

# **AGENDA**

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

September 18, 2001

## **Proclamations and Presentations**

**5:30 p.m**

- A. Presentation of a Plaque to the Neighborhood Task Force for its “Award of Excellence in Affordable Housing and Community Service”.
- B. Proclamation Proclaiming September 20 through October 9, 2001 as “Community Homecoming Celebration”.

## **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 19. 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 #27, 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. 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.

Ordinance No. 125, 2001, which was unanimously adopted on First Reading on August 21, 2001, authorizes the sale of 1.032 Acres of Westfield Park property and appropriating the \$120,000 from the sale to the Neighborhood Parkland Fund.

8. Items Relating to the Lease Financing Agreement for the Public Safety and Recreational Improvements.

- A. **Second Reading of Ordinance No. 130, 2001 Authorizing the City to Execute a Deed and Agreements Between the City of Fort Collins, the Fort Collins Capital Leasing Corporation, and Zions National Bank for the Public Safety and Recreation Improvement Projects**

This Ordinance, which was unanimously adopted on First Reading on August 21, 2001, authorizes the City to execute deeds and agreements to provide funds to acquire a facility for the Police Department and to construct a new clubhouse at the Collindale Golf Course and to make additional Golf Course improvements. The Police Department and Golf Fund projects will be financed through the use of a non-profit corporation, the Fort Collins Capital Leasing Corporation. This is similar to the financing used for the parking structure and City office building. Through an

assignment of lease payments, the City will transfer the properties to the Fort Collins Leasing Corporation. The Corporation will then lease the properties back to the City for a term of 20-years. Upon payment in full of the Certificates of Participation, the site lease will be terminated.

The average life of the lease transaction is expected to be between thirteen and fifteen years. The City expects to pay interest on the lease semi-annually, at a rate of 4.70% for the first 10 years at which time the rate will be reset every five years based upon a lending index. Principal payments will be made annually.

- B. Second 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 \$2,830,000 in the Golf Fund. The funds will be used to construct a new Collindale Golf Course Clubhouse and make additional golf course improvements and pay for the costs associated with the lease financing.

- C. Second Reading of Ordinance 142, 2001, Appropriating Unanticipated Revenue in the Capital Projects Fund to be Used for the Purchase of a Police Facility

Ordinance No. 142, 2001, which was unanimously adopted on September 4, 2001, appropriates \$890,000 in the Capital Projects Fund for the acquisition and improvements for a Police facility and to pay for the costs associated with the lease financing.

9. Second Reading of Ordinance No. 132, 2001, Amending Sections 2-462 and 2-569 of the City Code with Regard to the Appointment of Alternate Members of the Downtown Development Authority and the Ethics Review Board.

Ordinance No. 132, 2001, which was unanimously adopted on First Reading on August 21, 2001, revises two sections of the City Code to clarify the Council's authority to appoint an alternate member to the Downtown Development Authority Board of Directors and the Ethics Review Board. These alternate members would have all of the same duties and privileges as a regular member when the regular member is unavailable.

10. Second 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. Ordinance No. 139, 2001, was unanimously adopted on First Reading on September 4, 2001.

11. Second 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). Ordinance No. 143, 2001, was unanimously adopted on First Reading on September 4, 2001.

12. Second 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.

This Ordinance, which was unanimously adopted on First Reading on September 4, 2001, grants 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.

13. Second 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.

Ordinance No. 145, 2001, which was unanimously adopted on First Reading on September 4, 2001, reduces the membership of the Commission effective September 28, 2001.

14. 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.

15. First Reading of Ordinance No. 146, Authorizing a Declaration of Covenants, Conditions and Restrictions for a 478.5 Acre Portion of Long View Farm Open Space.

“Ute Farm” and “One Putt” are part of the Long View Farm Open Space between Loveland and Fort Collins. The properties were purchased in 1997 by Larimer County, the City of Loveland, and the City of Fort Collins. The property is managed by Larimer County, pursuant to an intergovernmental agreement between the owning entities that was signed in 1997. Larimer County has applied for, and Great Outdoors Colorado Trust Fund (GOCO) has awarded, a grant to assist in the purchase of the property. The proceeds of the grant will be shared by the owning entities. GOCO requires that certain restrictions be agreed to by landowners in order to protect the conservation values of the property for which a grant has been awarded. This Ordinance authorizes the execution of a Declaration of Covenants, Conditions and Restrictions on the Ute Farm/One Putt property. The Declaration establishes the Legacy Land Trust (formerly named the Larimer Land Trust) as monitor and enforcer of the Declaration, and limits the use of the property in any manner not consistent with and protective of the conservation values existing on the property. GOCO will not release the grant funds without this signed Declaration.

Long View Farm Open Space is currently managed as agricultural land. The management plan for the property includes plans for recreational access (a bike/pedestrian trail) and interpretive features to be added to the site in the future.

16. First Reading of Ordinance No. 147, 2001, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands for the Glenmoor Detention Pond in the Canal Importation Basin.

The proposed Glenmoor Detention Pond is a component of the Canal Importation Basin Master Drainage Plan, recently adopted by City Council (Ordinance No. 121, 2001). The property lies along the Plum Channel north of West Elizabeth and just to the east of Taft Hill Road and is approximately 4.92 acres in size. This detention pond will provide needed volume to slow flood flows and protect downstream properties from flooding. Although construction of the pond is not the highest priority in the basin, the property was already in the City’s land development process for approval of 40 residential units. In order to ensure the property would be available to construct the pond, the City entered into negotiations with the property owner to purchase the land. The

property owner does not object to selling the property to the City, however, the City and the property owner have been unable to reach agreement on the fair market value of the property. Appraisals by both the City and the owner have been completed. Both the City and the property owner have agreed eminent domain proceedings are the next logical step to allow the court to determine fair market value.

17. First Reading of Ordinance No. 148, 2001, Amending Chapter 7 of the City Code Relating to Election Campaigns.

This Ordinance amends Article V of Chapter 7 of the City Code relating to campaign practices in local elections. The majority of the changes proposed are intended to provide clarification of existing provisions.

18. Resolution 2001-121 Authorizing the Lease of a Portion of the City-Owned Property at 250 North Mason Street, Fort Collins, Colorado to Texas, New Mexico & Oklahoma Coaches, Inc. (“TNM&O”).

Adoption of this Resolution will permit the City to enter into a two-year lease with TNM&O for rental of space at the Downtown Transit Center. This action will provide for over-the-road coaches from TNM&O, Greyhound, and Powder River (TNM&O has operating agreements with Greyhound and Powder River) to operate from one central multi-modal facility. Since 1998, City staff has been working on developing a facility where the public could easily access over-the-road buses and various City transportation modes.

19. Routine Easements.

- A. Easement for construction and maintenance of public utilities from Eileen McInerney, to install a transformer to underground existing overhead electric system, located at 326 East Plum. Monetary consideration: \$250. Staff: Patti Teraoka.
- B. Easement for construction and maintenance of public utilities from Rhythms, LLC, to install electric facilities to upgrade electric service, located at 334 East Mountain. Monetary consideration: \$10. Staff: Patti Teraoka.

**\*\*\*END CONSENT\*\*\***

20. Consent Calendar Follow-up.

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

21. Staff Reports.

22. Councilmember Reports.**Committees that have met since September 4, 2001 include:***Growth Management Committee**Health and Safety Committee**Legislative Review Committee***ITEMS NEEDING INDIVIDUAL CONSIDERATION**23. Discussion and Public Hearing on the 2002 and 2003 Recommended Biennial Budget and on Proposed 2002 Changes to Transfort Routes and the Southside Shuttle.

This is the first official Public Hearing on the City Manager's 2002 and 2003 Recommended Biennial Budget for the City of Fort Collins. A second Public Hearing is scheduled for October 2, 2001.

In accordance with requirements of the U.S. Department of Transportation as set forth in 49 USC Chapter 53, the City of Fort Collins will hold a public hearing to discuss proposed changes in 2002 to Routes 1, 4, 5, 6, 7, 9, 10, 14 and the Southside Shuttle which are in the Transfort Strategic Operating Plan.

24. 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.

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. After eighteen months of negotiations and analyzing many alternative tank locations and water line alignments the City, County and the District have reached agreement on a proposed alignment. The proposed easements would allow the construction of the new water pipeline across the Longview Farm Open Land, the McKee Farm Open Land, the Coyote Ridge Natural Area, and the Larimer County Landfill. The proposed pipeline alignment minimizes the impact to the natural areas and open lands. The watertank location on the Larimer County Landfill, which will become a natural area in the future, minimizes the visual impact for nearby property owners, natural area users, and motorists on Taft Hill Road as well as minimizing the impact on the natural areas.

Ordinance No. 136, 2001, was adopted 5-2 on First Reading on August 21, 2001. At the time of First Reading, the fair market value of the easements had not been appraised. In early



September, the City received an appraisal of the easements that set the fair market value of the easement and set the City's share of that amount to be \$23,740. City staff has reviewed the appraisal and believes that the appraisal sets the value for the easements in the middle of the range of reasonable fair market values.

25. First Reading of Ordinance No. 149, 2001, Authorizing the Conveyance of Non-exclusive Easement Interests for the Construction of a Thirty-six Inch Water Line by the Fort Collins-Loveland Water District on a Portion of the Cathy Fromme Prairie Natural Area.

On August 21, 2001 Council denied Fort Collins-Loveland Water District's (the "District") request for easements to construct a 36" waterline. The District proposed to construct the waterline across Cathy Fromme Prairie, east of Taft Hill Road, between Harmony Road and Trilby Road. Since then staff has worked with the District to move the waterline closer to Taft Hill Road into an area that will be disturbed in the future when the road is widened. The original proposal had the waterline located 175' east of the centerline of Taft Hill Road for the entire 2-mile length. The revised proposal locates the waterline 160' east of centerline for the first 1 1/4 miles and then 80' east of centerline for the last 3/4 mile. The proposed alignment will lessen the impact to Cathy Fromme Prairie, meet the needs of the District and allow for the future reconstruction of Taft Hill Road. This easement has been placed in a location that basically will be disturbed when the roadway is reconstructed, thus minimizing the impact on the natural area. A copy of the temporary and permanent easement forms that the District has agreed to sign are on file in the City Clerk's Office.

26. Discussion of Whether or Not to Modify Resolution 99-46 ---- Should Transit be Categorized as a "Secondary" Services or a "Primary" Service?

In April 1999, the City Council adopted Resolution 99-46 the outline several principles to follow for budget planning including placing the City's services into one of three categories: Primary, Secondary, and Support. The policies outlined in this resolution were subsequently adopted by City Council as part of the City's Financial Management Policies.

Recently, Councilmembers expressed a desire to discuss whether or not transit services and facilities should be moved from "Secondary Services" and placed within the "Primary Services" category. This is an opportunity for Council to discuss and provide direction to the City Manager as to whether or not the Financial Management Policies are to be modified.

27. Pulled Consent Items.

28. Other Business.

29. Adjournment.