

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

February 1, 2005

Proclamations and Presentations
5:30 p.m.

- A. Proclamation Recognizing Fort Collins as a Preserve America Community and Recognizing all the Partners in Fort Collins that Helped the Community Earn this Designation.
- B. Proclamation Proclaiming February 2005 as "Black History Month."

Regular Meeting
6:00 p.m.

Presentation of Colors - Cub Scout Pack #116 - the "Eagles"

- 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 #33, 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 regular Council meeting minutes of January 4, 2005.
8. Second Reading of Ordinance No. 006, 2005, Authorizing the Lease of Property to be Acquired for Wellington Community Separator to Turf Master Ltd., for a Sod Farm and Related Uses.

Pursuant to the City of Fort Collins Land Conservation and Stewardship Master Plan, staff has negotiated a Purchase & Sale Agreement with Bartran Enterprises, LLC for approximately 450 acres located in the Wellington Separator Area. The property is currently operated as a sod farm by Turf Master, LTD., and a condition of the sale of the property is an assignable Lease Agreement to the existing operator. Ordinance No. 006, 2005, was unanimously adopted on First Reading on January 18, 2005.

9. Second Reading of Ordinance No. 007, 2005, Authorizing the Conveyance of Right-of-Way and Non-Exclusive Utility Easements to the Colorado Department of Transportation for Use for a New Public Rest Area.

This is a new request from the Colorado Department of Transportation (CDOT) with regard to the already approved rest area facility and associated access. To meet traffic requirements, CDOT will need to install a signal and a left turn lane off of East Prospect onto the frontage road that provides access to the rest area. CDOT also needs to install gas, water and sewer service lines into the rest area. These items relate to the previous City Council approval of a voluntary exchange of parcels to allow the Colorado Department of Transportation to develop a new rest area immediately south of the current Welcome Center on East Prospect

Road near Interstate 25. At the time the exchange was approved, Council also approved related temporary and permanent easements. The requested conveyances in this item are in addition to those previously approved. Ordinance No. 007, 2005, was unanimously adopted on First Reading on January 18, 2005.

10. Second Reading of Ordinance No. 008, 2005, Authorizing the Conveyance of Certain Real Property and Authorizing the Grant of a Temporary Construction Easement at Meadow Springs Ranch to Weld County.

In 1999, the Weld County Public Works Department identified a need to improve connectivity between US 85 and I-25 in northern Weld County to serve regional transportation needs as well as local farmers and ranchers. Weld County Road ("WCR") 126 was chosen as the route that would connect these principal state highways in an east-west fashion. This route provided the only connection in a 20-mile segment from WCR 100 north to the Colorado/Wyoming border. Ordinance No. 008, 2005, was unanimously adopted on First Reading on January 18, 2005.

11. Items Relating to the Fort Collins-Loveland Municipal Airport.

- A. Second Reading of Ordinance No. 005, 2005, Authorizing the Appropriation of Operating Funds of the Fort Collins-Loveland Municipal Airport for the Fiscal Year Beginning January 1, 2005, and Authorizing the Appropriation of Unanticipated Revenue and Prior Year Reserves for Capital Improvements at the Fort Collins-Loveland Municipal Airport.
- B. Resolution 2005-004 Authorizing the Execution of a Grant Agreement with the State of Colorado for Funding of Airport Projects at the Fort Collins-Loveland Municipal Airport.

Item A is the Airport appropriation ordinance on second reading. The 2005 operating budget for the Fort Collins-Loveland Municipal Airport totals \$530,470, and will be funded from Airport operating revenues, contributions from the Cities of Fort Collins and Loveland, and interest earnings. This Ordinance, which was unanimously adopted on First Reading on January 18, 2005, appropriates the City's 50% share of the 2005 Airport budget, totaling \$265,235. In addition, this Ordinance appropriates the City's 50% share of capital improvements, not included in the 2005 Airport operating budget.

Item B is a Resolution authorizing the City's receipt of a state grant. Adoption of the Resolution authorizes the City to execute a grant agreement with the State of Colorado to assist in funding various capital projects at the Airport. The City's share of the grant proceeds totals \$30,881 and is included in the \$641,001 appropriation. The grant will be used to provide the local matching funds for the federally funded Airport improvements, to analyze fuel contamination areas at the Airport, and to provide aircraft rescue and firefighting equipment.

12. First Reading of Ordinance No. 009, 2005 Appropriating Prior Year Reserves in the Natural Areas Fund for the Purpose of Providing Natural Areas Programming Not Included in the 2005 Adopted City Budget.

In 2004 the Natural Areas Fund was created to comply with accounting standards. Ordinance No. 55, 2004 reallocated funds from the Capital Projects Fund (a non-lapsing fund) into the Natural Areas Fund (a lapsing fund). The purpose of the previously appropriated funds remains the same; land conservation, construction of parking lots, fences and trails, restoration wildlife habitat and other natural areas program needs to benefit the citizens of Fort Collins.

13. First Reading of Ordinance No. 010, 2005, Appropriating Unanticipated Grant Revenue in the General Fund for the Natural Resources Radon Program and Authorizing the Transfer of Matching Funds Previously Appropriated in the Natural Resources Operating Budget to the Grant Project.

This Ordinance appropriates \$15,000 in Colorado Department of Public Health and Environment grant funds in the General Fund for the Radon Program. It also authorizes the transfer of \$15,000 from the Natural Resources operating budget to the Grant Fund. The funds will be used to continue the radon education and testing program.

14. First Reading of Ordinance No. 011, 2005, Appropriating Prior Year Reserves.

City Council authorized expenditures in 2004 for various purposes. The authorized expenditures were not spent or could not be encumbered in 2004 because:

- There was not sufficient time to complete bidding in 2004 and therefore, there was no known vendor or binding contract as required to expend or encumber the monies.
- The project for which the dollars were originally appropriated by Council could not be completed during 2004 and reappropriation of those dollars is necessary for completion of the project in 2005.
- To carry on programs, services, and facility improvements in 2005 with unspent dollars previously appropriated in 2004.

Because of the above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2004.

15. Items Pertaining to the Mason Transportation Corridor Trail Project.

- A. Resolution 2005-005 Authorizing the Mayor to Enter into an Intergovernmental Agreement with the Colorado Department of Transportation in order for the City to Receive Grant Funding for the Mason Transportation Corridor Trail Project.

- B. First Reading of Ordinance No. 012, 2005, Appropriating Unanticipated Revenue in the Building Community Choices Capital Projects Fund - Mason Transportation Corridor Trail Design - Spring Creek Trail North Project for Design of the Mason Transportation Corridor Trail North from the Spring Creek Trail and Connecting With the Colorado State University Campus.

These Council actions will authorize the Mayor to enter into an agreement with the Colorado Department of Transportation (CDOT) for the City to receive the grant for the Mason Transportation Corridor (MTC) Trail project as well as appropriate these new grant funds into the project's budget. This new grant from CDOT will fund the design of the MTC Trail north from the Spring Creek Trail to connect with the Colorado State University campus. In the future, the City will continue to pursue additional grant funding to cover the construction costs for this segment of the MTC Trail. This extension of the MTC Trail northward from the Spring Creek Trail is consistent with the adopted Master Plan for the Mason Transportation Corridor Project.

16. Items Relating to an Intergovernmental Agreement with the Colorado Department of Transportation to Accept and Appropriate Funds Offered for the Design and Construction of the Lemay Avenue Southbound Right Turn Lane at Mulberry Street.

- A. Resolution 2005-006 Authorizing the Mayor to Enter Into an Intergovernmental Agreement with the Colorado Department of Transportation in Order for the City to Receive Grant Funding for the Design, Right-of-Way Acquisition and Construction of a Right Turn Lane in Lemay Avenue at Mulberry Street.
- B. First Reading of Ordinance No. 013, 2005, Appropriating Unanticipated Revenue in the Capital Projects Fund - Minor Streets Project to be used with Existing Appropriations for the Design and Construction of the Lemay Avenue Southbound Right Turn Lane at Mulberry Street.

The City applied for and received the offer of Congestion Mitigation and Air Quality ("CMAQ") funds for FY 2004-2005 to install a right turn lane for southbound Lemay Avenue at Mulberry Street.

17. First Reading of Ordinance No. 014, 2005, Appropriating Unanticipated Revenue in the Transit Fund to Support Alternative Modes of Transportation in the Transportation Demand Management Program.

These funds were received from the North Front Range Transportation & Air Quality Council's Congestion Mitigation and Air Quality ("CMAQ") grant program. This program is administered by the Colorado Department of Transportation. This funding will permit additional financial support of alternative modes in the SmartTrips™ program.

18. First Reading of Ordinance No. 015, 2005, Making Various Amendments to the Land Use Code.

On December 7, 2004 during consideration of First Reading of the Fall 2004 Land Use Code revisions, and again on December 21 during Second Reading, Council voted to conditionally allow *drive-in restaurants* in the N-C zone, subject to the establishment of design standards. Since that time, staff has worked closely with a potential applicant, a local franchisee of a national chain restaurant, to craft a set of design standards. The design standards are intended to balance the permitting of the use with the desire to ensure neighborhood compatibility.

The Planning and Zoning Board voted 6-0 at its January 20, 2005 meeting to recommend approval of the design standards for drive-in restaurants in the N-C zone.

City Council also approved specific Code amendments on December 21, 2004 that further restrict the minimum lot frontage requirements for buildings constructed side-by-side within the Neighborhood Conservation Medium Density (NCM) and Neighborhood Conservation Buffer (NCB) zone districts. Upon further review of these approved Code changes, it was determined that text changes suggested by staff at the hearing did not accurately capture the direction given by the Council. Therefore, staff is proposing revised language that will more accurately extend the limitation on "skinny houses" to all uses.

19. First Reading of Ordinance No. 016, 2005, Designating the First Public School / First Catholic Church Building, 115 Riverside Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Michael Braskich and Bianca Katz, are initiating this request for Fort Collins Landmark designation of the First Public School / First Catholic Church Building. This property is undisputably one of the most significant properties in Fort Collins, for its association with important events and individuals that have made a significant contribution to local history. Additionally, due to its association with the original settlement of Fort Collins, the property has a very high probability of yielding information, including artifacts, important to the history of Fort Collins. The building was specifically constructed as the first public schoolhouse in Fort Collins, and predates the official establishment of the Fort Collins townsite. It is thus one of the oldest buildings in the city. Despite modifications to the building associated with its use as a private dwelling, the building retains sufficient integrity to convey its significance. The building was entered on the National Register of Historic Places in 1980, as a contributing element of the Laurel School Historic District. Due to its unique role in Fort Collins' history, the First Public School / First Catholic Church Building warrants the community's highest recognition, and should be designated individually as a Fort Collins Landmark.

20. First Reading of Ordinance No. 017, 2005, Designating the Dukes/Dunlap Garage, 501 Stover Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The Dukes/Dunlap property contains both a house and garage. At its December 8, 2004 meeting, the Landmark Preservation Commission found the house to be eligible for Landmark designation, and forwarded this recommendation to Council. On January 18, 2005, Council adopted Ordinance No. 003, 2005 on Second Reading, designating the Dukes/Dunlap House as a Fort Collins Landmark.

The property owner, Mona Frayer, is requesting that the garage also be designated as a Landmark. At the Landmark Preservation Commission's January 12 meeting, Ms. Frayer provided detailed information on the history and architecture of the Dukes/Dunlap Garage. The Commission found that the garage is eligible for Landmark designation, and passed Resolution 3-2005, recommending this designation to Council. Qualifying under Standard 3, the Dukes/Dunlap Garage embodies the distinctive characteristics of a type, period, and method of construction, and contributes to the historical and architectural significance of both the Dukes/Dunlap property and of the Fort Collins community. Further, the Dukes/Dunlap Garage exhibits excellent integrity, retaining all seven qualities of location, design, setting, materials, workmanship, feeling, and association.

21. First Reading of Ordinance No. 018, 2005, Designating the Snook/Hale House and Two Garages, 220 South Sherwood Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Leroy and Marie Twarogowski, are initiating this request for Fort Collins Landmark designation of the Snook/Hale House and Two Garages. The Snook/Hale House is an excellent example of Craftsman architecture, with very good integrity. The two garages date to the period of significance and are eligible for designation under Standard 3. Both demonstrate good integrity, and contribute to the historical and architectural significance of the property.

22. Resolution 2005-007 Making Appointments to Various Boards and Commissions.

Vacancies currently exist on several boards and commissions due to expiration of terms which were not filled during the annual appointment process. The application deadline was extended to solicit additional applications for those boards lacking sufficient applications to fill existing vacancies. This Resolution makes appointments to those boards and commissions.

23. Routine Easements.

A. Easement Dedication from Poudre School District, for emergency vehicle access to Zach Elementary School, located at 3715 Kechter Road. Monetary consideration: \$0.

*****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.26. Councilmember Reports.**ITEMS NEEDING INDIVIDUAL CONSIDERATION**27. Consideration of the Appeal of the Feather Ridge Project Development Plan, Current Planning File #20-04A. (2 hours - 15 minute staff presentation)

The Feather Ridge Project Development Plan is a request for a small scale reception center located on 15 acres of land north of Hewlett-Packard and east of the Woodland Park Estates Subdivision. The project was presented to the Planning and Zoning Board for consideration on December 2, 2004. The Planning and Zoning Board denied the project by a 3 – 3 vote.

An appeal was filed in the City Clerk's Office on December 16, 2004 by attorney James Martell, representing the applicants Ryan Baker, Julie Baker, and Wendi Meyer. An amended notice of appeal was filed on December 30, 2004.

28. Resolution 2005-008 Submitting to the Registered Electors of the City at the April 5, 2005 Regular City Election the Question of Renewal of an Existing Quarter-cent Sales and Use Tax to Be Used to Fund the City's Street Maintenance Program. (30 minutes - 5 minute staff presentation)

At the January 11 Study Session, Council directed staff to bring forward a Resolution placing the Street Maintenance Program sales and use tax renewal on the April 2005 City Election ballot.

The Street Maintenance Program provides funding for the repair and renovation of the City's street system. All 475 miles of city streets are covered by the program including arterials, collectors and residential streets. The program covers major maintenance and preventative maintenance of streets including repairs, renovations and reconstruction when necessary. Maintenance is also performed on curbs, gutters, bridges, sidewalks, parkways, shoulders and medians.

- B. First Reading of Ordinance No. 020, 2005, Amending Chapter 20, Article VIII of the City Code Relating to Abatement of Public Nuisances.
- C. First Reading of Ordinance No. 021, 2005, Amending Article VI, Division 2 of the City Code Relating to Residential Rental Registration.

The Nuisance Gatherings provision creates a new misdemeanor criminal offense directed at social gatherings or parties that result in nuisance behaviors occurring on neighboring properties. These amendments would be in conjunction with continued efforts to more effectively and proactively enforce current nuisance laws, including loud parties, code compliance issues and the Public Nuisance Ordinance.

The Public Nuisance Ordinance (PNO) has proven to be an effective tool in reducing repeat violations at specific properties. These amendments are intended to improve current processes and strengthen the enforcement provision of the ordinance.

The Residential Rental Registration Ordinance establishes procedures for identifying ALL rental units within the city limits of Fort Collins, excluding only multi-family units larger than four-plexes. The purpose of the Rental Registration Program is to identify rental units, educate all parties about Rental Housing Standards and other City codes, and increase the efficacy of nuisance code enforcement through a local contact and better information sharing.

- 32. Second Reading of Ordinance No. 004, 2005, Amending the Duties and Functions of Boards and Commissions to Provide Input to the Decision Maker Regarding Project Development Plans. (1 hour - 10 minute staff presentation)

Ordinance No. 004, 2005, which was adopted with amendments on First Reading by a vote of 5-2 (Nays: Councilmembers Roy and Hamrick) on January 18, 2005, has been modified so as to add the ability to provide input to the decision maker as an additional function by all boards and commissions. Staff recommends deleting Sections 5 and 23 of the Ordinance, which amend the functions of the Citizen Review Board and the Personnel Board, since the duties and functions of those boards are administrative in nature, the boards advise the City Manager rather than the City Council, and the boards would be unaffected by land use proposals.

- 33. Pulled Consent Items.
- 34. Other Business.
- 35. Adjournment.

29. First Reading of Ordinance No. 022, 2005, Amending Section 25-49 of the City Code, Increasing the Annual Income Limits for the Determination of Eligibility for the Sales Tax Rebate on Food to Sixty Percent of the Median Income. (20 minutes - 5 minute staff presentation)

The City has included grocery food as part of the sales tax base since the inception of the tax in 1969. Tax on grocery food has been an integral part of the tax base, accounting for about \$5,645,189 of \$44.3 million of tax collected for the general government uses. This is 12.7% of the total tax collected. The City has operated a rebate program for sales tax paid on grocery food since the early 1980s. The program provides that households which meet the income level guidelines (now set at 30% of the area median income and updated annually) may apply for taxes paid in the prior year. Approximately 640 households qualify for the program. For each member of the eligible household, the City rebates \$40.

Ordinance No. 022, 2005, would increase the income eligibility levels to 60% of area median income. This would vastly increase the number of households eligible for the program. Under the new guidelines, staff estimates about 3,000 households would apply and be eligible for the program. The Finance Committee reviewed the staff's proposed amendment on January 14, 2005, and approved this increase. The Ordinance also provides for rounding to the nearest \$50 for household income eligibility and increases the maximum members in a household from four to eight.

30. Resolution 2005-009 Expressing the City Council's Opposition to the Citizen Initiated Ballot Measure Which Would Repeal the City's Sales Tax on Grocery Food. (45 minutes - 10 minute staff presentation)

A group of citizens submitted a petition with a sufficient number of signatures to have Citizen Initiated Ordinance No. 2, 2004, Relating to the Elimination of Sales Tax on Grocery Food placed on the ballot in the upcoming April 5, 2005, City election. On January 14, 2005, the Council Finance Committee met to review and discuss the Ordinance. By the year 2007, the revenue loss due to the elimination of the sales tax on grocery food will be approximately \$6 million. In combination with other budget cuts made during the prior three years, the funding reductions to support City-provided services will exceed \$12 million. This level of revenue reduction and service elimination will have a drastic and continuing effect on the economic health of the City and its ability to provide services to citizens. Based on the analysis provided by staff, the Committee recommended that a resolution be developed opposing Ballot Measure 1 be presented to the entire Council for discussion and consideration for adoption on February 1, 2005.

31. Items Relating to Nuisance Gatherings, Public Nuisance Amendments and Rental Registrations. (1 hour - 10 minute staff presentation)

A. First Reading of Ordinance No. 019, 2005, Amending Chapter 20 to Add a New Article Relating to Nuisance Gatherings.