

# **AGENDA**

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

March 20, 2001

## **Proclamations and Presentations**

**5:30 p.m**

- A. Proclamation Proclaiming the Week of April 1-7, 2001 as "National Library Week".
- B. Proclamation Proclaiming March 20 -April 22, 2001 as "Fort Collins Recycle Month 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 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 #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. Consideration and approval of the Council Meeting minutes of the regular meetings of February 20, 2001 and March 6, 2001 and an adjourned meeting of February 13, 2001.
8. Second Reading of Ordinance No. 37, 2001, Appropriating Unanticipated Grant Revenue in the General Fund and Authorizing the Transfer of Matching Funds Previously Appropriated in the Advance Planning Budget for a Cultural Resources Survey of the Downtown River Corridor.

This project was identified as an existing public project in the Downtown River Corridor Implementation Program Summary Report, approved by City Council on July 18, 2000, with the adoption of Resolution 2000-95. Appropriation of the grant funding allows completion of this project as well as provide the basis for future educational and interpretive activities in the Downtown River Corridor.

Ordinance No. 37, 2001, which was unanimously adopted on First Reading on March 6, 2001, appropriates unanticipated revenue from a Certified Local Government Grant in the amount of \$25,000.

9. Second Reading of Ordinance No. 38, 2001, Appropriating Prior Year Reserves and Authorizing the Transfer of Appropriations for a Centralized Police Facility.

A new central Police Services building is part of the Police Services Strategic Plan and the City's Facility Master Plan. The existing building was not designed for a police agency and is no longer suitable for a department the size of Police Services with over 225 members. A new facility is necessary to maintain service to the community, conduct business, and provide public safety.

This Ordinance, which was unanimously adopted on First Reading on March 6, 2001, appropriates and transfers funds from prior year reserves in the Choices 95 Capital Projects Fund to the Police Services Facility capital project.

10. Second Reading of Ordinance No. 40, 2001, Amending Chapter 1 of the City Code to Add a New Section Authorizing the City Manager or Designee to Execute Certain Intergovernmental Agreements.

In 1993, the City Council adopted Ordinance 70, 1993, specifying the circumstances under which the City Manager is authorized to execute intergovernmental agreements. The purpose of this Ordinance is to codify the provisions of Ordinance No. 70, 1993. On March 6, 2001, Council unanimously adopted Ordinance No. 40, 2001.

11. Second Reading of Ordinance No. 41, 2001, Authorizing the Conveyance of Non-exclusive Easement Interests for the Construction of a 27-Inch Sewer Line by South Fort Collins Sanitation District on a Portion of the Staley Neighborhood Park Site.

Ordinance No. 41, 2001, which was unanimously adopted on First Reading on March 6, 2001, conveys a non-exclusive easement for the construction of a sanitary sewer line located along the west boundary of the Staley Neighborhood Park site, and is being installed to serve a new development to the west of the Park site.

12. Second Reading of Ordinance No. 42, 2001, Authorizing the Lease of City Property at the Gateway Mountain Park.

The house at 5212 Poudre Canyon will be utilized by the Gateway Park ranger as an on-site residence, while maintaining and operating the Park. This house will allow the City employee to respond to on-site emergencies, reduce vandalism, assist park users and secure the property during closed hours. Having a person at the Park most of the time will assist in deterring undesirable activities. Ordinance No. 42, 2001, which was unanimously adopted on First Reading on March 6, 2001.

13. First Reading of Ordinance No. 43, 2001, Appropriating Unanticipated Revenue in the Cultural Services and Facilities Fund for the General Operating Support of the Fort Collins Museum.

The monies received are intended to allow the Museum to pursue projects and activities beyond those normally performed within current budgetary allotments. The Museum will utilize the funds to hire project staff for exhibits, collections, and educational programs, and to develop a newsletter and marketing plan.

The \$61,959 will be disbursed in 8 increments over a two-year period (approximately \$7,744.87 each). The Museum is requesting that Council appropriate the \$61,959 into the Museum's IMLS grant project for use over the next two fiscal years, 2001 and 2002.

14. First Reading of Ordinance No. 44, 2001, Appropriating Unanticipated Revenue in the General Fund.

The Fort Collins Housing Authority (the "Authority") made a payment to the City from its 2001 budget for the sum of \$14,823 as a "Payment in Lieu of Taxes" ("PILOT") for public services and facilities. In the past the Authority has requested that the City refund the money "...to fund sorely needed affordable housing related activities, to attend the low-income housing needs of Fort Collins residents."

Resolution 92-93 reinstated the requirement by the City of the Authority to make the annual PILOT payments to the City. The purpose of the Resolution was to clarify that these funds are the property of the City and not excess Housing and Urban Development ("HUD") funds. The City may spend the PILOT revenue as it deems appropriate in accordance with law, including remitting the funds to the Authority if the Council determines that such remittal serves a valid public purpose. The Council has remitted the PILOT to the Authority since 1992.

15. First Reading of Ordinance No. 45, 2001, Appropriating Unanticipated Grant Revenue in the General Fund for a Volunteer Enhancement Program for the State Welcome Center.

Grant funds from the Colorado Tourism Office were appropriated by the Council last year with the adoption of Ordinance 95, 2000, and provide for the operation of the Colorado Welcome Center in Fort Collins for the period of July 1, 2000 through June 30, 2001. The Colorado Tourism Office has proposed to increase the amount of grant funds provided in order to support the operation of a Volunteer Enhancement Program to recognize and show appreciation to the volunteers who serve the public at the Welcome Center. The Ordinance appropriates those funds for use in carrying out the Volunteer Enhancement Program, which will be conducted by the Fort Collins Convention and Visitors Bureau as part of its operation of the Welcome Center under contract for the City.

16. First Reading of Ordinance No. 46, 2001, Amending Chapter 26 of the Code of the City of Fort Collins Relating to Industrial Pretreatment Local Limits and Requirements.

This Ordinance modifies wastewater discharge limits applicable to industrial dischargers and sets new limits applicable to commercial dischargers. The development of the limits was based on current Region VIII Environmental Protection Agency guidance.

17. First Reading of Ordinance No. 47, 2001, Amending the City's Cross-Connection Control Rules and Regulations.

The proposed changes to the City's Cross-Connection Control Rules and Regulations would reduce the required testing interval for backflow preventers on the typical single-family residential lawn sprinkler system from annually to once every three years.

The City's current regulations require that all backflow preventers be tested annually. For practical reasons, lawn sprinkler systems must be tested during the irrigation season. This has become a gigantic undertaking. This, along with feedback from customers that annual testing is too frequent, caused city staff to investigate alternatives.

Staff worked with the Colorado Department of Health, Water Quality Division for clarification of the State's regulations regarding testing of the backflow preventers for residential lawn sprinkler systems. The result was that testing of these specific devices is considered a matter for local determination under a municipality's Plumbing Code.

Staff believes for the typical residential lawn sprinkler system, an adequate level of protection can be obtained from testing once every three years. This level of testing is manageable with existing resources and would be more acceptable to customers.

18. First Reading of Ordinance No. 48, 2001, Amending Chapter 23 of the City Code by the Addition of a New Article XI Entitled "Land Banking".

At the January 9 Study Session, the City Council discussed the feasibility of land banking in Fort Collins. Staff and Bay Area Economics (BAE), consultants on the project, provided City Council with an evaluation for establishing an Affordable Housing Land Bank Program. Representatives from CARE and Neighbor-to-Neighbor also participated in the discussion. The objectives of the program include establishing a program that will facilitate the production of affordable housing by purchasing land today, and providing land to housing providers in the future for developing affordable housing.

Six scenarios were discussed with Council. The baseline scenario (Pilot Project) was the preferred scenario. The Pilot Project scenario can be implemented with an initial investment of \$925,000 which the City currently has available for this program. In addition to cash balances from prior years, the primary sources of funds for the Land Bank Program include debt proceeds, proceeds from the sale of Land Bank property and limited general City resources and/or reserves.

19. First Reading of Ordinance No. 49, 2001, Adopting a Development Agreement Extending the Term of Vested Property Rights for Hewlett-Packard at the Harmony Technological Park Final Plan from Three Years to Fifteen Years.

Section 2.2.11(D)(3) of the City's Land Use Code grants Council the authority to extend the term of a vested property right for a site specific development plan beyond the normal maximum term of three years as allowed by the Land Use Code for projects meeting the definition of "large base industry." Such an extension is also permitted under the state vested rights statute. Hewlett-Packard at the Harmony Technological Park is a 61-acre campus featuring six buildings containing 750,000 square feet to be constructed over a time frame that exceeds three years. This project meets the definition of "large base industry" and the applicants have requested a term of 15-years during which the property rights allowed by the Final Plan would be vested.

20. First Reading of Ordinance No. 50, 2001, Authorizing the Issuance of City of Fort Collins Downtown Development Authority Tax Increment Revenue Refunding Bonds Series 2001 in the Amount of \$3,690,000 for the Purpose of Refunding a Portion of the 1992 DDA Refunding Bonds.

In 1992, the City refunded and restructured the outstanding debt of the Downtown Development Authority (DDA) through the issuance of \$11,380,000 of revenue refunding bonds. When issued, the bonds carried an interest rate of about 6.5%, very favorable compared to interest rates in prior years. Based on the covenants made during the 1992 issue, a majority of the bonds are now eligible for refunding. The 2006 maturity bonds were issued on a non-callable basis and will not be included in this refunding. The 2001-2004 and 2007 bonds are subject to early call and will be refunded.

Based on current market estimates, the 2001 refunding bonds should save the City and the DDA approximately \$200,000. The DDA may use the Tax Increment Savings to fund other worthwhile projects consistent with its Plan of Development. Second Reading is scheduled for April 17, 2001. This will allow time for the Finance Department to mail the bond call notice to holders of the 1992 bonds on May 1, 2001.

21. First Reading of Ordinance No. 51, 2001, Amending Ordinance No. 36, 1992, Authorizing the Issuance of City of Fort Collins, Colorado, Downtown Development Authority Tax Increment Revenue Refunding Bonds, Series 1992.

The 1992 Downtown Development Authority Tax Increment Bonds (the "1992 Bonds") carry a contingent pledge of the City of Fort Collins sales and use tax revenue. According to Ordinance No. 36, 1992, the City may release the contingent pledge of the sales and use tax revenues if the annual tax increment revenues reach 140% of the annual debt service for two consecutive years. In addition, the City currently has the right to have the lien of the 1992 Bonds upon those sales and

use tax revenues subordinated to the lien of prior sales and use tax bonds, if the ratio of the total of those revenues to the total of debt the revenues are pledged to secure falls to 5 to 1 or below. During discussions with the bond insurer for the Series 2001 Tax Increment Refunding Bonds, staff has learned that the most cost-effective refunding will be accomplished by removing the City's rights to release the contingent pledge of the sales and use tax revenues and to subordinate the lien of the 1992 Bonds to that of prior sales and use tax revenue bonds.

The Ordinance amends the 1992 bond ordinance to carry out these changes with respect to the 1992 Bonds that will remaining outstanding after the issuance of the new refunding bonds proposed in Ordinance No. 50, 2001. This will keep the 1992 Bonds that remain outstanding subject to the same terms as the newly issued bonds. Based on this action, the bond insurer will provide a more competitive (lower cost) premium on the new refunding bonds. With the insurer's backing, the City is assured of the widest market for the sale of its bonds.

22. Resolution 2001-41 Adopting the Recommendations of the Downtown Development Authority Board of Directions Regarding the Priority Projects to be Supported by the Tax Increment Revenues from the Expansion of the Downtown Development Authority Boundaries to Include the Mulberry/Lemay Crossings Property.

On December 19, 2000 the City Council approved the expansion of the Downtown Development Authority (DDA) boundaries to include the Mulberry/Lemay Crossings property. As a result of that action, additional revenue will be generated into the Tax Increment Reserve account of the DDA. It is estimated that \$3.7 to \$4.2 million will be generated between 2001 and 2006 (generation of revenue will not go beyond 2006). These monies will be used for projects that fit within the goals and objectives of the DDA's Plan of Development.

23. Resolution 2001-42 Establishing Rental Rates to be Charged for the City's Surplus Raw Water for the 2001 Season.

This Resolution approves rates for the rental of the City's surplus raw water. Each year prior to the irrigation season, the City's Water Board (the "Board") makes a recommendation to the Council on the rental rates to be charged for the City's surplus raw water. The surplus water rental program was discussed at the February 22, 2001 meeting of the Board. The proposed rental rate for each type of water is based on several factors including past rental rates, assessment rates and anticipated supply and demand conditions.



24. Resolution 2001-43 Authorizing a Revocable Permit Over a Portion of Miramont Park for Construction of a Drainage Swale in Connection with Construction of The Lodge at Miramont by Sollenberger Development Corporation.

Sollenberger Development Corporation is constructing The Lodge at Miramont beginning Spring, 2001, which is located adjacent to the easterly boundary of Miramont Park . In connection with the construction, a 10,454 square feet revocable permit to use the easterly boundary of Miramont Park is needed from the City for construction of a drainage swale. Staff has reviewed and recommends approval of the revocable permit.

25. Resolution 2001-44 Approving the 2000-2003 Air Quality Action Plan Mid-Course Correction.

The 2000-2003 Air Quality Action Plan (“AQAP”) lays out the staff work program aimed at achieving the City’s air quality goal and objectives. The AQAP calls for a mid-course correction to occur in 2001 to address urgent and emergent issues that may require minor amendments to the plan. The Natural Resources Department Clean Air Team staff, with input from the Air Quality Advisory Board, evaluated the Air Quality Action Plan. No significant urgent issues were identified. One important emergent issue was identified; consideration of a program to reduce emissions during high pollution periods. The mid-course corrections to the AQAP recommended below primarily represent clarification of existing activities.

26. Resolution 2001-45 Setting Forth the Intention of the City of Fort Collins, Colorado to Issue Variable Rate Economic Development Revenue Refunding Bonds, Series 2001 (Comridge Project).

In 1984, the City of Fort Collins issued \$3.5 million of industrial revenue development bonds for the Comridge Partnership Project. The project consisted of a 50,000 square-foot office and light manufacturing building. The project has been the home of Comlinear Corporation, a maker of high-tech electronic equipment. Under the laws and regulations that govern private activity bonds, they may be refinanced by the issuer to effect interest payment savings. Currently, there are \$2.7 million of outstanding bonds that the Project proponents would like to re-finance. Staff recommends adoption of the Resolution because the Project has been beneficial to the City and the community and serves as a positive example of how this financing technique should be used.

27. Routine Easements.

- A. Deed of Dedication of Easement from Robinson Timberline Holdings, LLC for a drainage easement, located at Trilby and Timberline Road. Monetary consideration: \$10.
- B. Deed of Dedication of Easement from Donald L. and Charlotte L. Hahn for a drainage easement, located at Trilby and Timberline Road. Monetary consideration: \$10.

**\*\*\*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 March 6, 2001 include:**  
*Growth Management Committee    Legislative Review Committee*  
*Poudre School District Liaison Committee*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

- 31. Continuation of the Appeal of the January 18, 2001, Determination of the Planning and Zoning Board to Approve the Provincetowne PUD, Filing Two-Final (Continued from March 6, 2001, Council meeting).

On March 6, 2001, the Council began its hearing on the appeal and continued the item to March 20, 2001, to allow for completion of the transcripts of the meetings before the Planning and Zoning Board (December 7, 2000 and January 18, 2001) and inclusion of additional documents presented to the Planning and Zoning Board at its public hearing on January 18, 2001.

- 32. Consideration of the Appeal of the January 18, 2001, Planning and Zoning Board Decision to Approve, With One Condition, the Harmony Safeway Marketplace, Pad 6, Fuel Facility P.D.P., #33-94F.

On January 18, 2001, the Planning and Zoning Board approved, with one condition, the Harmony Safeway Marketplace, Pad 6, Fuel Facility P.D.P. This was a request for a gasoline service station consisting of a 2,790 square foot convenience store, 268 square foot kiosk, six fueling islands and an 86' x 43' canopy on a pad site in a neighborhood service center. The project would be built in phases. Pad 6 is 1.3 acres in size located on the north side of Harmony Road between Wheaton Drive and McMurray Avenue. The site is zoned H-C, Harmony Corridor.

At issue is the condition of approval which requires that the flush wall signs on the south and west elevations of the convenience store be deleted.

On February 1, 2001, a Notice of Appeal was received by the City Clerk's Office alleging that the Planning and Zoning Board failed to properly interpret and apply the relevant provision of the Code and Charter with respect to the condition of approval.

- 33. Pulled Consent Items.

34. Other Business.

*Motion to cancel the meeting of April 3, 2001 due to the Municipal Election.*

35. Adjournment.

**MEETING OF THE BOARD OF DIRECTORS OF  
THE STORMWATER UTILITY ENTERPRISE**

1. Call Meeting to Order.
2. Roll Call.
3. First Reading of Ordinance No. 5, Authorizing the Execution and Delivery of a Loan Agreement Between the City and the Colorado Water Resources and Power Development Authority and the City of Fort Collins Acting By and Through the Stormwater Utility Enterprise, the Issuance of a Storm Drainage Revenue Bond, Series 2001, Date May 1, 2001, in the Principal Amount of Not More Than \$10,210,000.

Since the 1997 flood in Fort Collins, additional improvements have been recommended for several storm drainage basins. In October of 1998, Council adopted a revised fee schedule that was premised on a citywide-benefit approach. Subsequently, Council also adopted revised rainfall standards. The Stormwater Utility is in the process of developing revised master plans for all of its storm drainage basins based on the new rainfall standards. In 1999, the City Stormwater Utility Enterprise issued bonds in the amount of \$19,980,000 for the purpose of constructing various storm drainage system improvements. These bond proceeds are fully committed to existing stormwater projects. Through the Colorado Water Resources & Power Development Authority, the Enterprise has arranged for the issuance of an additional bond in the amount of \$10,210,000, the proceeds of which will be used to construct improvements in three basins.

The Ordinance authorizes the issuance of the \$10,210,000 Bond, and the execution and delivery of the documents necessary to complete the bond financing. The Bond will have a 20-year term and carry an interest rate of about 4.10%.

4. Other Business.
5. Adjournment.