

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

April 4, 2000

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Proclaiming the Week of April 9-15, 2000 as "National Library Week".
- B. Proclamation Proclaiming the Week of April 9-15, 2000 as "Week of the Young Child".

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 20. 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 #29, 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. Second Reading of Ordinance No. 26, 2000, Appropriating Prior Year Reserves in the General Fund and Unanticipated Revenue in the Cultural Services and Facilities Fund for the Franz-Smith Cabin Relocation Project.

Ordinance No. 26, 2000, which was unanimously adopted on First Reading on March 21, 2000, appropriates funds needed for the relocation of the Franz-Smith Cabin.

8. Second Reading of Ordinance No. 27, 2000, Authorizing the Conveyance of Temporary Construction Easement and Non-Exclusive Easement for Storm Drainage for Registry Ridge P.U.D. in the Colina Mariposa Natural Area.

Ordinance No. 27, 2000, which was unanimously adopted on First Reading on March 21, 2000, grants to DALCO Land Limited Liability Company ("DALCO") a temporary access and construction easement on 3.933 acres and a permanent drainage easement on 9.320 acres of land previously donated by DALCO to the City of Fort Collins as part of the Colina Mariposa Natural Area.

9. First Reading of Ordinance No. 30, 2000, Appropriating Unanticipated Revenue in the Storm Drainage Fund and Authorizing the Transfer of Existing Appropriations in the Storm Drainage Fund.

The City has received approval from the State Office of Emergency Management for two grants funded by FEMA's Unmet Needs Grant Program. The City plans to utilize these funds for the expansion of the Flood Warning System and continuation of the Floodproofing Program.

An objective of the Fort Collins Utilities is the mitigation of losses to life and property due to flooding emergencies. There are twelve stormwater basins within the City that have the potential for flash flooding with typical reaction times of less than one hour before major damages are sustained. The Flood Warning Program consists of streamflow and precipitation monitoring equipment to provide maximum warning time in the event of a flooding emergency.

In 1998, the City received \$150,000 of funds from FEMA to institute a Floodproofing Program. The purpose of the Program is to mitigate repetitive losses from shallow flooding. The Program utilizes grants to encourage construction of cost-effective floodproofing measures. Through the Unmet Needs Floodproofing Grant, the City will continue the Program in 2000.

10. First Reading of Ordinance No. 31, 2000, Designating the Fort Collins National Guard Armory, 314 East Mountain Avenue, as a Local Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

The owner of the property, Terry Hamilton, is initiating this request for Local Landmark designation for the Fort Collins National Guard Armory. The building is significant for its architectural importance to Fort Collins, as a good example of vernacular masonry civic architecture and as an example of the work of noted Fort Collins architect Arthur M. Garbutt. The building also has historical significance to the City, as the oldest, and only remaining National Guard Armory in Fort Collins.

11. First Reading of Ordinance No. 32, 2000, Authorizing the Purchasing Agent to Enter into an Agreement for the Financing by Lease-Purchase of Vehicles and Equipment.

This Ordinance authorizes the Purchasing Agent to enter into a lease-purchase financing agreement with Safeco Credit Company at 5.85 percent interest rate. The agreement shall be for an original term from the execution date of the agreements to the end of the current fiscal year. The agreement shall provide for renewable one-year terms thereafter, to a total term of seven (7) years, subject to annual appropriation of funds needed for lease payments. The total lease terms, including the original and all renewal terms, will not exceed the useful life of the property. This lease-purchase financing is consistent with the financial policies of the City of Fort Collins.

12. Items Relating to Interstate Lands Rezoning.

- A. Resolution 2000-52 Amending the City Structure Plan Map.
- B. First Reading of Ordinance No. 33, 2000, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for That Certain Property Known as the Interstate Lands Rezoning.

The parcels affecting the Structure Plan Amendments and Rezone request are known as the Interstate Lands project. This item has three parts:

- 1. Request to amend the City Structure Plan as follows:
 - (a) Expand the Low-Density Mixed-Use Residential designation into the current Employment designation.
 - (b) Expand the Urban Estate designation into the current Low-Density Mixed-Use Residential designation.
 - (c) Designate a section of Prospect Road from the existing corridor further west to County Road 5, then north to State Highway 14 (Mulberry Street) to the Interstate 25 (I-25) interchange into the transit corridor.
- 2. Request to rezone five (5) parcels totaling 65.322 acres within an approximate 155.57 acre site as follows:
 - (a) Rezone property from Employment District (E) to Low Density Mixed-Use Neighborhood District (LMN) consistent with 1 (a) above.
 - (b) Rezone property from Commercial District (C) to Employment District (E).
- 3. Make technical corrections to update the legal descriptions of zoning districts to ensure the descriptions match the districts as shown on the zoning map.

13. First Reading of Ordinance No. 34, 2000, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Country Club Corners Rezoning.

This is a recommendation to change the zoning designation of 19 parcels totaling approximately 23 acres located at the southeast corner of Willox Lane and North College Avenue. Collectively, the parcels are known as the Country Club Corners shopping center. The proposed change is from

the NC, Neighborhood Commercial zone district to the CN, Commercial-North College zone district.

APPLICANT: The City of Fort Collins, Colorado

OWNERS:

First National Bank, Fort Collins Union Colony Bank, Fort Collins
 Lukas Family LTD Ptnshp LP, Zephyr
 Norbert J, Lukas Columbine Convenience Inc,
 Albertsons
 Dierenfield
 Grease Monkey
 LLC, RHLXTL
 Poudre Valley Health Care
 Poudre Health Services

Country Club Corners Shopping Center Rezone, file #55-95D is consistent with the City's Comprehensive Plan and the North College Avenue Corridor Plan. The proposed rezoning to CN – Commercial, North College District is appropriate for this property and is compatible with existing and proposed uses surrounding the subject land. 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.

14. First Reading of Ordinance No. 35, 2000, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Willow Springs Fifth Filing Rezoning.

Willow Springs Fifth Filing consists of 1.39 acres located between Timberline Road and White Willow Way, south of Battlecreek Drive and north of C.R. #36. The site is currently divided into two tracts. Tract C is an existing private neighborhood pool and clubhouse. Tract D is an existing but unoccupied historic farmhouse with associated outbuildings.

In March of 1997, the parcel now platted as Willow Springs Fifth Filing was part of the larger First Filing that was an approved single family detached P.U.D. As such, in conjunction with the city-wide rezoning to implement City Plan, these 1.39 acres were rezoned to R-L. This was inadvertent. Since the parcel was vacant (Tract C) and the historic farmhouse (Tract D) was unoccupied, the parcel has development and re-development potential and should have been rezoned to L-M-N. This rezoning request to L-M-N corrects this oversight.

15. First Reading of Ordinance No. 36, 2000, Vacating Portions of the Right-of-Way for Roma Valley Drive, Dedicated on the Miramont Valley P.U.D.

This Ordinance vacates a portion of cul-de-sac right-of-way for Roma Valley Drive in order to eliminate the dedicated cul-de-sac at the present terminus of Roma Valley Drive and connect Roma Valley Drive to Mail Creek Lane. A portion of the Roma Valley Drive cul-de-sac bulb would be considered excess with the street now connecting to Mail Creek Lane. A replat of a portion of Miramont Valley P.U.D. was approved through a Type I review on December 22, 1999, reflecting the elimination of the cul-de-sac and the connection of the roadway to Mail Creek Lane. The approval of the replat allows the dedication of right-of-way for Roma Valley Drive necessary to connect to Mail Creek Lane. In addition, the connection of Roma Valley Drive to Mail Creek Lane was approved as an amendment to the City of Fort Collins Master Street Plan by City Council on May 18, 1999.

16. Resolution 2000-53 Adopting the US287/SH14 Access Management Plan and Authorizing the Execution of Related Intergovernmental Agreements Between the City of Fort Collins, Larimer County and the Colorado Department of Transportation, and Making Corresponding Amendments to the Master Street Plan.

The purpose of this project is to develop an Access Management Plan for North College Avenue (US287), Jefferson Street/Riverside Avenue (SH14), and Mulberry Street (SH14). This is a joint project among the City of Fort Collins, Larimer County, and the Colorado Department of Transportation (CDOT). We are using the consulting services of Felsburg, Holt, & Ullevig, Balloffet & Associates, and Sherry Albertson-Clark to assist with the preparation of the Access Management Plan.

17. Resolution 2000-54 Authorizing the Mayor to Execute an Intergovernmental Agreement with the North Weld County Water District, the North Weld County Water District Enterprise, the Soldier Canyon Filter Plant and the City Water Utility Enterprise for the Delivery of Potable Water.

The proposed intergovernmental agreement is the result of continued cooperative efforts between the City and neighboring water districts. The agreement would enable the exchange of treated water between the City and North Weld County Water District. The proposed agreement calls for the City to receive treated Soldier Canyon water into its distribution system at the treatment plant on west LaPorte Avenue and North Weld to take an equal amount out of the City's transmission main at Summit View Road north of Vine Drive. North Weld benefits by delaying construction of a transmission line for 10 to 15 years. The City gains a return on capital investment in its transmission line from the rental of transmission line capacity. Both entities gain from the increased flexibility in the event of an emergency or during capital construction. The proposed

agreement is modeled after an existing agreement between the City and the Fort Collins - Loveland Water District.

18. Resolution 2000-55 Authorizing the City Manager to Provide a Staff Support Person for the Council Representative to the Cache La Poudre Commission.

In August 1999, the City Council adopted Resolution 99-105 authorizing the Mayor to execute an intergovernmental agreement between Larimer County, Weld County, and the Cities of Fort Collins, Loveland, and Greeley, concerning the Cache La Poudre River Corridor Citizen Commission. The intergovernmental agreement recommended various individuals to be representatives on the Commission. Mayor Pro Tem Chuck Wanner was recommended as the representative for the City of Fort Collins.

The Commission is charged with carrying out the mandate of the Cache La Poudre Corridor Act, Public Law 104-323, which was enacted by Congress in 1996. The mandate is to develop an interpretive plan for the River corridor.

The City Manager will appoint a staff support person to assist the City's representative with his work on the Commission.

19. Resolution 2000-56 Making Findings of Fact and Conclusions Regarding the Appeal of a Decision of the Planning and Zoning Board Relating to the Mulberry-Lemay Crossings Appeal.

On March 28, 2000, Council voted 6-0 to make the finding that the Planning and Zoning Board did not fail to properly interpret and apply the relevant provision of the Code and Charter and that the board did not fail to conduct a fair hearing by considering evidence relevant to its findings which was substantially false or grossly misleading. In order to complete the record regarding the appeal, Council should adopt a Resolution making findings of fact and finalizing its decision on the appeal.

On February 3, 2000, Notice of Appeal was filed by a party-in-interest with respect to the January 20, 2000 decision of the Planning and Zoning Board approving Mulberry-Lemay Crossings, Lot One, Filing One, Final P.U.D.

At the March 28, 2000 hearing on this matter, Council considered testimony of the Planning and Zoning Board record, staff and the appellants. In subsequent discussion at this hearing, Council took the following actions:

Council determined that the Planning and Zoning Board did not fail to properly interpret and apply the relevant provisions of the Code and Charter.

Council determined that the Planning and Zoning Board did not fail to conduct a fair hearing in that it considered evidence relevant to its findings which was substantially false or grossly misleading.

Consequently, the January 20, 2000 decision of the Planning and Zoning Board approving Mulberry-Lemay Crossings, Lot One, Final P.U.D. was upheld

20. Routine Easement.

- A. Easement for construction and maintenance of electric utilities from Poudre School District, located at Whedbee and Garfield Streets, to allow adjacent property to connect to existing underground electric system. Monetary consideration: \$100.

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

21. Consent Calendar Follow-up.

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

22. Staff Reports.

23. Councilmember Reports.

Committees that have met since March 21, 2000 include:

Governance Committee

Legislative Review Committee

ITEMS NEEDING INDIVIDUAL CONSIDERATION

24. Second Reading of Ordinance No. 28, 2000, Amending Chapter 20 of the City Code Relating to Public Nuisance Violations.

Over the past few years, many people have contacted the City because of nuisance properties in their neighborhoods. These houses are usually described as chronic problems, creating an eyesore and, in many cases, disturbing the peace of others who live nearby. The public nuisance ordinance would add a tool to the City's resources for dealing with these problems. Though the City has existing laws to deal with many of the individual issues which neighbors complain about, it currently has no effective way of dealing with these chronic problems if the occupants of the properties fail to respond to enforcement efforts.

The Council Health and Safety Committee has worked with staff and the community over the past nine months to develop and refine a proposed public nuisance ordinance. Input has been received from more than 500 people via community meetings, e-mail, letters and phone calls.

Staff believes this Ordinance accomplishes the goals of the Health and Safety Committee while addressing many of the concerns expressed by members of the public. Ordinance No. 28, 2000, was adopted on First Reading on March 21, 2000 by a vote of 4-3.

25. 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.

This appeal was originally scheduled for the February 1, 2000 Council meeting, but was postponed to this date at the request of the appellant.

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.

26. Items Relating to the State Highway 14 Truck Route Relocation Project, Including Strategies for Conforming to Ballot Initiative Mandates, Preliminary Project Structure, and Projected Timelines.

- A. Resolution 2000-51 Approving a Project Description, Process and Time Frame for Compliance with Ballot Issue 200 Pertaining to the Relocation of the Colorado Highway 14 Truck Route.

This Resolution will approve the various planning phases of the project.

- B. Second Reading of Ordinance No. 29, 2000, Authorizing the Transfer of Funds from the Northeast Truck Route Project Account into a New Account Entitled the Truck Route Relocation Project Account and Appropriating the Expenditure of Funds from Said Account to Meet the Requirements of Ballot Issue 200.

Ordinance No. 29, 2000, which was unanimously adopted on First Reading on March 21, 2000, transfers funds remaining in the Building Community Choices Northeast Truck Route account to a new account earmarked for the purposes specified in the Initiated Ordinance.

27. Resolution 2000-57 Adopting the Transit Alternative for the Mason Street Transportation Corridor.

This Resolution formally adopts the transit alternative for the conceptual design of the Mason Street Transportation Corridor. The options for consideration are: at-grade rubber tire, light rail, and elevated transit. The Mason Street Lead Team, a group of twenty citizen volunteers, assessed fourteen evaluation criteria and created a “weight” factor that was then applied to the rating given to each transit option. This analysis was the basis for the recommendation that City Council adopt at-grade rubber-tire transit for the conceptual design of the Mason Street Transportation Corridor. The Transportation Board, Planning and Zoning Board, Air Quality Board, and Council Growth Management Committee support the recommendation of the Mason Street Lead Team.

28. First Reading of Ordinance No. 37, 2000, Amending Article 2.8.2(h)(2) of the Land Use Code With Regard to Modifications of Standards.

This Ordinance would make two changes. The first change would clarify that, when a modification of standards is requested under the Land Use Code, and the justification is based upon a substantial benefit that the development will provide to the City, the mere fact that the project will constitute an affordable housing project within the meaning of the Code should not necessarily justify the granting of the modification of standard. The second change would state that, when a modification of standards is requested under the Land Use Code, findings should always be made in support of the decision on the application. At present, findings are required only when the modification of standards is approved.

29. Pulled Consent Items.

30. Other Business.

31. Adjournment.

AGENDA
MEETING OF THE BOARD OF DIRECTORS OF
WATER UTILITY ENTERPRISE

April 4, 2000

Regular Meeting
6:00 p.m.

(or as soon thereafter as the City Council completes its business)

1. Call Meeting to Order.
2. Roll Call.
3. Resolution No. 5 Authorizing the President of the Board to Execute an Intergovernmental Agreement with the North Weld County Water District, the North Weld County Water District Enterprise, the Soldier Canyon Filter Plant and the City of Fort Collins for the Delivery of Potable Water.

The proposed intergovernmental agreement is the result of continued cooperative efforts between the City and neighboring water districts. The agreement would enable the exchange of treated water between the City and North Weld County Water District. The proposed agreement calls for the City to receive treated Soldier Canyon water into its distribution system at the treatment plant on west LaPorte Avenue and North Weld to take an equal amount out of the City's transmission main at Summit View Road north of Vine Drive. North Weld benefits by delaying construction of a transmission line for 10 to 15 years. The City gains a return on capital investment in its transmission line from the rental of transmission line capacity. Both entities gain from the increased flexibility in the event of an emergency or during capital construction. The proposed agreement is modeled after an existing agreement between the City and the Fort Collins - Loveland Water District.

4. Other Business.
5. Adjournment.