

# **AGENDA**

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

May 7, 2002

## **Proclamations and Presentations**

**5:30 p.m**

- A. Presentation of an Exemplary Citizen Award to Mr. Bob Powell.
- B. Presentation of Annual "Friends of Preservation" Awards.
- C. Proclamation Proclaiming the Month of May as "Preservation Month".
- D. Proclamation Proclaiming the Month of May as "Foster Care Month".
- E. Proclamation Proclaiming the Month of May as "Colorado ALS Awareness Month".
- F. Proclamation Proclaiming May 11, 2002 as "Cornelia De Lange Syndrome Awareness Day".
- G. Proclamation Proclaiming the Week of May 12-18, 2002 as "National Nursing Home Week".

## **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 26. 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 March 19, April 2, April 16, and the Adjourned Meeting of March 26, 2002.
8. Postponement of Second Reading of Ordinance No. 045, 2002, Authorizing a Grant Agreement with Colorado State Parks and Appropriating Unanticipated Revenue in the Conservation Trust Fund Trail Acquisition and Development Project to May 21, 2002.

The Parks and Recreation Policy Plan (adopted by City Council in 1996) identifies trails that link Fort Collins to surrounding communities, including Laporte. The Laporte Area Planning Commission supports the trail connection. Residents of the Laporte area have expressed support for the trail as a needed recreation facility and as a pedestrian/bike friendly route to access Fort Collins. Existing roads in the area have very limited shoulders and create safety concerns for pedestrian or bicycle use.

The Poudre Trail presently ends at Taft Hill Road. The Laporte Trail connection will start on the west side of Taft Hill Road where the trail will follow the abandoned rail line north and west for about 3/4 of a mile. At this point, the trail will enter the Hyde Natural Area. The trail right-of-way along the rail line will be nearly 100-feet in width and will allow for the trail to meander and provides room for landscaping.

The Natural Resource Advisory Board will discuss possible trail alignments at its May 1, 2002 meeting. Ordinance No. 045, 2002, which was unanimously adopted on First Reading on March 19, 2002, is being postponed to May 21, 2002, allowing time for the Natural Resources Board to make a formal recommendation to Council. Staff may be directed to contact the landowner

requesting additional land for the trail. This contact and result would be made prior to the May 21 Council meeting.

9. Second Reading of Ordinance No. 061, 2002, Authorizing the Purchasing Agent to Enter into an Agreement for the Financing by Lease-Purchase of Vehicles and Equipment.

This Ordinance, which was unanimously adopted on First Reading on April 16, 2002, authorizes the Purchasing Agent to enter into a lease-purchase financing agreement with Koch Financial Corporation at 5.05% interest rate. Ordinance No. 061, 2002, has been amended on Second Reading to correct the funds in which the lease-purchase money is being appropriated and the amount of the expenditure in each fund.

10. Second Reading of Ordinance No. 062, 2002, Amending Chapter 23, Article X of the City Code Regarding Parks, Trails and Recreation Areas.

The current Code provisions pertaining to recreation areas are specifically applicable to City parks and recreation areas located inside the City limits. Incorporating the Traffic Code by reference into the recreation areas provisions of the Code will make the Traffic Code applicable to parks and recreation areas outside of the City limits in the same way that other provisions of the Code, including those dealing with animal control, fire prevention and miscellaneous offenses, are already incorporated in the recreation area provisions. As a result, special officers, commissioned by the City of Fort Collins Police Department, will be able to ticket individual vehicles whose drivers fail to purchase day use parking passes as required, using the existing parking provisions of the Traffic Code. Currently the City Traffic Code is not specifically enforceable outside of the City limits. Chapter 23 of the Code also contains a typographical error that will be corrected by this ordinance. This Ordinance was unanimously adopted on First Reading on April 16, 2002.

11. Second Reading of Ordinance No. 063, 2002, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the 1040 East Elizabeth Rezoning.

In the mid-1980's the City Council adopted the East Side Neighborhood Plan as an element of the City's Comprehensive Plan. In September 1991, the City Council rezoned the subject property from the R-H, High Density Residential, District to the N-C-B, Neighborhood Conservation Buffer, District as part of the land use implementation actions for the East Side Neighborhood Plan. In March of 1997, the City Council approved a comprehensive rezoning of areas in the city as part of the implementation actions for City Plan. When the City Plan rezonings were done the subject property was mistakenly rezoned from the N-C-B to the N-C-L, Neighborhood Conservation Low Density, District.

Ordinance No. 063, 2002, which was unanimously adopted on First Reading on April 16, 2002, corrects the mistake made by the City in March 1997, returning the property to the N-C-B zone to be consistent with the East Side Neighborhood Plan.

12. Second Reading of Ordinance No. 064, 2002, Designating the Historic First Baptist Church, 328 Remington Street, as a Historic Landmark Pursuant to Chapter 14 of the City Code.

The current owner of the property, North Pointe Community Church, initiated the request for Fort Collins Landmark designation for the First Baptist Church. Ordinance No. 064, 2002, was unanimously adopted on First Reading on April 16, 2002, designating the First Baptist Church, 328 Remington Street as a historic landmark.

13. Second Reading of Ordinance No. 065, 2002, Authorizing the Grant of a Non-Exclusive Easement to Platte River Power Authority for the Relocation of a Water Line in Exchange for the Vacation of an Existing Easement.

Ordinance No. 065, 2002, which was unanimously adopted on First Reading on April 16, 2002, grants a non-exclusive easement to Platte River Power Authority to accommodate the relocation of the Utilities' 10-inch raw water line that is located beneath the new settling basin.

14. First Reading of Ordinance No. 067, 2002, Appropriating Prior Year Reserves in the General Fund for Police Seizure Activity.

Nearly 100 years ago, Colorado law created a process for the seizure of illegal contraband used in or gained from criminal activity. The intent is to deter crime and to have criminals help defray the costs of policing.

State statutes specify that the proceeds from such seizures are to be used for law enforcement purposes, and require that the governing body (City Council) of the seizing agency (Police Services) appropriate these proceeds to supplement the seizing agency's budget or forfeit the proceeds to the general fund of the State of Colorado. The Colorado Supreme Court and United States Supreme Court have consistently upheld the constitutionality of these statutes.

15. First Reading of Ordinance No. 068, 2002, Appropriating Unanticipated Revenue in the General Fund for Climate Protection Education and Outreach.

As a member city in an international Cities for Climate Protection campaign, Fort Collins adopted a Local Action Plan that establishes a number of voluntary strategies for the City and business community to take that help prevent global climate change. A half-time position is being created for an Environmental Business Outreach coordinator to assist businesses and citizens in applying these strategies.

The new climate protection position represents a joint project between Fort Collins Utilities Services, which has allocated \$36,500 in fees revenues, and the Natural Resources Department, where the coordinator will be housed and supervised. Funds will be transferred into Natural Resources' budget to pay the coordinator's wages and some administrative costs.

16. First Reading of Ordinance No. 069, 2002, Appropriating Funds from General Fund Prior Year Reserves for the Natural Resources Radon Outreach Program.

This Ordinance appropriates a total of \$9,823 received in the General Fund in late 2001 from the Colorado Department of Public Health and Environment into the Natural Resources Department budget for use for a radon outreach program.

17. First Reading of Ordinance No. 070, 2002, Approving the Terms of the Agreement to Amend Lease Agreement for 101 Remington Street, Suite P.

Adoption of this Ordinance authorizes the terms of the Agreement to Amend Lease Agreement for 101 Remington Street, Suite P and will permit the Larimer County Assessor's Office to remove Suite P from the tax rolls in accordance with Section 31-15-(801 and 802) C.R.S. This will result in lower lease costs for the City. In order to have this leased space become tax exempt, it is necessary to have the Council approve the terms of the lease by Ordinance. The Library has been leasing Suites F, M, O and Q of 101 Remington for its Technical Services (processing) function since January 1999. Leasing Suite P will increase the space for these services by 645 square feet. The gross rental for this facility is \$385 per month, including taxes and utilities. This amount will be reduced after approval of the Ordinance. The amount of tax abatement (and the rent reduction amount) will be determined by the Larimer County Assessor's Office. The City will be responsible for routine janitorial and maintenance and personal property insurance.

18. First Reading of Ordinance No. 071, 2002, Authorizing the Sale of City-Owned Property at 2519 Dorset Court.

After the 1997 flood, the property owner of 2519 Dorset Court filed a lawsuit against the City of Fort Collins. As part of a mediated settlement agreement, the City obtained title to the property.

During the initial marketing attempt to sell the property, staff contacted the Fort Collins Housing Authority to see if the Housing Authority was interested in buying it. The Authority was not interested in purchasing the single-family residence, because the Authority is primarily interested in multi-family housing stock since its funding is based on a per bedroom basis formula. As a result, staff began seriously marketing the property in December of 2001 using the City's bid process and the assistance of the Fort Collins Board of Realtors. In addition, a "For Sale" sign was placed on the property to attract prospective buyers.

19. Items Relating to the Fossil Lake Annexation No. 4.

A. Public Hearing and Resolution 2002-041 Setting Forth Findings of Fact and Determinations Regarding the Fossil Lake Annexation No. 4.

B. First Reading of Ordinance No. 072, 2002, Annexing Property Known as the Fossil Lake Annexation No. 4.

- C. First Reading of Ordinance No. 073, 2002, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Fossil Lake Annexation No. 4.

The annexation application complies with the applicable Colorado Revised Statutes (CRS), the Intergovernmental Agreement between Fort Collins and Larimer County, and the applicable criterion in the Fort Collins Land Use Code.

20. Resolution 2002-042 Authorizing an Intergovernmental Agreement with Larimer County for the Joint Ownership and Enforcement of an Agricultural Conservation Easement on Property Between Fort Collins and Wellington.

This agricultural property, owned by Colorado State University (formerly owned by Earl and Mary Kerbel), is east of Interstate 25 between Fort Collins and Wellington. The purpose of the conservation easement that has been acquired by Larimer County is to enable the property to remain in agricultural use in perpetuity by preserving and protecting its agricultural soils and agricultural viability and productivity. No activity that would significantly impair or interfere with the agricultural uses of the property will be permitted, realizing, however, that use of the land for research (a permitted activity) may impact agricultural productivity. The property's open space and scenic values will be protected to the extent its protection is consistent with agricultural, and agricultural research, uses of the property. The City has proposed to purchase a 50% interest in the conservation easement. This Resolution authorizes the City to enter into an Intergovernmental Agreement (IGA) with Larimer County regarding the assignment of an interest in the conservation easement to the City and the responsibilities for monitoring and enforcement of the easement.

21. Resolution 2002-043 Authorizing an Intergovernmental Agreement with Larimer County for the Joint Ownership and Management of Rimrock Open Space.

Rimrock Open Space, currently owned by Larimer County, abuts the southwestern portion of the City-managed Coyote Ridge Natural Area, extends west approximately one mile, and then north almost to Horsetooth Mountain Park. The City will purchase an undivided 9.78% interest in this property overall (10% in Parcel I and 9.66% in Parcel II). The IGA will enable the City to work with Larimer County to cooperatively manage the property to protect its resources and aesthetic values, and to plan for appropriate recreational activities that will continue onto the City-managed Coyote Ridge Natural Area. Rimrock Open Space will be managed by Larimer County as the Managing Entity under the IGA.

22. Resolution 2002-044 Authorizing the Lease of City-owned Property at 304 North Howes Street.

The City purchased this property as part of the Civic Center Master Plan on February 28, 2000. The City's use of this block is still being planned; and, in the interim, the residence has continued as a rental. At the time of purchase, the lease for the existing tenant was continued and that lease was approved by Council. That tenant moved out at the end of her lease term. City crews have completed necessary repairs and staff is advertising for a replacement tenant. The new lease term will be for 12 months and will commence upon execution of the Lease. This lease will have the option to renew for an additional year.

23. Resolution 2002-045 Authorizing the Lease of City-Owned Property at 149 Grandview.

The City built this house for use by the Cemetery Superintendent. Since this position has been eliminated, the City does not need to use this house as a staff residence. CLRS staff considered moving the building to Roselawn Cemetery to be used as a maintenance facility. Researching this option, staff concluded that it would not be cost effective to move and remodel the house into a maintenance shop.

In the future, the area where the house is located will be needed for more cemetery space. Prior to that time, renting the house will generate income that the Cemetery staff can utilize to build the needed maintenance shop at Roselawn. Staff also believes vandalism can be discouraged by keeping the house occupied.

The current tenants will be moving on April 30, 2002. Staff is advertising for replacement tenants. The new lease will be effective for 12 months from the date of occupancy and will have the option to renew for an additional year.

24. Resolution 2002-046 Approving the Purchase of a Step Van and Pipeline Inspection Equipment from CUES of Orlando, Florida as an Exception to the Competitive Purchasing Process.

The Utility routinely inspects wastewater collection and storm water pipelines with highly specialized equipment contained in two custom step vans built by CUES. One of those vans has reached the end of its useful life and is due for replacement.

While competing inspection vehicles are available, purchasing the replacement from CUES is to the City's advantage since the new unit will be functionally identical to the van remaining in service. This will allow existing inspection cameras and transporters to be moved to the new van, along with other tools and equipment. This reduces overall costs to the City and allows use of such equipment for its full service life. In addition, staff is thoroughly trained in operating and maintaining CUES equipment. Equipment will be interchangeable between vans and spare parts inventories are minimized. Staff has over 25 years of experience with CUES equipment and has found it to be reliable and well built. CUES has provided excellent service and support.

- 25. Resolution 2002-047 Approving the Air Quality Redesignation of the Fort Collins Area to Attainment Status for Carbon Monoxide and the Related Maintenance Plan and Directing the City’s Representative to the North Front Range Transportation and Air Quality Planning Council to Support the Same.

The Fort Collins area is eligible for redesignation as an air quality attainment area, because carbon monoxide levels have been cleaner than national standards since 1992. State and federal regulations require redesignation to attainment, and an accompanying Maintenance Plan, once an area becomes eligible. A draft Resignation Request and Maintenance Plan has been prepared for public hearing before the Air Quality Control Commission in July. The North Front Range MPO is scheduled to adopt the Plan in June. This Resolution would guide the City Council’s representative to the MPO how to vote on the matter.

- 26. Routine Easement.

- A. Easement for construction and maintenance of public utilities, to place existing overhead electric system underground, from Therese L. Hennessee, located at 132 North Loomis. Monetary consideration: \$10.

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

- 27. Consent Calendar Follow-up.

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

- 28. Staff Reports.

- 29. Councilmember Reports.

**Committees that have met since April 16 include:**

|                                     |                                 |
|-------------------------------------|---------------------------------|
| <i>City/CSU Liaison Committee</i>   | <i>Finance Committee</i>        |
| <i>Governance Committee</i>         | <i>NFRT &amp; AQC</i>           |
| <i>Legislative Review Committee</i> | <i>Transportation Committee</i> |

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

- 30. Consideration of the Appeal of the February 27, 2002, Determination of the Administrative Hearing Officer to Approve the Pinnacle Townhomes Project Development Plan.

On February 27, 2002, the Administrative Hearing Officer approved the Pinnacle Townhomes Project Development Plan for 53 residential units on 6.739 acres, including 34, two-bedroom townhouses, 16 attached dwellings housed within two buildings and 3 detached single family houses. The site is located south of East Prospect Road, one-quarter mile west of Lemay Avenue. The property is zoned LMN – Low Density Mixed Use Neighborhood.

31. Items Relating to the Completion of the Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing Projects/Programs and Community Development Activities: The City's Fiscal Year 2002-2003 Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Programs.
- A. Public Hearing and Resolution 2002-048 Approving the FY 2002-2003 Community Development Block Grant Program for the City of Fort Collins.
  - B. Public Hearing and Resolution 2002-049 Approving the FY 2002-2003 Home Investment Partnerships Program for the City of Fort Collins.
  - C. First Reading of Ordinance No. 074, 2002, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Community Development Block Grant Fund.
  - D. First Reading of Ordinance No. 075, 2002, Appropriating Unanticipated Revenue in the HOME Investment Partnerships Fund.

The Community Development Block Grant (CDBG) Program and the Home Investment Partnerships (HOME) Program provide Federal funds from the Department of Housing and Urban Development (HUD) to the City of Fort Collins which can be allocated to housing and community development related programs and projects, thereby, reducing the demand on the City's General Fund Budget to address such needs. The City Council is being asked to consider the adoption of two resolutions and two ordinances related to funding under the CDBG and HOME Programs. The first Resolution (Resolution 2002-048) establishes which programs and projects will receive funding with CDBG funds for the FY 2002-2003 Program year, which starts on October 1, 2002. The CDBG Commission presents a list of recommendations as to which programs and projects should receive funding. The second Resolution (Resolution 2002-049) establishes only the major funding categories within the HOME Program for the FY 2002-2003 Program year. Specific projects for the use of HOME funds will be determined in November as a result of the fall funding cycle of the competitive process for the allocation of the City's financial resources to affordable housing programs/projects and community development activities.

32. Items Relating to the East Elizabeth Street Rezoning.
- A. Resolution 2002-050 Amending Figure 4 of the East Side Neighborhood Plan.
  - B. Second Reading of Ordinance No. 066, 2002, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes 0.77 Acres of Land Known as the East Elizabeth Street Rezoning, into the NCB – Neighborhood Conservation Buffer District. Ordinance No. 066, 2002, which was adopted 4-2 on April 16, 2002, rezones two parcels of land located at 1004 and 1008 East Elizabeth Street from NCL – Neighborhood Conservation, Low Density District to NCB – Neighborhood Conservation, Buffer District. The properties are located north of Elizabeth Street, just west of Lemay Avenue. Together, they total .77 acres in size. One of the parcels (1004 East Elizabeth) is vacant, the other contains a single-family residential dwelling. The sites are designated as Low Density Mixed Use Residential on the City of Fort Collins

Structure Plan and are included within the boundaries of the East Side Neighborhood Plan. Included with the rezoning Ordinance is a Resolution to amend the East Side Neighborhood Plan.

33. Pulled Consent Items.

34. Other Business.

35. Adjournment.