

AGENDA
OF THE
COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

March 18, 2003

Proclamations and Presentations
5:30 p.m.

- A. Proclamation Proclaiming March 31, 2003 as “Cesar Chavez Day”.
- B. Proclamation Proclaiming March 20 - April 20, 2003 as “Fort Collins Educational Recycle Month 2003”.

Regular Meeting
6:00 p.m.

PRESENTATION OF COLORS

- 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 #31, 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 February 4, 2003.
8. Items Relating to the South Taft Hill Seventh Annexation and Zoning.
 - A. Second Reading of Ordinance No. 030, 2003, Annexing Property Known as the South Taft Hill Seventh Annexation.
 - B. 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.

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 was postponed to this date.

At the time of the hearing on First Reading of the annexation ordinance some persons affected by the annexation expressed their concerns about provisions in the animal code of the City which limits the number of horses that a person may keep. In response to that concern, a new Section 5 has been added to the annexation ordinance to permit a person to keep the same number of horses on a parcel of property as were kept there as of the effective date of the annexation.

9. Second 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.

This 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, but the easement will not be on the trail property. 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 proposed that an electrical cable in 6" conduit be installed in the utility easement areas of adjacent properties. To complete this installation, REA requested to cross City property (underground) in two areas. Ordinance No. 035, 2003, was unanimously adopted on First Reading on March 4, 2003, granting a non-exclusive easement requested by REA.

The agenda item summary for first reading of Ordinance No. 35 erroneously stated that the easement property is outside of the city limits. The property is within the city. However, because the property does not constitute a “public place” for the purpose of City Code Section 26-411, no franchise is required for the placement of the proposed electric lines.

10. Second 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".

This Ordinance, which was unanimously adopted on First Reading on March 4, 2003, makes 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.

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

These Ordinances, which were all unanimously adopted on First Reading on March 4, 2003, address behavioral problems that create health and safety concerns for the citizens of Fort Collins.

- A. Second 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. Second Reading of Ordinance No. 038, 2003, Amending Chapter 17 of the Code to Add a Section Prohibiting the Obstruction of Passageways.
- C. Second 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. Second 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. Second Reading of Ordinance No. 041, 2003, Amending Section 3-81 of the Code Regarding Disturbances.

A change has been made on Second Reading to Ordinance No. 040, 2003, to reflect Council direction on First Reading that the application of this ordinance be limited to fountains, pools and other man-made bodies of water, so that, for example, the prohibition against swimming would not extend to natural bodies of water. Also, there was discussion on First Reading as to whether Ordinance No. 038, 2003, pertaining to the obstruction of passageways, would prohibit the obstruction of a private entrance to a building if the entrance was adjacent to a public alley or other public way. Staff believes that the existing wording of the ordinance would apply to such private entrances and would prohibit their obstruction since the general public does have access *to* such entrances even though the public would not have access *through* the entrances. Finally, consideration was given to a possible amendment to Ordinance No. 038, 2003, to create a specific exception for persons sitting within 20 feet of the entrance to a business where the presence of such persons might be relatively harmless, for example, when a small group of people is temporarily seated on a curbside for the purpose of consuming ice cream cones or other fare purchased within the establishment. After consultation with Councilmembers between First and Second Reading, the City Attorney has not included any such proposed exception, with the understanding that police officers enforcing the ordinance will have the discretion to accommodate such circumstances.

12. First Reading of Ordinance No. 042, 2003, Authorizing the Issuance of City of Fort Collins Sales and Use Tax Revenue Refunding Bonds, Series 2003A, in the Aggregate Principal Amount of \$5,860,000.

This Ordinance authorizes the bond documents necessary to issue \$5,860,000 of Sales and Use Tax Revenue Refunding Bonds to refinance the remaining 1993 Bonds. Essentially, the City is refinancing a portion of its outstanding debt to reduce future payments. The refinancing will save the City approximately \$85,000 per year; the total debt service reductions over the next 6-1/2 years is estimated to be \$600,000. The Finance Department will conduct the sale of the bonds through a public competitive process on April 1. Based on the current market rates, staff estimates the bonds will have an interest rate of about 2.25% compared to rates of 5% to 5.375% on the current bonds.

13. Items Relating to the Second Sheet of Ice at EPIC.

- A. First Reading of Ordinance No. 043, 2003, Reauthorizing a Lease Agreement Between the City and Twice the Ice, Inc., for the Use of Certain City Property at EPIC for the Sale of Advertising Space.
- B. First Reading of Ordinance No. 044, 2003, Appropriating Unanticipated Revenue in the Building Community Choices Capital Projects Fund - EPIC Second Sheet of Ice Capital Project, Authorizing the Transfer of Related Art in Public Places Funds, and Increasing the Total Project Budget Accordingly.
- C. Resolution 2003-031 Approving Revisions to the Policy for Indoor Advertising at EPIC.

The second ice arena at Edora Pool Ice Center (EPIC) is scheduled for completion in March, 2003. This project is a joint effort between the City through Building Community Choices (BCC) and Twice the Ice (TTI) a private fundraising group that agreed to raise 22% of the project costs.

The project fund still contains \$206,502 of BCC tax revenue. TTI has continued to actively raise funds to leverage these dollars for items that have not yet been funded and could still be included in the project.

The Council-approved ad sales agreement with TTI on the dasher boards in the current rink expired on February 15, 2003. Businesses have expressed interest to TTI to advertise in the new rink. TTI would like to extend its agreement with the City to sell advertising to raise more funds to leverage the remainder of the BCC project money. Ordinance No. 043, 2003 would give authorization to TTI to sell advertising on the dasher boards and scoreboards in both rinks and the ice resurfacers until December 31, 2003 or until the \$58,244 is raised, for the express purpose of leveraging the remaining BCC money. At that point, the City would take on responsibility for any and all advertising sales throughout the facility.

Ordinance No. 044, 2003, appropriates unanticipated donations from Twice the Ice, not to exceed \$58,244, as private contributions matching the remaining \$206,502 in BCC project funds and increases the total project budget to include these additional funds. This funding would be used to complete the list of items described in the Background section. The Ordinance also transfers required funds for Art in Public Places to the Art in Public Places account.

Resolution 2003-031 approves revisions to the EPIC indoor advertising policy to include the new rink in the policy and clarify some of the language. This update is needed regardless of TTI's interest in selling additional ads.

14. First Reading of Ordinance No. 045, 2003, Appropriating Unanticipated Revenue in the General Fund for the Purchase, Training and On-going maintenance of the 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. In previous years, individual dispatch centers submitted their expenses to LETA for payment. In 2003, LETA developed a formula for the anticipated annual budget for these services for each public safety answering point based on the number of dispatchers and the number of E911 phones calls received in the Center. Based on the formula, LETA provided the funds to the individual Centers for payment of expenses. The anticipated annual budget based on the formula for Fort Collins Police Services is \$29,125.

In the same manner, a formula was developed for each Emergency Medical Dispatch based on the number of dispatchers and the number of EMD calls handled by the Center. The anticipated annual budget based on the formula for Fort Collins Police Services is \$44,865.

The total amount to be appropriated is \$73,990.

15. First Reading of Ordinance No. 046, 2003, Designating the Darrah House, 612 South College Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Judith Reid, is initiating this request for Fort Collins Landmark designation for the Darrah House. The Darrah House qualifies for designation under Landmark Standards 14-5 (A) "Association with events that have made a significant contribution to the broad patterns of history;" (B) "Association with the lives of persons significant in history;" and (C) "Embodies the distinctive characteristics of a type, period, or method of construction."

16. First Reading of Ordinance No. 047, 2003, Designating the Gamble House, 407 Wood Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

The owners of the property, Gregory and Darcy Gamble, are initiating this request for Fort Collins Landmark designation for the Gamble House. The Gamble House exhibits good integrity relative to other extant vernacular dwellings in Fort Collins, and qualifies for designation under Landmark Standard 14-5 (A), "Association with events that have made a significant contribution to the broad patterns of history;" and (c) "Embodies the distinctive characteristics of a type, period, or method of construction."

17. Items Related to Lease of City-owned Property at 1506 West Horsetooth Road.

- A. Resolution 2003-032 Authorizing a One-Year Lease of City-Owned Property at 1506A West Horsetooth Road.
- B. Resolution 2003-033 Authorizing a One-Year Lease of City-Owned Property at 1506B West Horsetooth Road.

At the time of the City's purchase there were two tenants occupying the structures. Staff is negotiating with these tenants to continue living at this site. The tenant for 1506A West Horsetooth Road will rent the single family residence, the garage, and the horse facilities.

The tenant for 1506B West Horsetooth Road will rent the efficiency apartment. The proposed new leases will be effective for 12 months from the date of the lease and will allow for additional one-year renewals, at the City's option.

18. Resolution 2003-034 Approving Revised Costs and Fees for Fort Collins Municipal Court.

The Fort Collins Municipal Court assesses various costs and fees, in addition to fines and other penalties. According to the City Charter, these costs and fees are enacted by Council, on recommendation of the Judge. Various costs and fees have been approved by resolution over the years. At this time, Judge Lane recommends adding some new costs and increasing the amount of certain existing costs and fees. A detailed description of the costs and fees follows, including references to state statutes and rules, where applicable.

19. Resolution 2003-035 Establishing Rental Rates to Be Charged for the City's Surplus Water for the 2003 Season.

This Resolution approves rates for the rental of the City's surplus raw water. Although the City is not expected to have any surplus raw water available this year due to the drought, the Water Utility uses these rates to assess charges for various contractual raw water obligations and for raw water deliveries to other City departments. Each year prior to the irrigation season, the City's Water Board ("the Board") makes a recommendation to the Council on the rental rates to be charged. The Board discussed the rental rates at its February 27, 2003 meeting. The proposed rental rate for each type of water is based on several factors including assessment rates and anticipated supply and demand conditions.

20. Postponement of all Items Relating to the Streamside, Peterson, and Strauss Lakes Development Annexations to April 1, 2003.

On February 4, 2003, resolutions initiating annexation for these 3 properties were adopted by the City Council. Notices were published indicating the public hearing date for the annexation petitions and the zoning requests would be March 18, 2003.

It is now necessary to postpone consideration of all items relating to the annexing and zoning of the Streamside, Peterson and Strauss Lakes Development annexations to April 1, 2003. Council will consider first reading of the ordinances at that time.

In order to avoid republication of the lengthy notices, formal postponement of consideration of these items is necessary at the March 18 meeting.

21. Routine Easement.

A. Easement for construction and maintenance of public utilities from Louise Stitzel, to place existing overhead electric system underground, located at 521 East Laurel. Monetary consideration: \$1,454.50.

B. Easement for construction and maintenance of public utilities from Jennifer M. Grace, to install a padmount transformer to place existing overhead electric system underground, located at 614 South Washington. 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.

Water Supply Update - John Fischbach

24. Councilmember Reports.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

25. Consideration of an Appeal of the Caribou Apartments, Project Development Plan, File #18-02, filed by Janet Winters.

The Caribou Apartments Project Development Plan is a development application for 193 multi-family residential units on 10.8 acres of land located at the southwest corner of Caribou Drive and Timberline Road. The project was presented to the Planning and Zoning Board for consideration on January 16, 2003. The Planning and Zoning Board approved the project by 5–0 vote.

26. Resolution 2003-036 Urging the Registered Electors of the City to Vote in Favor of Two Proposed Tax Measures for Transportation Capital Improvements at the April 8, 2003, Municipal Election.

On February 18, 2003, City Council considered and approved a resolution (Resolution No. 2003-026) submitting two ballot measures to the voters at the April 8, 2003 municipal election. The two ballot measures are:

a. New 1/4-Cent Sales and Use Tax

A new one quarter cent (1/4-cent) sales and use to provide a dedicated revenue stream for construction of transportation capital projects in accordance with the project list included in the ballot language and the City's long range Transportation Master Plan.

The sales and use tax represents an increase of 25 cents on a \$100 purchase and will be effective beginning July 1, 2003. Grocery food and prescription drugs will be exempt from the tax. The term of the tax will be for 10 years, with a renewal provision that will require Council to submit a ballot measure to the voters before the end of 2013 to consider extending the tax for an additional ten-year period.

Based on current revenue projections for the sales and use tax fund, the City expects to receive \$5,750,000 in 2004 related to this ballot measure. However, to comply with TABOR requirements, the ballot measure increased the estimate to \$6,750,000 for the first full year (to allow expenditure for this purpose in the event actual revenues exceed projections).

b. New 1% Construction Tax

A new 1% construction tax to provide a dedicated revenue stream for construction of transportation capital projects in accordance with the project list included in the ballot language and the City's long range Transportation Master Plan.

27. Resolution 2003-037 Adopting "Characteristics" Describing the Future Size and Character of Fort Collins as the Completion of Part I of the Updates to City Plan and the Transportation Master Plan.

Part I of the planning process to prepare updates of **City Plan** and the **Transportation Master Plan** was to develop a list of "characteristics" that describe the future size and character of the City of Fort Collins. Once a list of characteristics is adopted by the City Council, the planning process will proceed to Part II where revisions to specific principles and policies will be developed, including changes to the *City Structure Plan* and the *Master Street Plan*. The **Transportation Master Plan** Update will use the community land use and size information that results from this process to conduct a focused analysis of transportation needs, trade-offs, and relative costs.

28. First Reading of Ordinance No. 048, 2003, Superceding Emergency Ordinance No. 112, 2002, and Prescribing Temporary Restrictions on and Requirements for the Use of City Treated Water Pursuant to a Water Supply Shortage Response Plan to Be Effective April 11, 2003.

Current projections for water supply from the Poudre River and the Colorado-Big Thompson (CBT) Project for this and coming years indicate that supply may not be sufficient to meet unrestricted demand.

The City Manager has recommended that the City Council adopt a four-tier Water Supply Shortage Response Plan which upon adoption by the Council will provide a system of water supply shortage response levels and corresponding water restrictions and conservation measures to be implemented administratively based on the projected water supply shortage; and

The City Council has determined that the adoption of the Response Plan will enable the City Manager to respond appropriately to changing water supply conditions based on the Council's directions set forth therein.

29. Resolution 2003-038 Approving and Adopting the Electric Energy Supply Policy.

The purpose of this policy is to provide strategic objectives regarding system reliability, rates and the environment to guide the electric utility into the future.

With regard to renewable energy, there are two options which were discussed by Council at its February 25 study session. The options are adopting either a 10% renewable energy portfolio target or a 15% renewable energy portfolio target. The proposed Policy includes the 10% renewable energy portfolio. If the Council wishes to adopt a 15% renewable portfolio, the proposed Policy will need to be amended at the time of adoption. The Council also discussed increasing the renewable portfolio from the present 0.82% to 2.0% by the end of 2004. This change has been included in the draft Policy.

30. Resolution 2003-039 Affirming the City's Opposition to Terrorism and Commitment to Civil Rights.

In October 2001, the USA PATRIOT Act (the "Act") was signed into law. It was adopted in response to the September 11 terrorist attacks in an attempt to provide investigators with tools to prevent future attacks. The Act was an enormous bill that amended more than 15 different federal statutes. Some of these amendments have elicited significant public debate and concern as to their impact on civil liberties and the Bill of Rights. In response to these concerns, a number of municipalities have passed resolutions which reaffirm their commitment to the civil rights and civil liberties of their citizens.

31. Pulled Consent Items.
32. Other Business.
33. Adjournment.