

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

February 3, 2004

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Proclaiming February 2004 as “Black History Month”.
- B. Proclamation Proclaiming February 2004 as “American History Month”.

Regular Meeting

6:00 p.m.

PRESENTATION OF COLORS BY CUB SCOUT PACK #197

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 27. 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 #36, 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 and Zoning to April 6, 2004.**

1. Postponement of Second Reading of Ordinance No. 051, 2003, Annexing Property Known as the Peterson Annexation to the City of Fort Collins, to April 6, 2004.
2. 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 April 6, 2004.

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.

On April 1, 2003, Council unanimously adopted Ordinance No. 051, 2003 and Ordinance No. 052, 2003, annexing and zoning the property included in the Peterson Annexation. Because there have been further delays in the final approval of this project, staff recommends postponing Second Reading of these Ordinances to April 6, 2004.

8. Postponement of Items Relating to the Streamside Annexation and Zoning to April 6, 2004
- a. Postponement of Second Reading of Ordinance No. 053, 2003, Annexing Property Known as the Streamside Annexation to the City of Fort Collins, to April 6, 2004.
 - 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 April 6, 2004.

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.

On April 1, 2003, Council unanimously adopted Ordinance No. 053, 2003 and Ordinance No. 054, 2003, annexing and zoning the property included in the Streamside Annexation. Because there have been further delays in the final approval of this project, staff recommends postponing Second Reading of these Ordinances to April 6, 2004.

9. Second Reading of Ordinance No. 008, 2004, Appropriating Unanticipated Revenue into a Project Account for the Design of Improvements to South Taft Hill Road, Between Horsetooth Road and Harmony Road (CR-38E).

The City of Fort Collins Engineering Department has received a total of \$300,000 from Larimer County's Regional Road Capital Expansion Fee Program. Under this program, the County collects a fee from building permits issued within unincorporated Larimer County and the City of Fort Collins. This impact fee program was initiated by Larimer County in 1999, and adopted by the City of Fort Collins in February of 2000. Taft Hill Road (County Road 19) between Fort Collins and Loveland is identified as one of five regional roads in the Larimer County Transportation Plan dated 1998. Larimer County has selected this segment of South Taft Hill Road (Horsetooth to Harmony) from among the five eligible regional roads for use of these funds. This project will design this section of South Taft Hill Road for the ultimate four-lane urban arterial street section. At the request of the County, a design for a potential interim three-lane arterial street section will also be produced. This Ordinance was adopted 6-0 (Mayor Martinez was absent) on First Reading on January 20, 2004.

10. Second Reading of Ordinance No. 009, 2004, Appropriating Unanticipated Revenue in the Building Community Choices Capital Projects Fund-North College Avenue Corridor Improvements, Phase I.

The North College Avenue Corridor Improvement project covers an area on Riverside/Jefferson from Mulberry to College and on North College Avenue from Jefferson to north of Cherry Street. The project is managed by City of Fort Collins Transportation Services and is funded by a combination of sources including the City's 1997 Building Community Choices funds, Colorado Department of Transportation (CDOT) resurfacing funds, Federal Congestion Mitigation and Air Quality (CMAQ) funds, and Federal Surface Transportation Program (STP) funds.

Ordinance No. 009, 2004, was adopted 6-0 (Mayor Martinez was absent) on First Reading on January 20, 2004.

11. Second Reading of Ordinance No. 010, 2004, Appropriating Unanticipated Grant Revenue in the General Fund for the Police Services Victim Services Team.

The Fort Collins Police Services Victim Services Team has been awarded an 18-month grant in the amount of \$36,800 for the period of January 1, 2004 through June 30, 2005, by the Eighth Judicial District Victims and Law Enforcement (V.A.L.E.) Board to help fund services provided by this team. These funds will be used for a part-time paid victim advocate who provides crisis intervention services during weekday hours and is housed in the Victim Services Office. These funds will also pay for some of the operational expenses needed to provide 24-hour a day, 7-day a week services to victims of crime in our community. Previous V.A.L.E. grant awards received were \$19,500 in 1998, and \$19,000 for each year from 1999 through 2003. This particular grant was changed to an 18-month cycle, and will then run from July 1 through June 30 in future years. This Ordinance, which was adopted 6-0 (Mayor Martinez was absent) on First Reading on January 20, 2004, appropriates the unanticipated grant revenue in the general fund for the Police Services Victim Services Team.

12. Second Reading of Ordinance No. 011, 2004, Appropriating Unanticipated Grant Revenue in the General Fund for the Police Services Drunk Driving Enforcement Program.

On November 18, 2003, City Council approved Resolution 2003-125 authorizing the Mayor to enter into a Law Enforcement Assistance Fund (L.E.A.F.) Contract, #L-24-04, with the Colorado Department of Transportation to provide funds for the Fort Collins Police Services Drunk Driving Enforcement Program. This Ordinance, which was adopted 6-0 (Mayor Martinez was absent) on January 20, 2004, appropriates the grant funds.

13. Second Reading of Ordinance No. 012, 2004, Appropriating Unanticipated Revenue in the General Fund for Police Services for the State Homeland Security Program.

The City Attorney and Risk Management staffs have been reviewing the existing self-insurance program. Expenses which relate to loss prevention activities of the City are not specifically listed in the Code. This Ordinance, which was adopted 6-0 (Mayor Martinez

was absent) on January 20, 2004, amends the Code to clarify the payment of expenses relating to loss prevention activities are allowed.

14. Second Reading of Ordinance No. 013, 2004, Amending Section 8-106 of the City Code Concerning the Payment of Covered Expenses.

The City Attorney and Risk Management staffs have been reviewing the existing self-insurance program. Expenses which relate to loss prevention activities of the City are not specifically listed in the Code. This Ordinance, which was adopted 6-0 (Mayor Martinez was absent) on January 20, 2004, amends the Code to clarify the payment of expenses relating to loss prevention activities are allowed.

15. Second Reading of Ordinance No. 014, 2004, Designating the Garnick House, 516 South Meldrum Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Rena and Rudy Hansch, initiated the request for Fort Collins Landmark designation for the Garnick House. The residence is individually eligible for landmark designation under City of Fort Collins Landmark Preservation Standard (3) - Embodies the distinctive characteristics of a type, period, or method of construction. Ordinance No. 014, 2004, was adopted 6-0 (Mayor Martinez was absent) on January 20, 2004.

16. Second Reading of Ordinance No. 015, 2004, Authorizing the Grant of a Correction Sewerline Easement to Boxelder Sanitation District in Exchange for the Vacation of Part of an Existing Easement.

In 1973 Riverbend Farms, Inc. granted a perpetual sewer line easement to Boxelder Sanitation District along East Prospect Road. Boxelder subsequently installed the sewer line outside the easement area in some locations. The City of Fort Collins has since purchased the parcels the sewer line crosses for the Riverbend Ponds (1988 and 1998) and Running Deer (2000) Natural Areas. The District is requesting that the City grant a correction easement to reflect the area where the sewer line was actually installed and has agreed to vacate that part of the original easement no longer needed by the District in view of the actual location of the sewer line. This correction benefits the City in that the new easement will accurately describe the location of the sewer line and language specific to the natural areas and agreeable to both parties can be included in the new easement agreement. Ordinance No. 015, 2004 was adopted 6-0 (Mayor Martinez was absent) on January 20, 2004.

17. Second Reading of Ordinance No. 016, 2004, Authorizing the City to Grant a Permanent Easement to Paradigm Properties, LLC on the Resource Recovery Farm.

Paradigm Properties LLC, owner of a 12.75 acre tract of land at the southeast corner of the intersection of I-25 and Prospect Road, also known as 1800 SE Frontage Road, has requested a permanent, nonexclusive storm drainage easement across the Resource Recovery Farm located at the Southwest corner of the intersection. The easement is needed for a proposed development of a commercial mixed use project on Paradigm's property. The conceptual plan shows five detention ponds amid pad sites which will release surface water runoff to the southwest portion of the tract. A culvert running under I-25 and proceeding into an open ditch area adjacent and running parallel to I-25 allows the flow to enter a 24-inch pipe that runs southwesterly across the Resource Recovery Farm forming a holding pond at approximately the center of the easement distance. There is a release valve at the southwestern corner of the pond that diverts the flow at an historic flow rate of 1.36 CFS. The flow continues to a 36-inch culvert that deposits the water into a wetland area at the western edge of the parcel and subsequently into the Boxelder Creek. Ordinance No. 016, 2004 was adopted 6-0 (Mayor Martinez was absent) on January 20, 2004.

18. First Reading of Ordinance No. 017, 2004, Appropriating Unanticipated Revenue in the General Fund for E911 and Emergency Medical Dispatch Systems at Fort Collins Police Services Dispatch Center.

The Larimer Emergency Telephone Authority (LETA) collects a monthly fee from all county telephone users to purchase equipment, train users and maintain equipment used to process E911 phone calls and dispatch appropriate Emergency Services Providers. In 2003, LETA developed a formula for the anticipated annual budget for these services for each Public Safety Answering Point (Emergency Services Dispatch Center) based on the number of dispatchers and the number of E911 phones calls received in the Center. Based on the formula, LETA provides the funds to the individual Centers for payment of expenses. The annual budget based on the formula for Fort Collins Police Services is \$29,875.

19. First Reading of Ordinance No. 018, 2004, Appropriating Unanticipated Revenue in the Transportation Services Fund and Authorizing the Transfer of Appropriations For the Purpose of Constructing Bicycle Lane and Streetscape Improvements along West Elizabeth Street Between City Park Avenue and Shields Street.

This Ordinance appropriates unanticipated revenue of \$219,000. Project improvements include the construction of safer bike lanes, pedestrian crossings, and streetscape improvements along West Elizabeth Street between City Park Avenue and Shields Street. Bike lane improvements will involve relocating the existing curb to widen the street and install 7 foot bike lanes to replace the existing 4-5 foot bike lanes. Pedestrian and streetscape improvements include center medians with a refuge area for a midblock pedestrian crossing, improved pedestrian crossings at the intersections, landscaping, and upgrading existing utilities.

20. First Reading of Ordinance No. 019, 2004, Appropriating Prior Year Reserves.

City Council authorized expenditures in 2003 for various purposes. The authorized expenditures were not spent or could not be encumbered in 2003 because:

- There was not sufficient time to complete bidding in 2003 and therefore, there was no known vendor or binding contract as required to expend or encumber the monies.
- The project for which the dollars were originally appropriated by Council could not be completed during 2003 and reappropriation of those dollars is necessary for completion of the project in 2004.
- To carry on programs, services, and facility improvements in 2004 with unspent dollars previously appropriated in 2003.

The unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2003.

21. First Reading of Ordinance No. 020, 2004, Adopting Updated Rules and Regulations Governing Grandview and Roselawn Cemeteries and Amending Section 23-156 of the City Code Pertaining to Cemetery Rules and Regulations.

Every few years the Cemetery Division needs to revise/update its rules and regulations to better meet the needs of the community. Pursuant to Section 23-156 of the City Code, all cemeteries owned by the City shall be operated and maintained in accordance with rules and regulations adopted by the City Council by resolution, and knowing violation of such rules and regulations shall be unlawful. However, Article II, Section 6 of the City Charter states that all legislative enactments establishing any rule or regulation for the violation of which a penalty is imposed or limiting the use of private property shall be by ordinance. Because violation of cemetery rules and regulations could result in a criminal penalty, and because the rights of interment purchased by the public could be considered private property rights, the cemetery rules and regulations should be adopted by ordinance, and they have been so adopted in the past.

This Ordinance will amend Section 23-156 to require that cemetery rules and regulations be adopted by the City Council by ordinance rather than by resolution. It will also authorize a number of changes and updates to the Cemetery Rules and Regulations. The primary change is the offering of Saturday burials, including in-ground burials, entombments and inurnments, and establishing guidelines for the scheduling of Saturday burials.

22. First Reading of Ordinance No. 021, 2004, Authorizing the Mayor and the City Clerk to Apply and Contract for Beneficial Use of Water on Behalf of the City of Fort Collins, and Prescribing the Terms for Application for an Allocation of the Right to Use Colorado-Big Thompson Project Water to the City by Northern Colorado Water Conservancy District.

The City owns 18,855 acre-foot units of Colorado-Big Thompson water which are held under permanent contracts or temporary use permits with the Northern Colorado Water Conservancy District. The Northern Colorado Water Conservancy District requires that all Colorado-Big Thompson units held under temporary use permits on December 31 of any year be converted to use under permanent contracts. As of the end of the year, the City had 150 units of Colorado-Big Thompson water held under temporary use permits that must now be converted to what is referred to as a permanent Section 131 contract. This conversion is accomplished by adopting an ordinance conforming to the standard form of ordinance provided by Northern Colorado Water Conservancy District, and approved as to form by the City Attorney's Office. Adoption by City Council will authorize the Mayor and City Clerk to apply for the permanent contract.

23. First Reading of Ordinance No. 022, 2004, Authorizing the Lease of City-Owned Property at 212 West Mountain Avenue for Up to Five Years.

The City and the County purchased the property at 212 West Mountain Avenue in 1985 as part of the Block 31 purchases. In the Intergovernmental Agreement dividing Block 31, this property was quit claimed to the City. The County occupied this building until the new County Courthouse was completed in the summer of 2003. This building has a total of 7,704 square feet, of which 6,225 is currently usable. This space has been considered for other City users, but a need has not been identified. Staff has shown the space to a private entity and negotiations are continuing. Staff recommends leasing this property until this area of Block 31 is needed for future improvements.

24. First Reading of Ordinance No. 023, 2004, Vacating Portions of the Rights-of-Way as Dedicated on the Plat of Fossil Creek Meadows, First Filing.

This site is located east of College Avenue, just north and south of Fossil Creek Parkway. It was a County development proposal that dedicated the streets as shown and laid out on the Fossil Creek Meadows, First Filing plat. Fossil Creek Parkway was built, but the Frontage Road was not. The dedicated right-of-way was annexed into the City when the parcel was annexed in 1985. Since that time a development proposal, Discount Tire at Fossil Creek, for which an Administrative Hearing was held on October 7, 2003, was submitted and shows that Fossil Creek Parkway was constructed slightly different than was originally platted. The plat approved at the Administrative Hearing proposes vacating portions of right-of-way along Fossil Creek Parkway that are no longer needed and dedicating portions which are needed due to the location in which it was constructed. The plat for Discount Tire at Fossil Creek also proposes the vacation of a portion of the right-of-way dedicated for a frontage road for College Avenue. The frontage road is no longer needed, but a portion of right-of-way needed for the expansion of College Avenue will be retained by the City, with the remainder proposed for vacation.

25. Resolution 2004-013 Finding Substantial Compliance and Initiating Annexation Proceedings for the Trailhead Annexation.

The Trailhead Annexation is an annexation, zoning and structure plan amendment for 91.25 acres of land located north of East Vine Drive, west of the Waterglen Subdivision. The parcel is contiguous to existing City boundaries by the Buderus Second Addition and the Vine Business Park Annexation. The requested zoning is Low Density Mixed-Use Neighborhood. (LMN).

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. This resolution will schedule the public hearing and first reading of the annexation ordinance on March 16, 2004.

This Resolution was previously considered by Council at its December 16, 2003 meeting. However, the applicant has requested the delay of the annexation, which has delayed the previously scheduled first reading date. Thus, this Resolution must be reconsidered with a new hearing date.

26. Resolution 2004-014 Approving the Purchase of a Replacement Sheet of Ice and Related Equipment as an Exception to the Competitive Purchasing Process.

Edora Pool & Ice Center (EPIC) has two sheets of ice that are used for skating lessons, hockey, and other community skating events. The original sheet of ice (the "Blue Rink") was augmented in 2002 by the addition of a second sheet of ice (the "Green Rink").

Commercial Refrigeration provided and installed the refrigeration and cooling systems for the "Green Rink". During the design process, the skid for the refrigeration system was sized to accommodate a third compressor that would eventually support the replacement of the existing "Blue Rink" with the identical system installed for the "Green Rink". Additionally, piping from this skid was sized to accommodate the "Blue Rink" and stubbed to the "Blue Rink" so it could be extended to the new header during the planned renovation. The design for the renovation of the "Blue Rink" is identical to the design for the "Green Rink" and requires all of the same components provided by Commercial Refrigeration.

27. Resolution 2004-015 Making Appointments to the Commission on the Status of Women.

Vacancies currently exist on the Commission on the Status of Women due to the resignations of Cecilia Altizer and Lee Varra-Nelson. Councilmembers Weitkunat and Tharp interviewed applicants and are recommending Beth Etter and Stacey Arnold to fill the vacancies with terms to begin immediately and to expire on December 31, 2007.

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

28. Consent Calendar Follow-up.
This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
29. Staff Reports.
Status Report on Council Requests.
30. Councilmember Reports.
Presentation of “SAFE KIDS” Honor from the Larimer County Coalition to the City of Fort Collins.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

31. Resolution 2004-016 Appointing the Members of an Economic Vitality and Sustainability Action Group. (30 minutes)

On January 6, 2004 City Council adopted Resolution 2004-006 and endorsed the establishment of an *Economic Vitality and Sustainability Action Group (Task Force)*.

Councilmembers Marty Tharp and Karen Weitkunat (the Council Economic Policy Committee) were to prepare and present to City Council a cross-section of business and economics representatives of the community as well as members of the general public that are interested in serving on the Task Force. Councilmembers Tharp and Weitkunat developed a matrix as a tool to help identify the interests to be reflected on the Task Force. The matrix blended various job and business categories—many of the typical ones listed on the North American Industry Classification System—with some of the important perspectives that should be represented, e.g., environment, economy, entrepreneurial, social, emerging technology and global/local. Using the matrix, potential members were identified to ensure a good cross-section of people and those that have a good working knowledge of these attributes.

32. Resolution 2004-017 Making an Appointment to the Downtown Development Authority. (15 minutes)

A vacancy exists on the Downtown Development Authority due to the expiration of term of Greg Belcher. Councilmember Bertschy and Mayor Martinez interviewed the applicants and did not reach agreement on a recommendation to fill the vacancy. The Council interview team wishes to submit Karen Wagner and Jack Wolfe for Council’s consideration.

33. First Reading of Ordinance No. 024, 2004, Appropriating Prior Year Reserves in the Equipment Fund to Be Used to Purchase Property Located at 518 North Loomis Avenue and to Make Certain Site Improvements to the Property Thereon. (15 minutes)

This request is for appropriating Fleet Services Reserve funds in the amount of \$597,000 to

purchase the property and \$85,000 to provide site improvement - such as landscaping, site cleanup, and fence removal. The property consists of three connected warehouse buildings totaling 20,000 square feet. The associated land totals 1.01 acres. The proposed use of this property would be for consolidating furniture and Fleet and Facility Services' maintenance and repair materials in a single location. Currently, 21,500 square feet of storage is provided in four temporary locations in the downtown Civic Center complex plus one location at the Fleet Services site at Wood Street.

34. Items Relating to 2004 Water Rates for Single Family and Duplex Water Customers (Option A, B or C). (75 minutes)

- A. Resolution 2004-018 Expressing the Council's Intent to Continue in Effect for 2004 the Existing User Rates and Charges for Water (Option A).
OR
- B. Resolution 2004-018 Directing the City Manager to Develop a Modified 5-Tiered Rate Structure for Residential Water Customers (Option B).
OR
- C. Resolution 2004-018 Directing the City Manager to Develop a Water Budget-Based Rate Structure for Residential Water Customers (Option C).

At the December 9, 2003 Study Session, Utilities staff presented City Council with four water rate options for single family and duplex customers. During the study session there were various levels of support expressed for two options: (1) retaining the current tiered rate structure (with or without modifications); and (2) the water budget rate structure.

Based on input from Council, this item presents three options for water rates in 2004.

Option A – Existing 5-Tiered Rate

Option A is a resolution to retain the current 5-tiered water rate for 2004.

Option B – Modified 5-Tiered Rate

Option B is a resolution directing staff to bring back to Council an Ordinance implementing a modified 5-tiered rate for residential single family and duplex customers.

Option C – Water Budget Rate Structure

Option C is a resolution directing staff to bring back to Council an ordinance implementing a water budget rate structure for residential single family and duplex customers.

If Option A is favored, the current rate ordinance would remain in effect for 2004 and no additional action would be required by Council.

If either Option B or C is approved, a rate ordinance implementing such would be scheduled for first reading at the March 2, 2004 Council meeting and second reading at the March 16,

2004 Council meeting, and would be effective for billings with meter readings on or after May 1, 2004.

35. First Reading of Ordinance No. 025, 2004, Amending Chapter 15, Article XV of the City Code Relating to Solid Waste Collection and Recycling Services. (1 hour)

Since it was adopted in 1996, the pay-as-you-throw (PAYT) Code provisions governing the provision of solid waste collection services have been implemented by trash haulers as a condition of their City license, with one amendment made in March 2000 to establish an audit system for the City's use.

At a Council review in 2002, staff was requested to improve the effectiveness with which the PAYT Code provisions are applied. Clarification to the language in the Code is proposed to specifically state that all single family and two-family residences in Fort Collins are subject to unit-based (PAYT) trash rates, including those participating in group accounts for trash service. The proposed changes remove any ambiguity in the existing requirement, and do not introduce a new or different approach.

36. Pulled Consent Items.

37. Other Business.

38. Adjournment.