

# **AGENDA**

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

May 1, 2001

## **Proclamations and Presentations**

**5:30 p.m**

- A. Proclamation Proclaiming May 1, 2001 as "Colorado ALS Awareness Day".
- B. Proclamation Proclaiming May 3, 2001 as "National Day of Prayer".
- C. Proclamation Proclaiming May 7, 2001 as "Celebrating Small Business Day".
- D. Proclamation Proclaiming May 4-6, 2001 as "The Cinco De Mayo Celebration".
- E. Proclamation Proclaiming the Week of May 5-12, 2001 as "National Safe Kids Week".
- F. Proclamation Proclaiming the Week of May 6-12, 2001 as "Tourism Week".
- G. Proclamation Proclaiming the Month of May as "Preservation Month".
- H. Proclamation Proclaiming the Month of May as "Mental Health Month".

## **Regular Meeting**

**6:00 p.m.**

PRESENTATION OF COLORS BY CUB SCOUT PACK #197

- 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 #34, 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. 53, 2001, Appropriating Prior Year Reserves in the General Fund for Police Seizure Activity.

State statutes specify that the proceeds from seizures are to be used for law enforcement purposes, and require that the governing body (City Council) of the seizing agency (Police Services) appropriate these proceeds to supplement the seizing agency's budget or forfeit the proceeds to the general fund of the State of Colorado. This Ordinance, which was unanimously adopted on First Reading on April 17, 2001, appropriates prior year reserves for police seizure activity.

8. Second Reading of Ordinance No. 54, 2001, Appropriating Proceeds from the Issuance of City of Fort Collins, Colorado, Stormwater Utility Enterprise, Storm Drainage Revenue Bond, Series 2001, Dated May 1, 2001, in the Aggregate Principal Amount of \$9,845,000.

On April 17, 2001, the Board of the Stormwater Utility Enterprise authorized the issuance of City of Fort Collins, Colorado, Stormwater Utility Enterprise, Storm Drainage Revenue Bond, Series 2001, Dated May 1, 2001, in the Aggregate Principal Amount \$9,845,000. Authorizing the issuance of the bond and appropriating the proceeds are both necessary to complete the bond transaction.

Proceeds of \$3,200,000 from the issuance of the Bond were appropriated in the Storm Drainage Fund by the City Council as part of the 2001 annual appropriation ordinance. This Ordinance, which was unanimously adopted on First Reading on April 17, 2001, appropriates the remainder

of the proceeds. This Ordinance is being amended on Second Reading to reflect the actual principal amount and the premium on the bond.

9. Second Reading of Ordinance No. 55, 2001, Appropriating Unanticipated Revenue in the Storm Drainage Fund Old Town Basin Project.

The Locust Street Outfall was oversized to include storm drainage for Colorado State University. Colorado State University has reimbursed the City \$211,000 for its share of the project cost. An appropriation of this amount is needed in order to make the Old Town Basin Project whole. This Ordinance, which was unanimously adopted on First Reading on April 17, 2001, appropriates the amount received as unanticipated revenue for the Storm Drainage Fund Old Town Basin Project.

10. Second Reading of Ordinance No. 56, 2001, Authorizing the Long-Term Lease of Property at the Fort Collins-Loveland Municipal Airport to Cole Smith, dba Signal Construction for the Construction, of Aircraft Hangars.

The Airport Manager has negotiated a lease of property with Cole Smith, dba Signal Construction, for the construction of aircraft hangars. Cole Smith will construct two hangars that will provide at least 19,816 square feet of aircraft storage space. At the expiration of the lease, the improvements revert to the ownership of the Airport.

The construction of the hangars will generate new revenue for the Airport and help meet the aircraft storage needs of local aircraft owners. This Ordinance was unanimously adopted on First Reading on April 17, 2001.

11. Second Reading of Ordinance No. 59, 2001, Rescinding the Designation of the Gill/Nelson Garage, 5529 South Timberline Road, as a Landmark Pursuant to Chapter 14 of the City Code.

On October 3, 2000, the City Council adopted Ordinance No. 130, 2000, designating the Gill/Nelson Farm as a landmark. The farm is comprised of a house, a milkhouse, and a garage. The owners of the property, Jeff Nowak and Rayno and Patty Seaser, have initiated this request for the rescission of the garage's landmark designation. Due to an existing access easement, the Gill/Nelson Garage must be moved from its current location. As there is no other location on the farm site where the garage could be placed that would not have a significant detrimental effect on the integrity of the remaining historic structures, the Landmark Preservation Commission has determined that the best course of action is the demolition of the garage. Ordinance No. 59, 2001, was unanimously adopted on First Reading on April 17, 2001.

12. Second Reading of Ordinance No. 60, 2001, Authorizing the Issuance of Variable Rate Economic Development Revenue Refunding Bonds for the 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 achieve interest payment savings. This Ordinance, which was unanimously adopted on First Reading on April 17, 2001, authorizes the refinancing of \$2.7 million of outstanding bonds by issuing variable rate bonds.

13. Items Relating to the Staley First Annexation.

- A. Second Reading of Ordinance No. 77, 2001, Annexing Property Known as the Staley First Annexation to the City of Fort Collins.
- B. Second Reading of Ordinance No. 78, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Staley First Annexation.

On April 17, 2001, Council unanimously adopted Resolution 2001-58 Setting Forth Findings of Fact and Determinations Regarding the Staley First Annexation.

Also on April 17, 2001, Council unanimously adopted on First Reading Ordinance No. 77, 2001 annexing the Staley First Annexation and Ordinance No. 78, 2001 zoning the Staley First Annexation. This is a request for a 100% voluntary annexation. The site is approximately 24.5 acres of property owned by the City of Fort Collins and the Poudre School District. It is located south of Kechter Road (County Road 36), north of the Fossil Creek Reservoir, east of Ziegler Road (County Road 9), and west of Strauss Cabin Road (County Road 7). The recommended zoning is Low Density Mixed Use Neighborhood (LMN).

14. Second Reading of Ordinance No. 79, 2001, Authorizing Amendments to the Intergovernmental Agreements Between the City and Poudre School District and Thompson Valley School District Pertaining to the Land Dedication and In-Lieu Fee Requirements Contained in Such Agreements.

In April, 1998, the City of Fort Collins and Thompson and Poudre School Districts entered into Intergovernmental Agreements regarding land dedication for new developments, including a provision for fees in lieu of land dedication. This system of land dedication and fees-in-lieu of dedication has been in place for 2.5 years, and is now in need of review. The school districts have asked that the amount of the fees be increased to reflect both the increasing cost of land and revised school site standards. This Ordinance was unanimously adopted on First Reading on April 17, 2001.

15. First Reading of Ordinance No. 80, 2001, Appropriating Prior Year Reserves and Unanticipated Revenue in the General Fund for Promotion of Convention and Visitor Activities and for Cultural Development and Programming Activities.

This Ordinance appropriates 2000 lodging tax receipts dedicated to the Convention and Visitors Bureau, Cultural Development and Programming (CDP), Visitor Events, and Tourism Capital. In addition, it appropriates unexpended 2000 appropriations for CDP, Visitor Events, and Tourism Capital and unanticipated revenue received in 2001 for Visitor Events.

16. First Reading of Ordinance No. 81, 2001, Authorizing the Issuance of Variable Rate Economic Development Revenue Bonds for the Residence at Oakridge Project.

On February 15, 2000, Council adopted Resolution 2000-32 indicating its willingness to issue tax-exempt private activity bonds for the Residence at Oakridge Project. On February 6, 2001, Council adopted Resolution 2001-18 extending the time for the Project to complete the financing. The financing team has completed the negotiations required to issue the bonds. The project is a multi-family assisted-living project for low-income frail elderly individuals. The project is located along McMurry Drive in the Oakridge Business Park. National Healthcare Associates, the Project proponent, estimates the cost of the project to be \$4.5 million with \$3,555,000 economic development bonds (a form of private activity bonds). The project will contain 44 living units with a total of 58 beds. Of the total, 50% will be reserved for persons whose incomes do not exceed 60% of the Area Median Income. This qualifies the Project as a low-income rental project. The remaining units will be leased at market rates.

17. Items Relating to Conveyance of Various Easements Relating to the Provincetowne P.U.D., Second Filing.

- A. First Reading of Ordinance No. 82, 2001, Authorizing the Conveyance of Non-exclusive Easement Interests for the Construction of Storm Drainage Improvements for Provincetowne P.U.D. Second Filing on a Portion of the City's Provincetowne Property Planned as Future Natural Area Property.
- B. First Reading of Ordinance No. 83, 2001, Authorizing the Conveyance of Non-exclusive Easement Interests for the Construction of Storm Drainage Improvements and a Sixteen-Inch Water Line in Connection with Provincetowne P.U.D. Second Filing on a Portion of the City's Provincetowne Property.

The City of Fort Collins became the owner of approximately 341 acres of property located south of Trilby Road, west of Lemay Avenue, north of Carpenter Road, and east of College Avenue after the property was sold at tax sale in 1990 (the "Provincetowne Property"). Pursuant to Ordinance No. 41, 1996, the City entered into an agreement to convey approximately 181 acres

of the Provincetowne Property to Pridemark Homes (the “Development Property”). Pridemark has since been purchased by KB HOME COLORADO, Inc. (“KB HOME”), and various addenda to the original contract have been executed. The southern 160 acres of the Provincetowne Property, which includes Benson Reservoir, is planned to become part of the City’s Natural Areas program for use as a natural area, after an appropriate compensation amount for the property is determined and a transfer of appropriations for that purpose authorized. In connection with the planning and development of Provincetowne P.U.D., Second Filing, on the Development Property, certain drainage and water line easements have been identified. The proposed drainage easements will allow the construction of two drainage swales, a new storm sewer line, and a detention pond on the future natural area to connect to existing culverts under Lemay Avenue which ultimately drain to Stanton Creek. The proposed water line easement is intended to allow the construction of a 16-inch water line to connect to an existing Fort Collins-Loveland Water District water line in College Avenue. The water line will provide water service for a portion of the development.

18. First Reading of Ordinance No. 84, 2001, Authorizing the Conveyance of a Temporary Construction Easement for the Construction of Road Improvements Relating to the Widening of South Shields Street Adjacent to the Colina Mariposa Natural Area.

The City of Fort Collins owns the Colina Mariposa Natural Area on the southeast corner of Shields Street and Trilby Road as part of the City’s Natural Areas program. The County is proposing to widen a portion of Shields Street adjacent to Colina Mariposa (which is still in the County) in coordination with road widening work that is being done by the Registry Ridge development. The road improvements involve widening the existing narrow two-lane road to provide bike lanes. This is the last “bottleneck” of narrow road on Shields Street between Fort Collins and Loveland. The widening should provide enhanced safety and comfort for bicyclists and motorists.

19. First Reading of Ordinance No. 85, 2001, Authorizing the Lease of a Portion of Running Deer Natural Area to Hageman Earth Cycle, Inc.

This Ordinance authorizes the City Manager to enter into a lease agreement with Hageman Earth Cycle, Inc. for up to 5 years on approximately 16-acres of land owned by the City. The lease agreement allows Hageman to continue operations of the landscape materials and composting business that has been in operation on the site for approximately 10 years. This arrangement is consistent with established practice in the Natural Areas Program to work with existing tenants on lands purchased by the City to facilitate a smooth transition to another location.

20. Hearing and First Reading of Ordinance No. 86, 2001, Amending the Zoning Map of the City of Fort Collins By Changing the Zoning Classification for that Certain Property Known as the Speights PUD Rezoning.

This is a request to rezone 1.02 acres located on the east side of Timberline Road between Bighorn Road and Caribou Drive, and west of Stoney Creek Drive. The site is currently divided into two lots and a tract. Lot 6 is the existing Countryside Animal Hospital, Lot 7 is vacant, and Tract A is a City-owned storm drainage channel. The requested zoning for this property is LMN - Low Density Mixed-Use Neighborhood. The surrounding properties are zoned LMN - Low Density Mixed-Use Neighborhood (to the south), RL – Low Density Residential (to the east), and E - Employment (to the north and west).

APPLICANT: Lockwood Architects, Inc.  
c/o Dana Lockwood  
420 South Howes Street, Suite 101B  
Fort Collins, Colorado 80521

OWNER: Speights Investments, LLC  
601 St. Michaels Drive  
Fort Collins, Colorado 80525

21. Resolution 2001-66 Adopting Procedures for the Disbursement of Funds in the City's Home Buyer Assistance Program.

In May of 1994, the City of Fort Collins received designation as a Participating Jurisdiction in the Housing and Urban Development's (HUD) HOME Program. The intent of the HOME Program is to expand the supply of decent, safe, sanitary, affordable housing in the community, to strengthen the ability of local government to provide housing and to expand the capacity of nonprofit community-based housing development organizations to provide affordable housing. On July 18, 1995, City Council approved Resolution 95-96 which adopted processes/procedures to implement the HOME program. These included the requirement that assistance for down payment and closing costs (known as the City of Fort Collins Home Buyer Assistance Program) not exceed \$5,000 per household. It is the recommendation of both the Affordable Housing Board and the CDBG Commission that the Resolution be amended to allow loan amounts to be increased to a maximum of 4.5% of the local FHA limit per household for those households which have incomes below 80% of the Area Median Income (AMI) and a maximum of 9% of the local FHA limit per household for those at or below 50% AMI with the amount adjusted as the local FHA limit is adjusted. For example, at the current FHA limit of \$175,750, these amounts would be raised to \$8,000 and \$16,000 respectively.

The HOME Program was authorized by the National Affordable Housing Act of 1990 to provide funds for a variety of housing-related activities which would increase the supply of decent, safe, sanitary and affordable housing. Council approved the City's participation in the HOME Program in March of 1994 and on May 26, 1994, HUD notified the City of the official awarding of a HOME Investment Partnership Program grant. Designation as a Participating Jurisdiction in the HOME Program is similar to being an entitlement community in the CDBG Program; that is, the

City will continue to receive an allocation of HOME funds in future years provided Congress re-authorizes and funds the program.

22. Resolution 2001-67 Increasing the City's Representation on the City of Fort Collins/Colorado State University Liaison Committee.

In December 1998, the City Council endorsed the establishment of a City of Fort Collins/Colorado State University Liaison Committee, consisting of two Councilmembers; the City Manager and such administrative staff of the City as the City Manager may deem appropriate; the President of CSU; the President of ASCSU; the Vice-President for Administrative Services; the Vice-President for University Advancement; and the Director of Campus Housing and Food Services.

On April 17, 2001, the Council adopted Resolution 2001-63 making board and commission liaison assignments and various committee, board, and authority appointments. As a part of that Resolution, the Council appointed Ray Martinez, Marty Tharp, and Bill Bertschy to serve as representatives on the City/CSU Liaison Committee. Since the original Resolution establishing the Committee provided for the appointment of two, rather than three, Councilmembers, staff is recommending Council adopt a Resolution formally providing for the appointment of up to three Councilmembers as representatives on the City/CSU Liaison Committee and ratifying the appointments made on April 17.

23. Routine Easements.

- A. Easement dedication from Poudre School District, for utility easements, located off of Taft Hill Road and Vine Drive on Lancer Drive. Monetary consideration: \$0. Staff: Katie Moore.
- B. Easement dedication from Kenneth T. and Lynn A. Miller, for a pedestrian easement, located at 500 Crestmore Place. Monetary consideration: \$10. Staff: Tracy Dyer.
- C. Easement dedication from Hede Riffe, for a pedestrian easement, located at 1903 West Mulberry Street. Monetary consideration: \$10. Staff: Tracy Dyer.

**\*\*\*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 17 include:**

*Legislative Review Committee*

## ITEMS NEEDING INDIVIDUAL CONSIDERATION

27. Items Relating to the Completion of the Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing Projects/Programs and Community Development Activities: the City's Fiscal Year 2001-2002 Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Programs.
- A. Public Hearing and Resolution 2001-68 Approving the FY 2001-2002 Community Development Block Grant Program for the City of Fort Collins.
  - B. Public Hearing and Resolution 2001-69 Approving the FY 2001-2002 Home Investment Partnerships Program for the City of Fort Collins
  - C. First Reading of Ordinance No. 87, 2001, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Community Development Block Grant Fund.
  - D. First Reading of Ordinance No. 88, 2001, Appropriating Unanticipated Revenue in the Home Investment Partnerships Fund.

The Community Development Block Grant (CDBG) Program and the Home Investment Partnerships (HOME) Program provide Federal funds from the Department of Housing and Urban Development (HUD) to the City of Fort Collins which can be allocated to housing and community development related programs and projects, thereby, reducing the demand on the City's General Fund Budget to address such needs. The City Council is being asked to consider the adoption of two resolutions relating to funding under the CDBG and HOME Programs. The first resolution (Resolution 2001-68) establishes which programs and projects will receive funding with CDBG funds for the FY 2001-2002 Program year, which starts on October 1, 2001. The CDBG Commission presents a list of recommendations as to which programs and projects should receive funding. The second resolution (Resolution 2001-69) establishes only the major funding categories within the HOME Program for the FY 2001-2002 Program year. Specific projects for the use of HOME funds will be determined in November as a result of the fall funding cycle of the competitive process for the allocation of the City's financial resources to affordable housing programs/projects and community development activities.

28. **THIS ITEM WAS WITHDRAWN FROM THE AGENDA AFTER IT WAS PRINTED.**
29. Hearing and First Reading of Ordinance No. 90, 2001, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for That Certain Property Known as the Poudre Development Parcel Rezoning.

This is a request to rezone the Poudre Development parcel from T, Transition, to C-C-R, Community Commercial – Poudre River. The parcel is 21.7 acres in size and located on the east side of the Poudre River bounded by Linden Street, Buckingham Street and First Street.

BuckinghamPark forms the southeast border of the site. The parcel was zoned T, Transition, upon the adoption of City Plan in March of 1997.

30. Hearing and First Reading of Ordinance No. 91, 2001, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Ridgewood Hills Rezoning.

The area consists of approximately 14 acres and 50+ parcels of land. The area is located south and adjacent to Trilby Road and includes properties fronting upon Yuma Court, Yuma Place and “Yuma Court” extended (private street). The area currently contains a mix of single family detached homes, duplexes, townhomes, a daycare center and one undeveloped lot. This area was inadvertently zoned RL in March of 1997 when the City was comprehensively rezoned. This is a staff initiated request that is viewed as needed to correct an oversight.

Staff and the Planning and Zoning Board have recommended approval on the basis that the request complies with the comprehensive plan (*City Plan*) and the *City Structure Plan*, an element of the City’s comprehensive plan. The most significant issue, from a neighborhood perspective, has been the impacts of LMN zoning upon the future development of the vacant tract of land in the southeast corner of Trilby Road and Avondale Road.

31. Hearing and First Reading of Ordinance No. 92, 2001, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Timberline Lane Rezoning.

The parcel consists of approximately .75± acres located south and adjacent to Timberline Lane, and west and adjacent to Timberline Road. The site contains one mobile home with a detached garage.

Staff has recommended approval on the basis that the request generally complies with the comprehensive plan (*City Plan*); the *City Structure Plan*, an element of the City’s comprehensive plan; and, the *Harmony Corridor Plan*. Consistency with the comprehensive plan is sufficient for approval of the request; however, the Planning and Zoning Board found that the request does not meet all applicable criteria of Section 2.9.4 (H) of the Land Use Code. The Board determined that the request is not warranted by changed conditions within the neighborhood surrounding and including the subject property, and the proposed zone change is not compatible with existing and proposed land uses.

32. Second Reading of Ordinance No. 57, 2001, Authorizing the Conveyance of an Easement to Wyoming Interstate Company for Construction of a 36-inch Gas Pipeline.

Wyoming Interstate Company proposes to build a new gas pipeline from Douglas, Wyoming to a station south of Cheyenne, Wyoming as part of the Medicine Bow lateral to increase transportation capacity of its current system in Colorado and Wyoming. A portion of this proposed pipeline crosses City-owned Meadow Springs Ranch. This easement will parallel an existing easement granted by the City in May 1999. This project has been determined to be “in the public interest” and has been approved by the Federal Energy Regulatory Commission. The Company’s offer is consistent with those made to adjacent landowners. An environmental assessment has been done for the proposed route. Ordinance No. 57, 2001, was adopted 6-1 on First Reading on April 17, 2001.

33. Second Reading of Ordinance No. 58, 2001, Authorizing the Conveyance of an Easement to the Platte River Power Authority for Construction of a 24-inch Gas Pipeline.

Platte River Power Authority proposes to build a new gas pipeline from Rockport, Wyoming to the Rawhide Energy Station to provide fuel for three new gas fired combustion turbines at the station. A portion of this proposed pipeline crosses City-owned Meadow Springs Ranch. The proposed easement will encompass approximately 54 acres. Platte River’s offer is consistent with those made to adjacent landowners. An environmental assessment has been done for the proposed route. This Ordinance was adopted by a vote of 6-1, on First Reading on April 17, 2001.

34. Pulled Consent Items.

35. Other Business.

36. Adjournment.