

# **AGENDA**

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

October 16, 2001

## **Proclamations and Presentations**

**5:30 p.m**

- A. Proclamation Proclaiming October 27, 2001 as “Make a Difference 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 #25, 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 18 and October 2, 2001.
8. Second Reading of Ordinance No. 150, 2001, Authorizing the Purchasing Agent to Enter into an Extension of the Golf Professional Services Agreement at Collindale Golf Course for up to Five Additional Years.

The existing Agreement with Collindale Golf Course contractual Golf Professional James H. Greer, PGA, expires on December 31, 2001. The performance of Mr. Greer has been very satisfactory during the term, and staff has negotiated a mutually acceptable extension to the Agreement. The City Code requires contracts over five years in length to be approved by Council. Ordinance No. 150, 2001, was unanimously adopted on First Reading on October 2, 2001, extending the Golf Professional Services Agreement for up to an additional five years.

9. Second Reading of Ordinance No. 151, 2001, Amending Chapter 2 of the City Code Relating to the Functions of the Human Relations Commission.

During the City Council's periodic review of the Human Relations Commission ("HRC") at its July 24 study session, the HRC noted that its functions relating to human service needs

recommendations and its role in relation to the Citizen Review Board have changed. The HRC requested that the City Code be changed to reflect these changes.

Because the procedures for the allocation of funds to meet basic human needs in the City have changed and the HRC is no longer involved in that process, that function has been removed. The wording of the function concerning the facilitation of the review of citizen complaints concerning the actions of police officers or community services officers has been modified to clarify that the members of the HRC can assist citizens who wish to file complaints. Ordinance No. 151, 2001, which was unanimously adopted on First Reading on October 2, 2001, amends the Code to reflect that change.

10. Second Reading of Ordinance No. 152, 2001, Authorizing the Conveyance to Legacy Land Trust of an Undivided Interest in the Sauer Open Space Conservation Easement, Authorizing a Grant Agreement with Great Outdoors Colorado, and Authorizing the Amendment of the Intergovernmental Agreement with Larimer County and Loveland for the Sauer Open Space.

Great Outdoors Colorado Trust Fund (GOCO) awarded a \$500,000 grant to assist in purchase of the property. GOCO places certain requirements on landowners in order to protect the conservation values of the property. These restrictions are reflected in Ordinance No. 42, 2000, adopted on Second Reading on May 2, 2000, authorizing the conveyance of a conservation easement to Larimer County. After that Council action was taken, GOCO determined that the proposed arrangement was not acceptable, and instead required that an outside party have the power to enforce the easement. Since the conveyance of an interest in the conservation easement to that party, the Legacy Land Trust, was not included in Ordinance No. 42, 2000, this Ordinance authorizes that Legacy Land Trust be provided an interest in the conservation easement. This Ordinance, which was unanimously adopted on First Reading on October 2, 2001, authorizes the execution of the grant agreement with GOCO for the grant funds.

The NRAB reviewed this item at its October 3 meeting (after First Reading of the Ordinance) and recommended adoption of the Ordinance on Second Reading.

11. First Reading of Ordinance No. 148, 2001, Amending Chapter 7 of the City Code Relating to Election Campaigns.

This Ordinance amends Article V of Chapter 7 of the City Code relating to campaign practices in local elections. The majority of the changes proposed are intended to provide clarification of existing provisions.

12. First Reading of Ordinance No. 154, 2001, Amending Chapter 20, Article II of the City Code Regarding Noise.

As part of an effort to improve noise enforcement, the City Manager initiated review of the City's noise control ordinance (codified in Chapter 20, Article II of the City Code), which was originally implemented in 1981. A staff team reviewed the ordinance and proposed modest amendments to bring it up-to-date. The Council Health and Safety Committee reviewed the proposed amendments and made some changes.

13. First Reading of Ordinance No. 155, 2001, 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 2001 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.

14. First Reading of Ordinance No. 156, 2001, Authorizing the Purchasing Agent to Enter into an Agreement for the Financing by Lease-Purchase of Vehicles and Equipment.

This Ordinance will authorize the Purchasing Agent to enter into a lease-purchase financing agreement with Koch Financial Corporation at 4.533% interest rate. The agreement shall be for an original term from the execution date of the agreements to the end of the current fiscal year. The agreement shall provide for renewable one-year terms thereafter, to a total term of five (5) years, subject to annual appropriation of funds needed for lease payments. The total lease terms, including the original and all renewal terms, will not exceed the useful life of the property. This lease-purchase financing is consistent with the financial policies of the City of Fort Collins.

15. First Reading of Ordinance No. 157, 2001, Amending Sections 13-23 and 13-24 of the City Code Concerning the Enforcement and Conciliation of Human Rights Violations.

The City's Human Rights Code (Chapter 13 of the City Code) currently limits conciliation efforts by the City Manager. The City Manager has delegated his role under the Human Rights Code to the City's Human Rights Resource and Education Office. Conciliation is only authorized after the City Manager makes a finding of probable cause and any conciliation effort must be completed within 90 days of the filing of the complaint by a citizen alleging discrimination.

16. First Reading of Ordinance No. 158, 2001, Amending Sections 23-82 and 23-83 of the City Code Pertaining to Encroachments.

Presently the encroachment provisions of Sections 23-82 and 23-83 of the Code require all applicants for encroachments to either be the fee owner of the adjoining real property or obtain the consent of the fee owner. This requirement should only apply if the encroachment is for the purpose of serving food or beverages and should not apply for other encroachments, the most common of which are encroachments for news racks. Furthermore, the Code should be clarified to ensure that there are no "prior restraint" issues with regard to constitutionally protected speech, by simply waiving any fee requirements for speech related encroachments such as news racks, and by ensuring that any applications for such an encroachment must be processed by the City Manager within 15 days of the receipt of the application.

17. First Reading of Ordinance No. 159, 2001, Authorizing the Purchasing Agent to Enter into an Agreement with Outdoor Promotions, Inc. to Provide Bus Shelters, Bus Benches, and Advertising for the City of Fort Collins Transit Service for 20 Years.

Outdoor Promotions, Inc., submitted the successful proposal to the City's May 11, 2001, Request for Proposal No. P-793 regarding providing bus shelters and bus benches and sale of advertising space on the same. The City and Outdoor Promotions, Inc. currently have a Services Agreement that expires December 31, 2001. This Ordinance authorizes the City to extend that agreement for a 20-year period commencing January 1, 2002 and extending through December 31, 2021. The 20-year term was negotiated recognizing the substantial capital investment (over \$1.3M) required by the contractor, and the agreement by Outdoor Promotions, Inc., to increase the City's share of the net proceeds from the advertising sold from 15% annually to 20% annually after the fifth year of the agreement. The agreement will provide for installation of 105 bus shelters and 400 benches. The contractor will be responsible for all installations, maintenance, selling of advertisements, graffiti and snow removal, trash collection, cleaning and maintenance of the shelters and benches. All advertising shall be commercial in nature, shall comply with the City Sign Code and other limitations, and must be approved by the City prior to placement.

18. First Reading of Ordinance No. 160, 2001, Approving the Terms of the Sublease by the City of a Portion of Rivendell School Property for a Community Recycling Drop-off Facility.

Approval of the Sublease Agreement will allow the City to submit the Agreement to the County in order to remove a one-acre portion of the Rivendell School site from the property tax rolls.

The City Manager has executed a sublease agreement by which the City will sublease from the executive board of Rivendell School a portion of the school's paved surface area as the location for a community recycling collection facility ("drop-off site"), for an initial period through the end of the current calendar year with up to 10 one-year renewals. The City Council is being asked to approve the Sublease Agreement in order for the one-acre parcel to be removed from the property tax rolls during the period of time (up to 10 years) that it is subleased by the City.

19. First Reading of Ordinance No. 161, 2001, Repealing Ordinance No. 2, 2001 and Designating the Deines Barn and Twin Silos as a Landmark Pursuant to Chapter 14 of the City Code.

This is a housekeeping item. The Deines Barn and Twin Silos were originally designated as a Landmark by Ordinance No. 2, 2001. When staff was preparing the final documents for recordation, it was discovered that there was an invalid signature on the application. The question of ownership of the Deines Barn and Twin Silos has since been resolved. The legal owner, the Shenandoah Owners' Association, has expressed its desire that the structures be designated. Staff, in consultation with the City Attorney's Office, determined that the best course of action would be to repeal the original ordinance adopted by Council, and treat the owner's request as a new designation action.

20. Routine Deeds and Easements.

- A. Deed of dedication for easement for permanent right-of-way for public street purposes, from Hewlett-Packard, located south of East Harmony Road, west of Cambridge Avenue, and north of Rock Creek Drive. Monetary consideration: \$10. Staff: Marc Virata.
- B. Deed of dedication for permanent right-of-way for public street purposes, from Imago Enterprises, Inc., located south of East Harmony Road, west of Cambridge Avenue, and north of Rock Creek Drive. Monetary consideration: \$10. Staff: Marc Virata.
- C. Deed of dedication for permanent right-of-way for public street purposes, from Imago Enterprises, Inc., located south of East Harmony Road, west of Cambridge Avenue, and north of Rock Creek Drive. Monetary consideration: \$10. Staff: Marc Virata.
- D. Deed of dedication for construction and drainage easement from Imago Enterprises, Inc., for storm drainage improvements, located south of East Harmony Road, west of

Cambridge Avenue, and north of Rock Creek Drive. Monetary consideration: \$10. Staff: Marc Virata.

- E. Deed of dedication for utility easement from Imago Enterprises, Inc., for public utilities, located south of East Harmony Road, west of Cambridge Avenue, and north of Rock Creek Drive. Monetary consideration: \$10. Staff: Marc Virata.
- F. Deed of dedication for construction easement from Imago Enterprises, Inc., for construction of drainage and street improvements, located south of East Harmony Road, west of Cambridge Avenue, and north of Rock Creek Drive. Monetary consideration: \$10. Staff: Marc Virata.
- G. Deed of dedication for utility easement from Hewlett-Packard Company, for a permanent non-exclusive utility easement, located south of East Harmony Road, west of Cambridge Avenue, and north of Rock Creek Drive. Monetary consideration: \$10. Staff: Marc Virata.
- H. Deed of dedication for drainage easement from Hewlett-Packard Company, for storm water drainage purposes, located south of East Harmony Road, west of Cambridge Avenue, and north of Rock Creek Drive. Monetary consideration: \$10. Staff: Marc Virata.
- I. Deed of dedication for emergency and construction access easement from Hewlett-Packard, for emergency and construction access, located south of East Harmony Road, west of Cambridge Avenue, and north of Rock Creek Drive. Monetary consideration: \$10. Staff: Marc Virata.
- J. Deed of dedication for easement from Harmony Medical Investments, LLC, for a temporary construction easement, located south of Harmony Road, west of Wheaton Drive, and north of Oakridge Drive. Monetary consideration: \$10. Staff: Marc Virata.
- K. Easement for construction and maintenance of public utilities from Gaetano and Joan Di Matteo to underground electric system, located at 918 LaPorte Avenue. Monetary consideration: \$100. Staff: Patti Teraoka.

**\*\*\*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.

23. Councilmember Reports.  
**Committees that have met since October 2 include:**  
*Growth Management Committee*                      *Legislative Review Committee*  
*NFRT&AQPC*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

24. Resolution 2001-135 Providing Direction to Staff on Completing the I-25 Subarea Plan.

Option A

Resolution 2001-135 Directing Staff to Complete the *I-25 Subarea Plan* Without an Expansion of the City’s Growth Management Area (GMA) Boundary.

**OR**

Option B

Resolution 2001-135 Directing Staff to Complete the *I-25 Subarea Plan* With an Expansion of the City’s Growth Management Area (GMA) Boundary.

Staff is seeking direction whether or not the *I-25 Subarea Plan* should include an expansion of the existing Growth Management Area (GMA) boundary east of I-25, as well as direction on other major land use policy issues. The development of the *I-25 Subarea Plan* started in October 1999, as a commitment to complete *City Plan* for the areas adjacent to the I-25 corridor. Thus, *City Plan*’s basic philosophies and policies are inherently included in the *I-25 Subarea Plan*. There is also a section reserved in the *City Plan* document for additional principles and policies to be specifically applied to the I-25 corridor. Eventually, land use and transportation infrastructure decisions will also likely lead to amendments to the *City of Fort Collins Structure Plan*, the *Parks and Recreation Policy Plan*, and the *Master Street Plan*. Implementation techniques may include, but not be limited to, new or amended zoning districts, rezonings, and new and/or increased development impact fees. Over the past two years the planning process has developed two sets of three land use alternatives and a draft land use plan (a.k.a. “preferred alternative”). All were subjected to review by the general public, City and County advisory boards and commissions, and City and County elected officials. In September 2001, two draft land use plan options were developed – one that includes a GMA boundary expansion and one that restricts development east of I-25 to areas already inside the City’s GMA boundary. The two options form the basis for discussing, and eventually providing the direction on whether the *I-25 Subarea Plan* should be completed with, or without, an expansion of the existing GMA boundary east of I-25 as well as other major land use policy issues.

25. Pulled Consent Items.



26. Other Business.

27. Adjournment.