

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

June 6, 2000

Proclamations and Presentations

5:30 p.m

- A. Proclamation Proclaiming June 11, 2000 as “Quota International 60th Birthday”.
- B. Proclamation Proclaiming the Month of June as “Bike Month”.

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 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 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. 55, 2000, Appropriating Prior Year Reserves in the General Fund for Promotion of Convention and Visitor Activities and for Cultural Development and Programming Activities.

Ordinance No. 55, 2000, which was unanimously adopted on First Reading on May 16, 2000, appropriates 1999 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 1999 appropriations for CDP and visitor events.

8. Second Reading of Ordinance No. 56, 2000, Authorizing the Revision of the Legal Description of That Easement Conveyed to Wyoming Interstate Company Pursuant to Ordinance No. 58, 1999, to Accommodate Minor Field Changes During Construction.

In May of 1999, Council adopted Ordinance No. 58, 1999 conveying an easement to Wyoming Interstate Company for pipeline construction across Meadow Springs Ranch. The "as-built" drawings show that the Wyoming Interstate Company's line of construction falls outside of the previously acquired construction easement. This minor field change was needed to accommodate a straight boring under Interstate 25. The Wyoming Interstate Company would like to resolve the issue and correct the legal description contained in the easement. This Ordinance, which was unanimously adopted on First Reading on May 16, 2000, approves the revised easement.

9. Second Reading of Ordinance No. 58, 2000, Amending the City Code to Increase the Community Parkland Capital Improvement Expansion Fee and the Neighborhood Parkland Fee.

Ordinance No. 58, 2000, which was unanimously adopted on First Reading on May 16, 2000, increases the Neighborhood and Community Parkland fees because of increased costs related to park development.

The Neighborhood Parkland and Community Parkland fees were set in 1996 and reflected existing park acquisition and development costs. The fee is adjusted annually by the Denver-Boulder Consumer Price Index. The costs requiring the fee increase were not included in the original fees and are not covered by the Consumer Price Index adjustments.

10. Second Reading of Ordinance No. 59, 2000 Making Various Amendments to the City of Fort Collins Land Use Code.

Ordinance No. 59, 2000 was unanimously adopted on First Reading on May 16, 2000. There is one change between First and Second Reading. Council directed the Ordinance be amended to add a provision that the City Manager establish a citizen task force, consisting of business representatives and other community members, to review the adequacy and appropriateness of City regulations pertaining to the provision of off-street parking for office buildings in the Harmony Corridor. Such task force shall report back to Council within six months of the effective date of this Ordinance (tentatively scheduled for the October 24 study session).

11. Second Reading of Ordinance No. 60, 2000, Authorizing the Placement of Fill Material on Certain Real Property Owned by the City Without Review of Such Activity as "Development" Within the Meaning of the City's Land Use Code.

Ordinance No. 60, 2000 was unanimously adopted on First Reading on May 16, 2000, authorizing Lagunitas Landings, Inc. to place fill material on a four-acre parcel it is purchasing from the City.

12. First Reading of Ordinance No. 61, 2000, Appropriating Unanticipated Revenue in the Transportation Services Fund and Authorizing the Transfer of Appropriations to be Used for the Crossroads Transportation Sub-Area Plan.

The Crossroads sub-area straddles Interstate 25 from U. S. 34 to State Highway 392. Several major developments are planned for this area, including the new Larimer County Fairgrounds project and private projects promoted by McWhinney Enterprises. Several public and private entities have joined together to fund a planning study to identify transportation impacts and solutions for the area. The North Front Range Transportation and Air Quality Planning Council (NFRT&AQPC) is providing coordination and administration for the study. This ordinance appropriates the City of Fort Collins contribution, as well as the unanticipated revenue from the other entities, into a project managed by the NFRT&AQPC.

13. First Reading of Ordinance No. 62, 2000, Appropriating Prior Year Reserves in the General Fund for Police Seizure Activity.

Nearly 100 years ago, Colorado law created a process for the seizure of illegal contraband used in or gained from criminal activity. The intent is to deter crime and to have criminals help defray the costs of policing.

State statutes specify that the proceeds from such 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. The Colorado Supreme Court and United States Supreme Court have consistently upheld the constitutionality of these statutes.

14. First Reading of Ordinance No. 64, 2000, Appropriating Unanticipated Revenue in the Capital Projects Fund and Authorizing the Transfer of Appropriations from the Street Oversizing Fund and the Neighborhood Parkland Fund to the Capital Projects Fund for the Taft Hill Road at Overlook Project.

Arterial street improvements are planned for Taft Hill at Overlook from Old Harmony Road north to W.C.R. 38E. The Fort Collins-Loveland Water District also has planned to install a 36" waterline along this portion at Taft Hill Road. Staff is working in conjunction with the FCLWD to consolidate these improvements into one construction contract. This will minimize the disruption to the traveling public and result in cost savings to the City and the District. These improvements include a 5' sidewalk, curb and gutter, a right turn lane at Brixton Road, a 36" waterline to be installed by Fort Collins/Loveland Water District, and a sidewalk connection from the Cathy Fromme Prairie to the development. The project is predominantly funded by the Street Oversizing Program, but includes the Development Local Street Portion contributed in the form of a Contribution in Aid, as well as a Fort Collins/Loveland Water District and a Park Planning portion. Staff is requesting funds to be appropriated from the Street Oversizing Fund prior year reserves and authorized for transfer, along with existing appropriations, to the Capital Projects Fund for the purpose of starting these arterial road improvements in the summer of 2000.

15. First Reading of Ordinance No. 65, 2000, Appropriating Unanticipated Revenue and Prior Year Reserves in the Transportation Services Fund for the Local and Regional Transportation Demand Management Programs and the Regional Vanpool Program.

These dollars will be used by the Local and Regional Transportation Demand Management Programs to promote the use of alternative transportation among both city and regional residents. The dollars contributed by the 410 reserves are from efficiency savings in the 1999 VanGo program that resulted in surplus revenue.

16. First Reading of Ordinance No. 66, 2000, Amending Chapter 26 of the City Code Relating to Fees for Raw Water Requirements for the Water Utility.

This Ordinance will increase the cash rate charged developers for satisfaction of raw water requirements from \$3,500 to \$4,500 per acre foot. The cash rate, which is adjusted periodically to reflect the current price of raw water, is also the basis for a surcharge paid by nonresidential customers for water used in excess of their annual allotment. The proposed changes are to be effective August 1, 2000.

17. First Reading of Ordinance No. 67, 2000, Authorizing the City to Grant a Non-Exclusive Access and Drainage Easement to Dr. Larry R. Magnuson.

Tract "F", Raintree PUD is located directly east of the Senior Center along Evenstar Court and South Shields Street. Dr. Larry Magnuson will be developing this property into the Raintree Animal Clinic. Access to the animal clinic from Evenstar Court is limited because of the difficulty of northbound Shields Street traffic accessing Evenstar. To address this situation, Dr. Magnuson has requested the City to grant him a temporary access and drainage easement along the eastern most driving lane of the Senior Center parking lot and connecting to the west end of the clinic property.

The access easement is intended to be temporary with access to the clinic property being moved to the undeveloped property east of the Senior Center and south of the clinic property when that property develops. Granting this easement to Dr. Magnuson will result in the loss of three or four parking spaces at the Senior Center parking lot. As compensation for this temporary loss, and for the access easement, the easement will provide that the parking lot developed for the clinic property will be available for use by Senior Center patrons after the clinic's regular hours. Three parking spaces at the clinic will always be reserved for clinic emergencies.

18. Items Relating to the Kendall-Harmony Annexation.

- A. Resolution 2000-75 Setting Forth Findings of Fact and Determinations Regarding the Kendall-Harmony Annexation.
- B. First Reading of Ordinance No. 68, 2000, Annexing Property Known as the Kendall-Harmony Annexation to The City of Fort Collins.
- C. First Reading of Ordinance No. 69, 2000, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Kendall-Harmony Annexation.

This is an annexation and zoning of approximately 2.00 acres in size of private land. The subject annexation is located south of East Harmony Road and east of Cambridge Avenue. The property

has rural agricultural uses and is in the FA-1 Farming District in Larimer County. The recommended zoning is the **Harmony Corridor District (HC)**. This is a 100% voluntary annexation.

APPLICANT: Lester M. Kaplan
Imago Enterprises, Inc.
1060 Sailors Reef
Fort Collins, CO 80525

OWNERS: Nicholas and Barbara Kendall
4808 Cambridge Avenue
Fort Collins, CO 80525

19. Items Relating to Boards and Commissions.

- A. Resolution 2000-76 Amending Resolution 88-78 so as to Add Certain Additional Responsibilities to the Role of Council Liaisons to City Boards and Commissions.
- B. Resolution 2000-77 Making an Amendment to the Boards and Commissions Manual.
- C. First Reading of Ordinance No. 70, 2000, Extending the Terms of All Members of Boards and Commissions of the City Through December 31.

At the January 25, 2000 study session, Council met to consider issues related to boards and commissions of the City. Council considered various recommendations of the City staff relating to the composition, work plans, roles of Council liaisons, and the periodic review of boards and commissions.

After review of the role of the Council liaison, Council has identified that additional responsibilities should be identified. Resolution 2000-76 amends Resolution 88-78 by adding the following responsibilities to the role of the Council liaison: to review and make recommendations to the City Council regarding the annual work plan, to identify and help resolve any problems that may exist with respect to the functioning of the board or commission, and to facilitate the training of new board and commission members by providing suggestions and relevant information to the staff members responsible for providing such training.

The second Resolution would amend the Board and Commission Manual previously adopted by the Council so as to clear up an ambiguity relating recurring absences of board and commission members. The Manual presently provides that three consecutive absences (not approved by the chairperson) from regularly scheduled meetings of the board "may automatically" cause a member's appointment to be terminated, as can four unexcused absences in any calendar year. The

Resolution would amend the manual so as to clarify that the requisite number of absences *will* automatically create a vacancy on the board or commission to which the member belongs.

20. Resolution 2000-78 Approving Certain Expenditures from the Art in Public Places Reserve Account.

Section 23-303 of the Code, which was added to the Code in 1995, established the Art in Public Places Reserve Account, and designated it for the acquisition or leasing of works of art, maintenance, repair or display of works of art and for administrative expenses related to the Art in Public Places Program, in accordance with the Art in Public Places Guidelines adopted by the Council via Ordinance No. 47, 1998. The Council permanently adopted the Art in Public Places Program, and reenacted City Code Chapter 23, Article IX, with certain modifications in 1998.

In connection with the Water Cycle Wall project, staff and the Art in Public Places (APP) Board have proposed to use \$23,000 to commission the artist Janet Austin to collaborate on a community project that is intended to artistically and scientifically show the interaction between water and the many other cycles of nature.

21. Resolution 2000-79 Authorizing the Execution of an Assignment Agreement with the City of Loveland and Acceptance of an Assignment of Allocation.

This Resolution allows the City of Fort Collins to receive an assignment of private activity bond allocation from the City of Loveland. Fort Collins would use the \$1,178,750 of allocation from Loveland to supplement the private activity bond allocation received from Larimer County and the State of Colorado. The combination of the allocations from Loveland, Larimer County, and the State would provide a total of \$3.6 million of allocation. The proponents of the Residence at Oakridge Project would finance the remainder of the project through private taxable financing. The Resolution also authorizes the City to enter into an agreement with Loveland regarding the assignment and states the intent of the City to provide an assignment of Fort Collins' future private activity bond allocation.

22. Routine Deeds and Easements.

- A. Easement for construction and maintenance of public utilities from Collins Campus West, LLC, located at 1220 West Elizabeth, to underground existing overhead electric services. Monetary consideration: \$5,989.44.
- B. Easement for construction and maintenance of public utilities from St. Paul's Episcopal Church, located at 1208 West Elizabeth, to underground existing overhead electric services. Monetary consideration: \$11,290.56.

- C. Easement for construction and maintenance of public utilities from James and Donna Reidhead, located at 707 West Mountain, to underground existing overhead electric services. Monetary consideration: \$10.
- D. Deed of Dedication for right-of-way from Harmony Ridge Estates, LLC and Overlook Development Company, LLC, located at Harmony Road and Seneca Street. Monetary consideration: \$10.

*****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.
Committees that have met since May 16 include:
Ethics Review Board *Finance Committee*

ITEMS NEEDING INDIVIDUAL CONSIDERATION

- 26. Resolution 2000-80 Accepting the Advisory Opinion and Recommendation No. 2000-1 of the Ethics Review Board.

Section 2-569(e) of the City Code provides that all opinions and recommendations of the Council Ethics Review Board be submitted to the full Council for review and approval. The Ethics Review Board met on May 23, 2000, to render an opinion on whether Mayor Pro Tem Chuck Wanner has a conflict of interest in participating in City Council's consideration of proposed floodplain regulations for the Poudre River by reason of his employment as Executive Director of The Friends of the Poudre or as a member of the Board of Directors of the Friends of the Poudre. That meeting resulted in the issuance of Opinion No. 2000-1.

Pursuant to the requirements of the Code, this opinion is being presented to the Council for its review and possible approval.

- 27. Items Relating to Standards for Development in the Poudre River Floodplain.
 - A. First Reading of Ordinance No. 71, 2000, Amending Chapter 10 of the City Code Concerning Standards for Development in the Poudre River Floodplain.
 - B. Resolution 2000-81 Directing the City Manager to Pursue the Acquisition of Certain Properties within the Poudre River Floodway, Product Corridor and Floodplain.

- C. Resolution 2000-82 Directing the City Manager to Develop Additional Floodplain Regulations for All Storm Drainage Basins of the City and to Tailor Such Regulations to the Unique Characteristics of Each Such Basin.

There are three actions being considered under this item. One action is an ordinance that will make certain changes to the City Code in regard to floodplain regulations. The second action is a resolution clarifying the City's acquisition program for properties along the Poudre River Floodplain. The third item considered in this agenda item is a resolution directing the City Manager to develop additional floodplain regulations for other storm drainage basins in the City based upon the unique characteristics of each basin.

28. First Reading of Ordinance No. 63, 2000, Appropriating Prior Year Reserves in the Capital Projects Fund and in the Sales and Use Tax Fund for Transfer to the Capital Projects Fund to be Used for the City's Pavement Management Program.

With the adoption of the 2000-2001 City budget, City Council directed staff to begin to search for options to fund transportation maintenance needs. Staff has been working on this for the past six months. At the April 13, 2000 Council Finance Committee meeting, the Transportation Funding Advisory Team presented a report concerning the options for closing the funding gap to the Pavement Management Program (street overlays and reconstruction) as well as addressing the other transportation maintenance needs, including the traffic signal system project, that are not currently addressed. At the May 23, 2000 meeting, the Finance Committee recommended an option that will address the funding for transportation maintenance needs with the least financial impact on the General Fund, and one that, overall, would not require additional sales tax on Fort Collins' residents. The recommended funding plan will address the current funding gap and maintain full funding of the Pavement Management Program as well as addressing the traffic signal system project along with other transportation maintenance needs.

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