

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

May 21, 2002

Proclamations and Presentations

5:30 p.m

- A. Presentation of a Proclamation to City Council by Representatives of the Greeley Independence Stampede Proclaiming June 27 - July 7, 2002, as "Fort Collins Day at the Greeley Stampede."
- B. Proclamation Proclaiming the Month of May as "Mental Health Month".
- C. Proclamation Proclaiming the Week of May 20-26, 2002, as "Buckle Up America Week".
- D. Proclamation Proclaiming May 21, 2002 as "Poudre Valley Health System Recognition Day".

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 28. 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 #34, 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. 045, 2002, Authorizing a Grant Agreement with Colorado State Parks and Appropriating Unanticipated Revenue in the Conservation Trust Fund Trail Acquisition and Development Project.

Ordinance No. 045, 2002, was unanimously adopted on First Reading on March 19, 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.

8. Second 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. This Ordinance was unanimously adopted on First Reading on May 7, 2002.

9. Second 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. Ordinance No. 068, 2002, which was unanimously adopted on First Reading on May 7, 2002, appropriates unanticipated revenue in the General Fund for the Climate Protection Education and Outreach Program.

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

This Ordinance, which was unanimously adopted on First Reading on May 7, 2002, 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.

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

This Ordinance, which was unanimously adopted on First Reading on May 7, 2002, 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

12. Second 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. Ordinance No. 071, 2002, was unanimously adopted on First Reading on May 7, 2002, authorizing the sale of city-owned property at 2519 Dorset Court.

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

- a. Second Reading of Ordinance No. 072, 2002, Annexing Property Known as the Fossil Lake Annexation No. 4.
- b. Second 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. These Ordinances were unanimously adopted on First Reading on May 7, 2002.

14. 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. Second 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.
- b. Second Reading of Ordinance No. 075, 2002, Appropriating Unanticipated Revenue in the HOME Investment Partnerships Fund.

These Ordinances, which were unanimously adopted on First Reading on May 7, 2002, appropriate new grant revenues and program income and transfer the remaining prior year program

balance for the CDBG Program and appropriate new grant revenues and program income for the Home Investment Partnerships program.

15. First Reading of Ordinance No. 076, 2002, Appropriating Unanticipated Revenue in the General Fund for the *Downtown Strategic Plan*.

The project is jointly funded by the City and Downtown Business Association, with anticipated additional funding from the Downtown Development Authority. Of the \$425,000 project cost, the City will provide a total of \$140,000 for the Council approved project. The Downtown Development Authority will be providing \$275,000 from tax increment funding, and the Downtown Business Association has agreed to provide \$10,000 for the project.

The City has selected a consultant team for the *Downtown Strategic Plan* who will assist staff and a citizen advisory committee in accordance with the scope of work for the project.

The overall purpose of the *Downtown Strategic Plan* is to identify key critical issues and recommendations relating to the vision of Downtown as the community's primary center for government, office, finance, culture, entertainment, and specialty retail uses. The issues and recommendations will cover the strength of the Downtown market and special opportunities, parking, multi-modal circulation, freight access and mobility, infrastructure, and urban design opportunities.

16. First Reading of Ordinance No. 077, 2002, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities.

This Ordinance appropriates unexpended 2001 appropriations for Cultural Development and Programming and Visitor Events.

Lodging tax revenue for 2001 was estimated to be \$578,429, while the actual receipts totaled \$565,323. The 2002 budget appropriated the estimated 2001 receipts of \$578,429. The excess appropriations in the amount of \$13,106 are no longer available to be spent. In accordance with Section 25-244 of the City Code, 75% of the total receipts are to be used for the promotion of convention and visitor activities, and 25% for cultural development and programming (CDP) activities. In accordance with the City's contract for services with the Convention and Visitors Bureau (CVB) for 2002, the City's 2002 payment to the CVB has been set at \$394,442.

17. First Reading of Ordinance No. 078, 2002, Appropriating Prior Year Reserves in the Storm Drainage Fund to Acquire Property in the Poudre River Floodplain at 740 North College Avenue.

In 2000 City Council adopted a resolution that "directed the City Manager to pursue the acquisition of any real property in the Poudre River floodplain on a 'willing seller, willing buyer' basis subject to appropriation, with priority given to those structures in the floodway and product corridor."

In response to the owner of property located at 740 North College Avenue, the City's Real Estate Services Department has successfully negotiated an acceptable price with the property owner for the acquisition of the residential property. The property is located in the highest hazard area or floodway and product corridor of the Poudre River floodplain.

18. First Reading of Ordinance No. 079, 2002, Designating the Rev. Joseph P. Trudel House, 610 Cherry Street, as a Historic Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

The current owner of the property, Deborah Secor, is initiating this request for Fort Collins landmark designation for the Rev. Joseph P. Trudel House. The home has architectural significance to Fort Collins as a well-preserved and virtually unmodified example of the Classic Cottage style of residential architecture. The Rev. Joseph P. Trudel House is also historically significant for its association with the Holy Family Church and its use for many years as the church's rectory. The property was evaluated during the Eastside/Westside Architectural Survey as being eligible for individual listing on the National Register of Historic Places, as well as for designation as a Fort Collins landmark.

19. Items Relating to the Property Known as the Romero House at 425 10th Street, Fort Collins, Colorado.

- A. First Reading of Ordinance No. 080, 2002, Authorizing the Acceptance of a Donation of the Property Located at 425 10th Street, Fort Collins, Colorado, Known as the Romero House, from Fort Collins Partners I, LLC and Appropriating Unanticipated Revenue in the General Fund.
- B. First Reading of Ordinance No. 081, 2002, Authorizing the Lease of 425 10th Street, Fort Collins, Colorado, to Poudre Landmarks Foundation.

The Romero House is located at 425 10th Street in the Andersonville neighborhood of Fort Collins and was designated as a local historical landmark in August 2001. Fort Collins Partners I, LLC is the current owner of the property and has offered to donate the site to the City of Fort Collins. Poudre Landmark Foundation has a committee known as Amigos de la Casa Romero/Friends of the Romero House that has been working to raise funds necessary to establish the only museum in the North Front Range dedicated to recognizing and remembering the contributions of Hispanics, Latinos, and Mexicans in Northern Colorado. Their goal is that this house will become a living history museum under the management of the Poudre Landmarks Foundation. The Foundation also envisions that when the renovation is completed the Romero House will not only be a museum available to the public, it will also serve as a neighborhood resource center and the a site for cultural events that represent the rich history of Hispanic Coloradoans.

20. First Reading of Ordinance No. 082, 2002, Amending Section 26-206 of the City Code to Clarify the Definition of the Term "Pollutant" as it Applies in Chapter 26 Article IV Regarding Wastewater.

This Ordinance clarifies the definition of "pollutant" to include automotive fluids, paint, cooking grease and household waste. This Ordinance enables staff, primarily the Code Enforcement Officers, to better respond to complaints from citizens regarding the discharge of pollutants. These clarifications will be helpful in explaining the code's intent as staff responds to the most frequent complaint calls.

21. First Reading of Ordinance No. 083, 2002, Approving the Fort Collins Utilities' Electric Service Rules and Regulations and Electric Construction Policies, Practices and Procedures.

The proposed ordinance updates and revises Fort Collins Utilities *Electric Service Rules and Regulations* and *Electric Construction Policies Practices and Procedures*. Both policies were last revised in November 1988. The majority of changes to both policy documents are housekeeping in nature.

22. First Reading of Ordinance No. 084, 2002, Amending Section 4-93 of the City Code to Allow for Staff Use of Trained Dogs Off-Leash within City-Designated Recreation Areas, Specifically City Golf Courses, for Control of Canada Geese.

This Ordinance will amend the "Animals at large" section of the City Code to allow the use of trained dogs "off-leash" within City-designated recreation areas, specifically City golf courses, for the purpose of harassing resident Canada Geese into leaving the golf courses. Staff has been legally harassing Canada Geese on the City's three City golf courses for decades, and the use of trained dogs for this purpose will provide a more efficient and reliable method to help scare geese away so that the City golf courses can be properly maintained. This Ordinance will also correct two typographical errors in Section 4-93(2) of the City Code.

23. Items Relating to the Poudre School District and Timbers P.U.D. Annexation and Zoning.

- a. Hearing and Resolution 2002-051 Setting Forth Findings of Fact and Determinations Regarding the Poudre School District and Timbers P.U.D. Annexation.
- b. First Reading of Ordinance No. 085, 2002, Annexing Property Known as the Poudre School District and Timbers P.U.D. Annexation to the City of Fort Collins, Colorado.
- c. First Reading of Ordinance No. 086, 2002, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Poudre School District and Timbers P.U.D. Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 35.53 acres in size and owned by two entities. The site is located on the east side of South Timberline Road, approximately one-third mile south of Kechter Road and approximately one-half mile north of Trilby Road. Contiguity with the existing municipal boundary is gained along the south property line with a parcel known as the Westchase Annexation No. 2.

The recommended zoning is L-M-N, Low Density Mixed-Use Neighborhood. This will match the existing zoning on the south side of the property.

24. Resolution 2002-052 Making Findings of Fact Regarding the Appeal of the Administrative Hearing Officer Approval of the Pinnacle Townhomes Project Development Plan and Upholding the Decision of the Administrative Hearing Officer.

On April 2, 2002, an amended appeal of the February 27, 2002 decision of the Administrative Hearing Officer to approve the Pinnacle Townhomes Project Development Plan was filed by Appellants Charles A. P. Smith and Joan Schubart, et. al.

On May 7, 2002, City Council reviewed the decision of the Administrative Hearing Officer. At the conclusion of the hearing, a motion was made to overturn the decision of the hearing officer and, when that motion failed to gain approval by majority vote, another motion was made to remand the matter to the hearing officer. That motion also failed. As a result, the decision of the hearing officer became final. In order to complete the record regarding this appeal, the Council should adopt the Resolution making findings of fact and finalizing its decision on the appeal.

At the May 7, 2002 hearing on this matter, Council considered the testimony of City staff, the Appellants, and the Applicants to the Appeal. Because the City Council motions failed to gain majority support, no Council action was taken to overturn, modify or remand the decision of the Administrative Hearing Officer. Consequently, that decision stands and becomes final.

25. Resolution 2002-053 Adopting the Recommendation of the Cultural Resources Board Regarding Fort Fund Disbursements.

On November 30, 1998, revised guidelines for the Cultural Development & Programming and Tourism Programming accounts (Fort Fund) were adopted and approved through the City Manager's office. These guidelines 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. Applications for support from Tier #2 and Tier #3 are accepted each January and June.

26. Resolution 2002-054 Nominating Ron Phillips as a Candidate to the Executive Board of the Colorado Municipal League.

This Resolution formally nominates Ron Phillips as a candidate to the Colorado Municipal League Executive Board. Ron is an active participant and continues to represent the City well as a member of the Colorado Municipal League Executive Board.

27. Resolution 2002-055 Making Appointments to Various Boards and Commissions.

A vacancy currently exists on the Citizen Review Board due to the resignation of Rick Aulino. Councilmember Wanner and City Manager Fischbach reviewed the applications on file. The Council/Manager interview team is recommending Harry Edwards to fill the vacancy on the Citizen Resources Board with a term to begin immediately and set to expire on December 31, 2005.

A vacancy currently exists on the Cultural Resources Board due to the resignation of Anna Otto. Councilmembers Weitkumat and Tharp reviewed the applications on file. The Council interview team is recommending Marilyn Barnes to fill the vacancy on the Cultural Resources Board with a term to begin July 1, 2002 and set to expire on December 31, 2003.

Vacancies also exist on the Water Board due to the resignations of David Frick, Paul Clopper and Joe Bergquist. Councilmembers Wanner and Weitkumat reviewed the applications on file and are recommending Doug Yadon, John Bartholow and Jim Finley with terms to begin immediately and set to expire on December 31, 2003, December 31, 2004 and December 31, 2005 respectively.

28. Routine Easements.

- A. Deed of dedication for easement from Seven Oaks Academy of West Fort Collins, Inc., for 3 non-exclusive public utility and drainage easements, located north of West Horsetooth Road and west of South Shields Street. Monetary consideration: \$10.
- B. Deed of dedication for easement from Sienna Homeowners Association, for a utility easement, located south of West Elizabeth and east of South Overland Trail. Monetary consideration: \$10.

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

29. Consent Calendar Follow-up.

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

30. Staff Reports.

31. Councilmember Reports.

Committees that have met since May 7 include:

Finance Committee

Growth Management Committee

Legislative Review Committee

Poudre School District Liaison Committee

ITEMS NEEDING INDIVIDUAL CONSIDERATION

32. First Reading of Ordinance No. 087, 2002, Making Various Amendments to the City of Fort Collins Land Use Code.

The Land Use Code was first adopted in March of 1997. Subsequent revisions have been recommended on a biannual basis to make changes, additions, deletions and clarifications that have been identified in the preceding six months. The proposed changes are offered in order to resolve implementation issues and to continuously improve both the overall quality and “user-friendliness” of the Code.

33. Resolution 2002-056 Adopting Language for the Oath of Office Administered to Certain Officers and Employees of the City.

This Resolution formally adopts language for the oath of office administered to the City Council, City Manager, City Attorney, City Clerk, Municipal Judge, and Service Area Directors.

The language of the oath of office has recently come into question with regard to its meaning and enforceability. The oath currently contains language that is not prescribed by the City Charter, and it is that language that has created confusion and uncertainty.

The Council Governance Committee has reviewed the current language of the Oath, the origin of which is unclear, as well as the oaths used by other municipalities and the requirements of the Charter and Colorado Constitution. The Governance Committee recommends that Council formally adopt language for the oath of office that is consistent with, and limited to, the language prescribed by the Charter and the Colorado Constitution.

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