

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

February 1, 2000

**Regular Meeting
6:00 p.m.**

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 14. 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 #22, 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 adoption of the Council meeting minutes of January 4, 2000 and the adjourned meeting of January 11, 2000.

8. Second 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. Ordinance No. 8, 2000, was unanimously adopted on First Reading on January 18, 2000.

9. Items Related to the Issuance of City of Fort Collins Downtown Development Authority Subordinate Tax Increment Revenue Bonds, Series 2000.

A. First Reading of Ordinance No. 9, 2000, Authorizing the Issuance of City of Fort Collins, Colorado, Downtown Development Authority Subordinate Tax Increment Revenue Bonds, Series 2000A, Dated their Delivery Date, in the Aggregate Principal Amount of \$610,000 for the Purpose of Financing Certain Capital Improvements and Capital Projects; and Providing for the Pledge of Certain Incremental Ad Valorem Tax Revenues to Pay the Principal of, Interest on and any Premium Due in Connection with the Redemption of the Bonds.

B. First Reading of Ordinance No. 10, 2000, Appropriating Proceeds from the Issuance of City of Fort Collins, Colorado, Downtown Development Authority Taxable Subordinate Tax Increment Revenue Bonds, Series 2000, for the Purpose of Making Certain Capital Improvements in the Downtown Area of Fort Collins and Appropriating Expenditures from the DDA Debt Service Fund to Make the 2000 Payment on the Bonds.

The City of Fort Collins created the Downtown Development Authority to make desired improvements in the downtown area. Through tax increment financing, the DDA has made significant contributions to the redevelopment and improvement of the downtown area. The two items below, Ordinance No. 9, 2000 and Ordinance No 10, 2000 provide funding from future tax increment in the DDA Debt Service Fund to make additional improvements in the downtown area. The first Ordinance issues short term bonds for the projects which will be paid from the tax increment revenue. The second Ordinance appropriates the proceeds in to the Capital Projects Fund for the various projects.

10. First Reading of Ordinance No. 11, 2000, Designating the E. P. Montgomery House, Garage and Shed, 321-323 East Laurel Street, as a Local Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

At a public hearing held on January 26, 2000, the Landmark Preservation Commission unanimously recommended designation of this property as a local landmark for its

architectural importance to Fort Collins. The designation hearing will be held on the evening of January 26, 2000, after the deadline to submit Council's packet to the printer. The Commission's final vote on this designation will be available in Council's read-before packet. The property owner is initiating this designation, and there has been no opposition of any kind to the designation of this property as a local landmark.

11. First Reading of Ordinance No. 12, 2000, Designating the Properties at 1600, 1601, 1604, 1605, 1608, 1609, 1612, 1613, 1617, 1645 and 1700 Sheely Drive, Fort Collins, Colorado, as a Historic Landmark District Pursuant to Chapter 14 of the Code of the City of Fort Collins.

This designation is being processed as a non-consensual designation, as the owners of two of the eleven properties within the proposed district have not yet signed the designation agreement. To date, no opposition of any kind has been received to the designation of these properties. The non-consenting owners' opinions toward designation appear to be completely neutral, and despite repeated contacts, they have not expressed any sentiment, either for or against designation. A non-consensual designation requires two hearings before the Landmark Preservation Commission. The Resolution Hearing was held on December 8, 1999. Because of an error in the notification process, the Commission's Designation Hearing had to be postponed, and will now be held on the evening of January 26, 2000, after the deadline to submit Council's packet to the printer. The Commission's final vote on the designation will be available in Council's read-before packet.

12. Items Relating to County Regional Road Impact Fees.

- A. Resolution 2000-24 Adopting an Intergovernmental Agreement Pertaining to a Regional Road Impact Fee.
- B. First Reading of Ordinance No. 13, 2000, Amending Chapter 7.5 of the City Code by the Addition of a New Article V Pertaining to the Imposition of Certain Regional Capital Improvement Expansion Fees.

In November 1998, Larimer County Commissioners approved new Development Impact Fees that will apply to new construction in the County. These fees included a regional road fee and a regional park fee. Larimer County has asked the City to consider implementing a regional road fee for development within the City limits. The fee would be implemented in addition to existing City and School District fees. As funds accumulate from the collection of fees in both the City and the County, the two governments will work together to determine how and when those funds will be expended to improve the five regional roads. The County may also ask the City to consider adopting the regional park fees at a future date, but currently has no specific plans for bringing this fee for City consideration.

13. Items Related to the Community Horticulture Center.

- A. Resolution 2000-25 Authorizing an Intergovernmental Agreement with Colorado State University Research Foundation and the Colorado State Board of Agriculture Regarding the Community Horticulture Center, Plant Environmental Research Center and Annual Flower Trial Gardens.
- B. First Reading of Ordinance No. 14, 2000, Authorizing the Conveyance of High School Park to Colorado State University Research Foundation In Exchange for the 18 Acre Community Horticulture Center Site.

Since May 1998, City Council has, on three occasions, studied and considered possible sites for the Community Horticulture Center. The result has been a narrowing of preference by Council for the CSURF site. Most recently, in March 1999, the City Council directed staff to prepare the legal documents to complete a land exchange deal with Colorado State University Research Foundation (CSURF) to secure a site for the Community Horticulture Center. This item completes the transaction by approving an ordinance for transfer of the High School Park site to CSURF in exchange for the CSURF site.

14. Items Relating to the Lease of the McKee and Longview Farm Open Space Properties.

- A. Resolution 2000-26 Authorizing a Nine-Month Lease of the McKee Property and Longview Farm to Harold Sauer for Dryland Farming and Grazing.
- B. First Reading of Ordinance No. 15, 2000, Authorizing the City Manager to Enter Into Long-Term Leases of the McKee Property and Longview Farm with Harold Sauer for Dryland Farming and Grazing.

The Natural Resources Department purchased the McKee property in 1997 for open space and the Natural Areas Program is responsible for managing this property. This open space has yet to be officially named. The property is approximately 970 acres, with 840 acres of dryland farm and 130 acres of pasture. The original farm tenant terminated the farming lease about six months ago, stating that it was no longer economical to farm the property. The terms of this lease will hopefully make it economical for Mr. Sauer to farm and maintain this property. The City will not receive any revenue from the lease and will help pay for weed and pest control on the dryland farm. The City agrees to pay approximately \$15,000 to eradicate existing weeds and to pay approximately \$3,500 annually for one-third of the cost of weed control on the dryland farm. The City will also pay one-third of the cost of pest control needed on the dryland farm, which is not usually needed annually. The tenant shall pay for all costs associated with the 130 acres of pasture land in exchange for the use of the pasture land to graze cattle. The tenant shall be responsible for all costs including fertilizer, weed control, insect control, and fencing.

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

15. Consent Calendar Follow-up.
This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
16. Staff Reports.
17. Councilmember Reports.
Committees that have met since January 18 include:
Finance Committee
Health and Safety Committee
Legislative Review Committee

ITEMS NEEDING INDIVIDUAL CONSIDERATION

18. Resolution 2000-27 Making Findings of Fact and Conclusions Regarding the Appeal of a Decision of the Planning and Zoning Board Relating to the Maxi-Stuff Storage Request for Modification of Standards.

On December 14, 1999, a Notice of Appeal of the November 18, 1999 decision 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 was filed by the Appellants Tom Smith and Clayton Schwerin.

On January 18, 2000, City Council voted to overturn the decision of the Planning and Zoning Board. In order to complete the record regarding this appeal, the Council should adopt a Resolution making findings of fact and finalizing its decision on the appeal.

19. Consideration of the Appeal of the December 16, 1999, Determination of the Planning and Zoning Board to Deny a Major Amendment to the South Glen PUD, Second Filing - Final, Consisting of a Request to Eliminate the Existing Swimming Pool and Bath House Facility at the east end of the 40 Dwelling Unit Multi-Family Residential Development.

On December 16, 1999, the Planning and Zoning Board denied a Major Amendment to the South Glen PUD, Second Filing - Final, consisting of a request to eliminate the existing swimming pool and bath house facility at the east end of the 40 dwelling unit multi-family residential development.

The property is zoned LMN – Low Density Mixed Use Neighborhood (as of the effective date of March 28, 1997 for the new Land Use Code). The property is located on the west side of Albion Way, east of Manhattan Avenue, west of the New Mercer Canal and Burlington Northern Railroad tracks, and approximately ½ mile south of West Horsetooth Road.

20. First Reading of Ordinance No. 16, 2000 Appropriating Prior Year Reserves.

Funds were appropriated in 1999 by City Council for specific purposes as described below, but not spent. The unspent funds were added to fund reserves at the end of 1999. Appropriations were typically not spent because:

- ! There was not sufficient time to complete bidding in 1999 and thus there was no known vendor or binding contract to encumber the funds for expenditure in 2000.
- ! The project for which the funds were originally appropriated could not be completed during 1999 and, therefore, appropriation of those funds is necessary for completion of the project in 2000.

This ordinance reappropriates approximately \$9.2 million of 1999 monies for the same uses or purposes in 2000 as originally approved by Council in 1999. Of the total, the amount requested by the utilities amounts to slightly over \$3.7 million to be used for purposes such as the Harmony Substation expansion, Light and Power undergrounding projects, and for Art-in-Public Places projects that were delayed or are multi-year projects. Over \$2.0 million is requested for reappropriation by the Open Lands Fund for several anticipated acquisitions that did not close during 1999 but are anticipated to close in 2000. Of the General Fund request, \$853,000 is for lease purchase payments and other expenditures associated with the J. D. Edwards Financial System.

21. Resolution 2000-28 Making Appointments to Various Boards and Commissions.

A vacancy currently exists on the Air Quality Advisory Board due to the resignation of Dave Gallup. Applications were solicited and interviews were conducted by Councilmembers Mason and Weitkunat. The Council interview team is asking for a vote of the entire Council to decide between two candidates to fill the vacancy. The two applicants being recommended are Linda Stanley and Ken Moore. The term will begin immediately and is set to expire on June 30, 2004.

A vacancy also currently exists on the Transportation Board due to the resignation of Mark Egeland. Councilmembers Kastein and Byrne reviewed the applications on file and are recommending Tom Kramer to fill the vacancy with a term to begin immediately and set to expire on June 30, 2002.

Two vacancies currently exist on the Youth Advisory Board due to the removal of members Ashlan Warsteane and Bill Leary for lack of attendance. Councilmembers Martinez and Kastein reviewed the applications on file and are recommending Harry McCrystal and Ana Rocca to fill the vacancies with terms to begin immediately and set to expire respectively on June 30, 2001 and June 30, 2002.

22. Pulled Consent Items.

23. Other Business.

24. Adjournment.