

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

November 21, 2000

**Regular Meeting
6:00 p.m.**

PLEDGE OF ALLEGIANCE

1. CALL MEETING TO ORDER.
2. ROLL CALL.
3. CITIZEN PARTICIPATION (limited to 30 minutes)
4. CITIZEN PARTICIPATION FOLLOW-UP:

This is an opportunity for the Mayor or Councilmembers to follow-up on issues raised during Citizen Participation.

5. AGENDA REVIEW: CITY MANAGER

6. CONSENT CALENDAR

The Consent Calendar consists of Item Numbers 7 through 32. This Calendar is intended to allow the City Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Anyone may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately. Agenda items pulled from the Consent Calendar will be considered separately under Agenda Item #39, Pulled Consent Items. The Consent Calendar consists of:

- 1) Ordinances on First Reading that are routine;
- 2) Ordinances on Second Reading that are routine;
- 3) Those of no perceived controversy;
- 4) Routine Administrative actions.

CONSENT CALENDAR

7. Items Relating to the 2001 Downtown Development Authority Budget.
- A. Second 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.
- B. Second 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.

8. Second Reading of Ordinance No. 159, 2000, Appropriating Unanticipated Federal Grant Revenue in the General Fund for the Forums and Fiestas Multicultural Outreach Project.

This Ordinance, which was unanimously adopted on First Reading on November 7, 2000, appropriates \$6,000 of federal government grant money provided under the Library Services and Technology Act for the City's Library Forums and Fiestas Multicultural Outreach project.

9. Second Reading of Ordinance No. 160, 2000, Authorizing the Purchasing Agent to Enter into an Agreement for the Financing by Lease-Purchase of Vehicles and Equipment.

This Ordinance, which was unanimously adopted on First Reading on November 7, 2000, authorizes the Purchasing Agent to enter into a lease-purchase financing agreement with Safeco Credit Company at an interest rate of 5.95%. 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. The total lease terms, including the original and all renewal terms, will not exceed the useful life of the property. This lease-purchase financing is consistent with the financial policies of the City of Fort Collins.

10. Second Reading of Ordinance No. 161, 2000, Authorizing a Mail Ballot Election for the April 3, 2001 Regular Municipal Election.

This Ordinance, which was unanimously adopted on First Reading on November 7, 2000, authorizes the April 3, 2001 regular municipal election to be conducted by mail ballot, adopts the Mail Ballot Election Act of the Uniform Election Code governing mail ballot elections, authorizes the City Clerk to submit a mail ballot plan to the Secretary of State, and establishes the polling place for in-person voting for the April election.

11. Second Reading of Ordinance No. 162, 2000, Establishing Local Election Campaign Provisions.

Ordinance No. 162, 2000, which was unanimously adopted on First Reading on November 7, 2000, establishes local provisions regulating election campaigns, which supersede the provisions of the Fair Campaign Practices Act (FCPA) contained in Article 45 of Title 1 of the Colorado Revised Statutes, with the exception of Section 1-45-117 pertaining to limitations on contributions by state and political subdivisions.

This Ordinance has been amended on Second Reading to include an amendment to Section 2-568 of the City Code which replaces a reference to the FCPA with a reference to Chapter 7, Article 5, of the City Code.

12. Second Reading of Ordinance No. 163, 2000, Authorizing the Lease of the Building on the City's "Pickle Plant" Property to Dellenbach Motors for Automobile Storage.

The Council adopted the Poudre River Use Framework on May 16, 1995. The Pickle Plant Site was one of the four key parcels of land identified for City acquisition. The City acquired the site in 1995. In order to help fund the acquisition of the Pickle Plant Site, the storage facility at the site was leased to Larrabee's Home Furnishing Center, LTD. for five years. The lease expires on December 22, 2000. Larrabee's is going out of business and will no longer need the storage facility. Dellenbach Motors has expressed interest in leasing the facility to store classic automobiles. The lease term will be on a renewable quarter to quarter basis. The lease is subject to termination by the City at any time, upon proper notice to Dellenbach. Any funds collected from the lease will be set aside for future renovation of the Pickle Plant Site. Ordinance No. 163, 2000, was unanimously adopted on First Reading on November 7, 2000.

13. Second Reading of Ordinance No. 164, 2000, Authorizing the City of Fort Collins to Enter into an Option Agreement to Sell Forty Acres of the Meadow Springs Ranch Property to the United States Fish and Wildlife Service for its Black-Footed Ferret Breeding Facility.

In the spring of 1998, the City was approached by the United States Fish and Wildlife Service about possibly relocating the Black Footed Ferret Breeding Facility from Wyoming to Colorado and siting it on the City's Meadow Springs Ranch. In July of 1998, the City Council adopted Resolution 98-112 supporting this move and authorizing staff to proceed with negotiations for not more than 35 acres. The Fish and Wildlife Service have chosen a site on the east side of I-25 one mile north of the Buckeye exit and has offered to pay the City \$1 for a four-month option to purchase the site. Under the purchase agreement that the City and the Fish and Wildlife Service will enter into for this transaction, the Fish and Wildlife Service will also be granted a right of first refusal to purchase any of the City's land within one-half mile of the property being purchased for the breeding facility. Ordinance No. 164, 2000, was unanimously adopted on First Reading on November 7, 2000.

14. Postponement of Second Reading of Ordinance No. 165, 2000, Approving the Restated and Amended Parking Agreement and Amendment to the Downtown Development Authority Agreement Regarding the Opera Galleria , to December 19, 2000.

In 1994 the City of Fort Collins entered into an agreement with the Opera Galleria property owner that entitled the Opera Galleria to purchase a number of parking permits in the Laporte-America Lot adjacent to the property, as well as the Block 31 Lot and the Old Town Parking Structure. The current owner of the Opera Galleria, Ed Orr of Opera Galleria, LLC, requested that the City of Fort Collins amend and restate the original agreement to reflect that the Laporte America Lot was replaced by the Civic Center Parking Structure and that the Block 31 Lot is no longer available for permit customers, and to allow for monthly payment for the permits (rather than annual).

Ordinance No. 165, 2000, was unanimously adopted on First Reading on November 7, 2000. Since that time further negotiations on the agreement have continued but have not yet been completed. Consequently, Second Reading of this Ordinance is being postponed until December 19, 2000 to allow additional time to complete negotiations.

15. Items Relating to Appropriation of Grant Revenues for Police Services.

- A. First Reading of Ordinance No. 166, 2000, Appropriating Unanticipated 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.
- B. First Reading of Ordinance No. 167, 2000, Appropriating Unanticipated Grant Revenue in the General Fund for Police Services for the Youth Community/Family Conferencing Program.

Local Law Enforcement Block Grant (LLEBG): 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 \$69,537 for the procurement of equipment and technology related to basic law enforcement functions. A local cash match of \$7,726 is required and will be met by the existing Police Services budget. The grant funds will be used to continue the mobile data terminals (MDTs) to laptop computer conversion project. The MDTs are outdated and have fewer capabilities than laptop computers. Converting from MDTs to laptop computers enhances the officers' abilities to complete reports and other documentation in the field.

Juvenile Accountability Incentive Block Grant: A second grant in the amount of \$1,944 has been received from the Office of Juvenile Justice, Division of Criminal Justice (DCJ), Juvenile Accountability Incentive Block Grant Program to provide supplies and operating expenses for the Youth Community/Family Conferencing Program. No cash match is required. These grant funds will be used to off-set the cost of producing training manuals and brochures, postage and recruiting

and training community volunteers as restorative justice facilitators. Training is planned for the third week of January 2001.

16. First Reading of Ordinance No. 168, 2000, Appropriating Unanticipated Revenue in the General Fund for the *East Mulberry Corridor Plan*.

Council appropriated \$127,000 in the Advance Planning Department's 2000 budget for implementing the *East Mulberry Corridor Plan*. Larimer County agreed to participate in the development of this Plan and has provided \$50,000 as its share.

The City and County have interviewed the consultant teams for the *East Mulberry Corridor Plan* who will assist staff and citizens advisory committee in accordance with the scope of work for the project.

17. First Reading of Ordinance No. 169, 2000, Appropriating Unanticipated Revenue in the Transportation Services Fund, Authorizing the Transfer of Appropriations to be Used for Extending the Scope of Improvements Associated with the Construction of Phase III of the Harmony Road Bikeway Project, and Approving the Related Amendment of the Contract with the Colorado Department of Transportation.

The City of Fort Collins has been provided with additional Enhancement funding from the Colorado Department of Transportation (CDOT) to extend the scope of the Harmony Road Bikelanes Phase III project. This additional funding will cover the costs associated with extending the project to include bikelane improvements along Harmony Road from Ziegler Road (County Road 9) to Strauss Cabin Road (County Road 7). The original funding for the Harmony Road Bikelanes – Phase III was \$456,485. These funds have been used to complete the final design plans for the entire project corridor as well as construct the bikelanes along Harmony from Boardwalk to Timberline.

18. First Reading of Ordinance No. 170, 2000, Appropriating Prior Year Reserves in the General Fund, the Street Oversizing Fund and the Cultural Services and Facilities Fund.

At the end of each year, appropriations that are not spent or committed to a valid contract lapse. The funds are then placed in reserves for future expenditures. The \$45,460 to be appropriated in Ordinance were not identified to be carried forward for Year 2000 spending. These funds should have been carried over to 2000 to match the corresponding 2000 expenses. While preparing for the 2000 Comprehensive Annual Financial Report, staff noted this discrepancy. This Ordinance will appropriate the funds that should have been automatically carried over into 2000.

19. First Reading of Ordinance No. 171, 2000, Amending Section 2-575 of the City Code Relating to Councilmember Compensation.

Article II, Section 3 of the City Charter provides that the compensation of Councilmembers shall be adjusted annually for inflation in accordance with the Denver/Boulder Consumer Price Index. In 2000, Councilmembers were compensated \$525 per month, and the Mayor received \$790 per month.

This Ordinance amends Section 2-575 of the City Code to set the 2000 compensation of Councilmembers at \$550 and the compensation of the Mayor at \$825.

20. First Reading of Ordinance No. 173, 2000, Continuing a Temporary Manufacturing Equipment Use Tax Rebate Program for Fort Collins Manufacturers.

In March 1996, City Council approved a temporary rebate program for use tax paid on manufacturing equipment. The goal of the program was to maintain the local economic base by providing modest tax relief to manufacturing concerns located in Fort Collins. The program has provided rebates to manufacturers for 1996, 1997, 1998 and soon for 1999. Applications for each program year are due at the end of March. Historically, many of the companies have requested extensions to file at an even later date. Modifications were last made to the program in 1999 to reflect several requests made by the manufacturing community. Staff is now requesting that Council approve the program without any changes or modifications for 2001 and 2002 (for rebates based on 2000 and 2001 taxes, respectively).

21. First Reading of Ordinance No. 174, 2000, Appropriating Prior Year Use Tax Carryover Reserves for the Manufacturers Use Tax Rebate Program.

In March 1996, City Council approved a temporary rebate program for use tax paid on manufacturing equipment. The program was amended in February 1999 to include several changes suggested by staff and the manufacturing community. The goal of the program is to maintain the local economic base by providing modest tax relief to manufacturing concerns located in Fort Collins. During 1999, the City of Fort Collins received \$5,618,201 in use tax receipts from eligible companies within the Standard Industrial Code classification for manufacturers. This constitutes 71% of all use tax paid by local businesses in 1999.

22. First Reading of Ordinance No. 175, 2000, Amending Chapter 2 of the City Code to Add a Division Pertaining to Reporting the Receipt of Gifts, Honoraria, and Other Benefits.

This Ordinance adds a Division to Chapter 2 of the City Code which requires Councilmembers to report the receipt of any gifts, honoraria, or other benefits in connection with the Councilmember's public service. This reporting is already required by Section 24-6-203 of the Colorado Revised Statutes.

23. Items Relating to the City's Self-Insurance Program and its Legal Obligation to Defend and Indemnify its Public Employees in Certain Civil and Criminal Matters.

- A. First Reading of Ordinance No. 176, 2000, Adding a New Division 6 to Article V of Chapter 2 of the Code of the City of Fort Collins Concerning the Legal Defense and Indemnification of the City's Public Employees with Respect to Civil Claims and Payment of Their Attorneys' Fees Related to Criminal Charges.
- B. First Reading of Ordinance No. 177, 2000, Adding a New Division 3 to Article III of Chapter 8 of the Code of the City of Fort Collins Concerning the City's Self-Insurance Program and Fund.

Staff has been reviewing the City's self-insurance program as well as its obligation to defend and indemnify its public employees (which employees include Councilmembers, City board and commission members, and City volunteers) in civil actions and in certain circumstances to pay its public employees' attorneys' fees in criminal matters. The proposed Ordinances make amendments to the City's self-insurance program as well as amendments to City Council's previous Resolutions addressing the City's legal obligation to defend and indemnify its public employees in certain civil actions and to pay their attorneys' fees in certain criminal matters.

24. Items Relating to a Grant Agreement Between the U.S. Department of Interior, Bureau of Reclamation and the City of Fort Collins Related to Water Quality Monitoring at Horsetooth Reservoir.

- A. Resolution 2000-137 Authorizing the Mayor to Execute a Grant Agreement with the U.S. Department of Interior Bureau of Reclamation for Water Quality Monitoring at Horsetooth Reservoir.
- B. First Reading of Ordinance No. 178, 2000, Appropriating Proceeds of a U.S. Bureau of Reclamation Grant as Unanticipated Revenue in the Water Fund.

A U.S. Bureau of Reclamation grant for the purchase of water quality monitoring equipment for Horsetooth Reservoir will be awarded to the City in the amount of \$63,383. The Resolution would authorize the Mayor to execute the grant agreement with the Bureau. The Ordinance appropriates the grant proceeds to the Water Fund for the U.S. Bureau of Reclamation Grant in order for the City to purchase the monitoring equipment.

25. Items Relating to the Irish Elementary School First Annexation and Zoning.

- A. Resolution 2000-138 Setting Forth Findings of Fact and Determinations Regarding the Irish Elementary School First Annexation.
- B. First Reading of Ordinance No. 179, 2000, Annexing Property Known as the Irish Elementary School First Annexation to the City of Fort Collins.

- C. First Reading of Ordinance No. 180, 2000, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Irish Elementary School First Annexation.

APPLICANT: Ron Daggett
Poudre School District
2407 LaPorte Avenue
Fort Collins, CO 80521

OWNERS: Larimer County

26. Items Relating to the Irish Elementary School Second Annexation and Zoning.

- A. Resolution 2000-139 Setting Forth Findings of Fact and Determinations Regarding the Irish Elementary School Second Annexation.
- B. First Reading of Ordinance No. 181, 2000, Annexing Property Known as the Irish Elementary School Second Annexation to the City of Fort Collins.
- C. First Reading of Ordinance No. 182, 2000, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Irish Elementary School Second Annexation.

APPLICANT: Ron Daggett
Poudre School District
2407 LaPorte Avenue
Fort Collins, CO 80521

OWNERS: Poudre School District

27. First Reading of Ordinance No. 183, 2000, Making Various Amendments to the City of Fort Collins Land Use Code.

Staff has identified a variety of proposed changes, additions and clarifications in the Fall biannual update of the Land Use Code.

28. Resolution 2000-140 Amending the Process and Procedure for Amending City Plan and the Elements Thereof

City Plan, and the adopted plan elements which comprise the City's Comprehensive Plan, are policy documents used to guide decision-making within Fort Collins and the surrounding area. For the City's Comprehensive Plan to function over time, it must be able to be reviewed, revised, and updated on an as needed basis in order to respond to significant trends or changes in the economic, physical, social, or political conditions of the City.

Amendments to *City Plan* and related elements may be performed on a yearly basis as needed. A separate process for amending *City Plan* will be conducted as part of a comprehensive update occurring every five years.

29. Resolution 2000-141 Authorizing the Mayor to Execute an Intergovernmental Agreement Between the City and Larimer County Regarding Cooperation on Managing Urban Development Within the Fort Collins Growth Management Area.

In 1980, the City of Fort Collins and Larimer County entered into the Intergovernmental Agreement for the Fort Collins Urban Growth Area. The agreement established a united, cooperative planning effort towards development goals and policies for the effective management of development in the Fort Collins urban area. The initial agreement was modified and amended four times, the last time in 1998, to keep current with updated City and County planning policies and land use regulations. For the past year, City staff and staff from the Larimer County Planning Department, have been working on the latest revision to the Intergovernmental Agreement (IGA) for the Fort Collins Growth Management Area (GMA). The proposed Resolution would authorize the Mayor to sign the revised agreement on behalf of the City so that the cooperative planning program with the County can continue into the future.

30. Resolution 2000-142 Authorizing the Acceptance by the City of the Title to the McMurry Natural Area from Larimer County.

The 30-acre McMurry Natural Area is on the north side of the Poudre River between Shields Street and College Avenue. Access is via a parking lot at the west end of Hemlock Street. McMurry Natural Area is within close proximity to five natural areas currently owned and managed by the City. It is immediately adjacent to Salyer Natural Area, natural area property #98P1 (the "Ackerman Court Property," to be included within the McMurry Natural Area after City acquisition), and Lee Martinez Community Park. The County has owned and managed the property since the early 1960's. The property has significant natural values and would help to meet the objectives of the Natural Areas Policy Plan and several other adopted plans and policies.

31. Resolution 2000-145 Recognizing the Need to Support the Youth of Fort Collins.

The City, in cooperation with Poudre School District, has also committed over \$600,000 in Building Community Choices funds to provide young people with seven new or renovated softball/baseball fields, an in-line hockey rink and skate park at Edora Park and renovation of the skate park at Northside Aztlan Community Center.

The City Council, by passing Resolution 2000-145, recognizes the importance of making an ongoing commitment to the youth of Fort Collins. The Council realizes that by providing young people with positive life experiences, safe places to learn and grow, caring adults, creative and fun activities, and marketable skills, that our young people will grow up to be healthy, caring and responsible adults.

32. Routine Easements.

- A. Easement for construction and maintenance of public utilities from David Smith and Pam Murillo, to underground existing overhead electric system, located at 1121 North Lemay. Monetary consideration: \$10.
- B. Easement for construction and maintenance of public utilities from E. Garrett Goss, to install an electric transformer bank, located at 642 South College. Monetary consideration: \$1260.
- C. Easement for construction and maintenance of public utilities from Bruce MacKay, to install electric transformer bank, located at 608 South College. Monetary consideration: \$10.

33. Consent Calendar Follow-up.

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

34. Staff Reports.

35. Councilmember Reports.

Committees that have met since November 7 include:

Growth Management Committee

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

36. Second 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.

As a result of action taken on October 17, 2000, appropriations for the 2001 budget have decreased by \$155,600 from the amount proposed on First Reading. City Council unanimously approved all proposed amendments to the 2001 budget with the exception of the amount proposed for the Pollution Prevention Program. The approved amendments by Council minus the Pollution Prevention Program are included in this Ordinance to amend the 2001 budget and to appropriate funds for fiscal year 2001 on Second Reading.

37. Items Relating to the Johnson Farm Rezoning.

- A. Resolution 2000-143 Amending the City Structure Plan Map.
- B. First Reading of Ordinance No. 184, 2000, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Johnson Farm Rezoning.

This is a request to rezone approximately 55.35 acres of property located on the northwest corner of Timberline Road and Drake Road. The property is currently zoned T - Transitional. The Structure Plan designation for the entire property is Employment. The applicant is proposing to amend the Structure Plan to change 18.56 acres to Low Density Mixed-Use Residential, 29.62 acres to Medium Density Mixed-Use Residential, and to maintain 7.18 acres as Employment. The applicant is also requesting to rezone the property to a combination of LMN, MMN, and E to correspond to the requested Structure Plan amendment.

The proposed Structure Plan amendment is supported by the policies within the City's Comprehensive Plan. The proposed zoning districts LMN, MMN, and E are compatible with existing and proposed uses surrounding the subject land. The proposed zoning districts are appropriate for this property. The proposed rezoning will not result in significantly adverse impacts on the natural environment. The proposed rezoning results in a logical and orderly development pattern.

38. Items Relating to Expanding the Boundaries of the Fort Collins, Colorado Downtown Development Authority and Amending the Plan of Development of the Authority.

- A. 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.
- B. Resolution 2000-144 Expressing the Council's Intent With Regard to Certain Future Expenditures for the Benefit of the Downtown Development Authority District.

Adoption of the Ordinance will expand the boundaries of the Downtown Development Authority (DDA) District. These 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.

Adoption of the Resolution will express Council's intent with regard to the expenditure of the tax increment revenues generated by the additional property.

39. Pulled Consent Items.

40. Other Business.

41. Adjournment.

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

1. Call Meeting to Order.
2. Roll Call.
3. Second 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. Ordinance No. 45, was unanimously adopted on First Reading on October 17, 2000.

4. Other Business.
5. Adjournment.