



# REGULAR MEETING AGENDA

## FORT COLLINS CITY COUNCIL

July 19, 2005

Doug Hutchinson, Mayor  
Karen Weitkunat, District 2, Mayor Pro Tem  
Ben Manvel, District 1  
Diggs Brown, District 3  
Kurt Kastein, District 4  
Kelly Ohlson, District 5  
David Roy, District 6

City Council Chambers  
City Hall West  
300 LaPorte Avenue  
Fort Collins, Colorado

Cablecast on City Cable Channel 27  
on the Comcast cable system

The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (TDD 224-6001) for assistance.

### **Proclamations and Presentations 5:30 p.m.**

- A. Proclamation Proclaiming August 2, 2005, as "Neighborhood Night Out."
- B. Proclamation Proclaiming August 7-14, 2005, as "Poudre Fire Authority Fire Fighters 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)

Individuals who wish to address the Council on items not specifically scheduled on the agenda must first be recognized by the Mayor or Mayor Pro Tem. Each speaker is allowed 5 minutes. If there are more than 6 individuals who wish to speak, the Mayor may reduce the time allowed for each individual.

- State your name and address for the record
- Applause, outbursts or other demonstrations by the audience is not allowed
- Keep comments brief; if available, provide a written copy of statement to City Clerk

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

### Consent Calendar

The Consent Calendar consists of Items 6 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 Item No. 28, Pulled Consent Items. The Consent Calendar consists of:

- Ordinances on First Reading that are routine;
- Ordinances on Second Reading that are routine;
- Those of no perceived controversy;
- Routine administrative actions.

6. Second Reading of Ordinance No. 052, 2005, Vacating a Portion of Right-of-Way as Dedicated on the Plat of Prospect Industrial Park.

The Liberty Commons School site is located on the north and west sides of March Court cul-de-sac. The current school building is at the northwest corner of March Court and Sharp Point Drive. The area to the west of the cul-de-sac is currently vacant land. The Liberty Commons School desires to build a running track for the school's use on this vacant land. The width of the land is not adequate to build a running track that will meet competition standards, thus they would like to shorten the existing cul-de-sac, vacate a portion of the existing right-of-way and use this area for construction of a running track. At the completion of the project the revised cul-de-sac will have the same functionality as the original March Court cul-de-sac.

Ordinance No. 052, 2005, was unanimously adopted on First Reading on May 3, 2005.

7. Second Reading of Ordinance No. 072, 2005, Authorizing the Lease of City-Owned Property at 812 North Shields Street, Fort Collins, Colorado, for Up to Five Years.

The City purchased this parcel of land, including house and out buildings, as part of the Operations Services Master Plan. Staff recommends leasing this site until the improvements included in the Master Plan are constructed to discourage vandalism and to lower City costs to maintain the site. The site is currently leased.

Ordinance No. 072, 2005, was unanimously adopted on First Reading on July 5, 2005.

8. Second Reading of Ordinance No. 073, 2005, Authorizing the Lease of City-Owned Property at 4913 South College Avenue, Fort Collins, Colorado, for Up to Five Years.

This house is located on property owned by the City of Fort Collins. Until the land is utilized, renting the house will generate revenue and will discourage vandalism. This action will approve the leasing of the property for up to five years.

Ordinance No. 073, 2005, was unanimously adopted on First Reading on July 5, 2005.

9. Second Reading of Ordinance No. 074, 2005, Authorizing the Conveyance of Non-exclusive Easements for the Construction of Home State Bank on the Northwest Corner of Raintree Drive and Shields Street.

Home State Bank is requesting various easements from the City to facilitate construction of a new bank which will be located on a portion of Tract "F", Raintree Planned Unit Development at the northwest corner of Raintree Drive and Shields Street, adjacent to the Fort Collins Senior Center.

In order to complete the project, Home State Bank is asking the City to grant several easements on Senior Center property. Home State Bank will pay all costs associated with the construction of the bank and upon completion of the construction project will restore the easement areas to an equivalent or better condition as prior to construction.

Ordinance No. 074, 2005, was unanimously adopted on First Reading on July 5, 2005.

10. Second Reading of Ordinance No. 075, 2005, 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 was created and was authorized to operate such welcome centers.

Pursuant to Resolution 1999-097, the City contracted with Colorado State University for visitor center space at the Environmental Learning Center/Visitors Center to the south of Prospect Road, approximately one-quarter mile west of Interstate 25. The City, in its effort to welcome visitors to Fort Collins through the activities of its convention and visitor

services contractor, the Fort Collins Convention and Visitors Bureau (the “CVB”), will use the space for the Fort Collins welcome center. The CVB, in addition to promoting tourism activity, will operate the welcome center pursuant to amendments to the City's agreement with CVB, and consistent with the City's grant agreement with the State of Colorado.

Ordinance No. 075, 2005, was unanimously adopted on First Reading on July 5, 2005.

11. Second Reading of Ordinance No. 077, 2005, Authorizing the Sale of City-owned Property Consisting of a Portion of Block 33, Fort Collins, Colorado, to Penny Flats, LLC.

In July 2004, the City Council adopted Resolution 2004-081 setting out a process for selling portions of Block 33 to a private developer. Staff entered into an exclusive negotiating agreement with Coburn Development after receiving eight proposals and interviewing four teams. Coburn has complied with all provisions of the agreement, and has decided to proceed with development of the property.

The sale would be accomplished in phases, with Coburn purchasing property for each phase prior to commencement of construction. The City would grant Coburn options on future phases, with interest on the unpurchased portions accruing to the City at seven percent. They would receive easement(s) on the City land for construction easements.

Ordinance No. 077, 2005, was unanimously adopted on First Reading on July 5, 2005.

12. First Reading of Ordinance No. 078, 2005, Appropriating Unanticipated Revenue in the General Fund and Authorizing the Transfer of Appropriated Amounts Between Accounts and Projects for the Multi-Jurisdictional Drug Task Force.

Fort Collins Police Services applied to the Office of Drug Control and System Improvement on behalf of the Task Force for federal grant monies to help fund the investigation of illegal narcotics activities in Larimer County. The application was due to the recent change by the Federal Government in their fiscal year which created a three month funding gap. The City recently received notification of the grant award in the amount of \$51,250, plus an additional \$1,250 in revenue from Colorado State University Police Department. The participating agencies must provide matching funds in the amount of \$108,125. Fort Collins' portion of the match is \$32,168. These funds will be used for rental and operational costs at the Task Force off-site location, overtime funding to help offset the overtime costs of each participating agency, and confidential funds to be used for the purchase of narcotics from drug dealers by undercover police officers.

13. First Reading of an Ordinance No. 079, 2005, Appropriating Unanticipated Grant Revenue in the General Fund for the Police Services Victim Services Team.

The Fort Collins Police Services Victim Services Team has been awarded an 18-month grant in the amount of \$35,000 for the period of July 1, 2005 through December 31, 2006, by the V.A.L.E. Board to help fund services provided by this team. These funds will be used for a part-time paid victim advocate who will provide crisis intervention services during weekday hours and is housed in the Victim Services Office. These funds will also pay for some of the operational expenses needed to provide 24-hour a day, 7-day a week services

to victims of crime in our community. Previous V.A.L.E. grant awards have been received each year since 1998.

14. First Reading of Ordinance No. 080, 2005, Appropriating Unanticipated Revenue in the Transportation Services Fund to Be Used to Conduct the Downtown River District Improvement Project.

The DDA and the City's departments of Transportation Planning, Engineering, Advanced Planning, and Utilities have initiated this Project to address the lack of sufficient public infrastructure to support infill development and redevelopment in the Downtown River Corridor area. This Project will be co-managed by the City and the DDA. The first phase of the Project includes detailed design/preliminary engineering and cost estimating of needed transportation and utility improvements for the area including Jefferson, Willow, Lincoln, and Linden Streets. The transportation and utility improvements suggested by this Project will help the area achieve the visions and goals set forth by City Plan and the Downtown River Corridor Implementation Program.

15. First Reading of Ordinance No. 081, 2005, Calling a Special Municipal Election to Be Held in Conjunction with the November 1, 2005 Larimer County Coordinated Election.

This Ordinance calls a Special Municipal Election to be held in conjunction with the November 1, 2005 Larimer County Coordinated Election, and preserves the opportunity for Council to place initiated or referred issues on the November ballot.

16. Items Relating to the Crawford Annexation and Zoning.

- A. Resolution 2005-077 Setting Forth Findings of Fact and Determinations Regarding the Crawford Annexation.
- B. First Reading of Ordinance No. 082, 2005, Annexing Property Known as the Crawford Annexation to the City of Fort Collins, Colorado.
- C. First Reading of Ordinance No. 083, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Crawford Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 29.56 acres in size. The site is located approximately one-half mile west of North College Avenue on the south side of West Willox Lane. Contiguity is gained along the eastern boundary which is shared with Hickory Village Mobile Home Park. Contiguity is also gained along a portion of the south property line which is shared with the City of Fort Collins Soft Gold Neighborhood Park. The recommended zoning is U-E, Urban Estate. This zoning complies with the Structure Plan Map.

17. Resolution 2005-078 Approving an Intergovernmental Agreement with the Colorado Department of Transportation Providing for the Operation and Maintenance of Traffic Signals, Crosswalk and Stop Bars, Signs and Pavement Markings on State Highways Within or Adjacent to the City Limits.

The State of Colorado currently reimburses the City of Fort Collins for the operation and maintenance of 51 traffic signals, 91 crosswalks, stop bars, and 7.4 miles of signs and pavement markings. On August 1, 2005, the Colorado Department of Transportation (CDOT) will transfer administrative control, maintenance and ownership of Harmony Road (State Highway 68) between College Avenue and I-25 to the City of Fort Collins. Therefore, reducing the number of traffic signals maintained to 45 traffic signals, 77 crosswalks and 7.4 miles of signs and pavement markings. (A listing of locations is attached as Attachment 1). The contract amount has been decreased from \$160,104 to \$142,104 annually. During the five year contract period, traffic signals, crosswalks and stop bars can be added to the contract by submitting a Bilateral Change Order Letter.

For the efficiency of travel flow and the safety and convenience of the public, the City of Fort Collins maintains and operates CDOT's traffic signals within the Urban Growth Area. The traffic signals are connected to the City's Advanced Traffic Management System. A review of the costs has shown that the reimbursement rate from CDOT is consistent with our costs.

18. Resolution 2005-074 Authorizing the City Manager to Execute a Capital Funding Grant Agreement with the Federal Aviation Administration for Improvements at the Fort Collins-Loveland Airport.

The Airport is programmed each year to receive FAA Entitlement Funds in the amount of \$1,000,000 as a result of enplaning at least 10,000 passengers per calendar year. An additional \$150,000 is being added to the Grant from unspent Grant funds from the prior year. On February 1, 2005, the City approved an Ordinance appropriating the expenditure of funds in the amount of \$1,240,000, which includes the FAA Grant amount and the City's share of costs. The Cities will open bids on July 28 for Airport improvement projects associated with this Grant. Depending on the price of the bids, projects will be selected by priority and within the supplemental budget amount. Not all of the FAA Grant money must be spent this year. In the event not all of the FAA entitlement money is used this year the remaining money will be rolled over into next year. Approval of the Grant Agreement will allow the Cities to use the Grant proceeds to fund projects from the list of Grant-approved improvements set forth in the Grant Agreement which is on file with the City Clerk.

19. Resolution 2005-079 Authorizing the City Manager to Execute an Amendment #1 to the Intergovernmental Agreement with the North Front Range Transportation and Air Quality Planning Council for the Provision of Support Services.

This Resolution would amend the intergovernmental agreement between the North Front Range Transportation & Air Quality Planning Council and the City which defines the support services provided by the City. The amendment eliminates the accounting, audit, financial and payroll services currently provided and reduces purchasing and human resource services.

20. Resolution 2005-080 Authorizing the City Manager to Submit the 2005-2009 Fort Collins Consolidated Plan and 2005-2006 Annual Action Plan to the U.S. Department of Housing and Urban Development.

The City of Fort Collins 2005-2009 Consolidated Plan and 2005-2006 Annual Action Plan was drafted as a requirement of the U.S. Department of Housing and Urban Development (HUD) for those communities participating in Federal grant programs administered by HUD. The 2005-2009 Consolidated Housing and Community Development Plan identifies and sets priorities in the community for those persons requiring housing assistance, human services and non-housing community development needs over the next five years. The one-year Action Plan attached hereto identifies the CDBG and HOME funded projects which will carry out those priorities during the 2005-2006 program year and which were approved for funding by Council on May 17, 2005.

21. Resolution 2005- 081 Adopting the Recommendations of the Cultural Resources Board Regarding Fort Fund Disbursements.

The guidelines for the Cultural Development and Programming and Tourism Programming accounts (Fort Fund) provide a three-tiered funding system. Organizations may apply for grants from these accounts to fund community events. Tier #1 was established as an annual programming fund for organizations whose primary purpose is to present three or more public events annually. These groups may apply for funding from Tier #1 each April. Tier #2 allows organizations that are not eligible for Tier #1 support to apply for funding of events that are not fund-raising in nature and do not generate more than \$5,000 in proceeds after expenses. Tier #3 allows organizations that are not eligible for Tier #1 support to apply for funding of events that generate more than \$5,000 in proceeds after expenses and are fund-raising in nature. Applications for support from Tier #2 and Tier #3 are accepted each January and June.

22. Resolution 2005-082 Making Appointments to Various Boards and Commissions.

Vacancies currently exist on the Air Quality Advisory Board due to the resignations of Jassen Bowman and John Long. Applications were solicited, Councilmembers Roy and Weitkunat reviewed the applications on file and conducted interviews. Bruce Macdonald and Gregory McMaster are being recommended to fill the vacancies with terms to begin immediately and set to expire on December 31, 2008 and December 31, 2009 respectively.

A vacancy also exists on the Landmark Preservation Commission due to the resignation of Janet Ore. Applications were solicited and Councilmembers Roy and Weitkunat conducted interviews. The Council interview team is recommending Earan Russell to fill the vacancy with a term to begin immediately and set to expire on December 31, 2006.

The Parks and Recreation Board has a vacancy due to the resignation of Dean Hoag. Applications were solicited and Councilmembers Ohlson and Brown conducted interviews. Scott Ohm is being recommended to fill the vacancy with a term to begin immediately and set forth to expire on December 31, 2006.

23. Routine Easements.

- A. Deed of Dedication for Easement from LCS Building Corporation for a permanent utility easement, located on the northwest corner of March Court and Sharp Point Drive. Monetary consideration: \$10. Staff : Sheri Wamhoff.
- B. Deed of Dedication for Right-of-Way from LCS Building Corporation for public street purposes, located on the northwest corner of March Court and Sharp Point Drive. Monetary consideration:\$10. Staff : Sheri Wamhoff.
- C. Deed of Slope and Drainage Easement and Temporary Construction Easement from Myron D. Walkes, located at 1522 South Summit View Drive. Monetary consideration: \$10. Staff: Patrick Rowe.

**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.

26. Councilmember Reports.

**Discussion Items**

The method of debate for discussion items is as follows:

- Mayor introduces the item number, and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests citizen comment on the item (five minute limit for each citizen)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

**Note:** Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all citizens have an opportunity to speak.

27. Items Relating to the Timberline Road, Drake to Prospect Project and the Creation of Timberline and Prospect Special Improvement District (“SID”) No. 94. (45 minutes - 15 minute staff presentation)
- A. Resolution 2005-083 Approving the Preliminary Report of the Director of Community Planning and Environmental Services for Timberline and Prospect SID No. 94, the Property to be Assessed for the Improvements, the Assessment Method and the Date when the Council will Hold a Hearing and Consider the Ordering by Ordinance of the Proposed Improvements.
  - B. First Reading of Ordinance No. 084, 2005, Appropriating Unanticipated Revenue in the Capital Projects Fund - Timberline Road Improvements Project and Appropriating Prior Year Reserves in the Street Oversizing Fund for Transfer to the Capital Projects Fund- Timberline Road Improvements Project to be used to Construct Improvements on Timberline Road Between Drake and Prospect Roads.
  - C. Resolution 2005-084 Authorizing an Exemption to the Use of a Competitive Process for Additional Professional Services in Connection with the Timberline, Drake to Prospect Project.

The Timberline Road and Prospect Road intersection is the most heavily congested intersection in the City. In the absence of any City Capital Improvement funding for this intersection, two impacted developers are electing to privately fund these improvements in order to proceed with their development projects. These developers are the majority property owners and have proposed the initiation of an involuntary SID to spread a portion of the costs through assessments to other undeveloped property in the area benefitted by the improvements.

The proposed Timberline and Prospect SID No. 94 will meet all of the adopted Council Policies regarding Special Improvement Districts. The creation of the SID will spread the cost of the APF improvements to all undeveloped property which benefits from the construction.

28. Pulled Consent Items.

29. Other Business.

NOTE: Motion to cancel regular City Council meeting of Tuesday, August 2, 2005.

30. Adjournment.

Every Council meeting will end no later than 10:30 p.m., except that: (1) any item of business commenced before 10:30 p.m. may be concluded before the meeting is adjourned and (2) the City Council may, by majority vote, extend a meeting until no later than 12:00 a.m. for the purpose of considering additional items of business. Any matter which has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting which have not yet been considered by the Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.

