

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

June 3, 2003

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Proclaiming the Month of June as "Bike Month".
- B. Presentation of a Proclamation to City Council by Representatives of the Greeley Independence Stampede Proclaiming June 26 - July 3, 2003, as "Fort Collins Day at the Greeley Stampede."

Regular Meeting

6:00 p.m.

PRESENTATION OF COLORS BY BOY SCOUT TROOP 195

- 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 20. 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 #28, 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. 075, 2003, Appropriating Unanticipated Revenue in the General Fund for Police Services DUI Sobriety Checkpoints.

This Ordinance, which was unanimously adopted on First Reading on May 20, 2003, appropriates funds provided to Fort Collins Police Services by the Office of Transportation Safety, Colorado Department of Transportation.

8. Items Relating to Appropriation of Grant Revenues for Police Services.

- A. Second Reading of Ordinance No. 076, 2003, Appropriating Prior Year Reserves in the General Fund for Police Services for the Larimer County Multi-Jurisdictional Drug Task Force.

This Ordinance, which was unanimously adopted on First Reading on May 20, 2003, appropriates funds to be used for the operating costs associated with the Larimer County Multi-Jurisdictional Drug Task Force.

- B. Second Reading of Ordinance No. 077, 2003, Appropriating Unanticipated Grant Revenue in the General Fund for Police Services for the Larimer County Multi-Jurisdictional Drug Task Force.

Ordinance No. 077, 2003, which was unanimously adopted on First Reading on May 20, 2003, appropriates unanticipated grant revenue for the purchase of equipment which allows unit members

to communicate on a common police radio channel and the cameras will provide another method of evidence collection.

9. Second Reading of Ordinance No. 078, 2003, Appropriating Unanticipated Revenue in the General Fund for Climate Protection Education and Outreach.

This Ordinance, which was unanimously adopted on First Reading on May 20, 2003, appropriates a total of \$36,500 in the General Fund – Natural Resources Department. The funding source is the Utilities' Customer Service and Administration Fund.

10. Second Reading of Ordinance No. 079, 2003, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities.

This Ordinance, which was unanimously adopted on First Reading on May 20, 2003, appropriates unexpended 2002 appropriations for Cultural Development and Programming and Visitor Events.

11. Second Reading of Ordinance No. 080, 2003, Amending Subsection 2-31(a)(3) of the City Code Pertaining to Executive Sessions Convened for the Purpose of Considering Water and Real Property Acquisitions and Sales.

Ordinance No. 080, 2003, which was unanimously adopted on First Reading on May 20, 2003, amends the provisions of the City Code pertaining to executive sessions that are held for the purpose of considering water and real property acquisitions and sales by the City. The amendment would eliminate Code language which presently restricts such discussions to the consideration of appraisals and other value of estimates and the consideration of strategy for the acquisition or sale of such property.

12. 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 2003-2004 Community Development Block Grant (CDBG), Home Investment Partnerships (HOME) Programs, and Affordable Housing Funds.

- A. Second Reading of Ordinance No. 081, 2003, 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. 082, 2003, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Home Investment Partnerships Fund.

On May 20, 2003, Council unanimously adopted Ordinance No. 081, 2003, which appropriates and transfers unanticipated revenue appropriations for the Community Development Block Grant Fund.

Also on May 20, 2003, Council unanimously adopted Ordinance No. 082, 2003, appropriating unanticipated revenue and authorizing the transfer of appropriations between program years in the Home Investment Partnerships Fund.

13. First Reading of Ordinance No. 087, 2003, Appropriating Unanticipated Revenue in the General Fund for a Poudre School District Building Survey and Historic Schools Context.

This agreement will address such historic preservation concerns as the designation of additional significant properties; the role of City staff and the Landmark Preservation Commission in design and development review; and will present the opportunity to develop standards and guidelines addressing historically appropriate designs, materials, and methods consistent with the Secretary of the Interior's Standards.

14. First Reading of Ordinance No. 088, 2003, Appropriating Unanticipated Revenue in the Capital Projects Fund Building Community Choices - Community Horticulture Center Capital Project to be Used for Design and Construction of the Education Room.

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. A private 501(C)(3) fundraising group, Friends of the Gardens on Spring Creek, was established to assist City staff with membership development and private fundraising. Their efforts were successful in raising \$80,000 in private donations, to be used for the design and construction of a 900 square foot Education Room. This room is currently being designed, and will be completed as part of the first phase of construction for the Gardens on Spring Creek, scheduled to open in late fall this year.

15. First Reading of Ordinance No. 089, 2003, Appropriating Unanticipated Revenue and Prior Year Reserves in the General Fund for the Purchase of a Computer Aided Dispatch System, Records Management System, a Corrections Management System and an Automatic Vehicle Locating System.

This Ordinance appropriates funds to purchase and jointly operate with Larimer County an Emergency Services dispatch, records and correction system that will serve Fort Collins Police Services, the Larimer County Sheriff's Office, Poudre Fire Authority, Poudre Valley Health Care Ambulances, CSU Police Department, Estes Park Police Department and Berthoud Police Department. The City and Larimer County currently have an intergovernmental agreement dated April 7, 2003 defining the structure of the purchase agreement which involves the City paying two-thirds of the purchase price and Larimer County paying one-third. This payment structure is predicated on system use and the joint purchase of a CAD/RMS/CMS system by the City and Larimer County is financially beneficial for both agencies. The City and County may also allow additional Emergency Services agencies access to the system at a later date.

16. First Reading of Ordinance No. 090, 2003, Making Various Amendments to the City of Fort Collins Land Use Code.

Staff has identified a variety of proposed changes, additions and clarifications in the Spring biannual update of the Land Use Code. On May 15, 2003, the Planning and Zoning Board voted 6-0 to recommend approval of the proposed changes to City Council.

17. Resolution 2003-073 Approving Expenditures from the Art in Public Places Reserve Account in the Cultural Services and Facilities Fund to Commission an Artist to Create a Sculptural Entry Piece for the Gardens on Spring Creek Project.

This Resolution would approve expenditures of \$21,980 for design, fabrication, installation and contingency for this project. Barry Rose will create a sculptural entry art piece.

18. Resolution 2003-074 Authorizing the Lease of a Residence at Reservoir Ridge Natural Area.

City Council approved Resolution 2001-95 on July 17, 2001 authorizing the acceptance of a donation from the Estate of Robert H. Udall of 20.133 acres of land as an addition to the Reservoir Ridge Natural Area. The donation reserved a life estate on part or all of the property for Mr. Udall's widow, Mary Michie Udall. Mrs. Udall decided not to remain on the property but requested that the Natural Areas Program permit the current caretaker, Tim LeBau, to remain on the property. Staff has enjoyed and appreciated Mr. LeBau's residency on the site since Mrs. Udall moved in September 2002. Mr. LeBau has been acting in many ways as a caretaker for the property. He has consistently been a responsible tenant. He appreciates the intent of the Natural Areas program to restore the area, decline public access for the time, and eventually develop an educational center on the site. Entering into the following lease with Mr. LeBau will act as a benefit for the Natural Area. Mr. LeBau will be the only tenant on the site and will continue to expel trespassers, keep the gate leading to the Udall Addition closed and generally watch over the property.

19. Resolution 2003-075 Reappointing Gordon F. Esplin as Temporary Judge and Authorizing the Execution of an Employment Agreement.

Council originally appointed Gordon F. Esplin as Temporary Judge (Assistant Municipal Judge) in 1989, and has reappointed him every two years thereafter. His current appointment terminates on June 30, 2003. Municipal Judge Kathleen M. Lane recommends that Mr. Esplin be reappointed for another two-year term.

Mr. Esplin is currently paid \$85 per hour for his services. That rate is well below the going rate for legal fees in Fort Collins and is at or below the amount paid to other Assistant Municipal Judges in Colorado who serve only occasionally. However, due to budgetary constraints, staff is not recommending an increase in the compensation paid to Mr. Esplin at this time. Mr. Esplin has agreed to continue in this position at the current pay rate.

20. Resolution 2003-076 Appointing a Representative to the Larimer County Open Lands Advisory Board.

In the November 1995 election, the voters of Larimer County approved the “Help Preserve Open Spaces” initiative for a county-wide 1/4-cent sales and use tax specifically earmarked for open space, natural areas, wildlife habitat, regional parks and trails. The initiative requires the Larimer County Board of Commissioners to create an Open Lands Advisory Board to make recommendations regarding the County’s share of the sales and use tax. The initiative stipulates that the Advisory Board “at a minimum shall consist of one (1) elected official or appointee from the municipalities of Berthoud, Estes Park, Fort Collins, and Loveland; one (1) member from the Larimer County Planning Commission; and four (4) citizens appointed at large”.

On June 19, 2001 Council adopted Resolution 2001-76 appointing Councilmember Eric Hamrick as the City’s representative until June 30, 2003. Councilmember Hamrick wishes to be reappointed to the Open Lands Advisory Board with a term to expire on June 30, 2006 or until Council may reconsider such appointment. This Resolution reappoints Councilmember Eric Hamrick as the City’s representative on the Larimer County Open Lands Advisory Board.

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

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

22. Staff Reports.
 - Francis Clark Donation to the Horticulture Center
 - Bicycle Friendly Community Award
 - Status Report on Council Requests

23. Councilmember Reports.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

24. Second Reading of Ordinance No. 086, 2003, Authorizing the Appropriation of Funds for Expenditures for Capital Improvements and Operating Expenses to Improve the Fort Collins-Loveland Airport Terminal Building Facilities and for Funds to Promote Scheduled Service into the Airport. (5 minutes)

This Ordinance, which was adopted 5-2 (Nays: Councilmembers Hamrick and Roy) on First Reading on May 20, 2003, appropriates Fort Collins' share of the funds needed to meet the City's obligations under the proposed agreement.

25. Second Reading of Ordinance No. 083, 2003, Amending Chapter 12 of the City Code to Nullify All Covenant Restrictions on Certain Resource Conserving Activities and Eliminating a Similar Provision of the Land Use Code. (20 minutes)

This Ordinance was unanimously adopted on First Reading on May 20, 2003. It proposes a new Section 12-120 in Chapter 12 of the City Code (Health and Safety) that nullifies any private property covenant, regardless of when made or recorded, which prohibits xeriscape (water-conserving) landscaping, solar collectors, clothes lines, compost bins, or mandating turf grass landscaping. It also adds language nullifying covenants which mandate that a portion of any individual lot be planted in turf grass.

After discussion at the May 20, 2003, Council meeting, two definitions have been added to the Ordinance. The first defines "restrictive covenant." The second defines "xeriscape landscaping." The effect of the second definition would be to more clearly specify the kind of landscaping that cannot be prohibited by restrictive covenants.

26. Items Relating to Requirements for Soil Amendments. (45 minutes)

- A. Second Reading of Ordinance No. 084, 2003, Amending Chapter 12 of the City Code to Add Requirements for Soil Amendments and Amending a Similar Provision of the Land Use Code (Option A or Option B).
- B. Second Reading of Ordinance No. 085, 2003, Appropriating Prior Year Reserves in the Water Fund to Initiate a Soil Amendment Inspection Program.

Following Council discussion on First Reading, and pursuant to direction received at the Leadership Planning Team meeting, staff has included an optional section of the Ordinance which would enable builders to comply with the requirements of the Ordinance either by completing the soil amendments prior to the issuance of a certificate of occupancy or by entering into a binding agreement with a third party (presumably, either the property owner or landscaper) to complete the soil improvements before any landscaping is installed. Under either option, the builder would need to file a certification with the Director of Building and Zoning evidencing compliance. A

corresponding optional version of Section 2 of the Ordinance, which modifies the Land Use Code, is also presented.

Ordinance No. 085, 2003, was adopted 4-3 (Nays: Councilmembers Kastein, Martinez and Weitkunat) on First Reading on May 20, 2003. Because the proposals only require spot inspections, additional staffing is not needed at this time. Staff recommends no action be taken on the Second Reading of Ordinance No. 085, 2003.

27. Resolution 2003-077 Making an Appointment to the Planning and Zoning Board. (10 minutes)

A vacancy currently exists on the Planning and Zoning Board due to the resignation of Daniel Bernth. Applications were solicited and Councilmembers Weitkunat and Hamrick interviewed the applicants.

Councilmembers Weitkunat and Hamrick did not reach an agreement for the vacancy on the Planning and Zoning Board. The Council interview team wishes to submit two names for Council's consideration for that position.

28. Pulled Consent Items.

29. Other Business.

30. Adjournment.