

# **AGENDA**

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

October 1, 2002

## **Proclamations and Presentations**

**5:30 p.m**

- A. Proclamation Proclaiming September 23 - October 20, 2002 as "Community Homecoming Celebration".
- B. Proclamation Proclaiming October 5, 2002 as "Front Range Community College Day".
- C. Proclamation Proclaiming the Week of October 6-12, 2002 as "Public Power Week".
- D. Proclamation Proclaiming the Week of October 7-12, 2002 as "National Fire Prevention Week".
- E. Proclamation Proclaiming the Week of October 21, 2002 as "National Massage Therapy Awareness Week".
- F. Proclamation Proclaiming the Month of October as "Natural Areas Program Month".
- G. Proclamation Proclaiming the Month of October as "Energy Awareness 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 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 #27, 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 September 3 and September 17, 2002 and the adjourned meeting minutes of September 10, 2002.
8. Second Reading of Ordinance No. 136, 2002, Appropriating Unanticipated Grant Revenue in the General Fund for the Poudre Valley Health System Reduce Intoxicated Driving Program.

Poudre Valley Health System has developed a comprehensive prevention program called RID (Reduce Intoxicated Driving.) The RID program works in collaboration with local government, businesses, law enforcement, health care providers, Colorado State University, Poudre School District, and other community sectors to reduce the number of individuals who drive intoxicated.

Pursuant to the State of Colorado and the ADAD program, purchase orders can be issued for the grant 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. The Poudre Valley Health System has requested that the City serve as the pass-through recipient of the grant proceeds. This Ordinance, which was unanimously adopted on First Reading on September 17, 2002, 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. 137, 2002, Appropriating Unanticipated Revenue in the Capital Projects Fund - Gateway Mountain Park Capital Project and the Conservation Trust Fund for Transfer to the Capital Projects Fund - Gateway Mountain Park Capital Project to be Used for Improvements to Gateway Mountain Park.

Gateway Mountain Park is a 377-acre site located five miles up the Cache la Poudre River Canyon from the intersection of Highways 287 and 14 (Ted's Place). The site is owned by the City of Fort Collins and was previously the City's Water Filtration Plant. The City Council has provided direction to make the property accessible to the public as a park. The Park opened in June this year.

The City received grants of \$100,000 from Great Outdoors Colorado Trust Fund ("GOCO"), and \$80,000 from the Colorado Division of Wildlife ("DOW"). Project contingency funds were used to pay for the development of internal park facilities including such features as picnic areas, restrooms, interpretive facilities, and other site amenities, to be reimbursed through the GOCO and DOW grant funds. The City has now received the reimbursement funds from these granting agencies, and Ordinance No. 137, 2002, which was unanimously adopted on First Reading on September 17, 2002, appropriates those funds for the project.

10. Second Reading of Ordinance No. 138, 2002, Appropriating Prior Year Reserves in the Street Oversizing Fund For Transfer to the Capital Projects Fund - Lemay Avenue, Fossil Creek Bridge to Trilby Road Capital Project to Survey Existing Utilities for the Design of Roadway Improvements on Lemay Avenue from the Fossil Creek Bridge to Trilby Road.

The Street Oversizing Program, in conjunction with the City's construction of Fossil Creek Community Park, is completing the engineering design of Lemay Avenue from the Fossil Creek bridge (near Muirfield Way) to Trilby Road. Lemay Avenue will be widened to a four lane arterial with curb and gutter, landscaped medians, bike lanes and sidewalks. A pedestrian underpass for the Fossil Creek Recreation Trail will cross Lemay Avenue as part of this project.

This Ordinance, which was unanimously adopted on First Reading on September 17, 2002, appropriates prior year reserves in the Street Oversizing Fund for transfer into the Capital Projects fund.

11. Second Reading of Ordinance No. 139, 2002, Appropriating Prior Year Reserves in the Water Fund to Construct Backwash Water Reuse Facilities.

The appropriation from prior year reserves is required to start construction. The Utilities and Purchasing are now exploring the possibility of obtaining a five-year lease purchase to finance the backflow water reuse facility. City Council would have to approve the lease purchase agreement which would be obtained either later this year or after the project is complete. If the lease is obtained, it would spread out the financial impact of the backwash water reuse facility, however, the project could be completed without the lease purchase if necessary.

This Ordinance, which was unanimously adopted on First Reading on September 17, 2002, authorizes a \$1,544,000 appropriation of prior year reserves in the Water Fund for a capital project to construct backwash water reuse facilities at the Water Treatment Plant.

12. Second Reading of Ordinance No. 140, 2002, Declaring the Parking of Vehicles in Front Yards to Be a Nuisance and Prohibiting the Same.

The City's Land Use Code currently contains provisions regulating the parking of vehicles in front yards of new development lots on which single family or two-family dwelling units. This Ordinance, which was unanimously adopted on First Reading on September 17, 2002, provides stricter regulations declaring that the parking of vehicles in front or side yards of new and existing lots to be a nuisance, and prohibits such parking under the nuisance provisions contained in Chapter 20 of the City Code, unless the vehicle is parked in a designated alley or on a hard surface of asphalt, concrete, rock, gravel or other similar inorganic material.

13. First Reading of Ordinance No. 142, 2002, Amending Section 7.5-32 of the City Code Pertaining to Street Oversizing Capital Expansion Fees.

Periodically, staff analyzes the costs and expenses of the Street Oversizing Program. Staff is proposing an increase of the Street Oversizing Capital Expansion Fees, as there have been some cost increases in elements of the Program. In addition, staff is proposing a recalculation to more equitably distribute the cost of bridges and box culverts on arterial streets.

14. First Reading of Ordinance No. 143, 2002, Appropriating Unanticipated Revenue in the Capital Projects Fund - Pedestrian Accessibility Capital Project to be Used for Crosswalk Improvements at Various Downtown Intersections Along College Avenue.

The City of Fort Collins requested and received \$122,100 of Federal Hazard Elimination and State matching funds to pay for 100% of the costs to construct crosswalk improvements at the intersections of US Highway 287 and LaPorte Avenue, Mountain Avenue, Oak Street, and Olive Street in Fort Collins. The crossings will be constructed of either asphalt or concrete, with stamped and colored enhancement features to improve safety by increasing visibility of the crossings. The City Manager will execute a contract with the State for the receipt of funds for completing the construction of crosswalk improvements at the above mentioned intersections. Appropriations for \$21,000, in design costs, were appropriated under separate Council action in 2001.

15. First Reading of Ordinance No. 144, 2002, Appropriating Unanticipated Revenue and Prior Year Reserves in the Benefits Fund to be Used to Cover Medical Insurance Claims and Other Expenses.

Benefits Fund Revenues and Expenses for 2002 were projected in early 2001, and were based on enrollment and cost trend information available at that time. Actual revenues exceed budgeted projections due to increased plan enrollment and unanticipated shifts in plan selection by employees. Expenses exceed budgeted projections due to higher than expected claims activity.

During 2002 to date, the ten highest claims average in excess of \$63,000; one claim exceeds \$115,000, and one claim exceeds \$150,000. Catastrophic claims of this nature are difficult to project, and contribute significantly to the \$1.1 million in unanticipated claims experience. Besides unanticipated increases in claims expenses, administrative expenses increased at a higher than expected rate. PacifiCare's fees increased approximately 25%, five-times higher than its historical average. Stop Loss Coverage (which pays claims in excess of \$120,000) increased by 40%, one-third higher than anticipated. The Stop Loss coverage in particular was affected by the events of September 11, 2001. Together, these unanticipated expenses require that prior year plan reserves be used to fully fund currently projected claims and expenses.

16. First Reading of Ordinance No. 145, 2002, Appropriating Prior Year Reserves and Unanticipated Revenue in Various Funds and Authorizing the Transfer of Appropriated Amounts Between Funds.

The purpose of the annual clean-up ordinance is to combine dedicated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and, therefore not included in the 2002 budget. The unanticipated revenue is primarily from fees, charges, rents, contributions and grants that have been paid to City departments to offset specific expenses. Prior year reserves are primarily being appropriated for unanticipated operation expenses from reserves that are set aside for that purpose.

17. First Reading of Ordinance No. 146, 2002, Vacating a Portion of the Right-of-way and Temporary Turning Area North of Lake Street as Dedicated on the Plat of Von Vihl Heights Second Subdivision and Vacating That Portion of a Right-of-way Easement for a Pedestrian Path Recorded in Book 2148 , Pages 196-197 in the Records of the County of Larimer, State of Colorado, Subject to a Reserved Drainage and Utility Easement.

The plat of Von Vihl Heights Second Subdivision dedicates the right-of-way and temporary turning area for LaReatta Court north of West Lake Street. Neither has been constructed, although the adjacent homeowners have been maintaining this area for a number of years. As a result, a homeowner at 3000 West Lake Street met with the City Manager and staff to request that this portion of the street and temporary turning area be vacated. In addition, he also requested that the pedestrian path easement also be vacated through LaReatta Court and his property to the north. The pedestrian path easement was intended to provide public access to Overland Park; however, staff has determined that the cost benefit ratio for the pedestrian path does not justify the construction.

These vacation requests have been routed through the appropriate utilities and city departments, including Current Planning and the City Manager's Office. All uses have been identified and the appropriate reservation language, reserving the right-of-way for future use as drainage and utility easement, has been included in the vacation ordinance.

18. Items Relating to Council Expenditures, Council Travel, and Council Electronic Mail.

- A. Resolution 2002-091 Establishing Policies Regarding the Monitoring of Council Expenditures.
- B. Resolution 2002-092 Adopting a Travel, Conference, and Training Policy for City Council.
- C. Resolution 2002-093 Adopting a Policy for the Use, Management and Retention of Electronic Mail by the Mayor and City Council.

Over the past few years, spending for the Council program has grown significantly and, earlier this year, the Mayor and Council received public comments encouraging closer monitoring of Council expenditures. The City's accounting system tracks expenditures through programs and the City Council constitutes one of these programs.

Also, the Mayor and Councilmembers travel out of town to attend conferences, trainings, and committee meetings. The Mayor and Council attend these out of town meetings to become better prepared to do their job; to represent the community of Fort Collins; and to take part in the formal and informal networking from which the community of Fort Collins often benefits. The City benefits from having an educated electorate as well as Council representatives at numerous state, regional and national conferences.

At its meetings on April 17 and July 16, 2002, the Council Governance Committee reviewed and discussed Council expenditures and the establishment of policies relating to Council travel and use of electronic mail. The Committee directed staff to prepare resolutions establishing policies for the monitoring of Council expenditures, and adopting travel policies that are similar to the policies that guide travel by general employees of the City. In addition, the Committee recommended Council adoption of a policy relating to the use of electronic mail that is similar to that which has been recently approved for employees. By adhering to these policies, the Mayor and Council will demonstrate its commitment as responsible stewards of City resources.

19. Resolution 2002-094 Appointing Two Representatives to the Colorado Municipal League Policy Committee.

The Fort Collins City Council recommends that Mayor Ray Martinez and City Manager John F. Fischbach 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.

The Policy Committee is responsible for reviewing legislative proposals and recommending to the League Executive Board, positions of support, opposition, no position or amendment to a wide variety of legislation affecting cities and towns. At each annual conference in June, the Policy Committee proposes to the membership, revisions to the League's policies which guide League positions on public policy issues affecting municipalities.

20. Routine Easements.

- A. Temporary easement for construction, grading, access and utilities from Hearthfire Association, Inc., located south of East Douglas Road and west of County Road 11. Monetary consideration: \$10. Staff: Sheri Wamhoff.
- B. Temporary construction easement from Hearthfire Association, Inc., located south of East Douglas Road and west of County Road 11. Monetary consideration: \$10. Staff: Sheri Wamhoff.

**\*\*\*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.

Introduction and recognition of the Climate Wise Partners.

23. Councilmember Reports.

## ITEMS NEEDING INDIVIDUAL CONSIDERATION

24. Items Relating to Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the 1225 Redwood Rezoning.

- A. Resolution 2002-095 Amending the City's Structure Plan Map.
- B. Hearing and First Reading of Ordinance No. 147, 2002, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the 1225 Redwood Street Rezoning.

The parcel is 5.5 acres in size and located on the northwest corner of Conifer Street and Redwood Street. The property contains a 20,000 square foot structure that was originally approved as a P.U.D. for New Beginnings Treatment Center. The P.U.D. was subsequently amended to allow the conversion to Diamond Crest Assisted Living Center. The parcel was rezoned in March of 1997 as part of the City Plan city-wide rezoning from R-M-P, Medium Density Planned Residential, to I, Industrial.

The C-C-N zone was created to implement the North College Avenue Corridor Plan. Staff recommends C-C-N as the best way to implement the transition of land uses as envisioned by the North College Avenue Corridor Plan. The C-C-N zone is located across the street on the south side of Conifer.

25. Items Relating to Changing the Zoning Classification for That Certain Property Known as the Taft Hill/Hull Rezoning.

- A. Resolution 2002-096 Amending the City's Structure Plan Map.
- B. Hearing and First Reading of Ordinance No. 148, 2002, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Taft Hill/Hull Rezoning.

This is a request to amend the City Structure Plan and rezone three parcels of land at the northeast corner of the intersection of Taft Hill Road and Hull Street, south of Drake Road. The existing designation is LMN–Low Density Mixed-Use Neighborhood, the proposed designation is MMN–Medium Density Mixed-Use Neighborhood. The three parcels total 15.3 acres. The property is accessed from Hull Street, and each lot has a single-family residence with several outbuildings. Spring Creek traverses the northern portion of the site. The sites are designated as Low Density Mixed Use Residential and Stream Corridor on the City of Fort Collins Structure Plan.



26. Second Reading of Ordinance No. 141, 2002, Amending Section 17-42 of the City Code Regarding Posting Notices and Handbills on Premises to Create a Separate Offense for Failure to Remove an Illegally Posted Notice or Sign.

This Ordinance, which was adopted 4-3 on First Reading on September 17, 2002, adds a new subsection (e) to Section 17-42 making it a violation of the Code for a business or individual whose name is advertised or promoted on an illegally posted sign to fail to remove such sign when notified to do so by the City.

27. Pulled Consent Items.
28. Other Business.
29. Adjournment.