

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

March 4, 2003

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Proclaiming March 10-16, 2003 as “Cover the Uninsured Week”.

Regular Meeting

6:00 p.m.

PRESENTATION OF COLORS BY GIRL SCOUT TROOP 660

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 21. 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 #26, 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 January 7 and January 21, 2003.
8. Second Reading of Ordinance No. 024, 2003, Appropriating Unanticipated Revenue in the General Fund for the Police Services Underage Drinking Education and Enforcement Program.

The Colorado Department of Transportation, Office of Transportation Safety has awarded Fort Collins Police Services a 2003 grant in the amount of \$8,900 to help combat underage alcohol consumption. This Ordinance, which was unanimously adopted on First Reading on February 18, 2003, appropriates unanticipated revenue for the Underage Drinking Education and Enforcement Program.

9. Second Reading of Ordinance No. 025, 2003, Appropriating Unanticipated Revenue in the Capital Projects Fund - Downtown Railroad Track Consolidation Project to be Used for Additional Costs to Install Crossing Warning Devices at the Lincoln Avenue Crossing of the Union Pacific Railroad Tracks Northeast of Jefferson Street.

The City applied for and received Federal ISTEA Funds to pay for 100% of the cost to install the crossing warning devices. The original Appropriation Ordinance provided \$148,844 in Federal Funds budgeted towards the project into the Railroad Consolidation Project Fund. The additional \$37,000 are also Federal ISTEA Funds to cover the additional costs to cover 100% of the costs to install the crossing warning devices. This Ordinance, which was unanimously adopted on First Reading on February 18, 2003, allows for the final payment to the Union Pacific Railroad for installation of the crossing warning devices at the Lincoln Avenue crossing of the Union Pacific Railroad tracks northeast of Jefferson Street.

10. Second Reading of Ordinance No. 026, 2003, Appropriating Unanticipated Revenue in the Capital Projects Fund - Downtown Railroad Track Consolidation Project to Be Used for Additional Costs to Install Crossing Warning Devices at the Linden Street Crossing of the Union Pacific Railroad Tracks Northeast of Jefferson Street.

The City applied for and received Federal ISTEA Funds to pay for 100% of the cost to install the crossing warning devices. The original Appropriation Ordinance provided \$154,000 in Federal Funds budgeted towards the project into the Railroad Consolidation Project Fund. The additional \$13,000 are also Federal ISTEA Funds to cover the additional costs to cover 100% of the costs to install the crossing warning devices. This Ordinance, which was unanimously adopted on First Reading on February 18, 2003, allows for the final payment to the Union Pacific Railroad for installation of the crossing warning devices at the Linden Street crossing of the Union Pacific Railroad tracks northeast of Jefferson Street.

11. Second Reading of Ordinance No. 027, 2003, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the North College Improvements Project.

The project components include addition of sidewalks, off-street bike lanes, a trail connection, access improvements, center medians, curb and gutter, drainage improvements, signal improvements, lighting improvements and roadway reconstruction on North College Avenue from Jefferson to approximately 300 feet north of the Burlington Northern Railroad crossing.

To utilize the State funding it is required that the project be advertised for bid and that all right of way be acquired prior to June 30, 2003. The Eminent Domain process requires several months between filing with the courts and receiving possession of the property. Therefore, in the event that Eminent Domain needed to be used, it was critical this ordinance be in place to limit any possible delays. Ordinance No. 027, 2003, was unanimously adopted on First Reading on February 18, 2003.

12. Second Reading of Ordinance No. 028, 2003, Authorizing the City to Grant a Non-exclusive Drainage Easement to Eagle Cliffs, LLC and Appropriating the Easement Compensation as Unanticipated Revenue in Fossil Creek Community Park Account.

The Eagle Cliff Development is located adjacent to the north boundary, near Lemay Avenue, of Fossil Creek Community Park. The Park includes land on the north side of Fossil Creek that is in the floodplain for the creek. The Eagle Cliff Development will need to extend stormwater drainage improvements across this portion of the Park to allow stormflows to discharge into Fossil Creek. Ordinance No. 028, 2003, was unanimously adopted on First Reading on February 18, 2003.

13. Second Reading of Ordinance No. 029, 2003, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the CSU South Dormitory Zoning.

This is a request to zone a parcel owned by Colorado State University, designated “CSU” and not presently zoned, HMN (High Density Mixed-Use Neighborhood). The subject site consists of 2.4 ± acres located south of and adjacent to Pitkin Street, 1/8 mile east of south Shields Street. Ordinance No. 029, 2003, was unanimously adopted on First Reading on February 18, 2003.

14. Postponement of Items Relating to the South Taft Hill Seventh Annexation and Zoning, to March 18, 2003.

- A. Postponement of Second Reading of Ordinance No. 030, 2003, Annexing Property Known as the South Taft Hill Seventh Annexation, to March 18, 2003.
- B. Postponement of Second Reading of Ordinance No. 031, 2003, Amending the Zoning District Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in South Taft Hill Seventh Annexation, to March 18, 2003.

On February 18, 2003, Council unanimously adopted Resolution 2003-023 Setting Forth Findings of Fact and Determinations Regarding the South Taft Hill Seventh Annexation.

On February 18, 2003, Council also unanimously adopted on First Reading Ordinance No. 030 and Ordinance No. 031, 2003, annexing and zoning the property known as the South Taft Hill Seventh Annexation. This is an involuntary annexation and zoning of an enclave area approximately 220 acres in size, generally located south of West Drake Road, lying to the west and east of South Taft Hill Road, and including the South Taft Hill Road right-of-way.

Because the local newspaper failed to publish Ordinance No. 030, 2003, at least 7 days prior to Second Reading, as required by the Charter, consideration of these two ordinances on Second Reading must be postponed to March 18.

15. Second Reading of Ordinance No. 034, 2003 Appropriating Prior Year Reserves.

City Council authorized expenditures in 2002 for various purposes. The authorized expenditures were not spent or could not be encumbered in 2002 because:

- There was not sufficient time to complete bidding in 2002 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 for by Council could not be completed during 2002 and reappropriation of those dollars is necessary for completion of the project in 2003.

Because of the above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2002.

Ordinance No. 034, 2003, was unanimously adopted on First Reading on February 18, 2003. After First Reading of this Ordinance, it was discovered that the following reappropriation item for the Utilities Water Fund had been inadvertently omitted, it has been added to the Ordinance on Second Reading.

16. First Reading of Ordinance No. 035, 2003, Authorizing the Grant of a Non-exclusive Utility Easement to Poudre Valley Rural Electric Association Across City-owned Property at the Western Boundary of Taft Canyon P.U.D.

The proposed easement is located on a tract of land along the western boundary of Taft Canyon P.U.D. that was deeded to the City in 1987 for a trail. The current plan for this area is for the trail to be on the property adjoining to the west and then possibly cross over this property to cross County Road 38-E. City property is located at the westernmost boundary of Taft Canyon and is outside city limits. Due to growth in the area, existing meters for Poudre Valley Rural Electric Association (“REA”) are over-extended. To avoid continual problems, including brown-outs, REA is proposing that an electrical cable in 6" conduit be installed in the utility easement areas of adjacent properties. To complete this installation, REA is requesting to cross City property (underground) in two areas. These pocket easements measure 10' x 15', one located at the southern end of the property and the other at the northern end of the City’s property. The work in this area will not interfere with the proposed trail crossing on this property. The Parks Department staff has no objections to the requested easement.

17. First Reading of Ordinance No. 036, 2003, Amending the Land Use Code by Adding Grocery Stores as a Permitted Use in the Commercial Zone District and Amending the Definitions of the Terms "Grocery Store" and "Supermarket".

A request has been made for three text amendments to the Land Use of Code for the following sections:

1. Section 4.17(B)(3)(b) to include “*Grocery Stores*” as a permitted use in C, Commercial zone district;
2. Section 5.1.2 to change the definition of “*Grocery Store*” by increasing the maximum allowable size from 25,000 to 45,000 square feet;
3. Section 5.1.2 to change the definition of “*Supermarket*” by increasing the minimum required size from 25,001 square feet to 45,001 square feet.

These are applicant-initiated text amendments. The Planning and Zoning Board voted 6-0 to recommend approval of the three amendments to the Land Use Code.

18. Resolution 2003-026 Authorizing Participation in the Energy Star Rebate Program for High-efficiency Clothes Washers for Residential Utility Customers.

This Resolution will permit the City to participate in a promotion to encourage residential customers to purchase high-efficiency clothes washers from local retailers. As part of an Energy Star campaign, customers will receive a \$100 rebate when they buy qualifying washers. The City will offer a \$50 rebate and participating manufacturers will provide the additional \$50.

Utilities will administer the rebate, receive the rebate applications, verify qualifications and send customers the rebate. To qualify for a rebate, participants must be City of Fort Collins Utilities customers.

19. Resolution 2003-027 Authorizing the Lease of a 17.11 Acre Tract of Affordable Housing Land Bank Property to Tim Ramsey.

This Resolution authorizes the City Manager to enter into a lease agreement with Tim Ramsey for up to two years on approximately 17.11 acres of land owned by the City. The lease authorizes the use of 10 units of Colorado-Big Thompson Water that are tied to this parcel of land for at least the first annual term. The lease agreement allows Tim Ramsey to continue to produce hay on the site as he had previous to the City's purchase of the land.

20. Resolution 2003-028 Establishing Guidelines for the Participation of City Board and Commission Members in City Council Study Sessions.

The Resolution provides guidelines for receiving input from City boards and commissions at Council study sessions.

21. Routine Deeds and Easements.

- A. Deed of dedication for easement from Stone Ridge P.U.D. Community Association for a permanent slope easement, located on Ziegler Road. Monetary consideration: \$10.
- B. Deed of dedication for right-of-way from Stone Ridge P.U.D. Community Association for a permanent right-of-way for public street purposes, located on Ziegler Road. Monetary consideration: \$10.
- C. Deed of dedication for right-of-way from Stone Ridge P.U.D. Community Association for a permanent right-of-way for public street purposes, located on Ziegler Road. Monetary consideration: \$10.
- D. Deed of dedication for temporary easement from Stone Ridge P.U.D. Community Association for a temporary construction easement, located on Ziegler Road. Monetary consideration: \$10.

****END CONSENT****

22. Consent Calendar Follow-up.
This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
23. Staff Reports.
24. Councilmember Reports.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

25. Items Amending Chapter 3 and Chapter 17 of the City Code.

Staff is bringing forward the following proposed ordinances to address behavioral problems that create health and safety concerns for the citizens of Fort Collins.

- A. First Reading of Ordinance No. 037, 2003, Amending Sections 17-1 and 17-40 of the Code of the City of Fort Collins Pertaining to Trespass.
- B. First Reading of Ordinance No. 038, 2003, Amending Chapter 17 of the Code to Add a Section Prohibiting the Obstruction of Passageways.
- C. First Reading of Ordinance No. 039, 2003, Amending Chapter 17 of the Code of the City of Fort Collins by Repealing Section 17-144 Pertaining to Public Urination and Adding a Section Pertaining to the Depositing of Bodily Waste.
- D. First Reading of Ordinance No. 040, 2003, Amending Chapter 17 of the Code of the City of Fort Collins by Adding a Provision Pertaining to the Misuse of Public Bodies of Water.
- E. First Reading of Ordinance No. 041, 2003, Amending Section 3-81 of the Code Regarding Disturbances.

26. Pulled Consent Items.

27. Other Business.

28. Adjournment.