

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

October 3, 2000

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Proclaiming October 5, 2000 as "National Depression Screening Day".
- B. Proclamation Proclaiming October 12, 2000 as "Turn Off the Violence Day".
- C. Proclamation Proclaiming October 14, 2000 as "White Cane Safety Day".
- D. Proclamation Proclaiming the Month of October as "Community Homecoming Month".

Regular Meeting

6:00 p.m.

- A. Presentation by Councilmembers to Outgoing Larimer County Commissioners, Cheryl Olson and Jim Disney.

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 and 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 25. 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 Council Meeting minutes of September 19, 2000.
8. Second Reading of Ordinance No. 126, 2000, Appropriating Unanticipated Grant Revenue in the General Fund for Police Services for the Juvenile Justice and Delinquency Prevention Grant Project.

Fort Collins Police Services has been awarded a grant under the Colorado Division of Criminal Justice, Juvenile Justice and Delinquency Prevention (JJDP) in the amount of \$18,500 for salaries and costs associated with implementing a Youth Community/Family Conference (restorative justice) Program. Restorative justice is an alternative method of holding a youth offender accountable for his or her actions by conferencing with the youth and the victim to develop appropriate consequences for the offense. Ordinance No. 126, 2000, which was unanimously adopted on First Reading on September 19, 2000, appropriates unanticipated grant revenue in the General Fund for the Juvenile Justice and Delinquency Prevention Grant Project.

9. Second Reading of Ordinance No. 127, 2000, Appropriating Unanticipated Revenue in the Capital Projects Fund Downtown Railroad Track Consolidation Capital Project to be Used for Improvements Associated with Phase III of the Railroad Consolidation Project.

Ordinance No. 127, 2000, which was unanimously adopted on First Reading on September 19, 2000, authorizes the acceptance of the \$500,000 in State funds to be used for the relocation and

improvement of various railroad tracks, upgrade the crossings of the Union Pacific tracks at Linden Street and Lincoln Avenue, and implement the design and construction of various street improvements related to the crossing improvements.

10. Second Reading of Ordinance No. 128, 2000, Authorizing the Transfer of Appropriations From the Street Oversizing Fund to the Capital Projects Fund and Between Projects in the Capital Projects Fund to be Used for Downtown Civic Center Improvements.

Transportation Services has been working toward improving the transportation infrastructure surrounding the Civic Center project. The Civic Center Transportation Plan included an analysis of a full range of improvements to support the Civic Center project, including parking, lighting, landscaping, pedestrian access, transit, and street improvements. Staff has identified these elements of the plan as necessary to enhance and support the current construction of the parking structure, Larimer County Justice Center, City office building, and the proposed transit center.

This Ordinance, which was unanimously adopted on First Reading on September 19, 2000, authorizes the transfer of existing appropriations into the Capital Projects Fund Downtown Civic Center project to be used for construction of improvements.

11. Second Reading of Ordinance No. 129, 2000, Appropriating Unanticipated Grant Revenue in the General Fund for a Brownfields Assessment Pilot Program in the Downtown River Corridor.

The EPA has awarded the City of Fort Collins the maximum grant of \$250,000 to begin the process of assessing the contamination concerns in the Downtown River Corridor. Ordinance No. 129, 2000, which was unanimously adopted on First Reading on September 19, 2000, appropriates unanticipated grant revenue for a Brownfields Assessment Pilot Program in the Downtown River Corridor.

12. Second Reading of Ordinance No. 130, 2000, Designating the Gill/Nelson Farm, 5529 Timberline Road, as a Historic Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Ray and Patty Seaser and Jeff Nowak, initiated this request for landmark designation for the Gill/Nelson Farm. The farmhouse is significant to Fort Collins as an excellent example of Italianate architecture. The property also has historical value to the community, for its association with the agricultural development of the Fort Collins area. The property contains three buildings, a circa 1890 two story brick house, a circa 1880 stone milk house or bunkhouse, and a circa 1930 two-car garage. Ordinance No. 130, 2000, was unanimously adopted on First Reading on September 19, 2000.

13. First Reading of Ordinance No. 131, 2000 Authorizing the Long-term Lease of Property at the Fort Collins-Loveland Municipal Airport to Ron Grob 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 2,000 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.

14. First Reading of Ordinance No. 132, 2000 Authorizing the Long-term Lease of Property at the Fort Collins-Loveland Municipal Airport to James and Jackie Iberlin 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 2,000 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.

15. First Reading of Ordinance No. 133, 2000 Authorizing the Long-term Lease of Property at the Fort Collins-Loveland Municipal Airport to Dale Matuska for the Construction of Aircraft Hangars.

The Airport Manager has negotiated a lease of property for the construction of aircraft hangars. The hangars will provide at least 4,000 square feet of aircraft storage space. At the expiration of the leases, the improvements revert to the ownership of the Airport.

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

16. First Reading of Ordinance No. 134, 2000 Authorizing the Long-term Lease of Property at the Fort Collins-Loveland Municipal Airport to Kent L. Norwood for the Construction of Aircraft Hangars.

The Airport Manager has negotiated a lease of property for the construction of aircraft hangars. The hangars will provide at least 4,000 square feet of aircraft storage space. At the expiration of the leases, the improvements revert to the ownership of the Airport.

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

17. First Reading of Ordinance No. 135, 2000 Authorizing the Long-term Lease of Property at the Fort Collins-Loveland Municipal Airport to James Seilbach 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 3,500 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.

18. First Reading of Ordinance No. 136, 2000 Authorizing the Long-term Lease of Property at the Fort Collins-Loveland Municipal Airport to Dennis Wyatt 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 2,300 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. First Reading of Ordinance No. 137, 2000, Repealing Ordinance No. 24, 1996, and Amending Chapter 14 of the City Code to Establish the Landmark Rehabilitation Loan Program.

This Ordinance involves replacing the Landmark Rehabilitation Grant Program with a new Landmark Rehabilitation Loan Program. Zero-interest loan amounts would be provided of up to \$5,000 per property. Loan repayments collected at the sale of a property would revolve back into the Program, providing additional rehabilitation funds over time.

20. First Reading of Ordinance No. 138, 2000, Appropriating Prior Year Reserves and Unanticipated Revenue in Various Funds and Authorizing the Transfer of Appropriated Amounts Between Funds.

The purpose of the annual clean-up ordinance is to combine dedicated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and, therefore not included in the 2000 budget. The unanticipated revenue is primarily from fees, charges, rents, contributions and grants that have been paid to city departments to offset

specific expenses. Prior year reserves are primarily being appropriated for unanticipated operation expenses from reserves that are set aside for that purpose.

This Ordinance appropriates prior year reserves and unanticipated revenue in various City funds, and authorizes the transfer of appropriated amounts between funds. The City Charter permits the City Council to provide by ordinance for payment of any expense from prior year reserves. The Charter also permits the City Council to appropriate unanticipated revenue received as a result of rate or fee increases or new revenue sources. Additionally, it authorizes the City Council to transfer any unexpended appropriated amounts from one fund to another upon recommendation of the City Manager provided the purpose for which the transferred funds are to be expended remains unchanged; or the purpose for which they were initially appropriated no longer exists; or the proposed transfer is from a fund or capital project account in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

21. First Reading of Ordinance No. 139, 2000, Repealing Ordinance No. 93, 1995, and Designating the C&S Freight Depot Building and Dock as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

The owner of the property, the City of Fort Collins, is initiating this request to repeal Ordinance No. 93, 1995, and to enact another ordinance to designate the C&S Freight Depot building and the entire dock as a Fort Collins Landmark. The depot is significant to Fort Collins as an excellent example of early vernacular industrial railroad design. The depot has additional significance to Fort Collins for its historical importance, as a representation of the development of transportation and commerce in Fort Collins.

22. Resolution 2000-121 Finding Substantial Compliance and Initiating Annexation Proceedings for the Irish Elementary School First Annexation.

This is for a 100% voluntary annexation. The property being considered for annexation is approximately 0.5 acres in size within the West Vine Drive right-of-way. The proposed zoning district is Low Density Mixed-Use Neighborhood (LMN).

The proposed Resolution states that it is the City's intent to annex this property and directs that the published notice required by State law be given of the Council's hearing to consider the needed annexation ordinance. The hearing will be held at the time of First Reading of the annexation and zoning ordinances on November 21, 2000. Not less than thirty days prior published notice is required by State Law.

23. Resolution 2000-122 Finding Substantial Compliance and Initiating Annexation Proceedings for the Irish Elementary School Second Annexation.

This is for a 100% voluntary annexation. The property being considered for annexation is approximately 12.6 acres in size at the northwest corner of Irish Drive and Cherry Street. The existing use is an elementary school. The proposed zoning district is Low Density Mixed-Use Neighborhood (LMN).

The proposed Resolution states that it is the City's intent to annex this property and directs that the published notice required by State law be given of the Council's hearing to consider the needed annexation ordinance. The hearing will be held at the time of First Reading of the annexation and zoning ordinances on November 21, 2000. Not less than thirty days prior published notice is required by State Law.

24. Resolution 2000-123 Establishing a Process for Evaluating the Performance of the City Manager, City Attorney and Municipal Judge.

The Council Governance Committee has met with the City Manager, City Attorney and Municipal Judge on two occasions to discuss the process for performing the annual performance evaluation of these employees. The Governance Committee and these three employees have recommended to the Council the adoption of this Resolution which would standardize the process for conducting these evaluations.

25. Routine Easements.

- A. Easement for construction and maintenance of electric utilities from Al and Carol Wood, to install a streetlight, located at 421 Princeton Road. Monetary consideration: \$10.
- B. Easement for construction and maintenance of public utilities from Leonard L. and June S. Schlager to underground electric system, located at 1123-1125 Lindenmeier Court. Monetary consideration: \$10.

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

26. Consent Calendar Follow-up.

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

27. Staff Reports.

28. Councilmember Reports.

Committees that have met since September 19 include:

Finance Committee

Health and Safety Committee

ITEMS NEEDING INDIVIDUAL CONSIDERATION

29. Items Relating to the Mason Street Transportation Corridor Master Plan.

- A. Resolution 2000-124 Approving the Mason Street Transportation Corridor Master Plan and Extending the Boundary of the Mason Street Corridor to Fossil Creek Trail.
- B. Resolution 2000-125 Authorizing the City Manager to Enter into a Memorandum of Understanding with the Burlington Northern Santa Fe Railroad Regarding the Mason Street Transportation Corridor.

The first Resolution formally adopts the Master Plan for the conceptual design of the Mason Street Transportation Corridor (the “Corridor”) and extends the boundary of the Corridor. The general concept is an at-grade bus rapid transit located along the east side of the Burlington Northern Santa Fe (“BNSF”) Railroad and the bicycle and pedestrian path on the west side. The original project concept in *Building Community Choices* described a southern terminus at Harmony Road. The final conceptual design is for the Corridor to extend south to the Fossil Creek Trail. City Council must take formal action to enlarge the scope of the Corridor beyond the *Building Community Choices* project description. The first Resolution also extends the Corridor boundary.

A Memorandum of Understanding with the BNSF Railroad is needed to establish a basic understanding and foundation for creating and implementing the formal agreement regarding the Corridor. The second Resolution authorizes the City Manager to enter into such a Memorandum of Understanding. Staff will work with the Railroad to complete a final agreement based on the issues listed in the Memorandum.

30. Resolution 2000-126 Expressing Opposition to Proposed Amendment 21.

A citizen initiative, which will appear on the November ballot as Amendment 21, proposes an amendment to the Colorado Constitution that would provide for a high and constantly increasing tax credit. The tax credit would adversely affect the City of Fort Collins and the services the City provides to its residents and visitors. If passed the Amendment would also reduce revenues to Larimer County, the City’s Downtown Development Authority and General Improvement District No. 1, the Northern Colorado Water Conservancy District, the Poudre Health Services District, the Poudre Valley Fire District and the Larimer County Pest Control District. It is possible that the Amendment will literally put many smaller local governments and districts out of business in the first year of the tax cut implementation.

Analysis by the Colorado Municipal League, Colorado Counties, Inc., the Division of Local Government, and other jurisdictions indicates that this Amendment will have severe effects on the provision of governmental services. Based on this analysis, the management staff finds the

Amendment to be an inappropriate and misguided approach to tax reduction that would jeopardize the public health, safety, and welfare of our community and the entire state of Colorado.

31. Resolution2000-127 Expressing Opposition to Proposed Amendment 24 Amending the Colorado Constitution by the Addition of a New Article to Be Entitled "Citizen Management of Growth".

This Amendment would prohibit local governments from approving any development that was not located in a Committed Area or a Growth Area, with several specific exceptions. Committed Areas are to be established by the City Council prior to December 31, 2001, based on three criteria contained in the Amendment. These Committed Areas contain land that is the subject of a pending application, infill sites, or where development has already begun. They may be the subject of development approvals immediately after their designation, without a vote of the people. In a prior action on August 15, 2000, the City Council adopted Resolution2000-109 clarifying that Fort Collins will interpret "valid development application" as at least an ODP under the second of these criteria.

If a local government plans to grow beyond its Committed Areas, Growth Areas are to be established by a vote of the people, after being proposed by the City Council. These Growth Areas are to include lands that can be served by roads, and central water and sewer, within ten years following their adoption. They would have to be contiguous to a Committed Area or previously approved growth area. The Growth Area Maps must be approved at general elections in November. The first such opportunity would be November 2001. Any subsequent changes to Growth Areas would need to be approved by the voters at a November election.

32. Items Relating to Elections.

- A. Second Reading of Ordinance No. 121, 2000, Amending Section 7-127 of the City Code Relating to Campaign Contribution Limits.
- B. Second Reading of Ordinance No. 122, 2000, Amending Section 7-129 of the City Code Relating to Election Campaign Reports.

At its June 27, 2000 Study Session, Council discussed the current limit (\$50) imposed on campaign contributions. The consensus of the Council was that the limits should be increased to \$100 for Mayoral candidates and \$75 for District candidates. Ordinance No. 121, 2000, which was adopted on First Reading on September 19, 2000 by a 4-2 vote, implements those increases which will be effective well in advance of campaign periods for the April 2001 election. Ordinance No. 121, 2000, also conforms several of the definitions in this Section to those contained in the Fair Campaign Practices Act (FCPA).

Ordinance No. 121, 2000 has been amended on Second Reading to delete reference to the candidate receiving contributions, since the definition of "candidate committee" includes the candidate. In addition, a provision relating to independent expenditures previously adopted in Ordinance No. 125, 2000, has been incorporated in this Ordinance.

On September 5, Councilmember Mason asked that an option be brought forward requiring that all campaign reports that are filed with the Municipal Clerk, either under the FCPA or the City Code, be current as of two days prior to the filing date. Ordinance No. 122, 2000, which was adopted on First Reading on September 19, 2000 by a 4-2 vote, amends Section 7-129 of the Code, requiring that all reports filed with the City Clerk be current as of two (2) days prior to the filing date.

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