

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

September 4, 2001

Proclamations and Presentations

5:30 p.m

- A. Proclamation Proclaiming September 4, 2001 as "United Way Awareness Day."
- B. Presentation of Exemplary Citizenship Award to Dr. Tom Wera.
- C. Recognition of an Award presented to City staff its work on the Mason Street Transportation Corridor Master Plan.

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 32. 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 #39, 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. 116, 2001, Authorizing the Conveyance of a Non-Exclusive Easement to Larimer County for Environmental Monitoring in the Cathy Fromme Prairie Natural Area.

Ordinance No. 116, 2001, which was unanimously adopted on First Reading on August 21, 2001, gives ongoing permission for a non-exclusive easement to Larimer County for environmental monitoring in the Cathy Fromme Prairie Natural Area. The easement permits no monitoring operations on the site that are not already occurring, other than allowing for future monitoring wells to be drilled downstream if contamination is found to be migrating beyond the current monitoring wells. The easement agreement makes certain stipulations that provide for protection of the site's natural resources, to the extent possible, during the monitoring operations.

8. Second Reading of Ordinance No. 124, 2001, Appropriating Unanticipated Revenue in the General Fund and Authorizing the Transfer of Appropriated Amounts Between Accounts and Projects for the Multi-Jurisdictional Drug Task Force.

For the past 14 years, Fort Collins Police Services has applied to the Colorado Division of Criminal Justice for federal drug grant monies to help fund the investigation of illegal narcotics activities. Fort Collins has once again joined with other members of the Larimer County Drug Task Force, to include the Loveland Police Department, Larimer County Sheriff's Department, Drug Enforcement Administration (DEA) and the Colorado State University Police Department,

in one application for funding of the multi-jurisdictional drug task force to be administered by the City of Fort Collins. Ordinance No. 124, 2001, was unanimously adopted on First Reading on August 21, 2001.

9. Postponement of Second Reading of Ordinance No. 125, 2001, Authorizing the Sale of 1.032 Acres of Westfield Park to Pool of Dreams, Ltd. and Appropriating the Proceeds of Such Sale as Unanticipated Revenue in the Neighborhood Parkland Fund, to September 18, 2001.

The City purchased 14.61 acres of land in 1981 for Westfield Neighborhood Park. The amount of land needed for the park was estimated at that time to be about 10 to 12 acres. The landowner would only sell 14.61 acres for \$166,700. At the time of park development in 1997/98, the actual amount of land needed to serve the residential area around the park was determined to be 11 acres. The park currently has 11 developed acres and complies with park acreage requirements in the 1996 Parks and Recreation Policy Plan. A one-time fee on new housing funds new park acquisition and development. Ordinance No. 125, 2001, was unanimously adopted on First Reading on August 21, 2001, authorizing the sale of land to Westfield Park to Pool of Dreams, Ltd. with direction to amend the Ordinance prior to Second Reading to include a restriction on the use of the property. Adoption of the consent agenda will postpone Second Reading of this Ordinance until September 18, 2001.

10. Second Reading of Ordinance No. 126, 2001, Authorizing the Transfer of Appropriations from the Transit Services Fund to the Capital Projects Fund CSU Transit Center Capital Project to be Used For the Final Design and Site Preparation/Construction of the CSU Transit Center.

The City and Colorado State University have been working together since 1996 to develop a campus Transit Center. Work is expected to begin on final design in the fall. Ordinance No. 126, 2001, which was unanimously adopted on First Reading on August 21, 2001, authorizes the transfer of existing appropriations from the Transit Services Fund to the Capital Projects Fund for final design and site preparation at the CSU Transit Center.

11. Second Reading of Ordinance No. 127, 2001, Authorizing the Transfer of Appropriations from the Transportation Services Fund to the North Front Range Transportation & Air Quality Planning Council Fund to be Used for Operating Expenses of the Metropolitan Planning Organization.

The funds to pay the North Front Range Transportation & Air Quality Planning Council Executive Director salary and benefits, which were previously budgeted and appropriated in the Transportation Services Fund, now need to be transferred to the newly created NFRT&AQPC Fund. Ordinance No. 127, 2001, which was unanimously adopted on First Reading on August 21, 2001, will not appropriate any additional funds; rather, it will serve as a transfer of existing appropriations and budget to the fund that will be incurring the expenditures.

12. Second Reading of Ordinance No. 128, 2001, Authorizing the Transfer of Appropriations Between Projects in the Transportation Services Fund for the Operation of the North Front Range Transportation & Air Quality Planning Council's 2001-2002 Metropolitan Planning Organization Administration Program Year.

The North Front Range Transportation & Air Quality Planning Council (NFRT&AQPC) is the regional Metropolitan Planning Organization (MPO). The administration/program budget for the NFRT&AQPC is funded with federal transportation program dollars administered by the Colorado Department of Transportation (CDOT) based on the federal fiscal and program year of October 1, 2001 to September 30, 2002. This period does not correspond to the City's calendar year appropriation time frame, and this time differential causes some accounting and budget management problems. This Ordinance was unanimously adopted on First Reading on August 21, 2001.

13. Second Reading of Ordinance No. 129, 2001, Authorizing an Amendment to the Long-term Lease of Property at the Fort Collins-Loveland Municipal Airport to Cole Smith, Dba Signal Construction, for the Construction of Aircraft Hangars.

City Council adopted Ordinance No. 56, 2001, on Second Reading on May 6, 2001, authorizing the long-term lease of property to Cole Smith for the construction of two aircraft hangars. Since that lease agreement was entered into, the parties discovered that the legal description of the leased premises as described in Exhibit A of the agreement is in error. Ordinance No. 129, 2001, which was unanimously adopted on First Reading on August 21, 2001, amends the original lease to include the correct legal description.

14. Second Reading of Ordinance No. 131, 2001, Amending Sections 2-31, 2-33 and 2-73 of the City Code Pertaining to Executive Sessions.

Ordinance No. 131, 2001, which was unanimously adopted on First Reading on August 21, 2001, makes certain amendments to the sections of the City Code pertaining to executive sessions. The amendments are generally similar to recent amendments to the State Open Meetings Law and would, among other things, require the tape recording of executive session discussions so that, if a member of the public believes that an executive session discussion has strayed from the appointed topic or that final legislative action was taken in an executive session, he or she could apply to the District Court with a request that all or a portion of the recording of the executive session discussion be made available for public inspection.

15. Second Reading of Ordinance No. 133, 2001, Vacating a Portion of the Right-of-Way for Hoffman Mill Road, Dedicated on the Plat of the Cache La Poudre Industrial Park P.U.D.

Ordinance No. 133, 2001, which was unanimously adopted on First Reading on August 21, 2001, vacates a portion of street right-of-way for Hoffman Mill Road in order to eliminate the dedicated

street west of Timberline Road to its end at the east edge of the Nix Farm Natural Areas Facility. The Nix Farm Natural Areas Facility PDP was approved June 12, 2001, reflecting the vacation of this right-of-way and its replacement with emergency access and utility easements. This segment of Hoffman Mill Road is shown on the Master Street Plan as a local street, but was deemed unnecessary as a public street with the development of the Nix Farm Natural Areas Facility.

16. Second Reading of Ordinance No. 134, 2001, Authorizing the Conveyance of Approximately 360 Acres of Land on the Former Rockwell Ranch to the United States Forest Service in Exchange for the Conveyance to the City of the Land Underlying Joe Wright Reservoir, Subject to a Non-exclusive Conservation Easement for Use of the Reservoir Property by the Public and the Colorado Division of Wildlife.

In 1996, the City Council directed staff to pursue an exchange of the City-owned Rockwell properties for the land under and around the City's Joe Wright Reservoir owned by the United States Forest Service (USFS). At that time there was concern expressed by the Natural Resources Advisory Board (NRAB) that the exchange be made utilizing the USFS's administrative procedure instead of a legislative solution being promoted by the City of Greeley, Water Supply and Storage Company, and the Water Board. The NRAB was concerned that the legislative process would preempt the necessary environmental reviews. The Council, after considerable discussion, directed staff to utilize the USFS's administrative procedure. Since that time, staff has worked with the USFS and the United States Fish and Wildlife Service in processing the land exchange using the administrative procedure, including all of the necessary environmental assessments and reviews. Ordinance No. 134, 2001, was unanimously adopted on First Reading on August 21, 2001.

17. Postponement of Second Reading of Ordinance No. 136, 2001, Authorizing the Conveyance of Non-exclusive Easement Interests for the Construction of a Sixteen Inch Water Line by the Fort Collins-Loveland Water District on Portions of Coyote Ridge Natural Area, McKee Farm Open Space, and Long View Farm Natural Area, to September 18, 2001.

The Fort Collins-Loveland Water District has planned since 1986 to construct water storage tanks on the land now known as Coyote Ridge and a water pipeline to the tanks across Longview Farm Open Land, McKee Farm Open Land and Coyote Ridge Natural Area. These parcels are owned either by the City of Fort Collins alone or in partnership with Larimer County and Loveland. The pipeline is needed to supply water to existing and projected growth within the District's existing Service Area.

Ordinance No. 136, 2001, was adopted 5-2 on First Reading on August 21, 2001, authorizing the necessary easements for the construction of a sixteen inch water line on portions of Coyote Ridge Natural Area, McKee Farm Open Space and the Long View Farm Natural Area. Staff is

waiting on result of the appraisal to determine the compensation and recommends Second Reading of this Ordinance be postponed to September 18, 2001.

18. Items Relating to the Mason Street Transportation Corridor.

- A. Resolution 2001-109 Authorizing the Mayor to Enter into a Contract with the Colorado Department of Transportation for the Design and Construction of the Mason Street Transportation Corridor Bicycle/Pedestrian Trail Project, First Phase.
- B. First Reading of Ordinance No. 139, 2001, Appropriating Unanticipated Revenue in the Building Community Choices Capital Projects Fund, Mason Street Transportation Corridor Project, Prior Year Reserves in the Transportation Services Fund and Authorizing the Transfer of Appropriations to Be Used for Design and Initial Construction of Improvements to the Mason Street Transportation Corridor Project South of Harmony Road to the Future Fossil Creek Trail.

The City has received a funding letter from Colorado Department of Transportation (CDOT) that will allow for work to proceed on the design and initial construction for the bicycle and pedestrian trail on the Mason Street Transportation Corridor, south of Harmony Road to the future Fossil Creek regional trail. This will be the first design and construction phase for the Mason Street Corridor's bicycle and pedestrian system.

19. Items Relating to the Mulberry Street (SH14) Bicycle/Pedestrian Bridge Project.

- A. Resolution 2001-110 Authorizing the Mayor to Enter into a Contract with the Colorado Department of Transportation for Partial Construction Funding of the Mulberry Street Bicycle/Pedestrian Bridge Project.
- B. First Reading of Ordinance No. 140, 2001, Appropriating Unanticipated Revenue and Prior Year Reserves in the Transportation Services Fund to be Used to Complete Construction of a Bicycle/Pedestrian Bridge Over the Poudre River, Completing the Bicycle/Pedestrian Connection from Riverside to Lemay Along State Highway 14.

The City has received a funding letter from Colorado Department of Transportation (CDOT) allowing for additional funding to be added to the State Highway 14 and Lemay Avenue Intersection project. The bridge will be constructed over the Poudre River on the south side of the Mulberry Street (SH14) vehicular bridge and the sidewalk will be extended from Lemay to Riverside.

Design work has been completed and these funds would be added to the construction budget for

this project. In addition to the bridge, the City is also constructing sidewalk along the south side of Mulberry Street in order to provide a safe and direct bicycle/pedestrian connection from Riverside Avenue to Lemay Avenue.

The project will be completed, however, it is possible that the requested appropriation could change between first and second readings of this ordinance, pending further discussions with the Colorado Department of Transportation.

20. Items Relating to Appropriation of the Proceeds from Lease Financing for the Public Safety and Recreational Improvements.

- A. First Reading of Ordinance No. 141, 2001, Appropriating Proceeds in the Golf Enterprise Fund from the Lease Financing of Golf Course Improvements, Including the Replacement of the Collindale Golf Course Clubhouse.

This Ordinance appropriates \$2,865,000 in the Golf Fund. The funds will be used to acquire and construct a clubhouse facility at the Collindale Golf Course and to pay for the costs associated with the lease financing.

- B. First Reading of Ordinance No. 142, 2001, Appropriating Unanticipated in the Capital Projects Fund to Be Used to for the Purchase of a Police Facility.

This Ordinance appropriates \$1,000,000 in the Capital Projects Fund for the acquisition and construction of improvements to a Police facility and to pay for the costs associated with the lease financing.

On August 21, 2001, Council unanimously adopted Ordinance No. 130, 2001 on First Reading. The Finance Department will receive pricing bids on the lease transaction on September 7 through a competitive process. The Financial Officer will present the rates on the financing and any changes to the financing documents to the Council at the time of Second Reading on September 18. These Ordinances appropriate the proceeds from the lease transaction. The Collindale Golf Course Clubhouse Project will be accounted for as a Capital Project within the Golf Fund. The Police building will be accounted for in the Capital Projects Fund.

21. First Reading of Ordinance No. 143, 2001, Authorizing the Conveyance of 157.09 Acres of Land on the Former Rockwell Ranch to the United States Forest Service in Exchange for the Payment of \$353,500, as Part of a Three-Way Exchange Between the City, the Forest Service, and the Winter Park Recreation Association.

Staff negotiated with the US Forest Service (USFS) to exchange the Rockwell properties (owned by the City) for the land under and around the City's Joe Wright Reservoir (owned by the USFS).

The ordinance for that exchange was adopted on First Reading on August 21. It leaves one additional Rockwell Ranch parcel that the Forest Service wishes to acquire in a three-way exchange with Winter Park. Under the USFS proposal, the City would receive \$353,500 for Parcel B of Rockwell Ranch, which would then be conveyed to the USFS.

22. First Reading of Ordinance No. 144, 2001, Granting a Storm Drainage Easement Across the City's Drake Water Reclamation Property Managed by the Natural Resources Department as Part of the Prospect Ponds Natural Area to Midpoint Development, LLC.

The proposed development, Prospect Industrial Park Lot 32 Midpoint Self Storage, is a part of the Prospect Industrial Park Subdivision, which subdivision was approved by the City in 1978. Lot 32 is located on Midpoint Drive approximately 350 feet northwesterly of what is now part of the Prospect Ponds Natural Area. The original overall drainage plan for the subdivision called for all of Lot 32 to drain into the ponds. The current drainage plan under the new Project Development Plan (PDP) calls for Lot 32 to have two on-site water quality ponds. From the water quality ponds, only the one located on the northeasterly part of the lot will drain into a storm sewer line that extends across and under a part of the City Property where this easement is requested.

The granting of the easements across City property (including a permanent easement and a temporary construction easement) for the storm drainage flows will provide for an improvement of the drainage system over what was done with the original platting of the Prospect Industrial Park. This easement request has been reviewed and approved by the Utilities and Natural Resources Departments as well as the Natural Resources Advisory Board.

23. First Reading of Ordinance No. 145, 2001, Amending Section 2-167 of the City Code Relating to Membership of the Commission on the Status of Women.

At its August 20, 2001 meeting, the Commission on the Status of Women discussed the merits of reducing its membership from 11 members to 9 members. This Ordinance, if adopted, will reduce the membership of the Commission effective September 28, 2001 (10 days following final adoption of the Ordinance on Second Reading on September 18, 2001).

24. Resolution 2001-111 Setting the Dates of the Public Hearings on the 2002 and 2003 Proposed City of Fort Collins Biennial Budget.

The City will be adopting a biennial budget for the years 2002 and 2003. The City Charter requires that the City Council set a date for a public hearing on the proposed budget. This Resolution sets that hearing date for the Council meeting of September 18, 2001. In an effort to receive further public input, this Resolution also sets an additional hearing date for the October 2, 2001 Council meeting.

25. Resolution 2001-112 Approving the Purchase of Professional Services from Ayres Associates as an Exception to the Competitive Procurement Process.

Currently the City of Fort Collins has the consulting firm of Ayres Associates under contract to perform professional services to finalize the draft of the Cache la Poudre Master Drainageway Plan

(Drainageway Plan). A subcontractor to Ayres Associates is the firm of EDAW. The City desires to retain the services of the Ayres/EDAW design team to perform professional services to implement a segment of the Drainageway Plan and the Downtown River Corridor Implementation Program as an exception to the Competitive Procurement Process. The Drainageway Plan identified the river reach between Lincoln Avenue and Linden Street as an area needing mitigation due to the instability of the banks along the River in that reach.

26. Resolution 2001-113 Authorizing Assignment to the Colorado Housing and Finance Authority of a Private Activity Bond Allocation of the City of Fort Collins Pursuant to the Colorado Private Activity Bond Ceiling Act.

The Colorado Housing and Finance Authority is planning a fall 2001 single-family mortgage bond program. The program will provide financing for below-market mortgages for families that meet low- and moderate-income guidelines. The Authority has invited the City of Fort Collins to participate in the program. The Authority is requesting that the City assign the remainder of its 2001 private activity bond allocation to the Authority. The remaining amount of the 2001 allocation is \$2,368,375. In today's local housing market, this amount may support 15 to 20 mortgages. By working cooperatively with CHFA, the City will be able to apply its 2001 private activity bond allocation to its highest priority for such funding. The CHFA bond issue will be about \$45 million statewide. Mortgage program money should become available in late October or early November of 2001. However, the City has the option to time City participation in the mortgage program with anticipated housing developments such as Rigden Farms. Staff will also have the ability to target mortgages to specific census tracts and will get AHB input prior to participating in any Bond issue.

27. Resolution 2001-114 Reestablishing the Amount of the Telephone Exchange Access Facility Charge for the Larimer Emergency Telephone Authority Effective January 1, 2002.

The Larimer Emergency Telephone Authority (LETA) was created pursuant to C.R.S. Section 29-11-101 by an intergovernmental agreement between the City of Fort Collins and nineteen (19) other governmental entities in Larimer County.

The telephone exchange access facility charge of fifty cents (\$.50) per month became effective January 1, 1991, by approval of the Fort Collins City Council. This fee remained the same each year by annual approval of the LETA Board, until 1998 when the fee was decreased by 10% to the current forty-five cents (\$.45). At the July 16, 2001 LETA Board meeting, the Board approved a telephone exchange access facility charge and a wireless communications access charge effective January 1, 2002, each at the rate of \$.45 per month.

28. Resolution 2001-115 Supporting the Colorado Department of Transportation's Widening of US 287, Along its Present Alignment from Highway 1 to the LaPorte Bypass.

The Colorado Department of Transportation (CDOT) is seeking support from the City of Fort Collins for the widening US 287, along its present alignment, from Highway 1 to the LaPorte Bypass. CDOT's project recommends that the widening of US 287 use the existing highway alignment rather than the other alternative alignments that were explored during the environmental assessment process.

29. Resolution 2001-116 Adopting the Design Guidelines for Grade-Separated Pedestrian, Cyclist and Equestrian Structures.

The City of Fort Collins is committed to designing and building community transportation facilities to accommodate all modes of travel as well as to encourage the use of alternative modes such as walking and bicycling.

The objective of the "Design Guidelines for Grade-Separated Pedestrian, Cyclist and Equestrian Structures" is to establish design solutions for future grade-separated crossings in order to foster a more pedestrian and bicycle friendly transportation system throughout the Fort Collins community.

The City's Transportation Board and Planning and Zoning Board have formally endorsed this project.

30. Resolution 2001-117 Supporting the City of Character Initiative.

Mayor Martinez has asked City Council to consider adopting the attached City of Character Resolution.

The Cities of Character Initiative is a national grass roots effort to support government and community leaders who are committed to character development. A national organization, International Association of Character Cities (IACC), was formed to support that effort. Since its inception, over 100 cities have adopted the initiative. The Larimer County Commissioners will consider a similar resolution on September 4. The Poudre School District has adopted a School of Character resolution and supports the City's adoption of this resolution.

31. Resolution 2001-118 Appointing Two Representatives to the Colorado Municipal League Policy Committee.

The Fort Collins City Council recommends that Mayor Ray Martinez and City Manager John F. Fischbach be appointed to represent the City of Fort Collins on the Colorado Municipal League Policy Committee.

Appointments to the CML Policy Committee are made each fall and members serve for a one-year period. Each member municipality of the League is entitled to a representative, and all cities over 100,000 are entitled to designate two representatives.

The Policy Committee is responsible for reviewing legislative proposals and recommending to the League Executive Board, positions of support, opposition, no position or amendment to a wide variety of legislation affecting cities and towns. At each annual conference in June, the Policy Committee proposes to the membership, revisions to the League's policies which guide League positions on public policy issues affecting municipalities.

The Committee meets three or four times a year, before and during legislative sessions as well as in May prior to the annual conference.

32. Routine Deeds and Easements.

- A. Deed of dedication for easement from Midpoint Development, LLC, for a temporary grading easement, located on Midpoint Drive, south of Prospect Road and east of Timberline Road. Monetary consideration: \$10. Staff: Sheri Wamhoff.
- B. Deed of dedication for easement from Midpoint Development, LLC, for a permanent sanitary sewer easement, located on Midpoint Drive, south of Prospect Road and east of Timberline Road. Monetary consideration: \$10. Staff: Sheri Wamhoff.
- C. Deed of dedication for easement from Timberline Partners, Limited, LLLP, for a permanent utility easement, located on Midpoint Drive, south of Prospect Road and east of Timberline Road. Monetary consideration: \$10. Staff: Sheri Wamhoff.
- D. Deed of dedication for easement from Midpoint Development, LLC, for a permanent water line easement, located on Midpoint Drive, south of Prospect Road and east of Timberline Road. Monetary consideration: \$10. Staff: Sheri Wamhoff.
- E. Deed of dedication for easement from Midpoint Development, LLC, for a permanent emergency access easement, located on Midpoint Drive, south of Prospect Road and east of Timberline Road. Monetary consideration: \$10. Staff: Sheri Wamhoff.
- F. Deed of dedication for easement from Midpoint Development, LLC, for a permanent drainage easement, located on Midpoint Drive, south of Prospect Road and east of Timberline Road. Monetary consideration: \$10. Staff: Sheri Wamhoff.

- G. Deed of dedication for right-of-way from Midpoint Development, LLC, for a permanent right-of-way for public street purposes, located on Midpoint Drive, south of Prospect Road and east of Timberline Road. Monetary consideration: \$10. Staff: Sheri Wamhoff.
- H. Deed of dedication for easement from Midpoint Development, LLC, for a permanent utility easement, located on Midpoint Drive, south of Prospect Road and east of Timberline Road. Monetary consideration: \$10. Staff: Sheri Wamhoff.
- I. Easement for construction and maintenance of public utilities from Keith Curtis, to install a pad mount transformer, located at 620 Smith Street. Monetary consideration: \$72. Staff: Patti Teraoka.
- J. Deed of dedication for easement from Midpoint Development, LLC, for a permanent easement for utilities, located on Midpoint Drive, south of Prospect Road and east of Timberline Road. Monetary consideration: \$10.
- K. Easement for construction and maintenance of public utilities to install a padmount electric transformer, located at 616 Smith Street. Monetary consideration: \$144.

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

- 33. Consent Calendar Follow-up.
This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
- 34. Staff Reports.
- 35. Councilmember Reports.
Committees that have met since August 21, 2001 include:
Health and Safety Committee

ITEMS NEEDING INDIVIDUAL CONSIDERATION

- 36. Resolution 2001-119 Making Findings of Fact and Conclusions Regarding the Appeal of a Decision of the Planning and Zoning Board Relating to the Request for Modification of Standards for the Brophy Property.

On June 18, 2001, an appeal of the June 7, 2001 decision of the Planning and Zoning Board to deny the Modification of Standards in Sections 4.4(B)(3)(c)1 and 4.4(D)(3)(b) of the Land Use Code for the Brophy Property at 1109 West Harmony Road was filed by the Appellant Mark Brophy.

On August 21, 2001, City Council voted to uphold the decision of the Planning and Zoning Board. In order to complete the record regarding this appeal, the Council should adopt a Resolution making findings of fact and finalizing its decision on the appeal.

37. Resolution 2001-120 Establishing Criteria for Arterial Intersection Analysis.

Several Councilmembers have inquired about the criteria that the City will use in determining the placement of modern roundabouts. The modern roundabout has been used for years in other countries as a safe and efficient form of intersection traffic control. The modern roundabout design is now becoming increasingly popular with communities throughout the United States. The increasing use of roundabouts in the U.S. is a result of studies and findings that roundabouts are safer and more efficient intersections than the traditional traffic signal operation. It has also been found that the public, although generally against the first roundabout in their communities, become favorable to them in a very short period of time.

However, the modern roundabout design is not always the best solution to assigning right-of-way at an intersection. A thorough analysis must be completed by a professional engineer trained in traffic engineering. The Resolution outlines the process the Transportation staff is proposing to use for future intersection improvement analysis.

Staff is proposing that when an intersection (arterial/arterial and arterial/collector intersections) is slated or programmed for major improvements, whether by the City or development related, an analysis shall be completed that evaluates traditional intersection design and a modern roundabout.

38. Second Reading of Ordinance No. 121, 2001, Amending Chapter 10 and Chapter 26 of the City Code to Reflect the Adoption of a New Master Drainage Plan for the Canal Importation Basin and Clarifying the Application of the Provisions of Chapter 10 to Floodplains in the City.

Ordinance No. 121, 2001, which was adopted 6-1 on First Reading on August 21, 2001, eliminates the requirement that the General Manager of the Utilities shall administer or enforce the floodplain regulations before adoption of the applicable floodplain regulations by City Council. This change to the Code allows for the enforcement of the floodplain regulations on significant new development that would be subject to flood hazards and allows for a comprehensive review of the applicable floodplain regulations resulting in and then the adoption of the final floodplain regulations for that floodplain.

In regard to the Canal Importation Basin, other changes to the Code resulting from the adoption of the Ordinance, limits the enforcement of the floodplain regulations in the Basin to new development, critical facilities, and hazardous materials. After Second Reading, staff will initiate a public process to perform a comprehensive review of the floodplain regulations that would

involve public outreach to determine the appropriate floodplain regulations for the Canal Importation basin and would make recommendations to City Council.

39. Pulled Consent Items.

40. Other Business.

40. Adjournment.