

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

June 4, 2002

Proclamations and Presentations

5:30 p.m

- A. Proclamation Proclaiming June as “Bike 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 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 #31, 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. 076, 2002, Appropriating Unanticipated Revenue in the General Fund for the *Downtown Strategic Plan*.

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. Ordinance No. 076, 2002, which was unanimously adopted on First Reading on May 21, 2002, appropriates unanticipated revenue for the *Downtown Strategic Plan*.

8. Second Reading of Ordinance No. 077, 2002, 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 21, 2002, appropriates unexpended 2001 appropriations for Cultural Development and Programming and Visitor Events.

9. Second 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. This Ordinance was unanimously adopted on First Reading on May 21, 2002.

10. Second 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 City Code.

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. Ordinance No. 079, 2002, was unanimously adopted on First Reading on May 21, 2002.

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

A. Second 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. Second 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. Both Ordinances were unanimously adopted on First Reading on May 21, 2002.

12. Second 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, which was unanimously adopted on First Reading on May 21, 2002, clarifies the definition of "pollutant" to include automotive fluids, paint, cooking grease and household waste. This Ordinance also 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.

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

This Ordinance, which was unanimously adopted on First Reading on May 21, 2002, updates and revises the 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.

14. Second 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, which was unanimously adopted on First Reading on May 21, 2002, amends 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 also corrects two typographical errors in Section 4-93(2) of the City Code.

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

- A. Second 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.
- B. Second 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. Both Ordinances were unanimously adopted on First Reading on May 21, 2002.

16. First Reading of Ordinance No. 088, 2002, Appropriating Unanticipated Grant Revenue in the General Fund for Environmental Programs.

This Ordinance appropriates \$10,000 in unanticipated grant revenue from the State of Colorado, which will be used to conduct a sustainable design seminar for local investors, developers, engineers and architects.

17. First Reading of Ordinance No. 089, 2002, Authorizing Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the South Taft Hill Projects.

The South Taft Hill Road Improvements Projects include the Spring Creek Trail Crossing and Extension, the Taft Hill Waterline Extension and the Regional Detention Pond and are currently under construction. The combined project is the cooperative effort between the City's Engineering, Parks and Recreation, and Utility Departments.

Ordinance No. 32, 2001 authorized the use of eminent domain to acquire certain lands for the construction of the public improvements. This Ordinance amends the legal description of specific property interests to be acquired from Alger and Lori R. Sedlak as a compromise alignment of the Spring Creek Trail.

18. First Reading of Ordinance No. 090, 2002, Authorizing the Sale of City-Owned Property Known as the Old Harmony Gas Station Building.

The upgrade of the intersection of Harmony Road at Timberline Road made it necessary to acquire additional right-of-way (ROW) for sidewalks, bike lanes, turn lanes, medians and associated improvements. The old Harmony Gas Station was in the area needed for additional ROW at the Northwest corner of the Harmony-Timberline intersection. Engineering/Street Oversizing staff

recognized that this building might be of historic interest, so efforts were begun in the year 2000 to have the City's Advance Planning/Historic Preservation office and the Landmark Preservation Commission locate a buyer for the building and the surrounding property. It was hoped that the building could be relocated on the same property or in the same general area. Numerous such efforts over about a year failed to produce a willing buyer for the building or the property.

The Harmony-Timberline project was scheduled for construction in 2001. This was a critical project at a major intersection, and traffic safety concerns made it essential that this project stay on schedule for completion in 2001. Eminent domain authority was granted by City Council in order that ROW issues not block the construction. It became necessary to exercise the eminent domain authority to obtain possession of the necessary ROW at the NW corner of the intersection. In obtaining possession of that ROW, the City also took possession of the Harmony Gas Station building, under an agreement between the owner of the property and a subsequent court order.

19. First Reading of Ordinance No. 091, 2002, Appropriating Unanticipated Revenue in the General Fund for the Department of Justice State Domestic Preparedness Equipment Program Grant to the Office of Emergency Management in the Amount of \$164,172.

In July 2001, the City's Office of Emergency Management filled a grant request to receive Terrorism Consequence Management Preparedness Assistance through the Department of Justice's Equipment Grant Program. On April 16, 2002, the State Office of Emergency Management notified the City that \$164,172 of the total grant request (\$178,533) had been approved for funding.

The grant application stated the City's and the Poudre Fire Authority's commitment to use a regional approach to response, training and equipment, through the cooperatively managed Office of Emergency Management. This equipment will be used throughout the northeast Colorado region. The grant received the full support of Larimer County, Loveland, Union Colony Fire Rescue, Windsor, Wellington, Estes Park, Berthoud, and many others in the Northeast and Eastern Plains of Colorado. The Poudre Fire Authority will provide training to Office of Emergency Management response partners and will develop a multi-tiered response structure.

20. Resolution 2002-058 Finding Substantial Compliance and Initiating Annexation Proceedings for the Whitham Farms LLC Annexation.

The Whitham Farms LLC Annexation is 20.04 acres in size, located east of Timberline Drive, between East Vine Drive and Mulberry Street. The parcel is contiguous to existing City boundaries by the Buderus First and Second Annexations. The recommended zoning is Transition (T).

The proposed resolution states it is the City's intent to annex this property and directs that the notice required by State Statutes be given of the Council's hearing to consider the annexation ordinance. The public hearing for the annexation ordinance must occur no less than 30 days and no greater than 60 days from adoption of the resolution finding compliance with State Statutes.

21. Resolution 2002-059 Finding Substantial Compliance and Initiating Annexation and Zoning Proceedings for the Poudre River First Annexation.

This is a request for a 100% voluntary annexation. The site is approximately 9.437 acres of publicly owned property located northwest of the Nix Farm Natural Area including portions of the Poudre River. The property is in the Kingfisher Natural Area. The recommended zoning is Public Open Lands (POL).

22. Resolution 2002-060 Authorizing the City Manager to Submit to the U.S. Department of Housing and Urban Development the 2002-2003 Fort Collins Consolidated Action Plan.

The City of Fort Collins 2002-2003 Consolidated Annual Action Plan was drafted as a requirement of the U.S. Department of Housing and Urban Development (HUD) for those communities participating in Federal grant programs administered by HUD. The 2000-2004 Consolidated Housing and Community Development Plan, approved by Council on June 20, 2000, identified and set priorities in the community for those persons requiring housing assistance, human services and non-housing community development needs over the next five years. The one-year Action Plan identifies the CDBG and HOME funded projects which will carry out those priorities during the 2002-2003 program year and which were approved for funding by Council on May 7, 2002.

23. Resolution 2002-061 Establishing Policies Regarding the Issuance of Proclamations.

This Resolution formally establishes policies, which are consistent with current practice, regarding the issuance of proclamations.

24. Routine Easement.

A. Easement dedication from New Belgium Brewing Company, Inc., for an 8" underground waterline related to and associated with the City's Traffic Operations Facility Project, located at Linde Street and east Vine Drive. Monetary consideration: \$10.

*****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.

27. Councilmember Reports.

Committees that have met since May 21 include:

No meetings held.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

28. First Reading of Ordinance No. 092, 2002, Appropriating Prior Year Reserves in the General Fund, Recreation Fund, and Capital Projects Fund and Authorizing the Transfer of Appropriations Between Projects Within the Capital Projects Fund to Be Used for Renovation of City Park Pool.

During October of 2001 the City hired a pool safety consultant, Jeff Ellis and Associates, to conduct a safety audit of the four public pools that the City operates. The audit found significant safety problems with the outdoor pool at City Park, which led to the recommendation that the pool not be opened until it is renovated or replaced.

The Council agreed that the pool should not be opened this year because of the significant safety problems. Council asked staff to develop a preliminary design and cost estimate to renovate the pool so it could be opened in 2003. To expedite this process, staff utilized the City's annual architectural contract with Aller-Lingle Architects P.C. for the preliminary design and cost estimate.

The Parks and Recreation Board at its May 22, 2002, meeting voted unanimously (7-0) to support the new design for the outdoor pool, to support the staff's recommendation to move forward expediently with the renovation project, and to strive to achieve a reopening of the facility for next summer's swim season

29. Items Relating to Boards and Commissions.

- A. Resolution 2002-062 Making Amendments to the Boards and Commissions Manual and Establishing Policies Relating to the Recruitment and Appointment Process for Boards and Commissions.
- B. First Reading of Ordinance No. 093, 2002, Amending Certain Sections of Chapter 2 of the City Code Relating to Board and Commissions Membership Terms.

During the annual recruitment process for boards and commissions last fall, Council expressed a desire to streamline the application/interview process. Staff prepared a questionnaire to collect information regarding the application/interview process in other communities. The questionnaire was sent to 20 municipalities and the information was summarized and presented to the Council Governance Committee on April 17, 2002. The Council Governance Committee also addressed how boards and commissions could more effectively communicate the viewpoints of all boardmembers to Council and the City Manager.

30. Second Reading of Ordinance No. 087, 2002, 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. This Ordinance, which was adopted 4-1 on First Reading on May 21, 2002, has been amended between First and Second Reading as follows:

- Ordinance Section 4 – Detached Garages in Multi-Family Projects: The language is clarified to more accurately reflect the intent of the regulation.
- Ordinance Section 25 – Enclosed Mini-Storage on East Vine Drive in the L-M-N Zone: The change reflects Council’s decision on First Reading to limit Enclosed Mini-Storage to the south side of East Vine Drive only.
- Ordinance Section 27 – Design Standards for Enclosed Mini-Storage on East Vine Drive in the L-M-N Zone: The language is clarified to more accurately reflect the intent of the regulation.

31. Pulled Consent Items.

32. Other Business.

Motion to cancel the regularly scheduled meetings of June 18 and July 2, 2002.

33. Adjournment.

This meeting needs to be adjourned to 6:00 p.m. on Tuesday, June 11, to conduct the District 6 Council applicant interviews and to make an appointment to fill the District 6 vacancy.