

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

September 21, 2004

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Proclaiming September 17-23 as “Constitution Week.”
- B. Proclamation Proclaiming September 22 through October 19 as “Community Homecoming Celebration.”
- C. Proclamation Proclaiming the Month of October as “Breast Cancer Awareness Month”.
- D. Proclamation Proclaiming October 16, 2004 as “Hope Lives! Celebration Day”.
- E. Presentation by The Colorado Department of Public Health and Environment to the City of Fort Collins for its Success in Redesignating to “Attainment” for the Air Pollutant Carbon Monoxide.
- F. Presentation by the Mayor to Citizens of Macedonia - Three Keys to the City.
- G. Presentation of Community Service Citations from Colorado Parks and Recreation Association.

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. Items Relating to the Timberline Road Improvements Project.**

- A. Second Reading of Ordinance No. 138, 2004, Appropriating Prior Year Reserves in the General Fund for Transfer to the Capital Projects Fund - Timberline Road Improvements Project to be Used for the Engineering Design of Timberline Road from Prospect Road to Drake Road.

This Ordinance, which was unanimously adopted on First Reading on September 7, 2004, appropriates funding for the final design for the full and complete 4-lane widening project of Timberline Road between Prospect and Drake in anticipation of potential project construction funding through the Building on Basics ballot measure. The design would be conducted concurrently with the Interim 4-lane project design now underway assisted by developer funding.

- B. Resolution 2004-111 Authorizing the Purchasing Agent to Execute a Change Order in Excess of \$100,000 for the Four Lane Engineering Design of Timberline, Drake to Prospect Project.

This Resolution authorizes the Purchasing Agent to execute a change order to the existing contract with Interwest Consulting Group to perform the design of the full and complete 4-lane project concurrently with the Interim Timberline 4-lane design work.

8. Second Reading of Ordinance No. 139, 2004, Amending the Fort Collins Traffic Code Related to Parking.

Council unanimously adopted this Ordinance on First Reading on September 7, 2004, making four amendments to the Traffic Code that relate to parking enforcement. The amendments were needed to continue implementation of the “enhanced enforcement” recommendation in the Downtown Strategic Plan.

9. Items Relating to the EPA-supervised Environmental Remediation at the Poudre River and Northside Aztlan Community Center Property.

- A. First Reading of Ordinance No. 146, 2004, Authorizing the Conveyance of Permanent, Non-Exclusive Easement Interests to Public Service Company of Colorado and the United States Environmental Protection Agency for Environmental Remediation Activities and Facilities on the Northside Aztlan Community Center Property.
- B. First Reading of Ordinance No. 147, 2004, Authorizing the Conveyance of an Easement on the Gustav Swanson Natural Area to North Weld County Water District for Relocation of a Water Line From Its Existing Location on the Natural Area
- C. Second Reading of Ordinance No.140, 2004, Authorizing the Conveyance of Nonexclusive Easement Interests for the Relocation of a Waterline by the North Weld County Water District to a New Location on the Northside Aztlan Community Center Property.

As discussed at the September 7 City Council meeting, when Ordinance No. 140, 2004 was adopted on First Reading, the cooperation with other stakeholders in the cleanup of the contamination under the Northside Aztlan Center site will require several Council actions, including a variety of easements.

Item A would convey permanent easements to Public Service Company of Colorado and the U.S. Environmental Protection Agency. This provides an area for construction and operation of remediation structures and equipment.

Item B provides an easement across a City-owned natural area, allowing realignment of the existing North Weld County Water District water line.

Item C is Second Reading of Ordinance No. 140, 2004, authorizing an easement across the Northside Aztlan Center site for the realignment of that same North Weld County Water District water line. Ordinance No. 140, 2004 was adopted unanimously on First Reading on September 7, 2004.

10. First Reading of Ordinance No. 148, 2004, Appropriating Unanticipated Revenue in the Amount of \$26,500 for a Perpetual Easement at 259 South College Avenue, the Armstrong Hotel.

In 2003, the Colorado Historical Society awarded the City of Fort Collins a State Historical Fund grant of \$171,000. This money was appropriated in Ordinance 107. The building owners, the Levinger family, already provided to the City the \$339,000 cash match for the grant. The grant funds are currently financing the rehabilitation of 259 South College Avenue in Fort Collins. As part of the grant requirements, the building owners must give a perpetual easement on the building to an approved entity. The building owners selected the Colorado Historical Foundation to hold the perpetual easement.

11. First Reading of Ordinance No. 149, 2004, Authorizing the Lease of City-owned Property at 3620 Kechter Road for Up to Five Years.

The City acquired this property as part of the Affordable Housing Land Bank Program. The property is composed of five acres of development land with a single family dwelling. In accordance with the highest and best use, the City will eventually divide the property into four acres of development land and a one-acre residential property.

12. First Reading of Ordinance No. 150, 2004, Authorizing the Lease of City-owned Property at 149 Grandview Road for Up to Five Years.

The City built this house for use by the Cemetery Superintendent. Since this position has been eliminated, the City does not need to use this house as a staff residence. CLRS staff considered moving the building to Roselawn Cemetery to be used as a maintenance facility. Researching this option, staff concluded that it would not be cost effective to move and remodel the house into a maintenance shop.

13. Items Related to Lease of City-Owned Property at 1506 West Horsetooth Road.

A. First Reading of Ordinance No. 151, 2004, Authorizing the Lease of City-owned Property at 1506A West Horsetooth Road for Up to Five Years.

B. First Reading of Ordinance No. 152, 2004, Authorizing the Lease of City-owned Property at 1506B West Horsetooth Road for up to Five Years.

The City acquired this property as part of the Affordable Housing Land Bank Program (the "Land Bank Program"). The property is composed of 8.3 acres of development land. Currently this site has one single family residence, one building with an efficiency apartment and garage, and facilities for a horse property. One of the goals of the Land Bank Program is to hold land for a minimum of five years. Leasing the property during this time period generates revenue for the program, eliminates ground maintenance and discourages vandalism in empty structures.

14. First Reading of Ordinance No. 153, 2004, Authorizing the Lease of City-owned Property Consisting of a Portion of the Edora Pool Ice Center (EPIC) for Five Years.

Northern Colorado Youth Hockey (NCYH) is a growing organization offering competitive and recreational hockey programs for youth. Over 430 children currently participate in its programs, and NCYH averages about 60 hours of ice time at EPIC per week. The size of its programs has necessitated the hiring of a full-time Hockey Coordinator. NCYH has asked to lease space at EPIC to be used as an office for the Hockey Coordinator. EPIC staff believes that having the coordinator on site at EPIC will benefit not just NCYH, but the overall operation of EPIC, the users of its facilities and its staff as well.

City staff worked with NCYH and identified a 177 square foot area that was an office formerly used by EPIC staff and a custodial room. This space is not currently needed for City staff. The City will perform a minimal tenant finish on the space to include painting, carpeting, and adding a door between the two rooms.

15. Items Related to Easements for the New Centers for Disease Control Facility.

- A. First Reading of Ordinance No. 154, 2004, Authorizing the Conveyance of a Non-exclusive Utility Easement to Xcel Energy on City Property at North Overland Trail and West Mulberry Street for a Natural Gas Line.
- B. First Reading of Ordinance No. 155, 2004, Authorizing the Conveyance of a Non-exclusive Utility Easement to the Centers for Disease Control and Prevention on City Property at North Overland Trail and West Mulberry Street for a Wastewater Service Line.

The CDC is building a new facility near Fort Collins on the Colorado State University Foothills Campus. In order to construct the facility, the CDC requires a utility easement from the City for its wastewater service line over, under, and across a portion of City-owned property at the substation site on North Overland Trail and Mulberry Streets. In addition, in order to get gas service to the new facility, the CDC requires a utility easement be granted by the City to Xcel Energy for the has service line for CDC, also across the substation site.

The City acquired the substation site, consisting of 2.7 acres, from Colorado State University in 1973. The site runs south and north of the extended Mulberry Street. The City has its substation on the south side of Mulberry Street. The City's site also includes the low-lying land on the north side of Mulberry Street with the Pleasant Valley and Lake Canal running through the property. The area that is requested to be used for these easements is between the Pleasant Valley and Lake Canal and the northerly boundary of the City property. The requested easements will not interfere with the City's use of this property. The Utilities Department staff has no objections to these easement requests.

16. First Reading of Ordinance No. 156, 2004, Authorizing the Conveyance of a Non-exclusive Easement for a Fiber Optic Duct Bank and Irrigation Waterline to Poudre School District on a Portion of the Staley Neighborhood Park Site.

The Staley Neighborhood Park is located on the south side of Kechter Road (East County Road 36) between Ziegler Road (County Road 9) and Strauss Cabin Road (County Road 7). The park site is 10 acres in total area.

The proposed 10-foot wide fiber optic duct bank and irrigation line easement (.117 A) is located along the northerly boundary of the Staley Neighborhood Park adjacent to Kechter Road. This easement is beneficial to the City because the irrigation line will be shared by the Poudre School District and the City when the Park is developed. Resolution 2004-009, which was adopted on January 20, 2004, authorized a revocable permit under Kechter Road for this same duct bank/irrigation line.

17. First Reading of Ordinance No. 157, 2004, Authorizing the Conveyance of a Non-Exclusive Easement to Poudre Valley Rural Electric Authority (PVREA) for the Construction of an Electric Service Line to Serve the Visitor Center at Fossil Creek Regional Open Space.

PVREA is providing electrical service to the nearly completed Visitor Center on the Fossil Creek Reservoir Regional Open Space property located north of East County Road 32. While the underground line is part of the approved Larimer County plan for the improvements to the property, including the Visitor Center, PVREA requires that the property owners of record provide a ROW easement for the underground utility easement. Larimer County and City of Fort Collins each own a 50% interest in the property. The proposed Ordinance authorizes the City Manager to execute an underground utility easement 10 feet wide, 5 feet each side of power line center and appurtenances, as approved by Larimer County, across the Fossil Creek Reservoir Regional Open Space property jointly owned by the City and Larimer County.

18. First Reading of Ordinance No. 158, 2004, Authorizing the Long-Term Lease of Property at the Fort Collins-Loveland Municipal Airport to TAS Enterprises, Inc. for the Construction of an Aircraft Hangar.

The ground lease allows TAS Enterprises to construct a 60 foot by 140 foot hangar for personal aircraft storage. The ground lease form agreement has been changed from past agreements. A review of the lease has been conducted by Airport staff, City staff including attorneys and the Airport Master Plan Consultant. The recommendations from this review have been incorporated into the new agreement. The lease changes are as follows: the lease rate has been increased from \$.15 per square foot per year to \$.30 per square foot per year for all of the leased premises; the rental rate is adjusted annually by the consumer price index versus every five years now; the cities have the option of purchasing the improvements prior to the expiration of the lease term; the lease term is 20 years with four (4) five-year extensions versus 25 years and three (3) five-year extensions.

19. Items Relating to Petitions for Initiative, Referendum, and Recall.
- A. First Reading of Ordinance No. 159, 2004, Amending the General Form for Petitions for Initiative, Referendum, and Recall.
 - B. First Reading of Ordinance No. 160, 2004, Amending Chapter 7 of the City Code so as to Include a New Article 7 Pertaining to Election Offenses.

These ordinances would, in combination, seek to ensure that persons who are asked to sign an initiative or referendum petition are properly informed of the purpose of the petition.

20. Resolution 2004-112 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings So as to Include the Order of Business at Council Meetings, as Well as Basic Rules of Order for Conducting Such Business.

At a Council meeting last fall, Councilmember Hamrick asked for input regarding Robert's Rules of Order or some modified version that Council could regularly use to guide the way in which it conducts its business.

The proposed Resolution would adopt basic rules of order for handling agenda items and other Council business by motion. These rules of order are based on Robert's Rules and are modified as necessary to conform to the City Charter. An abbreviated version of the rules is included in the agenda materials.

The Resolution would also re-adopt rules of procedure for Council meetings. These rules deal with such subjects as the order of business, the length of meetings, citizen input, etc. The changes to these rules, as compared to the previously adopted rules, are shown by redline and strike-out in the Resolution.

21. Resolution 2004-113 Relating to the Creation of an Ongoing Economic Vitality and Sustainability Action Group and Action Plan.

On February 3, 2004 City Council adopted Resolution 2004-016 establishing an Economic Vitality and Sustainability Action Group (EVSAG Task Force). The group was charged with creating an Economic Vitality and Sustainability Plan, establishing guidelines for utilizing Economic Vitality and Sustainability Funds, and providing a report and recommendations to Council. EVSAG report recommendations are being addressed in this Resolution.

22. Resolution 2004-114 Appointing Two Representatives to the Colorado Municipal League Policy Committee.

The Fort Collins City Council recommends that Mayor Ray Martinez and Interim City Manager Darin Atteberry be appointed to represent the City of Fort Collins on the Colorado Municipal League Policy Committee.

Appointments to the CML Policy Committee are made each fall and members serve for a one-year period. Each member municipality of the League is entitled to a representative, and all cities over 100,000 are entitled to designate two representatives.

23. Routine Easements.

- A. Easement for Construction and Maintenance of Public Utilities from Dave Coria, to relocate existing underground primary system, located at 234 Cherry. Monetary consideration: \$10.

*****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.

Status Report on Council Requests.

26. Councilmember Reports.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

27. Items Relating to the Feather Ridge Annexation and Zoning. (10 minutes - 5 minute staff presentation)

- A. Second Reading of Ordinance No. 141, 2004, Annexing Property Known as the Feather Ridge Annexation to the City of Fort Collins, Colorado.
- B. Second Reading of Ordinance No. 142, 2004, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Feather Ridge Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 15.46 acres in size. The site is located approximately 1,200 feet east of Ziegler Road, north of Hewlett-Packard/Agilent Technologies, and approximately 2,144 feet north of East Harmony Road.

The recommended zoning is U-E, Urban Estate. This zoning complies with the recently amended Structure Plan Map.

On September 7, 2004, Council unanimously adopted Resolution 2004-108 Setting Forth Findings of Fact and Determinations Regarding the Feather Ridge Annexation.

Also on September 7, 2004, Council unanimously adopted on First Reading, Ordinance No. 141, 2004 annexing property known as the Feather Ridge Annexation, and adopted Ordinance No. 142, 2004, by a vote of 5-2 (Nays: Councilmembers Hamrick and Roy), zoning the Feather Ridge property.

28. Resolution 2004-115 Adopting Amendments to the Financial Management Policies.
(15 minutes - 5 minute staff presentation)

The revisions adopted by this Resolution will become part of the Financial Management Policies of the City. The policies will remain in effect until they are subsequently amended or repealed by Council action.

29. Resolution 2004-116 Establishing Direction for Employee Compensation and Benefits.
(30 minutes - 10 minute staff presentation)

During the 2004-2005 budget process, Councilmembers expressed concern about the level of employee benefit premiums, and the practice of benchmarking to provide market comparisons for the City's compensation and benefits programs.

Council adopted Resolution 2003-147, establishing an Ad Hoc Compensation and Benefits Committee, comprised of Councilmembers Eric Hamrick and Kurt Kastein. This Committee worked with City staff to solicit services of a professional consulting firm with expertise in the analysis and design of employee compensation and benefits. After requesting competitive proposals from qualified firms, the City selected the consulting firm of Gallagher Benefit Services, Inc. to conduct such an analysis.

The Gallagher Report provided an analysis of the City's current compensation and benefits programs. In addition, the Gallagher Report listed several options that the City could pursue in order to reduce the rate of cost increases in the medical and dental plans. The Gallagher Report was the subject of two Council study sessions held on August 11 and 24, 2004.

The Resolution would minimize the financial impact to the City by increasing employee contributions for medical premiums, and benchmarking pay against entities which have historically set employee pay ranges lower than the City's current market average.

30. Resolution 2004-117 Accepting the Advisory Opinion and Recommendation No. 2004-1 of the Ethics Review Board. (10 minutes - 5 minute staff presentation)

Section 2-569(e) of the City Code provides that all opinions and recommendations of the City Council Ethics Review Board be submitted to the full Council for review and approval. The Ethics Review Board met on September 7, 2004, to render an opinion on whether Councilmember Kastein has a conflict of interest in participating in Council's consideration with regard to the improvements to be constructed at the new Southwest Community Park, now known as the Spring Canyon Park. The meeting of the Board resulted in the issuance of Opinion No. 2004-1.

31. Pulled Consent Items.
32. Other Business.
33. Adjournment.