

# **AGENDA**

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

February 19, 2002

## **Proclamations and Presentations**

**5:30 p.m.**

- A. Recognition of Fort Collins Olympic Torchbearers and Olympic Task Force Members.

## **Regular Meeting**

**6:00 p.m.**

PRESENTATION OF COLORS BY WEBELOS PACK 84

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 #32, 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. Second Reading of Ordinance No. 014, 2002, Authorizing the Transfer of Appropriations from the Capital Projects Fund Traffic Signal Timing System and Streets Facility Expansion Projects to the Traffic Operations Facility Capital Project to Be Used to Construct a Facility to House the Advanced Traffic Operations System and Supporting Operations.

Ordinance No. 014, 2002, which was unanimously adopted on First Reading on February 5, 2002, authorizes the appropriation of funds for the construction of a Traffic Operations Facility to provide housing for the new Advanced Traffic Operations System computers and staff.

8. Postponement of Items Relating to the Street Oversizing Kechter Road Improvements Project to March 5, 2002.

- A. Postponement of Second Reading of Ordinance No. 015, 2002, Appropriating Prior Year Reserves in the Street Oversizing Fund and Unanticipated Revenue in the Capital Projects Fund and Authorizing the Transfer of Appropriations from the Street Oversizing Fund and Neighborhood Parkland Fund to the Capital Projects Fund for the Construction of Improvements on Kechter Road to March 5, 2002.

Ordinance No. 015, 2002, which was unanimously adopted on First Reading on February 5, 2002, appropriates and transfers a total of \$5,029,923.82 from the Street Oversizing Fund Prior Year Reserves to the Capital Projects Fund to construct arterial roadway improvements for the Kechter Road Improvements Project.

The City and Poudre School District have now reached agreement on the purchase of a new community park site adjacent to the proposed 2004 high school. The City and the District have looked at a 160-acre site located one mile south of Harmony Road, along Ziegler Road, Kechter Road, and Rock Creek Drive as a joint location for the high school and community park.

A conceptual site plan was developed which calls for 53.652 acres to be allotted for the community park and the property is scheduled to close on March 18, 2002

Because the appropriations ordinance for the Kechter Road Improvement Project assigns financial responsibility to each property owner, staff is requesting that consideration of this item on Second Reading be postponed to March 5 to allow time to revise the figures for this eminent property transfer.

- B. Postponement Second Reading of Ordinance No. 016, 2002, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands for Construction of Improvements on Kechter Road to March 5, 2002.

This Ordinance, which was unanimously adopted on First Reading on February 5, 2002, authorizes eminent domain for rights-of-way and easements from four county outparcels. Property appraisals indicate that acquisition costs will be covered by available funds, even if condemnation is required. These funds will be appropriated to the project budget.

Staff is asking that this item be postponed so that it is considered on Second Reading on March 5 with Ordinance No. 015, 2002.

9. Second Reading of Ordinance No. 017, 2002, Designating the Scott Apartment Building and Associated Garage, 900 South College Avenue, Fort Collins, Colorado, as a Historic Landmark Pursuant to Chapter 14 of the City Code.

The Scott Apartment Building and Associated Garage have architectural significance to Fort Collins as a monumental and well preserved example of brick twentieth-century apartment building architecture. The property is also historically significant for its association with the growth and development of Colorado State University.

The current owners of the property, Charles and Lucretia Rhodes, are initiating this request for Fort Collins landmark designation for the Scott Apartments. The property is under contract for purchase by Stephen G. and Mary E. Levinger, who are in favor of the landmark designation and have signed the designation application as equitable owners/contract purchasers. This Ordinance, which was unanimously adopted on First Reading on February 5, 2002, designates the Scott Apartment Building and Associated Garage, 900 South College Avenue, as a historic landmark.

10. Second Reading of Ordinance No. 018, 2002, Amending Sections 19-49 and 19-50 of the City Code Pertaining to Rules for Traffic Infractions.

This Ordinance, which was unanimously adopted on First Reading on February 5, 2002, amends Sections 19-49 and 19-50 of the City Code pertaining to rules for traffic infractions.

11. Second Reading of Ordinance No. 019, 2002, Amending Certain Sections of Chapter 3 of the City Code Relating to Alcoholic Beverages.

The Liquor Licensing Authority has concurrent power to grant or deny liquor licenses and permits and regulate licensed establishments. The State Liquor Code provides for bed and breakfast permits to allow such establishments to provide alcohol beverages to patrons subject to certain restrictions. The Fort Collins City Code does not have such a provision. This Ordinance, which was unanimously adopted on First Reading on February 5, 2002, amends Chapter 3 of the City Code, making the Code consistent with the State Liquor Code.

12. Second Reading of Ordinance No. 020, 2002, Authorizing the Mayor to Quit Claim Approximately 2,198 Square Feet of Lee Martinez Park to Wonderland Hill Development Company For Adjacent Parking and Authorizing the Acceptance of Deeds Conveying Property Along the South Boundary of the Park.

Wonderland Hill Development Company contacted the Parks Division to discuss a possible boundary change to accommodate the new 6-stall parking lot proposed for the site. The property boundary to be revised is located on the south property line at Lee Martinez Park. After a series of negotiations, staff is proposing a change that meets the needs of the Wonderland Hill Development Company. This Ordinance was unanimously adopted on First Reading on February 5, 2002.

13. Items Relating to the East Ridge Annexation.

- A. Second Reading of Ordinance No. 021, 2002, Annexing Property Known as the East Ridge Annexation to the City of Fort Collins, Colorado.
- B. Second Reading of Ordinance No. 022, 2002, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the East Ridge Annexation to the City of Fort Collins, Colorado.

Resolution 2002-010 Setting Forth Findings of Fact and Determinations Regarding the East Ridge Annexation was unanimously adopted on February 5, 2002.

This is a request for a 100% voluntary annexation. The site is approximately 159 acres of land located south of East Vine Drive, east of North Timberline Road and north of East Mulberry Street. The recommended zoning is Transition (T). Ordinance No. 021 and Ordinance No. 022,

2002, were also unanimously adopted on First Reading on February 5, 2002 annexing and zoning the property known as the East Ridge Annexation.

14. Items Relating to the Front Range Annexation.

- A. Second Reading of Ordinance No. 023, 2002, Annexing Property Known as the Front Range Annexation to the City of Fort Collins, Colorado.
- B. Second Reading of Ordinance No. 024, 2002, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Front Range Annexation to the City of Fort Collins, Colorado.

Resolution 2002-011 Setting Forth Findings of Fact and Determinations Regarding the Front Range Annexation was unanimously adopted on February 5, 2002.

Ordinance No. 024, 2002 and Ordinance No. 025, 2002, which were unanimously adopted on First Reading on February 5, 2002, annex and zone 4.84 acres located at the northwest corner of State Highway 287 (South College Avenue) and Trilby Road. The property is currently functioning as the High Country Pools commercial operation. It is in the C – Commercial Zoning District in Larimer County. The requested zoning for this annexation is NC – Neighborhood Commercial. The surrounding properties are currently zoned C - Commercial in Larimer County to the south and east and NC – Neighborhood Commercial in the City to the west and the north. This is a 100% voluntary annexation.

15. Items Relating to the Webster Farm Annexation.

- A. Second Reading of Ordinance No. 025, 2002, Annexing Property Known as the Webster Farm Annexation to the City of Fort Collins, Colorado.
- B. Second Reading of Ordinance No. 026, 2002, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Webster Farm Annexation to the City of Fort Collins, Colorado.

Resolution 2002-012 Setting Forth Findings of Fact and Determinations Regarding the Webster Farm Annexation was unanimously adopted on February 5, 2002.

Ordinance No. 025, 2002 and Ordinance No. 026, 2002, which were unanimously adopted on First Reading on February 5, 2002, annex and zone the Webster Farm property which is approximately 156.25 acres in size. The site is approximately one-quarter section of land generally located on the east side of Ziegler Road (C.R.#9), one-half mile south of Harmony Road. Kechter Road (C.R.#36) forms the southern boundary.

The recommended zoning is L-M-N, Low Density Mixed-Use Neighborhood. This will match the existing zoning on the east and west sides of the property. Contiguity with the existing municipal boundary is gained along the north, east and west property lines.

16. Second Reading of Ordinance No. 027, 2002, Authorizing the Sale of a 2.194-Acre Site Originally Purchased for the Locust Street Outfall at 937-939 Riverside Avenue to Houska Outfall, L.L.C.

In 1994, the City purchased a site for \$279,790 to be used for the Locust Street Outfall Project. Financing for the Project was obtained in the June 1999 Bond Issue and construction was completed in the fall of 2001.

It was expected when the property was purchased that all of it would not be needed for the Project; however, until the design was completed, it was not known if the site would have a developable remainder. As it turns out, the site is developable even with the easement reservations. As a result, staff informed all City Departments that this site would be excess property to Utility Services and would be marketed for sale if a City need was not identified. Parks, Natural Resources and Affordable Housing considered the site; however, each determined it did not meet their respective needs.

During the market phase, the adjacent property owner, Houska Automotive, came forward with an offer to purchase the site; however, agreement on value could not be reached. As a result, the property was appraised and the appraisal was used to help establish value. Ordinance No. 27, 2002 was unanimously adopted on First Reading on February 5, 2002.

17. First Reading of Ordinance No. 013, 2002, Appropriating Prior Year Reserves and Transferring Appropriations.

The funds recommended for appropriation are unencumbered funds from 2001. Appropriating these unencumbered funds does not affect the projected year-end reserve balances as presented in the adopted 2002-2003 Biennial Budget.

18. First Reading of Ordinance No. 028, 2002, Appropriating Unanticipated Grant Revenue in the General Fund and Authorizing the Transfer of Matching Funds Previously Appropriated in the Advance Planning Budget for the Buckingham, Alta Vista, and Andersonville Neighborhoods Survey Grant Project.

This grant was dependent upon matching funds of \$9,500, previously reappropriated from the Advance Planning Department's 2000 budget for the Buckingham, Alta Vista and Andersonville Neighborhoods Historic Survey and Contexts. The funds from the department's reappropriation and the funds from the Colorado Historical Society's matching grant will be combined into the Buckingham, Alta Vista and Andersonville Neighborhoods Survey Grant fund.

Accepting this grant will enable the Fort Collins Advance Planning Department to conduct an intensive-level historic survey of approximately 150 properties, and the preparation of three historic contexts, on the sugar beet industry, the Germans from Russia in Fort Collins, and the Hispanics in Fort Collins. This project is critical to identifying those historic structures eligible for City and State preservation incentives, such as Colorado State Tax Credits and the City's Landmark Rehabilitation Loan Program. Historic structure surveys were one of the objectives identified in *City Plan* and in the *Historic Resources Preservation Program Plan*.

19. First Reading of Ordinance No. 029, 2002, Appropriating Unanticipated Revenue in the Capital Projects Fund and the Capital Improvement Expansion Fund and Authorizing the Transfer of Appropriations Between Funds for the Purpose of Constructing Improvements at Sheldon Lake in City Park.

The Wilkins Trust generously donated \$100,000 in 2000 for improvements to the north shore of Sheldon Lake. The new sidewalk, benches, and crushed fine gravel path have been installed and are being enjoyed by park visitors.

Staff has determined that growth of population in the general service area of City Park has resulted and will continue to result in increased use of City Park, including increased demand for footpaths and pedestrian access around Sheldon Lake. In order to accommodate this increasing demand for pedestrian walkways, and to absorb the increased pedestrian traffic around and in the vicinity of Sheldon Lake in City Park, certain improvements around the perimeter of Sheldon Lake are necessary. Consequently, staff is proposing that funds in the amount of \$125,000 be appropriated from current year revenues received in the Capital Improvement Expansion Fee Fund for Community Park Improvements, to be used for boardwalk and shoreline improvements around Sheldon Lake.

The Trust would like to continue to help fund improvements at Sheldon Lake with this new donation in the amount of \$175,000. This funding will help pay for construction of a boardwalk around the outdoor pool; irrigation and landscaping along the west and south shore; for a stone wall along City Park Drive; for irrigation, landscaping and a storage shed for the Trolley Barn; and for improvements to City Park Center.

20. First Reading of Ordinance No. 030, 2002, Appropriating Prior Year Reserves Designated for Community Park Improvements in the Capital Improvement Expansion Fund for Transfer to the Capital Projects Fund Webster Community Park Capital Project and the Kechter Road Improvements Project for the Purpose of Acquiring Land from Poudre School District for the Webster Community Park Site and for the Construction of Improvements to Kechter Road.

The Parks and Recreation Policy Plan, which was adopted by City Council in 1996, plans for community parks to be developed throughout the City. The southeast section of the community will need to be served by a 50 to 60 acre community park based on the projected density of residential development. Poudre School District and the City have looked at the Webster Site as

a joint location for the new 2004 high school and a community park. The District purchased the 160-acre site in 2001.

District and City staff have developed a conceptual site plan for the Webster Site. The new high school will occupy about the north 2/3 of the site. The community park will be located on the south 53.652 acres of the site.

21. First Reading of Ordinance No. 031, 2002, Amending Chapters 23 and 28 of the City Code so as to Provide for the Regulation of Electric Assisted Bicycles.

This item amends the City's Traffic Code to define the following:

1. What qualifies as an electric assisted bicycle.
2. Maximum speed capability.
3. Rules and regulations for use of these bicycles.

A separate definition of electric assisted bicycle is necessary to ensure compliance with standards and safeguards such as maximum speed capability and areas of allowed use. The additional language in the Code provides for the following:

- Electric assisted bicycles may travel at safe speeds in the bicycle lanes along with bicycles, subject to the same rules of the road as bicycles.
- Electric assisted bicycles are excluded from sidewalks and City trails.
- A speed limit of 20 mph is established for electric assisted bicycles.
- Operators of electric assisted bicycles are required to be 14 years old or older.

22. Items Relating to the Fossil Lake Annexation No. 1.

- A. Resolution 2002-020 Setting Forth Findings of Fact and Determinations Regarding the Fossil Lake Annexation No. 1.
- B. Hearing and First Reading of Ordinance No. 032, 2002, Annexing Property Known as the Fossil Lake Annexation No. 1.
- C. First Reading of Ordinance No. 033, 2002, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Fossil Lake Annexation No. 1. (Hearing to occur on Second Reading.)

The annexation application complies with the applicable Colorado Revised Statutes, the Intergovernmental Agreement between Fort Collins and Larimer County, and the applicable criterion in the Fort Collins Land Use Code.



23. Items Relating to the Fossil Lake Annexation No. 2.

- A. Resolution 2002-021 Setting Forth Findings of Fact and Determinations Regarding the Fossil Lake Annexation No. 2.
- B. Hearing and First Reading of Ordinance No. 034, 2002, Annexing Property Known as the Fossil Lake Annexation No. 2.
- C. First Reading of Ordinance No. 035, 2002, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Fossil Lake Annexation No. 2. (Hearing to occur on Second Reading.)

The annexation application complies with the applicable Colorado Revised Statutes, the Intergovernmental Agreement between Fort Collins and Larimer County, and the applicable criterion in the Fort Collins Land Use Code.

24. Items Relating to the Fossil Lake Annexation No. 3.

- A. Resolution 2002-022 Setting Forth Findings of Fact and Determinations Regarding the Fossil Lake Annexation No. 3.
- B. Hearing and First Reading of Ordinance No. 036, 2002, Annexing Property Known as the Fossil Lake Annexation No. 3.
- C. First Reading of Ordinance No. 037, 2002, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Fossil Lake Annexation No. 3. (Hearing to occur on Second Reading.)

The annexation application complies with the applicable Colorado Revised Statutes, the Intergovernmental Agreement between Fort Collins and Larimer County, and the applicable criterion in the Fort Collins Land Use Code.

25. Items Relating to the North College Improvement Project.

- A. Resolution 2002-023 Authorizing the Mayor to Enter into a Contract with the Colorado Department of Transportation for the Design and Construction of the North College Bicycle/Pedestrian Improvements.
- B. First Reading of Ordinance No. 038, 2002, Appropriating Unanticipated Revenue in the Building Community Choices Capital Projects Fund, North College Corridor Project, Phase 1 Prior Year Reserves in the Transportation Services Fund and Authorizing the Transfer of Appropriations to Be Used for Bicycle and Pedestrian Improvements along North College Avenue Between Jefferson Street and Vine Drive.

The first phase of the North College Improvement project is funded by the City's *Building Community Choices* 1/4 cent sales tax. The Ordinance that imposed the tax describes the project as follows:

“This is a four phase project to improve the safety of pedestrians and vehicles on North College Avenue. Phase I will focus on the 1/4 to 1/2 mile north of Jefferson Street. Anticipated improvements may include: (1) drainage improvements; (2) widening the roadway to provide better and safer facilities for bicycles and pedestrians; (3) constructing medians for access control; and/or (4) improving to full arterial street standards including curb, gutter, and sidewalk. Planning, design, right-of-way acquisition and other project costs may also be included.”

The City of Fort Collins and the Colorado Department of Transportation (CDOT) along with the City's consulting team have been working to finalize the conceptual design plan for the first phase of the North College Improvement Project. The first phase of 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 conceptual design plan has been developed in accordance with the North College Avenue/US 287 Access Management Plan.

26. Resolution 2002-024 Approving the Purchase of one Vermeer Navigator D24x40a Directional Drill from Vermeer Sales & Service of Colorado as an Exception to the Competitive Purchasing Process.

Vermeer Sales & Service of Colorado, the drill supplier, has provided excellent service and support for the Navigator D24 unit purchased new in 1994. This unit is at the end of its service life.

This Resolution will authorize the purchase of one Vermeer Navigator D24x40a Directional Drill as an exemption to the use of competitive bid or proposal as provided in the Code.

27. Resolution 2002-025 Approving the Purchase of Padmounted Voltage Regulators from Utility Products Supply as an Exception to the Competitive Purchasing Process.

The Fort Collins Light and Power Utility has a current need to purchase 10 padmounted voltage regulators to regulate voltage on distribution circuits. These regulators will increase the voltage on distribution circuits to serve loads further away from existing substations thereby delaying the need to build a new substation.

The Code authorizes the Purchasing Agent to negotiate the purchase of supplies and equipment without utilizing a competitive bidding process where the Purchasing Agent determines that only one responsible source exists.

**\*\*\*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.

30. Councilmember Reports.

**Committees that have met since February 5 include:**

*NFRT&AQ Council*

*Growth Management Committee*

### **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

31. Resolution 2002-026 Adopting the Recommendation of the Cultural Resources Board Regarding Fort Fund Disbursements.

On November 30, 1998 revised guidelines for the Cultural Development & Programming and Tourism Programming accounts (Fort Fund) were adopted and approved through the City Manager's office. These newly adopted guidelines created a three-tiered funding system for organizations that apply for grants from Fort Fund. 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. Pulled Consent Items.

33. Other Business.

34. Adjournment.