

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

October 15, 2002

Proclamations and Presentations

5:30 p.m

- A. Proclamation Proclaiming October 15, 2002 as “United Way Awareness Day”.
- B. Proclamation Proclaiming October 26, 2002 as “Make a Difference Day”.

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 20. 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 #28, 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. 142, 2002, Amending Section 7.5-32 of the City Code Pertaining to Street Oversizing Capital Expansion Fees.

Ordinance No. 142, 2002, which was unanimously adopted on First Reading on October 1, 2002, amends Section 7.5-32 of the Code, increasing the Street Oversizing Capital Expansion Fees.

8. Second Reading of Ordinance No. 143, 2002, Appropriating Unanticipated Revenue in the Capital Projects Fund - Pedestrian Accessibility Capital Project to be Used for Crosswalk Improvements at Various Downtown Intersections Along College Avenue.

The City of Fort Collins requested and received \$122,100 of Federal Hazard Elimination and State matching funds to pay for 100% of the costs to construct crosswalk improvements at the intersections of US Highway 287 and LaPorte Avenue, Mountain Avenue, Oak Street, and Olive Street in Fort Collins. The crossings will be constructed of either asphalt or concrete, with stamped and colored enhancement features to improve safety by increasing visibility of the crossings.

Ordinance No. 143, 2002, which was unanimously adopted on First Reading on October 1, 2002, appropriates unanticipated revenue in the Capital Projects Fund - Pedestrian Accessibility Capital Project to be used for the crosswalk improvements at various downtown intersections along College Avenue.

9. Second Reading of Ordinance No. 144, 2002, Appropriating Unanticipated Revenue and Prior Year Reserves in the Benefits Fund to be Used to Cover Medical Insurance Claims and Other Expenses.

Benefits Fund Revenues and Expenses for 2002 were projected in early 2001, and were based on enrollment and cost trend information available at that time. Actual revenues exceed budgeted projections due to increased plan enrollment and unanticipated shifts in plan selection by employees. Expenses exceed budgeted projections due to higher than expected claims activity. This Ordinance, which was unanimously adopted on First Reading on October 1, 2002, increases the 2002 Benefits Fund appropriations by \$1,600,000 to cover benefit expenses.

10. Second Reading of Ordinance No. 145, 2002, Appropriating Prior Year Reserves and Unanticipated Revenue in Various Funds and Authorizing the Transfer of Appropriated Amounts Between Funds.

This Ordinance, which was unanimously adopted on First Reading on October 1, 2002, appropriates prior year reserves and unanticipated revenue in various City funds, and authorizes the transfer of appropriated amounts between funds.

11. Second Reading of Ordinance No. 146, 2002, Vacating a Portion of the Right-of-way and Temporary Turning Area North of Lake Street as Dedicated on the Plat of Von Vihl Heights Second Subdivision and Vacating That Portion of a Right-of-way Easement for a Pedestrian Path Recorded in Book 2148, Pages 196-197 in the Records of the County of Larimer, State of Colorado. Subject to a Reserved Drainage and Utility Easement.

The plat of Von Vihl Heights Second Subdivision dedicates the right-of-way and temporary turning area for LaReatta Court north of West Lake Street. Neither has been constructed, although the adjacent homeowners have been maintaining this area for a number of years. As a result, a homeowner at 3000 West Lake Street met with the City Manager and staff to request that this portion of the street and temporary turning area be vacated. In addition, he also requested that the pedestrian path easement also be vacated through LaReatta Court and his property to the north. The pedestrian path easement was intended to provide public access to Overland Park; however, staff has determined that the cost benefit ratio for the pedestrian path does not justify the construction.

Ordinance No. 146, 2002, was unanimously adopted on First Reading on October 1, 2002.

12. Second Reading of Ordinance No. 147, 2002, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the 1225 Redwood Street Rezoning.

The parcel is 5.5 acres in size and located on the northwest corner of Conifer Street and Redwood Street. The property contains a 20,000 square foot structure that was originally approved as a P.U.D. for New Beginnings Treatment Center. The P.U.D. was subsequently amended to allow

the conversion to Diamond Crest Assisted Living Center. The parcel was rezoned in March of 1997 as part of the City Plan city-wide rezoning from R-M-P, Medium Density Planned Residential, to I, Industrial.

The C-C-N zone was created to implement the North College Avenue Corridor Plan. Staff recommends C-C-N as the best way to implement the transition of land uses as envisioned by the North College Avenue Corridor Plan. Ordinance No. 147, 2002, was unanimously adopted on First Reading on October 1, 2002.

13. First Reading of Ordinance No. 149, 2002, Appropriating Unanticipated Revenue in the General Fund for Property Donated by the Estate of Robert H. Udall.

On July 17, 2001, the City Council adopted Resolution 2001-95 authorizing the acceptance of a donation from the Estate of Robert H. Udall. The donation consisted of 20.133 acres of land located on the south end of Claymore Lake at the west end of Michaud Lane and northeast of the Reservoir Ridge Natural Area, three buildings located on the land, along with \$125,000 in cash to be placed in a perpetual trust for the ongoing maintenance of the site.

When Council authorized the acceptance of the donation, the value of the property had not been determined. The property has now been appraised with the 20.133 acres of land valued at \$300,000 and the three buildings on the property valued at \$150,000. The total amount of \$450,000 will be appropriated to properly account for the value of the donation according to fixed asset accounting guidelines.

In January 2002, the City received the cash donation of \$125,000. Under the terms of the donation agreement, the cash donation is to be placed in a perpetual trust and the interest earnings on the funds “shall be used solely for the maintenance and repair of the property.” In 2002, the City will receive approximately \$2,300 in interest earnings which is to be used for the maintenance and repair of the donated property.

14. First Reading of Ordinance No. 150, 2002, Appropriating Unanticipated Grant Revenue in the General Fund for Police Services and Authorizing the Transfer of Matching Funds Previously Appropriated in the Police Services Operating Budget to the Grant Project.

Fort Collins Police Services has been awarded a grant under the U.S. Department of Justice, Local Law Enforcement Block Grant program (LLEBG) in the amount of \$61,090 for the procurement of equipment and technology related to basic law enforcement functions. A local cash match of \$6,788 is required and will be met by the existing Police Services budget. The grant funds will be used to purchase computer, video, digital, and radar equipment, portable personal alarms and a conference call system.

15. First Reading of Ordinance No. 151, 2002, Appropriating Unanticipated Grant Revenue in the General Fund for the Operation of the Colorado 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, south of Prospect Road, approximately one-quarter mile west of Interstate 25. In its effort to welcome visitors to Fort Collins, the City through the activities of its convention and visitor services contractor, the Fort Collins Convention and Visitors Bureau (the "CVB"), uses the space for the Colorado Welcome Center. The CVB, in addition to promoting tourism activity, operates the Welcome Center pursuant to amendments to the City's agreement with CVB, and consistent with the City's grant agreement with the State of Colorado.

16. Hearing and First Reading of Ordinance No. 152, 2002, Adopting a Proposed District-Precinct Map.

This Ordinance adopts a new District-Precinct Map, which is made necessary by changes in County precinct boundaries approved by the Larimer County Board of Commissioners on March 11, 2002, and a Charter requirement to review district boundaries before the next biennial election.

17. First Reading of Ordinance No. 153, 2002, Authorizing the Disposition of Certain Interests in Real Property in Connection with the Community Horticulture Center Project.

Late last year, during the preliminary planning phase of the Community Horticulture Center (CHC) Project, Council authorized the conveyance of two non-exclusive easements for the relocation of the Sherwood Lateral and an emergency access easement for Poudre Fire Authority. As the Project has progressed through the planning process, needs have been identified for additional alignments and easements. Their locations are highlighted on the attached plat. Minor changes will be made to the plat title language between first and second reading of the Ordinance.

The two utility easements shown on the plat adjacent to Centre Avenue and Rolland Moore Drive are public utility easements that are available for use, consistent with City policies and practices, by City utilities and non-City utilities. Colorado State University Research Foundation ("CSURF") has agreed to grant certain easements on adjacent property owned by CSURF for the benefit of the CHC Project, in exchange for the identification of two storm drainage alignments on the CHC property for use in connection with the future development of CSURF's adjacent property on the plat and in a related agreement. If Council authorizes the conveyance of these public utility easements and the storm drainage alignments for the future benefit of the CSURF property, the CHC Plat can be signed and the Project can go out to bid. The anticipated construction start date for the Project is expected to be this winter.

18. Resolution 2002-097 Approving the Purchase of Six 3M Digital Self Checkout Machines from 3M Corporation as an Exception to the Competitive Purchasing Process.

The Library first purchased 3M self checkout machines in 1995, when two were installed at the Main Library. Two more were purchased in 1996 and 1997. Those units are currently installed at the Harmony Library. The four machines now in use are at the end of their service lives and are experiencing frequent breakdowns.

The self checkout units have been used an average of 80,855 times in each of the last four years. Each such session involves the checkout of 4 or 5 items. Approximately 24% of all items borrowed from the libraries each year are checked out using the 3M machines. In addition, the security gates at both libraries are 3M products interfaced with the checkout machines. All books and media have been bar-coded and security stripped to work with the 3M checkout and security system.

Each time a self checkout machine is used, the Library saves roughly two minutes of staff time. This translates to more than 1.5 FTE savings per year for salary alone or at least \$20,000 saved in each of the last five years. The new checkout machines will have more features, such as allowing customers to retrieve and check out books on hold. The Library estimates that these more capable machines will increase self checkouts to about 40% of total checkouts.

19. Resolution 2002-098 Supporting the Effort to Encourage the Construction of Housing with Features That Provide Basic Access and Functionality to All Occupants and Visitors.

The proposed draft resolution officially recognizes and endorses the "Practical Housing for All" (PHA) program. Project "Practical Housing for All" (PHA) is an effort by the Commission on Disability to:

- Create awareness among designers, homebuilders, homebuyers, and the community at large of the need for providing basic access and functionality features in homes for people of all ages and widely varying mobility and ambulatory-related abilities.
- Explore and develop public and private partnerships that encourage homebuilders to voluntarily incorporate such fundamental built-in elements being included on the first or main floor of new housing units.

20. Routine Easement.

- A. Easement for construction and maintenance of public utilities from XYZ Corporation, located at 307 South College Avenue. Monetary consideration: \$1650.

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

21. Consent Calendar Follow-up.

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

- 22. Staff Reports.
Wind Subscriber Presentation.
- 23. Councilmember Reports.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

- 24. Items Relating to Utility Rates for 2003.
 - A. First Reading of Ordinance No. 155, 2002, Amending Chapter 26, Article III, Division 4 of the Code of the City of Fort Collins Relating to User Rates and Charges for Water (Options A and B).
 - B. First Reading of Ordinance No. 156, 2002, Amending Chapter 26 Article VII, Division 4 of the Code of the City Relating to Wastewater Fees.
 - C. First Reading of Ordinance No. 157, 2002, Amending Chapter 26, Article VII, Division 2 of the City Code Relating to Stormwater Fees.

Water Rates

The proposed water rate structures vary by customer class but are all designed to encourage conservation. The customer impacts vary within each customer category based on relative levels of water usage. In general, customers with low use will see modest increases (or in some cases reductions) in their total water bills while the larger users in each customer class will experience a bigger percentage increase. Customer conservation efforts will help to moderate the rate impacts at all levels of use.

Two options are proposed for the water rate ordinance. The two options presented are identical for single-family, duplex and multi-family residential rates. The options differ only in the commercial rate classes.

Option A is based on the direction received from City Council at the September 10, 2002, study session. Option A water rates are designed based on the assumption that 2003 water use will decrease 15% system wide for all customer classes. If consumption drops to the projected level, the proposed rates will provide a 6% increase in water fund revenues. Option A includes increasing step rates for single-family, duplex and commercial customers.

Option B is identical to Option A with one change in assumption. The rates proposed in Option B are based on a 15% reduction in residential water use but a 10% reduction by the commercial rate classes. Staff does not view it as realistic to expect a 15% reduction in water use by commercial customers since their seasonal outdoor use is a smaller proportion of their total use than the outdoor use of the residential rate classes. It is estimated that about 46% of the residential

water use is for outdoor uses versus the 34% seasonal use pattern found for commercial customers. It should also be noted that the 34% seasonal shift in the commercial class may not all be due to outdoor use, the seasonal shift may also be caused by seasonal shifts in business activities. As with Option A, Option B provides for increasing step rates for all single-family, duplex and commercial customers. Option B is designed to provide a 6% increase in water fund revenues if water usage is reduced to the projected levels (15% for residential and 10% for commercial).

It is difficult to predict customers' response to the Utilities' conservation campaign that combines the new stepped rate forms, education and water restrictions. If reduction in usage is less than targeted in either of the options, revenues will increase more than the 6% required. If reduction is more than either target, there will be a short fall of revenues in the Water Fund. In either case, mid-year rate changes may be necessary in 2003, regardless of which of the ordinance options Council may choose to adopt.

The construction rate and miscellaneous fees and charges for hydrant water rental and service charges have also been updated to reflect current costs. All proposed changes will become effective on billings issued on or after January 1, 2003.

Wastewater Rates

As proposed in the 2002-2003 budget, the ordinance increases the City's wastewater rates by 2%. The increase is needed to fund the operations and maintenance of the City's wastewater system and to finance capital improvements. It is being applied "across the board" for all customers. A typical single-family residential customer's monthly bill will increase from \$16.29 to \$16.61 or 32 cents per month. This is based on a system average 5,456 gallons per month winter quarter water consumption. The wastewater rate ordinance also adopts several housekeeping changes to standardize verbiage regarding base monthly charges and to delete references to obsolete "Category I" customers. The proposed changes will become effective on billings issued on or after January 1, 2003. The Water Board recommended approval of the 2002-2003 wastewater rate plan during its review of the 2002-2003 budget in the fall of 2001.

Stormwater Rates

If adopted by City Council, the City's stormwater rates will increase 10% "across the board" for all customers. The 10% increase is consistent with both the 2002-2003 budget and the 2001 Stormwater Financing Plan adopted by City Council Resolution 2001-93. The increase is necessary to fund the operations and maintenance of the City's stormwater system, to pay debt service and to accelerate the citywide capital improvements program. A typical single-family residential customer's monthly bill will increase from \$11.79 to \$12.96 or \$1.17 per month. The typical bill is based on an 8600 square foot lot with light run off. The proposed increase is to be effective on billings issued on or after January 1, 2003. The Water Board approved the 2002-2003 stormwater rate plan during its review of the 2002-2003 budget in the fall of 2001.

25. Resolution 2002-099 Authorizing the Mayor to Execute a Memorandum of Understanding Regarding the Implementation, Periodic Review and Update of the Northern Colorado Regional Communities I-25 Corridor Plan.

On November 20, 2001, the City Council adopted with conditions the *Northern Colorado Regional Communities I-25 Corridor Plan* as an element of the City's Comprehensive Plan. One of the "high priority" action items was developing a regional intergovernmental agreement "as a means for establishing a basis for continued cooperation between the participating communities". Last February, the I-25 Plan Policy Advisory Committee and Staff Technical Team, reconvened to discuss progress of implementation of the Plan. Over the next several months, one of the issues they focused their attention on was preparation of an intergovernmental agreement. The MOU addresses three important issues: The Parties agree to consider taking the action steps described in Chapter VII of the Plan, with special emphasis on a few, critical ones; the Parties agree to keep their elected and appointed officials, and staff, informed of the legal and policy commitments of the MOU; and, the Parties agree to conduct a biennial (every two years) review of the Plan, beginning in 2004.

26. First Reading of Ordinance No. 154, 2002, Amending Chapter 23 of the City Code by Adding a Provision Authorizing the Early Morning Closure of City-Owned Property in the Old Town Plaza.

The Downtown Development Authority (DDA), after taking notice of an increase in incidents of vandalism, fighting, and other disruptive behaviors occurring in and around Old Town Plaza after the closing of liquor licensed establishments at 2:00 a.m., recently decided to close the Plaza between the hours of 2:00 a.m. and 6:00 a.m. This closure furthers the DDA's interests in protecting its property as well as maintaining the safety of the Plaza for visitors.

The City has also noticed an escalation of disruptive behavior in and around the Plaza. While the DDA, rather than the City, owns most of the Plaza, the City does own certain rights-of-way within the area. The proposed Ordinance would close those rights-of-way during the same early morning hours to everyone except those individuals who own, or work in, one of the Plaza businesses. The Ordinance would also close the sidewalk on Walnut Street that is adjacent to the main entrance to the Plaza. The purpose of this proposed ordinance is to work with the DDA to ensure that the rights-of-way within the Plaza remain safe and are properly protected. As noted above, the DDA Board has already adopted a resolution closing its portion of the Plaza during these hours. Adoption of this Ordinance would help to preserve public safety and the public property within, and adjacent to, the Plaza area rights-of-way.

27. Second Reading of Ordinance No. 148, 2002, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Taft Hill/Hull Rezoning.

Ordinance No. 148, 2002, which was adopted 4-3 on October 1, 2002, rezones the northeast corner and intersection of Taft Hill Road and Hull Street, south of Drake Road from the LMN–Low Density Mixed-Use Neighborhood zone to the MMN–Medium Density Mixed-Use Neighborhood zone. On October 1, 2002, Council also adopted Resolution 2002-096 by a vote of 5-2, amending the City’s Structure Plan Map to reflect the rezoning change.

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