

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

May 2, 2000

Proclamations and Presentations

5:30 p.m

- A. Proclamation Proclaiming the Month of May as “Mental Health Month”.
- B. Proclamation Proclaiming May 6, 2000 as “White Cane Safety Day”.
- C. Proclamation Proclaiming May 4, 2000 as “National Day of Prayer”.
- D. Proclamation Proclaiming the Week of May 1-7, 2000 as “The Cinco De Mayo Celebration Week”.
- E. Proclamation Proclaiming the Week of May 6-12, 2000 as “National Nurses Week”.
- F. Proclamation Proclaiming the Week of May 14-20, 2000 as “National Preservation Week”.
- G. Proclamation Proclaiming the Week of May 7-13, 2000 as “Suicide Awareness Week”.

Regular Meeting

6:00 p.m.

PLEDGE OF ALLEGIANCE

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

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

- 5. AGENDA REVIEW: CITY MANAGER

6. CONSENT CALENDAR

The Consent Calendar consists of Item Numbers 7 through 19. This Calendar is intended to allow the City Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Anyone may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately. Agenda items pulled from the Consent Calendar will be considered separately under Agenda Item #27, Pulled Consent Items. The Consent Calendar consists of:

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

CONSENT CALENDAR

7. Consideration and adoption of the Council meeting minutes of March 21, April 4, 2000 and adjourned meeting minutes of March 28, 2000.

8. Second Reading of Ordinance No. 39, 2000, Appropriating Unanticipated Revenue in the General.

Fort Collins Police Services' Crimes Against Persons/Victim Services Units have been awarded a one-year Violence Against Women Act (VAWA) grant to help fund training opportunities for Police Services Detectives and Victim Advocates. Ordinance No. 39, 2000 was unanimously adopted on First Reading on April 18, 2000.

9. Second Reading of Ordinance No. 42, 2000, Authorizing the Conveyance of a Conservation Easement on the "Sauer" Open Land Property to Larimer County.

Ordinance No. 42, 2000, which was unanimously adopted on First Reading on April 18, 2000, authorizes the easement to be conveyed to Larimer County when the property is acquired from the seller, currently scheduled for May 15, 2000.

10. Items Relating to Library Services.

- A. Resolution 2000-62 Authorizing the Mayor to Enter into an Intergovernmental Agreement with Larimer County for the Purpose of Providing Library Services to Residents of Larimer County.
- B. First Reading of Ordinance No. 43, 2000, Appropriating Unanticipated Revenue in the General Fund for the Library Outreach Program.

Larimer County provides funds to six library service providers in the County. This year, the County is paying \$120,120 to the City for library services for County residents. Of this amount, \$30,030 will be used for the City's library outreach program. This program brings library services to the homebound, the economically disadvantaged and services remote book drops throughout the community. The Resolution authorizes the Mayor to enter into an Agreement to provide library services to County residents and for outreach service. The Ordinance appropriates \$30,030 for outreach services. The remaining \$90,090 goes into the General Fund and represents a 5.1% decrease over the projected amount in the 2000 budget.

11. First Reading of Ordinance No. 44, 2000, Amending the General Form for Petitions for Initiative, Referendum, and Recall.

The City Charter requires Council to prescribe by ordinance the general form of petition for initiative, referendum, and recall. This Ordinance amends the general form by splitting the combined form into three (3) individual forms, reformatting the signature lines to provide more adequate space to provide all required information, clearly indicating required attachments, and eliminating from the Affidavit of Circulator the statement that the circulator is a registered elector. (The U.S. Supreme Court has held that it is impermissible to require that petition circulators be registered electors.)

12. Items Relating to an Intergovernmental Agreement with Great Outdoors Colorado for the "Expansion of the Cathy Fromme Prairie" Conservation Project.

- A. First Reading of Ordinance No. 45, 2000, Authorizing an Intergovernmental Agreement with Great Outdoors Colorado for the "Expansion of the Cathy Fromme Prairie" Conservation Project and Authorizing the Execution of a Declaration of Convenants, Conditions, and Restrictions on a 139-acre Portion of the Cathy Fromme Prairie, as Required Thereby.
- B. First Reading of Ordinance No. 46, 2000, Appropriating Unanticipated Revenue in the Capital Projects Fund 1/4 Cent Natural Areas Capital Project for Reimbursement Toward the Purchase Price of a 139-acre Portion of the Cathy Fromme Prairie Acquired in 1995.

In September 1995, the City of Fort Collins was awarded a \$400,000 grant from Great Outdoors Colorado to be used for the acquisition of a 139-acre portion of the Cathy Fromme Prairie. The property was acquired from G. D. McGarvey and Lee A. Stark in January 1997. Recently, staff has been working with Great Outdoors Colorado to close out the grant and receive the reimbursement of funds for the property. These Council actions will complete the grant requirements and funds are expected to be received in June 2000. The Declaration of Covenants, Conditions and Restrictions on the property would prohibit the use of the property in a manner inconsistent with the conservation values of the property that have been identified, including the natural, scenic, open space, wildlife habitat and passive recreational values, in perpetuity. Great Outdoors Colorado and Larimer County would be empowered under the Declaration to enforce the restrictions imposed. The Declaration is required as a condition of the Great Outdoors Colorado grant.

13. Items Relating to Intergovernmental Agreements with Great Outdoors Colorado and Larimer County for the “Cathy Fromme Prairie” Conservation Project.

- A. First Reading of Ordinance No. 47, 2000, Authorizing an Intergovernmental Agreement with Great Outdoors Colorado for the “Cathy Fromme Prairie” Conservation Project and Authorizing Execution of a Declaration of Covenants, Conditions, and Restrictions on an 80-acre Portion of the Cathy Fromme Prairie as Required Thereby.
- B. First Reading of Ordinance No. 48, 2000, Authorizing an Intergovernmental Agreement with Larimer County Regarding the 80-acre Portion of the Cathy Fromme Prairie Acquired from Dan Jensen and Authorizing the Conveyance of an 11% Undivided Interest in the Property to Larimer County as Required Thereby.
- C. First Reading of Ordinance No. 49, 2000, Appropriating Unanticipated Revenue in the 1/4 Cent Sales Tax for Natural Areas Capital Fund received from Larimer County and from a grant from Great Outdoors Colorado for the “Cathy Fromme Prairie” Conservation Project.

In September 1995, the City of Fort Collins and Larimer County were awarded a \$235,000 grant from Great Outdoors Colorado to be used for the acquisition of an 80-acre portion of the Cathy Fromme Prairie. Larimer County also pledged \$60,000 toward the purchase price of \$520,000. The property was acquired from D. Jensen Enterprises in January 1995. Recently, staff has been working with Larimer County and Great Outdoors Colorado to complete all of the outstanding requirements for this conservation project. These Council actions will approve the grant agreement required by Great Outdoors Colorado, provide for the long-term ownership and management of the property by the City of Fort Collins and Larimer County and provide for the reimbursement of funds for the purchase of the property, which is expected in June 2000.

14. First Reading of Ordinance No. 50, 2000, Authorizing the Purchase of 6 Acres at 3301 East Prospect Road for Natural Area Purposes and Authorizing the Lease of the Property to the Seller, MBI Corporation, for a Period of up to Four Years.

Natural Resources recommends the purchase of 6 acres at 3301 East Prospect Road from MBI Corporation. Natural Resources and CSU have acquired the “Flatiron” gravel mine property to the south and west of this parcel for natural area purposes. The land was acquired over time at bargain prices and by donation. This 6-acre parcel with Flatiron’s old office building had previously not been acquired due to the higher land value. This parcel is now one of the last pieces in the puzzle in the effort to preserve the entire river bottom on the east side of the Poudre River, from Timberline Road southeast to I-25.

The purchase price of \$340,000 represents the fair market value of the property as determined by Dennis Marion, M.A.I. Although this purchase price is a comparatively high price to pay for 6 acres of natural area, the visual benefit of removing the office building and restoring the site will be spread across the hundreds of acres of natural area surrounding this property. The property is in an ideal location for redevelopment. It is near I-25 on Prospect Road, which will be widened in a few years, and it is surrounded by natural area. The cost to acquire this parcel is expected to increase over time, so delay would likely result in increased expense. If this site were redeveloped, the negative visual impact to the surrounding natural area would be there for a very long time.

15. First Reading of Ordinance No. 51, 2000, Amending Chapter 12, Article II, of the City Code Pertaining to Garbage and Refuse and Chapter 20, Article III of the City Code Pertaining to Weeds, Brush Piles and Rubbish.

Portions of Chapters 12 and 20 of the City Code contain very similar language and cover similar types of nuisances. Chapter 12, Article II covers garbage and refuse and defines terms such as owner, occupant, property, refuse and rubbish. The bulk of Article II (Division 1) covers the prohibited accumulations of refuse and rubbish, while the remainder (Division 2) deals with the collection and removal of refuse and rubbish. Chapter 20, Article III, also covers rubbish, as well as weeds and brush piles. It contains many of the same definitions as Section 12, Article II.

These Code provisions are so similar in nature, and contain so much duplicate language, it was felt they should be consolidated, making it easier for both staff and citizens to reference. Toward that end, redundant provisions in Sections 12-16 through 12-21 are being repealed; certain other provisions pertaining to rubbish accumulation are being transferred to Chapter 20; and the remaining provisions in Chapter 12 relating to rubbish *collection* are being consolidated in one division, which will remain in Article II of Chapter 12.

In addition to transferring some provisions from Chapter 12 to Chapter 20, there are two substantive changes to Chapter 20. First, staff is recommending the addition of a new subsection

(k) to Section 20-42, which would require businesses which, by their nature store material in such a manner as to make it difficult to keep it neat and tidy, to fence the material if they are adjacent to a residential neighborhood. The City gets a significant number of complaints every year from citizens who reside near businesses that generate unsightly materials. Junk dealers and car repair businesses are two examples of those types of businesses that generate complaints.

The second is a revision of Section 20-44 regarding the charges assessed for mowing weeds or removing rubbish. Currently the City charges twenty (20) percent of the costs of abatement. Staff is recommending that the fee be increased to fifty (50) percent. The abatement fee should serve as a deterrent to property owners letting their property go and then letting the City clean it up. It is believed a twenty (20) percent abatement fee is not enough incentive to cause more property owners to abate the nuisances.

16. Resolution 2000-64 Making Findings of Fact and Conclusions Regarding the Appeal of a Decision of the Building Review Board Relating to Huntington Hills Filing No. 7 (BRB #1-00).

On April 18, 2000, the City Council voted unanimously to uphold the Building Review Board's decision denying Bob Campbell's variance request that would have allowed a single licensed structural framing contractor to oversee numerous non-licensed framing subcontractors building the structural frame and sheathing for the appellant's proposed multiple-dwelling-unit project. This Resolution makes findings of fact and conclusions to complete the record and to finalize its decision in this case.

17. Resolution 2000-65 Authorizing an Intergovernmental Agreement with Great Outdoors Colorado for the Loveland-Fort Collins Corridor Conservation Project.

In May 1998, the City of Fort Collins, City of Loveland, and Larimer County were awarded a \$500,000 grant from Great Outdoors Colorado to be used for the conservation of priority open lands in the corridor between Fort Collins and Loveland, west of U.S. Highway 287. Since that time the partners have negotiated the purchase of several parcels of land in the area, including the McKee Trust property, the Buckner property, the Miltenberger property, and the Glode property.

Recently, the partners negotiated a purchase and sale agreement on the remaining key parcel, the Sauer property, and Council has adopted Resolution 2000-50 authorizing an intergovernmental agreement between the partners, and has, this same date, also adopted on Second Reading Ordinance No. 42, 2000 authorizing conveyance to Larimer County of a conservation easement on the property. This Resolution represents the final Council action needed on the project to approve the grant agreement with Great Outdoors Colorado, which is necessary to receive the funds for the project.

18. Resolution 2000-66 Approving an Exemption to the Use of a Competitive Process for Completion of Phase 1 of the Mason Street Transportation Corridor Project.

This request is for an exemption to the competitive purchasing process requirements in order to contract with LSA Associates, Inc., as the lead consultants for the planning and design phase of the Mason Street Transportation Corridor Project.

The Mason Street Transportation Corridor Project is funded through *Building Community Choices* dedicated sales tax. The contract amount will not exceed \$400,000 and will extend to October 31, 2000. Funds are available within the project budget for FY 2000.

19. Routine Easements.

- A. Grant of permanent drainage easement from Dalco, LLLC, located southeast of the intersection of Trilby Road and Shields Street, also known as the Colina Mariposa Natural Area. Monetary consideration: \$10.
- B. Deed of dedication for easement from Dalco, LLLC, located southeast of the intersection of Trilby Road and Shields Street, also known as the Colina Mariposa Natural Area. Monetary consideration: \$10.
- C. Temporary grading easement from Warren Farms Development Company, north of Horsetooth Road, and west of Drake Road. Monetary consideration: \$10.
- D. Access easements from Warren Farms Development company, north of Horsetooth Road, and west of Drake Road. Monetary consideration: \$10.

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

20. Consent Calendar Follow-up.

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

21. Staff Reports.

22. Councilmember Reports.

Committees that have met since April 18 include:

Finance Committee

Growth Management Committee

Legislative Review Committee

ITEMS NEEDING INDIVIDUAL CONSIDERATION

23. Consideration of the Appeal of the March 15, 2000, Decision of the Water Utility's Hearing Officer Denying the Application of Earle and Maxine Horton for a Xeriscape Certification and Grass Height Variance.

This appeal is taken from the "Decision of the Hearing Officer" dated March 15, 2000, issued by Steven Klausing, as the City's Water Utility Hearing Officer appointed by the General Manager of Utility Services. The Decision pertains to the application of Earle and Maxine Horton for a xeriscape certification and a grass height variance under Section 20-43 of the City Code for their residence at 2750 Pleasant Valley Road, Fort Collins, Colorado.

24. Items Relating to the City's Fiscal Year 2000-2001 Community Development Block Grant and Home Investment Partnerships Programs.

- A. Public Hearing and Resolution 2000-66 Approving the FY 2000-2001 Community Development Block Grant Program for the City of Fort Collins.
- B. Public Hearing and Resolution 2000-67 Approving the FY 2000 Home Investment Partnerships Program for the City of Fort Collins.
- C. First Reading of Ordinance No. 52, 2000, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Projects in the Community Development Block Grant Fund.
- D. First Reading of Ordinance No. 53, 2000, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Projects in the Home Investment Partnerships Fund.

The Community Development Block Grant (CDBG) Program and the Home Investment Partnerships (HOME) Program provide Federal funds from the Department of Housing and Urban Development (HUD) to the City of Fort Collins which can be allocated to housing and community development 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 two resolutions and two ordinances. The first resolution establishes which programs and projects will receive funding with CDBG funds for the FY 2000-2001 Program year, which starts on October 1, 2000. The CDBG Commission presents a list of recommendations as to which programs and projects should receive funding. The second resolution establishes only the major funding categories within the HOME Program for the FY 2000-2001 Program year. Specific projects for the use of HOME funds will be determined in November as a result of the fall funding cycle of the competitive process for the allocation of the City's financial resources to affordable housing programs/projects and community development activities. The ordinances appropriate

funds to be received for the CDBG and HOME programs, and transfer into the federal 2000-2001 fiscal year programs unexpended program funds from prior year CDBG programs.

25. First Reading of Ordinance No. 54, 2000, Authorizing an Option to Lease, and the Subsequent Lease, of City-owned Property on East Laurel Street to Sportsman's Storage, LLC, for Sublease to Nextel for Installation of a Monopole, and Authorizing Associated Easements.

Nextel Communications, Inc., through Sportsman's Storage, LLC, contacted the City during the time of the planning for the Locust Street Outfall Project to discuss the possible lease of 225 square feet of land for an antenna to enhance its cellular phone service. Sportsman's Storage was originally informed that zoning on its property would accommodate all of Nextel's facilities, including a communications standard and equipment shelter. However, the zoning line dividing the Limited Commercial District (C-L) zone from the Neighborhood Conservation, Buffer District (N-C-B) zone fell on their northern property line. The N-C-B district on their property permits the equipment shelter, but does not permit the 60-foot tall monopole. This resulted in the Sportsman's Storage owners requesting a lease for 225 square feet of C-L land from the City for the location of Nextel's monopole. Nextel's equipment storage will be located on 600 square feet of the Sportsman's Storage property. Sportsman's has requested an initial option to lease for \$500, for a term of up to one year, to allow for site investigation, regulatory approvals, and other necessary actions prior to installation of the monopole. Sportsman's Storage and Nextel have coordinated with City staff so that the location of the tower will not conflict with the City's use. The staff is proposing to use the basic lease format utilized for a similar communications facility at the City Park North Ballfield to Sprint Spectrum L.P.

26. Second Reading of Ordinance No. 40, 2000, Authorizing Acquisition by Eminent Domain Proceedings of Certain Easements Necessary for the Locust Street Outfall Storm Drainage Improvements.

Construction of the proposed improvements will require the acquisition of a permanent utility easement and a temporary construction easement from two properties. Staff has initiated the easement acquisition process—discussing the project with the property owners, obtaining appraisals, preparing offers and negotiating for the required easements. Staff will continue good faith negotiations; however, to ensure that the City can secure all of the easements in time to begin construction of the project, it is necessary to initiate the first step of the eminent domain process, Ordinance No. 40, 2000, was adopted 6-0 on First Reading on April 18, 2000 and authorizes acquisition by eminent domain. Councilmember Weitkunant withdrew from discussion due to a perceived conflict of interest.

27. Pulled Consent Items.

28. Other Business.

29. Adjournment.

NOTE: This meeting needs to adjourned to 6:00 p.m. on May 9, 2000.

