

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

June 19, 2001

Proclamations and Presentations

5:30 p.m

- A. Proclamation Proclaiming the Week of July 14-20, 2001 as "Flood Awareness Week".

Regular Meeting

6:00 p.m.

PRESENTATION OF COLORS BY WEBELO PACK 91, DEN 5.

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 29. 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 #35, 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. Consideration and approval of the Council Meeting minutes of the regular meeting of April 17, May 1 and May 15, 2001.
8. Second Reading of Ordinance No. 96, 2001, Appropriating Unanticipated Revenue and Prior Year Reserves in the Downtown Development Authority Debt Service Fund.

On April 17, Council adopted Ordinance No. 50, 2001, which refunded a portion of the Downtown Development Authority ("DDA") Tax Increment Revenue Refunding Bonds, Series 1992, through the issuance of City of Fort Collins Downtown Development Authority Tax Increment Revenue Refunding Bonds Series 2001, as approved by the Council in Ordinance No. 50, 2001, the amount of \$3,640,000. This refunding will save the City and DDA about \$200,000 over the next five years. Some of the costs of the refinancing were not known at the time of the second reading and therefore, staff was unable to have Council appropriate the exact amounts needed for the refunding costs. This Ordinance, which was unanimously adopted on First Reading on June 5, 2001, makes the required appropriations to adequately cover the costs of the refinancing.

9. Second Reading of Ordinance No. 97, 2001, Authorizing the Sale of Real Property to Tidal Wave Car Wash, LLC.

Responding to the rapid growth of the early 1980s, the City established partnerships with several development companies and issued special improvement district bonds to make public

improvements in several areas of the City. The eventual owners of the properties were to pay off the bonds through special assessments. In the mid to late 1980s, the City experienced a sharp drop in demand for housing units and many of the development companies decided to not to pay the special assessments. The City continued to make payments on the bonds with funds transferred from the General Fund. The City also proceeded to foreclose on the property and eventually received title to the properties. The two parcels in Ordinance No. 97, 2001, (the City parcel and the Johnson parcel) comprise a 0.87-acre property located at the northwest corner of JFK Parkway and the Troutman. The buyer has offered a payment that will pay the City a net amount of \$82,602.52, substantially higher than the amount estimated (\$37,900) in the 1993-feasibility study. This Ordinance, which was unanimously adopted on June 5, 2001, authorizes the sale of the City's ownership interests in the properties, which is legally two separate parcels represented by two separate sales agreements.

10. Second Reading of Ordinance No. 98, 2001, Amending Section 24-95(c) of the City Code to Include Right-of-Way Acquisition as a Reimbursable Cost of the City When Constructing Streets.

Currently when the City designs and constructs a street through undeveloped areas, the City can be reimbursed for the design and construction costs at the time the undeveloped areas are developed and the developer takes access from that street. Under this amendment to the City Code, when the City has to acquire land or right-of-way for the construction of the street, the costs for the acquisition would be recoverable by the City from the developer, at the time the land is developed and the developer takes access from the street. Ordinance No. 98, 2001, which was unanimously adopted on First Reading on June 5, 2001, amends Section 24-95(c) of the City Code to include right-of-way acquisition as a reimbursable cost of the city when constructing streets.

11. Second Reading of Ordinance No. 99, 2001, Amending Chapter 23.5 of the City Code Pertaining to Special Events and Demonstrations.

This Ordinance, which was unanimously adopted on First Reading on June 5, 2001, amends Chapter 23.5 of the City Code (Special Events), to include a new defined category of event, referred to as a "demonstration". This term is used to clarify provisions in Chapter 23.5 that previously referenced "events for the purpose of exercising free speech." The Ordinance modifies current Code language to clarify that in all instances the permit holder shall be required to reimburse the City for any costs incurred repairing damage caused by the permit holder or its agents.

12. Items Relating to the Arbor South Annexation.

- A. Second Reading of Ordinance No. 100, 2001, Annexing Property Known as the Arbor South Annexation to the City of Fort Collins, Colorado.

- B. Second Reading of Ordinance No. 101, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Arbor South Annexation to the City of Fort Collins, Colorado.

On June 5, 2001, Council unanimously adopted Resolution 2001-73 Setting Forth Findings of Fact and Determinations Regarding the Arbor South Annexation.

On June 5, 2001, Council also unanimously adopted Ordinance No. 100 and Ordinance No. 101, 2001, annexing and zoning the property known as the Arbor South Annexation. This is a 100% voluntary annexation and zoning of a property approximately 11.26 acres in size. The site is located on the west side of South College Avenue, east of the Burlington Northern Santa Fe Railroad tracks, approximately one-half mile south of Harmony Road. The property is the former Fossil Creek Nursery and is presently vacant.

The proposed zoning is C, Commercial. This will match the existing zoning on the north, east and south sides of the property. Contiguity with the existing municipal boundary is gained along the north, east and south sides of the property as well.

13. Items Relating to Amendments to the Various Agreements for the Civic Center Facilities.

- A. Second Reading of Ordinance No. 102, 2001, Approving Amendments to the Leasehold Deed of Trust, Site Agreement, Lease Agreement, and Parking Structure License Agreement for the 1998 Lease Certificates of Participation for the Civic Center Facilities Project.
- B. Second Reading of Ordinance No. 103, 2001, Authorizing the City Manager to, from Time to Time, Amend the Long-Term Lease of Real Property Adjacent to the Civic Center Parking Structure to Phelps Program Management, LLC, for the Development of Commercial Space and Related Easements.

In 1998, Council approved Lease Certificates of Participation (“COPS”) in the amount of \$17,210,000 for the Civic Center Facilities Project. This Project includes the Civic Center Parking Structure and the new City Office Building at 215 North Mason Street. In coordination with the issuance of the COPs and the construction of the Parking Structure, the first level along the western side of the Parking Structure was leased to Phelps Program Management (“PPM”), an affiliate of Hensel Phelps, for private use as restaurant, retail and other related purposes to enhance the attractiveness of the downtown area. As a result of the completion of the planning and construction of the Project, staff has been better able to define and anticipate certain issues that are addressed in the various agreements. As a result, staff has prepared and worked with other involved parties to develop amendments to the several agreements that were part of the COPs arrangement and the commercial ground lease arrangement, in order to refine the terms of those agreements. The

Bank of Cherry Creek, which is the trustee for the COPs financing, has already approved the proposed changes. Ordinance No. 102 and 103, 2001, were unanimously adopted on First Reading on June 5, 2001.

14. Second Reading of Ordinance No. 104, 2001, Authorizing the Purchasing Agent to Enter into an Extension of the Restaurant/Snack Bar Concession Agreement at Southridge Golf Course for Up to Five Additional Years.

Ordinance No. 104, 2001, which was unanimously adopted on First Reading on June 5, 2001, extends the Restaurant/Snack Bar Concession Agreement at Southridge Golf Course for up to five additional years.

15. Second Reading of Ordinance No. 105, 2001, Authorizing the Sublease of a Portion of the Environmental Learning Center/Visitor's Center/Welcome Center at 3545 East Prospect Road by the Fort Collins Convention and Visitors Bureau.

The City entered into an Intergovernmental Agreement with Colorado State University for the Environmental Learning Center/Visitor's Center/Welcome Center in August 1999 (the "IGA"). This agreement allows the City to sublease space in the facility to an outside entity to conduct visitor services at the Center, so long as the sublease incorporates the terms of the IGA. This sublease will provide for use of this space by the Fort Collins Convention and Visitors Bureau ("CVB"). Ordinance No. 105, 2001, was unanimously adopted on First Reading on June 5, 2001.

The Ordinance has been amended on Second Reading, so that it includes under the sublease the entire property available to the City under the IGA, rather than just the portion to be used by CVB as office space. A determination that the CVB uses the entire space in an integrated manner was made too late to modify the Ordinance on First Reading. Also, because the IGA calls for the use of a sublease to allow CVB to use the facility, the inclusion of the entire space, even that used directly by CVB as the Visitor's Center/Welcome Center, will track the terms of the IGA more closely.

16. Second Reading of Ordinance No. 106, 2001, Authorizing the Conveyance of a Non-Exclusive Sewer Easement to Floyd E. and Gloria M. Frame in Connection with South Taft Hill Projects.

The purpose of the conveyance of this easement is twofold. First, the property owner has requested the installation of a new residential sewer service as part of the South Taft Hill Projects. Second, the City Utilities Department has offered the installation of new sewer service lines to property owners along the project corridor to provide current septic system users a way to convert to the City sewer system. By installing sewer services now, as part of the capital improvement project, the Utilities Department would minimize future sewer construction activities in the new

roadway, trail and pond areas. Ordinance No. 106, 2001, was unanimously adopted on First Reading on June 5, 2001.

17. Second Reading of Ordinance No. 107, 2001, Making Various Amendments to the City of Fort Collins Land Use Code.

Staff has identified a variety of proposed changes, additions and clarifications in the spring biannual update of the Land Use Code. On May 17, 2001, the Planning and Zoning Board voted 7-0 to recommend approval of the proposed changes to City Council. Ordinance No. 107, 2001 was unanimously adopted on First Reading on June 5, 2001.

18. First Reading of Ordinance No. 108 , 2001, Appropriating Unanticipated Grant Revenue in the Cultural Services and Facilities Fund to be used to Implement the Native American Graves Protection and Repatriation Act.

The documentation grants are awarded to tribal communities and museums for the purposes of documenting American Indian collections currently held by institutions that have received federal funding. The grant is to be used to assist in the implementation of the Native American Graves Protection and Repatriation Act.

The Museum will utilize the funds to hire a contract Native American Graves Protection and Repatriation Act (“NAGPRA”) Coordinator to facilitate communication and consultation with tribes and to provide funds for consultation fees and travel expenses.

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19. First Reading of Ordinance No. 109, 2001, Appropriating Unanticipated Grant Revenue in the General Fund for the Operation of the State Welcome Center.

Pursuant to Resolution 99-97, the City contracted with Colorado State University for visitor center space at the Environmental Learning Center/Visitors Center to the south of Prospect Road, approximately one-quarter mile west of Interstate 25. The City, in its effort to welcome visitors to Fort Collins through the activities of its convention and visitor services contractor, the Fort Collins Convention and Visitors Bureau (the “CVB”), will use the space for the Fort Collins Welcome Center. The CVB, in addition to promoting tourism activity, will operate the Welcome Center pursuant to amendments to the City's agreement with the CVB, and consistent with the City's grant agreement with the State of Colorado.

20. First Reading of Ordinance No. 110, 2001, Authorizing the Purchasing Agent to Enter into an Agreement for the Financing by Lease-Purchase of 800 MHz Radio Equipment.

This Ordinance authorizes the Purchasing Agent to enter into a lease-purchase financing agreement with Motorola, Inc., at 5.77% interest rate for the lease-purchase financing of 800 MHz radio equipment, including the necessary software, programming, installation and support. 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 ten (10) 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.

21. First Reading of Ordinance No. 111, 2001, Designating the Beach Residence, 1500 LaPorte Avenue, as a Local Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Karen Murray, is initiating this request for Fort Collins Local Landmark designation for the Beach Residence. This residence has architectural significance to Fort Collins, as a good example of the American Foursquare architectural style in Fort Collins. Additionally, the home is associated with Thomas A. and Lucy Beech, early Fort Collins residents and entrepreneurs.

22. 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.

23. Resolution 2001-75 Authorizing the City Manager to Submit to the U.S. Department of Housing and Urban Development the 2001-2002 Fort Collins Consolidated Action Plan.

The City of Fort Collins 2001-2002 Consolidated Annual Action Plan was drafted as a requirement of the U.S. Department of Housing and Urban Development (HUD) for those communities participating in Federal grant programs administered by HUD. The 2000-2004 Consolidated Housing and Community Development Plan, approved by Council on June 20, 2000, identified and set priorities in the community for those persons requiring housing assistance, human services and non-housing community development needs over the next five years. This one-year Action Plan identifies the CDBG and HOME funded projects which will carry out those priorities during the 2001-2002 program year and which were approved for funding by Council on May 1, 2001.

24. Resolution 2001-76 Appointing a Representative to the Larimer County Open Lands Advisory Board.

In the November 1995 election, the voters of Larimer County approved the “Help Preserve Open Spaces” initiative for a county-wide 1/4-cent sales and use tax specifically earmarked for open space, natural areas, wildlife habitat, regional parks and trails. The initiative requires the Larimer County Board of Commissioners to create an Open Lands Advisory Board to make recommendations regarding the County’s share of the sales and use tax. The initiative stipulates that the Advisory Board “at a minimum shall consist of one (1) elected official or appointee from the municipalities of Berthoud, Estes Park, Fort Collins, and Loveland; one (1) member from the Larimer County Planning Commission; and four (4) citizens appointed at large”.

On March 5, 1996 Council adopted Resolution 96-36 appointing Tom Shoemaker as the City’s representative for a four-year term. Mr. Shoemaker was reappointed in 2000 through Council adoption of Resolution 2000-104. Mr. Shoemaker has tendered his resignation from employment with the City of Fort Collins effective July 13, 2001. This Resolution appoints Councilmember Eric Hamrick to replace Tom Shoemaker as the City’s representative on the Larimer County Open Lands Advisory Board.

25. Resolution 2001-77 Reappointing Gordon F. Esplin as Temporary Judge and Authorizing the Execution of an Employment Agreement.

Council originally appointed Gordon F. Esplin as Temporary Judge (Assistant Municipal Judge) in 1989, and has reappointed him every two years thereafter. His current appointment terminates on June 30, 2001. Municipal Judge Kathleen M. Lane recommends that Mr. Esplin be reappointed for another two-year term.

Mr. Esplin is currently paid \$80 per hour for his services. That rate is well below the going rate for legal fees in Fort Collins and is at or below the amount paid to other Assistant Municipal Judges in Colorado who serve only occasionally. For that reason, staff recommends an increase in the compensation paid to Mr. Esplin to \$85 per hour.

26. Resolution 2001-78 Authorizing the Execution of a Grant Agreement with the State of Colorado for Funding of the Paving of the Airport Aircraft Parking Ramp.

The grant will help fund the paving of the Airport's aircraft parking ramp. The paving project will grade the ramp for proper drainage, align tie-downs with existing taxi-lanes and replace the ramp's worn and cracking asphalt surface.

The cost to rehabilitate a portion of the general aviation ramp is \$678,500. The FAA will fund 90% of the project cost or \$610,650 with the Airport funding the remaining 10% or \$67,850. The \$33,925 Aeronautic Division grant, along with budgeted 2001 funds, will help the Airport comply with the FAA grant requirement.

27. Resolution 2001-79 Repealing Resolution 2001-68 and Approving the FY 2001-2002 Community Development Block Grant (CDBG) Program Funds to Affordable Housing Projects/Programs and Community Development Activities.

On May 1, 2001, the City Council adopted Resolution 2001-68 and established which programs and projects will receive funding with CDBG funds for the FY 2001-2002 Program year, which starts on October 1, 2001. After adoption of the Resolution, staff noticed several errors in the listing of the recipients that appeared in the Resolution. Accordingly, Council needs to repeal Resolution 2001-68 and adopt Resolution 2001-79 setting forth the FY 2001-2002 CDBG Program's activities.

28. Resolution 2001-80 Making Appointments to Various Boards and Commissions.

Vacancies currently exist on the Electric Board due to the resignations of Doug Smith, Jim Welch and Jeff Eighmy. Councilmembers Hamrick and Wanner conducted interviews and are recommending Linda Stewart and Alison Mason to fill two vacancies with terms to begin immediately and to expire on December 31, 2002 and December 31, 2005 respectively. The third

vacancy will be brought to Council at the July 17 Council meeting after additional interviews have been conducted.

Vacancies also currently exist on the Urban Growth Area Review Board due to the resignations of LaMills Garrett and the expiration of term for David Anastasio. Councilmembers Hamrick and Wanner conducted interviews and are recommending Robert Long and Chad Doverspike to fill the vacancies with terms to begin July 1, 2001 and to expire on June 30, 2003 and June 30, 2004 respectively.

29. Routine Deeds and Easements.

- A. Deed of utility easement dedication from Rigden Farm, LLC, in connection with interim roadway improvements to the Timberline and Drake Road intersection. Monetary consideration: \$10. Staff: Alice Faye Richardson.
- B. Deed of dedication from Candace T. and Wayne Coffman, and Danny Milo and Linda Anthony Gorman, for roadway improvements for the Harmony Half Acres local improvement district project. Monetary consideration: \$10. Staff: Alice Faye Richardson.

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

30. Consent Calendar Follow-up.

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

31. Staff Reports.

32. Councilmember Reports.

Committees that have met since June 5 include:

Growth Management Committee NFRT&AQPC
Poudre School District Liaison Committee

ITEMS NEEDING INDIVIDUAL CONSIDERATION

33. Resolution 2001-81 Approving and Adopting the Transfort Service Plan as an Element of the Transfort Strategic Operating Plan.

The Transfort Strategic Plan is a plan for the development of transit services in the Fort Collins urban growth area through 2010. Staff is asking City Council to adopt the Service Plan Element of the Transfort Strategic Plan as the City's guide to the implementation of transit services over the next nine years.

The Service Plan Executive Summary briefly describes each of four transit service levels (scenarios). Each scenario should be viewed as a building block culminating in Scenario 4. The Service Plan represents the overall recommended service improvements for Transfort for the period covered by the Transfort Strategic Plan. This Strategic Plan will be used in updating the NorthFront Range Transportation & Air Quality Planning Council's Regional Transportation 2025 Plan.

34. Resolution 2001-82 Adopting City Council's 2001-2003 Policy Agenda.

Every two years, the City Council adopts a Policy Agenda that outlines the policy initiatives it wishes to undertake in the two-year Council term. Since the April election, these proposed Policy Agenda themes have been developed through discussion with Council during two Council retreats and a study session.

The 2001-2003 Policy Agenda includes seven major theme areas on which Council would like to focus its policy work during the coming two years.

35. Pulled Consent Items.

36. Other Business.

Motion to Cancel the July 3, 2001 Council Meeting.

37. Adjournment.