

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

May 4, 2004

Proclamations and Presentations

5:30 p.m.

- A. Presentation of Awards to “Friends of Preservation”.
- B. Proclamation Proclaiming the Month of May as “Preservation Month”.
- C. Proclamation Proclaiming May 6, 2004 as “National Day of Prayer”.
- D. Proclamation Recognizing 2004 as the Railway Society’s 20th Continuous Year of Operation.
- E. Proclamation Proclaiming the Week of May 9-15 as “National Women’s Health Week”.
- F. Proclamation Proclaiming the Week of May 9-15 as “National Nursing Home Week”.

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 18. 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 February 17 and March 2, 2004 and the adjourned meeting minutes of March 9, 2004.
8. Postponement of 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, to June 1, 2004.

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).

This item is being postponed to June 1, 2004, to allow the development consultant for a property owner in the West Vine Basin additional time to develop overall development concepts that would work with the stormwater master plan.

9. Second 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. This Ordinance, which was unanimously adopted on First Reading on April 20, 2004, appropriates the new federal grant funds.

10. Second 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, which was unanimously adopted on First Reading on April 20, 2004, authorizes the Mayor to accept the donation by Springfield Subdivision Sixth Filing Joint Venture of Tract "A", Overland Hills 1st Filing. The property is a .25 acre tract of land to be managed as a natural area by the Natural Resources Program.

11. Second 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. Ordinance No. 066, 2004, was unanimously adopted on First Reading on April 20, 2004.

12. Second 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.

This Ordinance, which was unanimously adopted on First Reading on April 20, 2004, expands 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.

13. First Reading of Ordinance No. 077, 2004, Appropriating Unanticipated Grant Revenue in the General Fund for the Operation of the Fort Collins Welcome Center.

The Colorado legislature created the Colorado Tourism Board (the “Board”) and authorized the Board to operate State Welcome Centers. The Board determined that the State Welcome Center for Fort Collins would be more efficiently and effectively operated by the City of Fort Collins. In August of 2000, the Colorado Tourism Office (“CTO”) was created and was authorized to operate State Welcome Centers.

Pursuant to Resolution 99-097, the City contracted with Colorado State University for visitor center space at the Environmental Learning Center/Visitors Center, south of Prospect Road, approximately one-quarter mile west of Interstate 25. The City, seeking to attract and welcome visitors to Fort Collins through the activities of its convention and visitor services contractor, the Fort Collins Convention and Visitors Bureau (“CVB”), uses the visitor center space for the Fort Collins Welcome Center. The CVB, in addition to promoting tourism activity, operates the Welcome Center consistent with the City's Intergovernmental Agreement with the Colorado State Board of Agriculture acting by and through Colorado State University.

14. First Reading of Ordinance No. 078, 2004, Amending the Fort Collins Traffic Code to Add an Increase in Penalties for Violations Committed While Using a Mobile Phone.

Cell phones, when used while driving a car, distract the driver from the primary task of driving. Responsible driving requires drivers to focus on the operation of the vehicle, the road and any potential hazards when they are behind the wheel. Fort Collins Police Services Traffic Enforcement Unit officers have observed Fort Collins Traffic Code violations by drivers who are talking on cell phones. These include speeding, running red lights and stop signs, improper turning and unsafe lane changes. This Ordinance will not prohibit cell phone use while driving, but instead will increase the penalty for a traffic violation if a Police Officer observes a violation occurring while the driver is using a cell phone. This Ordinance is secondary in nature, and does not allow law enforcement officers to stop drivers merely for cell phone use while driving. A traffic violation must be observed first, and then second, the officer must also observe cell phone use in order for the enhanced penalty to take effect.

15. First Reading of Ordinance No. 079, 2004, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for That Certain Property Known as the Resource Recovery Farm Rezoning.

This is a request to rezone the property known as the Resource Recovery Farm from the E, Employment District, to the POL, Public Open Lands District. The request is consistent with the recently adopted *I-25 Subarea Plan* and *City Structure Plan* map.

16. Resolution 2004-054 Authorizing the City to Enter into a Contract with Gallagher Benefit Services, Inc. for a Compensation and Benefits Study.

Resolution 2003-147 created a two-person Council Committee, comprised of Councilmembers Eric Hamrick and Kurt Kastein, to work with various members of City staff in developing a scope of work and a competitive request for proposals process to obtain the services of one or more employee compensation and benefits consultants. The Committee has completed the selection process in accordance with Section 8-158 of the City Code, and is recommending adoption of this Resolution selecting the best qualified consultant Gallagher Benefit Services, Inc. The consultant(s) will work with the Committee and City staff to generate a final report to Council containing recommendations regarding employee compensation and benefits.

17. Resolution 2004-056 Authorizing the Mayor to Execute a Revocable Permit to US Cable of Coastal-Texas, L.P., a New Jersey Limited Partnership for Existing Cable Television Lines and Appurtenances.

It is recommended that a new permit be issued to US Cable granting permission for it to maintain its installation of an underground cable television line and related facilities within City right-of-way and utility easements to serve the Horsetooth and University mobile home parks located at the southwest corner of the Horsetooth Road/Taft Hill Road intersection. It has been determined that the fee may be excessive for the service provided under the existing revocable permit. The fee with the new revocable permit will be one quarter of the amount charged under the current permit.

18. Resolution 2004-057 Expressing City Council Support for the “Cache la Poudre River National Heritage Area Technical Amendments Act of 2004”.

Over the last 20 years, Congress has established 24 national heritage areas and provided them with millions of dollars in financial assistance through the National Park Service. By providing this designation, the Congress has determined that these areas’ local cultures, traditions, history and resources are worthy of being recognized and preserved because of their contributions to the nation’s heritage. These areas can encompass large tracts of land, and incorporate both public and private property. Once designated, heritage areas can receive funding through the National Park Service’s budget, although the agency currently has no formal heritage area program. The Park Service provides technical assistance to the areas, and the Congress appropriates the agency limited funds for heritage area activities. The Park Service allocates funding to the areas through cooperative agreements. These funds are considered to be “seed” money to assist each area in becoming sufficiently established to develop partnerships with state and local governments, businesses, and other non-federal organizations as their principal funding sources.

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

19. Consent Calendar Follow-up.
This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
20. Staff Reports.
Status Report on Council Requests.
21. Councilmember Reports.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

22. Items Relating to the Enforcement of the Nuisance Provisions of the City Code. (45 minutes - 10 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.

23. Items Relating to the Prospect East 4th Annexation and Zoning. (30 minutes - no 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.

Staff is recommending that this property be included in the Residential Neighborhood Sign District. A map amendment will not be necessary to place this property on the Residential Neighborhood Sign District Map.

24. Resolution 2004-058 Repealing and Readopting City Plan as the City's Comprehensive Plan, and Repealing Certain Other Obsolete Plans. (60 minutes - 10 minute staff presentation)

The adoption of this Resolution will complete a 20 month long process to update City Plan, the City's Comprehensive Plan. City Plan was initially adopted in 1997, along with a commitment to periodically review, and if necessary, update the document. The update results in revisions to the vision, goals, principles and policies, and *Structure Plan* map of City Plan related to the City's growth management area, redevelopment and infill development, the City's role in the region's economy, open space and community separators, transportation, and neighborhoods and housing. The update to City Plan was conducted in collaboration with the Transportation Master Plan update, which was adopted by the City Council on March 2, 2004. The update to City Plan received input from the Council, the Council appointed Citizens Advisory Committee, City advisory boards, key stakeholders, and the general public throughout the planning process.

25. Second Reading of Ordinance No. 076, 2004, Authorizing the Conveyance of Certain Interests in Soapstone Grazing Association Real Property to Be Acquired by the City. (30 minutes - no staff presentation)

This Ordinance, which was adopted 6-1 (Councilmember Weitkumat opposed) on April 20, 2004, authorizes the conveyance of certain interests in Soapstone Grazing Association real property to be acquired by the City.

26. Pulled Consent Items.

27. Other Business.

28. Adjournment.