

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

February 17, 2004

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Proclaiming February 23, 2004 as “Different Shoe Day”.
- B. Proclamation Proclaiming the Week of February 22-28, 2004 as “National Engineers Week”.

Regular Meeting

6:00 p.m.

PRESENTATION OF COLORS BY GIRL SCOUTS

- 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 33.5. 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 #40, 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 an adjourned meeting of November 25, 2003, and regular meeting minutes of December 2 and December 16, 2003.
8. Second 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. This Ordinance was unanimously adopted on First Reading on February 3, 2004.

9. Second 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, which was unanimously adopted on First Reading on February 3, 2004, 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.

10. Second 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 above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2003. Ordinance No. 019, 2004, was unanimously adopted on First Reading on February 3, 2004.

11. Second 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.

This Ordinance, which was unanimously adopted on First Reading on February 3, 2004, amends Section 23-156, requiring that cemetery rules and regulations be adopted by ordinance rather than by resolution. It also authorizes 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.

12. Second 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.

This Ordinance, which was unanimously adopted on First Reading on February 3, 2004, authorizes the City to apply for and obtain the perpetual right to use 150 acre-foot units of Colorado-Big Thompson Project water held by the City. These units are currently held under temporary use permits with the Northern Colorado Water Conservancy District.

13. Second 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. Ordinance No. 022, 2004, was unanimously adopted on First Reading on February 3, 2004.

14. Second 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. Ordinance No. 023, 2004, was unanimously adopted on First Reading on February 3, 2004.

15. Second 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.

This Ordinance, which was unanimously adopted on First Reading on February 3, 2004, appropriates 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.

16. First Reading of Ordinance No. 026, 2004, Appropriating Unanticipated Revenue in the Capital Projects Fund - Timberline Road Improvements Project to be used for the Engineering Design of Timberline Road from Prospect Road to Drake Road.

Traffic congestion at the Timberline/Prospect intersection is well below the City's Level of Service requirements, with almost all legs and turn movements failing during the morning and evening peak rush hours. In accordance with the Adequate Public Facilities Ordinance, any new development which impacts this intersection cannot proceed until these existing deficiencies are corrected.

In the absence of any capital improvement funding for this intersection, two developers are electing to privately fund these improvements in order to proceed with their development projects. These two developers, owners of the bulk of the impacted property, are proposing the initiation of a special improvement district (SID) which will assess a portion of the costs of the improvements to the other owners of undeveloped property in the area that will benefit by the improvements.

The two initiating developers have contributed \$100,000 so the City can prepare the plans, an estimate of costs, and maps of the district needed to complete the engineering design without cost to the City. This Ordinance will appropriate these funds into a capital project account for the selection of a consulting engineering firm to provide the design plans and documents needed for the creation of the SID and the construction of the project.

17. First Reading of Ordinance No. 027, 2004, Appropriating Prior Year Reserves Designated for Community Park Improvements in the Capital Improvement Expansion Fund for Transfer to the Capital Projects Fund - Southwest Community Park Capital Project to Be Used for Park Design Costs.

In 1996, Council adopted the Parks and Recreation Policy Plan which gives direction for the development of community parks. Community parks serve as the focal point for community-wide activities. These parks are intended to serve a variety of recreational needs for the entire community. The community park standard is one park per 20,000 population. The development of the Southwest Community Park will be the City's sixth community park. The city's population in 2007, when the Park is scheduled to open, is estimated to be about 140,000. The development of Southwest Community Park is necessary to serve the growing community and to meet parkland standards.

18. First Reading of Ordinance No. 028, 2004, Appropriating Unanticipated Revenue in the Capital Projects Fund - Community Horticulture Center Capital Project to be used as Reimbursement for Project Expenditures Incurred.

The City designed and constructed storm water improvements, in connection with the development of the Horticulture Center project, which were oversized to accommodate both the historic and developed stormwater flows from Colorado State University Research

Foundation (CSURF) property onto and across the City property. A cost sharing agreement was entered into by CSURF and the City whereby the City would finance and construct all of said drainage improvements. CSURF agreed to reimburse the City for oversizing the drainage channel to accept its developed flows once Phase 1 of the construction project was completed.

19. First Reading of Ordinance No. 029, 2004, Amending Chapter 20, Article III of the City Code Concerning the Prohibition of Indoor Furniture in Certain Outdoor Locations.

This Ordinance revises Sections 20-41 and 20-42.5 of the City Code. The proposed changes would modify the existing ban on using or keeping indoor furniture in certain outdoor locations, so as to make it a violation to keep such furniture in any yard or on any porch where the furniture is visible to the public or visible from the ground level of adjacent property.

20. First Reading of Ordinance No. 030, 2004, Amending Chapter 20, Article VII of the City Code Concerning the Parking of Motor Vehicles in Yards.

The proposed amendments to Article VII of Chapter 20 of the City Code would: redefine "yards"; expand the prohibition against parking on lawns to all yards of all residential properties; make allowances for unimproved driveways that access a garage; clarify the term "permanent border"; limit to front yards only the "40 percent rule" for improving parking areas; allow for the issuance of citations to the owners of illegally parked cars, as well as to the owners of the properties on which the cars are parked; and allow Code enforcement officers the right of entry onto private property to issue citations.

21. First Reading of Ordinance No. 031, 2004, Amending Sections 227(3) and (4) of the Fort Collins Traffic Code Relating to Tinted Windshields.

Currently, the Fort Collins Traffic Code (FCTC) allows only a certain level of window tinting for all vehicles, including law enforcement vehicles. Staff is requesting that Council amend the FCTC to allow law enforcement vehicles to be exempt from the window tinting restrictions.

Window tinting is used for several reasons on motor vehicles used and operated by law enforcement members of the Fort Collins Police Department. The tinting allows for the safety and comfort of the camera radar operator, who must sit for hours inside the vehicle, sometimes in the direct sunlight, while monitoring the equipment. It also prevents harassment from individuals who find the operation of the equipment offensive. The Larimer County drug task force and its members use window tinting to conceal their identity and to assist during mobile surveillance activities. The Fort Collins Police Traffic Unit uses window tinting also in its unmarked patrol cars, to conceal the identity of the officer, which promotes the successful apprehension of aggressive drivers and further enhances the effectiveness of traffic enforcement within the City. Further, window tinting also allows for

security of weapons and other sensitive law enforcement equipment by reducing the ability of potential thieves to see inside the police cars.

22. Items Relating to Amending the Model Traffic Code and City Code Regarding Muffler Noise.

- A. First Reading of Ordinance No. 032, 2004, Amending the Fort Collins Traffic Code Relating to Muffler Noise and to More Narrowly Define Prohibited Exhaust Systems.
- B. First Reading of Ordinance No. 033, 2004, Amending Section 20-22 of the City Code Relating to Unreasonable Noise.

In October 2003 at the request of City Councilmembers, a cross section of City agencies was formed into a committee to look into the City's current noise ordinances dealing with motor vehicle loud muffler noise and motorcycle noise specifically.

After discussion and review of ordinances around the country, the committee made recommendations for changes to the Fort Collins Traffic Code and the Code of the City of Fort Collins in an effort to reduce the problems with muffler noise and to more narrowly define prohibited exhaust systems. If adopted by the Council, the proposed amendments will become effective upon second reading on all city streets except those which are also state highways. The amendments will become effective upon the state highways within the City limits upon approval by CDOT, pursuant to C.R.S. Section 43-2-135(g).

23. First Reading of Ordinance No. 034, 2004, Authorizing the Sublease to Larimer County of a Portion of the Fossil Creek Reservoir Property Leased by the City from North Poudre Irrigation Company.

The Natural Areas Program holds a lease on 810 acres of land and surface water rights from North Poudre Irrigation Company for Fossil Creek Reservoir. This Ordinance approves a sublease of all or a portion of that leased property to Larimer County. The sublease will allow Larimer County Open Lands to lease, operate, maintain and manage the portion of the reservoir adjacent to Fossil Creek Reservoir Regional Open Space (FCRROS). FCRROS is jointly owned by the City and County, but it will be operated by Larimer County. Larimer County has completed the design of the public improvements for FCRROS, which will be constructed this summer, and the site opened to the public late this year.

24. First Reading of Ordinance No. 035, 2004, Authorizing the Execution of a Conservation Easement on a Portion of Running Deer Natural Area, Authorizing an Access Easement on a Portion of Running Deer Natural Area Adjacent to the Portion Covered by the Conservation Easement and Appropriating Revenues into the City's Open Lands Fund.

This Ordinance authorizes the execution of a conservation easement on a portion of Running Deer Natural Area on which Great Outdoors Colorado (GOCO) has awarded the City a grant to reimburse the City for a portion of the cost of acquiring the property.

25. Items Relating to the Homestead Annexation and Zoning.

- A. Resolution 2004-020 Setting Forth Findings of Fact and Determinations Regarding the Homestead Annexation.
- B. First Reading of Ordinance No. 036, 2004, Annexing Property Known as Homestead Annexation to the City of Fort Collins.
- C. First Reading of Ordinance No. 037, 2004, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Homestead Annexation.

This is a request for a 100% voluntary annexation and zoning of approximately 25.151 acres of publicly and privately owned property. This annexation includes the development approved in the County as the "Homestead P.U.D. 2nd Filing P.L.D. & P.D.", a 1271 foot long portion of the Ziegler Road right-of-way, and a the adjacent street rights-of-way along Cornerstone Drive and Hearthstone Drive. The recommended zoning is the UE – Urban Estate zone district. The property is located within the Fossil Creek Reservoir Area Plan.

This property is eligible for annexation according to Colorado Revised Statutes, requiring 1/6 contiguity to the existing city limits. This annexation application complies with this standard since the property has 1786.15 lineal feet of its total boundary of approximately 4528.11 lineal feet contiguous to the existing City limits. This exceeds the minimum 754.68 lineal feet required to achieve 1/6 contiguity. This contiguity occurs through a common boundary with the Fossil Lake Annexation No. 2 (March 2002), and H.H. – 36 Annexation (December 1998).

26. First Reading of Ordinance No. 038, 2004, Expanding the Boundaries of the Fort Collins, Colorado Downtown Development Authority and Amending the Plan of Development of the Authority.

Adoption of the Ordinance will expand the boundaries of the Downtown Development Authority (DDA) District. These boundaries are contained in the Ordinance establishing the District, as previously amended and in the Plan of Development for the DDA. The purpose of the amendment is to include the Historic Webster House property.

27. Resolution 2004-021 Renaming Shearwater Court to Swift Court.

This is a staff-initiated street name change. Shearwater is a duplicate street name. Staff recommends that Shearwater Court be renamed to Swift Court.

28. Resolution 2004-022 Declaring the Intent of the City of Fort Collins to Participate in the Process of Seeking Designation as a "Preserve America Community."

On March 3, 2003, First Lady Laura Bush launched *Preserve America*, an initiative to encourage and support community efforts for the preservation and enjoyment of our priceless cultural and natural heritage. *Preserve America* is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, and the U.S. Department of Commerce, focusing attention on President and Mrs. Bush's efforts to preserve our national heritage.

29. Resolution 2004-023 Authorizing an Intergovernmental Agreement with Larimer County Concerning the Culver Property.

Larimer County has already purchased the 284-acre Culver property and has also received a GOCO grant for this purchase. GOCO requires that the County place a Conservation Easement on the property. The County is asking the City to contribute \$200,000 towards the purchase and hold the Conservation Easement. The property will be an addition to Horsetooth Mountain Park, which is predominantly used by Fort Collins residents. It will allow for the expansion of the existing trail system and conserve outstanding wildlife habitat and scenic lands. Located along County Road 38E south of Horsetooth Mountain Park, the land lies on top of the beautiful red sandstone cliffs.

30. Resolution 2004-024 Authorizing an Amended Intergovernmental Agreement with Larimer County Concerning the Indian Creek Property.

Larimer County has negotiated to acquire 1,545 acres of foothills property between the Rimrock Open Space and the Devil's Backbone Open Space known as the Indian Creek property (the "Property"). The Property includes large cottonwoods along Indian Creek, an active golden eagle nest along the rimrock outcrops, and spectacular views, and the acquisition of the Property will allow the County to construct a trail that will connect the Coyote Ridge/Rimrock trail to the Devil's Backbone Open Space and to Horsetooth Mountain Park.

31. Resolution 2004-025 Adopting the Recommendations of the Cultural Resources Board Regarding Fort Fund Disbursements.

The guidelines for the Cultural Development & Programming and Tourism Programming accounts (Fort Fund) provide a three-tiered funding system. Organizations may apply for grants from these accounts to fund community events. Tier #1 was established as an annual

programming fund for organizations whose primary purpose is to present three or more public events annually. These groups may apply for funding from Tier #1 each April. Tier #2 allows organizations that are not eligible for Tier #1 support to apply for funding of events that are not fund-raising in nature and do not generate more than \$5,000 in proceeds after expenses. Tier #3 allows organizations that are not eligible for Tier #1 support to apply for funding of events that generate more than \$5,000 in proceeds after expenses and are fund-raising in nature. Applications for support from Tier #2 and Tier #3 are accepted each January and June.

32. Resolution 2004-026 Appointing the Members of a Citizen Budget Advisory Committee.

On January 6, 2004 City Council adopted Resolution 2004-005 establishing a citizen Budget Advisory Committee.

The purposes of the Committee are to: (1) work with City staff to review the proposed exceptions to the 2005 budget, including projected 2005 revenues and any adjustments (increases or reductions) to proposed 2005 expenditures; and (2) advise Council with respect to its decisions regarding the 2005 budget exceptions, within the framework of existing City policies and programs.

The Committee is to consist of seven members, with each member of Council selecting one member of the Committee from a pool a names suggested by Council members and the City Manager. Council suggested that potential Budget Advisory Committee members should have knowledge and experience in developing and administering organizational budgets—preferably large and multi-faceted organizations.

33. Resolution 2004-027 Making Appointments to the Affordable Housing Board and the Housing Authority.

Vacancies currently exist on the Affordable Housing Board due to the resignations of Adrienne Pic and Jeff Taylor. Applications were solicited and Councilmembers Tharp and Bertschy interviewed the applicants. The Council interview team is recommending Joe Rowan and Sunshine Workman with terms to begin immediately and set forth to expire on December 31, 2004 and December 31, 2005 respectively.

A vacancy currently exist on the Housing Authority due to the resignation of Kimberly Stenberg. Applications were solicited and interviews were conducted. Councilmembers Tharp and Bertschy are recommending Steve Fortier to fill said vacancy with a term to begin immediately and set to expire on December 31, 2006.

33.5. Resolution 2004-029 Amending Resolution 2004-016 Appointing the Members of an Economic Vitality and Sustainability Action Group.

On February 3, 2004 the City Council approved a list of individuals to serve as member of the *Economic Vitality and Sustainability Action Group* (the Task Force). Following the appointments, Tom Gleason, regretfully has to withdraw from the Task Force.

To fill this vacancy, Councilmembers Marty Tharp and Karen Weitkunat are submitting the name of Pat Brady to replace Tom Gleason. Mr. Brady serves as the President of 1st Bank in Fort Collins and is also a member of the Fort Collins Housing Authority Board.

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

34. Consent Calendar Follow-up.

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

35. Staff Reports.

Status Report on Council Requests.

36. Councilmember Reports.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

37. First Reading of Ordinance No. 039, 2004, Amending Article III of Chapter 12 of the City Code Pertaining to the "Private Club" Exception to the Prohibition Against Smoking in Enclosed Public Places. (90 minutes)

This Ordinance would amend Article III of Chapter 12 of the City Code, which generally prohibits smoking in enclosed public places, so as to clarify the private club exception to that prohibition against smoking. The change would require that private clubs be non-profit organizations owned and operated by their members for fraternal, social and similar purposes.

38. Resolution 2004-028 Accepting and Approving the Downtown Strategic Plan. (75 minutes)

The *Downtown Strategic Plan* was developed to address several crucial issues related to the market, urban design and transportation, with market health as the driving consideration.

What makes the *DSP* different from previous planning efforts is its focus on short-term recommendations directed at downtown's vulnerabilities in the retail market, along with a few other topical issues.

The *DSP* articulates an overall strategy: to protect, manage, and leverage the economic and cultural vitality created by Downtown Fort Collins' core retail and entertainment area, while blending higher-energy areas with adjacent residential neighborhoods. Within this overall strategy, the *DSP* integrates recommendations into a "Framework Plan" with a map as its centerpiece. Numerous recommendations correspond to three different areas on the map – the Retail/Entertainment Core, a surrounding Infill/Transition Area, and the interface with adjacent residential neighborhoods. The recommendations are further organized under three topic headings: Market, Urban Design, and Transportation.

The Framework Plan map and recommendations comprise Section II, the heart of the *DSP*. The *DSP* also provides detailed background information on the downtown market (Section III) and on infrastructure and transportation issues (Section IV).

The (*DSP*) is meant to be used as the primary basis for an update of the 1989 *Downtown Plan*, which is an adopted Element of the Comprehensive Plan.

39. Resolution 2004-017 Making an Appointment to the Downtown Development Authority.
(30 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.

40. Pulled Consent Items.

41. Other Business.

42. Adjournment.