

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

December 7, 2004

Proclamations and Presentations
5:30 p.m.

- A. Proclamation Proclaiming December 10, 2004 as "International Human Rights Day."

Regular Meeting
6:00 p.m.

PLEDGE OF ALLEGIANCE

Traut Core Knowledge Student Singers "Music From the Core" will sing "God Bless America."

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 30. 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 #37, 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 adjourned meeting minutes of November 9, 2004.
8. Second Reading of Ordinance No. 174, 2004, Amending Chapter 26, Article VII, Division 2 of the City Code Relating to Stormwater Fees.

The Ordinance will:

- NOT increase stormwater rates for 2005; but will
- permit the Utilities General Manager to adjust the area utilized in calculating the monthly stormwater fee for residential lots in excess of one-half acre and for properties used for agricultural purposes.

Staff recommends that Council approve the Ordinance pending further study and analysis of the capital improvement program and financing plan. Ordinance No. 174, 2004 (Option A) was unanimously adopted on First Reading on November 16, 2004.

9. Second Reading of Ordinance No. 179, 2004, Appropriating Unanticipated Grant Revenue in the Recreation Fund to be Used for General Operating Support of the Adaptive Recreation Opportunities Program Recreation Works Project.

The City was awarded a \$43,030 grant from the Department of Education via a sub-award from Colorado State University. This Ordinance, which was adopted unanimously on First

Reading on November 16, 2004, appropriates that grant money in the Recreation Works Grant II project.

10. Second Reading of Ordinance No. 180, 2004, Appropriating Unanticipated Revenue in the General Fund for Police Services and Authorizing the Transfer of Matching Funds Previously Appropriated in the Police Services Operating Budget to the Local Law Enforcement Block Grant Program.

Fort Collins Police Services ("FCPS") has been awarded a grant from the U.S. Department of Justice LLEBG program in the amount of \$13,817. The funds are to buy equipment related to basic law enforcement functions. A local cash match of \$1,535 is required and will be met by the existing Police Services budget. The grant funds will be used to purchase trunk vaults for securing SWAT rifles and other SWAT equipment in vehicles.

The grant requires input from an Advisory Board who will make a non-binding recommendation to the U.S. Department of Justice on the agency's use of the funds. The Advisory Board, consisting of representatives from local law enforcement (FCPS Chief Harrison), prosecution (District Attorney Stuart VanMeveren), court system (Judge Kathleen Lane), public school (Ellyn Dickmann), and a non-profit agency active in crime prevention or treatment (Scoot Crandall – TEAM Fort Collins and Pam McCracken – CSU Center for Drug and Alcohol Education), reviewed the project and supported the proposed use of the grant funds. Ordinance No. 180, 2004, was unanimously adopted on First Reading on November 16, 2004.

11. Second Reading of Ordinance No. 181, 2004, Authorizing the Purchasing Agent to Enter into an Agreement for the Financing by Lease-Purchase of Vehicles and Equipment.

The cost of the items to be lease-purchased is \$406,132. No payments are due in 2004. Payments at the 4.43% interest rate will not exceed \$91,002 in 2005. Money for the first year lease-purchase payments is included in the 2005 budget. The effect of the debt position for the purpose of financial rating of the City will be to raise the total City debt by .09%. A competitive process was used to select Koch Financial Corporation for this lease. Staff believes acceptance of this lease rate is in the City's best interest.

Ordinance No. 181, 2004, was unanimously adopted on First Reading on November 16, 2004.

12. Second Reading of Ordinance No. 182, 2004, Authorizing the Conduct of a Mail Ballot Election for the April 5, 2005 Regular Municipal Election.

This Ordinance, which was unanimously adopted on First Reading on November 16, 2004, authorizes the April 5, 2005 regular municipal election to be conducted by mail ballot, adopts the Mail Ballot Election Act of the Uniform Election Code governing mail ballot elections,

authorizes the City Clerk to submit a mail ballot plan to the Secretary of State, and establishes the polling place for in-person voting for the April election.

13. Second Reading of Ordinance No. 184, 2004, Authorizing Addendum #1 to the Long-Term Lease of Property at the Fort Collins-Loveland Municipal Airport with Bill Sheel.

Bill Sheel has constructed a private hangar on the airport under a long-term lease agreement. Mr. Sheel wishes to construct an automobile access to his hangar off of Lear Drive. The land needed for this access will be added to his lease and lease payments will be increased by an additional \$115.80 per year.

The cities have the option of canceling the amendment if the land is needed for any purpose in the future. The cities are not obligated for any costs if the amendment is cancelled prior to the expiration of the term of the base lease.

Ordinance No. 184, 2004, was unanimously adopted on First Reading on November 16, 2004.

14. Second Reading of Ordinance No. 185, 2004, Authorizing the Conveyance of Non-Exclusive Easement Interests for the Construction of a Twenty-Two Foot Wide Drainage Channel for the Redeemer Lutheran Church of Fort Collins on a Portion of the Fossil Creek Reservoir Regional Open Space.

Pursuant to the City of Fort Collins Natural Area and Open Lands Easement Policy adopted by Resolution 2001-094, Redeemer Lutheran Church, located about 600 feet west of the southwest corner of Timberline and Carpenter Roads, is requesting an easement for a drainage channel across the Fossil Creek Reservoir Regional Open Space jointly owned by City of Fort Collins and Larimer County.

The 25-foot wide permanent easement will accommodate a 22-foot wide drainage channel that will be approximately 3-4 feet deep. The easement and channel will be located generally along the Union Pacific Railroad right-of-way for a distance of approximately 785 feet, with a total area of 19,248 square feet (0.44 acre). A 45-foot wide temporary construction easement necessary for the construction of the drainage channel will encompass the permanent drainage easement during the time of construction and reclamation, estimated to be no more than one year, and will be a total of 34,006 square feet (0.78 acre) in size.

Ordinance No. 185, 2004, was unanimously adopted on First Reading on November 16, 2004.

15. Second Reading of Ordinance No. 186, 2004, Authorizing the Granting of a Non-Exclusive Utility Easement to the City of Loveland on Jointly Owned, City and City of Loveland Property at the Fort Collins-Loveland Municipal Airport.

The proposed easement runs the east 40 feet of the SE 1/4 of Section 28, Township 6 North, Range 68 West, a portion of the Airport property. The City of Loveland's Power Operations Division is seeking to provide new service, and improve existing service in the airpark area. The proposed easement is 40 feet in width and runs the length of the property, or 2647.71 feet. The City of Loveland's Power Operations Division will restore the ground's surface to its prior condition.

Staff has determined that this easement carries a benefit which exceeds its cost. This easement will benefit the Fort Collins-Loveland Municipal Airport by bringing power to areas not currently served and thus facilitating future Airport expansion. This Ordinance was unanimously adopted on First Reading on November 16, 2004.

16. Second Reading of Ordinance No. 187, 2004, Amending Ordinance No. 050, 2004 Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the Stormwater Utility Drainage Outfall for the North Tributary System and the Street Oversizing Ziegler Road Realignment Project.

With Ordinance No. 050, 2004, Council granted authorization to allow the City to begin condemnation proceedings if the continuing negotiations are not successful. The City has continued good faith negotiations with the property owners to acquire the property. As a result of these negotiations, there have been several minor changes to the construction details of the improvements.

These minor changes affect the amount of property required for the storm water drainage easement, reduce the area of a planned vehicle turn around on the maintenance road, and reduce the slope easement required for the Ziegler Road embankment. In addition, the property owners have requested that the City act as intermediaries for other drainage and utility easements required by the Rigden Farm development for its Sixth Filing.

To accommodate these changes and at the property owner's request, staff has prepared revised legal descriptions for the eminent domain process. This Ordinance, which was unanimously adopted on First Reading on November 16, 2004, amends Ordinance No. 050, 2004 by revising the legal descriptions of the easements.

17. Second Reading of Ordinance No. 188, 2004, Appropriating Unanticipated Revenue in the Home Investment Partnerships Program.

The Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) Program provide funds from the Department of Housing and Urban Development to the City of Fort Collins that can be allocated to community development and affordable housing related programs and projects, thereby reducing the demand on the City's General Fund Budget to address such issues. Ordinance No. 188, 2004, was unanimously adopted on First Reading on November 16, 2004.

18. Second Reading of Ordinance No. 189, 2004, Appropriating Unanticipated Revenue in the Community Development Block Grant Program.

The Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) Program provide funds from the Department of Housing and Urban Development to the City of Fort Collins that can be allocated to community development and affordable housing related programs and projects, thereby reducing the demand on the City's General Fund Budget to address such issues. Ordinance No. 189, 2004, was unanimously adopted on First Reading on November 16, 2004.

19. First Reading of Ordinance No. 190, 2004, Appropriating Prior Year Reserves in the General Fund for Upgrading and Replacing the Development Tracking System and the Development Management System.

The City of Fort Collins has operated and maintained a software application known as the DTS since 1999. This application automates the departments of Building and Zoning and Current Planning business processes. These processes include portions of the development review process, the complete building permit process, as well as peripheral processes such as contractor licensing. The software is a vital component to the operation of these departments.

The vendor that supplies this application, Accela, recently released the latest version of this automated system. The City diligently researched the new software release and has deemed it a very desirable upgrade. The new release will align this system with the current standards and direction of the City's overall Information Technology strategies. This upgrade would also allow for the processes of Building and Zoning and Development Review to be completely integrated within a single application. Such integration will allow a more coordinated processing of development review and construction permitting. The vendor is offering, for a limited-time, considerable pricing incentives for existing software license holders. If the City agrees to upgrade by December 31, 2004, Accela will waive all licensing fees for the upgrade software, a total of \$149,995. The upgrade to the latest software release will be required in the future if the City continues to use this vendor's products.

20. First Reading of Ordinance No. 191, 2004, Appropriating Unanticipated Revenue in the General Fund for the Restorative Justice Youth Conferencing Program and the Restorative Justice Restore Program.

Office of Juvenile Justice, Division of Criminal Justice (DCJ) Grant

A grant in the amount of \$20,000 has been received from the Colorado Division of Criminal Justice ("DCJ") for salaries associated with the continued operation of the Restorative Justice Youth Conferencing Program. Restorative justice is an alternative method of holding a youth offender accountable for his or her actions by conferencing with the youth and the victim to develop appropriate consequences for the offense. By learning to understand the impacts of their actions on the victim, Criminal Justice Officials are optimistic repeat offenses will be reduced. A \$2,222 cash match is required and will be met by appropriating previously collected project income (client fees) from users of this program. The grant period is from October 1, 2004 to September 30, 2005.

Bohemian Foundation Grant

The Bohemian Foundation awarded a grant in the amount of \$25,000 for salaries associated with the continued operation of the Restorative Justice Restore Program ("RESTORE"). The RESTORE Program was developed to apply a restorative justice approach to hold juvenile shoplifting suspects accountable for their actions and assist them in making appropriate amends to the victims. Families, victims and law enforcement are all involved in this monthly process in which 20 to 30 youth participate. No cash match is required. The grant period is from October 1, 2004 to September 30, 2005.

The grant monies are awarded to and received by the Restorative Justice Program. They are not used in or by Municipal Court. However, about 85% of the cases handled in the two restorative justice programs are referred by Municipal Court. These cases deal primarily with youth and young adults, and are dismissed from Municipal Court upon completion of the Restorative Justice Program. The Court is sent verification of completion. Case referrals are also received from the District Court, police officers and school administrators.

21. First Reading of Ordinance No. 192, 2004, Appropriating Unanticipated Revenue in the Street Oversizing Fund and Authorizing the Transfer of Appropriations from the Street Oversizing Fund to the Capital Project Fund - Drake and Ziegler Road Improvements Project, Phase I.

The Drake and Zeigler Road Improvements Project, Phase I includes arterial street improvements for Drake Road, from Timberline east to Environmental Drive (approximately 4,500 linear feet). These street improvements will include the widening of Drake Road to a minor arterial street standard from its existing two-lane configuration, and the construction of the Environmental Drive connection (an additional 1,000 linear feet). The improvements

include the installation of curb-and-gutter, sidewalks, asphalt paving, bike lanes, and storm sewers.

Staff has coordinated this project with the planned construction of a new trunk sewer line to be constructed by the City's water and wastewater utility. These projects both require a full street closure in order to construct them safely and efficiently. By coordinating schedules and completing the work simultaneously, only one street closure will be necessary. The construction is planned to begin in March of 2005. The full closure of the roadway will last approximately 3 months.

22. First Reading of Ordinance No. 193, 2004, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Running Deer Natural Area Rezoning.

The rezoning request is consistent with the City of Fort Collins Structure Plan designations of both "Poudre River" and "Open Lands, Parks, Stream Corridors." The majority of the properties contained within these "green" corridor designations are large publicly owned parks, natural areas and open lands that have a community-wide emphasis or other characteristics which warrant inclusion under this separate designation rather than inclusion in an adjoining neighborhood or other District designation.

The T- Transition Zone District is intended for properties for which there are no specific and immediate plans for development. The only permitted uses are those existing at the date the property was placed into the district. Rezoning the property will allow the Natural Areas Program to move forward with its plans to construct a parking lot and a trailhead to provide public access to the property

There are roughly 14.828 acres on the northern end of the property which are currently being leased by the City to an adjacent business. This area is not included in the rezoning request and will remain within the T – Transition Zone District until the future use of the property has been determined.

23. Items Pertaining to the Donation of a Conservation Easement From Larimer County for Natural Areas Purposes.

- A. Resolution 2004-138 Authorizing the Acceptance of a Donation of a Conservation Easement on Red Mountain Ranch from Larimer County for Natural Area Purposes.
- B. First Reading of Ordinance No. 194, 2004, Appropriating the Value of a Conservation Easement on Red Mountain Ranch Donated to the City by Larimer County as Unanticipated Revenue in the Natural Areas Fund.

This Resolution will authorize acceptance by the City of a donation of a conservation easement on Red Mountain Ranch, adjacent to the City's Soapstone Ranch, for natural area purposes. The Ordinance will appropriate the value of the donated conservation easement.

24. Items Pertaining to the Liebl Annexation.

- A. Resolution 2004-139 Setting Forth Findings of Fact and Determinations Regarding the Liebl Annexation.
- B. Hearing and First Reading of Ordinance No. 195, 2004, Annexing Property Known as the Liebl Annexation to the City of Fort Collins, Colorado.
- C. Hearing and First Reading of Ordinance No. 196, 2004, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Liebl Annexation to the City of Fort Collins, Colorado.

The Liebl Annexation is a request to annex and zone 2.8 acres of land located along the east side of Timberline Road, south of Kechter Road. The site contains an existing single family residence and detached garage. The parcel is designated UE – Urban Estate on the Fort Collins Structure Plan and the Fossil Creek Reservoir Area Plan. The anticipated land use is a bed and breakfast consistent with the design standards in the UE zone district. The parcel is currently zoned FA1 - Farming in Larimer County.

25. Resolution 2004-140 Reappointing Kathleen M. Lane as Municipal Judge and Authorizing Certain Other Amendments to the Judge's Employment Contract.

Article VII, Section 1 of the Charter provides that the Municipal Judge is to be appointed for a term of two years. Kathleen M. Lane was first appointed to serve as the City's Municipal Judge for a term commencing July 1, 1989. This Resolution reappoints Judge Lane for another two-year term commencing on January 1, 2005 and ending on December 31, 2006, and authorizes the Mayor to execute an addendum to Judge Lane's Employment Agreement.

26. Resolution 2004-141 Approving a Fifth Addendum to the City Attorney's Employment Agreement.

The Resolution would approve changes to the City Attorney's employment contract.

27. Resolution 2004-142 Adopting the City's 2005 Legislative Policy Agenda.

Each year the Legislative Review Committee (LRC) develops a legislative agenda to assist in the analysis of pending legislation. The proposed 2005 Legislative Policy Agenda, which is attached to the Resolution as Exhibit "A", has been updated from the 2004 document and was reviewed and approved by the Legislative Review Committee. Changes are highlighted

below. This document will be used as a guide for the upcoming 2005 General Assembly and the first session of the 109th Congress. The purpose of the Legislative Policy Agenda is to articulate the City's position on common legislative topics. It will be used by Council members and staff to determine positions on pending legislation and as a general reference for state legislators and our congressional delegation.

28. Resolution 2004-143 Concerning Alcohol Abuse in Our Community.

This Resolution recognizes a growing concern in the Fort Collins community regarding student alcohol abuse and its impact on the City and on Colorado State University, and directs the City Manager to undertake certain measures to identify strategies the City could pursue to help curb alcohol abuse in the community.

29. Resolution 2004-144 Amending the Boards and Commissions Manual Relating to Citizen Participation during Board and Commission Meetings.

The Boards and Commissions Manual (the "Manual") was adopted by City Council by Resolution 2001-026. Resolution 2004-144 will amend the Manual to include a new section under "Meeting Responsibilities." The new section will be entitled "Public Input" and will direct all boards and commissions to include as part of the regular meeting agendas an opportunity for public comment. This new provision will afford the public an opportunity to provide input on topics assigned to the various boards and commissions and will broaden the base of information available to boards and commissions.

30. Routine Easements.

- A. Easement for Construction and Maintenance of Public Utilities from Gunter and Nicolette Bischoff, to underground existing electric system, located at 2516 South College Avenue. Monetary Consideration: \$400.

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

31. Consent Calendar Follow-up.

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

32. Staff Reports.

33. Councilmember Reports.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

34. Second Reading of Ordinance No.183, 2004, Amending Section 23-114 of the City Code Concerning the Leasing of City Property at the Fort Collins-Loveland Airport. (5 minutes - no staff presentation)

The Cities of Loveland and Fort Collins have been reviewing for approval ground leases for the construction of private hangars at the airport; these leases have been generic from one to the other and have been approved through the consent agenda. By giving the City Managers the ability to approve the leases it will expedite the approval process, reduce Councils work load and expedite the initial collections of lease payments.

Ordinance No. 183, 2004, was adopted on First Reading 6-1 (Nays: Councilmember Hamrick) on November 16, 2004.

35. First Reading of Ordinance No. 197, 2004, Amending Chapter 7.5-32 of the City Code Regarding Street Oversizing Capital Improvement Expansion Fees. (30 minutes - 15 minute staff presentation)

Staff is proposing a 13.8% increase to the Street Oversizing Fee. The increase consists of two elements: a 3.6% increase for inflation, and revisions to the Street Oversizing fees to account for recently adopted changes to the City's Master Street Plan. Periodic routine recalculations of the Street Oversizing fees are necessary to ensure that fee revenues will be sufficient to pay for the cost of improvements that the program will be constructing.

- Construction costs have increased. Staff is recommending a 3.6% increase to keep pace with inflation.
- The recently adopted East Mulberry Plan tripled the amount of arterial and collector roadway required to serve the zoning and density proposed in this planning area.
- The recently adopted Transportation Master Plan reclassified several street segments as a result of computer modeling of the transportation network. Several streets were downgraded in classification and a few were upgraded. However, no increase is necessary for these changes.

Staff is proposing a recalculation of Street Oversizing fees to include these changes. The overall result is a 13.8% increase in Street Oversizing fees.

36. First Reading of Ordinance No. 198, 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 Fall biannual update of the Land Use Code. On November 18, 2004, the Planning and Zoning Board considered the proposed changes and took specific action on five individual items. Outside of these five specific items, the Board voted 6 - 0 to recommend approval of the balance of the proposed changes to City Council.

37. Pulled Consent Items.

38. Other Business.

39. Adjournment.

This meeting needs to be adjourned to December 10, 2004 at 6:30 PM to consider meeting in Executive Session with finalists for the City Manager's position.