



# REGULAR MEETING AGENDA

## FORT COLLINS CITY COUNCIL

October 18, 2005

Doug Hutchinson, Mayor  
Karen Weitkunat, District 2, Mayor Pro Tem  
Ben Manvel, District 1  
Diggs Brown, District 3  
Kurt Kastein, District 4  
Kelly Ohlson, District 5  
David Roy, District 6

City Council Chambers  
City Hall West  
300 LaPorte Avenue  
Fort Collins, Colorado

Cablecast on City Cable Channel 14  
on the Comcast cable system

The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (TDD 224-6001) for assistance.

### **Proclamations and Presentations 5:30 p.m.**

- A. Presentation Recognizing Community Service Volunteers at the Senior Center and Northside Atzlan Center.

### **Regular Meeting 6:00 p.m.**

#### PLEDGE OF ALLEGIANCE

1. CALL MEETING TO ORDER.
2. ROLL CALL.

## 3. CITIZEN PARTICIPATION (limited to 30 minutes)

Individuals who wish to address the Council on items not specifically scheduled on the agenda must first be recognized by the Mayor or Mayor Pro Tem. Each speaker is allowed 5 minutes. If there are more than 6 individuals who wish to speak, the Mayor may reduce the time allowed for each individual.

- State your name and address for the record
- Applause, outbursts or other demonstrations by the audience is not allowed
- Keep comments brief; if available, provide a written copy of statement to City Clerk

## 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

### Consent Calendar

The Consent Calendar consists of Items 6 through 15. 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 Item No. 20, Pulled Consent Items. The Consent Calendar consists of:

- Ordinances on First Reading that are routine;
- Ordinances on Second Reading that are routine;
- Those of no perceived controversy;
- Routine administrative actions.

6. Consideration and Approval of the Regular Council Meeting Minutes of October 4, 2005.7. Second Reading of Ordinance No. 113, 2005, Appropriating Prior Year Reserves and Unanticipated Revenue in Various City Funds and Authorizing the Transfer of Appropriated Amounts Between Funds or Projects.

This Ordinance, which was unanimously adopted on First Reading on October 4, 2005, 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.

If these appropriations are not approved, the City will have to reduce expenditures even though revenue and reimbursements have been received to cover those expenditures.

8. Second Reading of Ordinance No. 114, 2005, Repealing and Reenacting Chapter 27 of the City Code Regarding Vegetation.

This Ordinance, which was unanimously adopted on First Reading on October 4, 2005, will make a number of changes to Chapter 27 of the Code (Vegetation). These changes are designed to: (1) tighten up definitions and verbiage; (2) update titles; (3) update the list of trees and shrubs citizens cannot plant; (4) allow citizens adjacent to alleys to prune, without a permit, trees or shrubs that are on City right-of-way in the alley; (5) modify the licensing procedure for commercial arborists, including setting insurance requirements at today's industry standards; (6) clarify the right of the City Forester or his/her designee to enter private property not just to inspect trees, but also to trim or remove trees that pose a danger to the public; (7) better define vegetation clearance standards for streets, sidewalks and other City owned property and who is responsible for mitigating these clearance issues; (8) modify the service of notice process so that it is more in line with those in other codes that are enforced by the City's Code Enforcement officials; (9) make the citizen appeal process for code violations less cumbersome; and (10) alter the assessment of claims against property owners so that they are more in line with what other City departments do.

9. Second Reading of Ordinance No. 115, 2005, Designating the Blanchard/Bates House and Garage, 1201 Laporte Avenue, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

The owners of the property, Marian and Kurt Schwabauer, are initiating this request for Fort Collins Landmark designation for the Blanchard/Bates House and Garage. The property qualifies for designation as a Fort Collins Landmark under Preservation Standards (1) and (3). The property embodies the distinctive characteristics of a type, period, and method of construction, and contributes to the historical and architectural significance of Fort Collins. An excellent example of the Classic Cottage architectural style, the brick dwelling remains relatively unchanged, with very good individual integrity. For over 100 years, this quaint Classic Cottage has continuously added to the historic nature of the area. The property also contains a notable single car wooden garage, with a very interesting and unusual garage door and historic hardware. The garage exhibits excellent integrity, and would likely qualify for Landmark designation in its own right.

Ordinance No. 115, 2005, was unanimously adopted on First Reading on October 4, 2005.

10. Second Reading of Ordinance No. 116, 2005 Extending the Terms of a Non-Exclusive Franchise By the City of Fort Collins to Comcast of California/Colorado LLC its Successors and Assigns for the Right to Make Reasonable Use of and Erect, Construct, Operate and Maintain Through the Public Rights-of-way, Easements and Other Public Property Any Equipment Necessary and Appurtenant to the Operation and Maintenance of a Cable System and the Provision of Cable Services to Citizens Within the City.

The current Cable Franchise with Comcast of California/Colorado, LLC (“Comcast”) will expire on November 2, 2005. Much progress has been made in the franchise renewal negotiations; however a few items remain unresolved. This extension will maintain the terms and conditions of the existing Franchise for approximately four months.

Ordinance No. 116, 2005, was unanimously adopted on First Reading on October 4, 2005.

11. Second Reading of Ordinance No. 117, 2005, Authorizing the Extension of the Banking and Depository Services Agreement with First National Bank for the Year 2006.

The First National Bank of Fort Collins was selected by a competitive process to provide depository and banking services in 2000. The City has contracted with the First National Bank of Fort Collins for the last five years.

Recent changes in the Finance Department have made it extremely difficult to complete another competitive process for depository and banking services prior to the expiration of the current contract on December 31, 2005. Staff is requesting that Council approve an extension of the current agreement for an additional year to allow sufficient time and resources to complete a competitive process in 2006.

First National Bank of Fort Collins has agreed to provide services for 2006 at the same unit costs for services as originally bid in 2001 with the exception of lock box service cost. The lock box cost will increase from \$0.14 to \$0.145 per item, an approximate increase of \$3,000 annually. Under the current contract the City pays First National Bank approximately \$250,000 annually depending on the number of transactions processed.

Ordinance No. 117, 2005, was unanimously adopted on First Reading on October 4, 2005.

12. Items Related to the Issuance of City of Fort Collins Downtown Development Authority Tax Increment Revenue Bonds, Series 2005A.

A. First Reading of Ordinance No. 120, 2005, an Ordinance Authorizing the Issuance of City of Fort Collins, Colorado, Downtown Development Authority Taxable Subordinate Tax Increment Revenue Bonds, Series 2005A, Dated Their Delivery Date, in the Aggregate Principal Amount of \$1,890,000 for the Purpose of Financing Certain Capital Improvements and Capital Projects; and Providing for the Pledge of Certain Incremental Ad Valorem Tax Revenues to Pay the Principal of, Interest on and Any Premium Due in Connection with the Redemption of the Bonds

- B. First Reading of Ordinance No. 121, 2005, Appropriating Proceeds from the Issuance of City of Fort Collins, Colorado, Downtown Development Authority Taxable Subordinate Tax Increment Revenue Bonds, Series 2005A, for the Purpose of Making Certain Capital Improvements in the Downtown Area of Fort Collins, Authorizing the Transfer of Appropriations Between Funds And Appropriating Expenditures from the Downtown Development Authority Debt Service Fund to Make the 2005 Payment on the Bonds.

The City of Fort Collins created the Downtown Development Authority (“DDA”) to make desired improvements in the downtown area. The ordinances authorize the issuance of \$1,890,000 in short-term bonds to pay for the projects described below.

1. Old Town Lofts (SE corner of College and Oak)	\$ 450,000
2. Cherry Street Lofts (300 block of Cherry)	\$ 300,000
3. River Infrastructure Study	\$ 200,000
4. Aggie Theater	\$ 25,000
5. Cherry Street Station (100 Block of Cherry)	\$ 184,720
6. Oak Street Plaza Renovation	\$ 350,000
7. Holiday Decorations and Ice Rink	\$ 284,000
8. Miscellaneous Projects and Bond Issuance Expenses	\$ 96,280

**TOTAL: \$1,890,000**

- 13. First Reading of Ordinance No. 122, 2005, Designating the Beebe Clinic, 605 South College Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, William Lightfoot, and contract owner, Jay Stoner, are initiating this request for Fort Collins Landmark designation for the Beebe Clinic. The building retains excellent physical integrity and is judged to be both architecturally and historically significant under Fort Collins Landmark Standards (1), (2), and (3). The building is an excellent and locally rare example of the Art Moderne Style in Fort Collins. Character defining features include its flat roof with parapet, stucco wall material, and glass block and corner steel casement window details. In addition to its outstanding architectural value, the building served from 1939 to 1987 as the Beebe Clinic, a well-recognized and much noted element of Fort Collins’ mid-town landscape. Dr. Nathan L. Beebe, himself, was also a noteworthy Fort Collins resident, contributing his services to the medical, business, and civic communities for more than a half-century.

- 14. Resolution 2005-112 Consenting to the Appointment of the Larimer County Municipal Representative to the South Platte Basin Roundtable in Accordance with Colorado Revised Statutes Section 37-75-104.

In 2005 the Colorado General Assembly enacted House Bill 05-1177, known as the "Colorado Water for the 21st Century Act", which adopted certain new statutory language, including Section 37-75-104, Colorado Revised Statutes, which creates permanent water basin roundtables in Colorado's eight water basins, including the South Platte Basin, in which Fort Collins is located. Section 37-75-104(4)(a)(II) provides that each basin

roundtable shall include one municipal representative for each county located within that basin, to be appointed jointly by the governing bodies of all municipalities within the county and the basin.

City of Fort Collins staff has conferred with staff from the City of Loveland and has agreed to recommend and request that the City Council approve the appointment of Larry Howard, Senior Civil Engineer with the City of Loveland Department of Water and Power, to serve as the Larimer County municipal representative to the South Platte Basin Roundtable in accordance with Section 37-75-104(4)(a)(II).

15. Routine Easement.

Easement for construction and maintenance of public utilities from Black Badger, LLC, for underground existing electric system, located at 1726 West Mulberry.

**END CONSENT**

16. Consent Calendar Follow-up.

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

17. Staff Reports.

18. Councilmember Reports.

**Discussion Items**

The method of debate for discussion items is as follows:

- Mayor introduces the item number, and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests citizen comment on the item (five minute limit for each citizen)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

**Note:** Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all citizens have an opportunity to speak.

19. Items Relating to Occupancy Regulations and Other Neighborhood Quality of Life Issues.  
(2 hours - 20 minute staff presentation)

This Council meeting will focus on revisions to the City's current regulations prohibiting more than three unrelated persons from inhabiting a single dwelling unit. Staff is also recommending revisions to the Land Use Code related to boarding houses, and is presenting an option that would establish a rental registration program for the purpose of identifying rental units within the city limits of Fort Collins.

- A. First Reading of Ordinance No. 123, 2005, Making Various Amendments to the Fort Collins Land Use Code Relating to Residential Occupancy Limits.
- B. First Reading of Ordinance No. 124, 2005 Amending Chapter 5, Article VI of the City Code Relating to Rental Housing. (Option A - Without Registration).

**OR**

First Reading of Ordinance No. 124, 2005 Amending Chapter 5, Article VI of the City Code Relating to Rental Housing. (Option B - With Registration).

- C. First Reading of Ordinance No. 125, 2005, Amending the City Code Relating to Court Referees.
- D. First Reading of Ordinance No. 126, 2005, Amending the City Code Relating to General Penalties.
- E. First Reading of Ordinance N. 127, 2005, Amending Chapter 20, Article VIII of the City Code Relating to Abatement of Public Nuisances.

20. Pulled Consent Items.

21. Other Business.

22. Adjournment.

<p>Every Council meeting will end no later than 10:30 p.m., except that: (1) any item of business commenced before 10:30 p.m. may be concluded before the meeting is adjourned and (2) the City Council may, by majority vote, extend a meeting until no later than 12:00 a.m. for the purpose of considering additional items of business. Any matter which has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting which have not yet been considered by the Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.</p>
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