

# AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

June 1, 2004

## Proclamations and Presentations

5:30 p.m.

- A. Proclamation Proclaiming June 2004 as "Bike Month".
- B. Proclamation Proclaiming June 6, 2004 as "Avery House 125<sup>th</sup> Anniversary".

## 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 21. 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 #28, 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. Consideration and approval of the Council meeting minutes of April 6, 2004.
8. Second Reading of Ordinance No. 057, 2004, Amending Chapter 26 of the City Code to Reflect the Adoption of Updated Master Drainage Plans And to Revise the Official Repository of Plan Documents.

This Ordinance, which was unanimously adopted on First Reading on April 6, 2004, modifies City Code Section 26-543(b), in order to adopt updated drainage master plans. The Ordinance also provides that the drainage master plans and updates to those plans will be maintained on file in the office of the Utilities, rather than the office of the City Clerk. This change was made to improve the efficiency and effectiveness of the use and maintenance of those records.

9. Second Reading of Ordinance No. 080, 2004, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities and for Tourism Capital.

This Ordinance, which was unanimously adopted on First Reading on May 18, 2004, accomplishes two tasks. First, lodging tax revenues that were in excess of 2003 budgeted lodging tax receipts are appropriated to the Convention and Visitors Bureau ("CVB"), Cultural Development and Programming ("CDP"), Visitor Events, and Tourism Capital fund accounts. In addition, it appropriates unexpended funds for CDP and Visitor Events for 2003.

10. Second Reading of Ordinance No. 081, 2004, Appropriating Unanticipated Revenue in the General Fund to be Returned to the Fort Collins Housing Authority to Fund Affordable Housing Related Activities.

The Fort Collins Housing Authority (“Authority”) made a payment to the City from its 2004 budget for the sum of \$10,682 as a “Payment in Lieu of Taxes” (“PILOT”) for public services and facilities. The Authority annually requests that the City refund the money to fund sorely needed affordable housing related activities and to attend to the low-income housing needs of Fort Collins residents. Ordinance No. 081, 2004, was unanimously adopted on First Reading on May 18, 2004.

11. Second Reading of Ordinance No. 082, 2004, Authorizing the Long-Term Lease of Property at the Fort Collins-Loveland Municipal Airport to Russ Kamtz for the Construction of an Aircraft Hangar.

This Ordinance, which was unanimously adopted on First Reading on May 18, 2004, authorizes the long-term lease of property for the purpose of constructing a 60 foot by 64 foot hangar for Mr. Katz’s personal aircraft storage. The land lease includes additional land around the hangar for use by the tenant.

12. Items Related to the City's Fiscal Year 2004-2005 Community Development Block Grant and HOME Investment Partnership Program Funds.

- A. Second Reading of Ordinance No. 084, 2004, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Community Development Block Grant Fund.
- B. Second Reading of Ordinance No. 085, 2004, Appropriating Unanticipated Revenue in the HOME Investment Partnership Fund.

The Community Development Block Grant (“CDBG”) Program and HOME Investment Partnership Program (“HOME”) provide Federal funds from the Department of Housing and Urban Development (“HUD”) to the City of Fort Collins which can be allocated to housing and community development related programs and projects, thereby reducing the demand on the City's General Fund Budget to address such needs. The City Council is being asked to consider the adoption of two resolutions related to funding under the CDBG and HOME Programs. Ordinance No. 084, 2004 and Ordinance No. 085, 2004, were unanimously adopted on First Reading on May 18, 2004.

13. Items Relating to a Citizen-Initiated Ordinance Relating to Collective Bargaining for Police Employees.

- A. Second Reading of Ordinance No. 087, 2004, Calling a Special Municipal Election to be held in Conjunction with the August 10, 2004 Larimer County Primary Election.
- B. Resolution 2004-066 Submitting a Citizen-initiated Ordinance to a Vote of the Registered Electors of the City at the Special Municipal Election of August 10, 2004.

The City Clerk's Office received an initiative petition on April 29, 2004, which was determined to contain a sufficient number of signatures to place the initiated measure on a special election ballot. Ordinance No. 087, 2004, which was unanimously adopted on First Reading on May 18, 2004, calls a Special Municipal Election to be held in conjunction with the August 10, 2004 Larimer County Primary Election.

The City Clerk certified the sufficiency of the initiative petition to Council on May 18, 2004. Generally, upon presentation of an initiative petition certified as sufficient by the City Clerk, the Council must either adopted the proposed ordinance without alteration or submit the proposed measure, in the form petitioned for, to the registered electors of the city. Resolution 2004-066 submits the citizen-initiated ordinance to the voters at the August 10, 2004 Special Election, and sets the ballot title and submission clause. Any registered elector desiring to protest the proposed ballot title and/or submission clause pursuant to Section 7-156 of the City Code, may do so by filing a written protest in the office of the City Clerk no later than 12:00 p.m. (noon) on Tuesday, June 1, 2004.

14. Items Related to the Issuance of City of Fort Collins Downtown Development Authority Subordinate Tax Increment Revenue Bonds, Series 2004A.

- A. Second Reading of Ordinance No. 088, 2004, Authorizing the Issuance of City of Fort Collins Downtown Development Authority Subordinate Tax Increment Revenue Bonds Series 2004A in the Amount of \$6,235,000 for the Purpose of Financing Certain Capital Improvements and Capital Projects.
- B. Second Reading of Ordinance No. 089, 2004, Appropriating the Proceeds of the Subordinate Tax Increment Revenue Bonds in the DDA Operating Fund.

The City of Fort Collins created the Downtown Development Authority (DDA) to make desired improvements in the downtown area. Through tax increment financing, the DDA has made significant contributions to the redevelopment and improvement of the downtown area. These two Ordinances, which were unanimously adopted on First Reading on May 18, 2004, provide funding from future tax increment in the DDA Debt Service Fund to make additional improvements in the downtown area.

15. First Reading of Ordinance No. 083, 2004, Amending Various Sections of Chapter 4 of the City Code Pertaining to Animals.

Staff has performed a comprehensive review of Chapter 4 of the City Code pertaining to animals in an effort refine and update the animal code. This process began in early 2002 and has culminated in the proposed amendments in the Ordinance.

16. First Reading of Ordinance No. 090, 2004, Amending Section 2-29 of the Code of the City of Fort Collins Relating to Special Meetings.

This Ordinance amends Section 2-29 of the City Code relating to the calling of special meetings and the notice requirements for said meetings. Specifically, the amendments allow delivery of notice of a special meeting to the Council by mail, fax, or e-mail, in addition to personal delivery. In addition, if delivery is made in some manner other than in person, the City Clerk is required to request acknowledgment of receipt by each Councilmember, and if such acknowledgment is not received at least 48 hours prior to the meeting, the Clerk is required to deliver another notice in person.

17. Resolution 2004-067 Finding Substantial Compliance and Initiating Annexation Proceedings for the Mulberry East First Annexation.

This is a voluntary annexation. The area to be annexed is unincorporated municipally-owned land.

18. Resolution 2004-068 Approving the Design, Cost and Scheduling of the East Prospect Road Improvements Project.

The East Prospect Road Improvements Project is part of the voter-approved "Building Community Choices Program" (BCC) funding package. The main goals of the project are to improve safety for all modes of transportation along East Prospect Road from the Poudre River to Summit View Drive. The project elements identified by the approved ballot language include widening East Prospect Road to provide two travel lanes, bicycle lanes, turn lanes, a sidewalk, raising the roadway section to protect it from major floods, and to provide an additional bridge east of the Poudre River to pass 100 year flood flows.

19. Resolution 2004-069 Authorizing the Lease of City-Owned Property at 200 West Mountain Avenue, Suite C.

With support from the City of Fort Collins, Colorado State University, and Fort Collins Inc., the Fort Collins Virtual Business Incubator was created in 1998. The program was charged with providing critical business assistance to the most promising high tech startup companies in the community. To date the Incubator has assisted 15 companies. In the aggregate these firms have created 65 full time jobs with an average annual salary of \$70,420 and they have raised in excess of \$32 million in equity capital. The "bottom line" of this program is the

creation of good paying jobs from within the community. The program achieves its success through services such as entrepreneurial advisory boards, discounted professional service providers, access to a multitude of CSU resources, internal resource sharing, counseling, training and networking.

In concert with the High Tech Network, the Fort Collins Business Incubator would like to bring the current level of service to their client companies up significantly by offering below market lease space. An "Incubator with Walls" program would not only help to mitigate the very tight cash flow situation encountered by most startups, but it would also provide a synergistic, collaborative environment in which the talented young companies could thrive.

20. Resolution 2004-070 Making Various Board and Commission Appointments.

A vacancy currently exist on the Community Development Block Grant Commission due to the resignation of Bruce Croissant. Applications were solicited and Councilmembers Bertschy and Tharp reviewed the applications. The Council interview team is recommending Eric Berglund to fill said vacancy with a term to begin immediately and set to expire December 31, 2007.

A vacancy currently exists on the Electric Board due to the resignation of Jassen Bowman. Councilmembers Martinez and Kastein reviewed the applications on file and are recommending John Morris to fill said vacancy with a term to begin immediately and set to expire on December 31, 2006.

A vacancy currently exists on the Natural Resources Advisory Board. Due to residency requirements to live within the Growth Management Area, Arvind Panjabi resigned his position. Councilmembers Hamrick and Roy interviewed applicants and reviewed applications on file. The Council interview team is recommending Robert Petterson to fill said vacancy with a term to begin immediately and set to expire on December 31, 2007.

21. Routine Easements.

- A. Easement for Construction and Maintenance of Public Utilities from Allen and Lynne Dunton, to underground electrical service, located at 1406 Ash Drive. Monetary consideration: \$200.
- B. Easement for Construction and Maintenance of Public Utilities from Mark and Jane Johnson, to underground electrical service, located at 1200 Ash Drive. Monetary consideration: \$200.
- C. Easement for Construction and Maintenance of Public Utilities from George and Darlene Vorce, to underground electrical service, located at 1120 Ponderosa Drive. Monetary consideration: \$200.

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

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

### **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

25. First Reading of Ordinance No. 091, 2004, Making Various Amendments to the City of Fort Collins Land Use Code. (1 hour - 15 minute staff presentation)

Staff has identified a variety of proposed changes, additions and clarifications in the Spring 2004 biannual update of the Land Use Code. On May 20, 2004, the Planning and Zoning Board considered the proposed changes and took specific action on one individual item. The Board voted 5-1 to recommend approval of Item Number 545. This is the change related to adjusting the buffer distance for raptors, with the provision for mitigation. The Board then voted 6-0 to recommend approval of the balance of the proposed changes to City Council.

26. Items Relating to the Trailhead Annexation. (45 minutes - 10 minute staff presentation)
  - A. Resolution 2004-070 Setting Forth Findings of Fact and Determinations Regarding the Trailhead Annexation.
  - B. First Reading of Ordinance No. 092, 2004, Annexing Property Known as the Trailhead Annexation to the City of Fort Collins, Colorado.
  - C. First Reading of Ordinance No. 093, 2004, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Trailhead Annexation to the City of Fort Collins, Colorado.

This is a request to annex and zone approximately 91.25 acres of land located along the north side of East Vine Drive, south of the Burlington Northern Railroad, west of the Waterglen Subdivision. The project is located within the Mountain Vista Sub-Area Plan. The proposed zoning is LMN – Low Density Mixed-Use Neighborhood. The Mountain Vista Sub-Area Plan and the City of Fort Collins Structure Plan designate this property as E – Employment. An amendment to the Mountain Vista Sub Area Plan and Structure Plan is accompanying the annexation and zoning request. The requested plan amendment would designate this property as Low Density Mixed-Use Neighborhood. The anticipated land use would be single and multi-family residential, consistent with the standards in the LMN zone district.

27. Second Reading of Ordinance No. 075, 2004, Amending Article III of Chapter 20 of the City Code Pertaining to the Outdoor Storage of Materials. (20 minutes - 5 minute staff presentation)

This Ordinance, which was adopted 6-1 (Councilmember Kastein opposed) on First Reading on May 4, 2004, amends the Code adding a provision addressing outdoor storage of materials in residential neighborhoods.

28. Pulled Consent Items.

29. Other Business.

30. Adjournment.