

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

February 15, 2005

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Proclaiming February 20-26, 2005 as “National Engineers Week.”
- B. Proclamation Proclaiming March 2005 as “Month of International Friendship and Understanding.”

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 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 #35, 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 regular Council meeting minutes of January 18, 2005.
8. Second Reading of Ordinance No. 009, 2005 Appropriating Prior Year Reserves in the Natural Areas Fund for the Purpose of Providing Natural Areas Programming Not Included in the 2005 Adopted City Budget.

In 2004 the Natural Areas Fund was created to comply with accounting standards. Ordinance No. 55, 2004 reallocated funds from the Capital Projects Fund (a non-lapsing fund) into the Natural Areas Fund (a lapsing fund). The purpose of the previously appropriated funds remains the same; land conservation, construction of parking lots, fences and trails, restoration wildlife habitat and other natural areas program needs to benefit the citizens of Fort Collins. Ordinance No. 009, 2005, was unanimously adopted on First Reading on February 1, 2005.

9. Second Reading of Ordinance No. 010, 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.

This Ordinance, which was unanimously adopted on First Reading on February 1, 2005, appropriates \$15,000 in Colorado Department of Public Health and Environment grant funds in the General Fund for the Radon Program. It also authorizes the transfer of \$15,000 from the Natural Resources operating budget to the Grant Fund. The funds will be used to continue the radon education and testing program.

10. Second Reading of Ordinance No. 011, 2005, Appropriating Prior Year Reserves.

City Council authorized expenditures in 2004 for various purposes. The authorized expenditures were not spent or could not be encumbered in 2004 because:

- There was not sufficient time to complete bidding in 2004 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 2004 and reappropriation of those dollars is necessary for completion of the project in 2005.
- To carry on programs, services, and facility improvements in 2005 with unspent dollars previously appropriated in 2004.

Because of the above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2004.

Monies reappropriated for each City fund by this Ordinance, which was unanimously adopted on First Reading on February 1, 2005, are as follows:

General Fund	\$ 1,948,506
Cultural Services and Facilities Fund	\$ 587,329
Recreation Fund	\$ 115,258
Enterprise Funds	
Light and Power Fund	\$ 852,348
Storm Drainage Fund	\$ 202,050
Wastewater Fund	\$ 170,178
Water Fund	\$ 448,338

11. Second Reading of Ordinance No. 012, 2005, Appropriating Unanticipated Revenue in the Building Community Choices Capital Projects Fund - Mason Transportation Corridor Trail Design - Spring Creek Trail North Project for Design of the Mason Transportation Corridor Trail North from the Spring Creek Trail and Connecting With the Colorado State University Campus.

This Ordinance, which was unanimously adopted on First Reading on February 1, 2005, appropriates new grant funds from the Colorado Department of Transportation (CDOT), authorized by the adoption of Resolution 2005-005, into the Mason Transportation Corridor (MTC) Trail project's budget. This new grant from CDOT will fund the design of the MTC Trail north from the Spring Creek Trail to connect with the Colorado State University campus. In the future, the City will continue to pursue additional grant funding to cover the construction costs for this segment of the MTC Trail. This extension of the MTC Trail

northward from the Spring Creek Trail is consistent with the adopted Master Plan for the Mason Transportation Corridor Project.

12. Second Reading of Ordinance No. 013, 2005, Appropriating Unanticipated Revenue in the Capital Projects Fund - Minor Streets Project to be used with Existing Appropriations for the Design and Construction of the Lemay Avenue Southbound Right Turn Lane at Mulberry Street.

This Ordinance, which was unanimously adopted on First Reading on February 1, 2005, appropriates grant funds received from Congestion Mitigation and Air Quality ("CMAQ") to install a right turn lane for southbound Lemay Avenue at Mulberry Street.

13. Second Reading of Ordinance No. 014, 2005, Appropriating Unanticipated Revenue in the Transit Fund to Support Alternative Modes of Transportation in the Transportation Demand Management Program.

These funds were received from the North Front Range Transportation & Air Quality Council's Congestion Mitigation and Air Quality ("CMAQ") grant program. This program is administered by the Colorado Department of Transportation. This funding will permit additional financial support of alternative modes in the SmartTrips™ program. Ordinance No. 014, 2005, was unanimously adopted on First Reading on February 1, 2005.

14. Second Reading of Ordinance No. 015, 2005, Making Various Amendments to the Land Use Code.

On December 7, 2004 during consideration of First Reading of the Fall 2004 Land Use Code revisions, and again on December 21 during Second Reading, Council voted to conditionally allow *drive-in restaurants* in the N-C zone, subject to the establishment of design standards. Since that time, staff has worked closely with a potential applicant, a local franchisee of a national chain restaurant, to craft a set of design standards. The design standards are intended to balance the permitting of the use with the desire to ensure neighborhood compatibility. The Planning and Zoning Board voted 6-0 at its January 20, 2005 meeting to recommend approval of the design standards for drive-in restaurants in the N-C zone.

City Council also approved specific Code amendments on December 21, 2004 that further restrict the minimum lot frontage requirements for buildings constructed side-by-side within the Neighborhood Conservation Medium Density (NCM) and Neighborhood Conservation Buffer (NCB) zone districts. Upon further review of these approved Code changes, it was determined that text changes suggested by staff at the hearing did not accurately capture the direction given by the Council. Therefore, staff is proposing revised language that will more accurately extend the limitation on "skinny houses" to all uses.

Ordinance No. 015, 2005 was unanimously adopted on First Reading on February 1, 2005.

15. Second Reading of Ordinance No. 016, 2005, Designating the First Public School / First Catholic Church Building, 115 Riverside Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Michael Braskich and Bianca Katz, are initiating this request for Fort Collins Landmark designation of the First Public School / First Catholic Church Building. This property is undisputably one of the most significant properties in Fort Collins, for its association with important events and individuals that have made a significant contribution to local history. Additionally, due to its association with the original settlement of Fort Collins, the property has a very high probability of yielding information, including artifacts, important to the history of Fort Collins. The building was specifically constructed as the first public schoolhouse in Fort Collins, and predates the official establishment of the Fort Collins townsite. It is thus one of the oldest buildings in the city. Despite modifications to the building associated with its use as a private dwelling, the building retains sufficient integrity to convey its significance. The building was entered on the National Register of Historic Places in 1980, as a contributing element of the Laurel School Historic District. Due to its unique role in Fort Collins' history, the First Public School / First Catholic Church Building warrants the community's highest recognition, and should be designated individually as a Fort Collins Landmark. Ordinance No. 016, 2005, was unanimously adopted on First Reading on February 1, 2005.

16. Second Reading of Ordinance No. 017, 2005, Designating the Dukes/Dunlap Garage, 501 Stover Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The Dukes/Dunlap property contains both a house and garage. At its December 8, 2004 meeting, the Landmark Preservation Commission found the house to be eligible for Landmark designation, and forwarded this recommendation to Council. On January 18, 2005, Council adopted Ordinance No. 003, 2005 on Second Reading, designating the Dukes/Dunlap House as a Fort Collins Landmark.

- both The property owner, Mona Frayer, is requesting that the garage also be designated as a Landmark. At the Landmark Preservation Commission's January 12 meeting, Ms. Frayer provided detailed information on the history and architecture of the Dukes/Dunlap Garage. The Commission found that the garage is eligible for Landmark designation, and passed Resolution 3-2005, recommending this designation to Council. Qualifying under Standard 3, the Dukes/Dunlap Garage embodies the distinctive characteristics of a type, period, and method of construction, and contributes to the historical and architectural significance of the Dukes/Dunlap property and of the Fort Collins community. Further, the Dukes/Dunlap Garage exhibits excellent integrity, retaining all seven qualities of location, design, setting, materials, workmanship, feeling, and association. Ordinance No. 017, 2005, was unanimously adopted on First Reading on February 1, 2005.

17. Second Reading of Ordinance No. 018, 2005, Designating the Snook/Hale House and Two Garages, 220 South Sherwood Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

Fort Collins Landmark designation of the Snook/Hale House and Two Garages. The Snook/Hale House is an excellent example of Craftsman architecture, with very good integrity. The two garages date to the period of significance and are eligible for designation under Standard 3. Both demonstrate good integrity, and contribute to the historical and architectural significance of the property. Ordinance No. 018, 2005, was unanimously adopted on First Reading on February 1, 2005.

18. Second Reading of Ordinance No. 022, 2005, Amending Section 25-49 of the City Code, Increasing the Annual Income Limits for the Determination of Eligibility for the Sales Tax Rebate on Food to Fifty Percent of the Median Income.

The City has included grocery food as part of the sales tax base since the inception of the tax in 1969. Tax on grocery food has been an integral part of the tax base, accounting for about \$5,645,189 of \$44.3 million of tax collected for the general government uses. This is 12.7% of the total tax collected. The City has operated a rebate program for sales tax paid on grocery food since the early 1980s. The program provides that households which meet the income level guidelines (now set at 30% of the area median income and updated annually) may apply for taxes paid in the prior year. Approximately 640 households qualify for the program. For each member of the eligible household, the City rebates \$40.

Ordinance No. 022, 2005, which was unanimously adopted as amended on First Reading on February 1, 2005, increases the annual income limits for the determination of eligibility for the sales tax rebate to fifty percent (50%) of the median income. This would vastly increase the number of households eligible for the program. The Ordinance also provides for rounding to the nearest \$50 for household income eligibility and increases the maximum members in a household from four to eight.

19. First Reading of Ordinance No. 023, 2005, Appropriating Unanticipated Grant Revenue in the General Fund for the Larimer County Drug Task Force.

The Larimer County Drug Task Force (“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.

Fort Collins Police Services applied to the Office of National Drug Control Policy on behalf of the Task Force for federal grant monies to help fund the investigation of illegal narcotics activities in Larimer County. The City has recently received notification of the grant award in the amount of \$45,000. These funds will be used to help offset the overtime costs of each participating agency.

This appropriation is not a request to identify new dollars for the Fort Collins Police Services 2005 budget. This action appropriates the \$45,000 in new federal grant money. As the administrator of this grant, Fort Collins Police Services will assure participating agencies receive their share of the funds.

20. First Reading of Ordinance No. 024, 2005, Amending Various Sections of the City Code to Define the Term "Growth Management Area" and to Replace the Existing References to "Fort Collins Urban Growth Area" with Said Term.

This Ordinance adds to Chapter 1 of the City Code a definition of the term "Growth Management Area". The City Charter contains a definition of the term "Fort Collins Urban Growth Area" and the new "Growth Management Area" definition references and includes that Charter definition. The term "Growth Management Area" is the more commonly accepted and currently used term and this change will update the Code accordingly. Also, there are two references in the City Code to the term "Fort Collins Urban Growth Area" and these references are revised to instead reference the newly added term, "Growth Management Area".

21. First Reading of Ordinance No. 025, 2005 Amending Section 2-31 of the City Code Pertaining to Executive Sessions.

This Ordinance would amend the provisions of the City Code pertaining to executive sessions to clarify that Council can provide direction to City staff or other persons during the course of an executive session with regard to the matters that are permissible for discussion in executive session.

22. Resolution 2005-010 Adopting the Recommendations of the Parks and Recreation Board Regarding Building Community Choices Disbursements.

In 1997, voters approved a Building Community Choices Capital Improvement Program, dedicated towards funding Natural Areas and Parks Projects. The program is funded by a one-quarter cent sales and use tax, due to expire on December 31, 2005. The Building Community Choices program for Natural Areas and Parks projects included \$576,692 in funding for improvements to community parks. The fund has a current balance of \$429,257, all of which has been appropriated in prior years.

In 2002, the City Council adopted Ordinance No. 044, 2002, appropriating proceeds totaling \$50,000 from a Great Outdoors Colorado grant to be used with Building Community Choices – Community Park Improvements appropriations, totaling \$260,000, to construct the following improvements: (1) Rolland Moore Park - tennis courts and parking improvements; (2) City Park - for a new basketball court; (3) Lee Martinez Park - sidewalk improvements. Improvements to the tennis courts at Rolland Moore Park and the sidewalk improvements at Lee Martinez Park have been completed. The new City Park basketball court and parking improvements at Rolland Moore Park will be developed in 2005.

The four community parks (City, Edora, Lee Martinez, Rolland Moore) are without adequate sidewalks. Presently, people use grass areas and park streets for access to the park from surrounding neighborhoods. Sidewalks between many internal facilities at the parks are also lacking. Building sidewalks will improve safety and access to and through these parks. ADA accessibility is very limited and would be greatly improved by the new sidewalks as well. The total cost of sidewalk improvements is estimated to be \$244,000.

Funds will also be used to make improvements to the ball field lights at Rolland Moore Park and the west ball field at Edora Park. New visors will be added to the lights to reduce spillage and glare at the fields. The total cost of the light improvements is estimated to be \$25,000.

23. Resolution 2005-011 Adopting the Recommendation of the Cultural Resources Board Regarding Fort Fund Disbursements.

The guidelines for the Cultural Development and 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.

Disbursements from funds in the City's Cultural Development and Programming and Tourism Programming accounts as shown on Exhibit "A" to the Resolution were recommended by the Cultural Resources Board at its regular meeting on January 27, 2005 for Tier #2 and Tier #3 applicants.

24. Resolution 2005-012 Approving Expenditures from the Art in Public Places Reserve Account in the Wastewater Utility Fund to Commission an Artist to Create Sculptural Elements for the Wetland Mitigation Ponds behind the East Drake Water Treatment Facility.

This Resolution would approve expenditures of \$70,000 for design, fabrication, installation and contingency for a project to install sculptural works by Lynne Hull at the wetland mitigation ponds behind the East Drake Water Treatment Facility.

25. Resolution 2005-013 Finding Substantial Compliance and Initiating Annexation Proceedings for the Crawford Annexation.

The Crawford Annexation is 30.04 acres in size. The site is located approximately one-half mile west of North College Avenue on the south side of Willox Lane. Contiguity with the existing municipal boundary is gained along the eastern boundary which is shared with the west property line of the Hickory Village Mobile Home Park. Contiguity is also gained along a portion of the southern boundary which is shared with the north property line of the City of Fort Collins Soft Gold Park. The recommended zoning is U-E, Urban Estate. This zoning complies with the Structure Plan Map.

The proposed Resolution states that it is the City's intent to annex this property and directs that the published notice required by State law be given of the Council's hearing to consider the needed annexation ordinance. The hearing will be held at the time of First Reading of the annexation and zoning ordinances on April 19, 2005. Not less than 30 days prior, published notice is required by State law.

26. Resolution 2005-014 Authorizing the Initiation of Exclusion Proceedings in District Court Regarding the Exclusion of Previously Annexed Properties Within the Territory of the Poudre Valley Fire Protection District.

This Resolution authorizes the City Attorney to file a petition in the Larimer County District Court to properly exclude previously annexed properties from the Poudre Valley Fire Protection District in accordance with state law and to allow for the provision of fire protection services to such properties by the Poudre Fire Authority.

27. Resolution 2005-015 Authorizing a Revocable Permit on Property Owned by the City for Installation of an 8" Sanitary Sewer Line.

Timberline Star Properties, LLC has requested a revocable permit for the installation of a City sanitary sewer line 8 inches in diameter on City Light and Power property. City staff has reviewed the plans and specifications for this improvement and has concluded that the improvement will not result in adverse impact to the City owned property. Timberline Star Properties, LLC will be responsible for acquiring all required easements from any affected adjacent property owner(s). Said sanitary sewer line shall, upon the completion of installation and acceptance by the City, be dedicated to the City for public use. At such time that Timberline Road is widened, the 8" sanitary sewer line will be within the Timberline Road right-of-way.

28. Resolution 2005-016 Making an Appointment to the Human Relations Commission.

A vacancy currently exists on the Human Relations Commission due to the resignation of Jenny Lopez Filkins. Councilmembers Roy and Kastein reviewed the applications on file and conducted interviews. The Council interview team is recommending Paige Backlund Jarquin to fill the vacancy.

*****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. Items Relating to Nuisance Gatherings, Public Nuisance Amendments and Rental Registrations. (90 minutes - 10 minute staff presentation)

- A. First Reading of Ordinance No. 019, 2005, Amending Chapter 20 of the City Code to Add a New Article Relating to Nuisance Gatherings.
- B. First Reading of Ordinance No. 020, 2005, Amending Chapter 20, Article VIII of the City Code Relating to Abatement of Public Nuisances.
- C. First Reading of Ordinance No. 021, 2005, Amending Article VI, Division 2 of the City Code Relating to Residential Rental Registration.

The Nuisance Gatherings provision creates a new misdemeanor criminal offense directed at social gatherings or parties that result in nuisance behaviors occurring on neighboring properties. These amendments would be in conjunction with continued efforts to more effectively and proactively enforce current nuisance laws, including loud parties, code compliance issues and the Public Nuisance Ordinance.

The Public Nuisance Ordinance (PNO) has proven to be an effective tool in reducing repeat violations at specific properties. These amendments are intended to improve current processes and strengthen the enforcement provisions of the ordinance.

The Residential Rental Registration Ordinance establishes procedures for identifying ALL rental units within the city limits of Fort Collins, excluding only multi-family units larger

than four-plexes. The purpose of the Rental Registration Program is to identify rental units, educate all parties about Rental Housing Standards and other City codes, and increase the efficacy of nuisance code enforcement through a local contact and better information sharing.

33. Resolution 2005-017 Making Findings of Fact and Conclusions Pertaining to the Appeal of the December 2, 2004, Determination of the Planning and Zoning Board Regarding the Feather Ridge Project Development Plan #20-04A. (45 minutes - 5 minute staff presentation)

At its February 1, 2005 hearing, the City Council overturned (4-3; Nays: Councilmembers Martinez, Tharp, and Weitkunat) the Planning and Zoning Board's denial of the Feather Ridge Project Development Plan and remanded one aspect of the appeal, a request for modification of the standard pertaining to the separation from residential areas contained in Section 3.8.27 of the Land Use Code, to the Planning and Zoning Board for reconsideration. The Planning and Zoning Board will consider the modification request at its February 17, 2005 public hearing.

City Council overturned the Planning and Zoning Board's action based on its finding that the Board failed to interpret and apply Section 3.8.27 (F) of the Land Use Code. As to that criterion, the Council found that vehicle access to the reception center would be provided directly from a public street. The remand to the Board would be limited to reconsideration of the request for a modification of standard to the separation requirements. If the modification of standard is approved by the Board, the approval will constitute approval of the Project Development Plan and, if such modification is denied by the Board, such denial will constitute denial of the Project Development Plan.

34. Items Relating to Out of City Utility Service. (30 minutes - 10 minute staff presentation)

- A. Resolution 2005-018 Regarding Utility Service in the Laporte Area.
- B. First Reading of Ordinance No. 026, 2005, Amending Chapter 7.5 and Chapter 26 of the City Code to Establish Requirements and Procedures for Utility Service Outside the Fort Collins Growth Management Area.

At the December 14, 2004, City Council Study Session, Council discussed the extension of City wastewater service near Laporte. Council agreed with the staff recommendation for Option 4: City provides wastewater treatment through a new wastewater district. Resolution 2005-018 establishes policy for this service and directs staff to work with various entities that are pursuing formation of a special district in the LaPorte area. The agreement between the City and the special district will be presented to Council for final approval. The Resolution also provides direction regarding the resolution of outstanding issues related to an outdated wastewater service agreement with Laporte Water and Sanitation District.

Chapter 26 of City Code outlines a process in which water or wastewater service can be provided outside city limits if certain conditions are met. City Plan Policy GM-5.1

discourages extension of utilities outside the City's Growth Management Area ("GMA") unless the extension is consistent with City Plan and has a community benefit. Ordinance No. 026, 2005 will clarify this ambiguity and require that the areas to be served outside the GMA must be approved by City Council.

35. Pulled Consent Items.

36. Other Business.

37. Adjournment.