

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

July 18, 2000

Proclamations and Presentations

5:30 p.m.

- A. Proclamation Proclaiming the Week of July 15-21, 2000 as "Flood Awareness Week".
- B. Proclamation Proclaiming August 1, 2000 as "National Night Out".

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 26. 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. Consideration and approval of the Council Meeting minutes of June 6, 2000, June 20, 2000, and the adjourned meeting minutes of June 19, 2000.

8. Second Reading of Ordinance No. 73, 2000, Appropriating Prior Year Reserves in the Capital Expansion Fund for Improvements Relating to the Provision of Library Services.

Ordinance No. 73, 2000, which was unanimously adopted on First Reading on June 20, 2000, appropriates prior year reserves for the purchase of books and materials for the library system.

9. Second Reading of Ordinance No. 74, 2000, Appropriating Unanticipated Revenue in the Flood Mitigation Fund and Authorizing the Transfer of Appropriations Between Funds for Projects Pertaining to Flood Mitigation Measures.

Ordinance No. 74, 2000, was unanimously adopted on First Reading on June 20, 2000, and authorizes the appropriation of grant proceeds received from the Colorado Office of Emergency Management and the transfer of existing appropriations to be used for flood mitigation measures and disaster preparedness initiatives. Specifically, the grant proceeds and required City matching funds will be used to: (1) design a website displaying stream flow and weather data to the public; (2) design and develop a new brochure on the City's early warning system; and (3) conduct public meetings aimed at increasing the public's understanding and ability to react to natural disasters.

First Reading of the Ordinance reflected the appropriation of the proceeds from the three grants from the Office of Emergency Management in the Flood Mitigation Fund and the transfer of matching funds from the Storm Drainage Fund. Two of the three grants are to be appropriated in the Storm Drainage Fund and the transfer of matching funds should be from the City's General Fund. This Ordinance has been corrected for Second Reading.

10. Second Reading of Ordinance No. 75, 2000, Appropriating Unanticipated Revenue in the General Fund for Preparation of a Chemical, Biological and Radiological Response Plan.

The Colorado Office of Emergency Management, through an agreement with the Federal Emergency Management Agency (FEMA), awards Emergency Management Performance Grants (EMPG) through the Terrorism Consequence Management Preparedness Assistance (TCMPA) fund to qualified local governments to improve the ability of local communities to respond to and recover from acts of terrorism involving weapons of mass destruction. The City of Fort Collins Office of Emergency Management was one of a handful of cities across the country to be selected for this grant. The award totaling \$144,617, will cover personnel costs associated with authoring the Plan, training and development, seminars and site visits, materials and supplies, and a weapons of mass destruction command development for state-wide distribution. Ordinance No. 75, 2000, which was unanimously adopted on First Reading on June 20, 2000, appropriates unanticipated revenue for preparation of a response plan.

11. Second Reading of Ordinance No. 76, 2000, Appropriating Unanticipated Grant Revenue in the General Fund for the Startup and Operation of the State Welcome Center.

With an intergovernmental agreement, 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 and attract visitors to Fort Collins through the efforts of its convention and visitor services contractor, the Fort Collins Convention and Visitors Bureau (CVB), will use the space for the Fort Collins Welcome Center. The CVB, in addition to promoting tourism activity, will operate the Welcome Center. Ordinance No. 76, 2000, was unanimously adopted on First Reading on June 20, 2000.

12. Second Reading of Ordinance No. 77, 2000, Appropriating Proceeds from the Issuance of City of Fort Collins, Colorado, Wastewater Utility Enterprise, Sewer Revenue Bonds, Series 2000, Dated July 1, 2000, in the Aggregate Principal Amount of \$5,665,000, in the Wastewater Utility Fund.

Ordinance No. 77, 2000, which was unanimously adopted on First Reading on June 20, 2000, appropriates proceeds in the Wastewater Utility Fund for the acquisition and construction of

sanitary sewer system improvements and the cost of issuing the bonds. This Ordinance has been revised to more specifically state the amount being appropriated.

13. Second Reading of Ordinance No. 78, 2000, Authorizing the Transfer of Appropriations from the Transit Fund to the Capital Projects Fund to be used for the Final Design and Construction of the Downtown Transit Center.

The Downtown Transit Center will be constructed on the site of the historic railroad freight depot located on the northeast corner of Mason Street and Laporte Avenue and will serve as the northern hub for Transfort/Dial-A-Ride. With these transit center improvements, in conjunction with the Mason Street Transportation Corridor conceptual design, this facility will become a premier multi-modal operation serving the civic center and the entire downtown. Ordinance No. 78, 2000, was unanimously adopted on First Reading on June 20, 2000.

14. Second Reading of Ordinance No. 80, 2000, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the Street Oversizing Project - Timberline Road from Harmony Road to Harmony Drive.

This proposed right-of-way effects seven lots abutting Timberline Road. The City has acquired three of the parcels needed for the project and is negotiating with the remaining four property owners. Ordinance No. 80, 2000, which was unanimously adopted on First Reading on June 20, 2000, authorizes the City to begin condemnation proceedings if the negotiations are not successful.

15. Second Reading of Ordinance No. 81, 2000, Amending Section 3.3.3 of the City's Land Use Code Concerning Development in the Poudre River Floodplain.

Ordinance No. 81, 2000, which was unanimously adopted on First Reading on June 20, 2000, authorizes certain changes to the City's Land Use Code in regard to "water hazards" that might be caused by development in the Poudre River Floodplain.

16. First Reading of Ordinance No. 82, 2000, Amending Ordinance No. 118, 1999, Which Provided for the Issuance of \$8,890,000 of Private Activity Bonds for the Dry Creek Apartments Project and Authorizing the Execution of Certain Related Documents and Instruments. (Option 1 and Option 2)

Representatives from Concorde Capital Corporation contacted the City of Fort Collins in December 1998 requesting that the City consider issuing private activity bonds for the purpose of financing an affordable housing project. Council approved the issuance of \$8,980,000 of bonds

for the project on August 3, 1999, by adopting Ordinance No. 118, 1999. Ordinance No. 118, 1999 provided for temporary financing that would be converted to permanent financing within one year. Although, the project has progressed, the permanent financing is not yet completed. The Corporation has negotiated with the bond holders for an extension of time to complete the permanent financing. This Ordinance will authorize the amendment of the appropriate documents to provide the additional time needed to complete the permanent financing.

17. First Reading of Ordinance No. 83, 2000, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands for the Locust Street Outfall Project.

The construction of the Locust Street Outfall is scheduled to start this summer. As part of the design process, an application was submitted to OmniTRAX, Inc., a holding company for the Great Western Railroad, for the crossing of the railroad tracks via a tunnel/bore. OmniTRAX indicated that it would allow the crossing of the tracks, but the City needed to pay \$1,500 per year or a lump sum of \$37,000 for the crossing. These fees are considerably higher than the City has historically paid for crossing licenses. Staff has attempted to negotiate with the Railway Company, without success. Staff recommends commencing the eminent domain process to obtain an easement across the railroad right-of-way.

18. First Reading of Ordinance No. 85, 2000, Designating the Marsh/Geist House and Garage, 1006 LaPorte Avenue, Fort Collins Colorado, as a Historic Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Tim Hackett, is initiating this request for Fort Collins landmark designation for the Marsh/Geist House and Garage. The buildings are significant for their architectural importance to Fort Collins. The house is a good example of Craftsman bungalow architecture. The vernacular front gable garage dates to the period of significance and contributes to the architectural importance of the property

19. First Reading of Ordinance No. 86, 2000, Designating the Franz-Smith Cabin, Fort Collins Museum, 200 Mathews Street, Fort Collins Colorado, as a Historic Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

The owner of the property, the City of Fort Collins, is initiating this request for Fort Collins landmark designation for the Franz-Smith Cabin. This building is important for its architectural and historical significance to Fort Collins. The Franz-Smith Cabin is an unusual two-story log structure. Dating from the homestead period in Fort Collins, the building is associated with the Franz family. The cabin illustrates the community's agricultural roots, and will be used by the Museum as a vehicle for the interpretation of early homesteading in Fort Collins.

20. Items Relating to Calling a Special Election for November 7, 2000, and Placing Proposed Charter Amendments on Said Ballot.

- A. First Reading of Ordinance No. 87, 2000, Calling a Special Municipal Election to Be Held in Conjunction with the November 7, 2000 Larimer County General Election.
- B. First Reading of Ordinance No. 88, 2000, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Articles IX and X of the City Charter, Pertaining to Petition Circulators.
- C. First Reading of Ordinance No. 89, 2000, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Article IV of the City Charter, Pertaining to Residency Requirements.

Ordinance No. 87, 2000, calls a Special Municipal Election to be held in conjunction with the November 7, 2000 Larimer County General Election. The remaining Ordinances place individual Charter amendments on the November 7, 2000 Special Election ballot. The proposed Charter amendments were considered by the Council Governance Committee, and discussed by the Council at its June 27 study session.

21. First Reading of Ordinance No. 90, 2000, Authorizing the Mayor to Execute a Deed Establishing and Limiting Rights of Access Along a Certain Portion of State Highway No. 68 (Harmony Road), and Accepting a Quit Claim from the Colorado Department of Transportation to the City Eliminating Existing Rights and Limitations of Access.

The Preston Center at Wild Wood Business Park First Filing (the "Development") was approved by the City early in 1999 and included in its approval the dedication to the City of a new street to be known as Gifford Court, which street will intersect with East Harmony Road. The Development approval also included certain other City-required improvements to Harmony Road along that portion of Harmony Road abutting the Development. The developer has completed the construction of Gifford Court in accordance with the approved utility plans but has not connected Gifford Court to Harmony Road because the connection to Harmony Road cannot be allowed until the access line ("A-Line") as previously established by the Colorado Department of Transportation ("CDOT") and the City has been amended to make accommodation for Gifford Court and for the other improvements.

The A-Line is an "imaginary" line established by CDOT and agreed upon by the property owners adjacent to the A-Line establishing the rights and limitations on access to the state highway. CDOT has developed a system whereby the A-Line is established through deeds so as to protect CDOT from subsequent arguments by adjacent property owners that they may own a real property interest

in access to the highway. Therefore, the A-Line was originally established by deeds to CDOT both limiting and granting access to Harmony Road. In order to modify the A-Line, CDOT has prepared and executed a quit claim deed to the City and the other adjacent property owners quit claiming CDOT's interest in the presently existing A-Line. However, CDOT will not deliver the quit claim deed eliminating the present A-Line unless all of the adjacent property owners grant to CDOT a new warranty deed establishing the new access points and new limitations and other improvements.

The City becomes involved in this because of its ownership of the right-of-way for Gifford Court. Since the City already has recorded the development plat, it owns the right-of-way for Gifford Court and becomes an adjacent property owner along that stretch of Harmony Road.

22. Resolution 2000-90 Amending the City of Fort Collins Firefighters' Pension Plan.

In 1991, the City of Fort Collins authorized active members of the Firefighters' Pension Plan to convert to a money purchase defined contribution pension plan. The total assets of the Plan were divided among the active members and the remaining retirees and beneficiaries. Since the active members left this Plan, the remaining assets of the Plan have been invested in order to provide ongoing monthly payments to the retirees and beneficiaries of the Plan. This Resolution provides the authorization for the City to acquire annuities for the retirees and beneficiaries. The annuities will include a "catch-up" cost of living adjustment for all retirees and beneficiaries. Due to the recent rise in interest rates, the assets of the Plan were sufficient to also include an annual cost of living adjustment of 1% per year, the first of which is to occur on September 1, 2001. Once the annuities are purchased, the Plan will be terminated.

23. Resolution 2000-91 Adopting the Recommendation of the Cultural Resources Board Regarding Fort Fund Disbursements.

On November 30, 1998 revised guidelines for the Cultural Development and Programming and Tourism accounts (Fort Fund) were adopted and approved through the City Manager's office. These newly adopted guidelines created a three-tiered funding system for organizations that apply for grants from Fort Fund. 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 \$2,500 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 \$2,500 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.

24. Resolution 2000-92 Making Appointments to Various Boards and Commissions.

A vacancy currently exists on the Building Review Board due to the resignation of Rudy Hansch. Councilmembers Kastein and Weitkunat reviewed the applications on file and are recommending John McCoy to fill the vacancy with a term to begin immediately and set to expire on December 31, 2001.

Two vacancies also exist on the Community Development Block Grant Commission due to the resignation of Holly Sample and the removal of Richard Rodarte due to UGA residency violations. Applications were solicited and Councilmembers Bertschy and Wanner conducted interviews. The Council interview team is recommending Tia Molander and Jennifer Molock to fill the vacancies with terms to begin immediately and set to expire on December 31, 2001 and December 31, 2003 respectively.

A vacancy currently exists on the Electric Board due to the resignation of Joe DiRocco. Councilmembers Masons and Wanner reviewed the applications on file and are recommending Guy Helme to fill the vacancy with a term to begin immediately and set to expire on December 31, 2003.

Two vacancies also exist on the Youth Advisory Board due to the resignations of Robin Horak and Brian Fanning. Applications were solicited and Councilmembers Martinez and Kastein conducted interviews. The Council interview team is recommending Aaron Steinbach and Robbie Weisser to fill the vacancies with terms to begin immediately and set to expire on December 31, 2004.

A vacancy also exists on the Youth Advisory Board due to the resignation of Ki Shih (Team Fort Collins appointee). Team Fort Collins is recommending Mera Geis to fill said vacancy with a term to begin immediately and set to expire on December 31, 2002.

25. Resolution 2000-93 Making an Appointment to the Housing Authority Board of Commissioners.

C.R.S. 29-4-205(3) sets forth the process and terms for appointment of commissioners to a housing authority. The authority is to consist of commissioners selected by the City Council. Ordinance No. 72, 2000, which was adopted on June 20, 2000, increased the number of commissioners from five to seven. Pursuant to state statute the commissioners will serve terms that are staggered from the date of their appointment so that, to the extent possible, the terms of an equal number of commissioners will end each year. Thereafter, the term of office shall be five years.

Several meetings were held to discuss the qualities needed by successful commissioners, a list was generated and the recommended people were contacted. These people all expressed great interest

and enthusiasm. On June 20, 2000, Council adopted Resolution 2000-83 which appointed six members to the Housing Authority Board. This Resolution will appoint Kimberly Stenberg as the final member with a term to begin immediately and set forth to expire on December 31, 2001.

26. Routine Deeds and Easements.

- A. Easement for construction and maintenance of public utilities from Olin and Jacqueline Ruff, to underground electric services, located at 1401 Pikes Peak. Monetary consideration: \$375.
- B. Non-exclusive easement agreement from the Colorado State Board of Agriculture, to secure a right-of-way for electric and telecommunication connections to the City Water Treatment Plant. Monetary consideration: \$25,000.
- C. Utility Easement from Shenandoah LLLC, for a permanent non-exclusive easement for drainage and utilities, located east of College Avenue and north of County Road 32. Monetary consideration: \$10.
- D. Deed of Dedication for Easement from Guiseppe DeMarco and First National Bank, for a permanent non-exclusive easement for drainage and stormwater detention, located west of Mason between Horsetooth and Harmony Road. Monetary consideration: \$10.
- E. Deed of Dedication for Easement from Poudre School District, for a permanent slope easement, located west of County Road 9 and south of Harmony Road. Monetary consideration: \$10.
- F. Deed of Dedication for Drainage Easement from James Construction Company, for a permanent drainage easement, located west of County Road 9 and south of Harmony Road. Monetary consideration: \$10.
- G. Deed of Dedication for County Road No. 9 Right-of-Way, for a permanent right-of-way for public street purposes, located west of County Road 9 and south of Harmony Road. Monetary consideration: \$10.
- H. Deed of Dedication for County Road No. 9 Right-of-Way, for a permanent right-of-way for public street purposes, located west of County Road 9 and south of Harmony Road. Monetary consideration: \$10.

- I. Deed of Dedication for Easement from Charles S. Webster Trust, for a permanent slope easement, located west of County Road 9 and south of Harmony Road. Monetary consideration: \$10.
- J. Deed of Dedication for Drainage Easement from Charles Spike and Kimberly J. Hoffman, for a permanent drainage easement, located west of County Road 9 and south of Harmony Road. Monetary consideration: \$10.

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

- 27. Consent Calendar Follow-up.
This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
- 28. Staff Reports.
- 29. Councilmember Reports.
Committees that have met since June 20 include:
Growth Management Committee Poudre School District Liaison Committee
NFRT&AQPC Legislative Review Committee

ITEMS NEEDING INDIVIDUAL CONSIDERATION

- 30. First Reading of Ordinance No. 84, 2000, Amending Ordinance No. 40, 2000, Authorizing Acquisition by Eminent Domain Proceedings of Certain Easements for the Locust Street Outfall Project.

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

In April 2000, City Council adopted Ordinance No. 40, 2000, authorizing the use of eminent domain if necessary to obtain the needed easements. After adoption of Ordinance No. 40, 2000, the legal description for the temporary construction easement for one of the parcels needed for the Project changed.

Staff has contacted the property owner affected by this change, and with this amendment, believes a willing seller agreement can be reached with the property owner. However, in order for the

eminent domain authority granted by the City Council in April to conform to the most current project plans, staff is asking that Council approve this Ordinance revising the legal description for the required temporary construction easement.

31. Resolution 2000-95 Accepting and Approving the Downtown River Corridor Implementation Program.

The Downtown River Corridor Implementation Program is a plan of action for the area along the Cache la Poudre River near Downtown Fort Collins. The Program is intended to coordinate the implementation of existing and new projects involving natural features, recreation, public infrastructure, historic resources, flood mitigation and development. The Program consists of two distinct phases. The first phase, has been the process of identifying priorities, recommending next steps, and providing public outreach. The next phase will consist of formation of an interdepartmental "River Team" to guide project implementation.

32. Resolution 2000-94 Authorizing the Subordination to the Bank of America of the Restrictive Covenants Which Require Twenty Years of Affordability for the Project Known as the "JFK Senior Apartments".

Approximately one year ago the City worked with Kaufman and Broad and its subsidiary, Fort Collins Senior Housing Investors, LP (the "Developer") to structure a transaction whereby the City lent, utilizing CDBG funds, \$200,000 at 7% interest in order to assist the Developer in obtaining tax credits for the JFK Senior Apartments project (the "Project") on JFK Parkway south of the post office. The City's \$200,000 loan was closed on September 9, 1999, and secured by a deed of trust which the City agreed from the outset it would subordinate to the lender for the construction loan and the permanent financing. That lender has turned out to be the Bank of America.

33. Items Relating to the Licensing and Regulation of Pawnbrokers and Secondhand Dealers.

- A. First Reading of Ordinance No. 91, 2000, Amending Chapter 15, Article VIII of the City Code Relating to Pawnbrokers.
- B. First Reading of Ordinance No. 92, 2000, Amending Chapter 15, Article XI, of the City Code Relating to Secondhand Dealers

The first major codification of the current ordinances regulating the pawn and secondhand dealer industries was completed in 1972, with some minor changes made in 1986. A City staff team (Police, Finance and City Attorney) began working on changes to the ordinances in June of 1997 in order to address some issues that have arisen in the past 13 years regarding implementation and enforcement of the ordinances.

The costs associated with monitoring, enforcing and regulating the industry, as required by the ordinances and state law, have increased dramatically over the last 13 years. The different types of secondhand property involved in transactions have also changed dramatically.

The proposed amendments to these ordinances have been made in order to increase consistency in reporting and monitoring procedures and provide those regulated with a clear understanding what is required of them.

34. Pulled Consent Items.

35. Other Business.

Motion to cancel August 1, 2000 City Council meeting.

36. Adjournment.

**Note: Council needs to make a motion to adjourn to 6:00 p.m. on July 25.

**MEETING OF THE BOARD OF DIRECTORS OF
WASTEWATER UTILITY ENTERPRISE**

1. Call Meeting to Order.
2. Roll Call.
3. Consideration and approval of the Wastewater Utility Enterprise Board Meeting minutes of June 20, 2000.
4. Second Reading of Ordinance No. 3, Authorizing the Issuance of City of Fort Collins, Colorado, Wastewater Utility Enterprise, Sewer Revenue Bonds, Series 2000, Dated July 1, 2000, in the Aggregate Principal Amount of \$5,665,000.

Ordinance No. 3, which was unanimously adopted on First Reading on June 20, 2000, authorizes the issuance of \$5,665,000 of Sewer Revenue Bonds. The bonds will be used to make capital improvements at the Utility's facilities. At the Mulberry and Drake Plant, the Utility will design and construct odor control systems. Also at the Mulberry Facility, improvements will be made to the ultraviolet disinfection system. The bonds will also provide funding for expansion of the Meadow Springs Biosolids Facility so it can handle the entire production of biosolids from the City. The bonds will also be used to make improvements to the sanitary sewer system in conjunction with the Locust Street Outfall stormwater project.

5. Other Business.
6. Adjournment.