

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

July 1, 2003

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Recognizing the Food Bank for Larimer County in hosting the “Community Leader Food Sorting Event,” Bringing Attention to National Hunger Awareness 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 16. 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 #22, 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 June 3 and June 17, 2003.
8. Second Reading of Ordinance No. 091, 2003, Appropriating Unanticipated Revenue in the General Fund and Authorizing the Transfer of Appropriated Amounts Between Accounts and Projects for the Multi-Jurisdictional Drug Task Force.

Fort Collins Police Services and Loveland Police, Larimer County Sheriff's Department, Drug Enforcement Administration (DEA), and the Colorado State University Police Department are members of the Larimer County Drug Task Force (LCDTF). For the past 16 years, Fort Collins Police Services, as administrator of the LCDTF has applied to the Colorado Division of Criminal Justice for Federal Byrne Grant monies to help fund the investigation of illegal narcotics activities. This Ordinance, which was adopted 6-0 (Mayor Martinez was absent) on First Reading on June 17, 2003, appropriates unanticipated revenue for the Multi-Jurisdictional Drug Task Force.

9. Second Reading of Ordinance No. 092, 2003, Authorizing the Acceptance of Property Donated by Willowood Corporation and Appropriating Unanticipated Revenue in the General Fund for Said Property Acceptance.

This Ordinance, which was adopted 6-0 (Mayor Martinez was absent) on June 17, 2003, authorizes the Mayor to accept the conveyance of approximately 1.54-acres of land to be owned by the City and managed as a natural area by the Natural Resources Department.

10. Second Reading of Ordinance No. 093, 2003, Amending Section 23-193 of the Code of the City of Fort Collins Governing Certain Conduct in City Natural Areas.

This Ordinance, which was adopted 6-0 (Mayor Martinez was absent) on First Reading on June 17, 2003, amends Section 23-193 of the City Code Governing certain conduct in City Natural Areas.

11. First Reading of Ordinance No. 094, 2003, Authorizing the Transfer of Appropriated Amounts to be Used to Construct Interim Roadway Improvements on County Road 11 and Douglas Road.

The Northeast Area Overlay Project was intended to improve roads in the Mountain Vista Sub Area. Several different developments, as well as currently undeveloped parcels of land, are included in the project area. The objective of the City is to collect the developers' portion of the cost of the improvements in advance of the work, combining the individual developments into one cohesive project. The project is funded by "contributions in aid" from local developments, as well as the Street Oversizing Program. These "contributions in aid" are cash payments from the developers which meet the developers' responsibility under the Land Use Code to pay the cost of constructing the local street portion of the street improvements adjacent to their developments.

This project is being completed in phases as the revenues are collected from developers. Phase 1 from International Boulevard to County Road 52 was completed in the summer of 2000. Increased development in the area indicates Phase 2 of the project is needed.

Phase 2 of this project overlays, widens and repairs County Road 9 and County Road 11, from International to Douglas Road, as well as Douglas Road, from County Road 11 to County Road 13. This overlay project will be an interim improvement project and will provide two travel lanes and two bike lanes, allowing new development in the area to begin construction. This Ordinance will transfer funds deposited with the City from the developments for construction of Phase 2 of the overlay project. County Road 11 from County Road 52 to Douglas Road: and Douglas Road from County Road 11 to County Road 13 will be widened and overlaid with this project.

12. First Reading of Ordinance No. 095, 2003, Authorizing the Appropriation of Funds for Expenditures for Capital Improvements and Operating Expenses at the Fort Collins-Loveland Airport.

The Airport's budget for 2003 did not include any carry-over capital projects or new capital projects due to the change in management at the Airport. This Ordinance appropriates \$40,060 for completion of the FAA sponsored aircraft ramp area reconstruction project; \$63,080 for design costs of the FAA sponsored snow removal building addition; and \$277,800 for estimated costs to prepare the FAA sponsored Airport Master Plan Update Study. The appropriation also includes \$39,000 of Airport reserve funds for operating costs needed to meet FAA safety standard requirements for runway/taxiway striping, federal

transportation security regulations, repair of snow removal equipment damaged in the blizzard earlier this year and for surveying costs to clarify land lease discrepancies. Total revenue anticipated to be received from the FAA and State of Colorado is \$339,210. Total Airport funds utilized are \$80,730.

13. Items Relating to the Swift Addition to Fossil Lake P.U.D. Annexation.

- A. Resolution 2003-080 Setting Forth Findings of Fact and Determinations Regarding the Swift Addition to Fossil Lake P.U.D. Annexation.
- B. First Reading of Ordinance No. 096, 2003, Annexing Property Known as Swift Addition to Fossil Lake P.U.D. Annexation to the City of Fort Collins.
- C. First Reading of Ordinance No. 097, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Swift Addition to Fossil Lake P.U.D. Annexation.

This is a request for a 100% voluntary annexation and zoning of approximately 55 acres of privately owned property known as the Fossil Lake P.U.D. – Swift Addition, which is a County-approved development in the Fossil Creek Reservoir Planning Area. The recommended zoning is a combination of the LMN – Low-Density Mixed Use Neighborhood Zoning District, and the UE – Urban Estate Zoning District.

This property is eligible for annexation according to CRS, requiring 1/6 contiguity to the existing city limits. This annexation application complies with this standard since the property has 1042 feet of its total boundary of approximately 6107 feet contiguous to the existing city limits. This exceeds the minimum 1018 feet required to achieve 1/6 contiguity. This contiguity occurs through a common boundary with the Fossil Lake Annexation No. 1 and the Fossil Lake Annexation No. 2.

14. First Reading of Ordinance No. 098, 2003, Authorizing the Transfer of a 151-acre Portion of the Resource Recovery Farm from the Wastewater Utility to the Natural Areas Program in Exchange for a Total Payment Amount of \$1,890,306.

In 1982, the City developed the Resource Recovery Farm (“RR Farm”) at Prospect Road and I-25 as a beneficial reuse site for wastewater biosolids. The City land applied biosolids on the site through the year 2000. As the City has grown, the site has become less functional for this type of use. In 1993, the biosolids program began its move north to Meadow Springs Ranch. With the move now complete, the Utilities is no longer using the RR Farm land for biosolids application.

In 2000, the City of Fort Collins Natural Areas program purchased 174-acres of the RR Farm along with 3.6 shares of the Lake Canal water for the Running Deer Natural Area. In discussion at the City Council study session regarding the draft I-25 Corridor Plan on August 27, 2002, there was general support for the City’s Natural Areas program to purchase the

151-acre portion of the RR Farm from Utilities. This 151-acre transfer to the Natural Areas program would include the 2.4 shares of Lake Canal water associated with this portion of the RR Farm.

15. Resolution 2003-081 Authorizing the Execution of a Grant Agreement with the State of Colorado for Funding of the Airport Master Plan Update at the Fort Collins-Loveland Municipal Airport.

Last year the Airport submitted a Grant Proposal to the Colorado Aeronautics Board for financial assistance to help pay for the Master Plan Update Study. The amount of \$7,555 is being given to the two cities as a result of that request. The State wants the funds committed before the new grant cycle begins to ensure the funds will be accepted and not available to other airports. Other grant funds from the FAA will be forthcoming when negotiations with the Master Plan consultant have been completed. Funding from the FAA will be 90% of the eligible scope items.

16. Resolution 2003-082 Authorizing the Airport Manager to Execute a Lease Agreement at the Fort Collins-Loveland Municipal Airport with the State of Colorado.

The Colorado State Forest Service has used the Airport for the past several years to operate a small air tanker during summer months to assist with fighting forest fires. The pilot and ground crew need a waiting area and small office for communications and staging area. The terminal building has a small office area on the backside of the building suitable for this purpose and is close to where the aircraft is staged on the ramp area. This room will be used through the fire season, which typically runs through the end of September. Use of the room will assist the Forest Service with its firefighting efforts.

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

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

20. Consideration of the Appeal of the April 24, 2003, Determination of the Administrative Hearing Officer to Approve the Bella Vista, PDP.

On April 10, 2003, an administrative public hearing was conducted to receive presentations and testimony on the Bella Vista, Project Development Plan (PDP), a mixed-use (residential and commercial) project on 3.0 acres. There would be a total of 81 residential dwelling units in the proposed three buildings and 16,000 square feet of non-residential uses on the lower two floors of the building right at the intersection of East Horsetooth Road and Stanford Road. On April 24, 2003, the Administrative Hearing Officer approved the Bella Vista, PDP.

The property is zoned MMN - Medium Density Mixed-Use Neighborhood (as of the effective date of March 28, 1997 for the new Land Use Code). The property is located at the northeast corner of East Horsetooth Road and Stanford Road, east of South College Avenue, and west of South Lemay Avenue.

On May 7, 2003, a Notice of Appeal was received by the City Clerk's office regarding the decision of the Administrative Hearing Officer.

21. Resolution 2003-083 Accepting the Advisory Opinion and Recommendation No. 2003-1 of the Ethics Review Board.

Section 2-569(e) of the City Code provides that all opinions and recommendations of the City Council Ethics Review Board be submitted to the full Council for review and approval. The Ethics Review Board met on June 23, 2003, to render an opinion on whether Councilmember Kastein would have a conflict of interest in participating in Council's consideration of (1) a possible amendment to the City's Harmony Corridor Plan (the "Plan") to allow for a life style center; and (2) the possible review of a decision of the City's Planning and Zoning Board regarding a particular life style center on the site of the Plan amendment. The question arises because of Councilmember Kastein's employment at LSI Logic, which has entered into a contract to sell the site to the developer of the life style center. The meeting of the Board resulted in the issuance of Opinion No. 2003-1.

22. Pulled Consent Items.

23. Other Business.

24. Adjournment.

NOTE: This meeting needs to be adjourned until 6:00 p.m. on Tuesday, July 8 to consider adjourning into Executive Session to discuss legal matters.

