

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

September 16, 2003

Proclamations and Presentations

5:30 p.m.

- A. Presentation of Certificate to the City From Aller-Lingle Architects, Regarding the Design Award for the Downtown Transit Center.
- B. Presentation of Exemplary Citizenship Award to John Shroeer.
- C. Proclamation Proclaiming the Month of October as “Breast Cancer Awareness Month”.
- D. Proclamation Proclaiming September 22 through October 19, 2003 as “Community Homecoming Celebration”.
- E. Proclamation Proclaiming October 11, 2003 as “Hope Lives! Celebration 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 20. 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 #29, 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. 121, 2003, Appropriating Unanticipated Grant Revenue in the Cultural Services and Facilities Fund to be Used to Evaluate and Determine the Cultural Affiliation of Human Remains and Cultural Artifacts in the Museum's Holdings.

The City was awarded a \$75,000 grant from the National Park Service. This Ordinance, which was unanimously adopted on First Reading on September 2, 2003, appropriates that grant money in the Museum's NAGPRA grant project.

8. Second Reading of Ordinance No. 122, 2003, Appropriating Unanticipated Grant Revenue in the General Fund for the Operation of the Fort Collins Welcome Center.

The City has been awarded a \$48,688 grant from the Colorado Tourism Office for the operation of the Fort Collins Welcome Center for the fiscal year July 1, 2003 to June 30, 2004. The City has contracted with the Fort Collins Convention and Visitors Bureau to operate this program. This Ordinance was unanimously adopted on First Reading on September 2, 2003.

9. Second Reading of Ordinance No. 123, 2003, Authorizing the Appropriation of Funds for Expenditure to Be Used for the Fort Collins-Loveland Airport's FAA Sponsored Airport Master Plan Update Study.

This Ordinance, which was unanimously adopted on First Reading on September 2, 2003, appropriates the City's 50% share of the \$200,000 additional grant money (or \$100,000) as well as its 50% share of the \$22,200 required matching funds (or \$11,100).

10. Second Reading of Ordinance No. 124, 2003, Amending Section 22-90 of the City Code Relating to the Limit on Special Improvement District Assessments.

This Ordinance, which was unanimously adopted on First Reading on September 2, 2003, does not have a direct financial impact on the City. Indirectly, this change may have a beneficial effect in that it may reduce the amount of money that the City will have to contribute to street improvements and other capital projects.

11. Second Reading of Ordinance No. 125, 2003, Designating the Empire Grange Hall, 2306 West Mulberry Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The members of Empire Grange #148 initiated this request for Fort Collins Landmark designation for the Grange Hall. Due to the Hall's excellent physical integrity and high degree of architectural and historical significance, the building may be regarded as individually eligible for landmark designation under City of Fort Collins Landmark Preservation Standards. The Grange Hall, still in use after 91 years, remains a tangible reminder of the presence in Fort Collins of the Order of the Patrons of Husbandry, or Grange. Ordinance No. 125, 2003, was unanimously adopted on First Reading on September 2, 2003.

12. Items Relating to an Intergovernmental Agreement with the Colorado Department of Transportation.

- A Resolution 2003-101 Authorizing the Mayor to Execute an Intergovernmental Agreement with the Colorado Department of Transportation for the Construction of a Median at the Intersection of College Avenue (US 287) and Lake Street for Safety Improvements.
- B. First Reading of Ordinance No. 127, 2003, Appropriating Revenue in the Amount of \$186,000 to Install a Median on College Avenue at the Intersection of Lake Street.

The intersection of College Avenue and Lake Street is currently a full movement, stop controlled intersection. This intersection also has the highest number of accidents for any stop controlled intersection within Fort Collins. Over the past four years, there have been 55 accidents at this location, many of which have involved injury. In the Fall of 2002, the City staff applied for, and was awarded a Hazard Elimination Grant in the amount of \$186,000 to construct a median on College Avenue that would prevent the north and southbound left turns as well as the east and westbound left and through movements. In effect, Lake Street will become a right-in/right-out access onto College Avenue.

13. First Reading of Ordinance No. 128, 2003, 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.

The project components include the construction of a bicycle/pedestrian trail and associated lighting and landscaping improvements along the Burlington Northern Santa Fe (BNSF) Railway corridor from Harmony Road south to the future Fossil Creek trail, a distance of approximately 3/4 mile.

This ordinance does not automatically result in the filing of a petition in eminent domain; it simply allows staff to use the process if good faith negotiations fail to result in an agreement between the City and the affected property owners. Staff is hopeful that all acquisitions will be accomplished by agreement. This process does not apply to the negotiations between the City and BNSF; it would only apply to any private property owners along the corridor where land may be needed permanently for the trail or just during the construction process.

To utilize the State funding, all right-of-way (ROW) must be acquired prior to advertising the project for construction. Therefore, in the event that eminent domain proceedings need to be used, it is critical that this ordinance be in place to limit any possible delays.

14. First Reading of Ordinance No. 129, 2003, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Vineyard Rezoning.

This is a request to rezone a portion of a tract of land located at the northeast corner of East Vine Drive and I-25. This parcel is 78.6 acres in size and is currently zoned I – Industrial. The proposed rezoning would rezone the eastern 43.8 acres of land from Industrial to Urban Estate residential, the remaining 34.8 acres of land adjacent to I-25 would remain zoned industrial. The parcel is designated as part of the I-25 Special Corridor Study on the City of Fort Collins Structure Plan and Urban Estate on the recently adopted I-25 Subarea Plan.

The rezoning request is consistent with the recently adopted I-25 Subarea Plan. This plan designates the land 1/4 mile east of I-25, north of Vine Drive, as Urban Estate Residential. The Urban Estate zone district permits up to two residential units/acre. The purpose of the I-25 Subarea Plan is to provide a mix of housing and employment uses along I-25, and provide a transition of density and land use intensity from the area directly adjacent to I-25 to the rural character outside of the City's Urban Growth Area in Larimer County.

15. First Reading of Ordinance No. 130, 2003, Authorizing a Temporary Construction Easement for Construction of a Water Line Across Portions of Fossil Creek Wetlands Natural Area and Fossil Creek Reservoir Natural Area By Fort Collins-Loveland Water District and Approving a Slope Restriction on Portions of Said Natural Areas to Protect City Storm Drainage Improvements.

The Fort Collins-Loveland Water District (FCLWD) will be constructing a 30” diameter water line in Timberline Road from Trilby to Carpenter. The City of Fort Collins Stormwater Utility needs critical flood control box culverts installed in this location of Timberline for public safety during 100-year storm events. The City and FCLWD are constructing the improvements cooperatively under one contract to minimize cost and impact to the public. The Stormwater Utility will pay fair market value as compensation for the temporary construction easement and slope restriction required for fill areas adjacent to the box culverts and for restoration of disturbed areas. The temporary construction easements are being granted to the FCLWD as the entity that will be completing the work on the properties.

The Fort Collins-Loveland Water District will be installing a 30” diameter water line in Timberline Road from Trilby to Carpenter, and continuing south to serve the new Larimer County Event Center and the expanding facilities in the vicinity of the Fort Collins-Loveland Airport. Through inter-agency coordination, the City Stormwater Utility will, in conjunction with this project, install a large drainage crossing on Timberline at Fossil Creek consisting of several box culverts to pass projected 100-year stormwater flows. These improvements are adjacent to the Fossil Creek Wetlands Natural Area property on the west and to the Fossil Creek Reservoir Natural Area on the east, adjacent Timberline Road.

16. First Reading of Ordinance No. 131, 2003, Vacating a Portion of Right-of-Way as Dedicated on the Plan of Rigden Farm, Filing One.

The Rigden Farm development site is located south of Drake Road, east of Timberline Road and west of Ziegler Road. As a part of Rigden Farm, Filing One, it was anticipated that an unnamed street would extend northerly beyond Limon Drive between Rockford Drive and Kansas Drive. The street stub for this anticipated street was dedicated with Rigden Farm, Filing One. Rigden Farm, Ninth Filing Parkside Commons for which an Administrative Hearing was held on August 20, 2003, showing that the street stub is no longer needed and will be removed. The development instead will dedicate the right-of-way for and build the extension of Kansas Drive to Drake Road, which is approximately 200 feet west of the street stub to be vacated. Therefore, the right-of-way for the street stub is no longer necessary and is proposed for vacation at this time. Because utilities currently exist within the right-of-way the area will be retained as a utility easement.

17. First Reading of Ordinance No. 132, 2003, Vacating Portions of the Rights-of-Way as Dedicated on the Plat of 19th Green Planned Unit Development - Phase 1.

This site is located south of County Road 52, east of County Road 11 and north of Mountain Vista Drive. It was a county development proposal that dedicated the streets as shown and laid out on the 19th Green Planned Unit Development – Phase 1. Neither the streets nor the development was built. The dedicated right-of-way was annexed into the City when the parcel was annexed in 1983. An Administrative Hearing was held on April 24, 2003, for the Maple Hill development proposal, which shows a different street layout than was originally platted. Therefore, the right-of-way for the streets are no longer necessary and are proposed for vacation at this time.

18. First Reading of Ordinance No. 133, 2003, Amending Chapter 26 of the City Code Related to Electric Transmission Facilities and Electric Service.

The Ordinance revises Sections 26-411 and 26-412 of the City Code to authorize non-City owned electric transmission facilities (those not serving customers within the City) inside the City limits following annexation to remain in place or be relocated into City rights-of-ways or public utility easements under the same terms and conditions as other public utilities, or by grant of Council-approved easement or revocable encroachment permit. Current City Code requires a franchise for such lines.

The Ordinance also revises Section 26-444 regarding transfer of customers after annexation. The proposed change eliminates the 90-day limit on the period during which a non-City owned utility may continue to serve its existing customers after annexation without a franchise. Instead, the new language permits the existing utility company to continue to serve its customers within the annexed area until such time as the City notifies the other utility of its readiness to provide electric service to the annexed customers. Although the City's electric utility intends to provide electric service to all properties within the city limits, it is not practical to do so within 90 days.

19. Resolution 2003-102 Making Findings of Fact and Conclusions Regarding the Appeal of a Decision of the Administrative Hearing Officer Relating to the Discount Tire at Fossil Creek Project Development Plan.

On July 24, 2003, a Notice of Appeal was received by the City Clerk's office regarding the decision of the Administrative Hearing Officer (the "Hearing Officer"). On August 11, 2003, an amended Notice of Appeal was received by the Clerk's office. In this amended Notice of Appeal, the Appellant, James Silhasek of Discount Tire Company, alleges that the Hearing Officer failed to conduct a fair hearing in that he considered evidence relevant to the finding which was substantially false.

On September 2, 2003, City Council voted 5-1 to remand the matter back to the Hearing Officer for rehearing.

20. Resolution 2003-079 Adopting Amendments to the Financial Management Policies.

The Financial Management Policies guide budget preparation and long-range financial planning. The policies reflect Council direction and commitment to sound financial planning and management.

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

21. Consent Calendar Follow-up.

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

22. Staff Reports.

Status Report on Council Requests.

23. Councilmember Reports.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

24. Resolution 2003-103 Supporting the Development of a Shane's Inspiration Playground in Fort Collins. (20 minutes)

The City of Fort Collins has an extensive park system with numerous playgrounds that allow for inclusion of all children. Play equipment in the playgrounds allows for access by children with disabilities. Accessible surfacing, routes and transfer points provide disabled children the opportunity to play along side able-bodied children. The opportunity to enhance our playground system with a totally accessible playground is exciting for the community. The City working with visionary community leaders, can make this playground a reality for all children.

Shane's Inspiration is an organization that helps communities create a universally accessible playground environment where all children can play together at the highest level of their ability. The playground design provides sensory-rich and physically challenging equipment for independent play with the opportunity for disabled and able-bodied children to experience and accept one another. These playgrounds enhance a child's emotional, physical and social development, as well as teach compassion and acceptance.

25. Public Hearing on the 2004-2005 Recommended Biennial Budget for the City of Fort Collins. (45 minutes)

This is the first official public hearing on the City Manager's 2004-2005 Recommended Biennial Budget for the City of Fort Collins. The purpose of this public hearing is to gather public input on the 2004-2005 budget for the City of Fort Collins.

In an effort to receive further public input, a second public hearing is scheduled for the October 7, 2003 Council meeting.

26. Resolution 2003-104 Adopting a Water Supply and Demand Management Policy. (30 minutes)

This resolution updates and integrates two previous resolutions: *Resolution 88-205 Adopting a Water Supply Policy* and *Resolution 92-63 Adopting a Water Demand Management Policy*.

27. Resolution 2003-105 Stating the Intent of the City to Conduct its Development Review Process in a Politically Neutral Manner as to Growth. (30 minutes)

This is a resolution clarifying the City's intent for the development review process to be policy-neutral as to growth. The resolution would apply to actions of City staff, the City Council and all Boards and Commissions.

28. Fossil Creek Trail Options Through Paragon Point Subdivision. (45 minutes)

On September 2, 2003, City Council held a public hearing to obtain input on the location of the Fossil Creek Trail through Paragon Point.

Paragon Point residents, trail users and the general public spoke to Council about the possible routes for the trail. Two possible trail options were discussed, and a third option was mentioned. Since the hearing, staff has reassessed the third option and it is also summarized below for Council's consideration.

29. Pulled Consent Items.

30. Other Business.

31. Adjournment.