

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

October 7, 2003

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Proclaiming September 28, 2003, was a Day to Recognize and Celebrate “National Good Neighbor Day”.
- B. Proclamation Proclaiming October 18-25, 2003, as “Women Build Week”.
- C. Proclamation Proclaiming the Week of October 20, 2003 as “National Massage Therapy Awareness Week”.
- D. Proclamation Proclaiming the Month of October as “Pedestrian Month”.
- E. Presentation of a Certificate of Appreciation to the Residents of Pi Kappa Alpha for Their Efforts in Planning the September 11 Remembrance Ceremony at CSU.

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 30. 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 #36, 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 August 19, 2003.
8. Postponement of Items Relating to the Peterson Annexation, until December 2, 2003.
 - A. Postponement of Second Reading of Ordinance No. 051, 2003, Annexing Property Known as the Peterson Annexation to the City of Fort Collins, to December 2, 2003.
 - B. Postponement of Second Reading of Ordinance No. 052, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Peterson Annexation, to December 2, 2003.

On April 1, 2003, Council unanimously adopted Resolution 2003-041, amending the Structure Plan for the property known as the Peterson Annexation, and Council also unanimously adopted Resolution 2003-042, setting forth findings of fact and determinations regarding the Peterson Annexation. This is a request for a 100% voluntary annexation of approximately 27.89 acres, located a half mile east of I-25 and south of Vine Drive. This requested zone district is Urban Estate.

On April 1, 2003, Council unanimously adopted Ordinance No. 051, 2003 and Ordinance No. 052, 2003, annexing and zoning the property included in the Peterson Annexation. Because there have been further delays in the final approval of this project, staff recommends postponing Second Reading of these Ordinances to December 2, 2003.

9. Postponement of Items Relating to the Streamside Annexation, until December 2, 2003.
- A. Postponement of Second Reading of Ordinance No. 053, 2003, Annexing Property Known as the Streamside Annexation to the City of Fort Collins, to December 2, 2003.
 - B. Postponement of Second Reading of Ordinance No. 054, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Streamside Annexation, to December 2, 2003.

On April 1, 2003, Council unanimously adopted Resolution 2003-043, amending the Structure Plan for the property known as the Streamside Annexation, and Council also unanimously adopted Resolution 2003-044, setting forth findings of fact and determinations regarding the Streamside Annexation. This is a request for a 100% voluntary annexation of approximately 73.67 acres, located just over half a mile east of I-25 and south of Vine Drive. This requested zone district is Urban Estate.

On April 1, 2003, Council unanimously adopted Ordinance No. 053, 2003 and Ordinance No. 054, 2003, annexing and zoning the property included in the Streamside Annexation. Because there have been further delays in the final approval of this project, staff recommends postponing Second Reading of these Ordinances to December 2, 2003.

10. Second Reading of Ordinance No. 098, 2003, Authorizing the Transfer of a 151-acre Portion of the Resource Recovery Farm from the Wastewater Utility to the Natural Areas Program in Exchange for a Total Payment Amount of \$1,890,306.

In 2000, the City of Fort Collins Natural Areas program purchased 174-acres of the RR Farm along with 3.6 shares of the Lake Canal water for the Running Deer Natural Area. In discussion at the City Council study session regarding the draft I-25 Corridor Plan on August 27, 2002, there was general support for the City's Natural Areas program to purchase the 151-acre portion of the RR Farm from Utilities. This 151-acre transfer to the Natural Areas program would include the 2.4 shares of Lake Canal water associated with this portion of the RR Farm. This Ordinance, which was unanimously adopted on First Reading on July 1, 2003, authorizes the transfer of a 151-acre portion of the Resource Recovery Farm from the Wastewater Utility to the Natural Areas Program.

11. Second 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.

This Ordinance, which was unanimously adopted on First Reading on September 16, 2003, appropriates funds to install a median on College Avenue at the Lake Street intersection.

12. Second 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.

This Ordinance, which was unanimously adopted on First Reading on September 16, 2003, 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.

Due to recent design changes, the City has identified an additional area on Matmar FC Partnership (Matmar) property that needs to be acquired for the completion of this project.

The number of property owners affected by this project is less than reported in the previous Agenda Item Summary. Originally, staff believed ten property owners would be affected by this project. However, subsequent title work has revealed that only four property owners are actually affected.

13. Second 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 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. This Ordinance was unanimously adopted on First Reading on September 16, 2003.

14. Second Reading of Ordinance No. 131, 2003, Vacating a Portion of Right-of-Way as Dedicated on the Plat 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. This Ordinance was unanimously adopted on First Reading on September 16, 2003.

15. Second 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. Ordinance No. 132, 2003, was unanimously adopted on First Reading on September 16, 2003.

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

This Ordinance, which was unanimously adopted on First Reading on September 16, 2003, revises Sections 26-411 and 26-412 of the Municipal 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.

This 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.

17. First Reading of Ordinance No. 134, 2003, 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 2003 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.

This Ordinance appropriates prior year reserves and unanticipated revenue in various City funds, and authorizes the transfer of appropriated amounts between funds. The City Charter permits the City Council to provide by ordinance for payment of any expense from prior year reserves. The Charter also permits the City Council to appropriate unanticipated revenue received as a result of rate or fee increases or new revenue sources. Additionally, it authorizes the City Council to transfer any unexpended appropriated amounts from one fund to another upon recommendation of the City Manager provided the purpose for which the transferred funds are to be expended remains unchanged; or the purpose for which they were initially appropriated no longer exists; or the proposed transfer is from a fund or capital project account in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

18. First Reading of Ordinance No. 135, 2003, Appropriating Unanticipated Grant Revenue In the Equipment Fund and the General Fund for Congestion Mitigation and Air Quality Projects and Authorizing the Transfer of Appropriations.

The City of Fort Collins was awarded a Congestion Mitigation and Air Quality (CMAQ) grant in 2002. This money was originally appropriated into the North Front Range Transportation & Air Quality Planning Council Fund (NFR) for the construction of a compressed natural gas (CNG) fueling facility, a natural gas appliance and an emission repair project. However, at the end of 2002, the contract with the NFR lapsed and the projects were closed.

19. First Reading of Ordinance No. 136, 2003, Making Certain Appropriations Related to Operating Expenses of the Metropolitan Planning Organization.

The City of Fort Collins has served as the host organization for the North Front Range Transportation and Air Quality Planning Organization (“MPO”) since 1987 when the MPO began. The MPO consists of ten northern Colorado cities and towns, two counties, the Colorado Transportation Commission, and the Colorado Air Quality Commission.

As the host organization, the City has advanced its funds on behalf of the MPO and member organizations. When the MPO receives federal and state grant monies, it reimburses the City. In 2003, the MPO has taken steps to become an independent organization. With the independent status of the MPO, the monetary transactions between the two organizations should be recognized more formally. Ordinance No. 136, 2003, appropriates prior year reserve funds in the City's Transportation Fund to transfer to the MPO. The Ordinance also appropriates the reimbursements that the MPO has made and expects to make to the City. In 2003, the City expects that the transfers to the MPO will not exceed \$2,100,000, the amount of the appropriation from prior year reserves and unanticipated (at the time the budget was adopted) revenue.

20. First Reading of Ordinance No. 137, 2003, Amending the Legal Description of the Jacoby Farm Property and Authorizing the Sale of the Additional Seven Acres of Land to Larimer County.

On September 3, 2002 City Council adopted Ordinance No. 117, 2002 authorizing the sale of approximately 160 acres of the Jacoby Farm to Larimer County for the Open Lands Program. The sale is about to be finalized and it was discovered through a land survey that the legal description contained in the ordinance omitted a seven acre parcel. This Ordinance corrects the situation and authorizes the sale of the seven acres. Since the seven acres were included in the original appraisal of the Jacoby Farm, there is no additional compensation due to the City. The closing for both parcels is scheduled to take place before the end of 2003.

21. First Reading of Ordinance No. 138, 2003, Amending the Zoning Map of the City of Fort Collins by Amending the Zoning Classification for that Certain Property Known as the City of Fort Collins Vehicle Storage and Operations Service Maintenance Facility Rezoning.

This is a request to rezone three parcels of land at the northwest corner of Vine Drive and Wood Street, just west of the existing City of Fort Collins Service Center. The property is currently zoned POL – Public Open Lands and would be rezoned to E – Employment. A total of 15.25 acres of land is included within the rezone requested. The parcel is designated as E – Employment on the City of Fort Collins Structure Plan.

The site contains the City's Fleet Service Building and is also used for material storage. The rezone will facilitate the expansion of the Fort Collins Service Center.

The rezoning request is consistent with the City of Fort Collins Structure Plan. This plan represents the land north of Vine Drive, 1/4 mile east of Shields Street for Employment uses. This designation includes the existing Service Center site.

22. First Reading of Ordinance No. 139, 2003, Amending Ordinance No. 097, 2003 Zoning Property Known as the Swift Addition to the Fossil Lakes P.U.D. Annexation to Correct an Error in the Legal Description Contained in Said Zoning Ordinance.

On July 22, 2003, City Council adopted Ordinance No. 097, 2003 amending the Zoning Map of the City of Fort Collins and classifying for zoning purposes the property included in the Swift Addition to the Fossil Lakes PUD Annexation.

A typographical error in the legal description contained in the zoning ordinance, resulting in a faulty legal description. This Ordinance amends the original zoning ordinance by replacing the incorrect legal description with an amended legal description.

23. First Reading of Ordinance No. 140, 2003, Authorizing the Lease of Property at the Fort Collins-Loveland Municipal Airport to Alliance Equipment Company, LLC, for the Storage of Construction Equipment and Supplies.

Alliance Equipment Company, LLC, wishes to lease two acres of Airport property for outdoor storage of construction equipment and supplies. The Agreement is for a three-year period, beginning November 1, 2003. The ground lease is \$.06 per square foot per year. The lease contains adequate restrictions to prevent any incompatible land use related to Airport operations. The Agreement will provide a new revenue source for the Airport. The Airport has no financial obligations under this Agreement.

24. Resolution 2003-106 Amending the City's Structure Plan Map to Reflect the Changes Contained in the I-25 Subarea Plan.

On August 19, 2003, the City Council adopted Resolution 2003-095 incorporating the I-25 Subarea Plan as an element of City Plan, the City's Comprehensive Plan. The I-25 Subarea Plan contained a Land Use Plan map which established a pattern of land uses for the I-25 Subarea Plan's planning area. The I-25 Subarea Plan also contained a series of "Implementation Strategies" one of which was to amend the City's Structure Plan map to reflect the land use changes contained in the I-25 Subarea Plan's Land Use Plan map. This resolution will amend the City's Structure Plan Map to reflect the land use changes contained in the I-25 Subarea Plan's Land Use Plan map.

25. Resolution 2003-107 Authorizing the Lease of City-Owned Property at 812 North Shields Street.

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 had been leased for two years and that tenant has moved. Staff will be advertising the property for rent in October. The lease will be in effect for one year and will give the City the option to renew the lease for an additional year.

26. Resolution 2003-108 Authorizing the Lease of City-Owned Property at 110 North Howes Street.

The City and the County purchased the property located at 110 North Howes Street as part of the Block 31 purchases. Consistent with the Intergovernmental Agreement dividing Block 31, the County's interest in this property was quit claimed to the City. The County's Risk Management Department was the last occupant of this building and vacated the building two years ago. This space, which is 693 square feet in size, has been considered for other City users, but a current need has not been identified. Staff has shown the space to a private business and negotiations are continuing. Staff recommends leasing this site until this area of Block 31 is needed for future improvements.

27. Resolution 2003-109 Authorizing the Mayor to Enter Into an Intergovernmental Agreement Concerning the Northern Colorado Regional Communication Network.

The City is currently a party to an Intergovernmental Agreement (IGA) dated December 1999 concerning 800 MHz radio communications and the Northern Colorado Regional Communication Network (NCRCN). This IGA between the City of Fort Collins, City of Loveland, Poudre R-1 School District, Poudre Fire Authority and Northern Colorado Water Conservancy District is in need of revision from the original agreement dated December 1999 due to the partnering of NCRCN with the State's Consolidated Communications Network of Colorado (CCNC) this spring. The revisions eliminate Motorola as the System Manager and provide for funding the ongoing maintenance or repair of the system as well as for expansion and replacement.

Each entity will contribute funding based upon the number of subscriber units (radios) each entity has on the NCRCN system. The funding cost per radio is approximately \$50. The following City departments have radios on the NCRCN system: Fort Collins Police Services (398 radios); Transfort/Dial-a-Ride (70 radios); Natural Resources (3 radios); and Light and Power (1 radio). Based upon the number of subscriber units Fort Collins has on the NCRCN system, it is anticipated that the City's monetary contribution for the year 2004 will be approximately \$23,000.

This resolution would authorize the Mayor to execute an intergovernmental agreement which sets forth the responsibility of each entity with regard to participation in the network and authorizes the City Manager to execute any future amendments to the intergovernmental agreement.

28. Resolution 2003-110 Establishing the Auditor Selection Process.

The City Charter requires that the Council provide for an independent audit of the City's financial records each year. The Colorado Revised Statutes and audit principles prescribe that the audit should be managed by the legislative body of the governmental organization. In applying these principles to the City, the Council should be responsible for the selection of the auditor and the auditor should report to the Council throughout the process. This resolution establishes the process, including references to the City's purchasing guidelines and procedures, that the Council will follow in selecting the auditor. In the past, the City Council Finance Committee has served as the Audit Committee. For this selection process, the Council Leadership Team will be serving as the Audit Committee.

29. Resolution 2003-111 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.

30. Routine Deeds.

- A. Deed of dedication for easement for emergency access from Nadine and Bradley Holter, located south of Horsetooth Road and west of College Avenue. Monetary consideration: \$10.
- B. Deed of dedication for easement for public access and drainage from Nadine and Bradley Holter, located south of Horsetooth Road and west of College Avenue. Monetary consideration: \$10.
- C. Deed of dedication for easement for drainage easement from Nadine and Bradley Holter, located south of Horsetooth Road and west of College Avenue. Monetary consideration: \$10.

- D. Deed of dedication for easement for public access easement from Nadine and Bradley Holter, located south of Horsetooth Road and west of College Avenue. Monetary consideration: \$10.
- E. Deed of dedication for easement for drainage easement from Nadine and Bradley Holter, located south of Horsetooth Road and west of College Avenue. Monetary consideration: \$10.
- F. Deed of easement to relocate existing electric oval vaults from Stephanie Mercurio-Robb, located at 1717 West Mulberry Street. Monetary consideration: \$588.
- G. Easement for construction and maintenance of public utilities from Kyle E. Freestone and Carrie J. Harrod, located at 319 Alpert. Monetary consideration: \$200.

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

- 31. Consent Calendar Follow-up.
This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
- 32. Staff Reports.
Status Report on Council Requests.
- 33. Councilmember Reports.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

- 34. 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. (20 minutes)

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.

35. Public Hearing on the 2004 and 2005 Recommended Biennial Budget. (30 minutes)

This is the second official Public Hearing on the City Manager's 2003 and 2004 Recommended Biennial Budget for the City of Fort Collins. The first Public Hearing was held on September 16, 2003. First Reading of the Ordinance adopting the 2003-2004 biennial budget is scheduled for November 4, 2003, with Second Reading of the Ordinance on November 18, 2003.

36. Pulled Consent Items.

37. Other Business.

38. Adjournment.