

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

April 18, 2000

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Proclaiming the Week of April 23-29, 2000 as “Administrative Professionals Week”.
- B. Proclamation Proclaiming April 22, 2000 as “Earth Day 2000”.
- C. Proclamation Proclaiming April 26, 2000 as “Read-Aloud Day”.
- D. Proclamation Proclaiming April 28, 2000 as “Arbor Day”.
- E. Proclamation Proclaiming May 1, 2000 as “Local Business Day”.

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 23. 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 #28, 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. 30, 2000, Appropriating Unanticipated Revenue in the Storm Drainage Fund and Authorizing the Transfer of Existing Appropriations in the Storm Drainage Fund.

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. Ordinance No. 30, 2000 was unanimously adopted on First Reading on April 4, 2000.

8. Second Reading of Ordinance No. 31, 2000 Designating the Fort Collins National Guard Armory, 314 East Mountain Avenue, Fort Collins, Colorado, as a Historic 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. Ordinance No. 31, 2000, was unanimously adopted on First Reading on April 4, 2000.

9. Second 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.

Ordinance No. 32, 2000, which was unanimously adopted on First Reading on April 4, 2000, 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.

10. Second 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.

On April 4, 2000, Council unanimously adopted Resolution 2000-52 Amending the City Structure Plan Map. The parcels affecting the Structure Plan Amendments and Rezone request are known as the Interstate Lands project. On April 4, 2000, Council also unanimously adopted Ordinance No. 33, 2000, changing the zoning classification for the property known as Interstate Lands Rezoning.

11. Second 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. Ordinance No. 34, 2000, which was unanimously adopted on First Reading on April 4, 2000 amends the zoning map for that property known as Country Club Corners Rezoning from the NC, Neighborhood Commercial zone district to the CN, Commercial-North College zone district.

12. Second 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.

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. Ordinance No. 35, 2000, which was unanimously adopted on First Reading on April 4, 2000 corrects the rezoning to L-M-N.

13. Second 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.

Ordinance No. 36, 2000 was unanimously adopted on First Reading on April 4, 2000, and 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.

14. Second 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 clarifies 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. Ordinance No. 37, 2000, was unanimously adopted as amended on First Reading on April 4, 2000.

15. First Reading of Ordinance No. 38, 2000, Appropriating Unanticipated Revenue and Prior Year Reserves in the General Fund to Remodel Existing Space and Purchase Equipment for a Cable TV Studio.

Channel 27 provides the community with local government access programming for both City and County governments. If approved, these funds will be added to existing appropriations to help complete the project. Completion of the studio facility will result in expanded capacity, more appropriate sets, multiple media formats, and dedicated space which will aid in the City's efforts to inform citizens, employees and Channel 27 viewers about issues of concern and interest.

Currently, the City must use either the Council Information Center (CIC) or the Council Chambers to cablecast meetings, forums and events. These rooms also must be used to videotape events, interviews, and other programming for tape delayed cablecasts. These rooms are poorly suited for these uses due to inadequate lighting, lack of controlled settings or background choices, and lengthy set-up and tear-down processes.

16. First Reading of Ordinance No. 39, 2000, Appropriating Unanticipated Revenue in the General Fund for the Police Services Crimes Against Persons and Victim Services Units.

Fort Collins Police Services' Crimes Against Persons/Victim Services Units have been awarded a one-year Violence Against Women Act (VAWA) grant to help fund training opportunities for Police Services Detectives and Victim Advocates. The grant period is from April 1, 2000 through March 31, 2001.

This federal grant is awarded to agencies to assist in the enhancement of services to women who are victims of crime. A total of \$4,500 has been awarded to Fort Collins Police Services. Detectives will be able to attend training on areas such as homicide, domestic violence and sexual assault which will strengthen investigative skills of the Crimes Against Persons Unit. Victim Advocates will attend training that will strengthen skills in advocacy, crisis intervention, and provide specialized training in trauma specific to crimes such as homicide, domestic violence and sexual assault.

17. First Reading of Ordinance No. 40, 2000, Authorizing Acquisition by Eminent Domain Proceedings of Certain Easements Necessary for the Locust Street Outfall Storm Drainage Improvements.

The construction of the Locust Street Outfall project is currently scheduled for the summer and fall of 2000. The proposed capital improvements include the construction of approximately 4000 feet of 108 inch pipe, 540 feet of 12'x 6' box culvert and 1700 feet of 72 inch pipe. Additional inlets, necessary curb and gutter replacement, and asphalt replacement will also be done throughout the project route. In conjunction with the storm sewer project, the area's two major sanitary trunk lines will also be replaced with a 27-inch sanitary sewer, roughly following the route of the proposed storm sewer.

Construction of the proposed improvements will require the acquisition of a permanent utility easement and a temporary construction easement from two properties. Staff has initiated the easement acquisition process—discussing the project with the property owners, obtaining appraisals, preparing offers and negotiating for the required easements. Staff will continue good faith negotiations; however, to ensure that the City can secure all of the easements in time to begin construction of the project, it is necessary to initiate the first step of the eminent domain process, passage of this Ordinance authorizing acquisition by eminent domain.

18. First Reading of Ordinance No. 41, 2000, Authorizing the City of Fort Collins to Enter into an Option Agreement to Sell Forty Acres of the Meadow Springs Ranch Property to the United States Fish and Wildlife Service for its Black Footed Ferret Breeding Facility.

In the spring of 1998, the City was approached by the United States Fish and Wildlife Service about possibly relocating the Black Footed Ferret Breeding facility from Wyoming to Colorado and siting it on the City's Meadow Springs Ranch. In July of 1998, Council adopted Resolution 98-112 supporting this move and authorizing staff to proceed with negotiations for not more than thirty-five acres. After further site review, the Department of Interior has now asked for an option to purchase forty acres.

The Fish and Wildlife Service has chosen a forty-acre site on the east side of I-25 one mile north of the Buckeye exit. The Service has offered to pay the City \$1 for a four-month option to purchase the site as set forth in the attached "Agreement for the Purchase of Lands" between the City and the Service. In the event that the option is exercised, the City will receive the appraised value of \$32,000 for the forty-acre tract including easements for utilities, phone and an access road.

19. First Reading of Ordinance No. 42, 2000, Authorizing the Conveyance of a Conservation Easement on the "Sauer" Open Land Property to Larimer County.

On March 21, 2000 Council adopted Resolution 2000-50 which authorized an intergovernmental agreement with Larimer County and the City of Loveland regarding the purchase and management of 785 acres of land (the "Sauer" property) in the Fort Collins – Loveland Corridor. The intergovernmental agreement states that Loveland and Fort Collins will jointly own the property and that a conservation easement will be conveyed to Larimer County. The conveyance of a conservation easement to a third party (in this case Larimer County) is a requirement of the grant from GO Colorado which will be used, in part, to fund the acquisition. This Ordinance authorizes the easement to be conveyed to Larimer County when the property is acquired from the seller, currently scheduled for May 15, 2000.

20. Resolution 2000-58 Finding Substantial Compliance and Initiating Annexation Proceedings for the Kendall-Harmony Annexation.

This is a request for a 100% voluntary annexation. The property being considered for annexation is approximately 2.00 acres in size and is located south of East Harmony Road and east of Cambridge Avenue. The existing uses of the properties are agricultural in Larimer County. The proposed zoning for this annexation is Harmony Corridor District (HC).

The proposed Resolution states that it is the City's intent to annex this property and directs that the published notice required by State law be given of the Council's hearing to consider the needed annexation ordinance. The hearing will be held at the time of First Reading of the annexation and zoning ordinances on June 6, 2000. Not less than thirty days prior published notice is required by State law.

21. Resolution 2000-59 Making Appointments to Various Boards and Commissions.

A vacancy currently exists on the Affordable Housing Board due to the removal of Chris Shearer because of the location of his residence. Councilmembers Bertschy and Wanner reviewed the applications on file and are recommending Richard Clark to fill the vacancy with a term to begin immediately and set to expire on June 30, 2003.

A vacancy currently exists on the Commission of Status of Women due to the resignation of Susan Crowe. Applications were solicited and Councilmembers Weitkunat and Kastein conducted interviews. The Council interview team is recommending Sharon Bringleson to fill the vacancy with a term to begin immediately and set to expire on June 30, 2001.

Three vacancies also exist on the Community Development Block Grant Commission due to the resignations of David Gordon and Tim Ostic. Applications were solicited and Councilmembers Bertschy and Wanner conducted interviews. The Council interview team is recommending Dennis Vanderheiden and Terri Bryant to fill the vacancies with terms to begin immediately and set to expire on June 30, 2001 and June 30, 2003 respectively.

Two vacancies currently exist on the Human Relations Commission due to the resignation of Viviane Abt and the removal of Rhonda Richardson due to attendance and residency concerns. Applications were solicited and Councilmembers Bertschy and Byrne conducted interviews. The Council interview team is recommending Steve Ross and Debbie Love to fill the vacancies with terms to begin immediately and set to expire on June 30, 2002 and June 30, 2004 respectively.

A vacancy also exists on the Library Board due to the resignation of Kris Folsom. Mayor Martinez reviewed the applications on file and is recommending Lisa Helme to fill the vacancy with a term to begin immediately and set to expire on June 30, 2003.

Two vacancies currently exist on the Retirement Committee due to the resignations of Kevin Westhuis and Jim Hume. Applications were solicited and Councilmembers Martinez and Byrne conducted interviews. The Council interview team is recommending Bill Switzer to fill one vacancy with a term to begin immediately and set forth to expire on June 30, 2004 and Michelle Hays-Johnson with a term to begin June 1, 2000 and set forth to expires on June 30, 2003.

22. Resolution 2000-60 Making Findings of Fact and Conclusions Regarding the Appeal of a Decision of the Planning and Zoning Board Relating to the South Glen PUD, Second Filing (Major Amendment).

On December 30, 1999, a Notice of Appeal of the December 16, 1999 decision of the Planning and Zoning Board to deny the 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, was filed by the Appellant Southglen Partnership, LLC.

On April 4, 2000, City Council voted to overturn the decision of the Planning and Zoning Board. In order to complete the record regarding this appeal, the Council should adopt a Resolution making findings of fact and finalizing its decision on the appeal.

23. Resolution 2000-61 Nominating Ron Phillips as a Candidate to the Executive Board of the Colorado Municipal League.

This Resolution formally nominates Ron Phillips as a candidate to the Colorado Municipal League Executive Board. Ron is in line to be the next President of the Colorado Municipal League Board, so his re-election is important.

****END CONSENT****

24. Consent Calendar Follow-up.

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

25. Staff Reports.

26. Councilmember Reports.

Committees that have met since April 4, 2000 include:

Legislative Review Committee

North Front Range Transportation and Air Quality Planning Council

Growth Management Committee

ITEMS NEEDING INDIVIDUAL CONSIDERATION

27. Consideration of an Appeal Filed by Bob Campbell for Andover Fossil Creek, L.L.C., Appealing the Building Review Board's Decision of February 24, 2000, Denying a Variance Request from the Provisions of the City Contractor License Regulations Relating to the Licensing of Certain Contractors.

On February 24, 2000, the Building Review Board (BRB) denied the appellant, Andover Fossil Creek, L.L.C., a variance from the provisions in Chapter 15 of the City Code that require a contractor license to perform building construction in the City. The appellant sought a waiver to allow using a single licensed structural framing contractor to oversee numerous non-licensed framing subcontractors that would build the structural frame and sheathing for all the buildings in the appellant's proposed multiple-dwelling-unit project. The BRB is authorized to approve variances in specific cases where strict application of the contractor license regulations would result in "peculiar or exceptional practical difficulties to or exceptional or undue hardship upon the person or applicant regulated . . ." The BRB unanimously denied the request, finding that the appellant did not demonstrate such exceptional difficulties or a hardship. The appellant subsequently filed a Notice of Appeal to City Council alleging the Board failed to conduct a fair hearing in that it considered evidence relevant to its findings which was substantially false or grossly misleading.

28. Pulled Consent Items.
29. Other Business.
30. Adjournment.

AGENDA

OF THE BOARD OF COMMISSIONERS OF THE FORT COLLINS HOUSING AUTHORITY

April 18, 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. CITIZEN PARTICIPATION (limited to 30 minutes)
4. CITIZEN PARTICIPATION FOLLOW-UP:

This is an opportunity for the Boardmembers to follow-up on issues raised during Citizen Participation.

5. AGENDA REVIEW: EXECUTIVE DIRECTOR
6. Resolution No. 30 Approving Revisions to the FY 2000 Budget and Approving an Amendment to the Annual Plan.

The Code of Federal Regulations 24 Part 990.111(a) states that, prior to the beginning of each fiscal year, housing authorities must prepare an operating budget. The Board of Commissioners reviews and approves the FCHA budgets by resolution, and the budget is submitted to the HUD Field Office. Housing authorities are also required to submit revised calculations in support of any mandatory or other adjustments to the budget, based on procedures prescribed by HUD. In regard to the Comprehensive Improvement Assistance Program (CIAP), HUD has established that any budget revisions which exceed \$2,000 must be submitted for review and approval by the HUD Field Office. In addition, all changes to capital items must be reflected in the agency's Annual Plan.

7. Other Business.
8. Adjournment.