

# REGULAR MEETING AGENDA

## FORT COLLINS CITY COUNCIL

May 17, 2005

Doug Hutchinson, Mayor  
Karen Weitkunat, District 2, Mayor Pro Tem  
Ben Manvel, District 1  
Diggs Brown, District 3  
Kurt Kastein, District 4  
Kelly Ohlson, District 5  
David Roy, District 6

City Council Chambers  
City Hall West  
300 LaPorte Avenue  
Fort Collins, Colorado

Cablecast on City Cable Channel 27  
on the Comcast cable system

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The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (TDD 224-6001) for assistance.

### Proclamations and Presentations 5:30 p.m.

- A. Proclamation Proclaiming May 8-15, 2005, as "National Nursing Home Week."
- B. Proclamation Proclaiming May 16-22, 2005, as "Get Active Fort Collins! Week."
- C. Proclamation Proclaiming May 30, 2005, as "Bone Marrow Register Day."
- D. Proclamation Proclaiming May 2005 as "Mental Health Month."
- E. Proclamation Proclaiming June 6, 2005, as "Easter Seals 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)

Individuals who wish to address the Council on items not specifically scheduled on the agenda must first be recognized by the Mayor or Mayor Pro Tem. Each speaker is allowed 5 minutes. If there are more than 6 individuals who wish to speak, the Mayor may reduce the time allowed for each individual.

- State your name and address for the record
- Applause, outbursts or other demonstrations by the audience is not allowed
- Keep comments brief; if available, provide a written copy of statement to City Clerk

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

### Consent Calendar

The Consent Calendar consists of Items 6 through 22. 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 Item No. 28, Pulled Consent Items. The Consent Calendar consists of:

- Ordinances on First Reading that are routine;
- Ordinances on Second Reading that are routine;
- Those of no perceived controversy;
- Routine administrative actions.

6. Consideration and approval of the regular Council meeting minutes of April 19, 2005 and the adjourned Council meeting minutes of April 26, 2005.

7. Second Reading of Ordinance No. 049, 2005, Appropriating Unanticipated Revenue in the General Fund to the Fort Collins Housing Authority to Fund Affordable Housing and Related Activities.

The Fort Collins Housing Authority ("Authority") paid the City of Fort Collins \$12,033 as a 2004 payment for public services and facilities. The Authority annually requests that the City refund the Payment in Lieu of Taxes (PILOT) to fund sorely needed affordable housing related activities and to attend to the low-income housing needs of Fort Collins residents.

Resolution 1992-093 reinstated the requirement that the Authority make annual PILOT payments to the City. The City may spend the PILOT revenues 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 payment to the Authority annually since 1992. Ordinance No. 049, 2005, was unanimously adopted on First Reading on May 3, 2005.

8. Items Relating to the Purchase and Lease of Property Located as 212 LaPorte Avenue.
  - A. Second Reading of Ordinance No. 050, 2005, Appropriating Unanticipated Revenue in the Capital Projects Fund - Building Community Choices - New Main Library / Acquisition and Design Capital Project and Authorizing the Transfer Between Funds of Existing Revenue to be used to Purchase Property Located at 212 LaPorte Avenue.
  - B. Resolution 2005-049 Authorizing the City Manager to Execute a Lease Agreement for 212 Laporte Avenue, Fort Collins, Colorado to Abraxis Art Glass & Doors, Inc.

The City of Fort Collins developed the Downtown Civic Center Master Plan in 1996. At that time, the Plan called for Block 32 to have municipal government offices and a library. The Plan includes a pedestrian corridor through the middle of the block. The City has purchased most of the Block, but there are currently two properties still under individual ownership.

The City constructed its new office building on the east half of Block 32 and the Plan contemplates the construction of the new Library on the westerly side of Block 32. This Library is part of the Building Community Choices.

The owner of 212 West LaPorte Avenue is moving his business and has approached the City to purchase the property. This is a good opportunity to purchase this site for the City's future use on the Block. With this property, the City will own the entire Block except for the southwesterly corner. Buying today with a willing seller will save the City money in the future and, until the Block is developed, the City will rent the property to generate income.

9. Second Reading of Ordinance No. 051, 2005, Amending Section 238(1) of the Fort Collins Traffic Code Pertaining to License Plates.

At the time of the adoption of the Traffic Code, it was the understanding of staff and Council that the Traffic Code would most likely be subject to future amendments, not only for the purpose of clarification and correction of errors, but also for the purpose of ensuring that the Traffic Code remains consistent with State traffic laws. This amendment will require motorcycles, trailers, and other vehicles to attach license plates to the rear of the vehicle. This change is necessary for the section to be consistent with state law.

Staff will submit the changes to Colorado Department of Transportation (CDOT) for approval pursuant to statute. As this amendment is made to conform to state law, it is anticipated that CDOT will approve the amendment.

Ordinance No. 051, 2005, was unanimously adopted on First Reading on May 3, 2005.

10. First Reading of Ordinance No. 053, 2005, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities and Tourism Capital.

This Ordinance appropriates lodging tax revenues that were in excess of 2004 budgeted lodging tax receipts to Cultural Development and Programming (“CDP”), Visitor Events, and Tourism Capital fund accounts. Lodging tax revenue for 2004 was estimated to be \$573,600 and the 2005 budget appropriated an equal amount. However, actual receipts totaled \$601,143 for 2004 and the difference of \$27,543 has not been appropriated.

This Ordinance also appropriates the CDP and Visitor Events funds in the General Fund reserves for lodging taxes to be used to support events that provide a public benefit to the Fort Collins Community and promote the utilization of public accommodations within the city. The City’s Cultural Resources Board reviews applications for these funds and makes recommendations to the City Council.

11. First Reading of Ordinance No. 054, 2005, Authorizing the Transfer of Appropriations from the Street Oversizing Fund to the Capital Project Fund - Timberline Road Improvements Project to Be Used for Completion of Engineering Design and Establishing Appropriations for Railroad Crossing Improvements at the Project.

Developers have contributed \$100,000 to the City to begin the engineering design of Timberline Road from Prospect to Drake. There are additional engineering design costs with the project to be funded by Street Oversizing. This item appropriates \$184,000 into the project budget for the completion of the final engineering design. In addition, railroad crossing permits with Great Western Railroad for widening the track on both Timberline Road and Prospect Road need to be submitted one year in advance of the construction in order to schedule the railroad crews. The permit requires that funds for the crossing material and labor be budgeted and available in the project. \$280,000 will be appropriated and earmarked for the railroad crossing agreement in order to submit the required permits and work orders. The total transfer amount is \$464,000 and is available in existing Street Oversizing Fund appropriations.

12. First Reading of Ordinance No. 055, 2005, 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 Koch Financial Corporation at 4.96 percent interest rate. The agreement is for an original term from the execution date of the agreement to the end of the current fiscal year. The agreement provides for renewable one-year terms thereafter, to a total term of five (5) 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.

All equipment shall be purchased following the City's purchasing ordinances and procedures to ensure that the City realizes all cost savings. The vehicles and equipment financed under the agreement will comply with applicable City policies, and will be in accordance with the goal of optimizing City resources without impacting service to the community.

13. First Reading of Ordinance No. 056, 2005, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Schrader Rezoning.

This is a request to rezone a parcel owned by Schrader Oil Company and the abutting Burlington Northern Santa Fe right-of-way, presently zoned T (Transition), to RDR (River Downtown Redevelopment). The subject site consists of 5 ± acres located south of Willow Street and east of College Avenue.

14. First Reading of Ordinance No. 057, 2005, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the Dry Creek Drainage Improvements Project - East Vine Diversion Channel.

The design portion of the Dry Creek Drainage Improvements Project ("Project") began in 2003. The construction of the Project began in April 2005 with completion scheduled for 2006. The total project involves a combination of sub-projects in the upper, middle and lower basins of Dry Creek with the goal of reducing the likelihood of flooding in Fort Collins and Larimer County.

The approval of this ordinance does not automatically result in the filing of a petition in eminent domain; it simply allows staff to use the process if good faith negotiations fail to result in an agreement between the City and affected property owners. Staff is hopeful that all acquisitions will be accomplished by agreement.

15. First Reading of Ordinance No. 058, 2005, Authorizing an Easement for a Pedestrian Bridge for Opera Gardens Lofts.

The development of Opera Garden Lofts was approved as a minor amendment to the Opera Galleria, contingent upon the developer being able to provide off-street parking to the users of the new mixed-use building and also contingent upon negotiating permission from the City for a bridge between the Opera Galleria and the Civic Center Parking Structure ("CCPS"). The developer cannot commence construction until this easement is granted. The developer has indicated that this bridge is important to make the Opera Garden Lofts project more attractive to lenders and potential purchasers of units.

The Opera Gardens Lofts project will add two floors to the Opera Galleria. The easement request is to construct an above-grade pedestrian bridge from the 4th floor of the CCPS to one of the new floors of the Opera Galleria. This pedestrian bridge will not replace the existing bridge, which is a public bridge. The new bridge will be a private bridge to be used by users of the mixed-use structure.

16. Resolution 2005-050 Authorizing a Revocable Permit to Coburn Development, Inc., for a Period of Up to Two Years on Property Owned by the City for the Purpose of Access and Performing Due Diligence Activities.

The City of Fort Collins conducted a Request for Proposal ("RFP") process that requested proposals for the development of a portion of Block 33 in accordance with adopted City plans. The property included in this RFP was 75% of the block, excluding the Car Barn and

associated parking. Through this process, the City selected Coburn's firm to complete the requested work in the RFP. At that time, the City and Coburn entered into an Exclusive Negotiating Agreement. The goal for this project is for Coburn to eventually acquire the property from the City and develop it in accordance with the approved plans.

Coburn has done a preliminary design for the property and is proceeding into conceptual review. In order for Coburn to continue its work, the firm needs to have permission from the City to access the property and to perform due diligence work on the property including surveying and geotechnical drilling. They will also need on-going access to the site as the project develops. Issuing this Permit allows Coburn to continue the work as required by the Exclusive Negotiating Agreement for the property on Block 33. This Permit is not intended to include construction activities.

17. Resolution 2005-051 Authorizing the City to Enter into a Contract with Public Strategies Group, Inc., for the Purchase of Services to Develop the 2006 and 2007 Budget Using the Budgeting for Outcomes Format, as an Exception to the Competitive Process.

Public Strategies Group, Inc., has developed a unique process for budgeting – *Budgeting for Outcomes*. Because the City is facing a structural change in its revenues, this approach is being used to match citizen expectations with available resources.

18. Resolution 2005-052 Adopting the Recommendations of the Cultural Resources Board Regarding Fort Fund Disbursements.

The guidelines for the Cultural Development and Programming and Tourism Programming accounts (Fort Fund) provide a three-tiered funding system. Organizations may apply for grants from these accounts to fund community events. 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 \$5,000 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 \$5,000 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.

19. Resolution 2005-053 Authorizing the City Manager to Enter into an Intergovernmental Agreement with the Board of The Great Outdoors Colorado Trust Fund and an Intergovernmental Agreement With Three Partner Entities for the Laramie Foothills: Mountains to Plains Grant Project.

On December 1, 2004, Great Outdoors Colorado (GOCO) awarded the City, Larimer County, Legacy Land Trust, and The Nature Conservancy an \$11.6 million grant for the Laramie Foothills Mountains-to-Plains Project. A portion of this grant in the amount of \$976,000 will be allocated directly to the City of Fort Collins to help support the project. A Grant Agreement between the partner entities is required to set out the respective obligations of the parties and to enable the City to receive the grant award. A Project Agreement also is necessary to designate a "grant agent" for the local partners. Larimer County will serve as the grant agent.

20. Resolution 2005-054 Making an Appointment to the Downtown Development Authority.

A vacancy currently exists on the Downtown Development Authority due to the resignation of Mary Brayton. Resolution 2005-054 making an appointment to the Downtown Development Authority has been prepared to insert a name for the Council appointment to replace Mary Brayton.

21. Resolution 2005-045 Making an Appointment to the Fort Collins Housing Authority Board of Commissioners.

A vacancy currently exists on the Housing Authority due to the resignation of Marty Tharp. Resolution 2005-045 making an appointment to the Housing Authority has been prepared to insert a name for the Council appointment to replace Marty Tharp.

22. Routine Easements.

- A. Easement for construction and maintenance of public utilities from Archer Homes, Inc., to relocate existing electric system to accommodate additional units, located at 400 Jackson. Monetary consideration: \$10.
- B. Easement for construction and maintenance of public utilities from Pheasant Run Investments, to place existing overhead electric system underground at 1229 East Mulberry. Monetary consideration: \$360.
- C. Easement for construction and maintenance of public utilities from Jeffrey Jay and Carol Shuster Johnson, located at 132 Yale to install electric oval vault to place existing overhead electric system underground. Monetary consideration: \$200.
- D. Easement for construction and maintenance of public utilities from South Link Lane Condominium Association, located at 401 Link Lane to place existing overhead electric system underground. Monetary consideration: \$1920.

**END CONSENT**

23. Consent Calendar Follow-up.

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

24. Staff Reports.

25. Councilmember Reports.

## Discussion Items

The method of debate for discussion items is as follows:

- Mayor introduces the item number, and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests citizen comment on the item (five minute limit for each citizen)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

**Note:** Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all citizens have an opportunity to speak.

26. Items Related to the Completion of the Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing and Community Development Projects/ Programs and Community Development Activities Utilizing Community Development Block Grant (CDBG) and HOME Investment Partnership Funds. (20 minutes - 5 minute staff presentation)

- A. Resolution 2005-055 Approving the Fiscal Year 2005 Community Development Block Grant Programs and Projects and the Use of Unprogrammed FY 04 CDBG Entitlement Grant Funds, Reprogrammed FY 03 HOME Grant Funds, Unprogrammed FY 04 HOME Grant Funds, and the HOME FY 04-05 Community Housing Development Organization Set Aside Funds for the City of Fort Collins.
- B. Resolution 2005-056 Approving the Fiscal Year 2005 Home Investment Partnerships Program for the City of Fort Collins.
- C. First Reading of Ordinance No. 059, 2005, 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. 060, 2005, Appropriating Unanticipated Revenue in the HOME Investment Partnerships Fund.

The Community Development Block Grant (CDBG) Program and HOME Investment Partnership 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 related to funding under the CDBG and HOME Programs. The first resolution (Resolution 2005-055) establishes which programs and projects will receive funding with CDBG funds for the FY 2005 Program year, which starts on October 1, 2005, and the Use of Unprogrammed FY 04 CDBG Entitlement Grant Funds,

Reprogrammed FY 03 HOME Grant Funds, Unprogrammed FY 04 HOME Grant Funds, and the HOME FY 04-05 Community Housing Development Organization Set Aside Funds. The CDBG Commission presents a list of recommendations as to which programs and projects should receive funding. The second resolution (Resolution 2005-056) establishes the major funding categories within the HOME Program for the FY 2005 Program year, which also starts on October 1, 2005. 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.

27. Resolution 2005-057 Approving Certain Key Outcomes for the *Budgeting for Outcomes* Budget Preparation Process. (20 minutes - 5 minute staff presentation)

After years of using a base-plus incremental budget approach to the City's service and financial planning, the existing economic realities present an opportunity to move to an innovative and more responsive budget process—*Budgeting for Outcomes*.

As policy makers, City Council has a key role in the development and adoption of the City's service and financial plan. In past years, the Council's policy agenda has been indirectly linked to preparation of the biennial budget. Budgeting for Outcomes offers a fresh approach to developing the budget more directly linked to Council policies and based on *results*. City Council strongly endorsed this approach and its role in the process.

28. Pulled Consent Items.

29. Other Business.

30. Adjournment.

Every Council meeting will end no later than 10:30 p.m., except that: (1) any item of business commenced before 10:30 p.m. may be concluded before the meeting is adjourned and (2) the City Council may, by majority vote, extend a meeting until no later than 12:00 a.m. for the purpose of considering additional items of business. Any matter which has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting which have not yet been considered by the Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.