

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

February 20, 2001

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

PLEDGE OF ALLEGIANCE

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 38. 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 #42, 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 16 and February 6, 2001.
8. Second Reading of Ordinance No. 13, 2001, Appropriating Unanticipated Revenue in the Water Fund Master Plan Facilities Project.

Ordinance No. 13, 2001, was unanimously adopted on First Reading on February 6, 2001, appropriating funds in the Water Fund Master Plan Facilities Project from the Soldier Canyon Filter Plant to the City for its share of the expenses related to the construction of the 24-inch pipeline.

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

This Ordinance, which was unanimously adopted on First Reading on February 6, 2001, 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.

10. Second 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.

Ordinance No. 15, 2001, which was unanimously adopted on First Reading on February 6, 2001, appropriates Prior Year Reserves in the Affordable Housing Reserve in the General Fund for Impact Fee Rebate Payments for Affordable Housing Projects.

11. Second 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 Ordinance was unanimously adopted on First Reading on February 6, 2001.

12. Second 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 City currently does not have a trail easement on the northwest corner of the Replat of Hill Pond on Spring Creek, 2nd Filing P.U.D. This problem was created when the City responded to a request to vacate old street easements on the original plat after the PUD was replatted. To correct this problem, the City would like to acquire an easement for the installation, operation, access and maintenance of a bike and pedestrian trail at the current location through a condemnation action. This Ordinance, which was unanimously adopted on First Reading on February 6, 2001, will begin the uncontested eminent domain proceedings.

13. Second Reading of Ordinance No. 18, 2001, Appropriating Prior Year Reserves and Transferring Appropriations.

Funds were appropriated in 2000 by City Council for specific purposes but were not spent. The unspent funds were added to fund reserves at the end of 2000. This Ordinance, which was unanimously adopted on First Reading on February 6, 2001, reappropriates the 2000 funds for the same uses in 2001 as were originally approved by Council in 2000.

14. Second 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.

This Ordinance, which was unanimously adopted on First Reading on February 6, 2001, appropriates prior year reserves and unanticipated revenue for the maintenance and repair of the Old Town Square.

15. Second 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. Ordinance No. 20, 2001, which was unanimously adopted on First Reading on February 6, 2001, clarifies 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.

16. Items Relating to Amendments to the City Charter.

- A. Second 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. Second 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, which were unanimously adopted on First Reading on February 6, 2001, present separate but related Charter amendments to the voters as part of the regular city election in April. The first 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 amendment would change certain terminology in the Charter that is confusing, since it is inconsistent with the City's current organizational structure.

17. Second 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, which was unanimously adopted on First Reading on February 6, 2001, establishes a procedure for any registered elector to protest a proposed ballot title and/or submission clause for an initiative or referendum.

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

On January 18, 2001, 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. Ordinance No. 24, 2001, was unanimously adopted on First Reading on February 6, 2001.

19. Second 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.

Ordinance No. 25, 2001, which was unanimously adopted on First Reading on February 6, 2001, authorizes the conveyance of property to GeneralCare Health Services, Inc. ("GHS") to conform to the alignments of Poudre River Drive and Hoffman Mill Road.

20. Second 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.

Ordinance No. 26, 2001, was unanimously adopted on First Reading on February 6, 2001, removing 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.

21. Postponement of Items Relating to the Arbor South Annexation and Zoning to April 17, 2001.

The item is being continued to allow the applicant sufficient time to add the abutting B.N.S.F. Railroad right-of-way to the annexation plat. With the adoption of the Mason Street Transportation Corridor Master Plan, it is important to bring in railroad right-of-way at every opportunity to facilitate future Corridor improvements.

22. Postponement of Items Relating to the Rice Homestead Annexation and Zoning to April 17, 2001.

The applicant has requested postponement of this annexation to allow additional time to resolve issues relating to adjacent property right-of-ways.

23. First Reading of Ordinance No. 27, 2001, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Funds for Local and Regional Transportation Demand Management Programs.

For the past several years the City has been using Congestion Mitigation and Air Quality (CMAQ) funds to support the Transportation Demand Management (TDM) program. In 2000, the CMAQ funding level increased and the funds were made available to other departments. The 2000 funds were used to fund the TDM program and programs in Natural Resources, Engineering, and Transportation Planning.

24. First Reading of Ordinance No. 28, 2001, Appropriating Prior Year Reserves in the Sales and Use Tax Fund for Transfer to the Capital Projects Fund to be Used for Design, Acquisition and Installation for the City's Traffic Signal System Replacement Project.

The City's current Traffic Signal System is outdated and declining in performance and usefulness. The City proposes to replace the existing system with a modern Traffic Management System, a new Traffic Management Center to house the system and department, and a fiber optic communication network. Total cost of designing, acquiring and installing/constructing the system is estimated to be \$5,994,205. Currently, the City has appropriated \$1.0 million dollars which has been utilized to complete a replacement assessment, begin design of the system, underground approximately 10.5 miles of fiber optic conduit and purchase 100,000 feet of fiber optic cable. The City has also been initially awarded a Federal Highways Administration Intelligent Transportation System (ITS) grant for \$994,205. This Ordinance will appropriate \$4.0 million dollars from the Use Tax Carryover reserve to this project. A future appropriation will be necessary for the \$994,205 in federal funds when the grant paperwork is final.

25. First Reading of Ordinance No. 29, 2001, Appropriating Prior Year Reserves in the Downtown Development Authority Operation and Maintenance Fund for the Replacement of the Sidewalk on the West Side of the 200 Block of South College Avenue.

This Ordinance appropriates prior year reserves in the Downtown Development Authority's Operation and Maintenance Fund for the purpose of constructing sidewalk improvements on the west side of the 200 block of South College Avenue. The Downtown Development Authority (DDA) has as part of its mission, the ability to participate in street, sidewalk, and other improvements that renovate and otherwise improve the businesses and public improvements in the downtown area. The new owner of the old Larrabee's location (227 South College Avenue) has requested, and the DDA Board has approved, up to \$32,000 for the replacement of the existing sidewalk. The DDA has sufficient prior year reserves available for this purpose.

26. First Reading of Ordinance No. 30, 2001, Appropriating Available General Fund Revenue for the 2001 Police Services Pay Plan.

City Council adopted the 2001 Classified Employees Pay and Classification Plan in January 2001. At that time, it was noted that an additional appropriation would be necessary to fully fund the Police Services Pay Plan and that an appropriation ordinance would be submitted to City Council in the first quarter of 2001.

27. First Reading of Ordinance No. 31, 2001, Appropriating Prior Year Reserves in Various City Funds Representing a Donation from the Wilkins Charitable Trust.

The City has received a grant of \$235,000 through the generosity of the Don and May Wilkins Charitable Trust. Don and May Wilkins moved to Fort Collins in 1937, and Mr. Wilkins was the editor of the *Fort Collins Express Courier* (now the *Coloradoan*) for over 30 years. The Wilkins created the Charitable Trust to provide support for cultural, charitable, literary, historic, and educational purposes in and around the Fort Collins area. The trust has shown a particular interest in achieving its objectives by funding a variety of City projects and services that benefit the Fort Collins community.

28. First Reading of Ordinance No. 32, 2001, Authorizing Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the South Taft Hill Projects.

The project components include the South Taft Hill Road Improvements, the Spring Creek Trail Crossing and Extension, the Taft Hill Waterline Extension and the Regional Detention Pond. The combined project is a cooperative effort between the City's Engineering, Parks and Recreation, and Utility Departments.

The Taft Hill Road Improvements are part of the voter-approved "Building Community Choices Program" (BCC) funding package. Appropriated funding for the project is \$5.9 million. The main goals of the project are to increase roadway capacity and level of service and to improve safety along South Taft Hill Road from Valley Forge Avenue south to Bronson Street.

The Spring Creek Trail Crossing and Extension is part of the Parks and Recreation Department's Master Plan. It will complete the final connection of the Spring Creek Trail under Taft Hill Road from Drake Road west to the existing trail near the Hampshire Pond subdivision.

29. First Reading of Ordinance No. 33, 2001, Authorizing the Conveyance to Voicestream PCS II of an Additional Easement on City-owned Property at City Park North Ballfield, for the Location of Utilities Associated With its Previously Approved Lease for Antenna Equipment.

Voicestream PCS II Corporation worked with the Parks Division to obtain a lease for a parcel of land for a pole, antenna and related equipment to enhance its cellular phone service. On January 2, 2001 Council approved Ordinance No. 193, 2000, authorizing the lease to Voicestream PCS II of a location for a pole. Voicestream has agreed to purchase and install the pole for the City on the North Ballfield, pursuant to City specifications, for an array of personal communications service antennas. Ordinance No. 193, 2000, also provided that, in order for Voicestream to install, operate and maintain the necessary equipment in connection with the lease arrangement, the City

would grant to Voicestream, access and utility easement rights on and under certain portions of the North Ballfield. Voicestream has a nonexclusive use in connection with the agreement during the term of the agreement.

Since the adoption of Ordinance No. 193, 2000, Voicestream has determined that one additional easement location will be required to allow for a necessary telephone line connection.

30. First Reading of Ordinance No. 34, 2001, Amending Chapter 23 of the City Code by Adding a Provision Authorizing the Adoption of Administrative Regulations to Govern Conduct in City Facilities.

This Ordinance amends Chapter 23 (Public Property) of the City Code, to authorize the City Manager to establish administrative rules and regulations for the conduct of the general public in facilities owned or operated by the City, as he deems necessary to protect those facilities or any other City property, the safety, well-being and property of persons using such facilities, the use and enjoyment of such facilities by the general public, or to advance the needs and objectives of the City in maintaining and operating the facilities or the natural environment in general. The provision allows the City Manager to establish regulations for selected facilities or groups of facilities, so long as the regulations are filed with the Office of the City Clerk and notice of the regulations is posted at public entrances to the affected facilities. The provision states that any regulations adopted shall be deemed not to prevent the performance of emergency or law enforcement operations, or City management and maintenance activities. The Ordinance also makes changes to other sections of Chapter 23 to conform those sections with the new provision.

31. First Reading of Ordinance No. 35, 2001, Authorizing the Mayor to Enter into an Intergovernmental Agreement Between the City and the Fort Collins-Loveland Water District for the Sale and Delivery of Potable Water.

The proposed Intergovernmental Agreement between the City and Fort Collins-Loveland Water District (the "IGA") will permit the City to sell treated water to the Fort Collins-Loveland Water District (the "District") for customers within the city limits in an area located south of Harmony Road, east of the Union Pacific Railroad tracks, west of County Road 7 and north of East Trilby Road extended east (the "Service Area"). The City would then collect non-refundable water plant investment fees and raw water requirements from builders/developers in the Service Area. The IGA will only apply to developments in the Service Area that are now annexed into the city or if they are annexed within five years of the date of the IGA; provided, however, if the City and the District agree, the initial five year period could be extended for up to two additional five year periods. The IGA is an attempt to ensure city residents equitable fees as development occurs in the Service Area. The Service Area is adjacent to the City's existing water service area and could be directly served by the City in the future if it became necessary to do so.

32. First Reading of Ordinance No. 36, 2001, Amending Chapter 15, Article V of the City Code Regarding Contractors.

The proposed Ordinance substantially revises the City's contractor license regulations for the primary construction trades, except for electrical and plumbing, which are not affected. It represents the work of an 11-member industry task group and several public comment meetings over a nine-month period.

33. Resolution 2001-23 Authorizing the Sublease of a Portion of the Old Fort Collins High School at 1400 Remington by the Boys and Girls Clubs of Larimer County.

The City began occupying a portion of the previous Fort Collins High School at 1400 Remington as a youth and teen center in September, 1995. Space was leased from the Poudre School District, which sold the property to Colorado State University (CSU) in September of 1997. As of January 1, 1999, the City now leases this space directly from CSU.

The City has subleased a portion of its space at this facility to the Boys and Girls Clubs of Larimer County since September 1995. Staff seeks to continue this sublease.

34. Resolution 2001-24 Adopting the Recommendations of the Cultural Resources Board Regarding Fort Fund Disbursements.

On November 30, 1998 revised guidelines for the Cultural Development & Programming and Tourism accounts (Fort Fund) were adopted and approved through the City Manager's Office. These revised guidelines created a three-tiered funding system for organizations that apply for grants from Fort Fund. Tier #1 was established as an annual programming fund for organizations whose primary purpose is to present three or more public events annually. These groups may apply for funding from Tier #1 each April. Tier #2 allows organizations that are not eligible for Tier #1 support to apply for funding of events that are not fund-raising in nature and do not generate more than \$2,500 in proceeds after expenses. Tier #3 allows organizations that are not eligible for Tier #1 support to apply for funding of events that generate more than \$2,500 in proceeds after expenses and are fund-raising in nature. Applications for support from Tier #2 and Tier #3 are accepted each January and June.

35. Resolution 2001-25 Authorizing a One-Year Lease of City-Owned Property at 149 Grandview.

The City built this house for use by the Cemetery Superintendent. Since this position has been eliminated, the City does not need to use this house as a staff residence. Staff considered moving the building to Roselawn Cemetery to be used as a maintenance facility, but concluded that it would not be cost effective to move and remodel the house into a maintenance shop.

In the future, the area where the house is located will be needed for more cemetery space. Prior to that time, renting the house will generate income that the Cemetery staff can utilize to build the needed maintenance shop at Roselawn. Staff also believes vandalism can be discouraged by keeping the house occupied.

36. Resolution 2001-26 Adopting the 2001 Boards and Commissions Manual.

The City Clerk's Office annually prepares a manual for members of boards and commissions which includes membership lists, descriptions of each board and commission, meeting schedules, conflict of interest guidelines, appeal procedures, and general information regarding membership limitations, attendance policies and other responsibilities. On July 17, 1990, Council adopted Resolution 90-110, adopting the 1990-91 Boards and Commissions Manual. Since that time, minor revisions to the Manual have been approved through the adoption of Resolutions to amend the Manual.

During 2000 and 2001 significant changes regarding organization, policies, and procedures relating to boards and commissions have occurred. Because of the extensive nature of these changes, staff recommends adoption of the 2001 Boards and Commissions Manual in its entirety.

37. Resolution 2001-27 Making Appointments to Various Boards and Commissions.

A vacancy currently exists on the Commission on Disability due to the resignation of David Marckres. Councilmember Byrne and Mayor Martinez reviewed the applications on file and are recommending that Jill Lancaster be appointed to fill the vacancy with a term to begin immediately and to expire on December 30, 2003.

A vacancy currently exists on the Human Relations Commission due to the resignation of Dolores Kueffler. Councilmember Bertschy and Mayor Martinez reviewed the applications on file and are recommending that Rita Klepac be appointed to fill the vacancy with a term to begin immediately and to expire on December 30, 2004.

A vacancy also exists on the Library Board due to the resignation of Edward Jakubauskas. Councilmembers Byrne and Mason reviewed the applications on file and are recommending that Joan Scheuerman be appointed to fill the vacancy with a term to begin immediately and to expire on December 30, 2001.

38. Routine Easement.

- A. Easement for construction and maintenance of public utilities from Richard Unruh and Pamela R. Whittall, to underground existing overhead electric system, located at 721-723 Remington. Monetary consideration: \$420. (See Map #1)

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

39. Consent Calendar Follow-up.
This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
40. Staff Reports.

Presentation of a Plaque to the Wilkins Trust for its Donation to the City.
41. Councilmember Reports.
Committees that have met since February 6, 2001 include:
Growth Management Committee Joint City/County Meeting
Poudre School District Liaison Committee
42. Pulled Consent Items.
43. Other Business.
44. Adjournment.