

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

July 20, 2004

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Proclaiming Tuesday August 3, 2004 as "Neighborhood Night Out".
- B. Proclamation Proclaiming The City's Appreciation to LaFarge West, Inc., for its Donation of Land Which Extends the Poudre River Trail.
- C. Proclamation Proclaiming August 5-11, 2004 as "The Larimer County Fair and Rodeo".
- D. Proclamation Proclaiming August 15-22, 2004 as "International Association of Fire Fighters Week".

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 32. 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 #39, 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. 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 to refine and update the animal code. This process began in early 2002 and amends various sections of Chapter 4 of the Code.

Ordinance No. 083, 2004, was adopted 5-0 (Councilmembers Hamrick and Roy were absent) on First Reading on July 6, 2004.

8. Second Reading of Ordinance No. 102, 2004, Appropriating Unanticipated Grant Revenue in the General Fund for the Operation of the Fort Collins Welcome Center.

The Colorado legislature created the Colorado Tourism Board ("Board") and authorized the Board to operate State Welcome Centers. The Board determined that the State Welcome Center for Fort Collins would be more efficiently and effectively operated by the City of Fort Collins. In August of 2000, the Colorado Tourism Office was created and was authorized to operate State Welcome Centers. This Ordinance, which was adopted 5-0 (Councilmembers Hamrick and Roy were absent) on First Reading on July 6, 2004, appropriates grant revenue for the operation of the Fort Collins Welcome Center.

9. Second Reading of Ordinance No. 103, 2004, Appropriating Unanticipated Revenue in the General Fund and Authorizing the Transfer of Appropriated Amounts Between Accounts and Projects for the Multi-Jurisdictional Drug Task Force.

Fort Collins Police Services applied to the Office of Drug Control and System Improvement (Byrne Grant) on behalf of the Task Force for federal grant monies to help fund the investigation of illegal narcotics activities in Larimer County. These funds will be used to match personnel costs related to the assigned Colorado State University Detective, rental and operational costs at the Task Force off-site location, overtime funding to help offset the overtime costs of each participating agency, and confidential funds to be used for the purchase of narcotics from drug dealers by undercover police officers.

This Ordinance, which was adopted 5-0 (Councilmembers Hamrick and Roy were absent) on First Reading on July 6, 2004, appropriates the \$250,000 in new federal grant money and \$5,000 to be received from Colorado State University.

10. Second Reading of Ordinance No. 105, 2004, Amending Section 20-22 of the City Code Relating to Unreasonable Noise.

In October 2003 at the request of City Councilmembers, a cross section of City agencies formed a committee to look into the City's current noise ordinances dealing with motor vehicle loud muffler noise and motorcycle noise specifically. After discussion and review of ordinances around the country, the committee made recommendations for changes to the City Code in an effort to reduce the problems with motor vehicle noise which were adopted on First Reading, March 2, 2004, by adoption of Ordinance No. 033, 2004. However, in May 2004, by the adoption of Ordinance No. 071, 2004, the noise ordinance was again amended and language previously approved by Ordinance No. 033, 2004 pertaining to motor vehicle noise was inadvertently omitted

Ordinance No. 105, 2004, was adopted 5-0 (Councilmembers Hamrick and Roy were absent) on First Reading on July 6, 2004, restating the omitted section regarding motor vehicle noise.

11. Second Reading of Ordinance No. 106, 2004, Amending the Code of the City by the Addition of a New Section 23-115 Pertaining to Vacating Public Right-of-Way.

Requests for the City to vacate portions of its public right-of-way (ROW) are received with regular frequency. These requests are normally from private property owners or developers who want to convert portions of the public ROW to private use. An informal process has been in place to deal with such requests, but the increasing frequency (now averaging 1-2 per month) has prompted staff to create policy and procedure language to insure consistent responses to these requests. At present, the City Code is silent on this issue, and ROW vacations are handled in accordance with state law. This Ordinance, which was adopted 5-0 (Councilmembers Hamrick and Roy were absent) on First Reading on July 6, 2004, adds

language to the City Code to clarify local policy and procedures, as well as reinforce state law (CRS 43-2-302).

12. Second Reading of Ordinance No. 107, 2004, Authorizing the Conveyance of Certain Real Property at the City Park Nine Golf Course.

Thomas C. Lloyd has been an adjoining property owner of the City Park Nine Golf Course for many years. His property is at 1611 West Mulberry and is adjacent to the renovated 6th Green area and the 7th Fairway Tee Boxes. Mr. Lloyd proposed to purchase this strip for \$14,200, utilizing comparable square footage values as the City used for the Sheldon Lake Drainage Improvements, which impacted both Mr. Lloyd's property and the Golf Course. This Ordinance, which was adopted 5-0 (Councilmembers Hamrick and Roy were absent) on First Reading on July 6, 2004, authorizes the conveyance of certain real property at the City Park Nine Golf Course to Mr. Lloyd.

13. Items Relating to the Mulberry East First Annexation and Zoning.

- A. Second Reading of Ordinance No. 108, 2004, Annexing Property Known as the Mulberry East First Annexation.
- B. Second Reading of Ordinance No. 109, 2004, Amending the Zoning Map and Classifying for Zoning Purposes the Property Included in the Mulberry East First Annexation to the City of Fort Collins, Colorado.

On July 6, 2004, Council adopted 5-0 (Councilmembers Hamrick and Roy were absent) Resolution 2004-078 Setting Forth Findings of Fact and Determinations Regarding the Mulberry East First Annexation.

Also on July 6, 2004, Council adopted 5-0 (Councilmembers Hamrick and Roy were absent), Ordinance No. 108, 2004 and Ordinance No. 109, 2004, annexing and zoning 3.04 acres located on the south side of East Mulberry Street and west of Timberline Road.

The property is developed. It includes a storm water drainageway and streets. It is in the FA - Farming Zoning District in Larimer County. This is a voluntary annexation of City-owned property.

14. Second Reading of Ordinance No. 110, 2004, Amending Section 17-141 of the City Code Relating to the Carrying of Liquor or Other Fermented Beverages in Certain Places ("Open Container").

In the latest legislative session, the General Assembly passed a law allowing hotel/restaurant licensed patrons to re-cork an unfinished bottle of wine to take home. The City's current open container ordinance prohibits the carrying of a re-corked or resealed bottle of alcohol in any public place or automobile. Liquor licensing and distribution are matters of statewide

concern. Ordinance No. 110, 2004, which was adopted 5-0 (Councilmembers Hamrick and Roy were absent) on First Reading on July 6, 2004, amends Section 17-141 to be consistent with the state law. Additionally, this amendment prohibits the presence of a "re-corked" bottle of wine in the front passenger or driver area of a vehicle.

15. Second Reading of Ordinance No. 111, 2004, Amending Chapter 15, Article VIII of the City Code Relating to Pawnbrokers.

Chapter 15, Article VIII of the City Code contains various provisions regulating the operation of pawnbrokers in the City in the interest of the public health, safety and welfare. In the most recent legislative session, the General Assembly amended the state statutes pertaining to the regulation of pawnbrokers by deleting the maximum "fixed period of time" for contracts for purchase and imposed a minimum period of time. The City may enact ordinances more restrictive than state law regulating pawnbrokers. However, to eliminate potential confusion among pawnbrokers regarding their legal obligations, Ordinance No. 111, 2004, was adopted 5-0 (Councilmembers Hamrick and Roy were absent), on First Reading on July 6, 2004, amending Sections 15-261 and 15-269 to be consistent with state law.

16. Second Reading of Ordinance No. 112, 2004, Appropriating Unanticipated Revenue in the General Fund for the School Resource Officer Program.

The contract is the third renewal of this partnership. The majority of changes in this version are of a routine housekeeping nature. However, as Poudre School District prepares to open its newest high school, Fossil Ridge High School, this contract also expands the School Resource Officer Program by one additional officer to staff that school. Ordinance No. 112, 2004, was adopted 5-0 (Councilmembers Hamrick and Roy were absent) on First Reading on July 6, 2004, appropriating unanticipated revenue for the School Resource Officer program.

17. Second Reading of Ordinance No. 113, 2004, Amending Various Sections of the Fort Collins Traffic Code.

This legislative session the Colorado General Assembly amended certain statutory provisions relating to seat belt use, license plates, interference with traffic control devices, red light camera use, spilling loads on highways and compulsory insurance. At the time of the adoption of the Traffic Code, it was the understanding of staff and Council that the Traffic Code would most likely be subject to future amendments, not only for the purpose of clarification and correction of errors, but also for the purpose of ensuring that the Traffic Code remains consistent with state traffic laws. This Ordinance, which was adopted 5-0 (Councilmembers Hamrick and Roy were absent) on First Reading on July 6, 2004, amends various sections of the Fort Collins Traffic Code.

18. Second Reading of Ordinance No. 114, 2004, Authorizing the Long-Term Lease of Property at the Fort Collins-Loveland Municipal Airport to Robert and Linda Eggleston for the Construction of an Aircraft Hangar.

This Ordinance, which was adopted 5-0 (Councilmembers Hamrick and Roy were absent) on First Reading on July 6, 2004, approves the ground lease allowing the Egglestons to construct a 54 foot by 48 foot hangar for personal aircraft storage. The land lease includes additional land around the hangar for use by the tenant

19. Second Reading of Ordinance No. 115, 2004, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the Street Oversizing Drake and Ziegler Road Realignment Project.

A slope easement and construction easement are required for the construction of improvements to Drake Road east of Timberline, across property owned by the Cargill Corporation ("Cargill"). This property is currently used for seed research and is an agricultural operation. This property was annexed into the city as an enclave. The property is now surrounded by the active developments of Rigden Farm and Sidehill.

The Street Oversizing Program has been working with the development projects to obtain the right of way necessary to construct improvements to Drake Road from Timberline to Ziegler and construct improvements on Ziegler Road to Horsetooth. This will complete a critical transportation link in the area. These new roadways will meet minor arterial standards and eliminate the current substandard roadway (CR13) with sharp curves and three narrow one lane bridges. Two fatal accidents have occurred on this portion of Ziegler Road. Ordinance No. 115, 2004, was unanimously adopted 5-0 (Councilmembers Hamrick and Roy were absent) on First Reading on July 6, 2004.

20. Second Reading of Ordinance No. 116, 2004, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the Dry Creek Drainage Improvements Project.

This Ordinance, which was adopted 5-0 (Councilmembers Hamrick and Roy were absent) on First Reading on July 6, 2004, does not automatically result in the filing of a petition in eminent domain; it simply allows staff to use the process if good faith negotiations fail to result in an agreement between the City and affected property owners.

21. Second Reading of Ordinance No. 120, 2004, Appropriating Proceeds from the Lease Purchase Certificates of Participation of the City of Fort Collins, Colorado, Series 2004A for the Purpose of Making Certain Capital Improvements (The Police Building and the Streets Deicing Facility Projects), the Acquisition and Conservation of Natural Areas, and for Costs of Issuance of the Lease Certificates Transaction.

This Ordinance, which was adopted 5-0 (Councilmembers Hamrick and Roy were absent) on First Reading on July 6, 2004, appropriates the proceeds from the transaction in the Capital Projects Fund and the Open Lands Fund.

22. First Reading of Ordinance No. 121, 2004, Appropriating Unanticipated Grant Revenue in the General Fund for the Poudre Valley Health System Reduce Intoxicated Driving Program.

Poudre Valley Health System ("PVHS") developed a comprehensive prevention program called Reduce Intoxicated Driving ("RID") to minimize the number of individuals who drive while intoxicated. RID collaborates with local government, businesses, law enforcement, health care providers, Colorado State University, Poudre School District, and other community sectors to reduce the number of individuals who drive intoxicated. The program uses many strategies to decrease the number of people who drive intoxicated such as public education and dissemination of information about the hazards of driving while intoxicated to youth in the community.

PVHS requested that the City serve as the local public procurement unit and a pass-through recipient of the grant proceeds. This Ordinance will allow the City to disburse the grant funds to PVHS (via the Hospital Foundation) upon completion of any grant-related documents and a subgrant agreement between the City and PVHS.

23. First Reading of Ordinance No. 122, 2004, Authorizing the Lease of City-Owned Property at 400 Wood Street for Up to Five Years.

The building and lot at 400 Wood Street were acquired by the City of Fort Collins in 1980. The building was formerly the St. Joseph's rectory. Community Development Block Grant ("CDBG") funding was used to purchase the lot and move the building to its present location. Due to the restrictions on use of CDBG funds, all tenants of this building must meet the criteria of the national CDBG objective by serving a majority (51% or more) of low-moderate income clients below 80% of Area Median Income (AMI).

24. First Reading of Ordinance No. 123, 2004, Authorizing the Amendment of the Lease of City-owned Property at 430 North College Avenue, Fort Collins, Colorado, to Colorado State University.

The City is the owner of the "Old Power Plant Site" located at 430 North College Avenue. CSU leases the facility from the City for use as an engine research laboratory. The Lease Agreement between the City of Fort Collins and CSU dated February 15, 1994 had an

original term of ten years with three successive five-year renewal terms. Each renewal is automatic, unless CSU gives notice of its intent not to renew two years in advance. The City is currently in the first of the three five- year extension periods. The Lease Agreement also allows either party to terminate the lease at any time with two years notice.

25. First Reading of Ordinance No. 124, 2004, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the Manhattan Regional Detention Pond and the Mason Transportation Corridor Bike/Pedestrian Trail.

The Manhattan Regional Detention Pond Project will provide needed stormwater detention in a predominately mature and built-out residential and business area which is at risk in a 100 year flood. In addition, the Mason Transportation Corridor Bike/Pedestrian trail can be built concurrently with a berm for the Manhattan Regional Detention Pond. Although negotiations are continuing and expected to be successful, eminent domain proceedings must begin in order to assure all necessary property interests are obtained in a timely manner.

26. Resolution 2004-086 Submitting Comments to the North Front Range Transportation and Air Quality Planning Council on its Draft 2030 Regional Transportation Plan.

The North Front Range Transportation and Air Quality Planning Council (also known as the North Front Range Metropolitan Planning Organization, or MPO) is preparing the 2030 Regional Transportation Plan (RTP). This RTP, required by Federal and State transportation planning regulations, will be the guiding document for the next three years in facilitating transportation system development for this region. The 2030 RTP will be incorporated into CDOT's statewide plan. To be eligible for Federal or State funding, transportation projects must be included in the RTP.

27. Resolution 2004-087 Authorizing the Execution by the Mayor of a GOCO Grant Agreement for Reservoir Ridge Trail and Approving its Terms and Conditions.

Application was submitted and approved for a GOCO and Colorado State Trails program grant of \$11,400. The proposed project is, working with the Larimer County Youth Conservation Corps., to re-route approximately 1/2 mile of the Foothills Trail at Reservoir Ridge Natural Area and reclaim the abandoned section.

28. Resolution 2004-088 Adopting the Recommendations of the Cultural Resources Board Regarding Fort Fund Disbursements.

The guidelines for the Cultural Development and Programming and Tourism Programming accounts (Fort Fund) provide a three-tiered funding system. Organizations may apply for grants from these accounts to fund community events.

29. Resolution 2004-089 Authorizing the Execution of a Grant Contract with the Colorado Council on the Arts for Funding of the Winter Wishes Ice Show.

The City Recreation Division was recently awarded a matching grant from the Colorado Council on the Arts in the amount of \$14,400 to provide performances of the Fort Collins Symphony at the annual Winter Wishes Ice Show at Edora Pool Ice Center (EPIC) in December, 2004. The Colorado Council on the Arts requires that the City Council obligate the local match funding, as well as authorize the City Manager to execute the contract and bind the City to its terms. Match funding was appropriated in the Recreation Division budget by Ordinance No. 156, 2003, which authorized the 2004 City expenditure budget.

30. Resolution 2004-090 Adopting the Priority Affordable Housing Needs and Strategies Report.

The goal of the "Priority Affordable Housing Needs and Strategies" Report is to help the City be more strategic in getting housing assistance to the people who need it most. It is also about using City resources smarter, to get the most housing production from our resources. The Report begins with an investigation of what kind of affordable housing exist in this community, what kinds are needed, and what the most urgent need is. It includes an assessment of existing financial resources that support affordable housing, both public and private. The Report also contains a description of the roles of various players in the affordable housing community within Fort Collins, including a comprehensive analysis of current City roles, responsibilities and programs. Finally, it presents recommendations from staff and the Affordable Housing Board for the City's future role, responsibilities and programs, including specific and measurable goals, objectives and strategies for meeting its affordable housing needs.

31. Resolution 2004-091 Supporting the Effort to Encourage the Construction of Housing with Features That Provide Basic Access and Functionality to All Occupants and Visitors.

The proposed Resolution officially recognizes and endorses the expanded "Practical Housing for All (PHA)" program that includes additional universal design criteria for the benefit of home occupants as well as visitors. Council Resolution 2002-098, adopted unanimously on October 15, 2002, was intended to encourage home builders to include features during construction that make a home more usable and practical primarily for visitors.

32. Resolution 2004-092 Adopting the Land Conservation and Stewardship Master Plan.

The Natural Areas Program is 11 years old, yet it is still very much in its infancy. The Natural Areas Policy Plan (NAPP), adopted by the Fort Collins City Council in 1992, established the vision and policies for much of the first 11 years. The Natural Areas Program has outgrown the NAPP. The Land Conservation and Stewardship Master Plan replaces the NAPP, establishing a vision for the new era 2004-2013, providing updated policies, and documenting the accomplishments of the Natural Areas Program's first 11 years. (Historical information in this document is through the end of 2003.)

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

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

36. Consideration of an Appeal of the May 12, 2004 Landmark Preservation Commission Decision to Deny, In Part, a Request for Waiver of Conditions of the Requirements Contained in Section 14-72 of the Municipal Code; or Permission to Relocate or Demolish the Rule Farm Structures Located at 4824 South Lemay Avenue. (2 hours - 20 minute staff presentation)

On April 28, 2004, the Landmark Preservation Commission held a public hearing to consider a request by Dick and Dianne Rule for Waiver of Conditions of the Requirements Contained in Section 14-72 of the Municipal Code, or Permission to Relocate or Demolish the Structures Located at 4824 South Lemay Avenue. The Commission voted 4-1 to deny, in part, this request. On May 12, 2004, the Commission adopted its Findings and Resolution regarding its decision.

37. Items Relating to the Adoption of the Changes and Amendments to the 2003 International Residential Code® , 2003 International Mechanical Code® , and the 2003 International Fuel Gas Code®. (90 minutes - 20 minute staff presentation)
- A. First Reading of Ordinance No. 125, 2004, Amending Chapter 5, Article 2, Division 2, of the City Code for the Purpose of Making Certain Amendments to the *1997 Uniform Building Code™*.
- B. First Reading of Ordinance No. 126, 2004, Amending Chapter 5, Article 2, Division 2, of the City Code for the Purpose of Adopting the *2003 International Residential Code (IRC)®* with Amendments.
- C. First Reading of Ordinance No. 127, 2004, Amending Chapter 5, Article 4, of the City Code for the Purpose of Repealing the *1991 Uniform Mechanical Code™*, Adopting the *2003 International Mechanical Code®* with Amendments, and Adopting the *2003 International Fuel Gas Code®* with Amendments.

The 2003 *International Residential Code (IRC)*®, 2003 *International Mechanical Code 2003*® and the *International Fuel Gas Code*® (the latest version of the nationally-recognized “model” building codes) and proposed Amendments have undergone an extensive sixteen-month review by staff and a local representative task group. These latest building codes are already in effect in much of the country. Closer to home, over 90 jurisdictions in Colorado have adopted the “I-Codes”, including the State of Colorado, the City and County of Denver, Colorado Springs, Aurora, and several other cities and counties in the Metro-Denver area. The new codes are the replacement for the “Uniform” code series, which are being phased-out and no longer supported by the model code organization.

The proposed (*IRC*)® and Amendments specifically cover only new one- and two-family dwellings and new additions thereto. The new code package contains some of the most significant potential changes to the Fort Collins Building Code in many years.

38. Resolution 2004-080 Finding Substantial Compliance and Initiating Annexation Proceedings for the Feather Ridge Annexation. (30 minutes - 10 minute staff presentation)

The Feather Ridge Annexation is 15.46 acres in size. The site is located approximately 1,200 feet east of Ziegler Road, north of Hewlett-Packard, and approximately 2,144 feet north of East Harmony Road. Contiguity with the existing municipal boundary is gained along the southern boundary which is shared with the north property line of the Preston – Kelley Second Subdivision (Hewlett-Packard and Agilent Technologies). Contiguity is also gained along the western boundary which is shared with the east property line of Woodland Park Estates P.U.D. and along the north boundary which is shared with the Robert Shields Subdivision. The recommended zoning is U-E, Urban Estate. This zoning complies with the recently amended Structure Plan Map.

39. Pulled Consent Items.
40. Other Business.
41. Adjournment.

NOTE: This meeting needs to be adjourned to 6:00 p.m. on July 27, 2004 to consider any business that may come before the Council.