



REGULAR MEETING AGENDA

FORT COLLINS CITY COUNCIL

June 3, 2008

Doug Hutchinson, Mayor
Kelly Ohlson, District 5, Mayor Pro Tem
Ben Manvel, District 1
Lisa Poppaw, District 2
Diggs Brown, District 3
Wade Troxell, District 4
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. Proclamation Declaring "Wisdom" as the Character Focus for June 2008.
- B. Proclamation Declaring June 2008 as the Celebration of the 125th Year of Waterworks.
- C. Proclamation Declaring June 23-29, 2008 as Bike Week.
- D. Proclamation Declaring June 3, 2008 as Gualan Day in Recognition of the Visiting Mayor from Gualan, Guatamala.
- E. Friends of Preservation Awards.

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 make comments regarding items scheduled on the Consent Calendar or wish to address the Council on items not specifically scheduled on the agenda must first be recognized by the Mayor or Mayor Pro Tem. **Before speaking, please sign in at the table in the back of the room.** The timer will buzz once when there are 30 seconds left and the light will turn yellow. The timer will buzz again at the end of the speaker's time. 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 25. 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. 31, 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 Minutes of the May 6, 2008 Regular Meeting and the May 13, 2008 Adjourned Meeting.7. Second Reading of Ordinance No. 051, 2008, Appropriating Prior Year Reserves in the General Fund from Police Seizure Activities for Police Services.

This Ordinance, unanimously adopted on First Reading on May 20, 2008, appropriates funds to be used by Police Services to purchase new equipment and pay for training as well as to fund partnerships with community groups that seek to promote positive youth activities, anti-violence, anti-drug, and diversity activities. It also appropriates funds from the Larimer County Drug Task Force Reserve to be used to purchase equipment and attend training specifically designed to obtain information from cell phones during the course of drug/non-drug investigations.

8. Items Relating to the Shields and Vine Enclave Annexation and Zoning.

- A. Second Reading of Ordinance No. 052, 2008, Annexing Property Known as the Shields and Vine Enclave Annexation to the City of Fort Collins, Colorado .
- B. Second Reading of Ordinance No. 053, 2008, Amending the Zoning Map and Classifying for Zoning Purposes the Property Included in the Shields and Vine Enclave Annexation to the City.

These Ordinances, unanimously adopted on First Reading on May 20, 2008, annex an enclave of 4.84 acres at the northwest corner of North Shields Street and West Vine Drive and place the properties in the CL – Limited Commercial Zone District.

9. Items Relating to the Fossil Creek Reservoir Open Space Annexation.

- A. Second Reading of Ordinance No. 054, 2008, Annexing Property Known as the Fossil Creek Reservoir Open Space Annexation to the City of Fort Collins.
- B. Second Reading of Ordinance No. 055, 2008, Amending the Zoning Map and Classifying for Zoning Purposes the Property Included in the Fossil Creek Reservoir Open Space Annexation to the City.

These Ordinances, unanimously adopted on First Reading on May 20, 2008, annex 328.75 acres known as the Fossil Creek Reservoir Open Space and place the properties in the POL – Public Open Lands Zone District.

10. Second Reading of Ordinance No. 056, 2008, Vacating a Portion of Right-of-Way for Big Dipper Drive.

This Ordinance, unanimously adopted on First Reading on May 20, 2008, vacates a portion of right-of-way for Big Dipper Drive, located at the northwest corner of Strauss Cabin Road (County Road 7) and Big Dipper Drive. A utility and drainage easement will be retained and a new standard 9-foot utility and drainage easement will be dedicated on the old Oak Estates Plat.

11. Second Reading of Ordinance No. 057, 2008, Authorizing the Lease of City-Owned Property at 906 East Stuart Street for Up to Five Years.

The City has leased 906 East Stuart to River Song Waldorf School since August 2006. River Song has met the national Community Development Block Grant Funding (“CDBG”) criteria by serving a majority (51% or more) of low-moderate income clients below 80% of the Area Median Income. This Ordinance, unanimously adopted on First Reading on May 20, 2008, authorizes the lease of the property to River Song Waldorf School for up to five years.

12. Second Reading of Ordinance No. 058, 2008, Designating the George W. and Estella Bell House and Garage, 1108 West Mountain Avenue, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

Ordinance No. 058, 2008, unanimously adopted on First Reading on May 20, 2008, designates the George W. and Estella Bell House and Garage, 1108 West Mountain Avenue, as a Fort Collins Landmark. The owner, Gillian Bowser, is initiating this request.

13. First Reading of Ordinance No. 059, 2008, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities and the Fort Collins Convention and Visitors Bureau.

This Ordinance appropriates lodging tax revenues that were in excess of 2007 budgeted lodging tax receipts to Cultural Development and Programming (“CDP”), Visitor Events, and the Convention and Visitors Bureau (“CVB”) accounts. Lodging tax revenue for 2007 was estimated to be \$731,600 and the 2007 budget appropriated an equal amount. However, actual receipts totaled \$837,773 for 2007 and the difference of \$106,173 has not been appropriated.

14. First Reading of Ordinance No. 060, 2008, Appropriating Unanticipated Revenue in the General Fund for the Purchase, Training and On-going maintenance of the E911 and Emergency Medical Dispatch Systems at Fort Collins Police Services Dispatch Center.

Larimer Emergency Telephone Authority (LETA) provides funds to the Fort Collins Police Services to be used for equipment and training to process E911 calls. This Ordinance appropriates those funds.

15. Items Relating to the Completion of the Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing and Community Development Activities Utilizing the Federal Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Programs, and the City’s Human Services Program and Affordable Housing Fund.

- A. Resolution 2008-052 Approving the Programs and Projects that Will Receive Funds from the Federal Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Programs, and the City’s Human Services Program and Affordable Housing Fund.
- B. Resolution 2008-053 Approving the FY 2008 Home Investment Partnerships Program for the City of Fort Collins.
- C. Hearing and First Reading of Ordinance No. 061, 2008, Appropriating Unanticipated Revenue in the Community Development Block Grant Program.
- D. Hearing and First Reading of Ordinance No. 062, 2008, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Home Investment Partnerships Fund.

These Resolutions and Ordinances will complete the spring cycle of the competitive process for allocating City financial resources to affordable housing programs/projects and community development activities.

16. Items Relating to Review of Stormwater Best Management Practices and Pilot Testing of Low Impact Development Stormwater Practices.

- A. Resolution 2008-054 Authorizing the City Manager to Execute an Intergovernmental Agreement with Colorado State University for Review of Stormwater Best Management Practices.
- B. First Reading of Ordinance No. 063, 2008, Appropriating Prior Year Reserves in the Stormwater Fund For Review of Stormwater Best Management Practices and Implementation of Low Impact Development Demonstration Projects.

Council has asked for a review of the City's Stormwater Best Management Practices. City staff has requested assistance from Colorado State University. This item authorizes the City Manager to execute an intergovernmental agreement with the Urban Water Center at Colorado State University for services related to the Best Management Practices review and appropriates \$303,012 from Stormwater reserves to fund the contract.

17. First Reading of Ordinance No. 064, 2008, Amending Sections 23-83 and 24-2 of the City Code Pertaining to Awnings and Canopies over Sidewalks.

Staff has been approached by a local business seeking permission to install a retractable shade and rain awning over its permitted eating area encroachment to accommodate patrons during periods of inclement weather. Current City Code language precludes the issuance of an encroachment permit to allow the installation of the awning. The amendments to City Code will allow an encroachment permit to be issued in this instance as well as for other businesses who seek to place awnings over permitted patio encroachments.

18. First Reading of Ordinance No. 065, 2008, Amending Section 24-95 of the City Code Concerning the Obligation for Construction of Streets.

This Ordinance clarifies that developers need to dedicate to the City the street rights-of-way for the local portion of street adjacent their developments and clarifies that when the City constructs a street, it has a right to seek reimbursement from nearby benefitted properties (adjacent properties) as well as properties that abut the street constructed by the City.

19. First Reading of Ordinance No. 066, 2008, Authorizing the Purchasing Agent to Enter into a Lease-Purchase Financing Agreement for Vehicles and Equipment.

This Ordinance authorizes the Purchasing Agent to enter into a lease-purchase financing agreement with Koch Financial Corporation at 3.70% interest rate. The agreement is for an original term from the execution date of the agreement to the end of the current fiscal year. The agreement provides 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. All equipment shall be purchased following the City's purchasing ordinances and procedures to ensure that the City realizes all cost savings. The vehicles and equipment financed under the agreement will comply with applicable City policies, and will be in accordance with the goal of optimizing City resources without impacting service to the community.

20. First Reading of Ordinance No. 067, 2008, Expanding the Boundaries of the Fort Collins Downtown Development Authority (DDA) and Amending the Plan of Development of the Authority.

This annexation would change the boundaries of the DDA District and amend the Plan of Development of the Authority to include the property located at 800 East Lincoln Avenue, owned by Odell Brewing Company.

21. First Reading of Ordinance No. 068, 2008, Designating the Myers House, 902 Mathews Street, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Dale and Mary Eggleston, are initiating this request for Fort Collins Landmark designation for the property. The Myers House qualifies for individual Landmark designation under Landmark Standard (3). The building on the property embodies many distinctive characteristics of the Bungalow variation of the Craftsman architectural style popular during the early twentieth century. The large partially enclosed front porch, front gabled roof, wide eaves, and large chimney exemplify this design and make the Myers House a contributing element of the Laurel National Register District that is worthy of Landmark Designation.

22. First Reading of Ordinance No. 069, 2008, Designating the W. A. Hall House and Detached Garage, 910 Mathews Street, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Dale and Mary Eggleston, are initiating this request for Fort Collins Landmark designation for the property. The W. A. Hall House and Detached Garage qualify for individual Landmark designation under Landmark Standard (3). The buildings embody many distinctive characteristics of the Bungalow variation of the Craftsman architectural style popular during the early twentieth century. Notable features include square cut shingles in the gable ends, narrow horizontal lap siding, and 4 over 1 light paired windows. Additionally, its front gabled roof, wide eaves, and porch with square, slightly sloped columns sitting on a solid balustrade exemplify this once popular home design. The property is also listed on the National and State Registers of Historic Places as a contributing element to the Laurel School National Register District.

23. First Reading of Ordinance No. 070, 2008, Designating the Poole House, 309 East Locust Street, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Dale and Mary Eggleston, are initiating this request for Fort Collins Landmark designation for the property. The Poole House qualifies for individual Landmark designation under Landmark Standard (3). The building embodies many

distinctive characteristics of the Minimal Traditional style with Craftsman elements like divided upper light windows and exposed rafter tails. Popular during and after the economic depression of the 1930s, the Minimal Traditional style of architecture rejected the steeper pitch and more decorative detailing of the Tudor and Craftsman styles in favor of a more modest and practical design. Despite some alterations, the Poole House retains enough significant features to be a compatible element of the Laurel School National Register District and to qualify for recognition as a Fort Collins Landmark.

24. First Reading of Ordinance No. 071, 2008, Designating the H. H. Hale House and Detached Garage, 529 South Whitcomb, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Dale and Mary Eggleston, are initiating this request for Fort Collins Landmark designation for the property. The Hale House and Detached Garage qualify for individual Landmark designation under Landmark Standard (3). The buildings on the property embody many distinctive characteristics of the Mediterranean Renaissance architectural style of the early twentieth century. The house's flat roof with castellated parapets and heavy tile combines with its stucco walls, arched windows, and arched porch entrance to represent a relatively unaltered example of this form of construction. Popular in Colorado during the 1920s, homes of this style are relatively uncommon in Fort Collins.

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

- A. Resolution 2008-055 Authorizing the Execution of Grant Agreement 08-FNL-01 with the State of Colorado for Funding of Airport Projects at the Fort Collins-Loveland Municipal Airport.
- B. Resolution 2008- 056 Authorizing the Execution of Grant Agreement 08-FNL-02 with the State of Colorado for Funding of Airport Projects at the Fort Collins-Loveland Municipal Airport.
- C. Resolution 2008-057 Authorizing the City Manager to Execute a Capital Funding Grant Agreement with the Federal Aviation Administration for Improvements at the Fort Collins-Loveland Airport.

The State of Colorado is offering the Cities two airport improvement grants in the amounts of \$153,916 and \$131,500. The Federal Aviation Administration is also offering the Cities an airport improvement grant in the amount of \$741,606. These funds will be combined with Airport funds to complete Airport work related to taxiway improvements, the purchase of equipment for snow removal, mowing the Airport grounds and the collection of weather data and the reimbursement of costs related to soils remediation.

END CONSENT

26. Consent Calendar Follow-up.

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

27. Staff Reports.

28. 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. **Please sign in at the table in the back of the room.** The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

29. First Reading of Ordinance No. 072, 2008, Amending Section 5.1.2 of the Land Use Code Pertaining to the Definition of Farm Animals and Amending Section 4-117 of the City Code Pertaining to Chickens. (no staff presentation - 30 minute discussion)

This is a citizen-initiated request for a Text Amendment to the Land Use Code. The proposal would amend Section 5.1.2 which is the definition of "Farm Animals." The effect of the change would allow up to six chicken hens in all zones of the City. Chickens are presently included in the definition and, therefore, are allowed only in the zones which allow Farm Animals (RUL, UE, RF).

30. First Reading of Ordinance No. 073, 2008, Making Various Amendments to the City of Fort Collins Land Use Code. (10 minute staff presentation - 30 minute discussion)

Staff has identified a variety of proposed changes, additions and clarifications in the 2008 annual update of the Land Use Code.

31. Pulled Consent Items.

32. Other Business.

- a. Cancellation of Regular Council Meeting of June 17, 2008.
- b. Consideration of adjournment into Executive Session.
- c. At the conclusion of the Executive Session, Council will adjourn to June 24, 2008 for mid-year evaluations of the City Manager, City Attorney and Municipal Judge.

33. Adjournment.

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.