

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

February 4, 2003

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Proclaiming the Week of January 27 - February 2 as “Catholic School Week”.
- B. Proclamation Proclaiming the Month of February as “Black History Month”.
- C. Proclamation Proclaiming the Month of February as “American History Month”.
- D. Presentation of Exemplary Citizenship Award to Grant L. Williamson-Jones.

Regular Meeting

6:00 p.m.

- A. Presentation of Wind Power Participants’ Plaque by the Sierra Club.
- B. Annual Report to the Community - Mayor Martinez and City Manager John Fischbach.

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 28. 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. Consideration and approval of the Council meeting minutes of December 17, 2002.
8. Second Reading of Ordinance No. 009, 2003, Appropriating Unanticipated Revenue in the Building Community Choices Capital Projects Fund, Mason Transportation Corridor Project, to be used for Design and Construction of Improvements to the Mason Transportation Corridor Project South of Harmony Road to the Future Fossil Creek Trail.

This Ordinance, which was unanimously adopted by a 5-0 vote (Mayor Martinez and Councilmember Bertschy were absent), on January 21, 2003, appropriates unanticipated revenue to be used for the design and construction of the Mason Street Transportation Corridor.

9. Second Reading of Ordinance No. 010, 2003, Appropriating Unanticipated Revenue in the Building Community Choices Capital Projects Fund - North College Corridor Project to be used for Bicycle and Pedestrian Improvements and Roadway Improvements along North College Avenue.

The City of Fort Collins and the Colorado Department of Transportation (CDOT) along with consulting team of Felsburg Holt & Ullevig have been working to finalize the engineering phase of the North College Avenue Improvement Project. This project includes the portion of North College Avenue (US287) from the Jefferson Street (SH14)/Maple Street intersection on the south to Vine Drive on the north. The roadway maintenance improvements include asphalt mill and overlay of the roadway and concrete improvements in the intersections.

Ordinance No. 010, 2003, which was unanimously adopted by a 5-0 vote (Mayor Martinez and Councilmember Bertschy absent), on January 21, 2003, appropriates the funds necessary for the improvements.

10. Second Reading of Ordinance No. 011, 2003, Appropriating Prior Year Reserves in the Street Oversizing Fund and Authorizing the Transfer of Appropriated Amounts to be used to Construct Improvements on Lemay Avenue from Fossil Creek to Trilby Road.

With the development of the Fossil Creek Community Park, arterial street improvements are planned for Lemay Avenue adjacent to the Park property. The Paragon Point Development south of the Southridge Greens Golf Course previously established a cash escrow for the widening of Lemay Avenue adjacent to their property. These projects have been combined to improve Lemay Avenue to a four lane arterial from the Fossil Creek bridge south to Trilby Road. In conjunction with this project, traffic signals will be installed at Lemay/Trilby, Lemay/Fossil Creek Blvd, and Lemay/Southridge Greens Blvd. In addition, the pedestrian underpass for the Fossil Creek Trail under Lemay Avenue will be constructed with this project. The Stormwater Utility has identified upgrades to the existing drainage crossing at Lemay and Stonegate Drive to be constructed with this project. These improvements will complete the arterial widening of Lemay Avenue to Trilby Road. Except for these Stormwater upgrades and the pedestrian underpass, the project will be funded through developer contributions and the Street Oversizing Program. This Ordinance was unanimously adopted on First Reading on January 21, 2003 by a 5-0 vote (Mayor Martinez and Councilmember Bertschy were absent).

11. Items Relating to First Free Will Baptist Church Annexation.

- A. Second Reading of Ordinance No. 014, 2003, Annexing Property Known as the First Free Will Baptist Church Annexation to the City of Fort Collins, Colorado.
- B. Second Reading of Ordinance No. 015, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the First Free Will Baptist Church Annexation to the City of Fort Collins, Colorado.

Resolution 2003-007, was unanimously adopted by a 5-0 vote (Mayor Martinez and Councilmember Bertschy absent), on January 21, 2003, setting forth findings of fact and determinations regarding the First Free Will Baptist Church Annexation.

On January 21, 2003, Council also unanimously adopted by a 5-0 vote (Mayor Martinez and Councilmember Bertschy absent), Ordinance No. 014, 2003 and Ordinance No. 015, 2003, annexing and zoning the property known as the First Free Will Baptist Church.

12. First Reading of Ordinance No. 016, 2003, Separately Codifying "The Fort Collins Traffic Code"; Repealing All Conflicting Ordinances; and Making Certain Related Amendments to Chapter 28 of the City Code.

In 1977, the City of Fort Collins adopted the revised edition of the Model Traffic Code for Colorado Municipalities, a generic document designed to provide uniformity throughout the state pertaining to laws governing the movement of vehicles and pedestrians on streets and highways. The 1977 Model Traffic Code also gave municipalities the power to adopt portions of the Model Traffic Code which were applicable to the local traffic situation, provided those laws or ordinances adopted or modified were not in conflict with state law. The 1977 Model Traffic Code mirrored the State of Colorado's C.R.S. Title 42 Statutes for Vehicle and Traffic Enforcement with the exception of areas pertaining to driver's licenses, vehicle registration, and alcohol or drug related driving offenses, as these statutes are enforced and handled at the county and district court level. The State no longer uses this Model Traffic Code edition and no other jurisdiction has retained it except Fort Collins. This document has been used by the City since 1977 with numerous changes and updates as the years passed.

In 1998, discussions were undertaken about the feasibility of creating a new Traffic Code for the City of Fort Collins, making it a stand alone, separately codified document, and repealing the outdated 1977 Model Traffic Code. A committee consisting of representatives from the City Attorneys Office, City Municipal Court Violations Bureau, City Police Services, City Parking Management, City Traffic Engineering, and the Colorado State University Police Department was initially formed to develop the new manual. After five years and numerous revisions and input from various affected staff, this new traffic code for the City of Fort Collins was created. The document is now entitled "Fort Collins Traffic Code" and has been updated to reflect the most recent changes in the State of Colorado's C.R.S. Title 42 Vehicle and Traffic Enforcement statutes and to reflect the current and future traffic enforcement needs and issues specific to the City of Fort Collins and Colorado State University.

13. First Reading of Ordinance No. 017, 2003, Designating the J. W. Spencer House and Garage, 1007 West Mountain Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

The owner of the property, Linda Dunford, is initiating this request for Fort Collins Landmark designation for the J. W. Spencer House and Garage. The property qualifies for designation under Fort Collins Landmark Standard 14-5 (C), Architectural Significance. The property also qualifies for designation on the National and State Registers of Historic Places. The residence exemplifies the Folk Victorian architectural style, with excellent integrity. The detached historic garage, which dates from the period of significance, contributes to the historic and architectural character of the property. A small, non-historic playhouse structure located on the property does not contribute to the property's architectural significance and is not a part of the designation.

14. First Reading of Ordinance No. 018, 2003, Designating the Wiggins House and Garage, 1009 West Mountain Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

The owner of the property, Patricia Taylor, is initiating this request for Fort Collins Landmark designation for the Wiggins House and Garage. The property qualifies for designation under Fort Collins Landmark Standard 14-5 (C), Architectural Significance. The property also qualifies for designation on the National and State Registers of Historic Places. The residence exemplifies the Craftsman architectural style, with excellent integrity. The detached historic garage, which dates from the period of significance, has good integrity and contributes to the historic and architectural character of the property.

15. First Reading of Ordinance No. 019, 2003, Designating the Temple House, 817 Peterson Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

The owners of the property, Robert Liebler and Linda Hamilton, are initiating this request for Fort Collins Landmark designation for the Temple House. The property qualifies for designation under Fort Collins Landmark Standard 14-5 (C), Architectural Significance. The property is currently designated on the National and State Registers of Historic Places, as an element of the Laurel School National Register District. The residence is a distinctive and locally unusual example of the Colonial Revival style of architecture, with good integrity.

16. First Reading of Ordinance No. 020, 2003, Designating the Ruth A. Jones House, 120 North Whitcomb Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

The owners of the property, Emily Taylor and James Jordan, are initiating this request for Fort Collins Landmark designation for the Ruth A. Jones House. The property qualifies for designation under Fort Collins Landmark Standard 14-5 (C), Architectural Significance. The property also qualifies for designation on the National and State Registers of Historic Places. The residence is an exceptional example of the Tudor Revival style of architecture, with nice integrity.

17. First Reading of Ordinance No. 021, 2003, Designating the Montgomery House and Garage, 505 Smith Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

The owners of the property, Hilary, Barbara and Calvin Douglass, are initiating this request for Fort Collins Landmark designation for the Montgomery House and Garage. The property qualifies for designation under Fort Collins Landmark Standard 14-5 (C), Architectural Significance. The property also qualifies for designation on the National and State Registers of Historic Places. The residence exemplifies the Pyramidal Hipped Cottage style of architecture, with good integrity. The detached historic garage, which dates from the period of significance, has good integrity and contributes to the historic and architectural character of the property.

18. First Reading of Ordinance No. 022, 2003, Designating the William and Clara Blair House and Garage, 716 West Oak Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

The owners of the property, John and Barbara Lueck, are initiating this request for Fort Collins Landmark designation for the William and Clara Blair House and Garage. The property qualifies for designation under Fort Collins Landmark Standard 14-5 (C), Architectural Significance. The property would also likely qualify for individual designation on the National and State Registers of Historic Places. The residence exemplifies the Craftsman Bungalow architectural style of the early 1930s, with excellent integrity. The detached garage, which dates from the period of significance, exhibits good integrity with a high level of Craftsman stylistic detail, and contributes significantly to the historic and architectural character of the property.

19. First Reading of Ordinance No. 023, 2003, Designating the William and Eva Stroud House and Garage, 717 West Olive Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

The owners of the property, Fred Snyder and Cindy Jarvie, are initiating this request for Fort Collins Landmark designation for the William and Eva Stroud House and Garage. The property qualifies for designation under Fort Collins Landmark Standard 14-5 (C), Architectural Significance. The property also qualifies for designation on the National and State Registers of Historic Places. The residence exemplifies the Hipped Roof Box variant of early 20th century vernacular residential architecture, with good integrity. The detached historic garage, which dates from the period of significance, contributes to the historic and architectural character of the property. A second, non-historic garage structure, located adjacent to the historic garage, does not contribute to the property's significance and is not a part of the designation.

20. Resolution 2003-009 Making Amendments to Various 2003 Board and Commission Work Plans.

Council Liaisons have reviewed the board and commissions work plans for 2003. At its January 21, 2003 meeting, Council made recommendations to make changes to the following 2003 board and commission work plans:

- Art in Public Places Board
- Community Development Block Grant Commission
- Golf Board
- Natural Resources Advisory Board
- Parks and Recreation Board

- Transportation Board
- Youth Advisory Board

21. Resolution 2003-010 Making Appointments to Various Boards and Commissions.

A vacancy currently exists on the Air Quality Advisory Board due to the resignation of Conrad VanDyke. Councilmembers Hamrick and Martinez reviewed the applications on file and are recommending John Long to fill the vacancy with a term to begin immediately and set to expire on December 31, 2005.

A vacancy currently exists on the Parks and Recreation Board due to the resignation of Ross Cunniff. Councilmembers Bertschy and Roy reviewed the applications on file and are recommending Greg Miller to fill the vacancy with a term to begin immediately and set to expire on December 31, 2003.

A vacancy also currently exists on the Youth Advisory Board due to the resignation of Team Fort Collins Appointee Mandy Hoffer. Team Fort Collins has recommended Ashley Stephenson to fill the vacancy with a term to begin immediately and set to expire on December 31, 2003. City Council is being asked to confirm Ashley Stephenson as the Team Fort Collins Appointee to the Youth Advisory Board.

22. Resolution 2003-011 Making Board and Commissions Liaison Assignments to the Affordable Housing Board and the Art in Public Places Board.

At its July 16, 2002 meeting, Council adopted Resolution 2002-074 making board and commission liaison assignments and committee appointments. Resolution 2002-074 provided for the appointment of Councilmember David Roy as liaison to the Affordable Housing Board and Councilmember Marty Tharp as liaison to the Art in Public Places Board.

Councilmembers Roy and Tharp have expressed a desire to trade liaison assignments to the Affordable Housing Board and the Art in Public Places Board.

This Resolution appoints Councilmember David Roy as liaison to the Art in Public Places Board and Councilmember Marty Tharp as liaison to the Affordable Housing Board.

23. Resolution 2003-012 Authorizing the Mayor and City Manager to Enter into Intergovernmental Agreements Regarding Joint Implementation, Operation and Use of a Computer Aided Dispatch, Records Management and Jail Management System, to be Purchased by the City and Larimer County.

These agreements would allow the City and Larimer County to purchase and jointly operate an Emergency Services computer aided dispatch (“CAD”), jail management system (“JMS”) and records management system (“JMS”) that will serve Fort Collins Police Services, the Larimer County Sheriff’s Office, Poudre Fire Authority, Poudre Valley Health Care Ambulances, CSU

Police Department, Estes Park Police Department and Berthoud Police Department. This would result in enhanced information and resource sharing between these departments resulting in improved service to all of Larimer county. It is further intended that Loveland emergency service agencies be able to participate in the system if they deem it in their best interest at a later date. The City and/or Larimer County currently have agreements in place with the above named agencies and intend to jointly initiate new agreements with these agencies regarding use of the new City/County system. The City and County may also allow additional emergency services agencies access to the system at a later date. The joint purchase of a CAD/RMS/JMS system by the City and Larimer County is financially beneficial for both agencies.

24. Resolution 2003-013 Authorizing the Mayor to Execute an Intergovernmental Agreement with the Northern Colorado Water Conservancy District Acting by and through the Pleasant Valley Pipeline Water Activity Enterprise and the City of Fort Collins Water Utility Enterprise for Construction of the Pleasant Valley Pipeline Project and Related Allotment of Pipeline Capacity.

The Pleasant Valley Pipeline Project is included in the Water Treatment Facilities Master Plan that was approved by City Council in June 1997. When constructed, the pipeline will convey additional water from the Poudre River to the City's Water Treatment Facility on west LaPorte Avenue. Additional pipeline capacity will increase the capability and reliability of our Poudre River delivery system (originally built in 1927). The Pleasant Valley Pipeline Project is a regional project with the City of Fort Collins, City of Greeley and the Tri-Districts. The City's allotted portion of the pipeline capacity is 60 mgd.

25. Resolution 2003-014 Finding Substantial Compliance and Initiating Annexation Proceedings for 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.

26. Resolution 2003-015 Finding Substantial Compliance and Initiating Annexation Proceedings for the Strauss Lakes Development Annexation.

This is a request for a 100% voluntary annexation of approximately 17.79 acres of privately owned property located on the northeast corner of Horsetooth Road and Ziegler Road. The recommended zoning is LMN – Low Density Mixed-Use Neighborhood.

27. Resolution 2003-016 Finding Substantial Compliance and Initiating Annexation Proceedings for 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.

28. Routine Easements.

- A. Easement for construction and maintenance of public utilities from East Larimer County Water District, to underground electric services, located at 232 South Link Lane. Monetary consideration: \$10. Staff: Patti Teraoka.
- B. Easement for construction and maintenance of public utilities from Fort Collins Housing Corporation, to underground electric services, located at 221 Third Street. Monetary consideration: \$100. Staff: Patti Teraoka.

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

29. Consent Calendar Follow-up.

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

30. Staff Reports.

31. Councilmember Reports.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

32. Consideration of the Appeal of the December 19, 2002 Planning and Zoning Board Decision to Approve In-Situ, Inc. 105 East Lincoln Avenue, Request for Modification of Two Standards, #46-02.

On December 19, 2002, the Planning and Zoning Board voted 7- 0 to approve In-Situ, Inc. 105 East Lincoln Avenue, Request for Two Modifications. This was a request to modify two standards: *Section 3.4.1(E)(2), Buffer Zone Performance Standards* and *Section 4.16(D)(3)(a)(3.) and Buildings – Frequent Views/Access*. The proposed structure encroaches into the Poudre River buffer zone more than the allowable 20%. The length of the structure parallel to the Poudre River exceeds the maximum of 125 feet. The site is approximately four acres in size located at 105 East Lincoln Street on the south side of the street, between Hydro Construction and Team Petroleum. The site is directly north of the Poudre River and zoned C-C-R, Community Commercial - Poudre River.

On January 2, 2003, a Notice of Appeal was filed with the City Clerk's Office by Councilmembers Roy and Hamrick, pursuant to Section 2-48 of the City Code. On January 21, 2003, an Amended Notice of Appeal was filed. The purpose of the appeal is for the Council to consider whether the Planning and Zoning Board failed to properly interpret and apply the relevant provision of the Code and Charter.

33. Second Reading of Ordinance No. 189, 2002, Amending Section 4.15(B)(3)(c) of the City of Fort Collins Land Use Code by adding Supermarkets as a Permitted Use in the Community Commercial - North College Zone District.

Ordinance No. 189, 2002, which was adopted 4-3 (Nays: Councilmembers Roy, Kastein and Hamrick) on First Reading on December 17, 2002, amends Section 4.15(B)(3)(c) of the Code adding Supermarkets (over 25,000 square feet) as a permitted use within the C-C-N, Community Commercial- North College zone district. At the December 17 hearing, Council discussed various aspects and competing issues related to the request for this Code amendment.

34. Discussion of a Draft Resolution Placing a One-percent Construction Tax Measure and a One-quarter Cent Sales and Use Tax Measure Before the Voters at the April 8, 2003 Municipal Election.

On January 28, 2003, Council provided staff with direction to prepare a resolution for its consideration to place two ballot measures before the voters at the April municipal election.

Council discussed two options for when the ¼ cent sales and use tax would take effect and asked staff to prepare two options for its consideration and discussion at the February 4 meeting.

Staff recommends that Council discuss the issues presented and seek public input at the February 4 Regular Council meeting. Staff can then finalize the ballot measure(s) and present them for Council action at the February 18 meeting.

35. Discussion of a Ballot Measure to Release Funds Committed to the Prospect Road, River to Summitview Project in the Building Community Choices Package, and Make Those Funds Available for Other Transportation Capital Projects.

In 1996, voters approved a package of Building Community Choices capital improvement projects that included funding for improvements to Prospect Road from the Poudre River to Summitview Drive.

Since the ballot language was set in 1996 regarding this project, several circumstances have changed regarding the need for the project as described. Staff is currently undertaking engineering and design work on the Prospect Road project. Some issues which have been encountered include:

- Flood plain issues have changed as new flood plain studies have been completed and detailed

- engineering work is being completed.
- The option of using culverts instead of a bridge to protect the road through the floodplain is being explored. This could significantly change the previous cost estimates.
 - Flood control concerns must be addressed related to an existing dike in the area of Riverbend Ponds.
 - Long-term plans must be developed for completion of Prospect Road from the River to I-25, including build-out to a full 4-lane arterial with bike and pedestrian facilities.

Currently staff is actively working to address these questions and develop the long-term plans for Prospect Road. Analysis and planning work is expected to be completed by summer, 2003. After the planning process is complete, staff expects approximately \$4.4 million (2003 dollars) to be available for the construction phase of the project.

The proposal to release the funds earmarked in BCC for the Prospect Road project was raised because of a concern as to whether it is prudent to spend the money allocated to the project in the way envisioned in the ballot language. Changing needs and circumstances may make other projects a higher priority than Prospect Road and concerns have been raised about making these improvements ahead (by several years) of adding additional travel lanes. Staff is concerned that this may no longer be the most cost effective solution to transportation needs in the area.

By asking the voters to release the funds and make them available for other transportation capital projects, higher priority issues can be addressed sooner. The full Prospect Road, River to I-25 project could be completed with future funds that the voters are being asked to approve in April through the sales and use tax and construction tax ballot measures.

36. Pulled Consent Items.

AGENDA
MEETING OF THE BOARD OF DIRECTORS OF
WATER UTILITY ENTERPRISE

February 4, 2003

Regular Meeting
6:00 p.m.

(or as soon thereafter as the City Council completes its business)

1. Call Meeting to Order.
2. Roll Call.
3. Resolution No. 006 Authorizing the President of the Board to Execute an Intergovernmental Agreement with the Northern Colorado Water Conservancy District Acting by and through the Pleasant Valley Pipeline Water Activity Enterprise and the City of Fort Collins for Construction of the Pleasant Valley Pipeline Project and Allotment of Pipeline Capacity.

The Pleasant Valley Pipeline Project is included in the Water Treatment Facilities Master Plan that was approved by City Council in June 1997. When constructed, the pipeline will convey additional water from the Poudre River to the City's Water Treatment Facility on west LaPorte Avenue. Additional pipeline capacity will increase the capability and reliability of our Poudre River delivery system (originally built in 1927). The Pleasant Valley Pipeline Project is a regional project with the City of Fort Collins, City of Greeley and the Tri-Districts. The City's allotted portion of the pipeline capacity is 60 mgd.

Previous work including preliminary design, final design, environmental studies, permitting and acquisition of right-of-way have already been carried out pursuant to a prior Intergovernmental Agreement with the Northern Colorado Water Conservancy District, which was approved by City Council with the adoption of Resolution 99-57 in May 1999, and by the Enterprise Board of the Water Utility Enterprise with the adoption of Resolution No. 4 at the same time. The Northern Colorado Water Conservancy District has selected Barnard/High Country Construction to build the pipeline. With the 2003 budget appropriation, the Water Utility has sufficient funds (\$11,572,309) to complete the project. The schedule calls for the District to issue the Notice to Proceed as soon as possible so that the project can be completed in time for the 2004 Poudre River runoff. The City Council has adopted a resolution approving the Intergovernmental Agreement.

4. Other Business.
5. Adjournment.