

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

December 21, 2004

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

- A. Presentation of Mayor's Exemplary Citizenship Award to Art Wilcox.

**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 20 . 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:

Ordinances on First Reading that are routine;  
 Ordinances on Second Reading that are routine;  
 Items of no perceived controversy;  
 Routine administrative actions.

## CONSENT CALENDAR

7. Consideration and approval of the regular Council meeting minutes of November 16, 2004.
8. Second 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.

Ordinance No. 190, 2004 was unanimously adopted on First Reading on December 7, 2004.

9. Second 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. 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"). No cash match is required. The grant period is from October 1, 2004 to September 30, 2005.

Ordinance No. 191, 2004 was unanimously adopted on First Reading on December 7, 2004.

10. Second 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.

Ordinance No. 192, 2004 was unanimously adopted on First Reading on December 7, 2004.

11. Second 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.

Ordinance No. 193, 2004 was unanimously adopted on First Reading on December 7, 2004.

12. Second 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 Ordinance, which was unanimously approved on First Reading on December 7, 2004, will appropriate the value of the donated conservation easement on Red Mountain Ranch which was authorized for acceptance by the City by Resolution on December 7, 2004.

13. Postponement of Items Pertaining to the Liebl Annexation to January 4, 2005.
- A. Second Reading of Ordinance No. 195, 2004, Annexing Property Known as the Liebl Annexation to the City of Fort Collins, Colorado.
  - B. Second 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. Ordinance Nos. 195 and 196, 2004 were unanimously adopted on First Reading on December 7, 2004.

Due to a technical error, these Ordinances were not published after First Reading. Therefore, Second Reading of Ordinance Nos. 195 and 196, 2004 will be postponed until the regular City Council meeting on January 4, 2005.

14. First Reading of Ordinance No. 199, 2004, Amending Section 2-398 of the City Code Relating to the Functions of the Senior Advisory Board.

The Senior Advisory Board (SAB) is asking that Section 2-398 of the City Code regarding the Board's functions be amended to better describe the role the Board serves. The Board is concerned that the current description of its functions implies duties and responsibilities that the Board is not equipped to perform. The Board's recommended changes have been approved by staff in the City Attorney's office and the Recreation Division.

15. First Reading of Ordinance No. 200, 2004, Amending Chapter 7 of the City Code so as to Add a New Section Relating to Identifying Circulators of Petitions.

Article X, Section 5 of the City Charter and Chapter 7, Article VI of the City Code establish certain regulations and requirements pertaining to the content and circulation of petitions and the affidavits of petition circulators. Currently, neither the City Charter nor the City Code requires that the status of petition circulators be identified as being either volunteer or paid. This Ordinance would amend the City Code to impose such a requirement.

16. First Reading of Ordinance No. 201, 2004, Amending Chapter 24 of the City Code, Pertaining to Signs in the Right-of-Way, and Chapter 17 of the City Code, Pertaining to Posting of Notices and Handbills on Public Property.

Section 24-1 of the City Code prohibits placement of signs on streets, sidewalks and other areas owned by the City. Similarly, Section 17-42 prohibits the posting of notices and handbills on public property. An amendment to these Code sections is recommended in order to clarify the methods that will be used to enforce the current provisions.

17. Resolution 2004-146 Approving the Purchase of Software From Accela, Inc. to Upgrade and Replace the Development Tracking System and Development Management System as an Exception to the Competitive Process.

Purchase of new Development Tracking System (DTS) software from Accela, Inc. will align the City's system with the current standards and direction of the City's overall Information Technology strategies. This upgrade would also allow the Building and Zoning and Development Review processes to be completely integrated within a single application.

Such integration will result in a more coherent processing of development review and construction permitting within a single system. Purchasing new software for the existing system will be substantially less expensive than purchasing an entirely new system from another vendor.

18. Resolution 2004-147 Authorizing Intergovernmental Agreements with Larimer County Regarding the Bee and Weber Conservation Easements.

Larimer County took the lead on these conservation projects and acquired the Bee and Weber Conservation Easements (CEs). Both properties are located south of the Wellington Growth Management Area and along the east side of I-25. The CE's Open Lands Master Plan for conserving agricultural lands and they fit the City's Land Conservation Plan by conserving open space in the Fort Collins - Wellington Community Separator. Due to the mutual benefit, staff is recommending that the City partner with Larimer County 50/50 on these two land conservation projects by reimbursing Larimer County for a 50% interest in the CE's.

19. Resolution 2004-148 Adopting an Updated *Three-Mile Plan for the City of Fort Collins*.

This is a review of the updates for the *Three-Mile Plan for the City of Fort Collins*. The *Three-Mile Plan* is a policy document that is required to ensure that the City complies with the regulations of the Colorado Revised Statutes.

20. Resolution 2004-149 Making Appointments to Various Boards, Commissions, and Authorities of the City of Fort Collins.

Vacancies currently exist on various boards, commissions, and authorities due to resignations of board members and the expiration of terms of members. Applications were solicited during September. Council received copies of the applications and Council teams interviewed applicants during October and November.

This Resolution makes 50 appointments to 23 boards and commissions. Names of those individuals recommended for appointment by each Council interview team have been inserted in the Resolution.

Several boards and commissions did not receive sufficient applications to fill existing vacancies. The Clerk's Office will readvertise for vacancies still existing on the Affordable Housing Board, Electric Board, Personnel Board and Transportation Board. Those appointments are tentatively scheduled for early February.

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

21. Consent Calendar Follow-up.

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

22. Staff Reports.23. Councilmember Reports.

### **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

24. Items Relating to the City Manager. (20 minutes - 10 minute staff presentation)

- A. Resolution 2004-150 Approving the Employment Contract for the City Manager.
- B. First Reading of Ordinance No. 202, 2004, Amending Section 2-596 of the City Code and Fixing the Salary of the City Manager.
- C. Administration of Oath of Office of City Manager.

25. Second Reading of Ordinance No. 197, 2004, Amending Chapter 7.5-32 of the City Code Regarding Street Oversizing Capital Improvement Expansion Fees. (5 minutes - no 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.

Ordinance No. 197, 2004 was adopted 5-2 (Nays: Councilmember Weitkunat and Mayor Martinez) on First Reading on December 7, 2004.

26. Second Reading of Ordinance No. 198, 2004, Making Various Amendments to the City of Fort Collins Land Use Code. (30 minutes - 5 minute staff presentation)

Staff has identified a variety of proposed changes, additions and clarifications in the Fall 2004 biannual update of the Land Use Code. This Ordinance, which was adopted 4 – 3 (Nays: Councilmembers Roy, Hamrick, and Bertschy) on First Reading on December 7, 2004, makes various amendments to the Land Use Code.

27. Items Related to the North College Avenue Urban Renewal Plan. (30 minutes - 10 minute staff presentation)

A. Resolution 2004-151 Adopting the North College Avenue Existing Conditions Study and Making Findings Determining an Area Within the City of Fort Collins to be a Blighted Area and Appropriate for Inclusion in an Urban Renewal Project.

B. Resolution 2004-152 Making Findings and Approving the Urban Renewal Plan for the North College Avenue Corridor.

Before the City Council can adopt an Urban Renewal Plan for any part of the city, the Council must determine the plan area to be a slum, blighted area, or a combination thereof, and designate such area appropriate for an urban renewal plan. Adoption of Resolution 2004-151 will satisfy the requirements of CRS 31-25-103(2) and approve the North College Avenue Existing Conditions Study (a.k.a. "Blight Study") and declare the North College Avenue Corridor blighted according to the criteria in State Law governing Urban Renewal Authorities. Adoption of Resolution 2004-152 will approve the North College Avenue Urban Renewal Plan which will assist in elimination of the slum and blight conditions within the North College Avenue Corridor.

28. Items Relating to a Citizen-Initiated Ordinance Relating to the Discontinuation of Fluoridation of the City Water Supplies. (30 minutes - 5 minute staff presentation)

A. Presentation of a Petition Relating to Citizen-Initiated Ordinance No. 001, 2005 (Relating to the Discontinuation of Fluoridation of the City Water Supplies) Certified by the City Clerk as Sufficient for Placement on a Regular Municipal Election Ballot. (No Action Needed)



- B. First Reading of Ordinance No. 203, 2004, Relating to the Discontinuation of Fluoridation of the City Water Supplies. (Option 1)

**OR**

Resolution 2004-153 Submitting Proposed Citizen-Initiated Ordinance No. 001, 2005, Relating to the Discontinuation of Fluoridation of the City Water Supplies to a Vote of the Registered City Electors at the Next Regular Municipal Election on April 5, 2005. (Option 2)

The City Clerk's Office received an initiative petition on December 3, 2004, which has been determined to contain a sufficient number of signatures to place the initiated measure before the registered electors of the City. Pursuant to the City Charter, upon presentation of an initiative petition certified as sufficient by the City Clerk, the Council must either (1) adopt the proposed ordinance without alteration within 30 days (Option 1); or (2) submit such proposed measure, in the form petitioned for, to the registered electors of the city (Option 2). If the Council chooses to submit the proposed measure to the voters, Resolution 2004-153 submits the measure to the voters and establishes the ballot language for the measure.

29. Resolution 2004-154 Making an Appointment to the Planning and Zoning Board. (15 minutes - no staff presentation)

A vacancy currently exists on the Planning and Zoning Board due to the expiration of Jerry Gavaldon's term.

Councilmembers Weitkumat and Roy conducted interviews but did not agree on a recommendation for the Planning and Zoning Board. The Council interview team wishes to submit two names (John Hatfield and William Stockover) for Council's consideration for that position.

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