

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

July 15, 2003

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Proclaiming August 5, 2003, as “Neighborhood Night Out”.

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 19. 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 #26, 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. Postponement of Items Relating to the Peterson Annexation to August 19, 2003.
 - A. Postponement of Second Reading of Ordinance No. 051, 2003, Annexing Property Known as the Peterson Annexation to the City of Fort Collins, to August 19, 2003.
 - B. Postponement of Second Reading of Ordinance No. 052, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Peterson Annexation, to August 19, 2003.

On April 1, 2003, Council unanimously adopted Resolution 2003-041, amending the Structure Plan for the property known as the Peterson Annexation, and Council also unanimously adopted Resolution 2003-042, setting forth findings of fact and determinations regarding the Peterson Annexation.

This is a request for a 100% voluntary annexation of approximately 27.89 acres, located a half mile east of I-25 and south of Vine Drive. This requested zone district is Urban Estate. A Structure Plan amendment is also requested to change the designation of the property from Rural Open Lands/Stream Corridor to Urban Estate.

Staff is requesting postponement of Ordinance No. 051, 2003 and Ordinance No. 052, 2003, to August 19, to allow Larimer County to complete its final plat review before annexation.

8. Postponement of Items Relating to the Streamside Annexation to August 19, 2003.
 - A. Postponement of Second Reading of Ordinance No. 053, 2003, Annexing Property Known as the Streamside Annexation to the City of Fort Collins, to August 19, 2003.
 - B. Postponement of Second Reading of Ordinance No. 054, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Streamside Annexation, to August 19, 2003.

On April 1, 2003, Council unanimously adopted Resolution 2003-043, amending the Structure Plan for the property known as the Streamside Annexation, and Council also unanimously adopted Resolution 2003-044, setting forth findings of fact and determinations regarding the Streamside Annexation.

This is a request for a 100% voluntary annexation of approximately 73.67 acres, located just over half a mile east of I-25 and south of Vine Drive. This requested zone district is Urban Estate. A Structure Plan amendment is also requested to change the designation of the property from Rural Open Lands/Stream Corridor to Urban Estate.

Staff is requesting postponement of Ordinance No. 053, 2003 and Ordinance No. 054, 2003, to August 19, to allow Larimer County to complete its final plat review before annexation.

9. Postponement of Second 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, to July 22, 2003.

Due to a publication error, staff is requesting postponement of the Second Reading of Ordinance No. 094, 2003. This Ordinance will be considered at an adjourned meeting on July 22, 2003.

This Ordinance, which was unanimously adopted on First Reading on July 1, 2003, transfers existing appropriations from the Lemay Avenue Project into the North East Area Overlay Project, Phase 2 to construct interim roadway improvements on County Road 11 and Douglas Road.

10. Postponement of Second 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, to July 22, 2003.

Due to a publication error, staff is requesting postponement of the Second Reading of Ordinance No. 095, 2003. This Ordinance will be considered at an adjourned meeting on July 22, 2003.

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, which was unanimously adopted on First Reading on July 1, 2003, appropriates funds for capital improvements and operating expenses at the Fort Collins-Loveland Airport.

11. Postponement of Items Relating to the Swift Addition to Fossil Lake P.U.D. Annexation, to July 22, 2003.

- A. Postponement of Second 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, to July 22, 2003.
- B. Postponement of Second 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, to July 22, 2003.

Due to a publication error, staff is requesting postponement of the Second Reading of Ordinance No. 096, 2003 and Ordinance No. 097, 2003. These Ordinances will be considered at an adjourned meeting on July 22, 2003.

On July 1, 2003, Council unanimously adopted Resolution 2003-080 Setting Forth Findings of Fact and Determinations Regarding the Swift Addition to Fossil Lake P.U.D. Annexation.

On July 1, 2003, Council also unanimously adopted Ordinance No. 096, 2003 and Ordinance No. 097, 2003, annexing and zoning 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.

12. Postponement of Second 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, to July 22, 2003.

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. This Ordinance, which was unanimously adopted on First Reading on July

1, 2003, authorizes the transfer of a 151-acre portion of the Resource Recovery Farm from the Wastewater Utility to the Natural Areas Program.

13. First Reading of Ordinance No. 099, 2003, 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.

14. First Reading of Ordinance No. 100, 2003, Designating the Giddings House, 704 West Mountain Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Kevin Mabry and Kathlene Waller, are initiating this request for Fort Collins Landmark designation for the Giddings House. Due to the residence's excellent physical integrity, and high degree of architectural and historical significance, it may be regarded as individually eligible for landmark designation under City of Fort Collins Landmark Preservation Standards (A) - Association with events that have made a significant contribution to the broad patterns of history; (B) – Association with the lives of persons significant in our past; and (C) - Embodies the distinctive characteristics of a type, period, or method of construction. The property contains a historic residence, and a carriage house which was converted to a dwelling in the 1970s. The carriage house is not a part of these designation proceedings.

15. First Reading of Ordinance No. 101, 2003, Amending Section 1409 of the Fort Collins Traffic Code Relating to Compulsory Insurance.

The Colorado General Assembly, in Senate Bill 03-239, amended the State law pertaining to compulsory insurance by repealing and reenacting in a new section. Current citations to Colorado Revised Statutes contained in the FCTC are therefore no longer correct and need to be updated consistent with the State statutes. There are no substantive changes to the compulsory insurance section of the Fort Collins Traffic Code by this amendment.

16. First Reading of Ordinance No. 102, 2003, Calling a Special Municipal Election to Be Held in Conjunction with the November 4, 2003 Larimer County Coordinated Election.

This Ordinance calls a Special Municipal Election to be held in conjunction with the November 4, 2003 Larimer County Coordinated Election, and preserves the opportunity for Council to place initiated or referred issues on the November ballot.

17. Resolution 2003-084 Making Findings of Fact and Conclusions Regarding the Appeal of a Decision of the Administrative Hearing Officer Relating to the Bella Vista Project Development Plan.

On May 7, 2003, an appeal of the April 24, 2003 decision of the Administrative Hearing Officer to approve the Bella Vista Project Development Plan was filed by the Appellants Paul Thomas Kitze, Jeff Emmel, David and Cindy Leary, Shawki Ibrahim, Lynn Carlisle, and Philip and Dorothy White.

On July 1, 2003, the City Council voted to uphold the decision of the Administrative Hearing Officer. In order to complete the record regarding this appeal, Council should adopt a resolution making findings of fact and finalizing its decision on the appeal.

18. Resolution 2003-085 Adopting the Recommendations of the Cultural Resources Board Regarding Fort Fund Disbursements.

The guidelines for the Cultural Development & Programming and Tourism Programming accounts (Fort Fund) provide a three-tiered funding system. Organizations may apply for grants from these accounts to fund community events. 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.

19. Routine Easements

A. Deeds of easement from 22 West Mulberry Street property owners, to provide sufficient right-of-way for necessary curb, gutter and sidewalk improvements. Monetary consideration: \$700.

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

20. Consent Calendar Follow-up.

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

21. Staff Reports.

Status Report on Council Requests.

22. Councilmember Reports.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

23. Items Relating to Harmony Corridor Plan. (1 Hour)

- A. Resolution 2003-086 Amending the *Harmony Corridor Plan* (an Element of the Comprehensive Plan of the City) to Allow for the Potential Development of a Lifestyle Shopping Center in the Harmony Corridor.
- B. First Reading of Ordinance No. 103, 2003, Amending the *Harmony Corridor Standards and Guidelines* to Regulate and Guide the Development of a Lifestyle Shopping Center in the Harmony Corridor.
- C. First Reading of Ordinance No. 104, 2003, Amending the Land Use Code to Allow for the Potential Development of a Lifestyle Shopping Center in the Harmony Corridor.

The City has initiated certain amendments to the Harmony Corridor Plan to allow a Lifestyle Shopping Center on the vacant property adjacent to the LSI Logic facility at the northwest corner of Harmony Road and Ziegler Road. The property is currently designated in the Harmony Corridor Plan for Basic Industrial and Non-Retail Employment uses. The proposed amendment would permit on the property, in addition to the current list of employment land uses, a Lifestyle Shopping Center.

In addition, certain amendments are proposed to the Harmony Corridor Standards and Guidelines, which implement the Plan, including adding new definitions, along with a few additional design standards and guidelines that establish uses, size and character.

24. Items Relating to the Fluoridation of the City's Drinking Water (Option A and Option B).
(Beginning at approximately 8:00 p.m.)

Option A:

Resolution 2003-087 Accepting the Report of the Fort Collins Fluoride Technical Study Group (April 2003) and Affirming the City's Present Practice of Water Fluoridation.

Option B:

First Reading of Ordinance No. 105, 2003, Amending Section 26-50 of the City Code so as to Cease Fluoridation of the City's Water Supply.

At the May 27, 2003 City Council study session, information on fluoridation was provided by the Fluoride Technical Study Group (FTSG), the Fort Collins Water Board, the Health District of Northern Larimer County and the Larimer County Board of Health.

As a result of the information provided to Council and the subsequent discussion at the meeting, a majority of Councilmembers expressed an interest in:

1. Continuing, in general, the practice of water fluoridation; and
2. Having the staff research the possibility of reducing the amount of fluoride added to the water. (Note: This research was completed and it was determined that there is insufficient justification to lower the level of fluoride below 0.9 parts per million. The present level is 1.0 parts per million.)

Since the time of the meeting, the Council express an interest in taking formal action on the issue of fluoridation with the consideration of the options listed above.

25. Resolution 2003-088 Making an Appointment to the Natural Resources Advisory Board.
(10 minutes)

A vacancy exists on the Natural Resources Advisory Board due to the resignation of Steve Ryder. Councilmember Hamrick and Mayor Martinez reviewed the applications on file and did not reach an agreement for the vacancy. The Council interview team wishes to submit two names for Council's consideration for that position.

26. Pulled Consent Items.

27. Other Business.

Motion to cancel the meeting of August 5 for the Neighborhood Night Out Celebration.

28. Adjournment.

This meeting needs to be adjourned to 6:00 p.m. on Tuesday, July 22, 2003, so that Council may consider five Ordinances on Second Reading that were unanimously adopted on First Reading on July 1, 2003.