

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

November 6, 2001

Proclamations and Presentations

5:30 p.m

- A. Presentation of Exemplary Citizenship Award to Pat Stryker.
- B. Proclamation Proclaiming Friday October 26, 2001 was “Character Education Day.”
- C. Proclamation Proclaiming November 15, 2001 as “America Recycles Day.”

Regular Meeting

6:00 p.m.

PRESENTATION OF COLORS BY DRAGON PATROL, PACK 195

- 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 #21, 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. 148, 2001, Amending Chapter 7 of the City Code Relating to Election Campaigns.

This Ordinance, which was unanimously adopted on First Reading on October 16, 2001, 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.

8. Second Reading of Ordinance No. 154, 2001, Amending Chapter 20, Article II of the City Code Regarding Noise.

As part of an effort to improve noise enforcement, the City Manager initiated review of the City's noise control ordinance (codified in Chapter 20, Article II of the City Code), which was originally implemented in 1981. A staff team reviewed the ordinance and proposed modest amendments to bring it up-to-date. The Council Health and Safety Committee reviewed the proposed amendments and made some changes. Ordinance No. 154, 2001, was unanimously adopted on First Reading on October 16, 2001.

9. Second Reading of Ordinance No. 155, 2001, Appropriating Prior Year Reserves and Unanticipated Revenue in Various Funds and Authorizing the Transfer of Appropriated Amounts Between Funds.

Ordinance No. 155, 2001, which was unanimously adopted on First Reading on October 16, 2001, 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.

10. Second Reading of Ordinance No. 156, 2001, Authorizing the Purchasing Agent to Enter into an Agreement for the Financing by Lease-Purchase of Vehicles and Equipment.

Ordinance No. 156, 2001, which was unanimously adopted on First Reading on October 16, 2001, authorizes the Purchasing Agent to enter into a lease-purchase financing agreement with Koch Financial Corporation at 4.533% interest rate. The agreement shall be for an original term from the execution date of the agreements to the end of the current fiscal year. The agreement shall provide for renewable one-year terms thereafter, to a total term of five (5) years, subject to annual appropriation of funds needed for lease payments.

11. Second Reading of Ordinance No. 157, 2001, Amending Sections 13-23 and 13-24 of the City Code Concerning the Enforcement and Conciliation of Human Rights Violations.

The City's Human Rights Code (Chapter 13 of the City Code) previously limited conciliation efforts by the City Manager. The City Manager has delegated his role under the Human Rights Code to the City's Human Rights Resource and Education Office. Conciliation is only authorized after the City Manager makes a finding of probable cause and any conciliation effort must be completed within 90-days of the filing of the complaint by a citizen alleging discrimination.

Ordinance No. 157, 2001, which was unanimously adopted on First Reading on October 16, 2001, allows conciliation to occur at an earlier point in the complaint process (upon the filing of a complaint instead of upon completion of the investigation and a finding of probable cause) and will remove the 90-day time limit on reaching a conciliation.

12. Second Reading of Ordinance No. 158, 2001, Amending Sections 23-82 and 23-83 of the City Code Pertaining to Encroachments.

Ordinance No. 158, 2001, was unanimously adopted on First Reading on October 16, 2001. At the time of First Reading, Councilmember Hamrick asked whether the previously proposed waiver of an encroachment permit fee for news racks should apply to all kinds of publications which might be offered on the news racks, regardless of whether they contain traditional speech, such as the *Coloradoan* or the *Denver Post*, or more commercial speech, such as the *Thrifty Nickel*. The proposed fee waiver has been eliminated. Ordinance No. 158, 2001, has been amended between First and Second Reading to set the fee for news racks and other constitutionally protected speech at the nominal amount of \$10 so as to avoid any prior constraint concerns.

13. Second Reading of Ordinance No. 160, 2001, Approving the Terms of the Sublease by the City of a Portion of Rivendell School Property for a Community Recycling Drop-off Facility.

The City Manager has executed a sublease agreement by which the City will sublease from the executive board of Rivendell School a portion of the school's paved surface area as the location for a community recycling collection facility ("drop-off site"), for an initial period through the end of the current calendar year with up to 10 one-year renewals.

This Ordinance which was unanimously adopted on First Reading on October 16, 2001, allows the City to submit the Agreement to the County in order to remove a one-acre portion of the Rivendell School site from the property tax rolls.

14. Second Reading of Ordinance No. 161, 2001, Repealing Ordinance No. 2, 2001 and Designating the Deines Barn and Twin Silos as a Landmark Pursuant to Chapter 14 of the City Code.

This is a housekeeping item. The Deines Barn and Twin Silos were originally designated as a Landmark by Ordinance No. 2, 2001. When staff was preparing the final documents for recordation, it was discovered that there was an invalid signature on the application. The question of ownership of the Deines Barn and Twin Silos has since been resolved. The legal owner, the Shenandoah Owners' Association, has expressed its desire that the structures be designated. Staff, in consultation with the City Attorney's Office, determined that the best course of action would be to repeal the original ordinance adopted by Council, and treat the owner's request as a new designation action. Ordinance No. 161, 2001, was unanimously adopted on First Reading on October 16, 2001.

15. Items Relating to the Law Enforcement Assistance Fund (L.E.A.F.) Contract with the Colorado Department of Transportation Providing Funds for the Fort Collins Police Services Drunk Driving Enforcement Program.

- A. Resolution 2001-136 Approving and Authorizing the Mayor to Execute the Drunk Driving Enforcement Grant Contract #L-31-02 Between the City and the Colorado Department of Transportation.
- B. First Reading of Ordinance No. 162, 2001, Appropriating Unanticipated Revenue in the General Fund for Police Services Drunk Driving Enforcement Program.

The Colorado Department of Transportation has awarded Fort Collins Police Services a 2002 Law Enforcement Assistance Fund (L.E.A.F.) grant in the amount of \$35,000 to help reduce the number of drunk drivers in Fort Collins. This grant will provide

overtime compensation for Fort Collins Police Officers who are involved in operations, which focus on the detection and arrest of drunk drivers.

16. First Reading of Ordinance No. 163, 2001, Authorizing an Option to Lease, and a Subsequent Lease of, City-Owned Property at City Park North Ballfield to Cricket Colorado Property Company, for the Location of Antenna Equipment and Related Facilities, Along With Associated Easements.

Cricket Colorado Property Company, a division of Cricket Communication ("Cricket") contacted the Parks Division to discuss the possible lease of land for an antenna and related equipment to enhance its cellular phone service. The property to be leased and a related utility easement are located in City Park, north of the ballfields. Council has approved similar leases for Sprint and Voice Stream in the same area. Through a series of negotiations, staff has developed a proposed Site Lease with Option that meet the needs of the City and Cricket.

17. First Reading of Ordinance No. 164, 2001, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands for a Natural Area Along Spring Creek on a Portion of Lot 1 of Shadowbrook P.U.D.

Over the past several years the Brookhaven Homeowner's Association has approached the City inquiring whether the City was interested in purchasing land along Spring Creek as the creek moves through its Planned Unit Development. In June of this year, the Association presented a formal proposal to sell 2.484 acres of land along Spring Creek to the Natural Resources Department for \$10,000 dollars. Staff has reviewed and approves the proposal.

However, due to the restrictive nature of the Association's Condominium Declaration for the conveyance of property, the Association's Board of Directors has requested the City acquire the property through Eminent Domain. Without eminent domain, all Brookhaven Homeowners (approximately 50 homeowners) in the Association and any lending institutions holding deeds of trust on each condominium would need to execute the conveyance document pursuant to the Bylaws of the Association. Staff recommends adoption of this Ordinance on First Reading to authorize the use of eminent domain proceedings to acquire the property.

18. Resolution 2001-137 Finding Substantial Compliance and Initiating Annexation Proceedings for the Paradigm Annexation.

The applicant, Hattman Associates, on behalf of the property owner, Paradigm Properties, LLC, has submitted a written petition requesting annexation of 16.29 acres located south of East Prospect Road, west of McLaughlin Lane, and east of Interstate 25. The property is largely undeveloped except for the Fort Collins Motorsport retail operation (motorcycles, ATV's, snowmobiles, and ski-doods) at the southwest corner of

the site. The requested zoning for this annexation is C – Commercial. The surrounding properties are zoned C - Commercial in Larimer County to the south and east and C – Commercial in the City to the west and the north.

The proposed Resolution makes a finding that the petition substantially complies with the Municipal Annexation Act, determines that a hearing should be established regarding the annexation, and directs that notice be given of the hearing. The hearing will be held at the time of First Reading of the annexation and zoning ordinances. Not less than thirty days of prior notice is required by State law.

19. Resolution 2001-138 Establishing a Two-Person Transportation Funding Committee to Formulate Recommendations Regarding the Funding of the City's Long-Term Transportation Needs.

The City's 10-year capital needs related to transportation are extensive. Unfunded transportation capital needs amount to over \$415 million for this 10-year period. At present, there is no identifiable, stable funding source to ensure that the transportation capital needs will be constructed. Because transportation is such an integral element to the health and vitality of the community, City Council wants to:

- review the long-term transportation capital needs of the City
- develop a funding strategy related to the long-term transportation capital needs
- determine if any transportation capital projects should be placed on the ballot for consideration by City voters at the November 2002 election.

To facilitate this work, this resolution will establish a two-member Council committee to work with the City Manager in preparing recommendations related to the City's transportation capital needs and will appoint Mayor Pro Tem Bill Bertschy and Councilmember Kurt Kastein to the Committee.

20. Routine Easement.

- A. Easement for construction and maintenance of public utilities, from David Larkins, to underground electric services, located at 321 North Meldrum. Monetary consideration: \$10. Staff: Patti Teraoka.

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

21. Pulled Consent. (Item Nos. 7-20)

22. Consent Calendar Follow-up.

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

23. Staff Reports.

Celebration of HOME Buyer's Assistance Program's 500th Home Closing.

24. Councilmember Reports.**Committees that have met since October 16 include:**

Health and Safety Committee *NFRT&AQPC*

ANNEXATIONS AND ZONINGS

Items Numbers 25 through 29 are being presented together in the Consent Calendar format. Any item may be withdrawn for discussion by any member of the Council, staff or public. Any item withdrawn from the Annexations and Zonings Consent Calendar will be considered prior to the items remaining on the Annexations and Zonings Consent Calendar.

25. Items Relating to the Cathy Fromme Natural Area First and Second Annexations and Zonings.

A. Cathy Fromme Natural Area First Annexation and Zoning Resolution and Ordinances:

1. Resolution 2001-145 Setting Forth Findings of Fact and Determinations Regarding the Cathy Fromme Natural Area First Annexation.
2. Hearing and First Reading of Ordinance No. 177, 2001, Annexing Property Known as the Cathy Fromme Natural Area First Annexation to The City of Fort Collins.
3. Hearing and First Reading of Ordinance No. 178, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Cathy Fromme Natural Area First Annexation.

B. Cathy Fromme Natural Area Second Annexation and Zoning Resolution and Ordinances:

1. Resolution 2001-146 Setting Forth Findings of Fact and Determinations Regarding the Cathy Fromme Natural Area Second Annexation.
2. Hearing and First Reading of Ordinance No. 179, 2001, Annexing Property Known as the Cathy Fromme Natural Area Second Annexation to The City of Fort Collins.

3. Hearing and First Reading of Ordinance No. 180, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Cathy Fromme Natural Area Second Annexation.

This is a request for a 100% voluntary annexation. The acreage of the two annexation sites are as follows: Cathy Fromme Natural Area First Annexation is approximately 81 acres, and Cathy Fromme Natural Area Second Annexation is approximately 156 acres. The recommended zoning is Public Open Lands (POL), which is consistent with the Structure Plan designation of Rural/Open Lands and Stream Corridors.

26. Items Relating to the Coyote Ridge Annexation.

A. Coyote Ridge First Annexation and Zoning Resolution and Ordinances:

1. Resolution 2001-139 Setting Forth Findings of Fact and Determinations Regarding the Coyote Ridge First Annexation.
2. Hearing and First Reading of Ordinance No. 165, 2001, Annexing Property Known as the Coyote Ridge First Annexation to The City of Fort Collins.
3. Hearing and First Reading of Ordinance No. 166, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Coyote Ridge First Annexation.

B. Coyote Ridge Second Annexation and Zoning Resolution and Ordinances:

1. Resolution 2001-140 Setting Forth Findings of Fact and Determinations Regarding the Coyote Ridge Second Annexation.
2. Hearing and First Reading of Ordinance No. 167, 2001, Annexing Property Known as the Coyote Ridge Second Annexation to The City of Fort Collins.
3. Hearing and First Reading of Ordinance No. 168, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Coyote Ridge Second Annexation.

C. Coyote Ridge Third Annexation and Zoning Resolution and Ordinances:

1. Resolution 2001-141 Setting Forth Findings of Fact and Determinations Regarding the Coyote Ridge Third Annexation.

2. Hearing and First Reading of Ordinance No. 169, 2001, Annexing Property Known as the Coyote Ridge Third Annexation to The City of Fort Collins.
3. Hearing and First Reading of Ordinance No. 170, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Coyote Ridge Third Annexation.

D. Coyote Ridge Fourth Annexation and Zoning Resolution and Ordinances:

1. Resolution 2001-142 Setting Forth Findings of Fact and Determinations Regarding the Coyote Ridge Fourth Annexation.
2. Hearing and First Reading of Ordinance No. 171, 2001, Annexing Property Known as the Coyote Ridge Fourth Annexation to The City of Fort Collins.
3. Hearing and First Reading of Ordinance No. 172, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Coyote Ridge Fourth Annexation.

E. Coyote Ridge Fifth Annexation and Zoning Resolution and Ordinances:

1. Resolution 2001-143 Setting Forth Findings of Fact and Determinations Regarding the Coyote Ridge Fifth Annexation.
2. Hearing and First Reading of Ordinance No. 173, 2001, Annexing Property Known as the Coyote Ridge Fifth Annexation to The City of Fort Collins.
3. Hearing and First Reading of Ordinance No. 174, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Coyote Ridge Fifth Annexation.

F. Coyote Ridge Sixth Annexation and Zoning Resolution and Ordinances:

1. Resolution 2001-144 Setting Forth Findings of Fact and Determinations Regarding the Coyote Ridge Sixth Annexation.
2. Hearing and First Reading of Ordinance No. 175, 2001, Annexing Property Known as the Coyote Ridge Sixth Annexation to The City of Fort Collins.

3. Hearing and First Reading of Ordinance No. 176, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Coyote Ridge Sixth Annexation.

This is a request for a 100% voluntary annexation. The acreage of the six annexation sites are as follows: Coyote Ridge First is approximately 2.5 acres, Coyote Ridge Second is approximately 181 acres, Coyote Ridge Third is approximately 161 acres, Coyote Ridge Fourth is approximately 192 acres, Coyote Ridge Fifth is approximately 325 acres, Coyote Ridge Sixth is approximately 235 acres. All six annexations are publicly owned property. The recommended zoning is Public Open Lands (POL), which is consistent with the Structure Plan designation of Rural/Open Lands and Stream Corridors.

27. Items Relating to the Fossil Creek Wetlands Natural Area Second Annexation and Zoning.

- A. Resolution 2001-147 Setting Forth Findings of Fact and Determinations Regarding the Fossil Creek Wetlands Natural Area Second Annexation.
- B. Hearing and First Reading of Ordinance No. 181, 2001, Annexing Property Known as the Fossil Creek Wetlands Natural Area Second Annexation to The City of Fort Collins.
- C. Hearing and First Reading of Ordinance No. 182, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Fossil Creek Wetlands Natural Area Second Annexation.

This is a request for a 100% voluntary annexation. The site is approximately 24.74 acres of publicly owned property located south of Trilby Road, east of Timberline Road, north of Carpenter Road, and west of I-25. The recommended zoning is Public Open Lands (POL).

The property is located within the Fort Collins Urban Growth Area (UGA). According to policies and agreements between the City of Fort Collins and Larimer County, contained in the Intergovernmental Agreement for the Fort Collins Urban Growth Area, the City will annex property within the UGA when the property is eligible for annexation according to Colorado Revised Statutes (CRS).

28. Items Relating to the Pineridge Fifth Annexation and Zoning.

- A. Resolution 2001-148 Setting Forth Findings of Fact and Determinations Regarding the Pineridge Fifth Annexation.
- B. Hearing and First Reading of Ordinance No. 183, 2001, Annexing Property Known as the Pineridge Fifth Annexation to The City of Fort Collins.

- C. Hearing and First Reading of Ordinance No. 184, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Pineridge Fifth Annexation.

This is a request for a 100% voluntary annexation. The site is approximately 4.76 acres of publicly owned property located southeast of Hughes Stadium including a portion of the South Overland Trail and County Road 42C rights of way, and small piece of the Pineridge Natural Area. The recommended zoning is Public Open Lands (POL).

29. Items Relating to the Westchase I and II Annexation and Zoning.

A. Items Relating to the Westchase I Annexation.

- 1. Resolution 2001-149 Setting Forth Findings of Fact and Determinations Regarding the Westchase I Annexation.
- 2. Hearing and First Reading of Ordinance No. 185, 2001, Annexing Property Known as the Westchase I Annexation to the City of Fort Collins.
- 3. Hearing and First Reading of Ordinance No. 186, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Westchase I Annexation.

B. Items Relating to the Westchase II Annexation.

- 1. Resolution 2001-150 Setting Forth Findings of Fact and Determinations Regarding the Westchase II Annexation.
- 2. Hearing and First Reading of Ordinance No. 187, 2001, Annexing Property Known as the Westchase II Annexation to the City of Fort Collins.
- 3. Hearing and First Reading of Ordinance No. 188, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Westchase II Annexation.

This is a request for a 100% voluntary annexation. The acreage and location of the two annexation sites are as follows: The Westchase I Annexation and Zoning is approximately 4.279 acres, and is located within and just east of the Timberline Road right-of-way, just north of the intersection of Timberline and Trilby. The Westchase II Annexation and Zoning is approximately 157.93 acres and is located north of the current Trilby Road alignment and east of the Westchase I Annexation and Zoning. Both properties are located within the Fossil Creek Reservoir Planning Area.

Both properties are located within the Fort Collins Urban Growth Area (UGA). According to policies and agreements between the City of Fort Collins and Larimer County contained in the Intergovernmental Agreement for the Fort Collins Urban Growth Area, the City will agree to consider annexation of property in the UGA when the property is eligible for annexation according to state law.

*****END ANNEXATION AND ZONING CONSENT*****

ITEMS NEEDING INDIVIDUAL CONSIDERATION

30. Second Reading of Ordinance No. 159, 2001, Authorizing the Purchasing Agent to Enter into an Agreement with Outdoor Promotions, Inc. to Provide Bus Shelters, Bus Benches, and Advertising for the City of Fort Collins Transit Service for 20 Years.

Outdoor Promotions, Inc., submitted the successful proposal to the City's May 11, 2001, Request for Proposal No. P-793 regarding providing bus shelters and bus benches and sale of advertising space on the same. The City and Outdoor Promotions, Inc. currently have a Services Agreement that expires December 31, 2001. This Ordinance, which was adopted 5-1 on October 16, 2001, authorizes the City to extend that agreement for a 20-year period commencing January 1, 2002 and extending through December 31, 2021.

31. Items Relating to the Completion of the Fall Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing Projects/Programs and Community Development Activities: The City's Fiscal Year 2001-2002 Home Investment Partnerships (HOME) Program, the City's Affordable Housing Fund, and Reprogrammed Community Development Block Grant (CDBG) Program Funds.

The Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) Program provide funds from the Department of Housing and Urban Development (HUD) to the City of Fort Collins which can be allocated to affordable housing related programs and projects, thereby, reducing the demand on the City's General Fund Budget to address such needs. The City Council is being asked to consider the adoption of three resolutions. The first resolution establishes which programs and projects will receive funding with HOME funds for the FY 2001-2002 Program year, which started on October 1, 2001. The second resolution establishes which programs and projects will receive funding from the City's Affordable Housing Fund. And, the third resolution establishes which programs and projects will receive funding from reprogrammed CDBG Program funds.

- A. Public Hearing and Resolution 2001-151 Approving the FY 2001-2002 Home Investment Partnerships Program for the City of Fort Collins.
- B. Public Hearing and Resolution 2001-152 Allocating Funding from the City's Affordable Housing Fund.

- C. Public Hearing and Resolution 2001-153 Approving the Allocation of Reprogrammed Community Development Block Grant Funds.

32. Items Relating to the Johnson Property Rezoning and Structure Plan Amendment.

- A. Resolution 2001-155 Amending the City's Structure Plan Map.
- B. Hearing and First Reading of Ordinance No. 190, 2001, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for That Certain Property Known as the Johnson Property Rezoning.

APPLICANT: The James Company
2919 Valmont Road, Suite 204
Boulder, CO 80301

OWNERS: Spring Creek Farms, LLP
3432 Carlton Ave.
Fort Collins, CO 80525

This is a request to rezone approximately 217 acres of property located on the northeast corner of Timberline and Drake Roads. The property is currently zoned T – Transitional. The Structure Plan designation for the property is a combination of Industrial, Urban Estate, Low Density Mixed-Use Residential, Medium Density Mixed-Use Residential, and Neighborhood Commercial Center. The applicant is proposing to amend the Structure Plan to change the configuration of the Industrial designation, remove the Neighborhood Commercial Center designation from the site, slightly modify the boundary line between Medium Density Mixed-Use Residential and Low Density Mixed-Use Residential, and to slightly modify the boundary line between Urban Estate and Low Density Mixed-Use Residential. The applicant is also requesting to rezone the property to a combination of LMN, MMN, I, and UE to correspond to the requested Structure Plan amendment.

ITEMS RELATING TO THE 2002 - 2003 BUDGET

BUDGET CONSENT ITEMS

Items Numbers 33 through 36 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.

33. First Reading of Ordinance No. 191, 2001, Amending the Code of the City of Fort Collins to Adjust the Capital Improvement Expansion, Neighborhood Parkland and Street Oversizing Fees for Increases Due to Increases in the Cost of Construction and Raw Water.

This Ordinance increases the fee schedules for the Capital Improvement Expansion Fees and Neighborhood Parkland Fee by the change in the 2000 Denver-Boulder-Greeley Consumer Price Index. Costs in the Capital Improvement Expansion Fees (ACIEF@) Study and the fee schedule for the Neighborhood Parkland Fees were calculated using costs from 1995. The relevant governing provisions of the City Code call for increases to keep up with annual inflation, and the fees were last adjusted in late 2000. This Ordinance increases the CIEF and the neighborhood parkland fees by the projected increase in the CPI-U of 4.91%. For the Neighborhood Parkland and Community Parkland fees, the fee levels are increased by \$75.00 and \$126.58, respectively to cover the increase in the raw water cost. The Street Oversizing fees are being increased by 5.96%, the increase in the cost of construction as reported in the Engineering News Record.

34. Items Relating to Utility Rates for 2002.

- A. First Reading of Ordinance No. 192, 2001, Amending Chapter 26, Article III, Division 4 Relating to User Rates and Charges for Water.
- B. First Reading of Ordinance No. 193, 2001, Amending Chapter 26, Article IV, Division 4 of the Code of the City Relating to Wastewater Fees and Charges.
- C. First Reading of Ordinance No. 194, 2001, Amending Chapter 26, Article VII, Division 2 of the Code of the City Relating to Stormwater Fees.

As proposed in the 2002-2003 budget, the three ordinances increase the City's utility rates for customers inside the city limits by 6% for water service and 2% for wastewater service. Stormwater rates increase by 45% for all customers. Electric rates do not change. The proposed changes will become effective on billings issued on or after January 1, 2002. The Water Board reviewed and recommended the rate changes in conjunction with its discussion on the 2002-2003 budget.

35. Resolution 2001-154 Adopting a Revenue Allocation Formula to Define the City of Fort Collins' Contribution to the Poudre Fire Authority Budget for the Year 2002 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.

36. Items Relating to the 2002 Downtown Development Authority Budget.

- A. First Reading of Ordinance No. 195, 2001, Appropriating Operating Funds and Approving the Budget of the Downtown Development Authority for the Fiscal Year Beginning January 1, 2002, and Fixing the Mill Levy for the Downtown Development Authority for 2002.

The Downtown Development Authority (the "DDA") adopted the proposed DDA budget for 2002, totaling \$416,740, and determined the mill levy necessary to provide for payment of all properly authorized expenditures incurred by the District, at its regular meeting of November 1, 2001.

- B. First Reading of Ordinance No. 196, 2001, Appropriating Revenue in the Downtown Development Authority Debt Service Fund for Payment of Debt Service for the Year 2002.

This Ordinance appropriates funds for 2002 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 of the 1992 DDA Refunding Revenue Bonds in the amount of \$1,321,938, the DDA share of the Parking Structure lease payment of \$282,406, the amount of \$35,112 for the annual interest payment on the subordinate revenue bonds issued in 2000, and \$100,000 for various projects identified by the DDA board from tax increment revenues from expanding the DDA boundaries to include the Mulberry/Lemay Crossing Property.

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

37. Pulled Budget Consent Items. (Item Nos. 33-36)

ITEMS NEEDING INDIVIDUAL CONSIDERATION

38. First Reading of Ordinance No. 197, 2001, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2002 and Adopting the Budget for the Fiscal Years Beginning January 1, 2002, and Ending December 31, 2003, and Fixing the Mill Levy for Fiscal Year 2002.

There have been three study sessions involving discussion of the 2002-2003 budget for the City of Fort Collins. In addition, two public hearings were held along with input from the boards and commissions of the City to aid in the development of the budget. From City Council direction and the input from the public and boards and commissions, the City of Fort Collins 2002-2003 Biennial Budget was developed and is now presented to City Council for consideration and adoption and to appropriate the necessary monies to fund the budget for fiscal year 2002. The Second Reading of this ordinance is scheduled for November 20, 2001.

39. Other Business.

****NOTE:** This meeting needs to be adjourned to November 13, 2001 at 6:00 p.m., to conduct the annual evaluations of the City Attorney, City Manager and Municipal Judge.

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

40. Call Meeting to Order.
41. Roll Call.
42. First Reading of Ordinance No. 46, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2002 and Approving the Biennial Budget for the General Improvement District No. 1 for the Fiscal Years Beginning January 1, 2002 and January 1, 2003; Determining and Fixing the Mill Levy for the General Improvement District No. 1 for Fiscal Year 2002; and Directing the Secretary of the District to Certify Such Levy to the Board of County Commissioners of Larimer County.

Included in the recommended appropriations of the 2002 General Improvement District No. 1 budget is an appropriation of \$146,800 for lease payments in connection with the Lease Certificates of Participation for Street Improvements. An appropriation of \$106,572 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 2002, totaling \$26,000, will be used for the residential rebate program, electricity costs for downtown lighting and for routine maintenance costs within the District.

43. Other Business.
44. Adjournment.