

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

January 18, 2000

Proclamations and Presentations

5:30 p.m

- A. Presentation of the Guiding Hand Award to Retiring Family Self Sufficiency Program Coordinator, Suzan Adams, Commemorating her Service to the Community.
- B. Presentation of Exemplary Citizenship Award to Anna Mercado.

Regular Meeting

6:00 p.m.

Annual Report to the Community - Mayor Martinez and City Manager John Fischbach

PRESENTATION OF COLORS

1. CALL MEETING TO ORDER.
2. ROLL CALL.
3. CITIZEN PARTICIPATION (limited to 30 minutes)
4. CITIZEN PARTICIPATION FOLLOW-UP:

This is an opportunity for the Mayor or Councilmembers to follow-up on issues raised during Citizen Participation.

5. AGENDA REVIEW: CITY MANAGER

6. CONSENT CALENDAR

The Consent Calendar consists of Item Numbers 7 through 23. This Calendar is intended to allow the City Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Anyone may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately. Agenda items pulled from the Consent Calendar will be considered separately under Agenda Item #33, Pulled Consent Items. The Consent Calendar consists of:

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

CONSENT CALENDAR

7. Second Reading of Ordinance No. 2, 2000, Appropriating Unanticipated Revenue in the General Fund for the Police Services Victim Services Team.

The Fort Collins Police Services Victim Services Team has been awarded a one-year grant for the period of January 1 to December 31, 2000, by the Eighth Judicial District Victims and Law Enforcement (V.A.L.E.) Board to help fund additional growth for this team. Ordinance No. 2, 2000, was unanimously adopted on First Reading on January 4, 2000, and appropriates the in-kind match in the General Fund for the Police Services Victim Services Team.

8. Second Reading of Ordinance No. 3, 2000, Modifying the Description of a Previously Authorized Easement Conveyance to Charles R. Nauta and Connie L. Nauta.

In 1997, the City Council approved the execution of two drainage easements to Charles and Connie Nauta (the "Nautas"), pursuant to a Release and Settlement Agreement (the "Settlement Agreement") that had been entered into between the City and the Nautas. Those deeds of easement have not yet been executed because the property to be conveyed by one of the easements had been encumbered by a railroad right-of-way, and the City was not in a position to convey that portion of the easement to the Nautas. The City has recently acquired title to that railroad right-of-way and is now in a position to convey that easement without any railroad right-of-way encumbrance. Ordinance No. 3, 2000, which was unanimously adopted on First Reading, substitutes the new legal description of the easement for the one approved by Ordinance No. 79, 1997.

9. Second Reading of Ordinance No. 5, 2000, Appropriating Unanticipated Revenue in the Capital Projects Fund for Gateway Mountain Park.

Gateway Mountain Park is a 400-acre site located five miles up the Poudre Canyon. The site is owned by the City of Fort Collins and was previously the City's Water Treatment Plant. The City Council has provided direction to make this property accessible to the public. These lands are currently inaccessible to the public because the entry road must be improved to provide safe access. Ordinance No. 5, 2000, which was unanimously adopted on First Reading on January 4, 2000, appropriates \$10,000 from unanticipated revenue in the Capital Projects Fund, Gateway Mountain Park capital project, to be used for the design and development of environmental education signage for the Park.

10. Second Reading of Ordinance No. 6, 2000, Appropriating Unanticipated Revenue in the Railroad Consolidation Project Fund to be used for Installing Crossing Warning Devices at the Linden Street Crossing of the Union Pacific Railroad Tracks Northeast of Jefferson Street.

On January 4, 2000, Council unanimously adopted Resolution 2000-2 authorizing the City Manager to enter into an agreement with Colorado Department of Transportation (CDOT), and the Union Pacific Railroad Company (UPRR), for the installation of crossing warning devices at the Linden Street crossing of the Union Pacific Railroad tracks northeast of Jefferson Street. The project consists of constructing new signals and gates to improve safety at the crossing. Ordinance No. 6, 2000, was unanimously adopted on First Reading on January 4, 2000, appropriating funds from the Railroad Consolidation Project Fund needed for completion of the project.

11. Second Reading of Ordinance No. 7, 2000, Appropriating Unanticipated Revenue in the Railroad Consolidation Project Fund to be used for Installing Crossing Warning Devices at the Lincoln Avenue Crossing of the Union Pacific Railroad Tracks Northeast of Jefferson Street.

On January 4, 2000, Council unanimously adopted Resolution 2000-3 authorizing the City Manager to enter into an agreement with the Colorado Department of Transportation, and the Union Pacific Railroad Company for installing new crossing warning devices at the Lincoln Avenue Crossing of the Union Pacific Railroad Tracks northeast of Jefferson Street. The project consists of constructing new signals and gates to improve safety at the crossing. Ordinance No. 7, 2000, was unanimously adopted on First Reading on January 4, 2000, appropriating funds from the Railroad Consolidation Project Fund needed for completion of the project.

12. Items Relating to the Timberline Road Bikeway Project.

- A. Resolution 2000-10, Authorizing the Mayor to Execute an Intergovernmental Agreement Between the City and the Colorado Department of Transportation for the Timberline Road Bikeway Project.
- B. First Reading of Ordinance No. 8, 2000, Appropriating Unanticipated Revenue in the Transportation Services Fund and Authorizing the Transfer of Appropriations to be Used for the Design and Construction of the Timberline Road Bikeway Project.

The contract between the City and CDOT will allow work to proceed to prepare preliminary design plans and final engineering documents, as well as complete construction of the Timberline Road bikeway project. The scope of this project will include design and construction of bikelanes along Timberline Road from Willow Springs Way/County Road 36 south to Trilby.

13. Resolution 2000-11 Declaring Certain City-Acquired Property as Timberline Road Right-of-Way.

The City completed the purchase of land for the Choices 95 Capital Improvements Project - Timberline Road Improvement Project in January 1999. Title companies have raised title insurance issues for adjacent property owners, because the areas located adjacent to the roadway and the property line are not clearly delineated as part of the right-of-way for Timberline Road. As a result, title insurance coverage for adjacent properties will not cover access to those properties, making the property less marketable. In order to resolve this problem staff has proposed that Resolution 2000-11 be approved and recorded in the real property records of the Larimer County Clerk and Recorder.

In addition, a portion of the property required for Timberline Road and related improvements was previously part of the Kingfisher Point Natural Area, and was acquired for the Timberline Extension Project from the Natural Areas Program through the payment of \$36,980 to the 1/4 Cent Natural Areas Revenue Fund together with the transfer of one acre of land for the Riverbend Ponds Natural Area. The property acquired for use by the Project is part of the property declared to be right-of-way for Timberline Road and related improvements in the Resolution.

14. Resolution 2000-12 Amending Resolution 99-105 Pertaining to the Intergovernmental Agreement Concerning the Cache La Poudre Commission.

At its August 17, 1999 meeting, Council adopted Resolution 99-105 authorizing the Mayor to execute an intergovernmental agreement between Larimer County, Weld County, and the cities of Fort Collins, Loveland, and Greeley concerning the Cache la Poudre Commission. Since Council action on August 17, Larimer County has proposed that the form of the

intergovernmental agreement be amended to exclude reference to specific commission appointees. This modified version has already been adopted by the other agencies.

15. Resolution 2000-13 Establishing a Competitive Process for the Allocation of City Financial Resources to Affordable Housing Programs/Projects and Other Community Development Activities.

This Resolution establishes a new Competitive Process for the allocation of City financial resources to affordable housing programs/projects and other community development activities. The proposed Competitive Process includes two Funding Cycles (one to be conducted in the spring and one in the fall), a Schedule, new Review Criteria, and updated Application Forms. The funding cycles would split available City financial resources with CDBG Program funds (about \$1.2 million) being allocated in the spring to affordable housing programs/projects and other community development activities (public services, public facilities, etc.). HOME Program and Affordable Housing funds (about \$950,000) would be allocated in the fall primarily to affordable housing programs/projects.

16. Resolution 2000-14 Authorizing the City Manager to Enter into an Amendment to the Intergovernmental Agreement with the Board of the Great Outdoors Colorado Trust Fund and a New Intergovernmental Agreement with Five Partner Entities for Phase Two of the Poudre-Big Thompson Rivers Legacy Grant Project.

This Resolution allows the City to enter into agreements with GOCO and with the other partners of the Poudre-Big Thompson Rivers Legacy Project for implementation of Phase II of the project, which was awarded additional funding of \$2,500,000 in May 1999. The \$1,510,000, representing Fort Collins' portion of the \$2,500,000 grant, will be used to purchase natural areas and to build a segment of the Poudre River Trail from Taft Hill Road to Lyons Park.

17. Resolution 2000-15 Authorizing the Mayor to Enter into an Intergovernmental Agreement with Larimer County for the Provision of Social and Human Services During the First Half of Calendar Year 2000.

This Resolution authorizes the Mayor to enter into an Intergovernmental Agreement with Larimer County for the purpose of providing social and human services to the City of Fort Collins for the first half of 2000. The intergovernmental agreement allocates a portion of the funds appropriated in the 2000 budget for these purposes. Since 1981, the City has contracted with Larimer County to allocate and administer the distribution of human services funds via the Human Resource Grant Program administered by the County.

The recommended allocation of the funds among the human service agencies participating in the Human Resource Grant Program was developed by Larimer County's Human Resource Committee. This was done last year and adoption of this Resolution by City Council will reaffirm these allocations to the various service providers.

18. Resolution 2000-16 Setting Forth the Intention of the City to Assign its Year 2000 Private Activity Bond Allocation to the Colorado Housing Finance Authority to Finance Multi-Family Housing Revenue Bonds for the Fox Meadows Apartments Project.

In early December 1999, Mr. Lee Mendel and Mr. Rodger Hara, representatives of the Fox Meadows Apartments Project (the "Project"), contacted staff members of the Advance Planning and Finance Departments. They have requested the City consider assigning its annual allocation of private activity bonds to CHFA for the purpose of acquiring property, constructing and equipping a multi-family housing project in the southeast part Fort Collins. The Project would qualify as a low-income rental housing project. The project is located near the southeast corner of the intersection of Timberline and Horsetooth Road. 138 dwelling units will be included in the project. Of the total, 60% of the units will be affordable to persons whose incomes do not exceed 60% of the Area Median Income. Five of the units will be reserved for families whose incomes do not exceed 40% of the AMI and five units for families at 50% of AMI. The remaining units will be leased at market rental rates.

Adoption of this Resolution would allow CHFA to issue up to \$10 million in tax-exempt private activity bonds for the purpose of constructing the project. The issuance is contingent on the Project using an additional allocation from the Colorado Housing Finance Authority. The proposal is consistent with the City's adopted policies regarding the issuance of multi-family rental housing bonds. The Affordable Housing Board reviewed the project at its meeting on January 6, 2000. The Board supports the proposal.

Staff finds that the project is consistent with Council's goal of increasing the quality of affordable housing in the City. The project proponent is in the process of preparing an agreement to secure an additional Private Activity Bond Allocation from the Colorado Housing Finance Authority. Based on Council's action on the Resolution, the City will support the project proponent in its application to CHFA.

19. Resolution 2000-17 Expressing Support for the Northern Colorado Community Separator Study.

In March 1999, a study of community separators in northern Colorado was completed. The *Northern Colorado Community Separator Study* was prepared and funded through the joint effort of several northern Colorado communities, including Fort Collins. The Study provides an overview of growth in the region; documents results of a comprehensive survey that was implemented to better understand the views of residents on a range of issues associated with maintaining physical separation between communities; and, recommends potential separator areas and actions that are needed to achieve the long-term goals of maintaining community separation in northern Colorado. The Study has been presented to all of the affected jurisdictions and various groups and interests throughout northern Colorado. There appears to be broad public support for implementation of community separators in the participating jurisdictions.

20. Resolution 2000-18 Supporting the Preparation of a Northern Colorado Regional Communities I-25 Corridor Plan.

Eight northern Colorado jurisdictions, consisting of Fort Collins, Loveland, Berthoud, Windsor, Johnstown, Timnath, Larimer County and Weld County, have joined together in the preparation of a Northern Colorado Regional Communities I-25 Corridor Plan to be completed by December 2001. Seven jurisdictions have agreed to fund the project based upon population. The City's share (\$137,280) has been provided for in the 1999 Budget.

The study area (the "Corridor") includes the area encompassing one (1) mile east and west of I-25; from County Road 58, north of Fort Collins; and to a point 2 miles south of State Highway 56, south of Berthoud. The Plan will address appearance and urban design; open lands and natural area protection; and, future local transportation activity.

21. Resolution 2000-19 Making Findings of Fact and Conclusions Regarding the Appeal of a Decision of the Building Review Board Relating to the Larimer County Detention Center Expansion.

On January 4, 2000, the City Council voted unanimously to overturn the Building Review Board's decision denying the variance request by Larimer County to apply commercial and industrial building code standards to guardrails in the Larimer County Detention Center Expansion Project at 2405 Midpoint Drive. The City Council should adopt a resolution making findings of fact and conclusions to complete the record and to finalize its decision in this case.

22. Resolution 2000-23 Expressing Support for State Growth Management Legislation.

The next session of the Colorado General Assembly has begun. A number of bills have been introduced, or are expected to be introduced, dealing with growth management at the state and regional levels.

The City Council has included in its adopted Legislative Agenda, support for specific legislation "that would establish a baseline of consistent and coordinated basic land use and transportation planning within the state's rapidly growing communities...."

23. Routine Easements.

- A. Two drainage easements from Spring Creek Farms LLC, located on the southeast corner of Timberline Road and Drake Road. Monetary consideration: \$10.
- B. Temporary grading easement from Spring Creek Farms LLC, located on the southeast corner of Timberline Road and Drake Road. Monetary consideration: \$10.
- C. Two utility easements from Spring Creek Farms LLC, located on the southeast corner of Timberline Road and Drake Road. Monetary consideration: \$10.

- D. Two temporary grading easements from Rigden Farm LLC, located on the southwest corner of County Road 9 and Drake Road. Monetary consideration: \$10.
- E. Two flood plain easements from Rigden Farm LLC, located on the southwest corner of County Road 9 and Drake Road. Monetary consideration: \$10.
- F. Three utility easements from Rigden Farm LLC, located on the southwest corner of County Road 9 and Drake Road. Monetary consideration: \$10.
- G. Two drainage easements from Rigden Farm LLC, located on the southwest corner of County Road 9 and Drake Road. Monetary consideration: \$10.
- H. Utility and drainage easement from David L. and Paula R. Edwards, located north of Magnolia between Mason and Howes. Monetary consideration: \$10.

*****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.
Committees that have met since January 4 include:
Growth Management Committee *NFRT&AQPC*

ITEMS NEEDING INDIVIDUAL CONSIDERATION

- 27. Consideration of the Appeal of the November 18, 1999, Determination of the Planning and Zoning Board to Deny the Modification of Standards in Section 4.23(E)(2)(b) and Section 4.23(E)(3)(a)2 of the Land Use Code for the Maxi-Stuff Storage, 1640 Riverside Avenue.

On November 18, 1999, the Planning and Zoning Board denied the request for Modification of Standards in Section 4.23(E)(2)(b) and Section 4.23(E)(3)(a)2 of the Land Use Code for the Maxi-Stuff Storage, 1640 Riverside Avenue.

The property is zoned I – Industrial (as of the effective date of March 28, 1997 for the new Land Use Code). The property is located at 1640 Riverside Avenue and is on the east side of Riverside Avenue just north of East Prospect Road.
- 28. Resolution 2000-21 Requesting the State of Colorado Department of Transportation to Approve the Modern Roundabout Design Alternative for the Intersection of State Highway 14 (Mulberry Street) and Lemay Avenue.

The City of Fort Collins successfully applied for Federal Congestion Mitigation and Air Quality funds for an alternative analysis of intersection improvements and the construction of those determined improvements at the intersection of SH14 and Lemay Avenue. The intersection is currently experiencing both delay and accident problems.

A technical/engineering group has been put together to conduct this evaluation process. Staff from Traffic Engineering, Engineering, Transportation Planning, Police Services, CDOT, and the WalMart Engineering consultants were included in the group. An open house was held and the Coloradoan newspaper coverage of the process has been good.

29. Second Reading of Ordinance No. 4, 2000, Amending the Definitions of “Building Permit” in Sections 7.5-17 and 7.5-47 of the City Code.

Ordinance No. 4, 2000, which was unanimously adopted on First Reading on January 4, 2000, makes certain amendments to the City Code, clarifying that the installation of mobile homes on previously vacant space would require a one-time payment of CIE, school fees and neighborhood parkland fees. These amendments also “grandfather” mobile home lots on which existing mobile homes are or were installed prior to the effective date of this ordinance by exempting them from such impact fees.

30. Items Relating to the West Central Neighborhoods Plan Rezoning.

Option A

- A. Second Reading of Ordinance No. 160, 1999, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification of Certain Properties Located Within the West Central Neighborhoods Plan and Known as the West Central Neighborhoods Plan Second Subarea Rezoning.

This option places the properties in the Whitcomb Street and Blevins Court area into the H-M-N, High Density Mixed-Use Neighborhood, District.

Option B

- A. Resolution 2000-22 Amending the “Zoning District Plan” (Map 4) of the West Central Neighborhoods Plan by Changing the Designation of that Certain Area Along Whitcomb Street and Blevins Court from the H-M-N, High Density Mixed-Use Neighborhood District, to the M-M-N, Medium Density Mixed-Use Neighborhood District.
- B. Second Reading of Ordinance No. 160, 1999, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification of Certain Properties Located

Within the West Central Neighborhoods Plan and Known as the West Central Neighborhoods Plan Second Subarea Rezoning.

This option places the properties in the Whitcomb Street and Blevins Court area into the M-M-N, Medium Density Mixed-Use Neighborhood, District.

On October 19, 1999, the City Council voted 5-0 to approve Ordinance No. 160, 1999, on first reading which rezoned several properties within the West Central Neighborhoods Plan area including properties along Whitcomb Street and Blevins Court which were placed into the H-M-N, High Density Mixed-Use Neighborhood, District. On November 2, 1999, the Council voted 6-0 to table Ordinance No. 160, 1999, on second reading and asked staff to review the proposed rezoning of the properties along Whitcomb Street and Blevins Court in light of concerns raised by several property-owners that the required minimum density of 20 units per acre is too high.

Staff offers two options for Council's consideration. Option A, recommended by staff and the Planning and Zoning Board, completes the rezoning process as initially proposed and places the properties along Whitcomb Street and Blevins Court into the H-M-N, High Density Mixed-Use Neighborhood, District. Option B includes a Resolution which amends Map 4, the Zoning District Plan, of the West Central Neighborhoods Plan and changes the designation of the area along Whitcomb Street and Blevins Court from the H-M-N, High Density Mixed-Use Neighborhood, District, to the M-M-N, Medium Density Mixed-Use Neighborhood, District.

Option B also includes an amended Ordinance No. 160, 1999, which rezones the properties along Whitcomb Street and Blevins Court into the M-M-N, Medium Density Mixed-Use Neighborhood, District which lowers the required minimum density to 12 units per acre.

31. Resolution 2000-20 Making Findings of Fact and Conclusions Regarding the Appeal of a Decision of the Planning and Zoning Board Relating to the Olde Town North Modification Request.

On November, 18, 1999, an appeal of the November 4, 1999 decision of the Planning and Zoning Board to conditionally approve a modification of standard to Section 4.15(D)(1) of the Land Use Code (the CCN-Community Commercial North College District) was filed by Monica Sweere. The condition of the modification that was appealed required that a minimum of 50% of the residential units in any proposed development plan meet the City's definition of affordable housing.

After hearing the appeal on January 11, 2000, the City Council modified the condition of approval with a 4-2 vote. The modified condition is that 25% of the residential units in any proposed development plan meet the City's definition of affordable housing. In order to complete the record regarding this appeal, the Council should adopt a resolution making findings of fact and finalizing the appeal.

32. Second Reading of Ordinance No. 1, 2000, Appropriating Use Tax Carryover Reserves in the Sales and Use Tax Fund for a Rebate of Impact Fees to Symbios Logic, Inc.

On February 16, 1999, Council adopted Ordinance No. 31, 1999 that terminated the Development Impact Fee Rebate Program. However, rebates that had been previously approved for Advanced Energy and Symbios Logic were considered to be “in process” and thus remain eligible for rebate. Ordinance No. 1, 2000, which was adopted 5-0 (Councilmember Kastein withdrew from discussion due to a conflict of interest) on First Reading on January 4, 2000 appropriates \$339,400 from reserves in the Sales and Use Tax Fund for Rebate to Symbios Logic. An additional \$35,875 will also be appropriated for transfer from the Sales and Use Tax Fund to the Capital Expansion Fund to cover fees that were undercharged to Symbios.

33. Pulled Consent Items.

34. Other Business.

35. Adjournment.