

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

September 7, 2004

**Proclamations and Presentations**  
**5:30 p.m.**

- A. Proclamation Proclaiming September 7, 2004 as "United Way Community Caring Day".
- B. Proclamation Proclaiming September 7, 2004 as "A Day of Education and Awareness for Children's Safety".
- C. Proclamation Proclaiming September 15 - October 15, 2004 as "Hispanic Heritage Month".

**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 22. 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 #30, 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 July 20, 2004.
8. Second Reading of Ordinance No. 128, 2004, Appropriating Unanticipated Revenue and Prior Year Reserves in the Light and Power Fund and Authorizing the Transfer of Existing Appropriations in the Equipment Fund for the Purpose of Purchasing Hydrogen Fueling Equipment and Infrastructure at the Transfort Alternative Fueling Station.

This Ordinance, which was adopted 6-0 (Councilmember Kastein was absent) on First Reading on August 17, 2004, authorizes a \$35,000 appropriation of prior year reserves in the Light and Power Fund for purchase of hydrogen fueling equipment and infrastructure for the Transfort Alternative Fueling Station.

9. Items Relating to the Mason Transportation Corridor Bicycle/Pedestrian Trail Project.
  - A. Second Reading of Ordinance No. 129, 2004, Appropriating Funds to the Building Community Choices (BCC) Capital Projects Fund, Mason Transportation Corridor (MTC) Bicycle/Pedestrian Trail Project, from The State Board of the Great Outdoors Colorado Trust Fund.
  - B. Second Reading of Ordinance No. 130, 2004, Appropriating Funds to the Building Community Choices (BCC) Capital Projects Fund, Mason Street Transportation Corridor (MTC) Bicycle/Pedestrian Trail Project, from the General Fund Reserves on a Temporary Basis to Allow the City to Contract for all of the Construction Improvements to the Mason Transportation Corridor Trail Project in 2004.

This action appropriates 1 million into the MTC trail project's budget on a temporary basis until it can be repaid by the sales tax cash flow in 2005. The MTC project's budget will repay the \$1 million back to the City's General Fund reserve account in 2005. These funds will be used in 2004 to construct the bicycle/pedestrian trail in a more timely cost effective manner.

Ordinance No. 129, 2004 and Ordinance No. 130, 2004, were both adopted 6-0 (Councilmember Kastein was absent) on First Reading on August 17, 2004.

10. Second Reading of Ordinance No. 131, 2004, Appropriating Unanticipated Revenue and Prior Year Reserves in the Transportation Services Fund to be used to Construct On-Street Bike Lanes on South College Avenue Between Harmony Road and Carpenter Road.

The City of Fort Collins Transportation Planning Department received a grant from CDOT Enhancement Funds for FY 2003-05 to construct on-street bicycle lanes on South College Avenue/US 287 from Harmony Road/SH68 southward to Carpenter Road/CR32. This Ordinance, which was adopted 6-0 (Councilmember Kastein was absent) on First Reading on August 17, 2004, appropriates unanticipated revenue and prior year reserves to Construct on-street bike lanes on South College Avenue.

11. Second Reading of Ordinance No. 132, 2004, Authorizing the Transfer of Appropriations from the Street Oversizing Fund to the Capital Project Fund - Timberline Road Improvements Project for the Engineering Design of Timberline Road from Drake Road to Prospect Road.

Traffic congestion at the Timberline/Prospect intersection is well below the City's Level of Service requirements, with almost all legs and turn movements failing during the morning and afternoon peak rush hours. In accordance with the Adequate Public Facilities Ordinance, any new development which impacts this intersection cannot proceed until these existing deficiencies are corrected.

In the absence of any City Capital Improvement funding for this intersection, two impacted developers are electing to privately fund these improvements in order to proceed with their development projects. These developers are the majority property owners and have proposed the initiation of an involuntary Special Improvement District to spread a portion of the costs through assessments to other undeveloped property in the area benefitted by the improvements.

Ordinance No. 132, 2004, which was adopted 6-0 (Councilmember Kastein was absent) on First Reading on August 17, 2004, appropriates \$162,050 from the Street Oversizing Fund into the Capital Project account for this project.

12. Second Reading of Ordinance No. 133, 2004, Designating the Alpert Building as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, the Walter J. Frick Trust, is initiating this request for Fort Collins Landmark designation for the Alpert Building. The Alpert Building retains excellent physical integrity and is judged to be both architecturally and historically significant under Fort Collins Landmark Standards (1), (2), and (3). This Ordinance was adopted 6-0 (Councilmember Kastein was absent) on First Reading on August 17, 2004.

13. Second Reading of Ordinance No. 134, 2004, Authorizing the Conveyance of a Parcel of City Property in Exchange for a Property Located at 1833 East Mulberry Street, and Appropriating the Related Donation as Unanticipated Revenue in the Natural Areas Fund, and Rescinding Ordinance No. 007, 2004.

This Ordinance, which was adopted 6-0 (Councilmember Kastein was absent) on First Reading on August 17, 2004, allows a proposed conveyance of 2.468 acres of land on the Poudre River Corridor and adjacent to the Kingfisher Natural Area from William C. And Maureen D. Stockover to the City in exchange for property 0.621 acres in size owned by the City at 1833 East Mulberry Street, which land is adjacent to and west of land owned by the Stockovers.

The Ordinance has also been amended on Second Reading to account for errors in the mathematical calculations of the price allocations. The price allocation of the net donation to the City was shown as \$11,532 on the first reading; the correct net donation shown on the second reading is \$10,498.

14. Second Reading of Ordinance No. 135, 2004, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the Mason Transportation Corridor Trail Project.

This Ordinance, which was adopted 6-0 (Councilmember Kastein was absent) on First Reading on August 17, 2004, does not begin the eminent domain process; it simply allows staff to use the process if absolutely necessary and extensive good faith negotiations are not successful.

15. First Reading of Ordinance No. 138, 2004, Appropriating Prior Year Reserves in the General Fund for Transfer to the Capital Projects Fund - Timberline Road Improvements Project to be Used for the Engineering Design of Timberline Road from Prospect Road to Drake Road.

This Ordinance appropriates funding for the final design for the full and complete 4-lane widening project of Timberline Road between Prospect and Drake in anticipation of potential project construction funding through the Building on Basics ballot measure. The design would be conducted concurrently with the Interim 4-lane project design now underway assisted by developer funding.

16. First Reading of Ordinance No. 139, 2004, Amending the Fort Collins Traffic Code Related to Parking.

Staff is proposing four amendments to the Traffic Code that relate to parking enforcement. These amendments are needed to continue implementation of the “enhanced enforcement” recommendation in the Downtown Strategic Plan.

17. Resolution 2004-102 Finding Substantial Compliance and Initiating Annexation Proceedings for the College and Trilby Annexation.

The applicant, Hunt Douglas Real Estate Services, on behalf of the property owners, COL College and Trilby, LLC, has submitted a written petition requesting annexation of 5.76 acres located at the northwest corner of State Highway 287 (South College Avenue) and Trilby Road. The property is partially developed, containing one vacant building and parking. There is an undeveloped building pad site on the property. The requested zoning for this annexation is NC – Neighborhood Commercial. The surrounding properties are currently zoned C - Commercial in Larimer County to the south and east and NC – Neighborhood Commercial in the city to the west and the north.

The proposed Resolution makes a finding that the petition substantially complies with the Municipal Annexation Act, determines that a hearing should be established regarding the annexation, and directs that notice be given of the hearing. The hearing will be held at the time of first reading of the annexation and zoning ordinances. Not less than thirty days of prior notice is required by State law.

18. Resolution 2004-103 Reestablishing a Telephone Exchange Access Facility Charge and a Wireless Communications Access Charge for the Larimer Emergency Telephone Authority Effective January 1, 2005.

The Larimer Emergency Telephone Authority (LETA) was created in 1990 pursuant to C.R.S. Section 29-11-101, et. seq., by an intergovernmental agreement between the City of Fort Collins and nineteen other governmental entities in Larimer County.

At the July 7, 2004 LETA Board meeting, the Board approved a telephone exchange access facility charge and a wireless communications access charge effective January 1, 2005, each at the rate of forty-five cents (\$.45) per month.

19. Resolution 2004-104 Identifying Projects to Be Funded by Passenger Facility Charges Collected 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. A new PFC Application is being submitted to the FAA for recovery of eligible project costs in accordance with this Act. The Cities are required to approve the projects being submitted in the application.

20. Resolution 2004-105 Authorizing the Lease of a Portion of the City-Owned Property at 250 North Mason Street, Fort Collins, Colorado.

Since the Transit Center became operational, the City has leased an office space at the Center to a company that has provided over-the-road bus service from the Center. The previous tenant's lease has expired and the company has vacated the premises. This service has been beneficial to the community and City staff has decided to negotiate with a new tenant to provide the same services.

The lease agreement will be for the rental of a 190 square foot office space, an outdoor bicycle/storage unit, and use of an outdoor bus stop area. The lease term will be for one year, with the City having the option to renew for an additional one-year term. The annual rental for these spaces will be \$3,550. The tenant will be required to carry commercial general liability insurance, commercial automobile liability insurance and worker's compensation insurance.

21. Resolution 2004-106 Approving the Position Profile for the City Manager Executive Search Process.

The final draft of the Position Profile for the City Manager's position is being presented for Council approval. The final profile includes information gathered from Council members, Citizen's Advisory Committee members and staff by Bob Slavin of Slavin Management Consultants. This document will be used throughout the City Manager recruitment process.

22. Resolution 2004-107 Making Appointments to the Youth Advisory Board.

Vacancies currently exist on the Youth Advisory Board due to the resignations of Abby Zier, Adrienne Pickett and Amy Flug. Mayor Martinez and Councilmember Kastein interviewed the applicants on file. The Council interview team is recommending Cara Getches, David Saperstone and Kristi Thomas with terms to begin immediately and set forth to expire on December 31, 2005, December 31, 2006 and December 31, 2007 respectively.

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

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

### **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

26. First Reading of Ordinance No. 140, 2004, Authorizing the Conveyance of Nonexclusive Easement Interests for the Relocation of a Waterline by the North Weld County Water District to a New Location on the Northside Aztlan Community Center Property. (20 minutes - 5 minute staff presentation)

The relocation of an existing North Weld County Water District water line currently in the south bank of the River to the south away from the River and work area has been proposed to facilitate environmental cleanup efforts currently being planned for along the Poudre River adjacent to the Northside Aztlan Community Center property. In order to allow the water line relocation to occur, the City has been asked to grant a permanent easement for the new water line location across the Aztlan Center property, and to grant a temporary construction easement for the relocation work.

27. Items Relating to the Feather Ridge Annexation and Zoning. (30 minutes - 5 minute staff presentation)
- A. Resolution 2004-108 Setting Forth Findings of Fact and Determinations Regarding the Feather Ridge Annexation.
  - B. First Reading of Ordinance No. 141, 2004, Annexing Property Known as the Feather Ridge Annexation to the City of Fort Collins, Colorado.
  - C. First Reading of Ordinance No. 142, 2004, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Feather Ridge Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 15.46 acres in size. The site is located approximately 1,200 feet east of Ziegler Road, north of Hewlett-Packard/Agilent Technologies, and approximately 2,144 feet north of East Harmony Road. The recommended zoning is U-E, Urban Estate. This zoning complies with the recently amended Structure Plan Map.

28. Options for the City's Match to Fund a Tenant Based, Pilot Rental Assistance Program. (Options 1, 2, and 3). (15 minutes - no staff presentation)

On July 6, Council approved the use of monies in the Affordable Housing Trust fund - \$169,651 over a two-year period. Subsequently, on July 20, 2004, Council directed that this item. be reconsidered.

The Colorado Division of Housing ("DOH") approached the City and the Fort Collins Housing Authority ("FCHA") regarding a Tenant Based, Pilot Rental Assistance Program ("Program") for a two-year pilot period. DOH, with the lead of a new director, is focusing on responding quickly to changing local market conditions for affordable housing. Consequently, DOH identified three communities with unique needs: Colorado Springs, Denver Metro area, Fort Collins/Loveland. The identified unique needs include double digit rental market vacancy rates, financially challenged low-income affordable housing projects, demand exceeding capacity in homeless shelters, and large waiting lists for deep subsidy programs like Section 8 vouchers.

The State Housing Board has committed \$2.8 million of DOH money to these three communities; Fort Collins/Loveland is to receive \$465,000. The funds are for a two-year, stop-gap, rental assistance program that would target between 35 and 70 families earning 0-30% of Area Median Income, working families in shelters, homeless individuals and families, those on Section 8 waiting lists, and other local preferences to be defined. The funding will provide rental assistance, security deposit assistance, case management for self-sufficiency and project administration.

29. Items Relating to the Reduction of Sales Tax on Grocery Food. (1 hour - 15 minute staff presentation)

**Option 1:**

- A. Resolution 2004-101 Submitting Proposed Citizen-Initiated Ordinance No. 002, 2004, Relating to the Elimination of Sales Tax on Grocery Food to a Vote of the Registered City Electors at the Next Regular Municipal Election on April 5, 2005.

OR

**Option 2:**

- A. First Reading of Ordinance No. 144, 2004, Calling a Special Municipal Election to Be Held in Conjunction with the November 2, 2004 Larimer County General Election.



- B. Resolution 2004-109 Submitting Proposed City-Initiated Ordinance No. 145, 2004, Relating to the Elimination of City Sales Tax on Grocery Food to a Vote of the Registered City Electors at a Special Municipal Election to be Held on November 2, 2004.
- C. Resolution 2004-110 Submitting a Proposed 0.27% Increase in the City's Sales and Use Tax Rate to a Vote of the Registered City Electors at a Special Municipal Election to be Held on November 2, 2004.

This item proposes two options for placing a citizen-initiated measure to eliminate the sales tax on grocery food on the ballot. Option 1 would place the item on the regular municipal election ballot on April 5, 2005 as a citizen-initiated measure. Option 2 would place the item on the November 2, 2004 ballot as a Council-initiated measure.

In addition, pursuant to Council direction at the August 17, 2004 meeting, staff has prepared another measure which could be placed on the November 2, 2004 ballot proposing a 0.27% increase in the City's sales and use tax rate on all taxable items except food. The purpose of this measure would be to offset the revenues that would be lost if the sales tax was removed from grocery food. This new tax would take effect only if voters approve the elimination of the sales tax on grocery food.

- 30. Pulled Consent Items.
- 31. Other Business.
- 32. Adjournment.