

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

July 6, 2004

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Proclaiming the Week of July 11-17, 2004 as “Week of Hope”.

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 34. 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 #40, 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 1, 2004.
8. Second Reading of Ordinance No. 094, 2004, Amending Chapter 26 of the City Code Related to Wastewater Discharges of Mercury from Dental Offices.

This Ordinance, which was unanimously adopted on First Reading on June 15, 2004, establishes requirements for wastewater discharges from dental offices that place or remove dental amalgam containing mercury.

9. Second Reading of Ordinance No. 095, 2004, Authorizing the Purchasing Agent to Enter into an Agreement for the Financing by Lease-Purchase of Vehicles and Equipment.

This Ordinance, which was unanimously adopted on First Reading on June 15, 2004, authorizes the Purchasing Agent to enter into a lease-purchase financing agreement with Koch Financial Corporation at 4.19 percent interest rate. The agreement is for an original term from the execution date of the agreements to the end of the current fiscal year. The agreement provides for renewable one-year terms thereafter, to a total term of five (5) years, subject to annual appropriation of funds needed for lease payments. The total lease terms, including the original and all renewal terms, will not exceed the useful life of the property. This lease-purchase financing is consistent with the financial policies of the City of Fort Collins.

After First Reading of Ordinance No. 095, 2004, staff realized that some line items were inadvertently omitted, changing the total 5-year financing from \$800,000 to \$885,000.

Payments at the 4.19% interest rate have changed from \$44,545 to \$49,278 and raise the total City debt from .18% to .21%.

10. Second Reading of Ordinance No. 096, 2004, Authorizing the Grant of a Non-exclusive Easement to Qwest Corporation upon City-owned Property.

Ordinance No. 096, 2004, which was unanimously adopted on First Reading on June 15, 2004, authorizes a non-exclusive easement to Qwest Corporation on City-owned Property.

11. Items Relating to the Colorado Department of Transportation Proposed Rest Area.

- A. Second Reading of Ordinance No. 097, 2004, Authorizing the Conveyance of Approximately 16 Acres of City Property and a Related Temporary Easements to the Colorado Department of Transportation for Use and for a New Public Rest Area in Exchange for Approximately 22 Acres of Land and Related Access Easements.
- B. Second Reading of Ordinance No. 098, 2004, Authorizing the Amendment of the City's Mining and Reclamation Agreement With LaFarge for Mining on the Resource Recovery Farm in Connection with the Exchange of Land for a New Colorado Department of Transportation Rest Area.

These items relate to a voluntary exchange of parcels to allow the Colorado Department of Transportation to develop a new rest area immediately south of the current Colorado Welcome Center on Prospect Road near Interstate 25.

In exchange for its conveyance of the required property to CDOT, the City of Fort Collins will receive the site of the existing 22.62 acre southbound rest area (west of I-25) with all improvements scheduled to be demolished after the new rest area is opened. Ordinance No. 097, 2004 and Ordinance No. 098, 2004, were unanimously adopted on First Reading on June 15, 2004.

12. Items Relating to Certain Lease Certificates of Participation, Series 2004 A.

- A. Second Reading of Ordinance No. 099, 2004 , an Ordinance Approving and Authorizing the City of Fort Collins, Colorado, to Enter into a Quitclaim Deed from the City to Fort Collins Capital Leasing Corporation, a Site Agreement Between the City and the Corporation, a Lease Agreement Between the Corporation and the City, a Certificate Purchase Agreement among the Corporation, the City and George K. Baum & Company and a Guaranty Agreement Between the City and Ambac Assurance Corporation and Approving a Trust Indenture Between the Corporation and U.S. Bank National Association, as Trustee, a Deed of Trust and a Leasehold Deed of Trust from the Corporation to the Public Trustee of Larimer County for the Benefit of the Trustee and a Preliminary Official Statement and a Final Official Statement Relating to Certain Lease Certificates of Participation, Series 2004A.

The City has been planning for the construction of a Police Services building for many years. Monies for the acquisition of land for the facility were approved by the voters as part of the Building Community Choices dedicated quarter cent sales and use tax. Police Services, with the assistance of Operations Services, has identified a site to serve as the location for the new facility. The lease transaction will also provide a funding source for the construction of a storage facility to contain deicing materials at the City's existing Streets facility on North Lemay. The estimated cost of the storage facility will be about \$1.7 million with \$30,000 of financing costs.

Ordinance No. 099, 2004, was unanimously adopted on First Reading on June 15, 2004. The Second Reading of this Ordinance incorporates the financing of the natural areas originally begun under Ordinance No. 100, 2004. Ordinance No. 100, 2004, provided the authorization to finance \$15 million of natural areas for conservation. Since First Reading of Ordinance No. 100, 2004 on June 15, 2004, staff developed a financing strategy to combine the two financings into one. This effort saves issuance costs and also made the overall transaction more attractive to investors.

- B. First Reading of Ordinance No. 120, 2004, Appropriating Proceeds from the Lease Purchase Certificates of Participation of the City of Fort Collins, Colorado, Series 2004A for the Purpose of Making Certain Capital Improvements (The Police Building and the Streets Deicing Facility Projects), the Acquisition and Conservation of Natural Areas, and for Costs of Issuance of the Lease Certificates Transaction.

This Ordinance appropriates the proceeds from the transaction in the Capital Projects Fund and the Open Lands Fund.

13. Second Reading of Ordinance No. 101, 2004, Amending Section 2-596 of the City Code and Setting the Compensation of the Interim City Manager.

On May 25, 2004, Council unanimously adopted Resolution 2004-065, appointing Darin Atteberry as Interim City Manager, effective June 16, 2004. City Council appointed Mr. Atteberry to this position with the understanding that his compensation would be adjusted and that the compensation increase would be made effective with the date of his appointment as Interim City Manager. This Ordinance, which was unanimously adopted on First Reading on June 15, 2004, establishes the salary and compensation provided the Interim City Manager while he serves in this capacity.

14. First Reading of Ordinance No. 102, 2004, Appropriating Unanticipated Grant Revenue in the General Fund for the Operation of the Fort Collins Welcome Center.

Pursuant to Resolution 1999-097, the City contracted with Colorado State University for visitor center space at the Environmental Learning Center/Visitors Center, south of Prospect Road, approximately one-quarter mile west of Interstate 25. The City, seeking to attract and

welcome visitors to Fort Collins through the activities of its convention and visitor services contractor, the Fort Collins Convention and Visitors Bureau (“CVB”), uses the visitor center space for the Fort Collins Welcome Center. The CVB, in addition to promoting tourism activity, operates the Welcome Center consistent with the City's Intergovernmental Agreement with the Colorado State Board of Agriculture acting by and through Colorado State University.

15. First Reading of Ordinance No. 103, 2004, 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 applied to the Office of Drug Control and System Improvement (Byrne Grant) on behalf of the Task Force for federal grant monies to help fund the investigation of illegal narcotics activities in Larimer County. The City has recently received notification of the grant award in the amount of \$250,000, plus an additional \$5,000 from Colorado State University. The participating agencies must provide matching funds in the amount of \$420,676. Fort Collins’ portion of the match is \$121,851. These funds will be used to match personnel costs related to the assigned Colorado State University Detective, rental and operational costs at the Task Force off-site location, overtime funding to help offset the overtime costs of each participating agency, and confidential funds to be used for the purchase of narcotics from drug dealers by undercover police officers.

16. Postponement of Items Relating to the 2003 International Residential Code, 2003 International Mechanical Code, and the 2003 Fuel Gas Code, to July 20, 2004.

- A. Postponement of First Reading of Ordinance No. 068, 2004, Amending Chapter 5, Article 2, Division 2, of the City Code for the Purpose of Making Certain Amendments to the Uniform Building Code, to July 20, 2004.
- B. Postponement of First Reading of Ordinance No. 069, 2004, Amending Chapter 5, Article 2, Division 2, of the City Code for the Purpose of Adopting the 2003 International Residential Code (IRC)[®], with Amendments, to July 20, 2004.
- C. Postponement of First Reading of Ordinance No. 070, 2004, Amending Chapter 5, Article 4, of the City Code for the Purpose of Repealing the 1991 Uniform Mechanical Code and Adopting the 2003 International Mechanical Code, with Amendments and Adopting the 2003 International Fuel Gas Code, with Amendments, to July 20, 2004.

This item, which was originally scheduled for the July 6, 2004, meeting has been postponed to July 20, 2004.

17. First Reading of Ordinance No. 104, 2004, Amending Various Sections of the City Code so as to Expressly Permit the Deferral of Certain Utility Impact Fees.

Some of the current City Code provisions allow the City Council to defer impact fees; others do not. This inconsistency came to light during the negotiations regarding the proposed lifestyle center.

Specifically, the Code provisions establishing electric development fees and charges and stormwater fees do not permit deferral. And, while the Code provisions relating to water plant investment fees and sewer plan investment fees do permit arrangements for paying the fees over time, those Code provisions are worded differently than the Code provisions pertaining to the deferral of capital improvement expansion fees. This Ordinance would bring consistency to the Code provisions on this subject and City practice, and would allow for all city impact fees to be paid over time, either in installments or in a lump sum.

18. First Reading of Ordinance No. 105, 2004, Amending Section 20-22 of the City Code Relating to Unreasonable Noise.

In October 2003 at the request of City Councilmembers, a cross section of City agencies formed a committee to look into the City's current noise ordinances dealing with motor vehicle loud muffler noise and motorcycle noise specifically. After discussion and review of ordinances around the country, the committee made recommendations for changes to the City Code in an effort to reduce the problems with motor vehicle noise which were adopted on First Reading, March 2, 2004, by adoption of Ordinance No. 033, 2004. However, in May 2004, by the adoption of Ordinance No. 071, 2004, the noise ordinance was again amended and language previously approved by Ordinance No. 033, 2004 pertaining to motor vehicle noise was inadvertently omitted. Staff recommends that the omitted language be reinstated.

19. First Reading of Ordinance No. 106, 2004, Amending the Code of the City by the Addition of a New Section 23-115 Pertaining to Vacating Public Right-of-Way.

Requests for the City to vacate portions of its public right-of-way (ROW) are received with regular frequency. These requests are normally from private property owners or developers who want to convert portions of the public ROW to private use. An informal process has been in place to deal with such requests, but the increasing frequency (now averaging 1-2 per month) has prompted staff to create policy and procedure language to insure consistent responses to these requests. At present, the City Code is silent on this issue, and ROW vacations are handled in accordance with state law. Adding language to the City Code will clarify local policy and procedures, as well as reinforce state law (CRS 43-2-302).

The proposed additions to the City Code will provide for an application process through the City Engineer's office. ROW vacation requests will then be routed for comment to utilities, other City staff, emergency service providers, and affected property owners. Based upon the

comments received, a recommendation from the City Engineer will be forwarded through the Director of Transportation Operations to the Executive Director of Transportation Services. Recommendations for approval of a ROW vacation will then be forwarded to City Council for approval. Decisions of denial will be returned to the applicant. An appeals process will be available in accordance with the existing provisions of the City Code (Chapter 2, Article VI).

20. First Reading of Ordinance No. 107, 2004, Authorizing the Conveyance of Certain Real Property at the City Park Nine Golf Course.

Thomas C. Lloyd has been an adjoining property owner of the City Park Nine Golf Course for many years. His property is at 1611 West Mulberry and is adjacent to the renovated 6th Green area and the 7th Fairway Tee Boxes. Mr. Lloyd submitted a proposal to Golf Manager Jerry P. Brown to purchase a strip of land along the northerly boundary of his property. This strip of land is 10' wide and 339' long, and contains 3,407 square feet. The location of this strip of land is in between the Golf Course's protective netting and Mr. Lloyd's property. Mr. Lloyd proposed to purchase this strip for \$14,200, utilizing comparable square footage values as the City used for the Sheldon Lake Drainage Improvements, which impacted both Mr. Lloyd's property and the Golf Course.

Staff did not identify any problems with conveying this strip to Mr. Lloyd. Conveying this strip will not materially impact the Golf Course and will remove an area that requires special efforts for maintenance and clean up. The subject land is not a stand alone piece of property and can only be useable if combined with adjacent land. Therefore, this tract was not offered to any other area property owners.

21. Items Relating to the Mulberry East First Annexation and Zoning.

- A. Resolution 2004-078 Setting Forth Findings of Fact and Determinations Regarding the Mulberry East First Annexation.
- B. Hearing and First Reading of Ordinance No. 108, 2004, Annexing Property Known as the Mulberry East First Annexation.
- C. Hearing and First Reading of Ordinance No. 109, 2004, Amending the Zoning Map and Classifying for Zoning Purposes the Property Included in the Mulberry East First Annexation to the City of Fort Collins, Colorado.

This is a request to annex and zone 3.04 acres located on the south side of East Mulberry Street and west of Timberline Road. The proposed zoning for this annexation is C – Commercial.

The property is developed. It includes a storm water drainageway and streets. It is in the FA - Farming Zoning District in Larimer County. This is a voluntary annexation of City-owned property.

Staff is recommending that the property be placed in the C-Commercial Zoning District, which is in conformance with the City's Structure Plan, and that it not be included in the Residential Neighborhood Sign District.

22. First Reading of Ordinance No. 110, 2004, Amending Section 17-141 of the City Code Relating to the Carrying of Liquor or Other Fermented Beverages in Certain Places ("Open Container").

In the latest legislative session, the General Assembly passed a law allowing hotel/restaurant licensed patrons to re-cork an unfinished bottle of wine to take home. The City's current open container ordinance prohibits the carrying of a re-corked or resealed bottle of alcohol in any public place or automobile. Liquor licensing and distribution are matters of statewide concern. As such, City Code Section 17-141 needs to be amended to be consistent with the state law. The proposed amendment also prohibits the presence of a "re-corked" bottle of wine in the front passenger or driver area of a vehicle.

23. First Reading of Ordinance No. 111, 2004, Amending Chapter 15, Article VIII of the City Code Relating to Pawnbrokers.

Chapter 15, Article VIII of the City Code contains various provisions regulating the operation of pawnbrokers in the City in the interest of the public health, safety and welfare. In the most recent legislative session, the General Assembly amended the state statutes pertaining to the regulation of pawnbrokers by deleting the maximum "fixed period of time" for contracts for purchase and imposed a minimum period of time. The City may enact ordinances more restrictive than state law regulating pawnbrokers. However, to eliminate potential confusion among pawnbrokers regarding their legal obligations, staff recommends that Sections 15-261 and 15-269 be amended to be consistent with state law.

24. Items Relating to the Contract Renewal Between the City of Fort Collins and Poudre School District Concerning the School Resource Officer Program.

- A. Resolution 2004-079 Authorizing the Mayor to Enter into an Intergovernmental Agreement with the Poudre School District to Provide School Resource Officers.
- B. First Reading of Ordinance No. 112, 2004, Appropriating Unanticipated Revenue in the General Fund for the School Resource Officer Program.

This Resolution also authorizes that future amendments to the contract or future replacement agreements may be executed by the City Manager to further this project specifically approved by the Council under City Code Section 1-19(b)(2).

In April 1995, Fort Collins Police Services and Poudre School District created a mutually beneficial partnership through the School Resource Officer Program. Initially, this program assigned three officers to the primary high schools. Since that time the program has grown and now includes officers assigned to the primary high schools and all junior high schools within the city limits of Fort Collins. Services are also provided to the elementary feeder schools.

25. First Reading of Ordinance No. 113, 2004, Amending Various Sections of the Fort Collins Traffic Code.

This legislative session the Colorado General Assembly amended certain statutory provisions relating to seat belt use, license plates, interference with traffic control devices, red light camera use, spilling loads on highways and compulsory insurance. At the time of the adoption of the Traffic Code, it was the understanding of staff and Council that the Traffic Code would most likely be subject to future amendments, not only for the purpose of clarification and correction of errors, but also for the purpose of ensuring that the Traffic Code remains consistent with state traffic laws.

26. First Reading of Ordinance No. 083, 2004, Amending Various Sections of Chapter 4 of the City Code Pertaining to Animals.

Staff has performed a comprehensive review of Chapter 4 of the City Code pertaining to animals in an effort to refine and update the animal code. This process began in early 2002 and has culminated in the proposed amendments in the Ordinance.

27. First Reading of Ordinance No. 114, 2004, Authorizing the Long-Term Lease of Property at the Fort Collins-Loveland Municipal Airport to Robert and Linda Eggleston for the Construction of an Aircraft Hangar.

The ground lease allows Eggleston to construct a 54 foot by 48 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.

28. First Reading of Ordinance No. 115, 2004, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the Street Oversizing Drake and Ziegler Road Realignment Project.

A slope easement and construction easement are required for the construction of improvements to Drake Road east of Timberline, across property owned by the Cargill Corporation (“Cargill”). This property is currently used for seed research and is an

agricultural operation. This property was annexed into the City as an enclave. The property is now surrounded by the active developments of Rigden Farm and Sidehill.

29. First Reading of Ordinance No. 116, 2004, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the Dry Creek Drainage Improvements Project.

The design portion of the Dry Creek Drainage Improvements Project (“Project”) began in 2003. The construction of the Project is currently scheduled to start in 2004 with completion scheduled in 2005. The total project involves a combination of sub-projects in the upper, middle and lower basins to reduce the likelihood of flooding.

This Ordinance does not automatically result in the filing of a petition in eminent domain; it simply allows staff to use the process if good faith negotiations fail to result in an agreement between the City and affected property owners. Staff is hopeful that all acquisitions will be accomplished by agreement.

30. Resolution 2004-081 Directing the City Manager to Initiate a Process for Disposition and Appropriate Development of Certain City-Owned Property Known as Block 33.

This Resolution directs City staff to initiate a process which, if successful, would lead to the disposition of certain City-owned property in the downtown, and would result in development of the site in conformance with adopted City plans and policies. Specifically, the property would be characterized by residential development, mixed with other compatible uses, and designed to conform to the design standards of the Civic Center Master Plan and Downtown Plan.

31. Resolution 2004-082 Establishing Guidelines for Undertaking Measures to Help Control the West Nile Virus.

The Larimer County Board of Health adopted the recommendation for spraying or “adulticiding” to control mosquitoes at its meeting on May 20. The Board recommended thresholds for adulticiding in urban density areas (based on 2003 Larimer County experience) and established the West Nile Virus mosquito risk index (average # of *Culex* females per trap night times infection rate/1000) at ≥ 0.75 .

32. Resolution 2004-083 Appointing a Representative to the Colorado Municipal League.

The Fort Collins City Council recommends that Interim City Manager Darin Atteberry be appointed to fill the vacancy on the Colorado Municipal League Policy Committee created by the June 15, 2004, resignation of former City Manager John Fischbach.

33. Routine Easements.

A. Easement for Construction and Maintenance of Public Utilities from Ned and Linda Gehring, to underground electrical service, located at 1400 Ponderosa. Monetary consideration: \$200.

- B. Easement for Construction and Maintenance of Public Utilities from James and Marcia Bird, to underground electrical service, located at 128 Yale. Monetary consideration: \$200.

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

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

37. Motion to Select an Option for the City's Match to Fund a Tenant Based, Pilot Rental Assistance Program.
(15 minutes - 5 minute staff presentation)

The Colorado Division of Housing (“DOH”) approached the City and the Fort Collins Housing Authority (“FCHA”) regarding a Tenant Based, Pilot Rental Assistance Program (“Program”) for a two-year pilot period. DOH, with the lead of a new director, is focusing on responding quickly to changing local market conditions for affordable housing. Consequently, DOH identified three communities with unique needs: Colorado Springs, Denver Metro area, Fort Collins/Loveland. The identified unique needs include double digit rental market vacancy rates, financially challenged low-income affordable housing projects, demand exceeding capacity in homeless shelters, and large waiting lists for deep subsidy programs like Section 8 vouchers.

The State Housing Board has committed \$2.8 million of DOH money to these three communities; Fort Collins/Loveland is to receive \$465,000. The funds are for a two-year, stop-gap, rental assistance program that would target between 35 and 70 families earning 0-30% of Area Median Income, working families in shelters, homeless individuals and families, those on Section 8 waiting lists, and other local preferences to be defined. The funding will provide rental assistance, security deposit assistance, case management for self-sufficiency and project administration.

Staff has developed three proposals for consideration by Council, but recommends using existing Affordable Housing appropriations (Option 1). There is no need for an appropriation ordinance if City Council accepts the staff recommendation.

38. Items Relating to the Executive Search Process. (30 minutes - 5 minute staff presentation)

A. Resolution 2004-084 Establishing a Process for Appointment of the City Manager.

This Resolution establishes a process to be used by the Council and staff in conducting the search for a new City Manager. The Resolution addresses four aspects of the recruitment and selection process.

B. Resolution 2004-085 Establishing a Citizen Advisory Committee for the Executive Search Process.

This Resolution establishes the Committee and describes its role in the executive search process.

At Council's June 15, 2004 study session, a process for conducting the executive search process to fill the City Manager position was discussed. At that time, Council agreed to several aspects of the process.

39. Pulled Consent Items.

40. Other Business.

41. Adjournment.