



REGULAR MEETING AGENDA

FORT COLLINS CITY COUNCIL

October 4, 2005

Doug Hutchinson, Mayor
Karen Weitkunat, District 2, Mayor Pro Tem
Ben Manvel, District 1
Diggs Brown, District 3
Kurt Kastein, District 4
Kelly Ohlson, District 5
David Roy, District 6

City Council Chambers
City Hall West
300 LaPorte Avenue
Fort Collins, Colorado

Cablecast on City Cable Channel 14
on the Comcast cable system

The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (TDD 224-6001) for assistance.

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Proclaiming October 4, 2005 as "United Way Community Caring Day."
- B. Proclamation Proclaiming "Responsibility as the Community Character Focus of the Month" for October 2005 in the City of Fort Collins.
- C. Proclamation Celebrating Head Start's 40th Anniversary.
- D. Proclamation Proclaiming October, 2005 as "Physical Therapy Month."
- E. Proclamation Proclaiming October, 2005 as "National Arts and Humanities Month."
- F. Proclamation Proclaiming October, 2005 as "Disability Employment Awareness 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)

Individuals who wish to address the Council on items not specifically scheduled on the agenda must first be recognized by the Mayor or Mayor Pro Tem. Each speaker is allowed 5 minutes. If there are more than 6 individuals who wish to speak, the Mayor may reduce the time allowed for each individual.

- State your name and address for the record
- Applause, outbursts or other demonstrations by the audience is not allowed
- Keep comments brief; if available, provide a written copy of statement to City Clerk

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

Consent Calendar

The Consent Calendar consists of Items 6 through 22. 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 Item No. 30, Pulled Consent Items. The Consent Calendar consists of:

- Ordinances on First Reading that are routine;
- Ordinances on Second Reading that are routine;
- Those of no perceived controversy;
- Routine administrative actions.

6. Consideration and Approval of the Regular Council Meeting Minutes of September 20, 2005.

7. Items Relating to the Appropriation of Miscellaneous Revenues for the Air Quality Program.

- A. Second Reading of Ordinance No. 100, 2005, Appropriating Unanticipated Grant Revenue in the General Fund for the Climate Wise Program.
- B. Second Reading of Ordinance No. 101, 2005, Appropriating Unanticipated Grant Revenue in the General Fund for the Natural Resources Radon Program and Authorizing the Transfer of Matching Funds Previously Appropriated in the Natural Resources Operating Budget to the Grant Project.
- C. Second Reading of Ordinance No. 102, 2005, Appropriating Unanticipated Grant Revenue in the General Fund for the Natural Resources CMAQ Project and

Authorizing the Transfer of Matching Funds Previously Appropriated in the Natural Resources Operating Budget to the Grant Project.

- D. Second Reading of Ordinance No. 103, 2005, Appropriating Unanticipated Grant Revenue in the General Fund for the Natural Resources Emissions Testing Transition Project and Authorizing the Transfer of Matching Funds Previously Appropriated in the Natural Resources Operating Budget to the Grant Project.

Ordinance Nos. 100, 101, 102, and 103, 2005, were unanimously adopted on First Reading on September 20, 2005.

8. Second Reading of Ordinance No. 104, 2005, Appropriating Unanticipated Revenue in the General Fund for Police Services DUI Sobriety Checkpoints.

The Office of Transportation Safety, Colorado Department of Transportation, has received funding from the Federal government for DUI sobriety checkpoints throughout the state between Memorial Day and Labor Day this year.

Fort Collins Police Services was asked to participate by holding four checkpoints during this period. The checkpoints were staffed by off-duty officers working overtime and the grant funds will pay for the overtime costs. Any funds not used for the checkpoints will be used to augment regular DUI enforcement during the summer through the use of off-duty officers.

Ordinance No. 104, 2005, was unanimously adopted on First Reading on September 20, 2005.

9. Second Reading of Ordinance No. 105, 2005, Appropriating Unanticipated Revenue in the General Fund for E911 and Emergency Medical Dispatch Systems at Fort Collins Police Services Dispatch Center.

LETA collects a monthly fee from all county telephone users and allocates those funds to purchase and maintain equipment used to process E911 phone calls; train users; and dispatch appropriate Emergency Services Providers. In 2003, LETA developed a budget allocation formula for each Public Safety Answering Point (also known as Emergency Services Dispatch Center or "Center") based on the number of Dispatchers and the number of E911 phones calls received in each Center. Based on the formula, LETA provides the funds to the individual Centers to pay expenses. The 2005 amount based on 2004 expenditures for Fort Collins Police Services is \$10,391.

In the same manner, a formula was developed for each Center for Emergency Medical Dispatch ("EMD") based on the number of dispatchers and the number of EMD calls handled by the Center. The 2005 amount based on 2004 expenditures for EMD based on the formula for Fort Collins Police Services is \$44,826.

The total amount to be appropriated from these two budgets is \$55,217.

Ordinance No. 105, 2005, was unanimously adopted on First Reading on September 20, 2005.

10. Items Relating to Appropriating Unanticipated Revenue in the General Fund for the Larimer County Drug Task Force.

- A. Second Reading of Ordinance No. 106, 2005, Appropriating Unanticipated Revenue in the General Fund for the Larimer County Drug Task Force.
- B. Second Reading of Ordinance No. 107, 2005, Appropriating Unanticipated Revenue in the General Fund for the Larimer County Drug Task Force.

Fort Collins Police Services applied to the Edward Byrne Justice Assistance Grant program on behalf of the Task Force for Federal Grant monies to help fund the investigation of illegal narcotics activities in Larimer County. The Task Force includes Fort Collins Police Services, Loveland Police Department, Larimer County Sheriff's Department, Drug Enforcement Administration, and the Colorado State University Police Department.

The grant award for \$92,526 will be used for rental and operational costs at the Task Force off-site location and for the purchase of narcotics from drug dealers by undercover police officers. The grant award for \$105,804 will be used to buy supplies and operating costs for the Colorado State University detective, for the purchase of narcotics from drug dealers by undercover police officers and to pay for overtime costs incurred by drug task force operations.

These appropriations are not requests to identify new dollars for Police Services 2005 budget, instead they simply appropriate new Federal grant money.

Ordinance Nos. 106 and 107, 2005, were unanimously adopted on First Reading on September 20, 2005.

11. Second Reading of Ordinance No. 108, 2005, Amending the Fort Collins Land Use Code Regarding Annexation of Uses Not Legally Permitted.

City Council approved Ordinance No. 070, 2005 on July 5, 2005. This ordinance enacted numerous Land Use Code amendments that were proposed as part of the Spring 2005 Biannual revisions. One of the amendments in the ordinance clarified the annexation regulations as they pertain to uses not legally permitted in the county. Specifically, the amendment established a maximum two year amortization period for uses not legally permitted that were knowingly allowed to continue by the County.

Staff recommended the two year amortization period for uses not legally permitted as a fair and reasonable timeframe in which to allow the illegal use to be abated once the property is in the city. The amendment also contained a stipulation that if the illegal use is the subject of a County initiated zoning or nuisance enforcement action, then the amortization period would end within the time established as a result of the enforcement action or within two years, whichever occurs first.

Ordinance No. 108, 2005, was unanimously adopted on First Reading on September 20, 2005.

12. Second Reading of Ordinance No. 109, 2005, Authorizing the Purchasing Agent to Enter into an Extension of the Golf Professional Services Agreement at SouthRidge Golf Course for up to Five Additional Years.

The existing Agreement with SouthRidge Golf Professional Dale W. Smigelsky, PGA, expires on December 31, 2005. This five-year Agreement was entered into on December 19, 2000, after being awarded through Request For Proposal (RFP) # P-777. As stated in both the RFP documents and the Agreement, "...This Agreement may be extended beyond the original five (5) year term if performance is satisfactory and subject to City Council approval and negotiation of a mutually acceptable extension agreement".

Ordinance No. 109, 2005, was unanimously adopted on First Reading on September 20, 2005.

13. Items Relating to the East Ridge Second Annexation and Zoning.

- A. Second Reading of Ordinance No. 111, 2005, Annexing Property Known as the East Ridge Second Annexation to the City of Fort Collins, Colorado.
- B. Second Reading of Ordinance No. 112, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the East Ridge Second Annexation to the City of Fort Collins, Colorado.

The East Ridge Second Annexation and Zoning represents a follow-up action to bring in a small area of land identified for mitigation purposes for the pond and wetlands as part of the original East Ridge Annexation. This negotiated section of approximately 1/2 acre extended into the adjacent property to the south – triggering the requirement for annexation. Contiguity with the existing municipal boundary is gained along the entire northern boundary which is shared with the south property line of the East Ridge Annexation (152.81 acres).

This is a 100% voluntary annexation for a property located within the Growth Management Area. The property satisfies the requirement that no less than one-sixth of the perimeter boundary be contiguous to the existing City boundary. Combined with the original East Ridge Annexation, the two parcels total 153.3 acres. The recommended zoning is L-M-N, Low Density Mixed-Use Neighborhood District. The rezoning request is consistent with the adopted East Mulberry Corridor Plan.

Ordinance Nos. 111 and 112, 2005, were unanimously adopted on First Reading on September 20, 2005.

14. First Reading of Ordinance No. 113, 2005, Appropriating Prior Year Reserves and Unanticipated Revenue in Various City Funds and Authorizing the Transfer of Appropriated Amounts Between Funds or Projects.

The purpose of the annual clean-up ordinance is to combine dedicated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and, therefore not included, in the 2005 budget. The unanticipated

revenue is primarily from fees, charges, rents, contributions and grants that have been paid to City departments to offset specific expenses. Prior year reserves are primarily being appropriated for unanticipated operation expenses from reserves that are set aside for that purpose.

This Ordinance appropriates prior year reserves and unanticipated revenue in various City funds, and authorizes the transfer of appropriated amounts between funds. The City Charter permits the City Council to provide by ordinance for payment of any expense from prior year reserves. The Charter also permits the City Council to appropriate unanticipated revenue received as a result of rate or fee increases or new revenue sources. Additionally, it authorizes the City Council to transfer any unexpended appropriated amounts from one fund to another upon recommendation of the City Manager provided the purpose for which the transferred funds are to be expended remains unchanged; or the purpose for which they were initially appropriated no longer exists; or the proposed transfer is from a fund or capital project account in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

If these appropriations are not approved, the City will have to reduce expenditures even though revenue and reimbursements have been received to cover those expenditures.

15. First Reading of Ordinance No. 114, 2005, Repealing and Reenacting Chapter 27 of the City Code Regarding Vegetation.

This Ordinance will make a number of changes to Chapter 27 of the Code (Vegetation). These changes are designed to: 1) tighten up definitions and verbiage; 2) update titles; 3) update the list of trees and shrubs citizens cannot plant; 4) allow citizens adjacent to alleys to prune, without a permit, trees or shrubs that are on City right-of-way in the alley; 5) modify the licensing procedure for commercial arborists, including setting insurance requirements at today's industry standards; 7) clarify the right of the City Forester or his/her designee to enter private property not just to inspect trees, but also to trim or remove trees that pose a danger to the public; 8) better define vegetation clearance standards for streets, sidewalks and other City owned property and who is responsible for mitigating these clearance issues; 9) modify the service of notice process so that it is more in line with those in other codes that are enforced by the City's Code Enforcement officials; 10) make the citizen appeal process for code violations less cumbersome; and 11) alter the assessment of claims against property owners so that they are more in line with what other City departments do.

16. First Reading of Ordinance No. 115, 2005, Designating the Blanchard/Bates House and Garage, 1201 Laporte Avenue, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

The owners of the property, Marian and Kurt Schwabauer, are initiating this request for Fort Collins Landmark designation for the Blanchard/Bates House and Garage. The property qualifies for designation as a Fort Collins Landmark under Preservation Standards (1) and (3). The property embodies the distinctive characteristics of a type, period, and method of construction, and contributes to the historical and architectural significance of Fort Collins. An excellent example of the Classic Cottage architectural style, the brick dwelling remains

relatively unchanged, with very good individual integrity. For over 100 years, this quaint Classic Cottage has continuously added to the historic nature of the area. The property also contains a notable single car wooden garage, with a very interesting and unusual garage door and historic hardware. The garage exhibits excellent integrity, and would likely qualify for Landmark designation in its own right.

17. First Reading of Ordinance No. 116, 2005 of the Council of the City of Fort Collins Extending the Terms of a Non-Exclusive Franchise By the City of Fort Collins to Comcast of California/Colorado LLC its Successors and Assigns for the Right to Make Reasonable Use of and Erect, Construct, Operate and Maintain Through the Public Rights-of-way, Easements And Other Public Property Any Equipment Necessary and Appurtenant to the Operation and Maintenance of a Cable System and the Provision of Cable Services to Citizens Within the City.

The current Cable Franchise with Comcast of California/Colorado, LLC (“Comcast”) will expire on November 2, 2005. Much progress has been made in the franchise renewal negotiations; however a few items remain unresolved. This extension will maintain the terms and conditions of the existing Franchise for approximately four months.

18. First Reading of Ordinance No. 117, 2005, Authorizing the Extension of the Banking and Depository Services Agreement with First National Bank for the Year 2006.

The First National Bank of Fort Collins was selected by a competitive process to provide depository and banking services in 2000. The City has contracted with the First National Bank of Fort Collins for the last five years.

Recent changes in the Finance Department have made it extremely difficult to complete another competitive process for depository and banking services prior to the expiration of the current contract on December 31, 2005. Staff is requesting that Council approve an extension of the current agreement for an additional year to allow sufficient time and resources to complete a competitive process in 2006.

First National Bank of Fort Collins has agreed to provide services for 2006 at the same unit costs for services as originally bid in 2001 with the exception of lock box service cost. The lock box cost will increase from \$0.14 to \$0.145 per item, an approximate increase of \$3,000 annually. Under the current contract the City pays First National Bank approximately \$250,000 annually depending on the number of transactions processed.

19. Resolution 2005-108 Authorizing the Lease of City-Owned Property at 304 North Howes Street.

The City is the owner of the property described as Block 33 in downtown Fort Collins. In July 2005, the City Council approved Ordinance No. 077, 2005 authorizing the sale of portions of Block 33 to Penny Flats, LLC (“Developer”) as part of a plan to redevelop the block. The Developer plans to purchase the Block 33 property in three tracts: Tract A - Lot 1-4; Tract B - Lots 5-8, and Tract C - lots 13-16. The Developer anticipates closing on Tract A by August 2006.

The residence at 304 North Howes is located in Tract C, which is expected to be the last parcel purchased, and has been rented out by the City for the last five years.

The new lease term will be for one year, with the City having the option to renew for an additional term of one year, or until the Developer purchases the lot containing the residence, whichever comes first.

20. Resolution 2005-109 Setting Forth the Intention of the City to Support the Allocation of Private Activity Bond Funding to the Colorado Housing and Finance Authority to Finance Multi-family Senior Housing Revenue Bonds for the Oakbrook Manor I Project.

In August 2005, Mr. Chris Hodges, President and Chief Manager of Emerald Housing Partners, LLC (the "Applicant") and Mr. Brian Dale, the Project's investment banker with Newman/GMAC Capital, contacted staff members of the Advance Planning and Finance Departments. They requested that the City consider assigning its annual allocation of private activity bonds to CHFA for the purpose of acquiring and rehabilitating a multi-family senior housing project in central Fort Collins. This development would qualify as an Affordable Housing Project. The Project is located at 3200 Stanford Road and consists of 107 dwelling units. All of the units receive rental subsidies under a project-based Section 8 Housing Assistance Payments ("HAP") contract expiring June 2009.

Adoption of this Resolution will support the allocation of \$5,018,440 in tax-exempt private activity bonds to CHFA for the purpose of acquiring and rehabilitating the Project. The Project is consistent with the City's adopted policies regarding the issuance of multi-family rental housing bonds. The Affordable Housing Board (the "Board") reviewed the Project at its meeting on September 1, 2005. The Board supports the Project. Due to the September 15 statutory relinquishment date, City staff has made arrangements with the Department of Local Affairs and CHFA not to release any funds to the Applicant until City Council approves this Resolution.

Staff finds that the Project is consistent with Council's goal of increasing the quality of affordable housing in the City. If Council approves the Resolution, the City will support the Project Applicant in its application to CHFA.

21. Resolution 2005-110 Supporting the City's Entry into the Great American Main Street Awards Competition.

Staff believes the redevelopment of downtown Fort Collins is a successful project that deserves entry into this national awards competition. While several awards have been received for individual projects in the downtown area, the Main Street competition considers the over-all redevelopment of a downtown area based upon the financial, aesthetic and redevelopment success of the project.

The award competition is open to all commercial districts for which there has been a community-driven revitalization effort using historic preservation as a guiding principle and a comprehensive approach. The deadline for entries is November 21, 2005. Five cities are selected annually to receive the recognition, and the 2006 winners will be announced next April.

22. Routine Deeds and Easements.

- A. Easement Dedication from Ambassador XI, L.P., for construction of a public sidewalk, located at Harmony Road and Lemay Avenue. Monetary consideration: \$0.

END CONSENT

23. Consent Calendar Follow-up.

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

24. Staff Reports.

25. Councilmember Reports.

Discussion Items

The method of debate for discussion items is as follows:

- Mayor introduces the item number, and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests citizen comment on the item (five minute limit for each citizen)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all citizens have an opportunity to speak.

26. Resolution 2005-111 Expressing the City Council's Support of Referred Issue 2A Renewing the City of Fort Collins' One-Quarter Cent Capital Sales and Use Tax. (10 minutes - 5 minute staff presentation)

In August 2005, City Council placed a capital sales tax ballot measure before the voters for the November 1, 2005 election. This item will appear as Referred Issue 2A on the Larimer County coordinated election ballot.

The purpose of the sales tax measure, known as Building on Basics 2005, is to provide funding for 13 specific, high priority capital projects. These projects will be constructed over the ten-year period January 1, 2006 to December 31, 2015. The total cost of the projects, excluding operation and maintenance costs, will be \$56.2 million (2005 constant dollars).

Staff recommends that City Council adopt this Resolution in support of the ballot measure and urge the registered electors of the City to vote in favor of the Ballot Measure.

27. First Reading of Ordinance No. 118, 2005, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Hellenic Plaza Rezoning. (30 minutes - 5 minute staff presentation)

The parcel was annexed into the City in February, 1964 and placed in the A – Residential District. It was rezoned RH - residential High-Density in 1965. In March of 1997, in order to implement City Plan and Land Use Code, the 1.267 acre property now being considered for rezoning was placed in the CC – Community Commercial District. In March, 1999, in accordance with the adoption of the West Central Neighborhoods Plan, the property was rezoned MMN - Medium Density Mixed-Use Neighborhood. The MMN District does not permit a coffee and pastry/deli shop (fast food restaurant) as requested on the Rezoning Petition. Therefore, the rezoning request does not comply with *City Structure Plan* and the West Central Neighborhoods Plan.

28. First Reading of Ordinance No. 119, 2005 Amending Chapter 13 of the City Code to Add a New Article III Concerning Discrimination Based on Immigration Status. (90 minutes - 15 minute staff presentation)

This Ordinance will add provisions to the City Code prohibiting City employees from inquiring into the immigration status of any person or from using City resources for the purpose of detecting or apprehending persons whose only violation of law is being an undocumented alien. Exceptions to these prohibitions are set forth in the Ordinance for those situations where it is necessary to inquire into the immigration status of a person.

The Ordinance requires the City Manager to implement an ongoing training and education program to inform City employees and members of the community about the Ordinance requirement.

29. Public Hearing on the 2006-2007 Recommended Biennial Budget for the City of Fort Collins. (undetermined time allotment - 5 minute staff presentation)

This is the second official Public Hearing on the City Manager’s 2006-2007 Recommended Biennial Budget for the City of Fort Collins. The first Public Hearing was held on September 20, 2005. First Reading of the Ordinance adopting the 2006-2007 biennial budget is scheduled for November 2, 2005, with Second Reading of the Ordinance on November 15, 2005.

Additional public input was taken at Budget Open House and Public Education Sessions held Monday, September 19, 2005 and Thursday, September 22, 2005.

The City Manager’s 2006-2007 Recommended Budget can be reviewed at the Main Library, the Harmony Branch Library, or the City Clerk’s Office. The recommended budget can also be viewed on the internet at www.fcgov.com/budget.

30. Pulled Consent Items.

31. Other Business.

32. Adjournment.

Every Council meeting will end no later than 10:30 p.m., except that: (1) any item of business commenced before 10:30 p.m. may be concluded before the meeting is adjourned and (2) the City Council may, by majority vote, extend a meeting until no later than 12:00 a.m. for the purpose of considering additional items of business. Any matter which has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting which have not yet been considered by the Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.