

# **AGENDA**

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

October 17, 2000

## **Proclamations and Presentations**

**5:30 p.m.**

- A. Proclamation Proclaiming October 28 as "Make a Difference Day".
- B. Proclamation Proclaiming the Week of October 23-31 as "Red Ribbon Week".
- C. Proclamation Proclaiming the Week of November 2-11, 2000 as "International Week".

## **Regular Meeting**

**6:00 p.m.**

PRESENTATION OF COLORS BY BOY SCOUT TROOP 26

- 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 28. 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. Second Reading of Ordinance No. 131, 2000, Authorizing the Long-term Lease of Property at the Fort Collins-Loveland Municipal Airport to Ron Grob for the Construction of an Aircraft Hangar.

The Airport Manager has negotiated a lease of property for the construction of an aircraft hangar. The hangar will provide at least 2,000 square feet of aircraft storage space. At the expiration of the lease, the improvements revert to the ownership of the Airport. Ordinance No. 131, 2000, was unanimously adopted on First Reading on October 3, 2000.

8. Second Reading of Ordinance No. 132, 2000, Authorizing the Long-term Lease of Property at the Fort Collins-Loveland Municipal Airport to James and Jackie Iberlin for the Construction of an Aircraft Hangar.

The Airport Manager has negotiated a lease of property for the construction of an aircraft hangar. The hangar will provide at least 2,000 square feet of aircraft storage space. At the expiration of the lease, the improvements revert to the ownership of the Airport. Ordinance No. 132, 2000, was unanimously adopted on First Reading on October 3, 2000.

9. Second Reading of Ordinance No. 133, 2000, Authorizing the Long-term Lease of Property at the Fort Collins-Loveland Municipal Airport to Dale Matuska for the Construction of Aircraft Hangars.

The Airport Manager has negotiated a lease of property for the construction of aircraft hangars. The hangars will provide at least 4,000 square feet of aircraft storage space. At the expiration of

the leases, the improvements revert to the ownership of the Airport. Ordinance No. 133, 2000, was unanimously adopted on First Reading on October 3, 2000.

10. Second Reading of Ordinance No. 134, 2000, Authorizing the Long-term Lease of Property at the Fort Collins-Loveland Municipal Airport to Kent L. Norwood for the Construction of Aircraft Hangars.

The Airport Manager has negotiated a lease of property for the construction of aircraft hangars. The hangars will provide at least 4,000 square feet of aircraft storage space. At the expiration of the leases, the improvements revert to the ownership of the Airport. Ordinance No. 134, 2000, was unanimously adopted on First Reading on October 3, 2000.

11. Second Reading of Ordinance No. 135, 2000, Authorizing the Long-term Lease of Property at the Fort Collins-Loveland Municipal Airport to James Seilbach for the Construction of an Aircraft Hangar.

The Airport Manager has negotiated a lease of property for the construction of an aircraft hangar. The hangar will provide at least 3,500 square feet of aircraft storage space. At the expiration of the lease, the improvements revert to the ownership of the Airport. Ordinance No. 135, 2000, was unanimously adopted on First Reading on October 3, 2000.

12. Second Reading of Ordinance No. 136, 2000, Authorizing the Long-term Lease of Property at the Fort Collins-Loveland Municipal Airport to Dennis Wyatt for the Construction of an Aircraft Hangar.

The Airport Manager has negotiated a lease of property for the construction of an aircraft hangar. The hangar will provide at least 2,300 square feet of aircraft storage space. At the expiration of the lease, the improvements revert to the ownership of the Airport. Ordinance No. 136, 2000, was unanimously adopted on First Reading on October 3, 2000.

13. Second Reading of Ordinance No. 137, 2000, Repealing Ordinance No. 24, 1996, and Amending Chapter 14 of the City Code to Establish the Landmark Rehabilitation Loan Program.

Ordinance No. 137, 2000, was unanimously adopted on First Reading on October 3, 2000, and replaces the Landmark Rehabilitation Grant Program with a new Landmark Rehabilitation Loan Program. Zero-interest loan amounts would be provided of up to \$5,000 per property. Loan repayments collected at the sale of a property would revolve back into the Program, providing additional rehabilitation funds over time.

14. Second Reading of Ordinance No. 138, 2000, Appropriating Prior Year Reserves and Unanticipated Revenue in Various Funds and Authorizing the Transfer of Appropriated Amounts Between Funds.

The purpose of the annual clean-up ordinance is to combine dedicated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and, therefore not included in the 2000 budget. The unanticipated revenue is primarily from fees, charges, rents, contributions and grants that have been paid to City departments to offset specific expenses. Prior year reserves are primarily being appropriated for unanticipated operation expenses from reserves that are set aside for that purpose.

This Ordinance, which was unanimously adopted on First Reading on October 3, 2000, appropriates prior year reserves and unanticipated revenue in various City funds, and authorizes the transfer of appropriated amounts between funds. The City Charter permits the City Council to provide by ordinance for payment of any expense from prior year reserves. The Charter also permits the City Council to appropriate unanticipated revenue received as a result of rate or fee increases or new revenue sources.

15. Second Reading of Ordinance No. 139, 2000, Repealing Ordinance No. 93, 1995, and Designating the C&S Freight Depot Building and Dock as a Fort Collins 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 to repeal Ordinance No. 93, 1995, and to enact another ordinance to designate the C&S Freight Depot building and the entire dock as a Fort Collins Landmark. The depot is significant to Fort Collins as an excellent example of early vernacular industrial railroad design. The depot has additional significance to Fort Collins for its historical importance, as a representation of the development of transportation and commerce in Fort Collins. Ordinance No. 139, 2000 was unanimously adopted on First Reading on October 3, 2000.

16. First Reading of Ordinance No. 140, 2000, Designating the Howard Carriage House, 131 North Loomis Avenue, as a Historic Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, John Loudon, is initiating this request for Fort Collins Landmark designation for the Howard Carriage House. This building has great architectural significance to Fort Collins, as an unusual and locally rare example of a pressed concrete carriage house. The building was the carriage house for the locally landmarked Howard House, at 145 North Loomis, and contributes to the historical and architectural significance of the Howard House.

17. First Reading of Ordinance No. 141, 2000, Designating the Henry Jessup/Cal Johnson Farm Buildings, 2902 Rigden Parkway, as a Historic Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Rigden Farm, LLC, is initiating this request for Fort Collins Landmark designation for the Henry Jessup/Cal Johnson Farm Buildings. The buildings and structures are architecturally significant as examples of a c.1920s Craftsman style agricultural farmhouse, with associated farm structures.

18. First Reading of Ordinance No. 142, 2000, Designating the Edwin and Ella Wolf House and Garage, 120 Pearl Street, as a Historic Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Joe and Virginia McConathy, are initiating this request for Fort Collins Landmark designation for the Edwin and Ella Wolf House and Garage. This building has architectural significance to Fort Collins, as a good example of the Craftsman bungalow style of architecture in Fort Collins. Dating to the period of significance, the garage shares many of the same stylistic elements as the house, and contributes to the architectural importance of the property.

19. First Reading of Ordinance No. 143, 2000, Authorizing the Conveyance of a Non-Exclusive Utility Easement at the Timberline Substation Site to QWest Corporation.

The proposed easement runs along the east side of the Timberline Substation site. QWest is improving its service in the area by abandoning the old cable and replacing it with fiber. The proposed easement is four feet in width and runs the length of the property, or 775 feet. The location of this easement is in the grassy area east of the fence and trees on the Substation site. Any grass disturbed by the construction will be restored to its current condition. QWest has also agreed to move the fiber, at its expense, if required by the future widening of Timberline Road. The Utilities staff has agreed to this easement.

20. First Reading of Ordinance No. 144, 2000, Authorizing the Purchasing Agent to Enter into an Extension of the Golf Professional/Concessionaire Agreement for City Park Nine Golf Course.

The existing agreement with City Park Nine Golf Course Golf Professional/Concessionaire Dale Smigelsky expires on December 31, 2000. This four-year agreement was entered into on February 20, 1997, after being awarded through request for proposals # P-606. As per Section 7.5 of the agreement (and noted in the RFP document), "This agreement may be extended beyond the original four year term if performance is satisfactory, and subject to City Council approval and negotiation of a mutually acceptable extension agreement." Performance has been very satisfactory and staff has negotiated a mutually acceptable extension. The Golf Board took public comments on such a possible extension at its August 16 meeting, with no public opposition. The Golf Board then voted unanimously to encourage City Council to extend the agreement with Dale Smigelsky for 2001, with annual renewal options for the years 2002 through 2005.

21. First Reading of Ordinance No. 145, 2000, Amending Section 24-1 of the City Code Pertaining to Signs on Bus Shelters and Bus Benches.

At its January 4, 2000 meeting, Council adopted on Second Reading Ordinance No. 192, 1999, amending the City Code to allow advertising on bus shelters through October 1, 2000. The purpose of this Ordinance is to modify Section 24-1 of the Code to eliminate the time restriction.

A survey showed that 68% of the people were in favor of bus shelters with advertising. The survey also indicated that people were concerned with control over the content on the signs. The majority of the respondents also expressed concerns about advertising on shelters placed in residential neighborhoods.

Based on these findings, staff recommends an amendment to the City Code to permanently allow advertising on bus shelters. The plan is to place 100 bus shelters at various bus stops in the city. Utilizing the revenue from bus shelters with advertising in commercial areas and on arterials, Transfort would place shelters without advertising in low density residential neighborhoods and increase Transit service productivity.

22. First Reading of Ordinance No. 146, 2000, Amending Sections 2-636 and 2-638 of the City Code Pertaining to Financial Disclosure Statements.

The provisions of Sections 2-636 and 2-638 of the City Code currently require a candidate for City Council to file a financial disclosure within 10 days of accepting nomination, another full disclosure statement 30 days after the election, and another disclosure statement or disclosure statement update before June 1. The last two filings are approximately one month apart. This Ordinance will amend Sections 2-636 and 2-638 of the City Code to eliminate the double filing after an election by requiring annual filings to begin the year *after* the year in which election or appointment occurs. In addition, the Ordinance will require only one full disclosure statement, with updates thereafter.

23. First Reading of Ordinance No. 147, 2000, Amending Section 7-117 of the City Code Pertaining to the Nomination of Candidates for a Recall Election.

If adopted, this Ordinance will amend Section 7-117 of the City Code to require that candidates in a recall election file nomination petitions no later than 40 days prior to the date of the recall election.

24. First Reading of Ordinance No. 148, 2000, Expanding the Boundaries of the Fort Collins, Colorado Downtown Development Authority and Amending the Plan of Development of the Authority.

Adoption of the Ordinance will expand the boundaries of the Downtown Development Authority (DDA) District. The boundaries are contained in the Ordinance establishing the District, as

previously amended, and in the Plan of Development for the DDA. The purpose of the amendment is to include the Mulberry/Lemay Crossings property.

25. First Reading of Ordinance No. 149, 2000, Appropriating Prior Year Reserves in the Community Parkland Capital Improvement Expansion Fund for the New Skate Park at Edora Park.

The Parks and Recreation staff have been working with the youth of Fort Collins for over a year to develop a skate park. Earlier this year Council approved a \$50,000 Great Outdoor Colorado grant for this project and also included the skate park as one of the projects in the Building Community Choices-Poudre School District package. The skate park will be located in Edora Park, south of the ballfields. New residents in the Edora Park service area contributed to the need for the skate park. The skate park will serve hundreds of skateboarders and rollerbladers. We expect the park will be very popular and will provide a fun, healthy recreational experience, especially for young people who may not be involved in more organized sports.

The Edora skate park will be a quality park. The concrete skate park will contain skate features that are suitable for the beginner to the advanced skater. The park will serve a wide age range of youth. The concrete surface will require minimal maintenance and will hold up to the heavy use it is expected to experience.

26. Resolution 2000-128 Recognizing the Need to Protect Water Quality.

Every three years, the Colorado Water Quality Control Commission reviews water quality standards and classifications for waters within the South Platte watershed basin. The Cache la Poudre and its tributaries are in this basin. "Classifications" refer to the kinds of activities and water uses that occur in each water body; "standards" refer to the water quality standards in place to ensure that the water quality is good enough for the those activities and uses to occur. Examples of classifications include agricultural use, aquatic life protection, drinking water source, and recreational use.

In November, the Commission will hold a hearing to review proposals to change the existing classifications. Staff at the Colorado Department of Public Health and Environment, and other parties to the hearing, are proposing changes to various classifications. Generally, these proposals are all excellent in correctly identifying water uses and in assigning protective water quality standards to them. In one case, however, the proposal does not quite match the actual uses of the water.

27. Resolution 2000-123 Establishing a Process for Evaluating the Performance of the City Manager, City Attorney and Municipal Judge.

The Council Governance Committee has met on three occasions with the City Manager, City Attorney and Municipal Judge to discuss the process for performing the annual performance evaluation of these employees. The Governance Committee and these three employees have

recommended to the Council the adoption of this Resolution which would standardize the process for conducting these evaluations.

28. Routine Easements.

A. Easement for construction and maintenance of public utilities from Lucio Corporation, to underground existing overhead electric system, located at 354 Walnut Street. Monetary consideration: \$10. Staff: Patti Teraoka.

B. Easement dedication from Pinecone-IRET, Inc., for a pedestrian and bike trail, located north of and adjacent to Pinecone Circle. Monetary consideration: \$10. Staff: Ron Mills.

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

29. Consent Calendar Follow-up.

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

30. Staff Reports.

31. Councilmember Reports.

**Committees that have met since October 3 include:**

*Governance Committee*  
*NFRT&AQPC*

*Growth Management Committee*  
*Poudre School District Liaison Committee*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

32. Resolution 2000-129 Designating Block 31 in Downtown Fort Collins as the Site for a New Performing Arts Center.

The City owns 79,931 square feet of land on Block 31. Larimer County and the City of Fort Collins jointly own an additional 66,168 square feet on Block 31. Recent appraisals of comparable properties have placed the value of this land at \$20 per square foot. Should this Resolution be approved, discussions with Larimer County about the future use of this property will continue, in order to maximize the potential of all spaces in Block 31. This may entail the swapping of some parcels on Block 31 and/or purchase of some additional land. Once these discussions are completed, City Council will be asked to consider an ordinance using the Building Community Choices money to purchase the land from the City's General Fund and possibly some additional land. At that time, Council will also consider a new intergovernmental agreement with Larimer County pertaining to Block 31. Since 1997, the funding for this land purchase approved by the voters has inflated to \$1,900,090.

The Board of Directors of the Downtown Development Authority has expressed its support for Block 31 as the site for the new performing arts center pursuant to Resolution 00-11.

33. Hearing and First Reading of Ordinance No. 150, 2000, Adopting and Determining the Effective Date of the District-Precinct Map for the 2001 Regular Municipal Election.

This Ordinance adopts the District-Precinct Map for the 2001 regular municipal election for the purposes of (1) determining the eligibility for District Council offices for the April 3, 2001 election; (2) determining eligibility for any interim appointments to fill any District Council vacancies which may occur after November 17, 2000; and (3) determining residency for voting in any special municipal election conducted after November 17, 2000, except for any special municipal election held in conjunction with a Larimer County Consolidated or General Election.

34. Pulled Consent Items.

35. Other Business.

## **ITEMS RELATING TO THE 2001 BUDGET**

### **BUDGET CONSENT ITEMS**

Items Numbers 36 through 39 are being presented together in the Consent Calendar format. These items have been reviewed and discussed at Budget Study Sessions and are being presented in this manner to expedite their adoption. Any item may be withdrawn for discussion by any member of the Council, staff or public and will be considered after the balance of the Budget Consent is adopted.

36. Items Relating to Utility Rates for 2001.

- A. First Reading of Ordinance No. 151, 2000, Amending Chapter 26, Article III, Division 4 of the City Code Relating to User Fees and Charges for Water.
- B. First Reading of Ordinance No. 152, 2000, Amending Chapter 26, Article IV, Division 4 of the City Code Relating to Wastewater Fees and Charges.
- C. First Reading of Ordinance No. 153, 2000, Amending Chapter 26, Article VI, Division 4 of the City Code Relating to Electric Rates.
- D. First Reading of Ordinance No. 154, 2000, Amending Chapter 26, Article VII, Division 2 of the City Code Relating to Stormwater Fees.

As proposed in the 2000-2001 budget adopted by City Council, these ordinances increase the City's utility rates for water by 6%, wastewater by an average of 2%, and electric by an average of 2%. Stormwater will be increased by 9.3%, slightly higher than originally projected. The rate increases for wastewater and electric vary by customer class. All proposed changes will become effective on billings issued on or after January 1, 2001. The Water and Electric Boards reviewed and recommended adoption of the rate changes in conjunction with their discussions on the 2000 and 2001 budgets.

37. First Reading of Ordinance No. 155, 2000, Amending the City Code to Adjust the Capital Improvement Expansion and Neighborhood Parkland Fees for Increases to Reflect Inflation, Based on the Denver-Boulder-Greeley Consumer Price Index.

In May of 1996, Council adopted Ordinance No. 51, 1996, which established capital improvement expansion fees for Library, Community Parkland, Police, Fire, and General Government services. The purpose of the fees is to have new development pay a proportionate share of the capital improvements and equipment that will be necessary to provide services to the development. The Code provisions approved by the Ordinance provide for the annual adjustment of the fees to keep up with inflation, using the Denver-Boulder (now Denver-Boulder-Greeley) Consumer Price Index.

The City has imposed a Parkland Fee for neighborhood parks since 1968. In August of 1996, Council adopted Ordinance No. 105, 1996, which conformed the Neighborhood Parkland Fee to the housing size differentials in the Capital Improvement Expansion Fee ordinance, and updated the fee schedule to reflect pre-1996 inflation. The Neighborhood Parkland fees were adjusted for inflation in 1997, 1998 and 1999 along with the Capital Improvement Expansion Fees.

Based on the Denver-Boulder-Greeley Consumer Price Index for all urban consumers, the inflation level since the last annual adjustment is an increase of 3.76%. This Ordinance adjusts the fee schedules in Chapter 7.5 and Chapter 23 of the Code to this level of inflation. All amounts have been rounded to the nearest dollar.

38. Resolution 2000-130 Adopting a Revenue Allocation Formula to Define the City of Fort Collins' Contribution to the Poudre Fire Authority Budget for the Year 2001 for Operations and Maintenance.

In December 1981, the Council entered into an agreement with the Poudre Valley Fire Protection District, creating the Poudre Fire Authority.

According to the Intergovernmental Agreement between the City of Fort Collins and the Poudre Valley Fire Protection District, the City will contribute funding for maintenance and operating costs to the Authority based on a "Revenue Allocation Formula" ("RAF"). The RAF is to be set annually based upon a percentage of sales and use tax revenues (excluding dedicated sales and use tax revenues that must be spent on specific projects) and a portion of the operating mill levy of the City's property tax. Article X, Section 20 of the State Constitution limits the rate of growth to a combination of the Denver-Boulder Consumer Price Index and additions to the local property tax base primarily due to construction and annexation. Although voters passed a ballot measure in November, 1997 allowing the City to retain excess revenues over the growth limits imposed by Article X, Section 20, the RAF is still reviewed annually and proportionately reduced, if necessary, if City revenues exceed the estimated annual percentage increase in revenues that the City would be permitted to retain under Article X, Section 20.

39. Items Relating to the 2001 Downtown Development Authority Budget.

- A. First Reading of Ordinance No. 156, 2000, Appropriating Operating Funds and Approving the Budget of the Downtown Development Authority for the Fiscal Year Beginning January 1, 2001, and Fixing the Mill Levy for the Downtown Development Authority for 2001.

The Downtown Development Authority (the "DDA") adopted the proposed DDA budget for 2001, totaling \$322,617, and determined the mill levy necessary to provide for payment of all properly authorized expenditures incurred by the District, at its regular meeting of October 5, 2000.

- B. First Reading of Ordinance No. 157, 2000, Appropriating Revenue in the Downtown Development Authority Debt Service Fund for Payment of Debt Service for the Year 2001.

This Ordinance appropriates funds for 2001 from the tax increment received by the City for the DDA for debt service payments. Debt service and annual lease payments include: the semi-annual payments on the 1992 DDA Refunding Revenue Bonds in the amount of \$1,303,483, the DDA share of the Parking Structure lease payment of \$282,429, the transfer of tax increment to the operating fund for facade acquisition and sidewalk improvements in the amount of \$132,500, and the amount of \$40,130 for the annual interest payment on the subordinate revenue bonds issued in 2000.

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

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

40. First Reading of Ordinance No. 158, 2000, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2001; Amending the Budget for the Fiscal Year Beginning January 1, 2001, and Ending December 31, 2001; and Fixing the Mill Levy for Fiscal Year 2001.

This Ordinance amends the adopted 2001 Budget and sets the amount of \$403,597,689 for the 2001 Budget of the City of Fort Collins. The Net City Budget, which excludes internal transfers between funds, is \$274,444,042 for 2001. The Net City Budget, as amended, is allocated to:

	Adopted 2001	Amended 2001
Operations	\$208,040,227	\$210,100,254
Debt Service	\$ 7,020,193	\$ 7,020,193
Capital	\$ 53,321,351	\$ 57,323,595

This Ordinance also sets the 2001 City mill levy at 9.797 mills, unchanged since 1991.

41. Pulled Budget Consent Items.

42. Other Business.

43. Adjournment.

**MEETING OF THE BOARD OF DIRECTORS OF  
GENERAL IMPROVEMENT DISTRICT NO. 1**

44. Call Meeting to Order.

45. Roll Call.

46. First Reading of Ordinance No. 45. Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2001; Determining and Fixing the Mill Levy for the General Improvement District No. 1 for Fiscal Year 2001; and Directing the Secretary of the District to Certify Such Levy to the Board of County Commissioners of Larimer County.

Included in the appropriations of the 2001 General Improvement District No. 1 budget is an appropriation of \$146,840 for lease payments in connection with the Lease Certificates of Participation for Street Improvements. An appropriation of \$45,160 is to be used for improvements to the Downtown District in accordance with the Downtown Capital Improvement Program approved by Council in 1992. The remaining appropriations requested for 2001, totaling \$26,000, will be used for the residential rebate program and for routine maintenance costs within the District.

47. Other Business.

48. Adjournment.