

# **AGENDA**

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

February 18, 2003

## **Proclamations and Presentations**

**5:30 p.m.**

- A. Proclamation Proclaiming February 16-22, 2003 as "National Engineers Week".
- B. Proclamation Proclaiming February 28, 2003 as "Peace Corps 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 27. 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 #36, 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. 016, 2003, Separately Codifying "The Fort Collins Traffic Code"; Repealing All Conflicting Ordinances; and Making Certain Related Amendments to Chapter 28 of the City Code.

Ordinance No. 016, 2003, which was adopted 6-0 (Councilmember Kastein was absent) on First Reading on February 4, 2003, makes certain amendments to Chapter 28 of the City Code.

8. Second Reading of Ordinance No. 017, 2003, Designating the J. W. Spencer House and Garage, 1007 West Mountain Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Linda Dunford, initiated this request for Fort Collins Landmark designation for the J. W. Spencer House and Garage. The property qualifies for designation under Fort Collins Landmark Standard 14-5 (C), Architectural Significance. The property also qualifies for designation on the National and State Registers of Historic Places. This Ordinance was unanimously adopted 6-0 (Councilmember Kastein was absent) on First Reading on February 4, 2003.

9. Second Reading of Ordinance No. 018, 2003, Designating the Wiggins House and Garage, 1009 West Mountain Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Patricia Taylor, initiated this request for Fort Collins Landmark designation for the Wiggins House and Garage. The property qualifies for designation under

Fort Collins Landmark Standard 14-5 (C), Architectural Significance. The property also qualifies for designation on the National and State Registers of Historic Places. This Ordinance was unanimously adopted 6-0 (Councilmember Kastein was absent) on First Reading on February 4, 2003.

10. Second Reading of Ordinance No. 019, 2003, Designating the Temple House, 817 Peterson Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Robert Liebler and Linda Hamilton, initiated this request for Fort Collins Landmark designation for the Temple House. The property qualifies for designation under Fort Collins Landmark Standard 14-5 (C), Architectural Significance. The property is currently designated on the National and State Registers of Historic Places, as an element of the Laurel School National Register District. The residence is a distinctive and locally unusual example of the Colonial Revival style of architecture, with good integrity. This Ordinance was unanimously adopted 6-0 (Councilmember Kastein was absent) on First Reading on February 4, 2003.

11. Second Reading of Ordinance No. 020, 2003, Designating the Ruth A. Jones House, 120 North Whitcomb Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Emily Taylor and James Jordan, initiated this request for Fort Collins Landmark designation for the Ruth A. Jones House. The property qualifies for designation under Fort Collins Landmark Standard 14-5 (C), Architectural Significance. The property also qualifies for designation on the National and State Registers of Historic Places. The residence is an exceptional example of the Tudor Revival style of architecture, with nice integrity. This Ordinance was unanimously adopted 6-0 (Councilmember Kastein was absent) on First Reading on February 4, 2003.

12. Second Reading of Ordinance No. 021, 2003, Designating the Montgomery House and Garage, 505 Smith Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Hilary, Barbara and Calvin Douglass, initiated this request for Fort Collins Landmark designation for the Montgomery House and Garage. The property qualifies for designation under Fort Collins Landmark Standard 14-5 (C), Architectural Significance. The property also qualifies for designation on the National and State Registers of Historic Places. The residence exemplifies the Pyramidal Hipped Cottage style of architecture, with good integrity. The detached historic garage, which dates from the period of significance, has good integrity and contributes to the historic and architectural character of the property. This Ordinance was unanimously adopted 6-0 (Councilmember Kastein was absent) on First Reading on February 4, 2003.

13. Second Reading of Ordinance No. 022, 2003, Designating the William and Clara Blair House and Garage, 716 West Oak Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, John and Barbara Lueck, initiated this request for Fort Collins Landmark designation for the William and Clara Blair House and Garage. The property qualifies for designation under Fort Collins Landmark Standard 14-5 (C), Architectural Significance. The property would also likely qualify for individual designation on the National and State Registers of Historic Places. The residence exemplifies the Craftsman Bungalow architectural style of the early 1930s, with excellent integrity. The detached garage, which dates from the period of significance, exhibits good integrity with a high level of Craftsman stylistic detail, and contributes significantly to the historic and architectural character of the property. This Ordinance was unanimously adopted 6-0 (Councilmember Kastein was absent) on First Reading on February 4, 2003.

14. Second Reading of Ordinance No. 023, 2003, Designating the William and Eva Stroud House and Garage, 717 West Olive Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Fred Snyder and Cindy Jarvie, initiated this request for Fort Collins Landmark designation for the William and Eva Stroud House and Garage. The property qualifies for designation under Fort Collins Landmark Standard 14-5 (C), Architectural Significance. The property also qualifies for designation on the National and State Registers of Historic Places. The residence exemplifies the Hipped Roof Box variant of early 20th century vernacular residential architecture, with good integrity. The detached historic garage, which dates from the period of significance, contributes to the historic and architectural character of the property. A second, non-historic garage structure, located adjacent to the historic garage, does not contribute to the property's significance and is not a part of the designation. This Ordinance was unanimously adopted 6-0 (Councilmember Kastein absent) on First Reading on February 4, 2003.

15. First Reading of Ordinance No. 024, 2003, Appropriating Unanticipated Revenue in the General Fund for the Police Services Underage Drinking Education and Enforcement Program.

The Colorado Department of Transportation, Office of Transportation Safety has awarded Fort Collins Police Services a 2003 grant in the amount of \$8,900 to help combat underage alcohol consumption. The program is designed to reduce underage drinking through student involvement and education, as well as enforcement. The grant funds will be used to: (1) purchase equipment for educational presentations; and (2) enforce the underage drinking laws through compliance checks and stings.

16. First Reading of Ordinance No. 025, 2003, Appropriating Unanticipated Revenue in the Capital Projects Fund - Downtown Railroad Track Consolidation Project to be Used for Additional Costs to Install Crossing Warning Devices at the Lincoln Avenue Crossing of the Union Pacific Railroad Tracks Northeast of Jefferson Street.

The Agreement with the Colorado Department of Transportation (CDOT), and the Union Pacific Railroad Company (UPRR), is for installation of crossing warning devices at the Lincoln Avenue crossing of the Union Pacific Railroad tracks northeast of Jefferson Street. The project consists of constructing new signals and gates to improve safety at the crossing.

The City applied for and received Federal ISTEA Funds to pay for 100% of the cost to install the crossing warning devices. The original Appropriation Ordinance provided \$148,844 in Federal Funds budgeted towards the project into the Railroad Consolidation Project Fund. The additional \$37,000 are also Federal ISTEA Funds to cover the additional costs to cover 100% of the costs to install the crossing warning devices. This appropriation will allow for the final payment to the Union Pacific Railroad for installation of the crossing warning devices at the Lincoln Avenue crossing of the Union Pacific Railroad tracks northeast of Jefferson Street. No additional City funds are required.

17. First Reading of Ordinance No. 026, 2003, Appropriating Unanticipated Revenue in the Capital Projects Fund - Downtown Railroad Track Consolidation Project to Be Used for Additional Costs to Install Crossing Warning Devices at the Linden Street Crossing of the Union Pacific Railroad Tracks Northeast of Jefferson Street.

The Agreement with the Colorado Department of Transportation (CDOT), and the Union Pacific Railroad Company (UPRR), is for installation of crossing warning devices at the Linden Street crossing of the Union Pacific Railroad tracks northeast of Jefferson Street. The project consists of constructing new signals and gates to improve safety at the crossing.

The City applied for and received Federal ISTEA Funds to pay for 100% of the cost to install the crossing warning devices. The original Appropriation Ordinance provided \$154,000 in Federal Funds budgeted towards the project into the Railroad Consolidation Project Fund. The additional \$13,000 are also Federal ISTEA Funds to cover the additional costs to cover 100% of the costs to install the crossing warning devices. This appropriation will allow for the final payment to the Union Pacific Railroad for installation of the crossing warning devices at the Linden Street crossing of the Union Pacific Railroad tracks northeast of Jefferson Street. No additional City funds are required.

18. First Reading of Ordinance No. 027, 2003, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the North College Improvements Project.

The project components include addition of sidewalks, off-street bike lanes, a trail connection, access improvements, center medians, curb and gutter, drainage improvements,

signal improvements, lighting improvements and roadway reconstruction on North College Avenue from Jefferson to approximately 300 feet north of the Burlington Northern Railroad crossing.

This Ordinance does not begin the Eminent Domain process; it simply allows staff to use the process if absolutely necessary following good faith negotiations. Staff is hopeful that all acquisitions will be accomplished by agreement.

To utilize the State funding it is required that the project be advertised for bid and that all right of way be acquired prior to June 30, 2003. The Eminent Domain process requires several months between filing with the courts and receiving possession of the property. Therefore, in the event that Eminent Domain needs to be used, it is critical that this ordinance be in place to limit any possible delays.

19. First Reading of Ordinance No. 028, 2003, Authorizing the City to Grant a Non-exclusive Drainage Easement to Eagle Cliffs, LLC and Appropriating the Easement Compensation as Unanticipated Revenue in Fossil Creek Community Park Account.

The Eagle Cliff Development is located adjacent to the north boundary, near Lemay Avenue, of Fossil Creek Community Park. The Park includes land on the north side of Fossil Creek that is in the floodplain for the creek. The Eagle Cliff Development will need to extend stormwater drainage improvements across this portion of the Park to allow storm flows to discharge into Fossil Creek.

20. First Reading of Ordinance No. 029, 2003, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the CSU South Dormitory Zoning.

This is a request to zone a parcel owned by Colorado State University, designated "CSU" and not presently zoned, HMN (High Density Mixed-Use Neighborhood). The subject site consists of 2.4 ± acres located south of and adjacent to Pitkin Street, 1/8 mile east of south Shields Street.

21. Resolution 2003-008 Adopting a Policy for the Use, Management and Retention of Electronic Mail by the Mayor and City Council.

Following open record requests early in 2002, it became apparent that a policy and guidelines for record retention of e-mail would be helpful to assure appropriate preservation of the history of the organization. On a daily basis over 157,000 e-mail (in-bound and out-bound) are processed. At any point in time approximately 2.1 million e-mail messages are being held in the City's system. To effectively manage the capacity of the systems and to efficiently respond to record requests, a process was developed in response to these needs. Staff researched policies of other cities throughout Colorado and beyond. Recommendations

were subsequently developed and an Administrative Employee Policy regarding e-mail was implemented late last year.

22. Resolution 2003-018 Requesting That Fort Collins Be Named the Designated Recipient for Federal Transit Administration Section 5307 Grant Funding for the Fort Collins Transportation Management Area.

As a result of data collected from the 2000 census, the US Census Bureau created a new Fort Collins Urbanized Area (UZA). The new UZA encompasses Fort Collins, Loveland, Berthoud, and some adjacent unincorporated areas of Larimer County. Because the new UZA is over 200,000 population, in accordance with their regulations in July 2002, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) formally designated the Fort Collins Urbanized Area as a Transportation Management Area (TMA). This designation makes all transit operators within the TMA potential recipients of FTA Section 5307 Urbanized Areas Formula Grant funds, i.e., the transit operations of Loveland, Fort Collins, and Berthoud. Fort Collins previously was the only eligible operator for these funds.

23. Resolution 2003-019 Adopting the Recommendation of the Cultural Resources Board Regarding Fort Fund Disbursements.

The guidelines for the Cultural Development & Programming and Tourism accounts (Fort Fund) provide a three-tiered funding system. Organizations may apply for grants from these accounts to fund community events. The disbursements from funds in the City's Cultural Development and Programming and Tourism Programming accounts were recommended by the Cultural Resources Board at its regular meeting of January 23, 2003.

24. Resolution 2003-020 Authorizing the Lease of a 6.183 Acre Portion of Arapaho Bend Natural Area to Don Kehn Construction, LLC.

The property was purchased on January 20, 1995. Prior to City ownership of the Arapaho Bend Natural Area, Don Kehn Construction, LLC had a mining permit for a portion of the property. The mining was completed prior to the City's purchase. Don Kehn Construction is required by the Colorado Division of Minerals and Geology permit to reclaim the site. Approval of the mining reclamation agreement gives Don Kehn Construction LLC access to the property to complete the required reclamation activities, which include the filling of approximately three acres of gravel pond.

25. Resolution 2003-021 Approving Expenditures from the Art in Public Places Reserve Account in the Cultural Services and Facilities Fund to Commission an Artist to Create "100 Days of Summer": an Interactive Sculpture for the City Park Pool Project.

This Resolution would approve the expenditure of \$13,861 for design, fabrication, installation and contingency for this project. Joe McGrane will create an interactive

sculpture of concrete “waves”, sandstone boulders, and paving elements near the entryway to the City Park Pool.

26. Resolution 2003-022 Making Findings of Fact and Conclusions Regarding the Appeal of a Decision of the Planning and Zoning Board Granting the Request of In-Situ, Inc. to Modify Two Land Use Code Standards.

On January 2, 2003, City Councilmembers Roy and Hamrick filed a Notice of Appeal under Section 2-48 of the City Code regarding the December 19, 2002 decision of the Planning and Zoning Board to approve the In-Situ, Inc., request for modification of two Land Use Code standards. The two standards were *Section 3.4.1(E)(2), Buffer Zone Performance Standards* and *Section 4.16(D)(3)(a)(3), Buildings – Frequent View/Access*. On January 21, 2003, an Amended Notice of Appeal was filed.

At the February 4, 2003 hearing on this matter, Council considered the testimony of City staff, the applicant, the applicant’s consultant and other parties-in-interest opposed to the appeal. After discussion at this hearing, Council determined that the Planning and Zoning Board properly interpreted and applied the relevant provisions of the Land Use Code in approving the modification of standards requested by In-Situ, Inc.

27. Routine Easement.

A. Easement for construction and maintenance of public utilities from Jeffrey S. Pierce and Meghan L. Schultz, to underground electric services, located at 224 Wood Street. Monetary consideration: \$250. Staff: Patti Teraoka.

**\*\*\*END CONSENT\*\*\***

28. Consent Calendar Follow-up.

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

29. Staff Reports.

Water Supply Update.

30. Councilmember Reports.

### **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

31. Items Relating to the South Taft Hill Seventh Annexation and Zoning.

A. Resolution 2003-023 Setting Fort Findings of Fact and Determinations Regarding the South Taft Hill Seventh Annexation.



- B. First Reading of Ordinance No. 030, 2003, Annexing Property Known as the South Taft Hill Seventh Annexation.
- C. First Reading of Ordinance No. 031, 2003, Amending the Zoning District Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in South Taft Hill Seventh Annexation.

This is an involuntary annexation and zoning of an enclave area approximately 220 acres in size, generally located south of West Drake Road, lying to the west and east of South Taft Hill Road, and including the South Taft Hill Road right-of-way (see attached vicinity map). The annexation application complies with the applicable state law, the Intergovernmental Agreement between Fort Collins and Larimer County, and the applicable criteria in the Fort Collins Land Use Code. The area is partially developed and partially undeveloped and in the FA-1 Farming District (north of Falcon Drive), and R Residential District (south of Falcon Drive) in Larimer County. The recommended zoning is the UE-Urban Estate and LMN-Low-Density Mixed Use Neighborhood Districts.

APPLICANT                      City of Fort Collins

OWNERS:                        91 Individual Property Owners

32. Items Relating to the State Highway 14 – East Frontage Road Annexation and Zoning.

- A. Resolution 2003-024 Amending the City's Structure Plan Map.
- B. Resolution 2003-025 Setting Forth Findings of Fact and Determinations Regarding the State Highway 14 – East Frontage Road Annexation.
- C. First Reading of Ordinance No. 032, 2003, Annexing Property Known as the State Highway 14 – East Frontage Road Annexation to the City of Fort Collins, Colorado.
- D. First Reading of Ordinance No. 033, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the State Highway 14 – East Frontage Road Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 47.15 acres in size. The site is located on the east side of the I-25 East Frontage Road approximately one-quarter mile south of State Highway 14 (East Mulberry Street). Contiguity with the existing municipal boundary is gained along the southern boundary which is shared with the north property line of the Galatia Annexation (230 acres). The recommended zoning is L-M-N, Low Density Mixed-Use Neighborhood. An Amendment to the Structure Plan Map is also recommended. The Ordinance contains a provision to preserve the 100-year floodplain along Boxelder Creek as defined and mapped by F.E.M.A.

33. First Reading of Ordinance No. 034, 2003 Appropriating Prior Year Reserves.

City Council authorized expenditures in 2002 for various purposes. The authorized expenditures were not spent or could not be encumbered in 2002 because:

- There was not sufficient time to complete bidding in 2002 and therefore, there was no known vendor or binding contract as required to expend or encumber the monies.
- The project for which the dollars were originally appropriated for by Council could not be completed during 2002 and reappropriation of those dollars is necessary for completion of the project in 2003.

Because of the above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2002.

34. Resolution 2003-026 Placing a One-quarter Cent Sales and Use Tax Measure and a One-percent Construction Tax Measure Before the Voters at the April 8, 2003 Municipal Election.

On February 4, 2003, Council provided staff with direction to prepare a resolution for its consideration to place two ballot measures before the voters at the April municipal election. The tax measures would be in support of Council's long-term funding strategy for transportation capital.

35. Resolution 2003-027 Placing a City-initiated Measure Proposing a Change in Use of a Portion of the "Building Community Choices" Tax Revenues

In 1996, voters approved a package of Building Community Choices capital improvement projects that included funding for improvements to Prospect Road from the Poudre River to Summitview Drive.

Since the ballot language was set in 1996 regarding this project, several circumstances have changed regarding the need for the project as described. Staff is currently undertaking engineering and design work on the Prospect Road project.

Changes to projects included in the BCC package can only be made if the City Council find a project to be no longer "legally or financially feasible." Staff believes that the Prospect Road project as described in the ballot language is still "possible," but not necessarily the best course of action. In order to use the BCC funds on some other transportation capital need, voters would be required to release the funds through an explicit action on a municipal or general election ballot.

By asking the voters to release the funds and make them available for other transportation capital projects, higher priority issues can be addressed sooner. The full Prospect Road, River to I25 project could be completed with future funds that the voters are being asked to approve in April through the sales and use tax and construction tax ballot measures.

36. Pulled Consent Items.
37. Other Business.
38. Adjournment.