

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

October 5, 2004

Proclamations and Presentations
5:30 p.m.

- A. Proclamation Proclaiming the Month of October as "National Arts and Humanities Month".
- B. Proclamation Proclaiming the Month of October as "Spinal Health 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 23. 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 #29, 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 August 17, 2004 and the adjourned meeting minutes of July 27, 2004.
8. Items Relating to the EPA-supervised Environmental Remediation at the Poudre River and Northside Aztlan Community Center Property.

A. Second Reading of Ordinance No. 146, 2004, Authorizing the Conveyance of Permanent, Non-Exclusive Easement Interests to Public Service Company of Colorado and the United States Environmental Protection Agency for Environmental Remediation Activities and Facilities on the Northside Aztlan Community Center Property.

B. Second Reading of Ordinance No. 147, 2004, Authorizing the Conveyance of an Easement on the Gustav Swanson Natural Area to North Weld County Water District for Relocation of a Water Line From Its Existing Location on the Natural Area

Ordinance No. 146, 2004, which was unanimously adopted on First Reading on September 21, 2004, conveys permanent easements to Public Service Company of Colorado and the U.S. Environmental Protection Agency. This provides an area for construction and operation of remediation structures and equipment.

Ordinance No. 147, 2004, which was also unanimously adopted on First Reading on September 21, 2004, provides an easement across a City-owned natural area, allowing realignment of the existing North Weld County Water District water line.

9. Second Reading of Ordinance No. 148, 2004, Appropriating Unanticipated Revenue in the Amount of \$26,500 for a Perpetual Easement at 259 South College Avenue, the Armstrong Hotel.

In 2003, the Colorado Historical Society awarded the City of Fort Collins a State Historical Fund grant of \$171,000. This money was appropriated in Ordinance 107. The building owners, the Levinger family, already provided to the City the \$339,000 cash match for the grant. The grant funds are currently financing the rehabilitation of 259 South College Avenue in Fort Collins. As part of the grant requirements, the building owners must give a perpetual easement on the building to an approved entity. The building owners selected the Colorado Historical Foundation to hold the perpetual easement.

This Ordinance, which was unanimously adopted on First Reading on September 21, 2004, appropriates funds for a perpetual easement for the Armstrong Hotel, 259 South College Avenue.

10. Second Reading of Ordinance No. 149, 2004, Authorizing the Lease of City-owned Property at 3620 Kechter Road for Up to Five Years.

The City acquired this property as part of the Affordable Housing Land Bank Program. The property is composed of five acres of development land with a single family dwelling. In accordance with the highest and best use, the City will eventually divide the property into four acres of development land and a one-acre residential property.

One of the goals of the Land Bank Program is to hold land for a minimum of five years. Leasing the property during this time period generates revenue for the program, eliminates ground maintenance and discourages vandalism in empty structures. The City will lease the residence as a horse property with acreage. Ordinance No. 149, 2004, was unanimously adopted on First Reading on September 21, 2004.

11. Second Reading of Ordinance No. 150, 2004, Authorizing the Lease of City-owned Property at 149 Grandview Road for Up to Five Years.

The City built this house for use by the Cemetery Superintendent. Since this position has been eliminated, the City does not need to use this house as a staff residence. CLRS staff considered moving the building to Roselawn Cemetery to be used as a maintenance facility. Researching this option, staff concluded that it would not be cost effective to move and remodel the house into a maintenance shop. This Ordinance, which was unanimously adopted on First Reading on September 21, 2004, allows staff to keep the house rented for up to five years.

12. Items Related to Lease of City-Owned Property at 1506 West Horsetooth Road.

- A. Second Reading of Ordinance No. 151, 2004, Authorizing the Lease of City-owned Property at 1506A West Horsetooth Road for Up to Five Years.

- B. Second Reading of Ordinance No. 152, 2004, Authorizing the Lease of City-owned Property at 1506B West Horsetooth Road for up to Five Years.

The City acquired this property as part of the Affordable Housing Land Bank Program (the "Land Bank Program"). The property is composed of 8.3 acres of development land. Currently this site has one single family residence, one building with an efficiency apartment and garage, and facilities for a horse property. One of the goals of the Land Bank Program is to hold land for a minimum of five years. Leasing the property during this time period generates revenue for the program, eliminates ground maintenance and discourages vandalism in empty structures.

The lease for 1506A West Horsetooth Road will include the single family residence, the garage, and the horse facilities. The lease for 1506B West Horsetooth Road will be for the efficiency apartment. These Ordinances were unanimously adopted on First Reading on September 21, 2004.

13. Second Reading of Ordinance No. 153, 2004, Authorizing the Lease of City-owned Property Consisting of a Portion of the Edora Pool Ice Center (EPIC) for Five Years.

City staff worked with NCYH and identified a 177 square foot area that was an office formerly used by EPIC staff and a custodial room. This space is not currently needed for City staff. The City will perform a minimal tenant finish on the space to include painting, carpeting, and adding a door between the two rooms. Ordinance No. 153, 2004, which was unanimously adopted on First Reading on September 21, 2004, authorizes the lease of City-owned property.

14. Items Related to Easements for the New Centers for Disease Control Facility.

- A. Second Reading of Ordinance No. 154, 2004, Authorizing the Conveyance of a Non-exclusive Utility Easement to Xcel Energy on City Property at North Overland Trail and West Mulberry Street for a Natural Gas Line.
- B. Second Reading of Ordinance No. 155, 2004, Authorizing the Conveyance of a Non-exclusive Utility Easement to the Centers for Disease Control and Prevention on City Property at North Overland Trail and West Mulberry Street for a Wastewater Service Line.

The CDC is building a new facility near Fort Collins on the Colorado State University Foothills Campus. In order to construct the facility, the CDC requires a utility easement from the City for its wastewater service line over, under, and across a portion of City-owned property at the substation site on North Overland Trail and Mulberry Streets. The requested easements will not interfere with the City's use of this property. The Utilities Department staff has no objections to these easement requests. These Ordinances were both unanimously adopted on First Reading on September 21, 2004.

15. Second Reading of Ordinance No. 156, 2004, Authorizing the Conveyance of a Non-exclusive Easement for a Fiber Optic Duct Bank and Irrigation Waterline to Poudre School District on a Portion of the Staley Neighborhood Park Site.

The proposed 10-foot wide fiber optic duct bank and irrigation line easement (.117 A) is located along the northerly boundary of the Staley Neighborhood Park adjacent to Kechter Road. This easement is beneficial to the City because the irrigation line will be shared by the Poudre School District and the City when the Park is developed. Ordinance No. 156, 2004, was unanimously adopted on First Reading on September 21, 2004.

16. Second Reading of Ordinance No. 157, 2004, Authorizing the Conveyance of a Non-Exclusive Easement to Poudre Valley Rural Electric Authority (PVREA) for the Construction of an Electric Service Line to Serve the Visitor Center at Fossil Creek Regional Open Space.

PVREA is providing electrical service to the nearly completed Visitor Center on the Fossil Creek Reservoir Regional Open Space property located north of East County Road 32. While the underground line is part of the approved Larimer County plan for the improvements to the property, including the Visitor Center, PVREA requires that the property owners of record provide a ROW easement for the underground utility easement. Larimer County and City of Fort Collins each own a 50% interest in the property. This Ordinance, which was unanimously adopted on First Reading on September 21, 2004, authorizes the City Manager to execute an underground utility easement 10 feet wide, 5 feet each side of power line center and appurtenances, as approved by Larimer County, across the Fossil Creek Reservoir Regional Open Space property jointly owned by the City and Larimer County.

17. Second Reading of Ordinance No. 158, 2004, Authorizing the Long-Term Lease of Property at the Fort Collins-Loveland Municipal Airport to TAS Enterprises, Inc. for the Construction of an Aircraft Hangar.

This Ordinance, which was unanimously adopted on First Reading on September 21, 2004. The ground lease allows TAS Enterprises to construct a 60 foot by 140 foot hangar for personal aircraft storage.

18. Items Relating to Petitions for Initiative, Referendum, and Recall.
- A. Second Reading of Ordinance No. 159, 2004, Amending the General Form for Petitions for Initiative, Referendum, and Recall.
- B. Second Reading of Ordinance No. 160, 2004, Amending Chapter 7 of the City Code so as to Include a New Article 7 Pertaining to Election Offenses.

These ordinances would, in combination, seek to ensure that persons who are asked to sign an initiative or referendum petition are properly informed of the purpose of the petition.

Ordinance No. 159, 2004, which was unanimously adopted on First Reading on September 21, 2004, amends the standard form of the initiative, referendum or recall petition so as to

include a warning on each page of the petition encouraging potential signers to read the full text of an initiated or referred measure or the purpose statement of a recall petition.

Ordinance No. 160, 2004, which was unanimously adopted on First Reading on September 21, 2004, requires all petition circulators, upon request, to read the full text of an initiated or referred measure, or the purpose statement of a recall petition to any person requesting such assistance.

19. First Reading of Ordinance No. 161, 2004, Appropriating Prior Year Reserves and Unanticipated Revenue in Various Funds and Authorizing the Transfer of Appropriated Amounts Between Funds.

The purpose of the annual clean-up ordinance is to combine dedicated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and therefore not included in the 2004 budget. The unanticipated revenue is primarily from fees, charges, rents, contributions and grants that have been paid to City departments to offset specific expenses. Prior year reserves are primarily being appropriated for unanticipated operation expenses from reserves that are set aside for that purpose.

20. First Reading of Ordinance No. 162, 2004, Amending Section 2-140 of the City Code Concerning the Citizen Review Board's Review of Police Internal Investigations.

The Citizen Review Board recommends that this language be changed to the following: "Upon completion of its review, the board shall concurrently convey any observations or recommendations regarding the administrative investigation conducted by Police Services, and the findings reached by the investigating and reviewing officers(s), to the City Manager and the Chief of Police."

The Citizen Review Board recommends the above in order that its mission be more clearly defined. The new language will change the board's mandate from recommendations concerning sufficiency and accuracy of the investigation itself to recommendations and observations about both the investigation and the investigative findings.

21. Resolution 2004-118 Submitting the Existing Conditions Study and Urban Renewal Plan for the North College Corridor Area to the Planning and Zoning Board, the Poudre School District Board of Education, and the Larimer County Board of Commissioners.

On June 15, 2004, the City Council adopted Resolution 2004-076 authorizing and directing staff to prepare a Study of Existing Conditions relative to certain "Blight Factors" in the Colorado Urban Renewal Law and an Urban Renewal Plan for the North College Corridor Area. Since that time, staff has worked with a Citizens Advisory Committee, composed of business owners, business tenants, and members of the Planning and Zoning Board, to develop these documents. Before the Council can officially approve the Urban Renewal Plan, State law, specifically Colorado Revised Statutes 31-25-107(2), requires the Council to formally submit the Urban Renewal Plan to the Planning and Zoning Board for its review and recommendation as to the Urban Renewal Plan's conformity with City Plan, the City's Comprehensive Plan, which is the general plan for development of the municipality as a whole.

22. Resolution 2004-119 Approving Expenditures from the Art in Public Places Reserve Account in the Water Fund to Commission an Artist to Create Sculptural Elements for the Water Cycle Wall Expansion Project.

This Resolution would approve expenditures of \$37,000 for design, fabrication, installation, signage and contingency for a project to install sculptural elements by Joe McGrane at the Water Cycle Wall outdoor classroom site.

23. Resolution 2004-120 Authorizing an Intergovernmental Agreement with the United States Fish and Wildlife Service Regarding Conservation of the Threatened Colorado Butterfly Plant on Meadow Springs Ranch.

The Colorado butterfly plant (also known as Gaura) is a threatened species found primarily in Wyoming and Nebraska. It has also been found living in a small portion of city-owned Meadow Springs Ranch. This location contains the only known Gaura population in Colorado.

The USFWS has approached the City with a request to enter into a voluntary conservation agreement. A conservation agreement would spell out certain best management practices, such as grazing density and duration, the use of herbicides, and haying. Current range management practices align well with the goals of the USFWS, and would serve to fulfill the requirements of a conservation agreement. The Ordinance authorizes the City to convey the conservation agreement.

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

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

27. Resolution 2004-121 Authorizing the City Manager to Negotiate a Draft Intergovernmental Agreement with the City of Loveland to Provide Transit System Services Within Loveland.
(1 hour - 15 minute staff presentation)

For the past two years, City staff has been discussing with Loveland the possible management of COLT by the Transfort/Dial-A-Ride staff. The City of Loveland's staff has examined various methods and agencies to operate COLT. In 2005, COLT is projecting comparable service to the Transfort/Dial-A-Ride estimate to be \$947,258.

Following the designation of Berthoud, Loveland, a portion of Larimer County, and Fort Collins as a Transportation Management Area (TMA), Loveland realized the significant

supervisory and administrative requirements needed to adhere to the federal regulations. COLT had to increase its staffing. Electing to contract instead of hiring additional staff, Loveland's City Manager requested a proposal from Fort Collins to operate COLT. Since May 2004, weekly discussions have been on-going between the two communities to develop satisfactory terms.

The Intergovernmental Agreement negotiations should be completed by November 2004. The projected COLT service start date will be 3-4 months after the execution of the IGA.

28. First Reading of Ordinance No. 163, 2004, Authorizing the Execution of an Administrative Order on Consent By the United States Environmental Protection Agency and a Related Environmental Covenant in Connection With Environmental Contamination and Remediation in the Cache La Poudre River Near the Northside Aztlan Community Center Property. (30 minutes - 15 minute staff presentation)

The implementation of an environmental removal and remediation work plan that EPA and Public Service Company of Colorado (PSCo) have been developing over the course of the past year to address contamination in the Cache La Poudre River in the vicinity of the City's Northside Aztlan Community Center is currently pending. Prior to undertaking this work, EPA and PSCo have worked with the City and Schrader Oil Company to negotiate an Administrative Order on Consent (AOC) that will set out the rights and responsibilities of the relative parties to the AOC, including the apportionment of costs associated with the environmental cleanup and the related EPA oversight of the same, the future liabilities and protections from claims of liability amongst the parties related to the environmental condition addressed by the AOC, and the ongoing commitments of the parties related to prevention and mitigation of future impacts related to contamination that is within the scope of the AOC.

29. Pulled Consent Items.
30. Other Business.
31. Adjournment.