

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

July 17, 2001

Proclamations and Presentations

5:30 p.m

- A. Proclamation Proclaiming July 21, 2001 as “A Day of Education for Children’s Safety”.
- B. Proclamation Proclaiming August 5, 2001 as “National KidsDay”.
- C. Proclamation Proclaiming August 7, 2001 as “Neighborhood Night Out”.

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 28. 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 #38, 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. Items Relating to Conveyance of Various Easements Relating to the Provincetowne P.U.D., Second Filing.

- A. Second Reading of Ordinance No. 82, 2001, Authorizing the Conveyance of Non-exclusive Easement Interests for the Construction of Storm Drainage Improvements for Provincetowne P.U.D. Second Filing on a Portion of the City's Provincetowne Property Planned as Future Natural Area Property.
- B. Second Reading of Ordinance No. 83, 2001, Authorizing the Conveyance of Non-exclusive Easement Interests for the Construction of Storm Drainage Improvements and a Sixteen-Inch Water Line in Connection with Provincetowne P.U.D. Second Filing on a Portion of the City's Provincetowne Property.

Ordinance No. 82, 2001, which was unanimously adopted on First Reading on June 19, 2001, authorizes the construction of two drainage swales, a new storm sewer line, and a detention pond on the future natural area to connect to existing culverts under Lemay Avenue which ultimately drain to Stanton Creek. Ordinance No. 83, 2001, which was also unanimously adopted on First Reading on June 16, 2001, authorizes the construction of a 16-inch water line to connect to an existing Fort Collins-Loveland Water District water line in College Avenue. The water line will provide water service for a portion of the development.

8. Second Reading of Ordinance No. 108, 2001, Appropriating Unanticipated Grant Revenue in the Cultural Services and Facilities Fund to be used to Implement the Native American Graves Protection and Repatriation Act.

The documentation grants are awarded to tribal communities and museums for the purposes of documenting American Indian collections currently held by institutions that have received federal funding. The grant is to be used to assist in the implementation of the Native American Graves Protection and Repatriation Act.

The Museum will utilize the funds to hire a contract Native American Graves Protection and Repatriation Act (“NAGPRA”) Coordinator to facilitate communication and consultation with tribes and to provide funds for consultation fees and travel expenses. Ordinance No. 108, 2001, was unanimously adopted on First Reading on June 19, 2001.

9. Second Reading of Ordinance No. 109, 2001, Appropriating Unanticipated Grant Revenue in the General Fund for the Operation of the State Welcome Center.

Pursuant to Resolution 99-97, the City contracted with Colorado State University for visitor center space at the Environmental Learning Center/Visitors Center to the south of Prospect Road, approximately one-quarter mile west of Interstate 25. The City, in its effort to welcome visitors to Fort Collins through the activities of its convention and visitor services contractor, the Fort Collins Convention and Visitors Bureau (the “CVB”), will use the space for the Fort Collins Welcome Center. The CVB, in addition to promoting tourism activity, will operate the Welcome Center pursuant to amendments to the City's agreement with the CVB, and consistent with the City's grant agreement with the State of Colorado. Ordinance No. 109, 2001, was unanimously adopted on First Reading on June 19, 2001.

10. Second Reading of Ordinance No. 110, 2001, Authorizing the Purchasing Agent to Enter into an Agreement for the Financing by Lease-Purchase of 800 MHz Radio Equipment.

Ordinance No. 110, 2001, which was unanimously adopted on First Reading on June 19, 2001, authorizes the Purchasing Agent to enter into a lease-purchase financing agreement with Motorola, Inc., for the lease-purchase financing of 800 MHz radio equipment, including the necessary software, programming, installation and support.

11. Second Reading of Ordinance No. 111, 2001, Designating the Beach Residence, 1500 LaPorte Avenue, as a Local Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Karen Murray, is initiating this request for local landmark designation for the Beach Residence. This residence has architectural significance to Fort Collins, as a good

example of the American Foursquare architectural style in Fort Collins. Ordinance No. 111, 2001, was unanimously adopted on First Reading on June 19, 2001.

12. First Reading of Ordinance No. 112, 2001, Appropriating Unanticipated Grant Revenue in the General Fund for Environmental Programs.

This Ordinance appropriates a total of \$20,000 in unanticipated grant revenue from three separate sources in the General Fund

13. First Reading of Ordinance No. 113, 2001, Authorizing the Appropriation of Reserve Funds in the Neighborhood Parkland Fund for Raw Water Purchases.

The development of a new neighborhood park requires the one-time acquisition of raw water for the irrigation of the park. A City Water Utility policy that went into effect in 1997 requires raw water be purchased for each new park. Previously, raw water for parks was supplied from the City's existing raw water inventory. Funds are identified in the budget of each new park for the purchase of raw water. The Neighborhood Parkland Fee was increased in 2000 to cover the increased raw water costs.

Raw water will be purchased in 2001 for Westfield, English Ranch, Case, Miramont, Soft Gold, Iron Horse, and Harmony Parks. The anticipated cost for this water is about \$1,300,000. Allocated funds are available in the amount of \$500,000. The appropriation of \$800,000 from reserves will allow the City to purchase the raw water this summer. The \$800,000 is needed to cover the dramatic increases in the cost of raw water. The City Water Utility is in the process of requesting an increase in the cost to purchase raw water.

14. First Reading of Ordinance No. 114, 2001, Designating the John and Inez Romero House, 425 Tenth Street, as a Local Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Fort Collins Partners I, LLC, is initiating this request for landmark designation for the John and Inez Romero House. This residence has architectural importance as an exceptional example of adobe architecture in Fort Collins. Additionally, the house has historical importance, for its association with the sugar beet industry in Fort Collins, and for its association with John and Inez Romero, important leaders in the Hispanic community.

15. First Reading of Ordinance No. 115, 2001, Designating the Joseph Baines House, 520 South Howes Street, as a Local Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Chris Ray, dba Vantage Properties, LLC, is initiating this request for landmark designation for the Joseph Baines House. This home has architectural significance to Fort Collins, as a good representation of late nineteenth century residential architecture in Fort Collins.

16. First Reading of Ordinance No. 116, 2001, Authorizing the Conveyance of a Non-Exclusive Easement to Larimer County for Environmental Monitoring in the Cathy Fromme Prairie Natural Area.

****THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA****

The Cathy Fromme Prairie Natural Area, portions of which are owned jointly with Larimer County and portions of which are owned solely by the City of Fort Collins, is adjacent to the Larimer County Landfill. In 1989, certain contamination was discovered leaching out of the landfill and flowing along channels under Cathy Fromme Prairie, including portions of the site now owned solely by the City of Fort Collins. The State of Colorado and the U.S. Environmental Protection Agency (EPA) require routine monitoring of the contamination until contamination is no longer detectable. This monitoring has been occurring since the contamination was discovered. The State, which oversees the contamination site for the EPA, requires Larimer County, as operators of the Landfill, to have evidence of the legal right to access the contaminated property for purposes of monitoring until the site proves to be clean of contamination and the State and EPA no longer require monitoring. The Ordinance gives ongoing permission for that access. The easement permits no monitoring operations on the site that are not already occurring, other than allowing for future monitoring wells to be drilled downstream if contamination is found to be migrating beyond the current monitoring wells. The easement makes certain stipulations that provide for protection of the site's natural resources, to the extent possible, during the monitoring operations.

17. First Reading of Ordinance No. 117, 2001, Vacating a Portion of the Right-of-Way for Richards Lake Road Adjacent to the Richards Lake P.U.D. First Filing.

This Ordinance vacates the north 15 feet of street right-of-way for Richards Lake Road which was dedicated by document recorded in Book 2273, Page 218 of the Larimer County Clerk and Recorder. The right-of-way for this street is not needed as the street has been classified a local residential street. A portion of Richards Lake Road has been built to County street standards and will be improved to meet City local street standards. The vacation of this street was prompted by the submittal of the Richards Lake P.U.D First Filing development in this area. Since there are currently utilities and drainage facilities within the street right-of-way, a utility and drainage easement will be retained.

18. First Reading of Ordinance No. 118, 2001, Authorizing the Long-term Lease of Property at the Fort Collins-Loveland Municipal Airport to Cole Smith, dba Signal Construction, for the Construction of an Aircraft Hangar.

The Airport Manager has negotiated a lease of property for the construction of an aircraft hangar. The hangar will provide at least 8,296 square feet of aircraft storage space. At the expiration of the lease, the improvements revert to the ownership of the Airport.

The construction of the hangar will generate new revenue for the Airport and help meet the aircraft storage needs of local aircraft owners.

19. Resolution 2001-83 Authorizing a Revocable Permit over City-Owned Property located at 701-741 North College Avenue for Monitoring and Petroleum Contamination Clean Up by TPI Petroleum, Inc.

The City of Fort Collins entered into a purchase agreement January 22, 2001, with TPI Petroleum, Inc. for the property located at 701-741 North College Avenue and the conveyance of that property to the City closed on March 30, 2001. At the time of purchase, TPI was in the process of implementing a corrective action plan with the Oil Inspection Section of the Department of Labor and Employment of the State of Colorado for the clean up of petroleum contamination of the site. As part of the City's purchase agreement, TPI remains responsible for all costs and liability resulting from any hydrocarbon-related substances existing on the Property at the time of closing. TPI has requested that the City formally authorize TPI's monitoring and clean up activities on the site to allow the completion of its corrective action plan.

Adoption of this Resolution authorizes the City Manager to execute a revocable permit to TPI Petroleum, Inc., in the form of agreement that has been negotiated by staff and TPI.

20. Resolution 2001-84 Authorizing the Lease of City-Owned Property at 945 East Prospect Road for Up to Two Years.

The City purchased this house and lot as part of the Prospect/Lemay Choices '95 Intersection Improvement Project. This house will be affected by the right-turn lane that is to be added turning south on Lemay Avenue from Prospect Road. Construction of this right-turn lane has been delayed due to negotiations with the Texaco station on the corner. The construction of this right-turn lane can be accomplished at a more affordable price if it can be constructed at the same time the corner redevelops. Rite-Aid and Walgreen's have both previously submitted plans for this area; however, neither of those plans have proceeded at this time. As a result, it is staff's recommendation to continue renting this house for an additional year, with the Tenant responsible for utilities and site clean-up until a redevelopment plan is approved for this area or until the vehicle count mandates the construction of the turn lane due to an unacceptable service level. The lease of the property is expected to discourage vandalism, and will reduce the City's costs of maintaining the site.

21. Resolution 2001-85 Authorizing a Lease of City-Owned Property at 812 North Shields Street for Up to Two Years.

The City purchased this parcel of land, including a house and out buildings, as part of the Operations Services Master Plan. Staff recommends leasing this site until the improvements

included in the Master Plan are constructed to discourage vandalism and to lower City costs to maintain the site.

Staff has been advertising for tenants. The lease will be in effect from August 1, 2001 through July 31, 2002 and will give the City the option to renew the lease for an additional year.

22. Resolution 2001-86 Adopting the Recommendation of the Cultural Resources Board Regarding Fort Fund Disbursements.

The guidelines for the Cultural Development and Programming and Tourism accounts (Fort Fund), adopted and approved through the City Manager's office in November 1998, establish a three-tiered funding system for organizations that apply for grants from Fort Fund. Tier #1 was established as an annual programming fund for organizations whose primary purpose is to present three or more public events annually. These groups may apply for funding from Tier #1 each April. Tier #2 allows organizations that are not eligible for Tier #1 support to apply for funding of events that are not fund-raising in nature and do not generate more than \$5,000 in proceeds after expenses. Tier #3 allows organizations that are not eligible for Tier #1 support to apply for funding of events that generate more than \$5,000 in proceeds after expenses and are fund-raising in nature. Applications for support from Tier #2 and Tier #3 are accepted each January and June.

23. Resolution 2001-87 Authorizing the City Manager to Enter into an Intergovernmental Agreement Between the City and Larimer County Regarding Street Improvements at Shields Street and Trilby Road.

Larimer County applied for a federal grant to construct a signal light at Shields Street and Trilby Road several years ago. Since that time, the Registry Ridge development was annexed, and Natural Areas has purchased much of the property surrounding the intersection. The City had planned to install a signal light as development occurred through the normal street oversizing program. The Larimer County federal aid project was finally approved for funding and construction. In order not to lose the federal grant dollars, the County will proceed with the signal project. The City will reimburse the County for the signal installation and the County will use this funding to improve Shields Street just south of Trilby Road with an overlay and paved shoulders. This "swap" of construction funding will benefit the County and the City in this rapidly growing area. There would be no financial impact to the City, however the County would not have to cancel a federal grant for construction.

24. Resolution 2001-88 Authorizing the Mayor to Execute an Intergovernmental Agreement with Colorado State University for a Community Liaison Coordinator.

The Community Liaison Coordinator (CLC) is a position created through the three-year effort of a task force comprised of staff from the City of Fort Collins and Colorado State University. The purpose of the task force was to assess and create solutions to neighborhood problems arising in areas dominated by student rentals. The CLC will work jointly half-time with the City and half-time with Colorado State University to create proactive and educational programs promoting positive relationship building in neighborhoods including knowledge of City codes and ordinances. This position will be funded equally by the City and CSU to acknowledge the collaborative effort both entities believe is important in creating positive community throughout neighborhoods.

25. Resolution 2001-89 Making Appointments to Various Boards and Commissions.

A vacancy currently exists on the Electric Board due to the resignation of Jim Welch. Councilmembers Hamrick and Wanner conducted interviews and are recommending Jeff Lebesch to fill the vacancy with a term to begin immediately and to expire on December 31, 2005.

A vacancy also currently exists on the Library Board due to the resignation of Madeline Wawro. Councilmembers Tharp and Kastein conducted interviews and are recommending Ralph Olson to fill the vacancy with a term to begin immediately and to expire on December 31, 2005.

26. Resolution 2001-90 Appointing a City Representative to the Board of Trustees of the Northern Colorado Community Housing Corporation dba Funding Partners for Housing Solutions.

Councilmember Chuck Wanner's term as the City's representative to the Board of Trustees of Northern Colorado Community Housing Corporation, dba Funding Partners for Housing Solutions expired on May 20, 2000 and Councilmember Wanner has continued to attend the meetings of the Funding Partners. This Resolution reappoints Councilmember Chuck Wanner, retroactively from May 20, 2000, as the City representative to that Board to serve until May 20, 2002, or until the expiration of Councilmember Wanner's term of office as a Councilmember, whichever first occurs.

27. Resolution 2001-95 Authorizing the Acceptance of a Donation of 20.133 Acres of Land, with Related Improvements, Together with a Cash Donation of \$125,000 for Ongoing Site Maintenance, for Natural Area Purposes From Robert H. Udall.

Robert Udall, who recently passed away, was the owner of 20.133 acres of land located on the south end of Claymore Lake at the west end of Michaud Lane and northeast of the Reservoir Ridge Natural Area. In 1996, Rob Udall donated approximately 41 acres of land, just to the west of this parcel, to the City for use as a natural area.

Over a year ago Mr. Udall notified Natural Resources about his desire to donate the remainder of his site to the City for use as a natural area/nature center. He envisioned his house and art studio being used as a nature center for environmental education, a meeting place for non-profit environmental groups, and a place for art classes. Just prior to his death, City staff and Mr. Udall reached final agreement on the terms of a donation agreement providing for the donation of the 20.133 acres of land and \$125,000 cash to be placed in a perpetual trust for the ongoing maintenance of the site. The acceptance of the donation of the property is subject to Council approval. Therefore, staff is requesting Council's acceptance of this very generous donation.

28. Routine Easements.

- A. Easement for construction and maintenance of public utilities from William Coulson, to underground existing overhead electric services, located at 600 South Washington. Monetary consideration: \$10.
- B. Easement for construction and maintenance of public utilities from Mary Kay Herzman, to underground existing overhead electric services, located at 721 Peterson. Monetary consideration: \$450.
- C. Easement for construction and maintenance of public utilities from Karen Hammond, to underground existing overhead electric services, located at 220 South Whitcomb. Monetary consideration: \$62.50.
- D. Warranty Deed from Preserve at The Meadows, Ltd., for a bike, pedestrian and rest area adjacent to the Mason Street Corridor at Horsetooth Road. Monetary consideration: \$1. Staff: Ron Mills.

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

29. Consent Calendar Follow-up.

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

30. Staff Reports.

31. Councilmember Reports.

Committees that have met since June 19 include:

Finance Committee

Health and Safety Committee

MPO

Poudre Scholl District Liaison Committee

ITEMS NEEDING INDIVIDUAL CONSIDERATION

32. Items Relating to a New Youth Activity Center at 415 East Monroe.

- A. First Reading of Ordinance No. 119, 2001, Approving the Terms of the Lease by the City of 415 East Monroe for a Youth Activity Center.
- B. First Reading of Ordinance No. 120, 2001, Authorizing the Purchasing Agent to Enter into an Agreement for Acquisition of Certain Recreational Equipment Through Lease-Purchase for a Period of up to Ten Years and Approving an Exception to the City's Competitive Purchasing Requirements.
- C. Resolution 2001-91 Authorizing a Sublease Agreement Between the City and Xermend, Inc. (Med-X Clinic of Northern Colorado) for the Use of Certain Property at the New Youth Activity Center at 415 East Monroe for a Physical Therapy Office for a Period of Eight Months.
- D. Resolution 2001-92 Authorizing a Sponsorship and Advertising Lease Agreement Between the City and Everwest for the Use of Certain Property at the New Youth Activity Center at 415 East Monroe for Commercial Advertising for a Period of Two Years.

The cost to lease the new Youth Activity Center facility is \$193,000 more than the lease cost for the current Youth Activity Center facility. This money has been appropriated from the General Fund.

33. First Reading of Ordinance No. 121, 2001, Amending Chapter 26 of the City Code to Reflect the Adoption of a New Master Drainage Plan for the Canal Importation Basin.

The Canal Importation Basin is a highly urbanized area encompassing approximately 3,200 acres in west central Fort Collins. Most of this Basin was developed prior to drainage criteria being in place. Therefore, drainage channels are too small or non-existent, irrigation canals and detention ponds overflow, streets and intersections flood, and there are many structures in the 100-year floodplain that are exposed to flood damage.

The total estimated cost of the proposed storm drainage improvements in the Canal Importation Basin Master Plan is \$51.5 million. Due to the highly urban character of this Basin, the

recommended solutions are also highly urban or structural in character. In general, projects include construction or enlargement of detention ponds, construction of open channels and storm sewers, and enlargement of road culverts.

The net benefit provided by the projects is over \$109 million in today's dollars. Comparing this to the estimated cost of implementing the proposed drainage projects, the benefit-cost ratio for the master plan is 2:1. Although the cost of the Plan is high, its effectiveness is shown by its highly favorable benefit-cost ratio.

34. Resolution 2001-94 Adopting a Stormwater Financing Plan.

The City's new rainfall standards and work on updating master plans have produced the need to re-examine the City's Stormwater Financing Plan. In 1998, when the current City-wide approach to financing stormwater capital improvements was adopted, existing master plans reflected a cost of approximately \$68 million to build out the system. Based on this amount, Council decided to finance the stormwater improvements over a 15-year period using primarily municipal debt financing.

Some of the master plans from which this information was derived were nearly 20 years old. Since that time, improved mapping and other planning techniques have revealed drainage problems not previously identified. This, along with the change in rainfall standards, has driven cost estimates for needed improvements in the entire system to approximately \$120 million.

35. First Reading of Ordinance No. 122, 2001, Amending Chapter 26 of the City Code Relating to Fees for Raw Water Requirements of the Water Utility.

The proposed Ordinance will increase the cash rate charged developers for satisfaction of raw water requirements from \$4,500 to \$6,500 per acre foot. The cash rate, which is adjusted periodically to reflect the current price of raw water, is also the basis for a surcharge paid by nonresidential customers for water used in excess of their annual allotment. The proposed changes are to be effective September 1, 2001.

36. Items Relating to the Calling of a Special Municipal Election to be held in Conjunction with the November 6, 2001 Larimer County Coordinated Election.

A. Presentation of a Petition Relating to Citizen-Initiated Ordinance No. 1, 2001 (Which Authorizes an Additional .29% Sales and Use Tax to Fund Costs Associated with a New Performing Arts Center, a New Main Library, New and/or Renovated Museum Facilities, and the Acquisition of Land And/or the Design and Construction of Improvements for a

New Branch Library) Certified by the City Clerk as Sufficient for Placement on a Special Election Ballot.

- B. Presentation of a Petition Relating to Citizen-Initiated Ordinance No. 2, 2001 (Which Authorizes the Issuance of Sales and Use Tax Revenue Bonds, the Proceeds of Which Shall Be Used to Finance and/or Refinance the Costs of a New Performing Arts Center) Certified by the City Clerk as Sufficient for Placement on a Special Election Ballot.
- C. Presentation of a Petition Relating to Citizen-Initiated Ordinance No. 3, 2001 (Which Authorizes the Issuance of Sales and Use Tax Revenue Bonds, the Proceeds of Which Shall Be Used to Finance and/or Refinance the Costs of a New Main Library and the Acquisition of Land And/or the Design and Construction of Improvements for a New Branch Library) Certified by the City Clerk as Sufficient for Placement on a Special Election Ballot.
- D. First Reading of Ordinance No. 123, 2001, Calling a Special Municipal Election to be held in Conjunction with the November 6, 2001 Larimer County Coordinated Election.

The City Clerk's Office has certified a sufficient number of signatures on three initiative petitions received on June 25, 2001. Under Article X of the City Charter, 3,112 signatures of registered electors (at least 15% of the total ballots cast in the last regular City election) are required to place an initiative on a special election ballot. Generally, upon presentation of an initiative petition certified as to sufficiency by the City Clerk, the Council must either adopt the proposed ordinance without alteration or submit the proposed measure in the form petitioned for, to the registered electors of the city. Because all three petitions propose ordinances that are subject to the election requirements of Article X, Section 20 of the Colorado Constitution (TABOR), the Council must submit the issues to the voters.

37. Resolution 2001-94 Establishing a Policy for the Review and Approval of Easements on City Owned Natural Areas and Open Lands.

Since 1993, the City of Fort Collins has implemented a strong land acquisition program to protect significant natural habitats and features, to conserve agricultural lands, and to help shape the physical boundaries of the community according to the City Structure Plan. As these land holdings have increased, so have the number of requests for easements, rights-of-way, or other encroachments for facilities such as water pipelines, sewer pipelines, flood control structures, and other uses. This Resolution would establish a Council policy for the review and approval of future easement requests.

38. Pulled Consent Items.

39. Other Business.

Motion to Cancel the August 7, 2001 Council Meeting.

40. Adjournment.