

AGENDA
OF THE
COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

March 16, 2004

Proclamations and Presentations
5:30 p.m.

- A. Proclamation Proclaiming March 22-April 22, 2004 as "Earth Day Educational 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 #29, 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. 041,2004, Amending Section 24-95 of the City Code to Clarify The Language That Assigns Responsibility for Constructing Streets to Adjacent Property Owners at the Time of Development or Redevelopment.**

This Ordinance, which was unanimously adopted on First Reading on March 2, 2004, amends Section 24-95(a) of the City Code. The change was made to remove a confusing phrase referencing "undeveloped property" at the beginning of the first sentence which does not match the reference to redevelopment at the end of the same sentence. The clarification makes it clearer that property owners have the responsibility to improve streets adjoining their property at the time they develop or redevelop their property. This, in turn, clarifies that the City may recover costs under Section 24-95(c) that are incurred by the City with City-constructed capital project improvements from the adjacent property owners at the time of their development or redevelopment.

8. **Items Relating to Harmony Farm Second Annexation.**

- a. **Second Reading of Ordinance No. 042, 2004, Annexing Property Known as the Harmony Farms Second Annexation to the City of Fort Collins, Colorado.**
- b. **Second Reading of Ordinance No. 043, 2004, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Harmony Farms Second Annexation to the City of Fort Collins, Colorado.**

ITEMS NEEDING INDIVIDUAL CONSIDERATION

24. Second Reading of Ordinance No. 039, 2004, Amending Article III of Chapter 12 of the City Code Pertaining to the "Private Club" Exception to the Prohibition Against Smoking in Enclosed Public Places. (30 minutes)

This Ordinance, which was adopted 4-2 as amended (Councilmembers Hamrick and Roy opposed, Councilmember Bertschy was absent) on First Reading on February 17, 2004, amends Article III of Chapter 12 of the City Code, which generally prohibits smoking in enclosed public places, so as to clarify the private club exception to that prohibition against smoking.

25. Items Relating to the Adrian Annexation and Zoning. (1 hour)

- A. Resolution 2004-043 Setting Forth Findings of Fact and Determinations Regarding the Adrian Annexation.
- B. First Reading of Ordinance No. 051, 2004, Annexing Property Known as the Adrian Annexation.
- C. First Reading of Ordinance No. 052, 2004, Amending the Zoning Map and Classifying for Zoning Purposes the Property Included in the Adrian Annexation.

This is a request to annex and zone 2.18 acres located at the southeast corner West Vine Drive and Impala Drive. The property is north of LaPorte Avenue, west of North Taft Hill Road, and east of North Overland Trail. It is currently being used as an existing single-family residence (with house and horse barn) and is in the FA – Farming Zoning District in Larimer County. The requested zoning in the City of Fort Collins is LMN – Low Density Mixed-Use Neighborhood.

Staff is recommending that this property be included in the Residential Neighborhood Sign District. A map amendment will not be necessary to place this property on the Residential Neighborhood Sign District Map.

26. Items Relating to Solid Waste Collection and Recycling Service. (45 minutes)

- A. First Reading of Ordinance No. 025, 2004, Amending Chapter 15, Article XV of the City Code Relating to Solid Waste Collection and Recycling Services.
- B. First Reading of Ordinance No. 053, 2004, Amending Chapter 12, Article II of the City Code Relating to Collection of Garbage and Refuse.

Since it was adopted in 1996, the pay-as-you-throw (PAYT) Code provisions governing the provision of solid waste collection services have been implemented by trash haulers as a