

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

November 5, 2002

Proclamations and Presentations

5:30 p.m

- A. Presentation of Exemplary Citizen Award to Mr. Ed Yonker.
- B. Proclamation Proclaiming November 15, 2002 as “America Recycles Day”.
- C. Proclamation Proclaiming November 6-22, 2002 as “Celebration of Cultural Awareness”.

Regular Meeting

6:00 p.m.

PRESENTATION OF COLORS BY CUB SCOUT PACK #191

- 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 #29, 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 October 1 and October 15, 2002.
8. Second Reading of Ordinance No. 149, 2002, Appropriating Unanticipated Revenue in the General Fund for Property Donated by the Estate of Robert H. Udall.

On July 17, 2001, the City Council adopted Resolution 2001-95 authorizing the acceptance of a donation from the Estate of Robert H. Udall. When Council authorized the acceptance of the donation, the value of the property had not been determined. The property has now been appraised with the 20.133 acres of land valued at \$300,000 and the three buildings on the property valued at \$150,000. The total amount of \$450,000 will be appropriated to properly account for the value of the donation according to fixed asset accounting guidelines. This Ordinance, which was unanimously adopted on First Reading on October 15, 2002, appropriates the 2002 interest earnings on the cash donation for the maintenance and repair of the property.

9. Second Reading of Ordinance No. 150, 2002, Appropriating Unanticipated Grant Revenue in the General Fund for Police Services and Authorizing the Transfer of Matching Funds Previously Appropriated in the Police Services Operating Budget to the Grant Project.

Fort Collins Police Services has been awarded a grant under the U.S. Department of Justice, Local Law Enforcement Block Grant program (LLEBG) in the amount of \$61,090 for the procurement of equipment and technology related to basic law enforcement functions. A local cash match of \$6,788 is required and will be met by the existing Police Services budget. The grant funds will be used to purchase computer, video, digital, and radar equipment, portable personal alarms and a conference call system. Ordinance No. 150, 2002 was unanimously adopted on First Reading on October 15, 2002.

10. Second Reading of Ordinance No. 151, 2002, Appropriating Unanticipated Grant Revenue in the General Fund for the Operation of the Colorado 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, south of Prospect Road, approximately one-quarter mile west of Interstate 25. In its effort to welcome visitors to Fort Collins, the City through the activities of its convention and visitor services contractor, the Fort Collins Convention and Visitors Bureau (the "CVB"), uses the space for the Colorado Welcome Center. The CVB, in addition to promoting tourism activity, operates the Welcome Center pursuant to amendments to the City's agreement with CVB, and consistent with the City's grant agreement with the State of Colorado. Ordinance No. 151, 2002, was unanimously adopted on First Reading on October 15, 2002.

11. Second Reading of Ordinance No. 152, 2002, Adopting a Proposed District-Precinct Map.

This Ordinance, which was unanimously adopted on First Reading on October 15, 2002, adopts a new District-Precinct Map, which is made necessary by changes in County precinct boundaries approved by the Larimer County Board of Commissioners on March 11, 2002, and a Charter requirement to review district boundaries before the next biennial election.

12. Second Reading of Ordinance No. 153, 2002, Authorizing the Disposition of Certain Interests in Real Property in Connection with the Community Horticulture Center Project.

Late last year, during the preliminary planning phase of the Community Horticulture Center (CHC) Project, Council authorized the conveyance of two non-exclusive easements for the relocation of the Sherwood Lateral and an emergency access easement for Poudre Fire Authority. As the Project has progressed through the planning process, needs have been identified for additional alignments and easements. Ordinance No. 153, 2002, which was unanimously adopted on First Reading on October 15, 2002, authorizes the disposition of property interests in connection with the Community Horticulture Center Project.

13. First Reading of Ordinance No. 154, 2002, Appropriating Prior Year Reserves Designated for Community Park Improvements in the Capital Improvement Expansion Fund for the Purpose of Constructing Infrastructure Improvements and Acquiring Raw Water for Webster Community Park.

The Parks and Recreation Policy Plan adopted by City Council in 1996 specifies that community parks be developed throughout the city. The southeast section of the community will be served by the 54-acre Webster Community Park. Poudre School District is presently developing the New 2004 High School adjacent to the park. Cost sharing of joint infrastructure facilities with the School District will result in savings for the park. Constructing these facilities later would damage site improvements, resulting in increased costs to the park.

Construction of the school site grading, utilities, and roads began in the Spring of 2002. Construction of the school building will begin in the Fall and continue to the school opening date in 2004. The park is scheduled to be open in 2008.

14. First Reading of Ordinance No. 155, 2002, Appropriating Unanticipated Grant Revenue in the General Fund for the Police Services Restorative Justice Program.

This grant partially funds the Fort Collins Police Services Restorative Justice Program. This program is designed to implement a restorative response to juvenile crime in the Fort Collins and surrounding area of the 8th Judicial District. The program's target population is youth between the ages of 10 and 18. The Restorative Justice Youth Conferencing Program has been working with area youth for two years and its purpose is to provide youth conferencing services to local criminal justice agencies including Fort Collins Municipal Court, 8th Judicial District Court, the Probation Department and Police Services. The intended impact is to ensure a juvenile's first brush with the law is his or her last. Program members attempt to accomplish this goal by developing the offender's understanding of the true harm of his or her criminal behavior. This is done through community conferencing, with a strong emphasis on victim input and community involvement.

15. First Reading of Ordinance No. 156, 2002, Appropriating Unanticipated Grant Revenue in the Cultural Services and Facilities Fund to be Used for Restoration of the 1882 Franz-Smith Cabin.

The historic 1882 Franz-Smith Cabin originally stood near South Shields and Harmony Roads until it was displaced in 1987 with the development of a new subdivision. The Larimer County Historic Alliance relocated the cabin to Livermore, and in 2000, the Fort Collins Museum, through grant assistance, moved the cabin again to its grounds in Library Park and became the steward of this significant structure. In 2001, a structural assessment was performed on the cabin to evaluate the cabin's condition and to determine restoration needs including scope of work and cost. This information was used for the Building Restoration grant application.

16. First Reading of Ordinance No. 157, 2002, Appropriating Unanticipated Revenue in the Capital Projects Fund - Museum Entrance Capital Project and the Cultural Services and Facilities Fund Museum Budget for Reorientation of the Museum's Entrance Through the Heritage Courtyard and Completion of Courtyard Improvements.

With the acquisition of the Franz-Smith Cabin in 2000, the Museum staff had an opportunity to create a more usable space in the Heritage Courtyard and address handicapped accessibility issues. The Revitalization Project has been set in three phases: Phase I: expansion of the Heritage Courtyard and acquisition of the Franz-Smith Cabin (completed 2000); Phase II: beautification of the Courtyard including landscape and hardscape (completed 2001); and Phase III: reorientation of the entrance, completion of permanent elements in the Courtyard, and restoration of the Franz-Smith Cabin.

17. Items Relating to Conservation Easements on Natural Areas for the Great Outdoors Colorado Legacy Project.

- A. First Reading of Ordinance No. 158, 2002, Authorizing the Conveyance to Legacy Land Trust of a Conservation Easement on Nix Natural Area to Meet Great Outdoors Colorado Grant Requirements.
- B. First Reading of Ordinance No. 159, 2002, Authorizing the Conveyance to Legacy Land Trust of a Conservation Easement on Cattail Chorus Natural Area to Meet Great Outdoors Colorado Grant Requirements.
- C. First Reading of Ordinance No. 160, 2002, Authorizing the Conveyance to Legacy Land Trust of a Conservation Easement on the McMurry Annex/Ackerman Court Natural Area Property to Meet Great Outdoors Colorado Grant Requirements.

Nix Natural Area, Cattail Chorus Natural Area, and McMurry Annex/Ackerman Court are part of the Poudre/Big Thompson GOCO Legacy Project. The properties were purchased by the City of Fort Collins since GOCO awarded the Legacy grant in 1996. GOCO awarded grant funds within the Poudre/Big Thompson Legacy Project to assist in the purchase of these (and other) properties. GOCO places several requirements on the landowners. These requirements include, but are not limited to, a requirement that each property be subject to a conservation easement held by a land trust. These conservation easements meet that requirement and stipulate the various conditions required by GOCO. GOCO will not release the grant funds without these signed Conservation Easements. Upon execution and recording of the Conservation Easements, GOCO will reimburse the City a total of \$772,000 (Nix Natural Area: \$394,500; Cattail Chorus Natural Area: \$135,000; McMurry Annex/Ackerman Court: \$242,500). GOCO has agreed to include the City's acquisition of Kingfisher Point Natural Area as part of the City's local match for the grant, allowing for a relatively high percentage of grant funding for the three properties affected by these Ordinances.

18. First Reading of Ordinance No. 161, 2002, Authorizing a Mail Ballot Election for the April 8, 2003 Regular Municipal Election.

This Ordinance authorizes the April 8, 2003 regular municipal election to be conducted by mail ballot, adopts the Mail Ballot Election Act of the Uniform Election Code governing mail ballot elections, authorizes the City Clerk to submit a mail ballot plan to the Secretary of State, and establishes the polling place for in-person voting for the April election.

19. Resolution 2002-100 Renaming Six (6) Streets in the Cottonwood Ridge Subdivision.

Progressive Living Structures, Inc., the developer of the Cottonwood Ridge Subdivision, would like to change the names of six streets in the Cottonwood Ridge Subdivision. The name changes are requested because the developer will be constructing his "French Country Collection" of homes in Cottonwood Ridge. The requested street names portray a French countryside theme. There are no existing homes on the affected streets. The property is located on the west side of South Shields Street approximately 1,200 feet south of West Harmony Road. It is in the LMN - Low Density Mixed-Use Neighborhood Zoning District.

The street name change request was routed to all potentially affected City departments and outside service providers. No problems or concerns regarding the proposed street name changes were expressed.

There are no existing homes on the affected streets. The owner/developer of the Cottonwood Ridge Subdivision is aware of the proposed street name changes and is in agreement, and none of the reviewing agencies/departments are opposed to the proposed changes, staff has determined that it is appropriate to recommend approval of this request.

20. Resolution 2002-101 Adopting the City's 2003 Legislative Policy Agenda.

Each year the Legislative Review Committee (LRC) develops a legislative agenda to assist in the analysis of pending legislation. The proposed 2003 Legislative Policy Agenda has been updated from the 2002 document and was reviewed and approved by the LRC on October 10, 2002. This document will be used as a guide for the upcoming 2003 General Assembly and the first session of the 108th Congress. The purpose of the Legislative Policy Agenda is to articulate the City's position on common legislative topics. It will be used by Council members and staff to determine positions on pending legislation and as a general reference for state legislators and our congressional delegation.

21. Resolution 2002-102 Making Appointments to the I-25 Open Space Task Force.

On November 20, 2001, the City Council adopted with conditions the *Northern Colorado Regional Communities I-25 Corridor Plan*. Chapter VII of the Plan, *Implementation Strategy*, describes a number of actions that need to be taken over time if the Plan is to be successful. One of the "high priority" action items was the establishment of a **Regional OpenSpace Task Force**.

Last February, the I-25 Plan Policy Advisory Committee and Staff Technical Team, reformed to discuss progress of implementation of the Plan. Over the next several months, one of the issues on which they focused their attention was the Open Space Task Force. After much deliberation, the Policy Committee agreed to the formation of a Task Force.

22. Resolution 2002-103 Adopting the Second Amendment to the City of Fort Collins General Employees' Retirement Plan as Amended and Restated Effective December 31, 2001.

The City of Fort Collins General Employees' Retirement Plan (the "Plan") provides retirement benefits for approximately 124 retirees and beneficiaries. The Plan has 482 active members and former members that have vested benefits as of the last valuation report.

In November 2001, the General Employees' Retirement Committee, with assistance from the Plan's actuary and special legal counsel, identified and studied a number of changes to the Plan. The changes clarified, explained, and redefined some of the provisions of the Plan to conform to Internal Revenue Code changes, provisions of the Colorado Revised Statutes, and otherwise

incorporate certain administrative practices. After restatement of the Plan, staff applied for tax qualified status from the Internal Revenue Service. The tax qualification status has been approved, but the IRS has requested that one provision of the Plan be further modified. This Resolution amends Section 2.g. of Article II of the Plan to meet the required IRS guidelines. The modification is to the definition of compensation. Staff believes that the City does not have any employees that are affected by the requested wording. Compliance with the IRS request will maintain the tax qualified status of the Plan.

23. Routine Easements.

- A. Easement for construction and maintenance of public utilities from Hudek Family Living Trust, to install a new street light, located at 2214 Mathews Street. Monetary consideration: \$10. Staff: Patti Teraoka.
- B. Easement for construction and maintenance of public utilities from Warren and Verlene Kraxberger, to underground electric system, located at 909 North College Avenue. Monetary consideration: \$10. Staff: Patti Teraoka.

*****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. Items Relating to the Completion of the Fall Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing Projects/Programs and Community Development Activities: the City's Fiscal Year 2002-2003 Home Investment Partnerships (HOME) Program, the City's Affordable Housing Fund, and Reprogrammed Community Development Block Grant (CDBG) Program Funds.

- A. Public Hearing and Resolution 2002-104 Approving the FY 2002-2003 Home Investment Partnerships Program for the City of Fort Collins.
- B. Public Hearing and Resolution 2002-105 Allocating Funding from the City's Affordable Housing Fund.
- C. Public Hearing and Resolution 2002-106 Approving the Allocation of Reprogrammed Community Development Block Grant Funds.

The City Council is being asked to consider the adoption of three Resolutions that represent the culmination of the fall cycle of the competitive process for allocating City financial resources to affordable housing and community development activities. The first Resolution establishes which programs and projects will receive funding with HOME funds for the FY 2002-2003 Program year, which started October 1, 2002. The second Resolution establishes which programs and projects will receive funding from the City's Affordable Housing Fund. The third Resolution establishes which programs and projects will receive funding from reprogrammed CDBG Program funds.

28. First Reading of Ordinance No. 162, 2002, Amending Chapter 23 of the City Code by Adding a Provision Authorizing the Early Morning Closure of City-Owned Property in the Old Town Plaza.

The Downtown Development Authority (DDA), after taking notice of an increase in incidents of vandalism, fighting, and other disruptive behaviors occurring in and around Old Town Plaza after the closing of liquor licensed establishments at 2:00 a.m., recently decided to close the Plaza between the hours of 2:00 a.m. and 6:00 a.m. This closure furthers the DDA's interests in protecting its property as well as maintaining the safety of the Plaza for visitors.

The City has also noticed an escalation of disruptive behavior in and around the Plaza. While the DDA, rather than the City, owns most of the Plaza, the City does own a portion of the area. The proposed ordinance would close the City's portion of the Plaza during the same early morning hours to everyone except those individuals who own, or work in, one of the Plaza businesses.

The purpose of this proposed ordinance is to work with the DDA to ensure that the publicly owned property within the Plaza remain safe and is properly protected. As noted above, the DDA Board has already adopted a resolution closing its portion of the Plaza during these hours. Adoption of this ordinance would help to preserve public safety and the public property within, and adjacent to, the Plaza area.

29. Pulled Consent.

ITEMS RELATING TO THE 2003 - 2004 BUDGET BUDGET CONSENT ITEMS

Items Numbers 30 through 32 are being presented together in the Consent Calendar format. These items have been reviewed and discussed at Budget Study Sessions and are being presented in this manner to expedite their adoption. Any item may be withdrawn for discussion by any member of the Council, staff or public and will be considered after the balance of the Budget Consent is adopted.

30. Items Relating to the 2003 Downtown Development Authority Budget.

- A. First Reading of Ordinance No. 163, 2002, Appropriating Operating Funds and Approving the Budget of the Downtown Development Authority for the Fiscal Year Beginning January 1, 2003, and Fixing the Mill Levy for the Downtown Development Authority for 2003.

The Downtown Development Authority (the "DDA") adopted the proposed DDA budget for 2003, totaling \$655,794, and determined the mill levy necessary to provide for payment of all properly authorized expenditures incurred by the District, at its regular meeting of October 3, 2002.

- B. First Reading of Ordinance No. 164, 2002, Appropriating Revenue in the Downtown Development Authority Debt Service Fund for Payment of Debt Service for the Year 2003.

This Ordinance appropriates funds for 2003 from the tax increment received by the City for the DDA for debt service payments. Debt service and annual lease payments include: the semi-annual payments of the 2001 DDA Tax Increment Revenue Refunding Bonds in the amount of \$1,355,938, the DDA share of the Parking Structure lease payment of \$281,987, the amount of \$35,112 for the annual interest payment on the subordinate revenue bonds issued in 2000, and \$156,500 for various projects identified by the DDA board from tax increment revenues from expanding the DDA boundaries to include the Mulberry/Lemay Crossing Property.

31. First Reading of Ordinance No. 165, 2002, Amending the City Code to Adjust the Capital Improvement Expansion and Neighborhood Parkland Fees to Reflect Inflation in Associated Costs of Services.

Ordinance No. 165, 2002, increases the fee schedules for the Capital Improvement Expansion Fees and Neighborhood Parkland Fee based upon the projected change in the 2002 Denver-Boulder-Greeley Consumer Price Index. Costs in the Capital Improvement Expansion Fees (ACIEF@) Study and the fee schedule for the Neighborhood Parkland Fees were calculated using costs from 1995. The relevant governing provisions of the City Code call for increases to keep up with annual inflation, and the fees were last adjusted in late 2001. This Ordinance increases the CIEF and the Neighborhood Parkland Fees by the projected increase in the CPI-U of 2.10%.

32. Resolution 2002-107 Adopting a Revenue Allocation Formula to Define the City of Fort Collins' Contribution to the Poudre Fire Authority Budget for the Year 2003 for Operations and Maintenance.

According to the Intergovernmental Agreement between the City of Fort Collins and the Poudre Valley Fire Protection District, the City will contribute funding for maintenance and operating costs to the Authority based on a "Revenue Allocation Formula" ("RAF"). The RAF is to be set annually based upon a percentage of sales and use tax revenues (excluding dedicated sales and use tax revenues that must be spent on specific projects) and a portion of the operating mill levy of the

City's property tax. Article X, Section 20 of the State Constitution ("TABOR") limits the rate of growth to a combination of the Denver-Boulder Consumer Price Index and additions to the local property tax base primarily due to construction and annexation. Although voters passed a ballot measure in November, 1997 allowing the City to retain excess revenues over the growth limits imposed by TABOR, the RAF is still reviewed annually and proportionately reduced, if necessary, if City revenues exceed the estimated annual percentage increase in revenues that the City would be permitted to retain under TABOR.

*****END BUDGET CONSENT*****
ITEMS RELATING TO THE 2003 BUDGET

33. Items Relating to Utility Rates for 2003.

- A. First Reading of Ordinance No. 166, 2002, Amending Chapter 26, Article III, Division 4 of the Code of the City of Fort Collins Relating to User Rates and Charges for Water.
- B. First Reading of Ordinance No. 167, 2002, Amending Chapter 26 Article VII, Division 4 of the Code of the City Relating to Wastewater Fees.
- C. First Reading of Ordinance No. 168, 2002, Amending Chapter 26, Article VII, Division 2 of the City Code Relating to Stormwater Fees.

Water Rates

The proposed water rate structures vary by customer class but are all designed to encourage conservation. The customer impacts vary within each customer category based on relative levels of water usage. In general, customers with low use will see modest increases (or in some cases reductions) in their total water bills while the larger users in each customer class will experience a bigger percentage increase. Customer conservation efforts will help to moderate the rate impacts at all levels of use.

Ordinance No. 166, 2002, is based on the direction received from City Council at the September 10 and October 22, 2002, study sessions. The water rates are designed based on the assumption that 2003 water use will decrease 15% systemwide for all customer classes. If consumption drops to the projected level, the proposed rates will provide a 6% increase in Water Fund revenues. The Ordinance provides for increasing step rates for single-family and duplex customers and seasonal rates for multi-family and commercial customers.

It is difficult to predict customers' response to the Utilities' conservation campaign that combines the new rates, education and water restrictions. If reduction in usage is less than the 15% target revenues will increase more than the 6% required. If reduction is more than 15%, there will be a shortfall of revenues in the Water Fund. In either case, mid-year rate changes may be necessary in 2003.

The construction rate and miscellaneous fees and charges for hydrant water rental and service charges have also been updated to reflect current costs. All proposed changes will become

effective on billings issued for meter readings on or after January 1, 2003, and on billings issued on or after January 1, 2003, for unmetered services. The Ordinance also eliminates an existing Code provision regarding an agreed upon charge for past meter installation work that Colorado State University pays to the City as a contractual matter due to the fact that the charge is a matter of contract.

34. First Reading of Ordinance No. 169, 2002, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2003; Amending the Budget for the Fiscal Year Beginning January 1, 2003, and Ending December 31, 2003; and Fixing the Mill Levy for Fiscal Year 2003.

This Ordinance amends the adopted 2003 Budget and sets the amount of \$440,450,720 to be appropriated for fiscal year 2003. The Net City Budget, which excludes internal transfers between City funds is \$291,121,960 for 2003. This Ordinance also sets the 2003 City mill levy at 9.797 mills, unchanged since 1991.

35. Pulled Budget Consent Items.
36. Other Business.
37. Adjournment.

**MEETING OF THE BOARD OF DIRECTORS OF
GENERAL IMPROVEMENT DISTRICT NO. 1**

1. Call Meeting to Order.
2. Roll Call.
3. First Reading of Ordinance No. 47, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2003; Determining and Fixing the Mill Levy for the General Improvement District No. 1 for the Fiscal Year 2003; and Directing the Secretary of the District to Certify Such Levy to the Board of County Commissioners of Larimer County.

Included in the appropriations of the 2003 General Improvement District No. 1 budget is an appropriation of \$146,480 for lease payments in connection with the Lease Certificates of Participation for Street Improvements. An appropriation of \$90,356 is to be used for improvements to the Downtown District in accordance with the Downtown Capital Improvement Program approved by Council in 1992. The remaining appropriations requested for 2003, totaling \$31,000, will be used for the residential rebate program, the Larimer County Treasurer's fee, electricity costs for downtown lighting and for routine maintenance costs within the District.

4. Other Business.
5. Adjournment.