

# **AGENDA**

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

May 18, 2004

## **Proclamations and Presentations**

**5:30 p.m.**

- A. Presentation from America's Promise to the Farm, Northside and the Youth Activity Center.
- B. Proclamation Proclaiming May 16-22, 2004 as "National Small Business Week".
- C. Proclamation Proclaiming the Month of May as "Foster and Kinship Care Month".
- D. Proclamation Proclaiming the Month of May as "ALS Awareness Month in Colorado".
- E. Proclamation Proclaiming the Month of May as "Multiple Sclerosis Awareness Month".
- F. Proclamation Proclaiming the Month of May as "Mental Health Month".

## **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 14. 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 #23, 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 March 16, 2004.
8. Second Reading of Ordinance No. 077, 2004, Appropriating Unanticipated Grant Revenue in the General Fund for the Operation of the Fort Collins Welcome Center.

The Colorado Tourism Office awarded the City a grant in the amount of \$4,075, for volunteer training for the Fort Collins Welcome Center for the year July 1, 2003 to June 30, 2004. The City has contracted with The Fort Collins Convention and Visitors Bureau to operate this program. Ordinance No. 077, 2004, was unanimously adopted on First Reading on May 4, 2004.

9. First Reading of Ordinance No. 080, 2004, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities and for Tourism Capital.

This Ordinance accomplishes two tasks. First, lodging tax revenues that were in excess of 2003 budgeted lodging tax receipts are appropriated to the Convention and Visitors Bureau ("CVB"), Cultural Development and Programming ("CDP"), Visitor Events, and Tourism Capital fund accounts. In addition, it appropriates unexpended funds for CDP and Visitor Events for 2003.

10. First Reading of Ordinance No. 081, 2004, Appropriating Unanticipated Revenue in the General Fund to be Returned to the Fort Collins Housing Authority to Fund Affordable Housing Related Activities.

The Fort Collins Housing Authority (“Authority”) made a payment to the City from its 2004 budget for the sum of \$10,682 as a “Payment in Lieu of Taxes” (“PILOT”) for public services and facilities. The Authority annually requests that the City refund the money to fund sorely needed affordable housing related activities and to attend to the low-income housing needs of Fort Collins residents.

Resolution 1992-093 reinstated the requirement that the Authority make annual PILOT payments to the City. The City may spend the PILOT revenues as it deems appropriate in accordance with law, including remitting the funds to the Authority if the Council determines that such remittal serves a valid public purpose. The Council has remitted the PILOT payment to the Authority annually since 1992.

11. First Reading of Ordinance No. 082, 2004, Authorizing the Long-Term Lease of Property at the Fort Collins-Loveland Municipal Airport to Russ Kamtz for the Construction of an Aircraft Hangar.

The ground lease allows Mr. Kamtz to construct a 60 foot by 64 foot hangar for personal aircraft storage. The land lease includes additional land around the hangar for use by the tenant. The ground lease form agreement has been changed from past agreements. A review of the lease has been conducted by Airport staff, City staff including attorneys and the Airport master plan consultant. The recommendations from this review have been incorporated into the new agreement.

12. Resolution 2004-060 Adopting the Recommendations of the Cultural Resources Board Regarding Fort Fund Disbursements.

The guidelines for the Cultural Development and Programming and Tourism Programming accounts (Fort Fund), adopted and approved through the City Manager's office, created a three-tiered funding system for organizations that apply for grants from Fort Fund. Tier #1 was established as an annual programming fund for organizations whose primary purpose is to present three or more public events annually. These groups may apply for funding from Tier #1 each April. Tier #2 allows organizations that are not eligible for Tier #1 support to apply for funding of events that are not fund-raising in nature and do not generate more than \$5,000 in proceeds after expenses. Tier #3 allows organizations that are not eligible for Tier #1 support to apply for funding of events that generate more than \$5,000 in proceeds after expenses and are fund-raising in nature.

13. Resolution 2004-061 Making Appointments to Various Boards and Commissions.

A vacancy currently exists on the Commission on Disability due to the resignation of Rose Russell. Councilmembers Tharp and Weitkunat interviewed the applicants on file and are recommending Steve Rierison to fill said vacancy with a term to begin immediately and set to expire on December 31, 2007.

Two vacancies currently exist on the Commission on the Status of Women due to a lack of sufficient applicants during the 2003 annual appointment process and the resignation of Beena Bawa. Applications were solicited and Councilmembers Weitkunat and Tharp interviewed the applicants. The Council interview team is recommending Amanda Almon and Paula Cole to fill said vacancies with terms to begin immediately and set to expire on December 31, 2005 and December 31, 2007 respectively.

14. Routine Easement.

- A. Easement for Construction and maintenance of Public Utilities from Norsk Properties, to underground electrical service, located at 632 South Loomis. Monetary consideration: \$200. Staff: Patti Teraoka.
- B. Easement Dedication from Campus West LLC, for West Elizabeth Streetscape Improvements, located at 1104 West Elizabeth Street. Monetary consideration: \$0. Staff: Helen Matson.
- C. Easement Dedication from Collins Campus West, LLC, for West Elizabeth Streetscape Improvements, located at 1108 and 1220 West Elizabeth Street. Monetary consideration: \$0. Staff: Helen Matson.
- D. Easement Dedication from Campus West, LP, for West Elizabeth Streetscape Improvements, located at 1101 West Elizabeth Street. Monetary consideration: \$0. Staff: Helen Matson.
- E. Easement Dedication from St. Paul's Episcopal Church, for West Elizabeth Streetscape Improvements, located at 1208 West Elizabeth Street. Monetary consideration: \$0. Staff: Helen Matson.
- F. Easement Dedication from Thomas P. Welsh, for West Elizabeth Streetscape Improvements, located at 1336 West Elizabeth Street. Monetary consideration: \$0. Staff: Helen Matson.
- G. Easement Dedication from Schrader Oil Company, Inc., for West Elizabeth Streetscape Improvements, located at 1331 West Elizabeth Street. Monetary consideration: \$0. Staff: Helen Matson.

- H. Easement Dedication from Alvin L. Miller Trust for Rex S. Miller, for West Elizabeth Streetscape Improvements, located at 1325 West Elizabeth Street. Monetary consideration: \$0. Staff: Helen Matson.
- I. Easement Dedication from WENGA, LLC, for West Elizabeth Streetscape Improvements, located at 1305 West Elizabeth Street. Monetary consideration: \$0. Staff: Helen Matson.
- J. Easement Dedication from Gleason/Westside Investments, LLC, LLC, for West Elizabeth Streetscape Improvements, located at 1213, 1221, 1301 and 1401 West Elizabeth Street. Monetary consideration: \$0. Staff: Helen Matson.

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

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

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

- 18. Items Related 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 2004-2005 Community Development Block Grant (CDBG) and HOME Investment Partnership Funds. (45 minutes - 5 minute staff presentation)
  - A. Public Hearing and Resolution 2004-062 Approving the FY 2004-2005 Community Development Block Grant Program for the City of Fort Collins.
  - B. Public Hearing and Resolution 2004-063 Approving the FY 2004-2005 HOME Investment Partnerships Program for the City of Fort Collins.
  - C. Resolution 2004-064 Authorizing the City Manager to Submit to the U.S. Department of Housing and Urban Development the 2004 Fort Collins Consolidated Action Plan.

- D. First Reading of Ordinance No. 084, 2004, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Community Development Block Grant Fund.
- E. First Reading of Ordinance No. 085, 2004, Appropriating Unanticipated Revenue in the HOME Investment Partnership Fund.

The Community Development Block Grant (“CDBG”) Program and HOME Investment Partnership Program (“HOME”) 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 related to funding under the CDBG and HOME Programs.

19. Items Relating to the Calling of a Special Municipal Election to Be Held in Conjunction with the August 10, 2004 Larimer County Primary Election. (30 minutes - 5 minute staff presentation)

- A. Presentation of a Petition Relating to Citizen-Initiated Ordinance No. 1, 2004 (Relating to Collective Bargaining) Certified by the City Clerk as Sufficient for Placement on a Special Election Ballot. (No Action Required)
- B. First Reading of Ordinance NO. 086, 2004, Relating to Collective Bargaining for Police Employees.

**OR**

- C. Motion Directing Staff to Prepare a Resolution Submitting Proposed Citizen-Initiated Ordinance No. 001, 2004, Relating to Collective Bargaining for Police Employees to a Vote of the Registered City Electors.

**AND**

First Reading of Ordinance No. 087, 2004, Calling a Special Municipal Election to be held in Conjunction with the August 10, 2004 Larimer County Primary Election.

The City Clerk's Office received an initiative petition on April 29, 2004, which has been determined to contain a sufficient number of signatures to place the initiated measure on a special election ballot. Pursuant to the City Charter, upon presentation of an initiative petition certified as sufficient by the City Clerk, the Council shall either (1) adopted the proposed ordinance without alteration within 30 days (Item B); or (2) submit such proposed measure, in the form petitioned for, to the registered electors of the city (Item C). If the

Council chooses to submit the proposed measure to the voters, Ordinance No. 087, 2004, calls a Special Municipal Election to be held in conjunction with the August 10, 2004 Larimer County Primary Election. A Resolution submitting the measure to the voters will be brought to Council on June 1, in conjunction with the second reading of the Ordinance calling the election.

20. Items Related to the Issuance of City of Fort Collins Downtown Development Authority Subordinate Tax Increment Revenue Bonds, Series 2004A. (30 minutes - 10 minute staff presentation)
- A. First Reading of Ordinance No. 088, 2004, Authorizing the Issuance of City of Fort Collins Downtown Development Authority Subordinate Tax Increment Revenue Bonds Series 2004A in the Amount of \$6,305,000 for the Purpose of Financing Certain Capital Improvements and Capital Projects.
  - B. First Reading of Ordinance No. 089, 2004, Appropriating the Proceeds of the Subordinate Tax Increment Revenue Bonds in the DDA Operating Fund.

The City of Fort Collins created the Downtown Development Authority (DDA) to make desired improvements in the downtown area. Through tax increment financing, the DDA has made significant contributions to the redevelopment and improvement of the downtown area. The two Ordinances provide funding from future tax increment in the DDA Debt Service Fund to make additional improvements in the downtown area. The first Ordinance issues short term bonds for the projects which will be paid from the tax increment revenue. The second Ordinance appropriates the proceeds in to the Capital Projects Fund for the various projects.

21. Items Relating to the Enforcement of the Nuisance Provisions of the City Code. (30 minutes - 5 minute staff presentation)
- A. Second Reading of Ordinance No. 071, 2004, Amending Sections 20-21 and 20-22 of the City Code Pertaining to Unreasonable Noise.
  - B. Second Reading of Ordinance No. 072, 2004, Amending Article VIII of Chapter 20 of the City Code Pertaining to the Abatement of Public Nuisances.
  - C. Second Reading of Ordinance No. 073, 2004, Amending Section 4-94 of the City Code Pertaining to the Disturbance of Peace and Quiet.
  - D. Second Reading of Ordinance No. 074, 2004, Amending Article III of Chapter 20 of the City Code Pertaining to Weeds, Brush Piles and Rubbish.

- E. Second Reading of Ordinance No. 075, 2004, Amending Article III of Chapter 20 of the City Code Pertaining to the Outdoor Storage of Materials (Option A or Option B).

These Ordinances were presented for Council's consideration as a result of the ongoing efforts of the Neighborhood Quality of Life Task Force. This task force has been formed to address quality of life issues in the City's residential neighborhoods. Ordinance No. 072, 2004, Ordinance No. 073, 2004 and Ordinance No. 075, 2004, were adopted 6-1 (Councilmember Kastein opposed), on First Reading on May 4, 2004. Ordinance No. 071, 2004 and Ordinance No. 074, 2004 were unanimously adopted on First Reading on May 4, 2004.

After First Reading, the City Attorney's Office was directed to draft an alternative to Ordinance No. 075, 2004 exempting materials stored under covered carports. Two options are presented for Council to consider on Second Reading: Option A - the Ordinance as adopted on First Reading; or Option B - exempting materials stored outdoors, but under covered carports.

- 22. Second Reading of Ordinance No. 079, 2004, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for That Certain Property Known as the Resource Recovery Farm Rezoning. (30 minutes - 5 minute staff presentation)

This Ordinance, which was unanimously adopted on First Reading on May 4, 2004, rezones the property known as the Resource Recovery Farm from the E, Employment District, to the POL, Public Open Lands District.

- 23. Pulled Consent Items.
- 24. Other Business.
- 25. Adjournment.