

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 9
DATE: October 6, 2009
STAFF: Helen Matson

SUBJECT

Second Reading of Ordinance No. 092, 2009, Amending Chapter 23 of the City Code to Authorize the City Manager to Grant Certain Permits and Licenses to Enter on Real Property.

RECOMMENDATION

Staff recommends adoption of this Ordinance on Second Reading.

EXECUTIVE SUMMARY

The existing language in the City Code specifies that any disposition of real property, including temporary use and revocable permits, must be approved by City Council. This Ordinance, unanimously adopted on First Reading on September 15, 2009, authorizes the City Manager to grant certain permits or licenses to enter on City property.

Pursuant to direction of the City Council on First Reading, the Ordinance is being amended on Second Reading by adding a new "Whereas" clause, and adding a new subparagraph (c) to the proposed new Section 23-116. The new language directs the City Manager to promptly inform the City Council of all permits that he or she issues under the provisions of this Code section.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - September 15, 2009.
(w/o original attachments)

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 11

DATE: September 15, 2009

STAFF: Helen Matson

SUBJECT

Second Reading of Ordinance No. 092, 2009 Amending Chapter 23 of the City Code to Authorize the City Manager to Grant Certain Permits and Licenses to Enter on Real Property.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY

The existing language in the City Code specifies that any disposition of real property, including temporary use and revocable permits, must be approved by City Council. This proposed amendment will authorize the City Manager to grant certain permits or licenses to enter on City property.

BACKGROUND

Division 2 of Article IV of Chapter 23 of the City Code gives the City Council authority to sell, convey or dispose of any interest in City-owned property, and Article XI, Section 10 of the City Charter states that the Council can grant a permit for the use or occupation of any street, alley, or public place. The Council has delegated to City staff, through various provisions of the City Code, the right to issue certain kinds of permits for the use of City property without further Council action. Examples of these kinds of permits include encroachment and obstruction permits, newsrack permits, and permits for certain uses of parks and natural areas.

From time to time, the City receives requests for use of City property for short periods of time that do not fall within an existing administrative permit process under the City Code. Recent examples include going on to City property for the purpose of doing environmental testing related to an adjacent property, and the use of the City Streets Department parking lot for criterion bike races. Currently, staff takes all such requests to the City Council for its approval as a revocable permit under the Charter. The current situation is not an effective use of Council's time, and the timing required to process a request through Council could prevent the City from granting a request for a temporary use of City property that staff supports. Therefore, the City Manager has asked staff to propose a Code amendment allowing him the authority to grant certain short-term revocable permits.

The proposed Code change authorizes the City Manager to grant certain revocable permits or

licenses for the use of City-owned property only when the use will be completed in a year or less, does not involve installing permanent fixtures or improvements on the property, and does not fit entirely within one of the other permitting processes provided for in the City Charter or Code. If a particular use is most appropriately handled through an easement or lease approved by the Council, it would still be handled that way. Or, if the requested use can be permitted through the issuance of some other type of administrative permit, such as a park permit or encroachment permit, that process would still apply. This Code change would simply allow the City Manager to grant some revocable permits or licenses to enter that don't fit into existing categories of permits without the need for further Council action.

This proposed Code change has been reviewed by all potentially affected departments and staff supports this amendment.

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ORDINANCE NO. 092, 2009
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 23 OF THE CODE OF THE CITY OF FORT COLLINS
TO AUTHORIZE THE CITY MANAGER TO GRANT CERTAIN PERMITS AND
LICENSES TO ENTER ON REAL PROPERTY

WHEREAS, Article XI, Section 10 of the City Charter states that the City Council can grant a permit for the use or occupation of any street, alley, or public place; and

WHEREAS, the City Council has delegated to City staff, through various provisions of the City Code, the authority to grant certain permits for particular uses of City property without further Council approval; and

WHEREAS, City staff will sometimes receive a request for a short-term use of City property that does not fit within an existing administrative permitting provision of the City Code, Charter or Land Use Code; and

WHEREAS, in those circumstances, staff will generally prepare a resolution for the City Council asking the City Council to grant a license to enter or revocable permit for the requested use of City property pursuant to Article XI, Section 10 of the City Charter; and

WHEREAS, the time required to process such a request, including City Council approval by resolution, can sometimes make it difficult for the City to timely grant a request by a citizen, group or business for a use of City property that the City supports or has no objection to; and

WHEREAS, the City Manager has proposed an amendment to the City Code that would allow the City Manager to grant certain licenses to enter or revocable permits to use City property without City Council action when the use will be completed in a year or less, does not involve the installation of any permanent fixtures or improvements on City property, and does not fall within another existing administrative permitting process in the Code, Charter or Land Use Code; and

WHEREAS, any such licenses or permits granted by the City Manager would be subject to appropriate conditions and requirements, and would be revocable at the pleasure of the City Manager; and

WHEREAS, the City Manager would promptly notify the City Council of any licenses or permits granted under the authority of the proposed Code provision; and

WHEREAS, City staff recommend adoption of the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Division 2 of Article IV of Chapter 23 of the Code of the City of Fort Collins is hereby amended by the addition of a new Section 23-116, to read as follows:

Sec. 23-116. Permits and licenses to enter on real property.

(a) The City Manager is authorized to grant a permit or license for the use or occupation of any real property owned in the name of the City, provided such use or occupation:

- (1) will be completed no later than one (1) year from the effective date of the permit;
- (2) does not involve the installation of any permanent fixtures or improvements on the property; and
- (3) cannot be authorized entirely through other administrative processes provided for in the Charter, Code or Land Use Code.

(b) Any such permit or license may include such conditions and requirements as the City Manager deems necessary and appropriate to protect the interests of the City, and shall be revocable at the pleasure of the City Manager, whether or not such right to revoke is expressly reserved in such permit or license.

(c) The City Manager shall promptly notify the City Council of the granting of any permit or license pursuant to this section.

Introduced, considered favorably on first reading, and ordered published this 15th day of September, A.D. 2009, and to be presented for final passage on the 6th day of October, A.D. 2009.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 6th day of October, A.D. 2009.

Mayor

ATTEST:

City Clerk