

# **AGENDA**

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

August 17, 2004

## **Proclamations and Presentations**

**5:30 p.m.**

- A. Proclamation Proclaiming August 8-14, 2004 as “Health Center Week”.
- B. Proclamation Proclaiming August 20, 2004 as “Fort Collins Day”.

## **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 22. 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 June 15 and July 6 and the adjourned meeting minutes of June 8.
8. Second Reading of Ordinance No. 121, 2004, Appropriating Unanticipated Grant Revenue in the General Fund for the Poudre Valley Health System Reduce Intoxicated Driving Program.

The State of Colorado and the Alcohol and Drug Division of the Colorado Department of Human Services require that the grant funds be dispersed to a "local public procurement unit." A "local public procurement unit" means any county, city, municipality, or other public subdivision of the state, any public agency of any such political subdivision, any public authority, any educational, health, or other institution, and, to the extent provided by law, any other entity which expends public funds for the procurement of supplies, services, and construction.

PVHS requested that the City serve as the local public procurement unit and a pass-through recipient of the grant proceeds. This Ordinance, which was unanimously adopted on First Reading on July 20, 2004, allows the City to disburse the grant funds to PVHS (via the Hospital Foundation) upon completion of any grant-related documents and a subgrant agreement between the City and PVHS.

9. Second Reading of Ordinance No. 122, 2004, Authorizing the Lease of City-Owned Property at 400 Wood Street for Up to Five Years.

This Ordinance, which was unanimously adopted on First Reading on July 20, 2004, authorizes the City Manager to enter into a Lease Agreement with Foothills Gateway for city-owned property at 400 Wood Street.

10. Second Reading of Ordinance No. 123, 2004, Authorizing the Amendment of the Lease of City-owned Property at 430 North College Avenue, Fort Collins, Colorado, to Colorado State University.

CSU has asked the City to amend the existing lease to add an additional five-year extension period and to extend the termination notice period to five years. Extending the term of the lease and the termination period will show a long-term commitment by the City to use of the property for the engine lab. CSU indicates that a long-term commitment is essential for the program to obtain grants and donations. This Ordinance was unanimously adopted on First Reading on July 20, 2004.

11. Second Reading of Ordinance No. 124, 2004, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the Manhattan Regional Detention Pond and the Mason Transportation Corridor Bike/Pedestrian Trail.

The Manhattan Regional Detention Pond Project will provide needed stormwater detention in a predominately mature and built-out residential and business area which is at risk in a 100 year flood. In addition, the Mason Transportation Corridor Bike/Pedestrian trail can be built concurrently with a berm for the Manhattan Regional Detention Pond. Although negotiations are continuing and expected to be successful, eminent domain proceedings must begin in order to assure all necessary property interests are obtained in a timely manner. Ordinance No. 124, 2004, was unanimously adopted on First Reading on July 20, 2004.

12. First Reading of Ordinance No. 128, 2004, Appropriating Unanticipated Revenue and Prior Year Reserves in the Light and Power Fund and Authorizing the Transfer of Existing Appropriations in the Equipment Fund for the Purpose of Purchasing Hydrogen Fueling Equipment and Infrastructure at the Transfort Alternative Fueling Station.

This Ordinance authorizes a \$35,000 appropriation of prior year reserves in the Light and Power Fund for purchase of hydrogen fueling equipment and infrastructure for the Transfort Alternative Fueling Station. In addition, this Ordinance authorizes appropriation of \$210,000 in equipment and funds being donated by the Colorado Governor's Office of Energy Management and Conservation to the Transfort Alternative Fueling Station. This Ordinance also authorizes transfer of \$207,000 from the Equipment Fund operations budget to the Equipment Fund – Transfort Alternative Fueling Station.

13. Items Relating to the Mason Transportation Corridor Bicycle/Pedestrian Trail Project.

- A. Resolution 2004-095 Authorizing the Mayor to Enter into an Agreement with the State Board of the Great Outdoors Colorado Trust Fund in Order for the City to Receive Grant Funding for the Mason Transportation Corridor Trail Project.
- B. First Reading of Ordinance No. 129, 2004, Appropriating Funds to the Building Community Choices (BCC) Capital Projects Fund, Mason Transportation Corridor (MTC) Bicycle/Pedestrian Trail Project, from The State Board of the Great Outdoors Colorado Trust Fund.
- C. First Reading of Ordinance No. 130, 2004, Appropriating Funds to the Building Community Choices (BCC) Capital Projects Fund, Mason Street Transportation Corridor (MTC) Bicycle/Pedestrian Trail Project, from the General Fund Reserves on a Temporary Basis to Allow the City to Contract for all of the Construction Improvements to the Mason Transportation Corridor Trail Project in 2004.

This Council action will authorize the Mayor to enter into an agreement with The State Board of the Great Outdoors Colorado Trust Fund for the City to receive \$80,000 for the MTC trail project as well as appropriate these new grant funds into the project's budget. In addition, this action will appropriate \$1 million into the MTC trail project's budget on a temporary basis until it can be repaid by the sales tax cash flow in 2005. The MTC project's budget will repay the \$1 million back to the City's General Fund reserve account in 2005. These funds will be used in 2004 to construct the bicycle/pedestrian trail in a more timely cost effective manner. Currently, the MTC project does not have sufficient funds appropriated in 2004 to bid the entire trail segment. A portion of the MTC funding is in the 2005 budget. In transferring these funds, the MTC project will be able to advertise for bid the entire trail segment insuring a more competitive bid and completion of trail construction earlier in 2005. This transfer will have no negative financial impact on the General Fund reserves account.

14. Items Relating to US287/South College Avenue Bicycle Lane Project.

- A. Resolution 2004-096 Authorizing the Mayor to Execute an Agreement Between the City and the Colorado Department of Transportation for the Funding of the Design and Construction of On-Street Bike Lanes on South College Avenue Between Harmony Road and Carpenter Road.
- B. First Reading of Ordinance No. 131, 2004, Appropriating Unanticipated Revenue and Prior Year Reserves in the Transportation Services Fund to be used to Construct On-Street Bike Lanes on South College Avenue Between Harmony Road and Carpenter Road.

The City of Fort Collins Transportation Planning Department received a grant from CDOT Enhancement Funds for FY 2003-05 to construct on-street bicycle lanes on South College Avenue/US 287 from Harmony Road/SH68 southward to Carpenter Road/CR32. This new commuter bikelane facility will greatly improve safety and connectivity for local as well as regional commuter cyclists. This primary route between Fort Collins and Loveland has been identified through the public planning process by the City of Fort Collins as well as the North Front Range Metropolitan Planning Organization as a critical link in the local and regional bicycle lane system. Both the City of Fort Collins Bicycle Program Plan and the North Front Range Bicycle and Pedestrian Plan indicate the need for this project.

15. First Reading of Ordinance No. 132, 2004, Authorizing the Transfer of Appropriations from the Street Oversizing Fund to the Capital Project Fund for the Engineering Design of Timberline Road from Drake Road to Prospect Road.

Traffic congestion at the Timberline/Prospect intersection is well below the City's Level of Service requirements, with almost all legs and turn movements failing during the morning and afternoon peak rush hours. In accordance with the Adequate Public Facilities Ordinance, any new development which impacts this intersection cannot proceed until these existing deficiencies are corrected.

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 Special Improvement District to spread a portion of the costs through assessments to other undeveloped property in the area benefitted by the improvements.

The initiating developers have provided \$100,000 in funds to allow the City to prepare the Engineering plans, estimate of costs, and maps of the district. An additional \$162,050 is needed for the Street Oversizing portion of the design, the geotechnical reports and environmental studies. This Ordinance will appropriate \$162,050 from the Street Oversizing Fund into the Capital Project account for this project.

16. First Reading of Ordinance No. 133, 2004, Designating the Alpert Building as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, the Walter J. Frick Trust, is initiating this request for Fort Collins Landmark designation for the Alpert Building. The Alpert Building retains excellent physical integrity and is judged to be both architecturally and historically significant under Fort Collins Landmark Standards (1), (2), and (3). It is a fine example of early twentieth century commercial architecture in Fort Collins. It is also a noteworthy example of the commercial architectural design of Fort Collins' most notable architect, Montezuma Fuller. Increasing its significance even further, the Alpert Building was one of Fuller's final designs before his death. The building is also historically important for its role in the development

of the flourishing commercial district which grew along the College Avenue corridor, displacing Old Town as the commercial center. Finally, the property is significant for its association with Joseph I. Alpert, the building's namesake. Joseph Alpert was a German from Russia immigrant, who became a highly regarded Fort Collins businessman.

17. First Reading of Ordinance No. 134, 2004, Authorizing the Conveyance of a Parcel of City Property in Exchange for a Property Located at 1833 East Mulberry Street, Appropriating the Related Donation in Value In the Amount of \$11,532, and Rescinding Ordinance No. 007, 2004.

This Ordinance would allow a proposed conveyance of 2.468 acres of land on the Poudre River Corridor and adjacent to the Kingfisher Natural Area from William C. And Maureen D. Stockover to the City in exchange for property 0.621 acres in size owned by the City at 1833 East Mulberry Street owned land adjacent to and west of land owned by the Stockovers.

18. First Reading of Ordinance No. 135, 2004, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the Mason Transportation Corridor Trail Project.

This Ordinance does not begin the eminent domain process; it simply allows staff to use the process if absolutely necessary and extensive good faith negotiations are not successful. Staff is hopeful that all acquisitions will be accomplished by negotiated agreement. This process does not apply to the negotiations between the City and the Burlington Northern Santa Fe Railway Company or Colorado State University. It will only apply to any other potential private property owners along the corridor where right of way (ROW) may be needed permanently for the trail or temporarily during the construction process.

19. Resolution 2004-097 Authorizing the City Manager to Execute a Car Rental Concession Agreement at the Fort Collins-Loveland Municipal Airport with Enterprise Leasing Company of Denver.

Enterprise Leasing Company of Denver wishes to lease space in the airport terminal building as a rental car outlet to service the traveling public. The Agreement is for up to a two year period beginning September 1, 2004. The leased area includes 133 square feet of counter area and parking spaces for staging rental cars.

20. Resolution 2004-098 Authorizing the Purchasing Agent to Enter into a Professional Services Agreement with an Executive Search Firm.

At Council's July 6, 2004 meeting Resolution 2004-084 was adopted setting forth the process to be used in the City Manager search process. Interviews were conducted with the following firms: Gerry Plock Associates, Mercer Group Inc., Slavin Management Consultants and Bennett Yarger Associates.

The Committee conducted its interviews on August 6, 2004, in accordance with the City's purchasing policies and procedures. As a part of this process, the Committee scored each firm based on its presentation and on answers to Committee questions. The highest ranked firm being recommended is Slavin Management Consultants.

21. Resolution 2004-099 Authorizing the Execution by the Mayor of a GOCO Grant Agreement for Construction of the Children's Garden at the Gardens on Spring Creek.

A proposal was submitted and approved for a Great Outdoors Colorado (GOCO) grant for the amount of \$200,000 towards the construction of a Children's Garden at the recently-opened Gardens on Spring Creek. The mission of the Children's Garden will be to provide outdoor recreation and education on horticulture and the natural world, within a garden-like setting. The Children's Garden will not be a garden in the strict sense, but rather an integrated combination of various "child-scaled" theme gardens and garden-like elements for experiential play, gardens planted and maintained by children, a small amphitheater for presentations, interactive educational exhibits, inter-connecting paths and comfortable benches.

22. Routine Easements.

- A. Easement for Construction and Maintenance of Public Utilities from Nick C. And Joyce C. Wells, to underground electrical service, located at 1305 Village Lane. Monetary consideration: \$200. Staff: Patti Teraoka.
- B. Utility and Drainage Easement from Scott P. Livingston, for the Utility Services Vehicle Storage Project located at 930 North Shields Street. Monetary consideration: \$5000. Staff: Alice Faye Richardson.

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

23. Consent Calendar Follow-up.

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

24. Staff Reports.

Status Report on Council Requests.

25. Councilmember Reports.

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

26. Items Relating to the Adoption of the Changes and Amendments to the 2003 International Residential Code® , 2003 International Mechanical Code®, and the 2003 International Fuel Gas Code®. (30 minutes - no staff presentation)

- A. Second Reading of Ordinance No. 125, 2004, Amending Chapter 5, Article 2, Division 2, of the City Code for the Purpose of Making Certain Amendments to the *1997Uniform Building Code™*.

Ordinance No. 125, 2004, was adopted 5-1 (Nays: Mayor Martinez) on First Reading on July 20, 2004.

- B. Second Reading of Ordinance No. 126, 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.

Ordinance No. 126, 2004, was adopted 4-2 (Nays: Councilmembers Martinez and Weitkunat) on July 20, 2004.

- C. Second Reading of Ordinance No. 127, 2004, Amending Chapter 5, Article 4, of the City Code for the Purpose of Repealing the *1991 Uniform Mechanical Code™* , Adopting the *2003 International Mechanical Code®* with Amendments, and Adopting the *2003 International Fuel Gas Code®* with Amendments.

Ordinance No. 127, 2004, was unanimously adopted on First Reading on July 20, 2004.

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. Closer to home, over 90 jurisdictions in Colorado have adopted the “I-Codes”, including the State of Colorado, the City and County of Denver, Colorado Springs, Aurora, and several other cities and counties in the Metro-Denver area. The new codes are the replacement for the “Uniform” code series, which are being phased-out and no longer supported by the model code organization.

The proposed *(IRC)®* and Amendments specifically cover only new one- and two-family dwellings and new additions thereto. The new code package contains some of the most significant potential changes to the Fort Collins Building Code in many years.



27. Resolution 2004-100 Making Appointments of the Citizen Advisory Committee for the Executive Search Process for the City Manager. (10 minutes - 5 minute staff presentation)

At its July 6, 2004 meeting the City Council adopted Resolution 2004-085 which established a Citizen Advisory Committee to participate in the executive search process for the City Manager.

The committee is to consist of seven (7) members who are residents of the Fort Collins' Growth Management Area and shall represent a cross-section of the Fort Collins' community. The committee shall dissolve following the final selection of a City Manager.

A revised Resolution will be provided upon confirmation that suggested members are interested and willing to serve.

28. First Reading of Ordinance No. 136, 2004, Amending Chapter 7 of the City Code so as to Include a New Article 7 Pertaining to Election Offenses. (15 minutes - 5 minute staff presentation)

This Ordinance would prohibit knowing and willful misrepresentations by the circulators of initiative or referendum petitions.

29. Items Relating to a Citizen-Initiated Ordinance Relating to the Reduction of the Sales Tax on Grocery Food. (10 minutes - no staff presentation)

- A. Presentation of a Petition Relating to Citizen-Initiated Ordinance No. 2, 2004 (Relating to the Reduction of the Sales Tax on Grocery Food) Certified by the City Clerk as Sufficient for Placement on a Special Election Ballot. (No Action Needed)
- B. First Reading of Ordinance No. 137, 2004, Relating to the Reduction of Sales Tax on Grocery Food. (Option 1)

**OR**

Resolution 2004-101 Submitting Proposed Citizen-Initiated Ordinance No. 002, 2004, Relating to the Reduction of Sales Tax on Grocery Food to a Vote of the Registered City Electors at the Next Regular Municipal Election on April 5, 2005. (Option 2)

The City Clerk's Office received an initiative petition on July 19, 2004, which has been determined to contain a sufficient number of signatures to place the initiated measure before the registered electors of the City. Pursuant to the City Charter, upon presentation of an initiative petition certified as sufficient by the City Clerk, the Council must either (1) adopt the proposed ordinance without alteration within 30 days (Option 1); or (2) submit such proposed measure, in the form petitioned for, to the registered electors of the city (Option

2). If the Council chooses to submit the proposed measure to the voters, Resolution 2004-101 submits the measure to the voters and establishes the ballot language for the measure.

30. Pulled Consent Items.

31. Other Business.

32. Adjournment.