

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

December 16, 2003

**Regular
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 24. 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 #33, 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. Second Reading of Ordinance No. 164, 2003, Appropriating Unanticipated Revenue in the Capital Projects Fund For Transfer to the Capital Leasing Corporation Fund to be Used for Interest Associated with the Debt Service Payments on the City Office Building at 215 North Mason Avenue and the Civic Center Parking Structure.

In 1998, the City completed a Lease Certificates of Participation financing to provide the funding for the Mason Street Office Building and the Parking Structure. The total amount of financing was \$17.2 million. During the design and construction phases, the City Finance Department invested the proceeds and earned more money than initially planned. Although the project is substantially complete, money remains in the project's escrow. Appropriate uses for the remaining funds include project improvements and interest payments on the semi-annual lease payments. Although the City normally transfers money from its General Fund to the Capital Leasing Corporation Fund to pay the interest on the lease payments, this Ordinance, which was unanimously adopted on First Reading on December 2, 2003, transfers \$718,668 from interest earnings in the Capital Projects Fund - Office Building capital project to the Capital Leasing Corporation Fund to make the interest payments.

8. Second Reading of Ordinance No. 165, 2003, Authorizing the Transfer of Appropriations Between Funds to be Used for the Advanced Traffic Management System.

This Ordinance, which was unanimously adopted on First Reading on December 2, 2003, transfers money from the General Fund to the Congestion Mitigation and Air Quality (CMAQ) account for the Advanced Traffic Management System (ATMS).

9. Second Reading of Ordinance No. 167, 2003, Approving the Terms of the Lease Agreements for the Pulliam Ranch.

This Ordinance, which was unanimously adopted on First Reading on December 2, 2003, allows the City to submit the lease to the County in order for the leased property to be removed from the property tax rolls during the term of the lease and option contracts to purchase the Pulliam Ranch over a five year period. The City will have exclusive use rights to the leased portions of the Ranch up to the time of purchase and thus has agreed to remove the property tax burden from the Lessors.

10. Second Reading of Ordinance No. 170, 2003, Amending Section 2-575 of the City Code Relating to Councilmember Compensation.

Article II, Section 3 of the City Charter provides that the compensation of Councilmembers **shall** be adjusted annually for inflation in accordance with the Denver/Boulder Consumer Price Index. In 2003, Councilmembers were compensated \$585 per month, and the Mayor received \$880 per month.

This Ordinance, which was unanimously adopted on First Reading on December 2, 2003, amends Section 2-575 of the City Code to set the 2004 compensation of Councilmembers at \$595 and the compensation of the Mayor at \$895, **as required by the City Charter.**

11. Second Reading of Ordinance No. 171, 2003, Designating the E. Kimple House, 415 East Elizabeth Street, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Jennifer Anderson and Susan Hogg, initiated this request for Fort Collins Landmark designation for the E. Kimple House. The Edward and Sylvia Kimple House is significant to Fort Collins under Landmark Preservation Standard 3, for its architectural merits. It is a relatively intact and nicely detailed example of a small Queen Anne / Folk Victorian residential dwelling. The property is listed on the National Register of Historic Places, as a contributing element of the Laurel School National Register District.

Ordinance No. 171, 2003, which was unanimously adopted on First Reading on December 2, 2003, designates the above described property as a Fort Collins Landmark.

12. Second Reading of Ordinance No. 172, 2003, Designating the Historic Seventh Day Adventist Church, 400 Whedbee Street, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, The Whole Life Church of Religious Science, initiated this request for Fort Collins Landmark designation for the Historic Seventh Day Adventist Church. The property is individually eligible for landmark designation under City of Fort Collins Landmark Preservation Standards (1) - Association with events that have made a significant contribution to the broad patterns of history; and (3) - Embodies the distinctive characteristics of a type, period, or method of construction.

Ordinance No. 172, 2003, which was unanimously adopted on First Reading on December 2, 2003, designates the above mentioned property as a Fort Collins Landmark.

13. Second Reading of Ordinance No. 173, 2003, Making Various Amendments to the City of Fort Collins Land Use Code.

Staff has identified a variety of proposed changes, additions and clarifications in the Fall biannual update of the Land Use Code. On December 2, 2003, Council voted 7-0 to adopt Ordinance No. 173, 2003 on First Reading, subject to three specific actions. First, the placing of the *Small Scale Reception Center* into the Urban Estate zone district shall be expeditiously remanded back to the Planning and Zoning Board for further review. Second, the Modification of Standard procedure shall be allowed to be considered by Decision Maker (Planning Director or Hearing Officer) for Project Development Plans that are subject to Administrative (Type One) Review. Third, a quarterly report shall be prepared for the Planning and Zoning Board summarizing the Type One Modifications that were considered by the Decision Maker for the purpose of oversight and monitoring.

14. Second Reading of Ordinance No. 174, 2003, Continuing a Temporary Manufacturing Equipment Use Tax Rebate Program for Fort Collins Manufacturers.

In March 1996, City Council approved a temporary rebate program for use tax paid on manufacturing equipment. The goal of the program was to maintain the local economic base by providing modest tax relief to manufacturing concerns located in Fort Collins. The program has provided rebates to manufacturers for taxes paid during the calendar years 1996 through 2001. The rebate program was discontinued for calendar year 2002 due to economic conditions. Staff is proposing that the program be reinstated for 2003 and 2004, so that rebates may be made of taxes received by the City during those two years.

Payments are made in arrears. This is a “rebate” of tax paid in the previous year. It is not a tax exemption. If approved for calendar years 2003 and 2004, staff will ask manufacturing companies to submit applications by late March of each year – as prescribed in the program. Rebates will be paid upon review of the applications. Historically, many of the companies have requested extensions to file at an even later date. Modifications were last made to the program in 1999 to reflect several requests made by the manufacturing community. Staff is now requesting that Council approve the program without any changes or modifications for 2003 and 2004. Ordinance No. 174, 2003, was unanimously adopted on First Reading on December 2, 2003.

15. Second Reading of Ordinance No. 175, 2003, Appropriating Unanticipated Revenue and Prior Year Reserves in the Benefits Fund to be Used to Cover Medical Claims and Other Expenses.

This Ordinance, which was unanimously adopted on First Reading on December 2, 2003, increases the 2003 Benefits Fund appropriations by \$3.4 million to cover benefit expenses. Funding for these appropriations is comprised of unanticipated revenue in the Benefits Fund and Benefits Fund reserves from prior years. Current budget projections indicate that actual revenues will exceed budgeted revenues by approximately \$300,000. The remaining \$3.1 million is requested from prior years’ plan reserves. No additional funding is requested from outside of the Benefits Fund.

16. Second Reading of Ordinance No. 176, 2003, Appropriating Prior Year Reserves in the Transportation Services Fund for Transfer to the North Front Range Transportation & Air Quality Planning Council Fund for the Purpose of Providing a Loan to the Metropolitan Planning Organization.

The MPO operates on grants and contributions on a reimbursable basis. The City of Fort Collins usually advances funds for MPO activities and then is reimbursed through CDOT distributions. For First Reading of the Ordinance, staff estimated the amount of the advance from the City to the MPO to be \$175,000. Since December 5, the MPO has received monies from the Colorado Department of Transportation and other members of the organization, which lower the unreimbursed advance to \$1,200. Due to the indefinite nature of the

reimbursements and the requirement that all City funds have balanced revenues and expenditures, the staff recommends that the City's Transportation Fund provide financial support to the MPO by loaning up to \$175,000. The City will be repaid from future grant reimbursements and other funds contributed by the other members of the MPO.

This Ordinance, which was unanimously adopted on First Reading on December 2, 2003, appropriates the prior year reserves to be transferred to the MPO.

17. Items Relating to the Fort Collins-Loveland Municipal Airport.

- A. Second Reading of Ordinance No. 168, 2003, Enacting a New Article VII of Chapter 7.5 of the City Code Establishing a Passenger Facility Charge at the Fort Collins/Loveland Municipal Airport.

Alleghiant Air started regular scheduled airline passenger service on July 31, 2003 which qualifies the airport to submit a new Application for the collection of PFCs. Since our last PFC Application, the FAA has increased the maximum amount for PFCs from \$3.00 to \$4.50 per enplaned passenger. This Ordinance, which was adopted on First Reading on December 2, 2003, enacts a new article of the City Code establishing a PFC for \$4.50 per enplaned passenger flying from the Fort Collins/Loveland Airport.

- B. Resolution 2003-143 Identifying Projects to be Funded by Passenger Facility Charges Collected at the Fort Collins-Loveland Municipal Airport.

The PFC Application requires specific identification of projects that the PFC funds will be used for. Section 7.5-93 of the new Code provision set forth in Item "A" above, provides for project designation by resolution of both City Councils of Fort Collins and Loveland. The Resolution identifies the three projects as: rehabilitation of the south general aviation ramp area, design of the future snow removal equipment building and the Master Plan Study. The south general aviation ramp rehabilitation project was completed last year and involved reconstructing a 400 X 386 foot section of aircraft ramp area. The design of the snow removal building is 95% complete and will be finished within 60 days. (The Funding for the construction of the snow removal equipment building is not yet programmed by the FAA.) Both of these projects were 90% funded with FAA money. The Master Plan Study will begin early next year; the FAA Grant for 90% of the Study cost has already been approved by both Councils. In addition, the Colorado Aeronautics Board has approved funds for half of the City's costs, or 5% of the Study's total costs. The State Grant Agreement for these funds was recently received and will be submitted to the City Council for approval in January. The PFC funds generated from this Application will be in the amount of \$100,658 and will be used to reimburse the airport's share of funds for the two completed projects and for the airport's share of funds that will be spent for the Master Plan study. The Master Plan Study will begin early next year and will develop a new 20-year Capital Improvement Plan, CIP, for future PFC Applications.

18. First Reading of Ordinance No. 177, 2003, Amending Section 2-582 of the City Code Regarding the Employment Status of Deputy and Assistant City Attorneys.

This Ordinance would clarify that Deputy and Assistant City Attorneys are not management employees of the City but, rather, are unclassified employees whose positions are approved by the Council, and who are appointed by the City Attorney, and serve at the pleasure of the City Attorney.

19. Resolution 2003-144 Approving the Purchase of Seventy-Eight Panasonic CF-73 Toughbook Laptop Computers from Portable Computer Systems as an Exception to the Competitive Purchasing Process.

The present purchase is for seventy-eight (78) laptops to replace Toshiba and Panasonic laptops currently reaching the end of their service life. Not only are these laptops beyond their four-year replacement cycle, most will not work properly within the new dispatch system due to be put in service early in 2004. The new CF-73s will be equipped with wireless PC modems suitable for use in the City's Computer Aided Dispatch system.

20. Resolution 2003-145 Finding Substantial Compliance and Initiating Annexation Proceedings for the Trailhead Annexation.

The Trailhead Annexation is an annexation, zoning and structure plan amendment for 91.25 acres of land located north of East Vine Drive, west of the Waterglen Subdivision. The parcel is contiguous to existing City boundaries by the Buderus Second Addition and the Vine Business Park Annexation. The requested zoning is Low Density Mixed-Use Neighborhood. (LMN).

The proposed Resolution states it is the City's intent to annex this property and directs that the notice required by State Statutes be given of the Council's hearing to consider the annexation ordinance. The public hearing for the annexation ordinance must occur no less than 30 days and no greater than 60 days from adoption of the Resolution finding compliance with State Statutes. This Resolution will schedule the Public Hearing and First Reading of the annexation ordinance on February 3, 2004.

21. Resolution 2003-146 Authorizing the City Manager to Execute an Intergovernmental Agreement with the North Front Range Transportation and Air Quality Planning Council for the Provision of Support Services.

Since early August, 2003 the City had been in negotiations with the North Front Range Transportation and Air Quality Planning Council (MPO) to renew the intergovernmental agreement between the two entities for support services. This new agreement is structured around the MPO discontinuing the use of City financial services and the need to alter City support services accordingly.

22. Resolution 2003-147 Authorizing the Formation of an Ad Hoc Council Compensation and Benefits Committee.

The proposed resolution establishes a two-person Council committee, comprised of Councilmembers Eric Hamrick and Kurt Kastein, to work with various members of City staff in developing a scope of work and a competitive bid RFP process to obtain the services of one or more employee compensation and benefits consultants. The ad hoc Council committee will also review the various responses to the RFP, and make a recommendation to the City Council for the adoption of a resolution selecting the best qualified consultant or consultants. The consultant(s) will work with the committee and City staff to generate a final report to Council containing recommendations regarding employee compensation and benefits.

23. Resolution 2003-148 Authorizing the Mayor to Enter into an Intergovernmental Agreement with Larimer County for the Provision of Social and Human Services for the Calendar Years 2004 and 2005.

This Resolution authorizes the Mayor to enter into an Intergovernmental Agreement with Larimer County for the purpose of providing social and human services to the City of Fort Collins for the 2004 and 2005 calendar years. The intergovernmental agreement allocates funds appropriated in the 2004 budget for these purposes, and provides for the use of budgeted funds in 2005, contingent upon appropriation of those funds. Since 1981, the City has contracted with Larimer County to allocate and administer the distribution of human services via the Health and Human Services Community Partnerships Program administered by the County.

24. Resolution 2003-149 Making Appointments to Various Boards and Commissions.

Vacancies currently exist on various boards, commissions, and authorities due to resignations of board members and the expiration of terms of members. Applications were solicited during September. Council received copies of the applications and Council teams interviewed applicants during October and November.

This Resolution makes 56 appointments to 25 boards and commissions. Names of those individuals recommended for appointment by each Council interview team have been inserted in the Resolution.

In addition, this Resolution affirms two Team Fort Collins appointments to the Youth Advisory Board. The applications are attached for these appointees since they are being recommended by Team Fort Collins and did not go through the Council interview process.

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

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

28. Public Hearing on Proposed Changes and Amendments to the 2003 International Residential Code (IRC)®. (60 minutes)

The purpose of this hearing is to provide Council a public forum in which to hear a variety of responses to the proposed changes and amendments to the *2003 International Residential Code (IRC)®* (the latest version of the nationally-recognized “model” residential building code); and to obtain information on which to base an informed decision for adoption.

The proposed changes and amendments to the *IRC®* have undergone a sixteen-month review by staff and a joint Fort Collins-Larimer County task group. This residential building code, already in effect in much of the country, specifically covers only new one- and two-family dwellings and contains some of the most significant proposed changes to the Fort Collins Building Code in many years

29. Consideration of an Appeal of the October 7, 2003 Decision of the Hearing Officer Regarding Discount Tire PDP, #26-02. (90 minutes)

A Notice of Appeal was filed with the City Clerk on October 21, 2003, with respect to the October 1, 2003, decision of the Hearing Officer approving the Project, by Marilee J. Lube, who lives nearby. An Amended Notice of Appeal was filed with the City Clerk on November 10, 2003, by Ms. Lube. The Appellant contends that the Hearing Officer did not properly interpret the Land Use Code and Charter.

30. First Reading of Ordinance No. 178, 2003, Imposing a Moratorium upon the Acceptance of Applications for the Approval of Development Plans and/or the Issuance of Building Permits for Dwellings Constructed on the Rear Portion of Lots Located Within the N-C-L, Neighborhood Conservation Low Density, N-C-M, Neighborhood Conservation Medium Density, and the N-C-B, Neighborhood Conservation Buffer Zone Districts. (45 minutes)

This ordinance would impose a moratorium on the acceptance of applications for the approval of development plans and/or issuance of building permits for "alley houses" or other dwellings on the rear portion of lots located within the Eastside and Westside neighborhoods.

Recent development applications for alley houses or other secondary dwelling units within the City's Eastside and Westside neighborhoods have raised citizen and neighborhood concerns about the appropriateness of existing Land Use Code design standards related to such development.

31. Resolution 2003-150 Adopting an Action Plan Pertaining to the City's Economic Health.
(30 minutes)

Resolution 2003-150 is a follow-up to the November 25, 2003, study session where City Council requested that staff bring forth several action items pertaining to the City's economic health.

32. Resolution 2003-151 Establishing a Citizen Budget Advisory Committee. (20 minutes)

As staff and Council wrestle with the many issues related to reconciling resources with services and facility demands, the Council has determined that a citizen budget committee would be beneficial.

The membership of the Budget Advisory Committee will be confirmed by a Council Resolution no later than February 17, 2004.

33. Pulled Consent Items.
34. Other Business.
35. Adjournment.