

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

December 2, 2003

Proclamations and Presentations
5:30 p.m.

- A. Proclamation Proclaiming December 10, 2003, as "Human Rights Day".

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 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 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. Postponement of Items Relating to the Peterson Annexation, until February 3, 2004.

- A. Postponement of Second Reading of Ordinance No. 051, 2003, Annexing Property Known as the Peterson Annexation to the City of Fort Collins, to February 3, 2004.
- B. Postponement of Second Reading of Ordinance No. 052, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Peterson Annexation, to February 3, 2004.

On April 1, 2003, Council unanimously adopted Resolution 2003-041, amending the Structure Plan for the property known as the Peterson Annexation, and Council also unanimously adopted Resolution 2003-042, setting forth findings of fact and determinations regarding the Peterson Annexation. This is a request for a 100% voluntary annexation of approximately 27.89 acres, located a half mile east of I-25 and south of Vine Drive. This requested zone district is Urban Estate.

On April 1, 2003, Council unanimously adopted Ordinance No. 051, 2003 and Ordinance No. 052, 2003, annexing and zoning the property included in the Peterson Annexation. Because there have been further delays in the final approval of this project, staff recommends postponing Second Reading of these Ordinances to February 3, 2004.

8. Postponement of Items Relating to the Streamside Annexation, until February 3, 2004.
- A. Postponement of Second Reading of Ordinance No. 053, 2003, Annexing Property Known as the Streamside Annexation to the City of Fort Collins, to February 3, 2004.
 - B. Postponement of Second Reading of Ordinance No. 054, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Streamside Annexation, to February 3, 2004.

On April 1, 2003, Council unanimously adopted Resolution 2003-043, amending the Structure Plan for the property known as the Streamside Annexation, and Council also unanimously adopted Resolution 2003-044, setting forth findings of fact and determinations regarding the Streamside Annexation. This is a request for a 100% voluntary annexation of approximately 73.67 acres, located just over half a mile east of I-25 and south of Vine Drive. This requested zone district is Urban Estate.

On April 1, 2003, Council unanimously adopted Ordinance No. 053, 2003 and Ordinance No. 054, 2003, annexing and zoning the property included in the Streamside Annexation. Because there have been further delays in the final approval of this project, staff recommends postponing Second Reading of these Ordinances to February 3, 2004.

9. Items Relating to the Appropriation of Miscellaneous Revenues for Police Services.
- A. Second Reading of Ordinance No. 157, 2003, Appropriating Unanticipated Grant Revenue in the General Fund for the Police Services Safety Belt Program.
 - B. Second Reading of Ordinance No. 158, 2003, Appropriating Unanticipated Grant Revenue in the General Fund for Police Services and Authorizing the Transfer of Matching Funds Previously Appropriated in the Police Services Operating Budget to the Grant Project.
 - C. Second Reading of Ordinance No. 159, 2003, Appropriating Unanticipated Grant Revenue in the General Fund for the Youth Community/Family Conferencing and Restore Programs and Authorizing the Transfer of Matching Funds Previously Appropriated in the Municipal Court Operating Budget to the Grant Project.

Click It or Ticket "November Mobilization" 2003 Campaign

Fort Collins Police Services has been awarded a grant from the Colorado Department of Transportation in the amount of \$3,000. This grant will fund overtime costs associated with the enforcement of Colorado's seat belt laws. Ordinance No. 157, 2003, was unanimously adopted on First Reading on November 18, 2003.

Local Law Enforcement Block Grant

Fort Collins Police Services has been awarded a grant from the U. S. Department of Justice, Local Law Enforcement Block Grant program (LLEBG) for the procurement of equipment and technology related to basic law enforcement functions. The grant funds will be used to purchase computer equipment that is compatible with the new CAD/RMS system. Ordinance No. 158, 2003, was unanimously adopted on First Reading on November 18, 2003.

Office of Juvenile Justice, Division of Criminal Justice (DCJ) Grant

A grant in the amount of \$47,195 has been received from the Colorado Division of Criminal Justice (DCJ) for salaries associated with the operation of the Youth Community/Family Conferencing (restorative justice) and Restore Programs. Ordinance No. 159, 2003, was unanimously adopted on First Reading on November 18, 2003, appropriating the funds need for this program.

10. **Second Reading of Ordinance No. 160, 2003, Appropriating Unanticipated Grant Revenue in the General Fund for the Radon Program and Authorizing the Transfer of Matching Funds Previously Appropriated in the Natural Resources Operating Budget to the Grant Project.**

This Ordinance, which was unanimously adopted on First Reading on November 18, 2003, appropriates the \$15,000 CDPHE grant funds in the General Fund for the Radon Program. It also authorizes the transfer of \$15,000 from the Natural Resources operating budget to the Grant Fund. The funds will be used to continue the radon education and testing programs.

11. **Second Reading of Ordinance No. 161, 2003, Appropriating Storm Drainage Fund Prior Year Reserves into the Fossil Creek Basin Capital Project for the Construction of Storm Water Improvements Associated with the Timberline Road Waterline Improvement Project.**

The Fossil Creek Drainage Basin Master Plan identifies the need to improve the storm drainage culverts under Timberline Road at Fossil Creek, between Trilby and Carpenter Roads. The new culverts are a prerequisite for a future project that will remove approximately 105 homes from the Fossil Creek floodplain in the Paragon Point area. These improvements are adjacent to the Fossil Creek Wetlands Natural area on the west and the Fossil Creek Reservoir Natural area on the east. Ordinance No. 161, 2003, which was unanimously adopted on First Reading on November 18, 2003, appropriates prior year reserves for the Timberline Road Waterline Improvement Project.

12. **Items Relating to the Competitive Process for Allocating City Financial Resources to Affordable Housing Projects/Programs and Community Development Activities: the Fiscal Year 2003-2004 Home Investment Partnerships (HOME) Program, the Fiscal Year 2003-2004 Community Development Block Grant (CDBG) Program, and the City's Affordable Housing Fund.**

- A. Second Reading of Ordinance No. 162, 2003, Appropriating Unanticipated Revenue in the Home Investment Partnerships Fund.

B. Second Reading of Ordinance No. 163, 2003, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund.

Ordinance No. 162 and 163, 2003, which were unanimously adopted on First Reading on November 18, 2003, appropriate unanticipated program income revenue for the HOME and CDBG programs respectively.

13. First 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 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. This will allow the City to freeze the appropriation from the General Fund, in effect providing more savings to the City's General Fund at the end of 2003.

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

This Ordinance transfers money from the General Fund to the Congestion Mitigation and Air Quality (CMAQ) account for the Advanced Traffic Management System (ATMS).

Funds will be transferred as outlined below in resolution of a June 2001 CDOT Audit Report that found that a \$52,962 grant paid to the City by CDOT was unallowable and recommended that CDOT require the City to repay those funds. Instead of requiring repayment, CDOT has agreed to allow the City to apply those funds to one of the City's top 2004 CMAQ projects.

15. Items Relating to the Pulliam Ranch Leases.

A. Resolution 2003-131 Approving the Sublease of City-Leased Property at 8281 West County Road 32 C, Loveland, Colorado.

- B. Resolution 2003-132 Approving the Lease of City-Owned Property and Sublease of City-leased Property in Sections 15, 16, 17, 18, 20, 21, 22, and 27 of Township 6 North, Range 70 West of the 6th P.M., Larimer County, Colorado.
- C. First Reading of Ordinance No. 167, 2003, Approving the Terms of the Lease Agreements for the Pulliam Ranch.

Adoption of the Resolutions will allow the City to recover a portion of the annual lease amounts due to the Pulliam Trusts by leasing the areas of the Pulliam Ranch which are to be purchased and subleasing those areas and the existing residence which are leased and optioned for purchase.

Adoption of the Ordinance will allow 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.

- 16. First 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.

The Aviation Safety and Capacity Expansion Act of 1990 provided a new source of funding (Passenger Facility Charges-PFC), for authorized airports to fund needed airport expansion projects that might otherwise go unfunded. In 1993 and 1995 the Fort Collins/Loveland Airport received approval from the FAA to collect PFCs since the airport was receiving scheduled passenger airline service. In these prior years the FAA allowed a maximum PFC collection of \$3.00 per enplaned passenger, which is the amount the Cities were approved to collect. Once the airport lost scheduled airline passenger service in 1997 the Airport's PFC collections were cancelled.

Allegiant 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. The approval of this Ordinance will enact a new article of the City Code establishing a PFC for \$4.50 per enplaned passenger flying from the Fort Collins/Loveland Airport.

- 17. First 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 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**. The 2004 compensation amounts, adjusted for inflation in accordance with the Denver/Boulder Consumer Price Index are \$595 per month for Councilmembers and \$895 per month for the Mayor.

18. First 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, are initiating 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.

19. First 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, is initiating 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.

20. Resolution 2003-133 Authorizing the Acceptance of a Donation by Lon J. And Jolene K. Jacobs of a Conservation Easement on Property Located at 4550 Hidden Springs Road.

Lon J. and Jolene K. Jacobs have proposed to donate to the City Natural Areas program a conservation easement on a property 35 acres in size in the Hidden Springs Subdivision at 4550 Hidden Springs Road in Fort Collins. This conservation easement will allow a five acre or less building envelope for the existing 3,650 square foot residential home and 768 square foot pole barn. The conservation easement will require that the entire property outside of the building envelope remain natural, with no four wheel vehicles or grazing of any animals permitted.

The Jacobs Property is adjacent to and situated immediately southwest of the Cathy Fromme Prairie Natural Area. It is adjacent to and immediately north of the Larimer County Landfill.

The Conservation easement will afford additional scenic views of the foothills of the Rocky Mountains.

Mr. and Mrs. Jacobs will provide to the City a current appraisal, Phase One Site Assessment, Title Commitment and Survey defining the building envelope. The Conservation easement will be donated to the City as a charitable contribution.

The acceptance of the donation is contingent upon receipt of an acceptable appraisal and a fully-executed Conservation Easement.

21. Resolution 2003-134 Authorizing the Purchasing Agent to Enter into a Professional Services Agreement with Bondi & Co., Certified Public Accountants, for Auditing Services for 2003, With Annually Renewable Terms for 2004 Through 2007.

The proposed resolution authorizes the Purchasing Agent to enter into an agreement for auditing services with Bondi & Co. for the 2003 audit. The agreement would be renewable on an annual basis through 2007 with the approval of the Leadership Team. The agreement can be terminated if the auditing services are deemed unsatisfactory.

22. Resolution 2003-135 Approving the Purchase of Animal Control Services from the Larimer Humane Society for 2004 as an Exception to the Competitive Purchasing Process.

The City of Fort Collins has contracted with the Larimer Humane Society for animal control services for nearly 20 years. The contract requires the Larimer Humane Society to provide a variety of specialized equipment and personnel necessary to provide animal control services to the City of Fort Collins; to operate a shelter facility, to provide emergency veterinary care; to dispose of dead animals; to respond to animal-related calls for service; to enforce City ordinances pertaining to animals; the administration of a pet licensing program and to provide accurate quarterly reports to City staff. There is no other known organization, entity or individual currently capable of performing these services.

The City of Fort Collins relies on the Larimer Humane Society to address animal-related issues within the City limits and it remains dedicated to providing professional animal control services to the City. Adoption of this Resolution will allow this contractual relationship to continue.

23. Items Relating to the Employment Contracts of the City Manager, City Attorney and Municipal Judge.
- A. Resolution 2003-136 Authorizing the Mayor to Execute a Fourth Addendum to the City's Employment Agreement with John F. Fischbach as City Manager of the City of Fort Collins.

- B. Resolution 2003-137 Authorizing the Mayor to Execute a Fourth Addendum to the City's Employment Agreement with Stephen J. Roy as City Attorney of the City of Fort Collins.
- C. Resolution 2003-138 Authorizing the Mayor to Execute a Fifth Addendum to the City's Employment Agreement with Kathleen M. Lane as Municipal Judge of the City of Fort Collins.

The City Manager, City Attorney and Municipal Judge are hired directly by the City Council, and the terms and conditions of their employment are spelled out in employment agreements for each employee. The employment contract of each of these employees presently contains a provision under which the City pays for the cost of an annual physical exam. Questions have arisen regarding the kinds of tests that are within the scope of that provision. The purpose of the new provisions is to standardize the wording related to this benefit for each employee and to impose a maximum dollar amount to be expended by the City for such benefit, irrespective of the kinds of medical tests that may be recommended for each employee. The result will be to provide maximum flexibility with regard to the nature of the exam while still controlling the cost to the City.

24. Items Relating to Participation in Help Preserve Open Space Revenue Sharing with Windsor and Johnstown.

- A. Resolution 2003-139 Approving and Adopting an Updated Natural Areas Policy as a Policy Element of the City's Comprehensive Plan.
- B. Resolution 2003-140 Authorizing an Intergovernmental Agreement with Larimer County and Larimer County Municipalities For Sharing County Help Preserve Open Space Tax Revenue with Windsor and Johnstown.

This Natural Areas Policy update and Intergovernmental Agreement (IGA) allow the municipalities of Loveland, Fort Collins, Estes Park, Berthoud, Timnath, and Wellington to relinquish to Windsor and Johnstown a portion of the minimum 55% and maximum 65% municipal share of revenue from the County wide sales tax for parks and open space ("Help Preserve Open Space" or "HPOS"). By entering into the IGA, Loveland, Fort Collins, Estes Park, Berthoud, Timnath and Wellington each request Larimer County to pay a portion of the HPOS revenues to Windsor and Johnstown in a proportion determined using the formula used to apportion the municipal share of those revenues.

25. Resolution 2003-141 Adopting the City's 2004 Legislative Policy Agenda.

Each year the Legislative Review Committee (LRC) develops a legislative agenda to assist in the analysis of pending legislation. The proposed 2004 Legislative Policy Agenda, has been updated from the 2003 document and was reviewed and approved by the LRC on November 13, 2003. Changes are highlighted. This document will be used as a guide for the

upcoming 2004 General Assembly and the second session of the 108th Congress. The purpose of the Legislative Policy Agenda is to articulate the city's position on common legislative topics. It will be used by Council members and staff to determine positions on pending legislation and as a general reference for state legislators and the Colorado congressional delegation.

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

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

29. First Reading of Ordinance No. 173, 2003, Making Various Amendments to the City of Fort Collins Land Use Code. (45 minutes)

The Land Use Code was first adopted in March of 1997. Subsequent revisions have been recommended on a biannual basis to make changes, additions, deletions and clarifications that have been identified in the preceding six months. The proposed changes are offered in order to resolve implementation issues and to continuously improve both the overall quality and "user-friendliness" of the Code.

30. First Reading of Ordinance No. 174, 2003, Continuing a Temporary Manufacturing Equipment Use Tax Rebate Program for Fort Collins Manufacturers. (30 minutes)

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 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.

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, we will ask manufacturing companies to submit applications by in 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.

31. First 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. (20 minutes)

This Ordinance is requested at this time, because the City has now received the most recent claims data available, namely through October 31, 2003. This Ordinance 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.

Benefits Fund Reserves and Expenses for 2003 were projected in early 2001 and were based on enrollment and cost trend information available at that time. Actual revenues exceed budgeted projections due to increased plan enrollment. Expenses exceeded budgeted projections due to higher than expected claims activity and medical inflation trend. During 2003 to date, seventeen claims have incurred charges over \$40,000; three of these claims exceed the stop loss deductible of \$120,000. Total charges for these seventeen claims alone are \$1.45 million. Moreover, staff knows of one additional claim that will exceed the stop loss deductible of \$120,000. Catastrophic claims of this nature are difficult to project, and contribute significantly to unanticipated claims experience.

32. Items Relating to the North Front Range Transportation and Air Quality Planning Council. (15 minutes)

- A. Resolution 2003-142 Authorizing the Mayor to Execute an Intergovernmental Agreement for the Provision of a Loan to the North Front Range Transportation and Air Quality Planning Council.
- B. First 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 North Front Range Transportation and Air Quality Planning Council serves as the Metropolitan Planning Organization (MPO) and lead air quality planning agency for the North Front Range region. It was created in 1988 and includes two counties, eleven cities and towns, the State of Colorado Transportation Commission, and the State of Colorado Air Quality Control Commission. In this capacity, the MPO promotes regional transportation

and air quality planning related to transportation for the counties, cities, and towns in northern Colorado. The activities of the MPO are funded through federal grant programs administered by the Colorado Department of Transportation. The City of Fort Collins has been the financial sponsor of the organization and accounted for the financial transactions within the City of Fort Collins Transportation Fund. As a step to provide for the future independence of the MPO, the MPO is now accounted for in its own fund within the City of Fort Collins accounting system. In the future it will be an independent organization and conduct its own financial management.

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. As the year 2003 comes to a close, staff projects that the MPO may have spent as much as \$175,000 that is subject to reimbursement that will not be received until some time in 2004. 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.

The Resolution authorizes the Mayor to sign the loan to the MPO. The Ordinance appropriates the prior year reserves to be transferred to the MPO.

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