

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

April 20, 2004

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Proclaiming the Week of April 18-25, 2003 as “Days of Remembrance”.
- B. Proclamation Proclaiming April 23, 2004 as “Arbor Day”.
- C. Proclamation Proclaiming May 1-5, 2004 as “Cinco De Mayo Celebration”.

Regular Meeting

6:00 p.m.

PLEDGE OF ALLEGIANCE

- 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. Second Reading of Ordinance No. 054, 2004, Appropriating Prior Year Reserves in the General Fund for Police Seizure Activity.

Colorado state law requires that the proceeds from successful asset seizure and forfeiture actions are to be used for law enforcement purposes and that the governing body of the seizing agency appropriate these proceeds to supplement the seizing agency's budget or, in the alternative, forfeit the proceeds to the general fund of the State of Colorado. Colorado state law also authorizes the creation of the Forfeiture Committee which must consist of the Mayor, District Attorney and Chief of Police, or their designees. The Committee oversees and approves the seizure budget and spending decisions made by the Chief of Police. This Ordinance which was unanimously adopted on First Reading on April 6, 2004, appropriates prior year reserves in the general fund for police seizure activity.

8. Second Reading of Ordinance No. 055, 2004, Appropriating Prior Year Reserves in Capital Projects Fund - Natural Areas Capital Project for Transfer to the Natural Areas Fund and Authorizing the Transfer of Appropriated Amounts to be Used for Natural Areas Acquisition, Construction, Enhancement and Maintenance.

The Building Community Choices ("BCC") sales tax stipulates that revenues remaining unencumbered after completion of projects set forth in the ordinance shall be used for natural areas acquisition, construction, enhancement and maintenance. The unspent revenues in this fund as of December 31, 2003 were \$4,400,000. The recommendation is that these funds now be appropriated for the above stated purposes. Ordinance No. 055, 2004, was unanimously adopted on First Reading on April 6, 2004.

9. Second Reading of Ordinance No. 056, 2004, Amending the Land Use Code to Allow Small Scale Reception Centers in the Urban Estate Zone District, Clarifying the Definition of Such Centers and Adopting Performance Standards as Supplemental Regulations Relating Thereto.

On December 2, 2003, during consideration of the Fall 2003 Land Use Code Revisions, Council voted to remand this issue back to the Planning and Zoning Board for further consideration. Since that time, staff has worked closely with two private parties on expanding and refining the performance standards that would be necessary in order to ensure neighborhood compatibility within the Urban Estate District. This Ordinance, which was unanimously adopted on First Reading on April 6, 2004, allows small scale reception centers in the Urban Estate District, and clarifies the definition of such centers.

10. Second Reading of Ordinance No. 057, 2004, Amending Chapter 26 of the City Code to Reflect the Adoption of Updated Master Drainage Plans And to Revise the Official Repository of Plan Documents.

This Ordinance, which was unanimously adopted on First Reading on April 6, 2004, updates current City Code references to the master drainage plans for the various basins in the city by repealing and reenacting Code Section 26-543(a).

11. Second Reading of Ordinance No. 058, 2004, Designating the Judge Claude C. Coffin House as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Anne T. Stewart, initiated this request for Fort Collins Landmark designation for the Judge Claude C. Coffin House. The residence is individually eligible for landmark designation under City of Fort Collins Landmark Preservation Standard (2), for its association with Judge C. C. Coffin, a nationally noted avocational archaeologist known for the discovery of the Lindenmeier Site; and Landmark Preservation Standard (3), for the home's architectural significance as a very well preserved representation of the Folk Victorian style of architecture. Ordinance No. 058, 2004, was unanimously adopted on First Reading on April 6, 2004.

12. Second Reading of Ordinance No. 059, 2004, Designating the Dr. C. E. Honstein House/ Diane Louise Johnson Cultural Center, and the Honstein/Johnson Carriage House, Pool, and Pump House as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Don L. and Margaret Webber, initiated this request for Fort Collins Landmark designation for the Honstein/Johnson House, Carriage House, Pool and Pump House. The buildings and structures are individually eligible for landmark designation under City of Fort Collins Landmark Preservation Standards 2 and 3, for their association with the lives of Dr. C. E. Honstein, a distinguished Fort Collins physician, and with noted educator and former Superintendent of Schools, Don Webber; and for their architectural merits as excellent examples of a vernacular colonial revival dwelling and carriage house,

with very good integrity; also significant under Standards 2 and 3 are the metal swimming pool, likely the earliest residential swimming pool to be constructed in Fort Collins, and its associated pump house. This Ordinance was unanimously adopted on First Reading on April 6, 2004.

13. Second Reading of Ordinance No. 060, 2004, Designating the Charles H. Sheldon House as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Jack and Maryann Blackerby, initiated this request for Fort Collins Landmark designation for the Charles H. Sheldon House. The property is individually eligible for landmark designation under City of Fort Collins Landmark Preservation Standard 2, for its association with Charles H. Sheldon, an early day banker of Fort Collins; with Arthur M. Garbutt, a prominent architect in the Fort Collins area; and with Herman W. Schroeder, one of the most important contractors and builders in Fort Collins. The Sheldon House is also significant under Standard 3, as a good representation of the American Foursquare style of architecture. The property contains a non-historic garage which does not contribute to the historic character of the property and is not a part of these designation proceedings. This Ordinance was unanimously adopted on First Reading on April 6, 2004.

14. First Reading of Ordinance No. 064, 2004, Appropriating Unanticipated Grant Revenue in the General Fund for the Larimer County Multi-Jurisdictional Drug Task Force.

Fort Collins Police Services (“FCPS”) applied for grant funds made available through the Rocky Mountain High Intensity Drug Trafficking Area project which is sponsored and funded by the Office of National Drug Control. The application was on behalf of the Larimer County Multi-Jurisdictional Drug Task Force (“DTF”) for federal grant monies to help fund the investigation of illegal narcotics activities in Larimer County. The DTF is staffed by personnel from FCPS, Loveland Police Department, Larimer County Sheriff’s Department, Drug Enforcement Administration, and Colorado State University Police Department.

The City recently received notification of the grant award in the amount of \$64,312. A total of \$39,312 will be applied to the purchase of equipment to be used in narcotics investigations by the DTF. The balance of funds, \$25,000, will be allocated to the individual departments based on the number of personnel each department dedicates to the DTF and will be used to defer the overtime costs associated with narcotics investigations. As administrator of this grant, FCPS will reimburse the other participating agencies of the DTF for their share of the federal funds applied to overtime.

15. First Reading of Ordinance No. 065, 2004, Authorizing the Acceptance of a .25 Acre Property Donated by Springfield Subdivision Sixth Filing Joint Venture and Appropriating the Value of Said Donated Property as Unanticipated Revenue in the Natural Areas Fund.

This Ordinance authorizes the Mayor to accept the donation by Springfield Subdivision Sixth Filing Joint Venture of Tract "A", Overland Hills 1st Filing. The property to be conveyed is a .25 acre tract of land to be managed as a natural area by the Natural Resources Program.

The City's Natural Resources staff has reviewed the resource, natural heritage and open space values of the property and has determined that the property will provide a valuable opportunity to advance the objectives of the Natural Areas Policy Plan. The property is located along Spring Creek and is adjacent to the City's Pineridge Natural Area. The City will maintain this .25 acre tract, and due to its proximity with the Pineridge Natural Area, there will be no appreciable increase in annual maintenance costs.

16. First Reading of Ordinance No. 066, 2004, Authorizing the Lease of City-Owned Property at 222, 224 and 226 West Mountain Avenue, Fort Collins, Colorado, to Moe Kamandy for up to Five Years.

The City and the County purchased the building at 222, 224 and 226 West Mountain Avenue in 1985 as part of the Block 31 purchases. In the Intergovernmental Agreement dividing Block 31, this property was quitclaimed to the City. Since the City and County's purchase of this property, these spaces have been leased to commercial customers. The occupants of 222 and 224 have terminated their leases. The current tenant of 226 West Mountain Avenue, Moe Kamandy of the Mountain Café, has expressed a desire to expand his dining room into the space at 224 West Mountain Avenue and to use the space at 222 West Mountain Avenue for storage space. The new total square footage for the restaurant area will be 1,055 and the storage area has 315 square feet. These spaces are not presently conducive for use by other City users. Staff recommends leasing these spaces to Moe Kamandy of the Mountain Café until this area of Block 31 is needed for future improvements.

17. First Reading of Ordinance No. 067, 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 In-Situ property located on Lincoln Avenue.

18. Resolution 2004-051 Repealing Resolutions 2003-145 and 2004-013 Finding Substantial Compliance and Initiating Annexation Proceedings for the Trailhead Annexation.

The Trailhead Annexation is an annexation, zoning and structure plan amendment for 91.25 acres of land located north of East Vine Drive, west of the Waterglen Subdivision. The parcel is contiguous to existing City boundaries by the Buderus Second Addition and the Vine Business Park Annexation. The requested zoning is Low Density Mixed-Use Neighborhood (LMN).

The proposed Resolution states it is the City's intent to annex this property and directs that notice be given of the Council public hearing date to consider the annexation ordinance. The public hearing for the annexation ordinance must occur no less than 30 days and no greater than 60 days from adoption of the resolution finding compliance with State Statutes. This Resolution will schedule the public hearing and first reading of the annexation ordinance on June 1, 2004.

This Resolution was previously adopted by Council at its February 3, 2004 meeting. However, the applicant requested delay of the annexation, which has delayed the previously scheduled first reading date. Thus, the Resolution must be re-enacted with a new hearing date. A new Annexation Petition has been filed with the City.

19. Resolution 2004-052 Approving Expenditures from the Art in Public Places Reserve Account in the Cultural Services and Facilities Fund to Commission an Artist Team to Create Sculptural Elements for the West Elizabeth Street Project.

This Resolution will approve expenditures of \$16,733 for design, fabrication, installation and contingency for this project. Design Tria will create art elements including banners, bollards, and lamp post skirts.

20. Resolution 2004-053 Approving Expenditures from the Art in Public Places Reserve Accounts in the Light and Power, Water, Wastewater and Storm Drainage Utility Funds to Commission an Artist to Create a Sculptural Entryway Piece for the Utility Service Center.

This Resolution will approve expenditure of \$80,000 for design, fabrication, installation and contingency for a project to install a sculptural art piece by James Haire at the entrance to the Utility Service Center.

21. Resolution 2004-055 Making an Amendment to the Boards and Commissions Manual Relating to Residency Requirements.

On June 4, 2002, Council adopted Resolution 2002-062 making amendments to the Boards and Commissions Manual relating to the recruitment and appointment process for boards and commissions. With regard to membership limitations, the residency requirements of the manual were changed to state that applicants must be registered voters (except those under 18 years of

age) and must have resided within the Fort Collins Growth Management Area for at least one year prior to their appointment. In order to avoid a negative impact on currently seated members, these changes were applied only to individuals appointed, or reappointed, after August 1, 2002.

It was recently brought to staff's attention that the language in Resolution 2002-062 was also inadvertently applied to Council's long-standing requirement that board and commission members must reside within the Fort Collins Growth Management Area during their term of service. The revisions made by Resolution 2004-055 will clarify that the only requirements that were intended to apply to individuals appointed, or reappointed, after August 1, 2002, are the requirements that all appointees must be registered voters (except those under 18 years of age) and must have resided within the Fort Collins Growth Management Area for at least one year prior to their appointment.

*****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.
Status Report on Council Requests.
24. Councilmember Reports.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

25. Items Relating to the Prospect East 4th Annexation and Zoning. (15 minutes - 5 minute staff presentation)
 - A. Second Reading of Ordinance No. 061, 2004, Annexing Property Known as the Prospect East 4th Annexation.
 - B. Second Reading of Ordinance No. 062, 2004, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Prospect East 4th Annexation.

On April 6, 2004, Council unanimously adopted Resolution 2004-046 Setting Forth Findings of Fact and Determinations Regarding the Prospect East 4th Annexation.

Ordinance No. 061, 2004 and Ordinance No. 062, 2004, which were unanimously adopted on First Reading on April 6, 2004, annex and zone 21.18 acres located on the south side of East Prospect Road, east of Sharp Point Drive, and west of the Cache La Poudre River. It is currently being used as a farm and calving operation and is in the FA – Farming Zoning District in Larimer County. The requested zoning in the City of Fort Collins is RC – River Conservation.

26. Second Reading of Ordinance No. 063, 2004, Amending the Land Use Code to Address Issues Pertaining to Carriage Houses and Accessory Buildings Within the NCL, NCM and NCB Zone Districts. (15 minutes - no staff presentation)

Ordinance No. 063, 2004, was unanimously adopted on First Reading on April 6, 2004, making various amendments to the Land Use Code related to the design and construction of dwelling units and accessory buildings located along alleys within the Eastside and Westside Neighborhoods. The Land Use Code changes are a response to issues raised in a moratorium approved by City Council in January 2004.

This Ordinance reflects Council's direction to prohibit the subdivision of an individual lot to create a new separate lot for a carriage house. This change is found in the definition. Water and sewer services can still be extended from a principal dwelling to a carriage house, but, based on this change, all references to extending water and sewer services to a newly-created separate lot have been deleted in all three zones.

Also, the standards related to eave height have been added to the N-C-L zone consistent with the N-C-L and N-C-B zones. Omitting these standards at First Reading was inadvertent.

27. Items Relating to Solid Waste Collection and Recycling Service. (20 minutes - 5 minute staff presentation)

- A. Second Reading of Ordinance No. 025, 2004, Amending Chapter 15, Article XV of the City Code Relating to Solid Waste Collection and Recycling Services.
- B. Second Reading of Ordinance No. 053, 2004, Amending Chapter 12, Article II of the City Code Relating to Collection of Garbage and Refuse.

Since it was adopted in 1996, the pay-as-you-throw (PAYT) Code provisions governing the provision of solid waste collection services have been implemented by trash haulers as a condition of their City license, with one amendment made in March 2000 to establish an audit system for the City's use.

Clarification of the Code language is proposed to specifically state that all single family and two-family residences in Fort Collins are subject to unit-based (PAYT) trash rates, including those participating in group accounts for trash service. By including group accounts in the PAYT Ordinance, staff estimates 10,000 more residences (approximately 19% of residences in Fort Collins) will participate in the unit-based trash system, preventing up to 15,000 cubic yards of municipal solid waste from being sent to local landfills for disposal. Staff also expects to see a 4-6% increase in recycling in these residences.

Code language is also being added to Chapter 12, requiring that persons arranging group accounts for trash service do so in a manner consistent with the PAYT requirements.

These Ordinances were unanimously adopted on First Reading on April 6, 2004.

Two changes have been made since first reading of these ordinances. First, Ordinance No. 53, 2004, which imposes a duty upon persons soliciting solid waste collection services for group accounts, has been revised to require such persons to: (a) notify all of their residential customers of the availability of volume capacity categories and volume based rates within 30 days after receiving such information from a solid waste collector, and (b) notify new customers in the group account within ten days after they join the account. Secondly, Ordinance No. 25, 2004, has been revised to reflect changes in the subsection numbers of Ordinance No. 53, 2004, and to delete reference to notices being given annually to members of group accounts, since, by reason of the changes to Ordinance No. 53, 2004, those notices would now have to be given more frequently.

28. Items Relating to the 2003 International Residential Code, 2003 International Mechanical Code, and the 2003 International Fuel Gas Code. (75 minutes - 20 minute staff presentation)
- A. First Reading of Ordinance No. 068, 2004, Amending Chapter 5, Article 2, Division 2, of the City Code for the Purpose of Making Certain Amendments to the Uniform Building Code.
 - B. First Reading of Ordinance No. 069, 2004, Amending Chapter 5, Article 2, Division 2, of the City Code for the Purpose of Adopting the *2003 International Residential Code (IRC)*®, with Amendments.
 - C. First Reading of Ordinance No. 070, 2004, Amending Chapter 5, Article 4, of the City Code for the Purpose of Repealing the 1991 Uniform Mechanical Code and Adopting the *2003 International Mechanical Code*, with Amendments and Adopting the *2003 International Fuel Gas Code*, with Amendments.

The *2003 International Residential Code (IRC)*®, *2003 International Mechanical Code* 2003 and the *International Fuel Gas Code* (the latest version of the nationally-recognized “model” building codes) and proposed amendments have undergone an extensive sixteen-month review by staff and a local representative task group. These latest building codes are already in effect in much of the country. They are the replacement for the “Uniform” code series, which are no longer supported by the model code organization. The *(IRC)* ® and amendments specifically cover only new one- and two-family dwellings and contains some of the most significant potential changes to the Fort Collins Building Code in many years.

29. First Reading of Ordinance No. 076, 2004, Authorizing the Conveyance of Certain Interests in Soapstone Grazing Association Real Property to Be Acquired by the City. (1 hour - 15 minute staff presentation)

The City has a contract to close on the 23,000 acre Soapstone Ranch. In order to achieve the closing, and to obtain the 12,000 acres in Colorado that it wishes to retain, the City must take several actions:

- Acquire the corporation that owns the ranch.
- Agree to sell the 11,000 acre Wyoming portion of the ranch, encumbered by a conservation easement. The conservation easement would allow up to twelve divisions of the property and twelve primary residences with one associated secondary residence each. Permitted activities include grazing and hunting. No intensive commercial uses are allowed. No structures would be allowed on the Wyoming property that would be visible from the City's Colorado property.
- Execute a grazing lease through 2005 with the current owners of the Soapstone Ranch. The lease is a condition of the sale of the ranch to the City.
- Grant three right-of-way easements.

30. Items Relating to the Enforcement of the Nuisance Provisions of the City Code. (1 hour - 15 minute staff presentation)

- A. First Reading of Ordinance No. 071, 2004, Amending Sections 20-21 and 20-22 of the City Code Pertaining to Unreasonable Noise.
- B. First Reading of Ordinance No. 072, 2004, Amending Article VIII of Chapter 20 of the City Code Pertaining to the Abatement of Public Nuisances.
- C. First Reading of Ordinance No. 073, 2004, Amending Section 4-94 of the City Code Pertaining to the Disturbance of Peace and Quiet.
- D. First Reading of Ordinance No. 074, 2004, Amending Article III of Chapter 20 of the City Code Pertaining to Weeds, Brush Piles and Rubbish.
- E. First Reading of Ordinance No. 075, 2004, Amending Article III of Chapter 20 of the City Code Pertaining to the Outdoor Storage of Materials.

These Ordinances are being presented for Council's consideration as a result of the ongoing efforts of the Neighborhood Quality of Life Task Force. This task force has been formed to address quality of life issues in the City's residential neighborhoods.

31. Pulled Consent Items.

32. Other Business.

33. Adjournment.