimer County.

On March 16, 2004, Council unanimously adopted Resolution 2004-043, Setting Forth Findings of Fact and Determinations Regarding the Adrian Annexation and Ordinance No. 051, 2004, annexing the property.

Also, on March 16, 2004, Council voted 4-3 (Councilmembers Kastein, Martinez and Weitkunat opposed) to adopt Ordinance No. 052, 2004, amending the zoning map and zoning the property included in the Adrian Annexation. The recommended zoning, LMN – Low Density Mixed-Use Neighborhood, was changed to Low Density Residential (RL).

30. Items Relating to Solid Waste Collection and Recycling Service. (30 minutes)

- A. First Reading of Ordinance No. 025, 2004, Amending Chapter 15, Article XV of the City Code Relating to Solid Waste Collection and Recycling Services.
- B. First Reading of Ordinance No. 053, 2004, Amending Chapter 12, Article II of the City Code Relating to Collection of Garbage and Refuse.

Since it was adopted in 1996, the pay-as-you-throw (PAYT) Code provisions governing the provision of solid waste collection services have been implemented by trash haulers as a condition of their City license, with one amendment made in March 2000 to establish an audit system for the City's use.

Clarification of the Code language is proposed to specifically state that all single family and two-family residences in Fort Collins are subject to unit-based (PAYT) trash rates, including those participating in group accounts for trash service. By including group accounts in the PAYT Ordinance, staff estimates 10,000 more residences (approximately 19% of residences in Fort Collins) will participate in the unit-based trash system, preventing up to 15,000 cubic yards of municipal solid waste from being sent to local landfills for disposal. Staff also expects to see a 4-6% increase in recycling in these residences.

Code language is also being added to Chapter 12, requiring that persons arranging group accounts for trash service do so in a manner consistent with the PAYT requirements.

Code language is also being added to Chapter 12, requiring that persons arranging group accounts for trash service do so in a manner consistent with the PAYT requirements.

31. First Reading of Ordinance No. 063, 2004, Amending the Land Use Code to Address Issues Pertaining to Carriage Houses and Accessory Buildings Within the NCL, NCM and NCB Zone Districts. (1 hour)

This is a request for amendments to the Land Use Code related to the design and construction of dwelling units and accessory buildings located along alleys within the Eastside and Westside Neighborhoods. The Land Use Code changes are a response to issues raised in a moratorium approved by City Council in January 2004.

32. Resolution 2004-064 Repealing and Readopting City Plan as the City's Comprehensive Plan, and Repealing Certain Other Obsolete Plans. (75 minutes)

The adoption of this Resolution will complete a 20 month long process to update City Plan, the City's Comprehensive Plan. City Plan was initially adopted in 1997, along with a commitment to periodically review, and if necessary, update the document. The update results in revisions to the vision, goals, principles and policies, and *Structure Plan* map of City Plan related to the City's growth management area, redevelopment and infill

development, the City's role in the region's economy, open space and community separators, transportation, and neighborhoods and housing. The update to City Plan was conducted in collaboration with the Transportation Master Plan update, which was adopted by the City Council on March 2, 2004. The update to City Plan received input from the Council, the Council appointed Citizens Advisory Committee, City advisory boards, key stakeholders, and the general public throughout the planning process.

33. Pulled Consent Items.
34. Other Business.
35. Adjournment.