

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

April 15, 2003

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Proclaiming the Week of April 13-19, 2003 as “National Dispatcher’s Week”.
- B. Proclamation Proclaiming April 25, 2003 as “Arbor Day”.
- C. Proclamation Proclaiming May 1, 2003, as “National Day of Prayer.”

Regular Meeting 6:00 p.m.

PLEDGE OF ALLEGIANCE

- 1. CALL MEETING TO ORDER.
- 2. ROLL CALL.

ORGANIZATIONAL MEETING

- 3. Oaths of Office - Newly Elected Mayor and Councilmembers.

District 2 Councilmember Karen Weitkumat, District 4 Councilmember Kurt Kastein, District 6 Councilmember David Roy, and Mayor Ray Martinez will take their oaths of office at this time.

- 4. Newly Elected Councilmembers will be seated.
- 5. Election of Mayor Pro Tem. (2 year term)

The Charter provides that the Council shall elect a Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor.

***** BRIEF RECEPTION *****

6. CITIZEN PARTICIPATION (limited to 30 minutes)

7. CITIZEN PARTICIPATION FOLLOW-UP:

This is an opportunity for the Mayor or Councilmembers to follow-up on issues raised during Citizen Participation.

8. AGENDA REVIEW: CITY MANAGER

9. **CONSENT CALENDAR**

The Consent Calendar consists of Item Numbers 10 through 20. 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 #25, 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

10. Second Reading of Ordinance No. 050, 2003, Appropriating Unanticipated Revenue in the Golf Fund for the Purpose of Funding Capital Improvements.

In 1999 and 2001 the City executed lease transactions to provide funding for capital improvements at the City's three golf courses. Due to unexpected circumstances beyond the control of the City, several of the improvements were delayed. During the delay, the proceeds from the two transactions were invested at competitive interest rates. The investments earned greater amounts of interest than originally anticipated. In September, 2002, Council passed an Ordinance appropriating \$165,000, a portion of the extra interest earned to complete several additional capital improvements at golf courses. This ordinance, which was unanimously adopted on First Reading on April 1, 2003, appropriates the remaining interest earnings to close-out the funding.

11. Second Reading of Ordinance No. 055, 2003, Authorizing Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the North College Improvements Project.

The North College Improvements Project includes the 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 construction on North College Avenue from Jefferson to approximately 300 feet north of Burlington Northern Railroad crossing.

On February 18, 2003, Council unanimously adopted Ordinance No. 027, 2003, authorizing the use of eminent domain to acquire certain lands for the construction of the public improvements. Ordinance No. 055, 2003, which was unanimously adopted on First Reading on April 1, 2003, amends the legal description of specific property interests to be acquired from Earnest T. Garner and Marilyn S. Garner.

12. Second Reading of Ordinance No. 056, 2003, Authorizing a Temporary Construction Easement for Construction of a Waterline Across a Portion of Reservoir Ridge Natural Area by the Northern Colorado Water Conservancy District.

NCWCD requested a temporary construction easement (0.95 acres) from the Natural Areas Program for a portion of Reservoir Ridge (Udall addition) located at Michaud Lane. The request is for a construction easement to be used for the purposes of installing a waterline along a permanent easement that was previously granted to NCWCD prior to the City's ownership of the property. NCWCD is already working in the area of the previously granted permanent easement, and will begin work in the temporary construction easement area as soon as permitted hereunder. The term of the temporary construction easement expires upon completion of the work under the temporary easement, but not later than two years after the effective date of that easement. Ordinance No. 056, 2003, was unanimously adopted on First Reading on April 1, 2003, and authorizes a Temporary Construction Easement for the construction of a waterline across a portion of Reservoir Ridge Natural Area by the Northern Colorado Water Conservancy District.

13. Items Relating to Riverbend Ponds Natural Area.

- A. Second Reading of Ordinance No. 057, 2003, Authorizing Easements Across a Portion of Riverbend Ponds Natural Area for Construction and Operation of an 8-Inch Waterline
- B. Second Reading of Ordinance No. 058, 2003, Authorizing Easements Across a Portion of Riverbend Ponds Natural Area for Construction and Operation of an 18-Inch Storm Sewerline.

The subject property is located on the east side of Timberline Road along Countryside Drive on Riverbend Ponds Natural Area. The easement areas are currently poorly vegetated and offer little beneficial habitat. Alternative easement areas were explored but not viable. Ordinance No. 057 and Ordinance No. 058, 2003, were both unanimously adopted on First Reading on April 1, 2003, authorizing easements across a portion of the Riverbend Ponds Natural Area.

14. Items Relating to the Strauss Lakes Development Annexation and Zoning.

- A. Second Reading of Ordinance No. 059, 2003, Annexing Property Known as the Strauss Lakes Development Annexation to the City of Fort Collins.
- B. Second Reading of Ordinance No. 060, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Strauss Lakes Development Annexation.

On April 1, 2003, Council unanimously adopted Resolution 2003-052 Setting Forth Findings of Fact and Determinations Regarding the Strauss Lakes Development Annexation.

On April 1, 2003, Council also unanimously adopted Ordinance No. 059, 2003, annexing the property, this is a 100% voluntary annexation of approximately 17.79 acres of privately owned property located on the northeast corner of Horsetooth Road and Ziegler Road. The recommended zoning is LMN – Low Density Mixed-Use Neighborhood. Ordinance No. 060, 2003, was also unanimously adopted on First Reading on April 1, 2003, amending the City of Fort Collins Zoning Map and zoning the property known as the Strauss Lakes Development Annexation.

15. First Reading of Ordinance No. 062, 2003, Appropriating Prior Year Reserves in the Street Oversizing Fund and Authorizing the Transfer of Appropriated Amounts To Be Used To Construct Interim Roadway Improvements On County Road 11 and Douglas Road.

The Northeast Area Overlay Project was intended to improve roads in the Mountain Vista Sub Area. Several different developments, as well as currently undeveloped parcels of land, are included in the project area. The objective of the City is to collect the development portion of the fees in advance of the work, combining the individual developments into one cohesive project. The project is funded by Contribution in Aid from local developments and the Street Oversizing Program. The project is being completed in phases as the revenues are collected. Phase 1 from International Boulevard to County Road 52 was completed in the summer of 2000. Increased development in the area indicates Phase 2 of the project is needed.

Phase II of this project overlays, widens and repairs County Road 9 and County Road 11, from International to Douglas Road, as well as Douglas Road, from County Road 11 to County Road 13. This phase two overlay project will be an interim improvement project and will provide two travel lanes and two bike lanes, allowing new development in the area to begin construction.

This appropriation Ordinance will transfer funds deposited with the City from the developments for construction of Phase 2 of the overlay project. County Road 11 from County Road 52 to Douglas Road: and Douglas Road from County Road 11 to County Road 13 will be widened and overlaid with this project.

16. First Reading of Ordinance No. 063, 2003, Appropriating Unanticipated Grant Revenue in the Cultural Services and Facilities Fund to be Used to Implement the Native American Graves Protection and Repatriation Act.

In 1990, Congress established NAGPRA, Public Law 101-601. This law provides a process for determining the rights of lineal descendants of Indian tribes, Alaskan Natives, and Native Hawaiian organizations to certain human remains, funerary objects, sacred objects, or objects of cultural patrimony that are currently held in public Museums. The Fort Collins Museum is working towards compliance with the law. The Museum has completed initial physical inventory of its collections; sent out notification letters to over 600 tribal communities, Alaskan villages, and Hawaiian Natives; and consulted with over 15 plains Indian tribes to determine the repatriation process of four human remains held in the Museum's collection. As a result of the process, the human remains will be repatriated to the Cheyenne and Arapaho Tribes of Oklahoma and will be reinterred locally at Roselawn Cemetery.

The 2003 NAGPRA Repatriation grant will support the stipends and travel for tribal representatives and elders to come to Fort Collins for the repatriation and reinterment process. The Cheyenne and Arapaho Tribes have agreed to reinter the human remains locally at Roselawn cemetery. The grant also provides funds for a NAGPRA consultant to organize and manage the repatriation process. The reinterment is expected to take place in June 2003.

17. First Reading of Ordinance No. 064, 2003, Authorizing the Acceptance of a Donation of a Trail Right-of-Way from Lafarge West, Inc., and Appropriating Unanticipated Revenue in the Conservation Trust Fund For the Laporte Trail Connection.

The City's Parks and Recreation Policy Plan shows a planned extension of the Poudre River Trail to Laporte. The extension would start at the present west end of the Poudre River Trail at Taft Hill Road. The trail would follow the rail line northwest to the Hyde Natural Area and then across the Poudre River and under Overland Trail Road to Lions Park. This would be the end of the City's trail system and would connect to future Larimer County trails.

The trail will allow for a safe off-street connection between Fort Collins and Laporte for non-motorized travelers. The trail route would be a safe and enjoyable connection between the communities.

Efforts to make this trail connection a reality began in about 1985 with staff contacting landowners and exploring various trail routes. The conversion of the Colorado Southern Railroad to a "Rails-to-Trails" route gave considerable emphasis to the project. The rail line created a trail corridor of nearly one-mile in length west of Taft Hill Road.

18. Items Relating to the Installation of Additional Traffic Management Equipment.

- A. Resolution 2003-053 Authorizing the Mayor to Execute an Intergovernmental Agreement with the Colorado Department of Transportation Regarding the Installation of Additional Traffic Management Equipment for the Advanced Traffic Management System.
- B. First Reading of Ordinance No. 065, 2003, Appropriating Unanticipated Grant Revenue in the Capital Projects Fund - Traffic Signal Timing System Project to be Used for Installation of the First Phases of Additional Traffic Management Equipment for the Advanced Traffic Management System.

The City of Fort Collins has been awarded a Federal Congestion Mitigation and Air Quality Grant in the total sum of \$430,000. The grant is an 82.79%/17.21% matching grant for the ATMS.

The grant will be used to install additional traffic management equipment as part of the new Advanced Traffic Management System (ATMS). City staff is planning on using a sole source contract for the project with current ATMS vendor, Econolite, Inc. The City has 41 intersections up and running under the new traffic system and believes that it is in our best interest to have Econolite install additional traffic management equipment that is 100% compliant and operational with the ATMS. Past experiences with integration between various systems have proven to be problematic for the Department/City. It is intended the entire ATMS be operating by the end of the year.

19. Resolution 2003-054 Amending the City Council Guidelines for Executive Sessions.

This Resolution would amend the City Council's policies and procedures for the holding of executive sessions so as to clarify that the keeping of minutes is not an acceptable alternative to the tape recording of executive sessions.

20. Resolution 2003-055 Making Findings of Fact and Conclusions Regarding the Appeal of a Decision of the Zoning Board of Appeals Relating to Administrative Interpretation #5-02 Regarding the Definition of "Neighborhood".

On February 13, 2003, the Zoning Board of Appeals unanimously upheld written interpretation #5-02, issued by the Current Planning Director. The Director's interpretation was for the purpose of determining the "neighborhood" in which the property at 1109 W. Harmony Road is located. On February 14, 2003, a Notice of Appeal regarding the Zoning Board of Appeals decision was filed by Mark Brophy, owner of the property at 1109 West Harmony Road. In the Notice of Appeal it was alleged that the Zoning Board of Appeals failed to properly interpret and apply the relevant provisions of the Land Use Code.

At the April 1, 2003 hearing on this matter, City Council considered the testimony of City Staff, the Appellant, and other parties-in-interest. After discussion at this hearing, Council determined that the Zoning Board of Appeals properly interpreted and applied the relevant provisions of the Code in upholding the Current Planning Director's interpretation.

Therefore, Council voted unanimously to uphold the decision of the Zoning Board of Appeals. In order to complete the record regarding this appeal, Section 2-56(e) of the Code provides that the Council must adopt a resolution making findings of fact and finalizing its decision on the appeal.

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

21. Consent Calendar Follow-up.
This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
22. Staff Reports.
Water Supply Update - City Manager
Recognition of Lafarge for Trail Donation
23. Councilmember Reports.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

24. First Reading of Ordinance No. 066, 2003, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classifications for the Certain Properties Known as the East Mulberry Corridor Plan Rezoning.

This is a request to change the zoning designation of 3 parcels totaling approximately 23.9 acres located at the northeast corner of Lincoln/Lemay Avenue, from Industrial (I) to Employment (E).

The proposed rezoning to (E) Employment District from (I) Industrial is appropriate for the described three properties and is compatible with existing and proposed uses surrounding them. The proposed rezoning will not result in significantly adverse impacts on the natural environment and will result in a logical and orderly development pattern.

The East Mulberry Corridor Plan Rezoning is consistent with the City's Comprehensive Plan (City Structure Plan Map) and the East Mulberry Corridor Plan (Framework Plan Map), both adopted by City Council on September 17, 2002.

The applicability of the requested amendment to the Zoning Map is based on the Land Use Code Article 2, Division 2.9.2 by the Director, founded upon the adoption and implementation of a subarea/corridor plan. This item represents an implementation follow-up action after the adoption on the East Mulberry Corridor Plan.

25. Pulled Consent Items.
26. Other Business.
27. Adjournment.