

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

January 2, 2001

Regular Meeting

6:00 p.m.

PRESENTATION OF COLORS BY CUB SCOUT PACK #12

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 27. 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 #32, 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 December 19, 2000.
8. Second Reading of Ordinance No. 186, 2000, Repealing the "Design and Construction Criteria, Standards and Specifications for Streets, Sidewalks, Alleys and Other Public Ways" and Replacing Said Document with the "Larimer County Urban Area Street Standards", and Amending the References to Said Document as Found in the City Code and the Land Use Code Accordingly.

Ordinance No. 186, 2000, was unanimously adopted on First Reading on December 19, 2000. This new document, "Larimer County Urban Area Street Standards," (the Standards) replaces the current City of Fort Collins document titled "Design and Construction Criteria, Standards and Specifications for Streets, Sidewalks, Alleys and Other Public Ways." The current standards, originally adopted in 1986, have become obsolete. The new standards are more comprehensive and include the multi-modal transportation emphasis of current policies.

9. Second Reading of Ordinance No. 187, 2000, Designating the Hottel/Hoffman House and Ash Pit, 426 East Oak Street, as a Historic Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Katherine and Phillip Acott, are initiating this request for Fort Collins Landmark designation for the Hottel/Hoffman House and Ash Pit. This residence has architectural significance to Fort Collins as an exceptional example of Victorian/Italianate architecture in Fort Collins. Additionally, the home is associated with two significant early Fort Collins families, the Hottels and the Hoffmans. The property also contains one of the only known examples of a circa 1880 ash pit remaining in Fort Collins. Ordinance No. 187, 2000, was unanimously adopted on First Reading on December 19, 2000, designating the Hottel/Hoffman House and Ash Pit as a historic landmark.

10. Second Reading of Ordinance No. 188, 2000, Amending Portions of Chapter 3 of the City Code Concerning Alcohol Beverages.

Ordinance No. 188, 2000, which was unanimously adopted on First Reading on December 19, 2000, makes minor changes to increase the administrative efficiency of the Authority and to harmonize the provisions of the City Code with the provisions of the Colorado Liquor Code.

11. Second Reading of Ordinance No. 189, 2000, Amending the City Code Relating to Election Campaign Disclosures and Reporting Requirements.

Ordinance No. 189, 2000, which was unanimously adopted on First Reading on December 19, 2000, amends Article V of Chapter 7 of the City Code relating to campaign practices in local elections. Specifically, the Ordinance provides that the limitations on contributions and contributions in kind to a candidate committee imposed by Section 7-135(a) of the City Code do not apply to contributions transferred to a candidate committee by a candidate committee established by the same candidate for the office of Mayor or Councilmember in a previous election. In addition, the Ordinance clarifies that all candidate committees, political committees, and issue committees, must report their contributions in kind, as well monetary contributions.

12. Second Reading of Ordinance No. 190, 2000, Amending Chapter 7.5 of the City Code Relating to Street Oversizing Capital Expansion Fees.

Ordinance No. 190, 2000, which was unanimously adopted on First Reading on December 19, 2000, recalculates the Street Oversizing Fee schedule, in order to keep it current with updated information from the Institute of Traffic Engineers, the North Front Range Regional Transportation Plan, and recent updates to the City Master Street Plan.

13. Second Reading of Ordinance No. 191, 2000, Adopting the 2001 Classified Employees Pay and Classification Plan.

The pay for each pay grade has been reviewed by comparing the benchmark jobs in each occupational group to similar jobs in the local private and public sectors. This analysis permitted an evaluation of the competitiveness of the pay grade. Each of the pay grades in an occupational group was similarly analyzed, and if it was observed that a structure adjustment was needed, the pay ranges in that occupational group were adjusted. Ordinance No. 191, 2000 was unanimously adopted on First Reading on December 19, 2000.

14. Second Reading of Ordinance No. 192, 2000, Authorizing the City of Fort Collins to Enter into a Livestock Grazing Lease Agreement for Meadow Springs Ranch with Natural Fort Grazing Ltd.

Ordinance No. 192, 2000, was unanimously adopted on First Reading on December 19, 2000, and authorizes the City to enter into a Livestock Grazing Lease Agreement with Natural Fort Grazing Ltd., for Meadow Springs Ranch.

15. Second Reading of Ordinance No. 193, 2000, Authorizing an Option to Lease, and a Subsequent Lease, of City-owned Property at City Park North Ballfield to Voicestream PCS II, for the Location of Antenna Equipment Along With Associated Easements.

Voicestream PCS II Corporation ("Voicestream") contacted the Parks Division to discuss the possible lease of land for an antenna to enhance its cellular phone service. The pole on which the antenna would be located and a related utility and access easement are located in City Park. Through a series of negotiations, staff has developed an option and lease agreement that meets the needs of the City and Voicestream. The agreement gives Voicestream the right to lease the subject property once it completes testing of the site to confirm its suitability for Voicestream's purposes. Ordinance No. 193, 2000, was unanimously adopted on First Reading on December 19, 2000.

16. Second Reading of Ordinance No. 194, 2000, Amending Section 2-581 of the City Code and Setting the Salary of the City Attorney.

City Council met in Executive Session on November 14, 2000 to conduct the performance appraisal of City Attorney Steve Roy. This Ordinance, which was unanimously adopted on First Reading on December 19, 2000, establishes the salary and compensation provided the City Attorney at a salary of \$114,705 for a total compensation of \$143,861.

17. Second Reading of Ordinance No. 195, 2000, Amending Section 2-596 of the City Code and Setting the Salary of the City Manager.

City Council met in Executive Session on November 14, 2000 to conduct the performance appraisal of City Manager John Fischbach. This Ordinance, which was unanimously adopted on First Reading on December 19, 2000, establishes the salary and compensation provided the City Manager at a salary of \$139,825 for a total compensation of \$172,871.

18. Second Reading of Ordinance No. 196, 2000, Amending Section 2-606 of the City Code and Setting the Salary of the Municipal Judge.

City Council met in Executive Session on November 14, 2000 to conduct the performance appraisal of Municipal Judge Kathleen M. Lane. This Ordinance, which was unanimously adopted on First Reading on December 19, 2000, establishes the salary and compensation provided the Municipal Judge at a salary of \$87,524 for a total compensation of \$112,470.

19. First Reading of Ordinance No. 1, 2001, 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, 2001 by the Eighth Judicial Victims and Law Enforcement (V.A.L.E.) Board to help fund victim services in Fort Collins. Previous V.A.L.E. grants were received in 1998, 1999, and 2000 for \$19,500, \$19,000, and \$19,000 respectfully.

The Victim Services Team provides crisis intervention, resource and referral services to victims of violent crime, as well as in other traumatic situations. Information must be provided to victims under Colorado State Statutes. The Victim Services Team currently utilizes a staff of one and a half paid Victim Services Coordinators, and a team of 16-25 volunteer advocates. Because of the growth of the program and the need to ensure consistent and quality services to the citizens of Fort Collins, the continued grant funding of a part-time paid victim advocate is needed.

These grant monies have been awarded for the salary of a part-time, 20 hours per week, victim advocate, as well as miscellaneous equipment needs for the team. The total award is \$19,000. Duties of the part-time position will include providing direct crisis intervention services for victims of crime, follow-up with victims while the criminal investigation is on going, assuring that victims of crime are provided information relating to the case, and resource and referral information.

20. First Reading of Ordinance No. 2, 2001, Designating the Deines Barn and Twin Silos, 7225 and 7309 South College Avenue, as a Historic Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, the Shenandoah Home Owners Association, is initiating this request for Fort Collins Landmark designation for the Deines Barn and Twin Silos. These structures have architectural importance to Fort Collins as locally rare examples of farmstead architecture, and historical importance for their association with the agriculture development of Fort Collins.

21. Items Relating to an Intergovernmental Agreement with Larimer County Regarding the Fossil Creek Area Regional Open Space Properties.

- A. First Reading of Ordinance No. 3, 2001, Authorizing an Intergovernmental Agreement with Larimer County Regarding Fossil Creek Reservoir Area Regional Open Space Properties, and Authorizing the Conveyance of an Interest in Certain of Those Properties to Larimer County.
- B. First Reading of Ordinance No. 4, 2000, Appropriating Unanticipated Revenue in the Open Lands Fund for Partial Reimbursement Toward the Purchase Price of Fossil Creek Area Parcels E, F, and G.

The City of Fort Collins has been working with Larimer County since 1994 to preserve significant areas of open land between Fort Collins and Loveland and specifically to preserve the area around

Fossil Creek Reservoir. The Fossil Creek Reservoir Area Plan completed in 1998 defined a resource management area surrounding the reservoir that is to be protected through a combination of land purchases, implementation of a transferable development rights program and other measures. The current status on the purchase of the seven parcels shown on the attached map is as follows: Larimer County has already acquired Parcels A and B, anticipates acquiring Parcel C by dedication through the County's transferable development rights program, and anticipates purchasing Parcel D. The City has signed contracts for the purchase of Parcels E, F and G.

22. First Reading of Ordinance No. 5, 2001, Authorizing Acquisition by Eminent Domain Proceedings of Certain Easements Necessary for Drainage Improvements to Spring Creek at Lemay Avenue.

The construction of improvements to Spring Creek at Lemay Avenue is currently scheduled for the Winter/Spring of 2001 prior to flood season. The proposed improvements include repairs to Spring Creek made necessary by flood damage caused in July 1997, reinforcement of the Spring Creek channel, reconstruction of the Spring Creek Bike Trail, and removal of a private access bridge responsible for diversion of flood flows resulting in additional flooding and property damage. Removal of the private bridge will require construction of a new access drive on the above-mentioned private property along the southside of Spring Creek from Lemay Avenue. In addition, a new sanitary sewer service will need to be constructed from the sewer main located in Lemay Avenue, parallel to the new access road, also on the south side of Spring Creek. The existing sanitary service is located in the existing private bridge proposed for demolition.

Construction of the proposed improvements will require the acquisition of a permanent private access easement, a permanent utility easement, and a temporary construction easement, all from property owned by Spring Creek Health Care Center. Staff has initiated the easement acquisition process – discussing the project with representatives and legal counsel of the owners, obtaining preliminary value estimates, preparing final design drawings, and negotiations to secure the required easements. Staff will continue good faith negotiations; however, to ensure that the City can secure all of the easements in time to begin construction of the project, it is necessary to initiate the first step of the eminent domain process, passage of this Ordinance authorizing acquisition by eminent domain. Staff has described the contents of the subject ordinance to the affected property owners and informed them that City Council is being asked to approve the ordinance at this City Council meeting.

23. First Reading of Ordinance No. 6, 2001, Authorizing the City of Fort Collins to Grant a Non-exclusive Easement on Meadow Springs Ranch to Nunn Telephone Company Within the Existing Poudre Valley Rural Electric Association Non-Exclusive Easement.

The proposed easement will provide necessary telephone service to the neighboring Diehl Ranch. The proposed easement is 20 feet wide and approximately one mile long (2.42 acres) and is

located within the existing Poudre Valley Rural Electric Association non-exclusive easement, recorded September 7, 1999 at Reception No. 2718897 in the Weld County Clerk and Recorder's Office.

24. Resolution 2001-1 Adopting the City's 2001 Legislative Agenda.

Each year the Legislative Review Committee (LRC) develops a legislative agenda to assist the City in the analysis of pending legislation. The proposed 2001 Legislative Agenda has been updated from the 2000 document and was reviewed by the LRC on December 14, 2000. This document will be used as a guide for the upcoming 2001 legislative session that convenes on Wednesday January 10, 2001.

25. Items Relating to the Employment Contracts of the City Manager, City Attorney and Municipal Judge.

- A. Resolution 2001-2 Authorizing the Mayor to Execute a Third Addendum to the City's Employment Agreement with John F. Fischbach as City Manager of the City of Fort Collins.
- B. Resolution 2001-3 Authorizing the Mayor to Execute a Third Addendum to the City's Employment Agreement with Stephen J. Roy as City Attorney of the City of Fort Collins.
- C. Resolution 2001-4 Authorizing the Mayor to Execute a Fourth Addendum to the City's Employment Agreement with Kathleen M. Lane as Municipal Judge of the City of Fort Collins.

During this year's performance reviews, the City Manager, City Attorney and Municipal Judge discussed with the Council the possibility of certain changes to their employment contracts. Adoption of the Resolutions would approve an addendum to each contract making those changes.

26. Resolution 2001-5 Stating the City's Intent to Not Act as a Reviewing Entity in 2001 for the Colorado Historic Preservation Income Tax Credit for Qualifying Historic Rehabilitation Projects Under Colorado House Bill 90-1033 (CRS 39-22-514, as amended).

As a Certified Local Government, Fort Collins has the opportunity each year to choose to be a reviewing entity for the Colorado Historic Preservation Income Tax Credit during the next calendar year. The City Council must adopt a resolution stating whether or not it intends to take on this responsibility in the next year.

Fort Collins became a Certified Local Government in 1991 when the Colorado Income Tax Credit was instituted, but didn't take on the reviewing entity function for this program until 1995. For three years, the Landmark Preservation Commission was the reviewing entity and performed design review on qualifying historic rehabilitation projects for the Colorado Income Tax Credit. They declined the review in 1998, 1999 and 2000.

On December 13, 2000 the Landmark Preservation Commission discussed this function and made the decision to recommend that the City decline the reviewing entity function for the Colorado Historic Preservation Income Tax Credit in 2001. The basis for the recommendation to not act as reviewing entity for the next year is twofold. First, the demand for staff resources to administer the State's program has steadily grown as the tax credits have become more popular, and as a result has taken staff resources away from other, higher priority local preservation activities. Secondly, the Tax Credit Program contains some requirements which the City has no control over, but yet has created discord for both the City and applicants. The Landmark Preservation Commission and staff believe that the "costs" outweigh the "benefits" of continuing to assume the review authority.

The reviewing entity function will be performed by the Colorado Historical Society staff for the 2001 calendar year and the program will still be available to Fort Collins citizens.

27. Routine Deeds and Easements.

- A. Easement dedication for drainage and pedestrian access from Benner Holdings, LLC, located on College Avenue, south of Harmony Road. Monetary consideration: \$10. Staff: Marc Virata.
- B. Deed of Dedication for Right-of-Way from Hearthfire, Inc., located south of Douglas Road and west of County Road 11, for public street purposes. Monetary consideration: \$30. Staff: Dave Stringer.

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

28. Consent Calendar Follow-up.

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

29. Staff Reports.

30. Councilmember Reports.

Committees that have met since December 19 include:

NONE.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

31. Items Relating to the Johnson Farm Rezoning.
- A. Resolution 2000-6 Amending the City Structure Plan Map.
 - B. First Reading of Ordinance No. 7, 2001, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Johnson Farm Rezoning.

This is a request to rezone approximately 55.35 acres of property located on the northwest corner of Timberline Road and Drake Road. The property is currently zoned T - Transitional. The Structure Plan designation for the entire property is Employment. The applicant is proposing to amend the Structure Plan to change 18.56 acres to Low Density Mixed-Use Residential, 29.62 acres to Medium Density Mixed-Use Residential, and to maintain 7.18 acres as Employment. The applicant is also requesting to rezone the property to a combination of LMN, MMN, and E to correspond to the requested Structure Plan amendment.

The proposed Structure Plan amendment is supported by the policies within the City's Comprehensive Plan. The proposed zoning districts LMN, MMN, and E are compatible with existing and proposed uses surrounding the subject land. The proposed zoning districts are appropriate for this property. The proposed rezoning will not result in significantly adverse impacts on the natural environment. The proposed rezoning results in a logical and orderly development pattern.

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