

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

August 21, 2001

Proclamations and Presentations

5:30 p.m

- A. Presentation of Exemplary Citizenship Award to Dr. Tom Wera.
- B. Presentation of the Certificate of Achievement for Excellence in Financial Reporting Awarded to the City of Fort Collins by the Government Finance Officers Association 1999 Comprehensive Annual Financial Report.

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 36. 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 #46, Pulled Consent Items. The Consent Calendar consists of:

- 1) Ordinances on First Reading that are routine;
- 2) Ordinances on Second Reading that are routine;
- 3) Those of no perceived controversy;
- 4) Routine Administrative actions.

CONSENT CALENDAR

7. Consideration and approval of the Council Meeting minutes of June 5, June 19, July 17, 2001 and the adjourned meeting minutes of July 10, 2001.
8. Second Reading of Ordinance No. 112, 2001, Appropriating Unanticipated Grant Revenue in the General Fund for Environmental Programs.

The City has applied for and received three grants related to reducing waste streams from the commercial sector. Ordinance No. 112, 2001, which was unanimously adopted on First Reading, appropriates unanticipated grant revenue in the general fund for environmental programs.

9. Second 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. Ordinance No. 113, 2001, was unanimously adopted on First Reading on July 17, 2001.

10. Second 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, initiated 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. Ordinance No. 114, 2001, was unanimously adopted on First Reading on July 17, 2001.

11. Second 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, initiated 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. Ordinance No. 115, 2001, was unanimously adopted on First Reading on July 17, 2001.

12. Second 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, which was unanimously adopted on First Reading on July 17, 2001, vacates the north 15 feet of street right-of-way for Richards Lake Road.

13. Second 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.

Ordinance No. 118, 2001, was unanimously adopted on First Reading on July 17, 2001. The legal description has been amended between First and Second Reading of the Ordinance due to an error which was discovered when Mr. Smith had a physical (on-site) survey completed after First Reading of the Ordinance. Previously, the survey firm that was contracted to provide legal descriptions used a FAA approved Airport Layout Plan to calculate the boundaries for the Cole Smith lease property. Because the plan used in developing the legal descriptions for Mr. Smith's leases did not have existing buildings accurately located; the legal was incorrect by approximately 30 feet. This correction does not change the terms of the lease.

14. Second Reading of Ordinance No. 119, 2001, Approving the Terms of the Lease by the City of 415 East Monroe for a Youth Activity Center.

Everwest has offered to lease to the City the facility located at 415 East Monroe Street, east of the Foothills Fashion Mall and formerly occupied by Healthworks Health Club. The facility has over 26,000 square feet and will make an excellent replacement facility for the YAC. The term of the lease is 10 years, which may be extended by later agreement. Ordinance No. 119, 2001, which was unanimously adopted on First Reading on July 17, 2001, authorizes the lease of the facility.

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

This Ordinance, which was unanimously adopted on First Reading on July 17, 2001, increases 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.

16. Second 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.

Ordinance No. 123, 2001, which was unanimously adopted on First Reading on July 17, 2001, calls a special election to be held on November 6, 2001 in conjunction with the Larimer County Coordinated Election. It also adopts the provisions of the Uniform Election Code of 1992 in lieu of the Municipal Election Code of 1965, directs the City Clerk to certify ballot content to Larimer County no later than September 12, and authorizes the City Manager to enter into an intergovernmental agreement with Larimer County for the conduct of the election. The November 6, 2001 Coordinated Election will be conducted by mail ballot.

17. First Reading of Ordinance No. 124, 2001, Appropriating Unanticipated Revenue in the General Fund and Authorizing the Transfer of Appropriated Amounts Between Accounts and Projects for the Multi-Jurisdictional Drug Task Force.

For the past 14 years, Fort Collins Police Services has applied to the Colorado Division of Criminal Justice for federal drug grant monies to help fund the investigation of illegal narcotics activities. Fort Collins has once again joined with other members of the Larimer County Drug Task Force, to include the Loveland Police Department, Larimer County Sheriff's Department, Drug Enforcement Administration (DEA) and the Colorado State University Police Department, in one application for funding of the multi-jurisdictional drug task force to be administered by the

City of Fort Collins. As administrator of the 2001-2002 grant, Police Services will assure funding to other participating agencies for their share of the federal funds. The City has recently received notification of a grant award in the amount of \$290,222. The participating agencies will be providing matching funds in the amount of \$319,415. A portion of the \$319,415 match will consist of \$3,500 from Colorado State University to fund some training expenses. Fort Collins portion of the match is \$139,419. This match is met via the budgeted salary and fringe benefits of existing Fort Collins Police Services personnel currently assigned to the Drug Task Force.

18. First Reading of Ordinance No. 125, 2001, Authorizing the Sale of 1.032 Acres of Westfield Park to Pool of Dreams, Ltd. and Appropriating the Proceeds of Such Sale as Unanticipated Revenue in the Neighborhood Parkland Fund.

The City purchased 14.61 acres of land in 1981 for Westfield Neighborhood Park. The amount of land needed for the park was estimated at that time to be about 10 to 12 acres. The landowner would only sell 14.61 acres for \$166,700. At the time of park development in 1997/98, the actual amount of land needed to serve the residential area around the park was determined to be 11 acres. The park currently has 11 developed acres and complies with park acreage requirements in the 1996 Parks and Recreation Policy Plan. A one-time fee on new housing funds new park acquisition and development.

A group of neighbors, organized as Pool of Dreams, approached the City in 1999 about acquiring a portion of the unused parkland at Westfield Park for a neighborhood pool. Residents in the area would use the pool. The pool would not be open to the general public. The development, operation and maintenance of the pool will be the responsibility of Pool of Dreams.

19. First Reading of Ordinance No. 126, 2001, Authorizing the Transfer of Appropriations from the Transit Services Fund to the Capital Projects Fund CSU Transit Center Capital Project to be Used For the Final Design and Site Preparation/Construction of the CSU Transit Center.

The City and Colorado State University have been working together since 1996 to develop a campus Transit Center. Work is expected to begin on final design in the fall. This item authorizes the transfer of existing appropriations from the Transit Services Fund to the Capital Projects Fund for final design and site preparation at the CSU Transit Center.

20. First Reading of Ordinance No. 127, 2001, Authorizing the Transfer of Appropriations from the Transportation Services Fund to the North Front Range Transportation & Air Quality Planning Council Fund to be Used for Operating Expenses of the Metropolitan Planning Organization.

The funds to pay the North Front Range Transportation & Air Quality Planning Council Executive Director salary and benefits, which were previously budgeted and appropriated in the Transportation Services Fund, now need to be transferred to the newly created NFRT&AQPC Fund. Council's adoption of this Ordinance will not appropriate any additional funds; rather, it will serve as a transfer of existing appropriations and budget to the fund that will be incurring the expenditures.

21. First Reading of Ordinance No. 128, 2001, Authorizing the Transfer of Appropriations Between Projects in the Transportation Services Fund for the Operation of the North Front Range Transportation & Air Quality Planning Council's 2001-2002 Metropolitan Planning Organization Administration Program Year.

The North Front Range Transportation & Air Quality Planning Council (NFRT&AQPC) is the regional Metropolitan Planning Organization (MPO). The administration/program budget for the NFRT&AQPC is funded with federal transportation program dollars administered by the Colorado Department of Transportation (CDOT) based on the federal fiscal and program year of October 1, 2001 to September 30, 2002. This period does not correspond to the City's calendar year appropriation time frame, and this time differential causes some accounting and budget management problems. Council adoption of this Ordinance will enable staff to more consistently manage and track the NFRT&AQPC's budget and expenditures. The proposed budget and appropriation for the 2001-2002 program year is \$781,101 for administration of the NFRT&AQPC.

22. First Reading of Ordinance No. 129, 2001, Authorizing an Amendment to the Long-term Lease of Property at the Fort Collins-Loveland Municipal Airport to Cole Smith, Dba Signal Construction, for the Construction of Aircraft Hangars.

City Council adopted Ordinance No. 56, 2001, on Second Reading on May 6, 2001, authorizing the long-term lease of property to Cole Smith for the construction of two aircraft hangars. Since that lease agreement was entered into, the parties discovered that the legal description of the leased premises as described in Exhibit A of the agreement is in error.

The survey firm that was contracted to provide the original legal descriptions used an FAA-approved Airport Layout Plan to calculate the boundaries. Because the plan used in developing the legal descriptions did not have existing buildings accurately located, it resulted in an incorrect legal description. This amendment rectifies that situation with a corrected Exhibit A.

23. First Reading of Ordinance No. 130, 2001, Approving and Authorizing the City to Enter into Agreements in Connection with the Execution and Delivery of Lease Certificates of Participation for Public Safety and Recreational Improvements.

This Ordinance authorizes the City to execute and deliver lease purchase certificates of participation to provide funds to acquire a facility for the Police Department and to construct a new clubhouse at the Collindale Golf Course and to make additional Golf Course improvements. The Police Department and Golf Fund projects will be financed through the use of a non-profit corporation, the Fort Collins Capital Leasing Corporation. This is similar to the financing used for the parking structure and City office building. Through a sale-leaseback arrangement, the City will transfer the properties to the Fort Collins Leasing Corporation. The Corporation will then lease the properties back to the City for a term of 20-years. The actual financing will be accomplished through the sale of certificates of participation (COPs). Upon payment in full of the COPs the site lease will be terminated.

The average life of the COPs is expected to be between 13 and 15 years. The City expects to pay interest on the lease semi-annually, at an estimated rate of 5.50% for the first 10 years at which time the rate will be reset for an additional 10-year period. Principal payments will be made annually.

24. First Reading of Ordinance No. 131, 2001, Amending Sections 2-31, 2-33 and 2-73 of the City Code Pertaining to Executive Sessions.

This Ordinance would make certain amendments to the sections of the City Code that pertain to executive sessions. The amendments are generally similar to recent amendments to the State Open Meetings Law and would, among other things, require the tape recording of executive session discussions so that, if a member of the public believes that an executive session discussion has strayed from the appointed topic or that final legislative action was taken in an executive session, he or she could apply to the District Court with a request that all or a portion of the recording of the executive session discussion be made available for public inspection.

25. First Reading of Ordinance No. 132, 2001, Amending Sections 2-462 and 2-569 of the City Code with Regard to the Appointment of Alternate Members of the Downtown Development Authority and the Ethics Review Board.

This Ordinance revises two sections of the City Code to clarify the Council's authority to appoint an alternate member to the Downtown Development Authority Board of Directors and the Ethics Review Board. These alternate members would have all of the same duties and privileges as a regular member when the regular member is unavailable.

26. First Reading of Ordinance No. 133, 2001, Vacating a Portion of the Right-of-Way for Hoffman Mill Road, Dedicated on the Plat of the Cache La Poudre Industrial Park P.U.D.

This Ordinance will vacate a portion of street right-of-way for Hoffman Mill Road in order to eliminate the dedicated street west of Timberline Road to its end at the east edge of the Nix Farm Natural Areas Facility. The Nix Farm Natural Areas Facility PDP was approved June 12, 2001, reflecting the vacation of this right-of-way and its replacement with emergency access and utility easements. This segment of Hoffman Mill Road is shown on the Master Street Plan as a local street, but was deemed unnecessary as a public street with the development of the Nix Farm Natural Areas Facility.

The road vacation process was followed and the appropriate departments and agencies were notified. The only need identified was an assurance that the Nix Farm Natural Areas Facility address would be posted both at its entrance via existing Hoffman Mill Road to the west and at the intersection of Hoffman Mill Road and Poudre River Drive just east of Lemay Avenue. This has been agreed to by the Natural Resources Department; therefore, there are no objections to this vacation.

27. 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.

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 in the groundwater 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 agreement makes certain stipulations that provide for protection

28. First Reading of Ordinance No. 134, 2001, Authorizing the Conveyance of Approximately 360 Acres of Land on the Former Rockwell Ranch to the United States Forest Service in Exchange for the Conveyance to the City of the Land Underlying Joe Wright Reservoir, Subject to a Non-exclusive Conservation Easement for Use of the Reservoir Property by the Public and the Colorado Division of Wildlife.

In 1996, the City Council directed staff to pursue an exchange of the City-owned Rockwell properties for the land under and around the City's Joe Wright Reservoir owned by the United States Forest Service (USFS). At that time there was concern expressed by the Natural Resources Advisory Board (NRAB) that the exchange be made utilizing the USFS's administrative procedure instead of a legislative solution being promoted by the City of Greeley, Water Supply and Storage Company, and the Water Board. The NRAB was concerned that the legislative process would preempt the necessary environmental reviews. The Council, after considerable discussion, directed staff to utilize the USFS's administrative procedure. Since that time, staff has worked with the USFS and the United States Fish and Wildlife Service in processing the land exchange using the administrative procedure, including all of the necessary environmental assessments and reviews.

29. Resolution 2001-96 Providing Direction to the City Manager to Participate in the Creation of a Day Facility for the Homeless.

On Friday, March 30, 2001, New Bridges, a local day center for the homeless, ceased operations and closed its doors. Since that time the Fort Collins Area United Way has brought together service providers and community leaders to address the gap in services created by the closing of New Bridges.

Property owned by the City at 450 North College, the site of the old Fort Collins Power Plant, has been identified as a possible long-term location for a new day facility for the homeless. City staff is currently looking into the details of the land in order to determine if the site is feasible. If a facility can be located on the site, the City of Fort Collins could provide the land at a lease rate similar to previous lease rates provided to non-profit organizations. This provision of land would be the only involvement that the City of Fort Collins would have in the construction and operation of the facility.

30. Resolution 2001-97 Approving Expenditures from the Art in Public Places Reserve Account in the Cultural Services and Facilities Fund to Commission an Artist to Design, Fabricate and Install Four Kinetic Sculptures Inspired by a Transportation Theme.

This Resolution would appropriate \$20,673 for design, construction, installation, and contingency. The Transit Center kinetic sculpture project will feature four different sculptures relating to the

theme of transportation. Its graphic style was designed to compliment the existing Transit Center bronze pavers that were also designed by Andrew Dufford.

31. Resolution 2001-98 Approving Expenditures from the Art in Public Places Reserve Account in the Storm Drainage Utility Fund to Commission an Artist to Design, Fabricate and Install a Collaborative Art Piece on a Concrete Wall at the Site of the Interpretive Center on the Spring Creek Trail.

In 1995, the City Code was amended adding Section 23-303 establishing the Art in Public Places (APP) Reserve Account, and designated it for the use in the acquisition or leasing of works of art, maintenance, repair or display of works of art, and administrative expenses related to the Art in Public Places Program, in accordance with the Art in Public Places Guidelines adopted by the Council in Ordinance No. 20, 1995. The Council permanently adopted the Art in Public Places Program, and reenacted City Code Chapter 23, Article XI, with certain modifications in 1998.

In connection with the Water Cycle Wall project, staff and the APP Board have proposed to commission the artist Janet Austin to collaborate on a community project that is intended to artistically and scientifically show the interaction between water and the many other cycles of nature. This Resolution would approve the expenditure of \$20,700 for fabrication, installation, contingency and artist fees.

32. Resolution 2001-99 Approving Expenditures from the Art in Public Places Reserve Account in the Cultural Services and Facilities Fund, and the Art in Public Places Reserve Account in the Storm Drainage Utility Fund, to Commission an Artist to Design, Fabricate and Install an Art Piece to Enhance Concrete Walls and Metal Railings near the Spring Creek Bike Trail at the Taft Hill Road Project.

In 1995, the City Code was amended adding Section 23-303 establishing the Art in Public Places (APP) Reserve Account, and designated it for the use in the acquisition or leasing of works of art, maintenance, repair or display of works of art, and administrative expenses related to the Art in Public Places Program, in accordance with the Art in Public Places Guidelines adopted by the Council in Ordinance No. 20, 1995. The Council permanently adopted the Art in Public Places Program, and reenacted City Code Chapter 23, Article XI, with certain modifications in 1998.

In connection with the Taft Hill Road project, staff and the APP Board have proposed to use \$70,004 to commission the artist Carolyn Braaksma, of Surface Strategy Inc., to design, fabricate, install, and for contingency for an art piece portraying a complex ecosystem by sculpting the concrete walls and applying images on portions of the metal wall railings at the Taft Hill Road Project.

33. Resolution 2001-100 Authorizing the Mayor to Execute an Intergovernmental Agreement among the City of Fort Collins, City of Greeley, and the VanGo™ Program for the Provision of Vehicle Maintenance by the City of Greeley.

The VanGo™ vanpool service has grown to over 30 vans, of which a growing number are originating service in the greater Greeley area. To provide better customer service and reduce vehicle miles traveled; the VanGo™ staff has worked closely with City of Greeley and City of Fort Collins officials to design a program that strengthens the services currently provided.

Currently, Fort Collins Fleet Services does the maintenance for all VanGo™ vans. However, this Intergovernmental Agreement would transfer the maintenance responsibilities for approximately 9 vans to the City of Greeley. The Greeley Fleet Services would provide maintenance using the same policies currently being used by the Fort Collins Fleet Services.

Transfer of maintenance service would begin on September 4 after both city councils have reviewed and approved the IGA.

34. Items Relating to the Placement of Citizen-Initiated Ordinances on the Ballot for the Special Municipal Election to be held in Conjunction with the November 6, 2001 Larimer County Coordinated Election.

- A. Resolution 2001-101 Submitting a Citizen-Initiated Ordinance to a Vote of the Registered Electors of the City at the Special Municipal Election of November 6, 2001 (Citizen-Initiated Ordinance No. 1, 2001).
- B. Resolution 2001-102 Submitting a Citizen-Initiated Ordinance to a Vote of the Registered Electors of the City at the Special Municipal Election of November 6, 2001 (Citizen-Initiated Ordinance No. 2, 2001).
- C. Resolution 2001-103 Submitting a Citizen-Initiated Ordinance to a Vote of the Registered Electors of the City at the Special Municipal Election of November 6, 2001 (Citizen-Initiated Ordinance No. 3, 2001).

On June 25, 2001, the City Clerk received three petitions requesting that Council submit three citizen-initiated ordinances to the voters at a special election. On July 17, 2001, the City Clerk certified to the Council that each of the petitions contained a sufficient number of signatures to requirement placement of the initiated ordinances on a special election ballot. 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.

35. Resolution 2001-104 Making Appointments to Various Boards and Commissions.

A vacancy currently exists on the Downtown Development Authority due to the resignation of John Pitner. Applications were solicited and Councilmembers Wanner and Bertschy conducted interviews. The Council interview team is recommending Steve Taylor to fill the vacancy on the Downtown Development Authority with a term to begin immediately and set to expire on December 31, 2005.

A vacancy currently exists on the Housing Authority Board due to the resignation of Monica Clark. Applications were solicited and Councilmember Wanner conducted interviews. The Council interview team is recommending Angie Payton to fill the vacancy on the Housing Authority with a term to begin immediately and set to expire on December 31, 2005.

Vacancies also exist on the Youth Advisory Board due to the resignations of Sarah Smith, Sarah April and Aaron Steinbach and to the removal of Harry McCrystal and Mike Davis for attendance problems. Applications were solicited and Councilmembers Martinez and Kastein conducted interviews. The Council interview team is recommending the following applicants to fill the vacancies on the Youth Advisory Board with terms to begin immediately: Julian Archuleta and Cooper Liska-Smith with terms to expire on December 31, 2002, and Amy Flug and Kaise Allen with terms to expire on December 31, 2003, and Pat McCosh with a term to expire on December 31, 2005.

36. Routine Easements.

- A. Easement dedication from 2002 Corporation, Inc., for a permanent utility easement, located at Mountain Avenue and Remington Street. Monetary consideration: \$10. Staff: Marc Virata.
- B. Easement dedication from Ilene Shields, for storm drainage, located east of Ziegler Road and south of Charlie Lane. Monetary consideration: \$10. Staff: Dave Stringer.
- C. Easement for construction and maintenance of public utilities from Harriett R. Orcheltree to install a pad mount transformer, located at 312 Locust Street. Monetary consideration: \$10. Staff: Patti Teraoka.

- 37. Consent Calendar Follow-up.
This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
- 38. Staff Reports.
- 39. Councilmember Reports.
Committees that have met since July 17 include:
Finance Committee Growth Management Committee
Poudre School District Liaison

ITEMS NEEDING INDIVIDUAL CONSIDERATION

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

- 40. Resolution 2001-105 Supporting Three Citizen-Initiated Ballot Measures Relating to Funding for 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.

On November 6, 2001, the voters of the City of Fort Collins will consider a ballot measure for .029 cent sales tax and two separate ballot measures to approve bonding for a new performing arts center and a new library. The first ballot measure also includes funding for increased operation and maintenance costs for the expansion of these facilities and a trust fund set up to provide an endowment following the 20-year life of the tax. There is no impact to the General Fund over the 20-year life of the tax.

Three citizen-initiated ballot measures will be considered by the voters of the City of Fort Collins on November 6, 2001. The three measures will provide for:

- Construction of a new main library in the downtown
- Construction of a new performing arts center in the downtown
- Expansion of the Fort Collins Museum
- Funding to purchase land for a future branch library (most likely in the southeast quadrant of Fort Collins)
- Money for a partnership with Colorado State University on programs and facilities at the University Center for the Arts
- Funding for the increased costs in operation and maintenance for these three facilities
- An endowed trust fund to support costs beyond the 20-year of this proposed tax

41. Consideration of the Appeal of the June 7, 2001, Determination of the Planning and Zoning Board to Deny the Request for Modification of Standards in Sections 4.4(B)(3)(c)1 and 4.4(D)(3)(b) of the Land Use Code for the Brophy Property at 1109 West Harmony Road.

On June 7, 2001, the Planning and Zoning Board denied the request for Modification of Standards in Sections 4.4(B)(3)(c)1 and 4.4(D)(3)(b) of the Land Use Code for the Brophy Property at 1109 West Harmony Road. The Board's decision was appealed to the Council.

42. First Reading of Ordinance No. 121, 2001, Amending Chapter 10 and Chapter 26 of the City Code to Reflect the Adoption of a New Master Drainage Plan for the Canal Importation Basin and Clarifying the Application of the Provisions of Chapter 10 to Floodplains in the City.

Chapter 10 of the City Code includes provisions pertaining to the administration of the regulations in regard to the floodplains that have been defined in the City. Included in the current City Code is a provision that the General Manager of the Utilities shall administer the floodplain regulations and shall enforce the floodplain regulations on properties located in floodplains adopted by City Council, in areas of known flooding, and in areas that have the potential to experience flooding. This latter provision of potential flooding areas means that once a floodplain area has been determined the General Manager must start administering that area under the provisions of the floodplain code even before formal adoption of the floodplain and the applicable floodplain regulations by City Council.

The proposed ordinance eliminates the requirement that the General Manager of the Utilities shall administer or enforce the floodplain regulations before adoption of the applicable floodplain regulations by City Council. However, the proposed ordinance does recommend that in areas where the floodplain is expanded due to a technical analysis resulting from the implementation of new policy or new design criteria, the General Manager of the Utilities shall apply the floodplain regulations with regard to new development, critical facilities, and hazardous materials on an interim basis. This change to the Code allows for the enforcement of the floodplain regulations on significant new development that would be subject to flood hazards and allows for a comprehensive review of the applicable floodplain regulations resulting in and then the adoption of the final floodplain regulations for that floodplain.

43. Resolution 2001-93 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.

44. First Reading of Ordinance No. 135, 2001, Authorizing the Conveyance of Non-exclusive Easement Interests for the Construction of a Thirty-six Inch Water Line by the Fort Collins-Loveland Water District on a Portion of the Cathy Fromme Prairie Natural Area.

The Fort Collins-Loveland Water District will be responsible for all costs associated with the construction of the water pipeline and restoration of disturbed areas. The District has agreed to pay fair market value as compensation for the temporary construction easements and the permanent easements. This value will be determined prior to second reading. Staff recommends waiving the application fee.

The Fort Collins-Loveland Water District has planned since 1986 to construct a 36-inch water pipeline between Harmony Road and Trilby Road, adjacent to Taft Hill Road. The pipeline is needed to supply water to existing and projected growth within the District's existing Service Area. The City of Fort Collins, together with Larimer County, purchased the parcels of land now known as the Cathy Fromme Prairie Natural Area between 1993 and 1997. The proposed easements would allow the construction of the new water pipeline on the Cathy Fromme Prairie, east of south Taft Hill Road. The pipeline alignment was planned to minimize the impact to the prairie and account for the planned future widening of Taft Hill Road in this vicinity.

45. First Reading of Ordinance No. 136, 2001, Authorizing the Conveyance of Non-exclusive Easement Interests for the Construction of a Sixteen Inch Water Line by the Fort Collins-Loveland Water District on Portions of Coyote Ridge Natural Area, McKee Farm Open Space, and Long View Farm Natural Area.

The Fort Collins-Loveland Water District has planned since 1986 to construct water storage tanks on the land now known as Coyote Ridge and a water pipeline to the tanks across Longview Farm Open Land, McKee Farm Open Land and Coyote Ridge Natural Area. These parcels are owned either by the City of Fort Collins alone or in partnership with Larimer County and Loveland. The pipeline is needed to supply water to existing and projected growth within the District's existing Service Area. After eighteen months of negotiations and analyzing many alternative tank locations and water line alignments the City, County and the District have reached agreement on a proposed alignment. The proposed easements would allow the construction of the new water pipeline across

the Longview Farm Open Land, the McKee Farm Open Land, the Coyote Ridge Natural Area, and the Larimer County Landfill. The proposed pipeline alignment minimizes the impact to the natural areas and open lands. The watertank location on the Larimer County Landfill, which will become a natural area in the future, minimizes the visual impact for nearby property owners, natural area users, and motorists on Taft Hill Road as well as minimizing the impact on the natural areas.

46. Pulled Consent Items.

47. Other Business.

Motion to adjourn to 6:00 p.m., Tuesday, August 28, 2001.

48. Adjournment.