

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

February 6, 2001

Proclamations and Presentations

5:30 p.m

- A. Proclamation Proclaiming the Week of February 11-17, 2001 as "Child Passenger Safety Week".
- B. Proclamation Proclaiming February 18-24, 2001 as "National Engineers Week".

Regular Meeting

6:00 p.m.

PRESENTATION OF COLORS BY CUB SCOUT TROOP #284

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 #35, 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 January 2, 2001.
8. Second Reading of Ordinance No. 8, 2001, Appropriating Prior Year Reserves in the Street Oversizing Fund and Authorizing the Transfer of Appropriations from the Street Oversizing Fund to the Capital Projects Fund for the Timberline and Drake Roadway Improvements.

Arterial street improvements are planned for approximately one mile of Timberline Road, from Vermont Drive to approximately 2000 feet north of the intersection with Drake Road. Drake Road will be improved from the Union Pacific Railroad tracks on the west end of the project to approximately 1000 feet east of the intersection with Timberline Road. The project will construct full intersection improvements including auxiliary turn lanes. Ordinance No. 8, 2001, was unanimously adopted on First Reading on January 16, 2001.

9. Second Reading of Ordinance No. 9, 2001, Appropriating Unanticipated Revenue in the Capital Projects Fund for Gateway Mountain Park.

The Friends of the Poudre, on behalf of the City, applied for the Scenic Byway Grant. The City will be receiving the \$182,000 grant from the Colorado Scenic and Historical Byways program. The Colorado Department of Transportation, administers the program. The grant funds will be

used to help with development of Park facilities. Ordinance No. 9, 2001, was unanimously adopted on First Reading on January 16, 2001.

10. Second Reading of Ordinance No. 10, 2001, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands for the Street and Trail Improvements to and along Fossil Creek Parkway, from College Avenue to Mail Creek Lane.

The final development of the Huntington Hills area requires the collector street connection of Fossil Creek Parkway from College to Lemay Avenue. There is an existing portion of Fossil Creek Parkway that was constructed with an old county subdivision. The development, in conjunction with the Street Oversizing Program, will improve this segment of Fossil Creek Parkway by adding sidewalks, bike lanes, curbing, and an asphalt overlay. This Ordinance, which was unanimously adopted on First Reading on January 16, 2001, authorizes the uncontested acquisition by eminent domain for certain lands needed for the street and trail improvements.

11. First Reading of Ordinance No. 13, 2001, Appropriating Unanticipated Revenue in the Water Fund Master Plan Facilities Project.

An Intergovernmental Agreement between the Soldier Canyon Filter Plant and the City of Fort Collins provides for water sharing between the water treatment facilities owned by the two entities. The City of Fort Collins Utilities, using funds appropriated for the Water Master Plan Facilities Project, built a 24-inch pipeline with flow control and metering facilities between the two plants. The Soldier Canyon Filter Plant has reimbursed the City \$554,883 for its share of the project costs. An appropriation of this amount is needed in order to make the Master Plan Facilities Project budget complete. This Ordinance appropriates the amount received as unanticipated revenue for Water Fund Master Plan Facilities Project.

12. First Reading of Ordinance No. 14, 2001, Appropriating Unanticipated Grant Revenue in the General Fund for the Fort Collins Public Library.

This Ordinance appropriates State of Colorado grant money provided under the State Funding to Libraries Act (Section 24-90-401, C.R.S., *et seq.*) for the Fort Collins Public Library to purchase materials.

13. First Reading of Ordinance No. 15, 2001, Appropriating Prior Year Reserves in the Affordable Housing Reserve in the General Fund for Impact Fee Rebate Payments for Affordable Housing Projects.

The City has received requests from Brisben Companies for development impact fee rebates for \$179,580 for Bull Run Apartments and for \$86,140 for Country Ranch Apartments affordable housing projects. In addition, Habitat for Humanity's Albion Way homes (\$6,284), and CARE

Housing's Windtrail Apartments (\$73,000) projects are reaching completion and applications for development impact fee rebates are anticipated. The amount of \$345,004 is needed to provide the eligible development impact fee rebate for these projects and is available in the General Fund's Affordable Housing Fund prior year reserves. Article V, Section 9 of the Charter of the City of Fort Collins authorizes the City Council to provide by ordinance for payment of any expense from reserves accumulated in prior years notwithstanding that such reserves were not appropriated for expenditure in the annual appropriation ordinance.

14. First Reading of Ordinance No. 16, 2001, Appropriating Prior Year Reserves in the Street Oversizing Fund and Unanticipated Revenue in the Capital Projects Fund and Authorizing the Transfer of Appropriations from the Street Oversizing Fund to the Capital Projects Fund for the Harmony and Timberline Roadway Project.

Arterial street improvements are planned for the Harmony Road-Timberline Road intersection. These intersection improvements will construct additional auxiliary turn lanes on all legs of the intersection. These improvements are needed to mitigate the traffic impacts of the commercial and hospital developments. Harmony Road will also be improved from the Union Pacific Railroad tracks on the west end of the project, east to the Poudre Valley Hospital (PVH) entrance on Harmony Road (Approximately 4000 linear feet). This project is funded entirely by contributing developments, through the Street Oversizing Program.

15. First Reading of Ordinance No. 17, 2001, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands for the Spring Creek Trail Connection Across the Existing Drainage Tract located in the Northwest Corner of the Replat of Hill Pond on Spring Creek, 2nd Filing P.U.D.

The Hill Pond on Spring Creek Homeowners' Association owns the land needed for acquisition as part of its common property. The area of the subject land exists as a drainage tract, is approximately 2,560 square feet and has an estimated value less than \$100. The President of the Hill Pond on Spring Creek Homeowners' Association has indicated that at its annual meeting of the homeowners, held November 30, 2000, the possibility of condemnation was discussed and the Association authorized the City to proceed with the condemnation. Without the use of eminent domain proceedings, all Spring Creek homeowners in the Association and all lending institutions holding deeds of trust would need to execute the conveyance document pursuant to the Bylaws of the Association. This Council action will begin the uncontested eminent domain proceedings.

16. First Reading of Ordinance No. 18, 2001, Appropriating Prior Year Reserves and Transferring Appropriations.

Funds were appropriated in 2000 by City Council for specific purposes as described below, but not spent. The unspent funds were added to fund reserves at the end of 2000. Appropriations were typically not spent because:

- ! There was not sufficient time to complete bidding in 2000 and thus there was no known vendor or binding contract to encumber the funds for expenditure in 2001.
- ! The project for which the funds were originally appropriated could not be completed during 2000 and, therefore, appropriation of those funds is necessary for completion of the project in 2001.

This Ordinance reappropriates the 2000 funds for the same uses in 2001 as were originally approved by Council in 2000.

17. First Reading of Ordinance No. 19, 2001, Appropriating Prior Year Reserves and Unanticipated Revenue in the Downtown Development Authority Operations and Maintenance Fund for Maintenance and Repair of the Old Town Square.

In 1993, representatives of Progressive Old Town Square Limited Liability Company, owner of several parcels of land in the downtown area of Fort Collins, entered into an agreement to maintain, repair and replace, certain improvements in the downtown area owned by the Downtown Development Authority (DDA). Over the years, the annual cost of the maintenance and repair increased and the Company requested the City of Fort Collins and the DDA assist in the funding of the maintenance and capital improvements. In August of 2000, the Company, DDA, and the City reached a cost sharing agreement. Under this agreement, the DDA agreed to match (50% Owner-50% DDA) up to \$12,500 of enhanced capital improvements and \$12,500 of enhanced maintenance each year. The City agreed to designate \$12,500 per year to reimburse funds spent by the Company according to the approved Enhanced Maintenance Plan. In 2000, the Owner spent \$13,100 on Enhanced Maintenance. The City transferred \$6,551 to the DDA Operations and Maintenance Fund. The Fund did not have sufficient appropriations to be used in 2000. Under the agreement, the monies are carried forward and may be spent when an appropriation is made. In 2001, the City and DDA expect that more maintenance and improvements will be completed by the owner and will be eligible for reimbursement. The second section of the Ordinance makes the appropriation for the 2001 work. Monies from the City will be transferred after the work is completed and adequate documentation is delivered to the City.

18. First Reading of Ordinance No. 20, 2001, Amending The Definition of "Street" as Contained in Section 5.1.2 of The Land Use Code.

Staff has identified a discrepancy in the Land Use Code between the definition of "*Street*" as presently stated in Section 5.1.2 and in the provisions relating to the administration of the Sign Code in Section 3.8.7. The Ordinance would clarify the definition and resolve this discrepancy.

This change is recommended now outside the regular biannual Code Revision process due to the urgent need to clarify the Land Use Code.

19. Items Relating to Amendments to the City Charter.

- A. First Reading of Ordinance No. 21, 2001, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Article IV of the City Charter, Pertaining to Residency Requirements.
- B. First Reading of Ordinance No. 22, 2001, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Article IV of the City Charter, Pertaining to the Definition of Terms.

These two Ordinances would present separate but related Charter amendments to the voters as part of the regular city election in April. The first proposed amendment would change the residency requirement for division heads of the City so as to permit division heads to live outside of the Fort Collins Urban Growth, as long as they live within five miles of the city limits. The second proposed amendment would change certain terminology in the Charter that is confusing, since it is inconsistent with the City's current organizational structure.

20. First Reading of Ordinance No. 23, 2001, Adding a New Article VI to Chapter 7 of the City Code Relating to Initiative and Referendum.

This Ordinance will establish a procedure for any registered elector to protest a proposed ballot title and/or submission clause for an initiative or referendum.

21. First Reading of Ordinance No. 24, 2001, Vacating a Portion of Right-of-Way for Brittany Drive.

On January 18, 2000, the Planning and Zoning Board gave final approval to the Provincetowne PUD Filing 2 located at the southwest corner of Lemay Avenue and Trilby Road. Certain street improvements in the area were constructed with Special Improvement District #81 and the rights-of-way for those streets dedicated by deed as part of the S.I.D. At that time it was anticipated that future residential streets would intersect at particular locations along Brittany Drive and rights-of-way for those future intersections were dedicated. However, the developer has since received final approval of the Provincetowne PUD, Filing 2 which dedicates streets to serve the surrounding property which intersects in a location other than anticipated on Brittany Drive. Therefore, the right-of-way for the old intersection location is no longer necessary and is proposed for vacation at this time. It should be noted that a similar vacation was done for Provincetowne PUD Filing 1 in 1993.

22. First Reading of Ordinance No. 25, 2001, Authorizing the Mayor to Quit Claim a Parcel Originally Acquired For Poudre River Drive to General Care Health Services, Inc.

Although the realignments mentioned above were accomplished by the Poudre River Business Park, 1st Filing, it was discovered during the planning process for the development of Poudre River Business Park, Third Filing, that the portion of Hoffman Mill Road obtained in 1979 was never adjusted to reflect the approved changes shown on the 1st Filing Plat. In order to accommodate the 1st Filing alignments for the Drive and the Road, staff is recommending that City Council approve the conveyance by Quit Claim Deed a portion of the right-of-way acquired by the City in 1979 to the owner of Poudre River Business Park. As part of the planning process, the owner has agreed to dedicate by plat the additional right-of-way needed for the continuation of Hoffman Mill Road, and the Ordinance makes the conveyance to the owner contingent upon completion of that dedication. Staff is recommending that no further consideration be requested for the property to be deeded to the owner, because the voluntary dedication by the owner of the additional right-of-way results in a reasonable exchange.

23. Items Relating to the Creation of Harmony Half Acres Special Improvement District (SID) No. 92.

- A. Resolution 2001-14 Accepting the Petitions of Property Owners Regarding the Initiation of Harmony Half Acres Special Improvement District No. 92; Stating the Need For, and the Location of the Improvements to Be Made; Describing the Area to Be Assessed for the Same; and Directing the Director of Community Planning and Environmental Services to Prepare and Present to the City Council the Necessary Information For the Formation of Said District.
- B. Resolution 2001-15 Submitting a Ballot Issue to the Registered Electors of the Proposed Harmony Half Acres Special Improvement District No. 92 as Part of the Regular City Election on April 3, 2001.

The first Resolution accepts the petitions of the property owners, generally stating the need for and the location of the improvements, the area to be assessed for the costs, and directs the Director of Community Planning and Environmental Services to prepare the plans and an estimate of the costs to be presented to City Council.

The second item is a Resolution to place the SID bond issuance on the April ballot for a vote of the electors in the proposed District in accordance with Article X, Section 20 of the Colorado Constitution (the "TABOR Amendment").

24. Items Relating to the Creation of The Ridge Special Improvement District (SID) No. 93.

- A. Resolution 2001-16 Accepting the Petitions of Property Owners Regarding the Initiation of The Ridge Special Improvement District No. 93; Stating the Need For, and the Location of the Improvements to Be Made; Describing the Area to Be Assessed for the

Same; and Directing the Director of Community Planning and Environmental Services to Prepare And Present to the City Council the Necessary Information for The Formation of Said District.

- B. Resolution 2001-17 Submitting a Ballot Issue to the Registered Electors of the Proposed The Ridge Special Improvement District No. 93 as Part of the Regular City Election on April 3, 2001.

The first Resolution accepts the petitions of the property owners, generally stating the need for and the location of the improvements, the area to be assessed for the costs, and directs the Director of Community Planning and Environmental Services to prepare the plans and an estimate of the costs to be presented to City Council.

The second item is a Resolution to place the SID bond issuance on the April ballot for a vote of the electors in the proposed District in accordance with Article X, Section 20 of the Colorado Constitution (the "TABOR Amendment").

25. Resolution 2001-18 Amending Resolution 2000-123 Pertaining to the Process for Evaluating the Performance of the City Manager, City Attorney and Municipal Judge.

The Resolution amends the process for evaluating the performance of the City Manager, City Attorney and Municipal Judge in two respects. First, it establishes a deadline for the employees to submit to the Council their compensation requests for the ensuing year. Second, it amends the process for approval of any changes in the compensation of the employees, and any revisions to the employees' contracts, so as to allow for more flexibility in the timing of the ordinance and resolution accomplishing such changes.

26. Resolution 2001-19 Amending Resolution 2000-32 for the Purpose of Extending the Time Period for the City to Issue Multifamily Housing Revenue Bonds for the Residence at Oakridge Project.

This Resolution extends the deadline for the issuance of private activity bonds for the Residence at Oakridge Project, an assisted living residence that will provide affordable housing for low-income frail elderly individuals. On February 15, 2000, the City Council adopted the inducement resolution for the project. The inducement resolution contained a one-year deadline for the issuance of the bonds. The project proponents and their financial team expect that the financing will be completed by mid-year and have requested an extension for one year. The proponents have purchased the property for the project and the underwriting team will be conducting pre-marketing of the bonds in the next few months. Based on the commitment and progress shown to date, staff finds it reasonable for Council to extend the deadline for the issuance of the bonds.

27. Routine Deeds and Easements.

- A. Quit Claim Deed from Brittany Knolls North, Inc., for storm drainage easements, located on Track B, Brittany Knolls, P.U.D., Filing No., 2 and Tract A, Replat of Lots 24 through 29, Brittany Knolls, P.U.D., Filing No. 2. Monetary consideration: \$10.
- B. Deed of Dedication from Fort Collins Partners I and Wal-Mart Business Trust, for the construction of the Mulberry/Lemay Roundabout. 9,343 square feet of Tract A of the Plat of Mulberry and Lemay Crossing, Filing No. 1. Monetary consideration: \$10.
- C. Deed of Dedication for Easement from Judith R. Christensen for a permanent utility and drainage easement, located east of Ziegler Road and south of Horsetooth Road. Monetary consideration: \$10.
- D. Deed of Dedication for Easement from David J. Robertson for a permanent utility and drainage easement, located east of Ziegler Road and south of Horsetooth Road. Monetary consideration: \$10.
- E. Deed of Dedication for Easement from MMP MSC, LLC, for a temporary turnaround easement, located south of Trilby Road and west of Lemay Avenue. Monetary consideration: \$10.
- F. Deed of Dedication for Easement from MMP MSC, LLC, for a landscape easement, located south of Trilby Road and west of Lemay Avenue. Monetary consideration: \$10.
- G. Deed of Dedication for Easement from MMP MSC, LLC, for a landscape easement, located south of Trilby Road and west of Lemay Avenue. Monetary consideration: \$10.
- H. Deed of Dedication for Easement from the United States Postal Service, for a temporary grading and construction easement, located east of College Avenue at Boardwalk Drive and J.F.K. Parkway. Monetary consideration: \$10.
- I. Deed of Dedication for Easement from Larimer County Canal No. 2, for a drainage easement, located east of College Avenue at Boardwalk Drive and J.F.K. Parkway. Monetary consideration: \$10.

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

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 January 16 include:

Finance Committee

Legislative Review Committee

Poudre School District Liaison Committee

ITEMS NEEDING INDIVIDUAL CONSIDERATION

31. Second Reading of Ordinance No. 11, 2001, Amending Chapter 23, Article III, Division 3 Pertaining to Encroachments on Public Property.

On January 16, 2001 Council adopted, by a 5-0 vote, Ordinance No. 11, 2001, amending Chapter 23, Article III, Division 3 pertaining to encroachment permits.

City Council made amendments to the proposed Ordinance on First Reading. Council's direction was to modify the Ordinance to apply to longer term encroachments, to retain the permit fee, to include liability protection and to postpone taking any action to adopt a leasing concept for outdoor eating establishments which are located on City property. Council also directed staff to discuss the leasing proposal with the Council Health and Safety Committee at its next meeting.

32. Resolution 2001-20 Regarding Capital Improvement Projects.

The City is responsible for planning, constructing and maintaining a wide array of capital facilities that support City services provided to the community. Recently, the City completed a 10-year *Capital Improvement Plan and Inventory* that includes projects that are fully as well as partially funded and an inventory of unfunded projects.

33. Resolution 2001-21 Regarding Budget Priorities.

Several of the City's primary services are currently underfunded. In other words, the City does not have adequate resources to provide the level of service that City Council and community thinks is appropriate. For example, the level of police staffing should be increased and we need to be providing more maintenance to our existing streets to keep them in good condition.

This Resolution reflects the commitment that City Council and the City Manager will make every effort to provide the necessary resources to ensure that primary services, as a priority, are funded and operating at an appropriate level of service.

34. First Reading of Ordinance No. 26, 2001, Amending Chapter 2 of the City Code So as to Create a New Article Pertaining to Authorities of the City (Options A and B).

The City Attorney has recommended adoption of this Ordinance so as to remove the Downtown Development Authority (DDA) and the Housing Authority from the list of boards and commissions of the City and place them in a separate article pertaining to "Authorities of the City." This is in recognition of the quasi-autonomous nature of the DDA and the Housing Authority. Option A of the Ordinance would accomplish just this organizational change. With that change, the DDA and Housing Authority would no longer be governed by the City Boards and Commissions Manual. Consequently, members of the boards of these authorities would no longer be subject to the requirement that they reside within the Fort Collins Urban Growth Area (UGA). Option B of the Ordinance would re-impose that UGA residency requirement upon the members of the boards as part of the Code provisions.

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