

# **AGENDA**

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

May 20, 2003

## **Proclamations and Presentations**

**5:30 p.m.**

- A. Presentation of Exemplary Citizenship Awards to Students from Lincoln Junior High School Regarding Their "Adopt a Landmine" Project.
- B. Presentation of Annual "Friends of Preservation" Awards.
- C. Proclamation Proclaiming Support for the "Colorado Click-it or Ticket Campaign".
- D. Proclamation Proclaiming the Week of May 9-16, 2003 as "National Police Week".
- E. Proclamation Proclaiming the Week of May 18-24, 2003 as "Save a Life Week".
- F. Proclamation Proclaiming the Month of May as "Mental Health Month".
- G. Proclamation Proclaiming the Month of May as "Foster Care Month".

## **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 23. 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 April 1 and April 15, 2003.

8. Second Reading of Ordinance No. 067, 2003, Authorizing the City Manager to Execute Amendments to Two Long-Term Leases of Property at the Fort Collins-Loveland Municipal Airport in Order to Reduce the Amount of Liability Insurance Required of the New Tenant, Eagle Air Investments, LLC, and to Make Other Insurance Related Changes.

This Ordinance, which was unanimously adopted on First Reading on May 6, 2003, authorizes the City Manager, in consultation with the City Attorney, to make other amendments to the insurance coverage requirements of the Firewall and Gracon Lease Agreements (Eagle Air Investments desires to assume both leases) based on current insurance industry practices. Eagle Air Investments has expressed concern that insurance companies are not willing to provide the cities with 30 days notice of policy cancellation. This amendment allows the City Manager to allow a shorter cancellation notice requirement if necessary.

9. Second Reading of Ordinance No. 068, 2003, Designating the John and Edna Squires House, 810 West Mountain Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, David Thompson and Stephanie Malsack, initiated this request for Fort Collins Landmark designation for the Squires House. On May 6, 2003, Council unanimously adopted Ordinance No. 068, 2003 on First Reading, designating the John and Edna Squires House, 810 West Mountain Avenue as a Fort Collins Landmark.

10. Items Relating to the Halcyon Second Annexation.

- A. Second Reading of Ordinance No. 069, 2003, Annexing Property Known as the Halcyon Second Annexation to the City of Fort Collins, Colorado.
- B. Second Reading of Ordinance No. 070, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Halcyon Second Annexation to the City of Fort Collins, Colorado.

On May 6, 2003, Council unanimously adopted Resolution 2003-058 Setting Forth Findings of Fact and Determinations Regarding the Halcyon Second Annexation.

The Halcyon Second Annexation is 17.32 acres in size, located east of College Avenue, south of Trilby Road, and north of Robert Benson Lake. The parcel is contiguous to existing city boundaries by the Halcyon Annexation. The recommended zoning is Low Density Mixed-Use Neighborhood (LMN).

Ordinance No. 069, 2003, which was unanimously adopted on First Reading on May 6, 2003, annexes the property known as the Halcyon Second Annexation. Also on May 6, 2003, Council unanimously adopted Ordinance No. 070, 2003, amending the zoning map and zoning the Halcyon Second Annexation.

- 11. Second Reading of Ordinance No. 071, 2003 Amending Ordinance No. 030, 2003 and Ordinance No. 031, 2003 Annexing and Zoning Property Known as the South Taft Hill Seventh Annexation to Correct an Error in the Legal Descriptions Contained in Said Annexation and Zoning Ordinances.

A typographical error in the legal descriptions contained in the annexation and zoning ordinances, resulting in a legal description that does not "close". This Ordinance, which was unanimously adopted on First Reading on May 6, 2003, amends the original annexation and zoning ordinances by replacing the incorrect legal description with an amended legal description.

- 12. Items Relating to the Willow Brook Annexation No. 3.
  - A. Second Reading of Ordinance No. 072, 2003, Annexing Property Known as the Willow Brook Annexation No. 3 to the City of Fort Collins, Colorado.
  - B. Second Reading of Ordinance No. 073, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Willow Brook Annexation No. 3 to the City of Fort Collins, Colorado.

On May 6, 2003, Council unanimously adopted Resolution 2003-057 Setting Forth Findings of Fact and Determinations Regarding the Willow Brook Annexation No. 3.

The Willow Brook Annexation No. 3 is 4.76 acres in size, located north of Kechter Road, west of Jupiter Road. The parcel is contiguous to existing City boundaries by the Willow Brook Annexation No. 2 and the Webster Farm Annexation. The recommended zoning is Low Density Mixed-Use Neighborhood (LMN). Ordinance Nos. 072 and 073, 2003, were both unanimously adopted on First Reading on May 6, 2003, annexing and zoning the property known as the Willow Brook Annexation No. 3.

13. Second Reading of Ordinance No. 074, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying the Huber Property for Zoning.

This is a request to zone a parcel owned by the City of Fort Collins Stormwater Utility, that is presently “not zoned”, to POL (Public Open Lands). The subject site consists of 1.05 ± acres located south of Drake Road and west of Taft Hill Road. This Ordinance was unanimously adopted on First Reading on May 6, 2003.

14. First Reading of Ordinance No. 075, 2003, Appropriating Unanticipated Revenue in the General Fund for Police Services DUI Sobriety Checkpoints.

The Office of Transportation Safety, Colorado Department of Transportation, has received funding from the Federal government for DUI sobriety checkpoints throughout the state between Memorial Day and Labor Day this year.

Fort Collins Police Services has been asked to participate by holding three checkpoints during this period. Off-duty officers working overtime paid by these funds, will staff the checkpoints. Any funds not used for the checkpoints will be used to augment regular DUI enforcement during the summer through the use of off-duty officers.

15. Items Relating to Appropriation of Grant Revenues for Police Services.

A. First Reading of Ordinance No. 076, 2003, Appropriating Prior Year Reserves in the General Fund for Police Services for the Larimer County Multi-Jurisdictional Drug Task Force.

B. First Reading of Ordinance No. 077, 2003, Appropriating Unanticipated Grant Revenue in the General Fund for Police Services for the Larimer County Multi-Jurisdictional Drug Task Force.

**Drug surcharge and court ordered restitution:** For the past 16 years, Fort Collins Police Services has worked together with other members of the Larimer County Drug Task Force, including the Loveland Police Department, Larimer County Sheriff’s Department, Drug Enforcement Administration (DEA), and the Colorado State University Police Department, in drug

enforcement in Larimer County. These funds provide for office supplies, equipment, and repairs for the Larimer County Drug Task Force. This Ordinance appropriates the current revenue in the fund, \$26,052, for the operating costs associated with that task force.

**Rocky Mountain High Intensity Drug Trafficking Area Grant:** For the past 16 years, Fort Collins Police Services has worked with other members of the Larimer County Drug Task Force, including the Loveland Police Department, Larimer County Sheriff's Department, Drug Enforcement Administration (DEA), and the Colorado State University Police Department, in drug enforcement in Larimer County. This equipment allows unit members to communicate on a common police radio channel and the cameras will provide another method of evidence collection. This grant is awarded through the Rocky Mountain High Intensity Drug Trafficking Area, of which Larimer County Drug Task Force is a designated area.

16. First Reading of Ordinance No. 078, 2003, Appropriating Unanticipated Revenue in the General Fund for Climate Protection Education and Outreach.

In the 2002-2003 budget, the Utilities Department provided \$36,500 for 2002 and \$36,500 for 2003 to fund an Environmental Education and Public Involvement Coordinator position in support of the City's Climate Protection Program. Funds are being used to conduct outreach to local businesses on implementation measures that prevent greenhouse gas emissions. Staff recommends that the 2003 amount of \$36,500 be appropriated in the General Fund – Natural Resources Department.

17. First Reading of Ordinance No. 079, 2003, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities.

This Ordinance appropriates unexpended 2002 appropriations for Cultural Development and Programming and Visitor Events.

Lodging tax revenue for 2002 was estimated to be \$601,566, while the actual receipts totaled \$574,134. The 2003 budget appropriated the estimated 2002 receipts of \$601,566. The excess appropriations in the amount of \$27,432 are no longer available to be spent. In accordance with Section 25-244 of the City Code, 75% of the total receipts are to be used for the promotion of convention and visitor activities, and 25% for cultural development and programming (CDP) activities. In accordance with the City's contract for services with the Convention and Visitors Bureau (CVB) for 2003, the City's 2003 payment to the CVB has been set at \$395,000.

18. Items Relating to the East Mulberry Corridor Plan Rezoning.

- A. Resolution 2003-064 Amending the East Mulberry Corridor Plan (An Element of the Comprehensive Plan of the City).
- B. Resolution 2003-065 Amending the City's Structure Plan Map to Comport with the Amendments to the East Mulberry Corridor Plan.

- C. Second Reading of Ordinance No. 066, 2003, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for the Certain Properties Known as the East Mulberry Corridor Plan Rezoning.

On April 15, City Council adopted on First Reading, Ordinance No. 066, 2003, Amending the Zoning Map by changing the zoning classification for the properties known as the East Mulberry Corridor Plan as recommended by the Planning and Zoning Board. Prior to Second Reading, Council requested staff complete the following tasks:

1. Require a notice for future residential owners and tenants of MMN to be made aware of the existing Airport operations including visual and noise impacts.

Staff has included a zoning condition requiring a notice to be on record with the Larimer County Clerk and Recorder notifying any future residential owners within the MMN of the existing airport operations (see Section 3 of Ordinance No. 066, 2003).

2. Contact the three property owners to assess their response to the recommended changes.

Staff has contacted all three-property owners and has provided their responses below.

3. Develop required resolutions for adoption of the related Plan amendments.

Staff has developed the required Resolutions for the amendments to the East Mulberry Corridor Plan and City Structure Plan (items A & B above).

Staff believes that the MMN designation raises additional issues on the adjacent parcels and that the pattern recommended by the Planning and Zoning Board needs further review to determine the appropriate land use and zoning based on this change.

As a result of the staff assessment described below in the background information, staff supports changing the 1.79-acre parcel from Employment (E) to Medium Density Mixed-Use Neighborhood (MMN), and change the 6.47-acre parcel from Employment (E) to Industrial (I) land use designation for both the *East Mulberry Corridor Plan* and *City Structure Plan* Map.

In agreeing with the stated Plan amendments mentioned above, staff supports the rezoning of the (1.79-acre) and (15.79-acre) parcels from Industrial (I), to Medium Density Mixed-Use Neighborhood (MMN).

The Medium Density Mixed-Use Neighborhood (MMN) will provide a transition between the existing industrial uses to the east and existing commercial and residential uses to the south and north. The three properties are located within the existing developed area of the City of Fort

Collins, and should it further develop, would be able to utilize the existing logical and orderly development pattern provided by the proximity to Lemay Avenue, East Mulberry Street and Lincoln Avenue.

19. First Reading of Ordinance No. 080, 2003, Amending Subsection 2-31(a)(3) of the City Code Pertaining to Executive Sessions Convened for the Purpose of Considering Water and Real Property Acquisitions and Sales.

Adoption of the Ordinance would amend the provisions of the City Code pertaining to executive sessions that are held for the purpose of considering water and real property acquisitions and sales by the City. The amendment would eliminate Code language which presently restricts such discussions to the consideration of appraisals and other value of estimates and the consideration of strategy for the acquisition or sale of such property.

20. Resolution 2003-066 Adopting the Recommendations of the Cultural Resources Board Regarding Fort Fund Disbursements.

On November 30, 1998, revised guidelines for the Cultural Development & Programming and Tourism Programming accounts (Fort Fund) were adopted and approved through the City Manager's office. These guidelines created a three-tiered funding system for organizations that apply for grants from Fort Fund.

21. Resolution 2003-067 Making Board and Commission Liaison Assignments and Committee Appointments.

Following the Council reorganization meeting in April of odd-numbered years, Councilmembers decide which of the various board and commission liaison assignments and committee appointments are of interest to them as individuals.

Mayor Martinez and Councilmember Hamrick have expressed a desire to trade liaison assignments to the Natural Resources Advisory Board and the Electric Board; and Councilmember Roy has expressed a desire to be the liaison to the Landmark Preservation Commission.

This Resolution includes all board and commission liaison assignments and committee appointments with the following changes: Mayor Martinez as the liaison to the Electric Board, Councilmember Hamrick as the liaison to the Natural Resources Advisory Board and Councilmember Roy as the liaison to the Landmark Preservation Commission.

22. Resolution 2003-068 Finding Substantial Compliance and Initiating Annexation Proceedings for Such Property to be Known as the Swift Addition to Fossil Lake P.U.D. Annexation.

The Swift Addition to Fossil Lake P.U.D. Annexation consists of approximately 55 acres of privately owned property known as the Fossil Lake P.U.D. – Swift Addition, which is a County-

approved development in the Fossil Creek Reservoir Planning Area. The recommended zoning is a combination of the LMN – Low-Density Mixed Use Neighborhood Zoning District, and the UE – Urban Estate Zoning District. The property is located within the Fossil Creek Reservoir Area Plan boundary.

23. Routine Deeds and Easements.

- A. Easement for subsurface construction and maintenance of public utilities from Lloyd and Audrey Wilson, located at 119-123 South Roosevelt. Monetary consideration: \$10. Staff: Patti Teraoka.
- B. Deed of dedication for easement from the Poudre School District for a permanent drainage easement, located north of Zephyr Road and east of Timberline Road. Monetary consideration: \$10. Staff: Susan Joy.
- C. Deed of dedication for right-of-way from the Poudre School District for permanent right-of-way for public street purposes, located north of Zephyr Road and east of Timberline Road. Monetary consideration: \$10. Staff: Susan Joy.
- D. Deed of dedication for easement from the Poudre School District for a permanent drainage easement, located north of Zephyr Road and east of Timberline Road. Monetary consideration: \$10. Staff: Susan Joy.
- E. Deed of dedication for easement from the Poudre School District for a permanent utility easement, located north of Zephyr Road and east of Timberline Road. Monetary consideration: \$10. Staff: Susan Joy.
- F. Deed of dedication for easement from the Poudre School District for a permanent emergency access easement, located north of Zephyr Road and east of Timberline Road. Monetary consideration: \$10. Staff: Susan Joy.

**\*\*\*END CONSENT\*\*\***

24. Consent Calendar Follow-up.

This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.

25. Staff Reports.

Water Supply Update

26. Councilmember Reports.

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

27. Items Relating to the Completion of the Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing Projects/Programs and Community Development Activities: the City's Fiscal Year 2003-2004 Community Development Block Grant (CDBG), Home Investment Partnerships (HOME) Programs, and Affordable Housing Funds. (15 minutes)
- A. Public Hearing and Resolution 2003-069 Adopting the FY 2003-2004 Community Development Block Grant Program.
  - B. Public Hearing and Resolution 2003-070 Adopting the FY 2003-2004 Home Investment Partnerships Program.
  - C. Resolution 2003-071 Approving the Funding from the City's Affordable Housing Fund.
  - D. Resolution 2003-072 Authorizing the City Manager to Submit to the U.S. Department of Housing and Urban Development the 2003 Fort Collins Consolidated Action Plan.
  - E. First Reading of Ordinance No. 081, 2003, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Community Development Block Grant Fund.
  - F. First Reading of Ordinance No. 082, 2003, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Home Investment Partnerships Fund.

The Community Development Block Grant (CDBG) Program and the Home Investment Partnerships (HOME) Program provide Federal funds from the Department of Housing and Urban Development (HUD) to the City of Fort Collins which can be allocated to housing and community development related programs and projects, thereby, reducing the demand on the City's General Fund Budget to address such needs. The City Council is being asked to consider the adoption of two resolutions related to funding under the CDBG and HOME Programs. The first resolution (Resolution 2003-069) establishes which programs and projects will receive funding with CDBG funds for the FY 2003-2004 Program year, which starts on October 1, 2003. The CDBG Commission presents a list of recommendations as to which programs and projects should receive funding. The second resolution (Resolution 2003-070) establishes the major funding categories within the HOME Program for the FY 2003-2004 Program year and establishes allocations which will use HOME Program unprogrammed funds and program income. Specific projects for the use of HOME funds will be determined in November as a result of the fall funding cycle of the competitive process for the allocation of the City's financial resources to affordable housing programs/projects and community development activities. The third resolution (Resolution 2003-071) establishes allocations of unprogrammed funding from the City's Affordable Housing Fund.

28. First Reading of Ordinance No. 083, 2003, Amending Chapter 12 of the City Code to Prohibit All Covenant Restrictions on Certain Resource Conserving Activities and Eliminating a Similar Provision of the Land Use Code. (30 minutes)

Staff proposes a new Section 12-120 in Chapter 12 of the City Code (Health and Safety) that nullifies any private property covenant, regardless of when made or recorded, which prohibit xeriscape (water-conserving) landscaping, solar collectors, clothes lines, compost bins, or mandating turf grass landscaping.

Nearly identical language currently exists in Section 3.4.9 of the Land Use Code. The Land Use Code applies primarily to new development. Accordingly, the existing provision only applies to covenants established after July 1, 2001. In order to assure uniform applicability of this language to all covenants, staff proposes that the language be moved from the Land Use Code to a new Article VII of Chapter 12, of the City Code and that the language be changed to apply to all covenants or other agreements affecting real property, regardless of when made or recorded. Staff also proposes to add language prohibiting covenants from mandating that a portion of any individual lot be planted in turf grass.

29. Items Relating to Requirements for Soil Amendments. (30 minutes)

- A. First Reading of Ordinance No. 084, 2003, Amending Chapter 12 of the City Code to Add Requirements for Soil Amendments and Amending a Similar Provision of the Land Use Code.
- B. First Reading of Ordinance No. 085, 2003, Appropriating Prior Year Reserves in the Water Fund to Initiate a Soil Amendment Inspection Program.

Item "A" proposes changes to the City Land Use Code and additions to the City Code to provide clarity on soil loosening requirements, to allow the use of more types of soil amendments and topsoil, and to permit for discretion to temporarily suspend or waive soil amendment requirements if compliance is unreasonably difficult due to weather or site conditions, or is not reasonably possible due to physical constraints in a particular area of a property.

Item "B" appropriates \$65,000 in the Water Fund for 2003 for the purpose of hiring staff and purchasing the equipment necessary to initiate an inspection program. This appropriation is required for an inspection program to ensure compliance with the existing soil amendment provisions of the Land Use Code whether or not Council approves the soil amendment code changes recommended in Item "A".

30. First Reading of Ordinance No. 086, 2003, Authorizing the Appropriation of Funds for Expenditures for Capital Improvements and Operating Expenses to Improve the Fort Collins-Loveland Airport Terminal Building Facilities and for Funds to Promote Scheduled Service into the Airport. (45 minutes)

The Fort Collins-Loveland Municipal Airport has been approached by Allegiant Air to start scheduled service into the Airport. Negotiations with the Allegiant have been successfully completed. The Cities have signed a letter of intent to provide certain funds and facilities to accommodate the service by Allegiant Air.

This Ordinance will appropriate Fort Collins' share of the funds needed to meet the City's obligations under the proposed agreement. The risk of appropriating the funds is that, if the proposed service is not successful, the airport will lose anticipated revenues to offset the capital and operating expenses. In that case, some revenues from the other charter flights will still be generated, but not as much from the scheduled service.

31. Pulled Consent Items.
32. Other Business.  
Status Report on Council Requests.
33. Adjournment.