

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

May 16, 2000

Proclamations and Presentations

5:30 p.m

- A. Proclamation Proclaiming the Month of May as “Foster Care Month”.
- B. Proclamation Proclaiming May 13-21, 2000 as “Colorado Archaeology and Historic Preservation Week”.
- C. Proclamation Proclaiming May 14-20, 2000 as “National Nursing Home Week”.
- D. Proclamation Proclaiming May 15, 2000 as “Forget-Me-Not Day”.
- E. Proclamation Proclaiming June 4, 2000 as “Boys and Girls Clubs of Larimer County Day”.
- F. Presentation of a Proclamation to City Council by Representatives of the Greeley Independence Stampede Proclaiming June 27, 2000, as “Fort Collins Day at the Greeley Stampede.”

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 26. 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 #30, 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. 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. Resolution 2000-62, which was unanimously adopted on May 2, 2000, authorized the Mayor to enter into an Agreement to provide library services to County residents and for outreach service. Ordinance No. 43, 2000, which was also unanimously adopted on First Reading on May 2, 2000, appropriates \$30,030 for outreach services.

8. Second 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. Ordinance No. 44, 2000, which was unanimously adopted on First Reading on May 2, 2000, 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.)

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

- A. Second 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 Covenants, Conditions, and Restrictions on a 139-acre Portion of the Cathy Fromme Prairie, as Required Thereby.
- B. Second 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. Staff has been working with Great Outdoors Colorado to close out the grant and receive the reimbursement of funds for the property. Ordinance No.'s 45 and 46, 2000, which were unanimously adopted on First Reading on May 2, 2000, complete the grant requirements and funds are expected to be received in June 2000.

Since the Ordinances were adopted on First Reading, Great Outdoors Colorado has determined that Larimer Land Trust, rather than Larimer County, will be the third-party steward empowered to enforce the requirements of the Declaration of Covenants, Conditions and Restrictions.

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

- A. Second 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. Second 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. Second 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. These Ordinances, which were unanimously adopted on First Reading on May 2, 2000, 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.

Since the Ordinances were adopted on First Reading, Great Outdoors Colorado has determined that Larimer Land Trust, rather than Larimer County, will be the third-party steward empowered to enforce the requirements of the Declaration of Covenants, Conditions and Restrictions.

11. Second 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 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. Ordinance No. 50, 2000, was unanimously adopted on First Reading on May 2, 2000.

12. Second 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.

Ordinance No. 51, 2000, was unanimously adopted on First Reading on May 2, 2000, and amends certain sections of the City Code pertaining to garbage, refuse, weeds, brush piles and rubbish.

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

A. Second Reading of Ordinance No. 52, 2000, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Projects in the Community Development Block Grant Fund.

B. Second Reading of Ordinance No. 53, 2000, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Projects in the Home Investment Partnerships Fund.

Ordinance No. 52, 2000 and Ordinance No. 53, 2000, were unanimously adopted on First Reading on May 2, 2000, and 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.

14. First Reading of Ordinance No. 55, 2000, Appropriating Prior Year Reserves in the General Fund for Promotion of Convention and Visitor Activities and for Cultural Development and Programming Activities.

This Ordinance appropriates 1999 lodging tax receipts dedicated to the Convention and Visitors Bureau, Cultural Development and Programming (CDP), Visitor Events, and Tourism Capital. In addition, it appropriates unexpended 1999 appropriations for CDP and visitor events.

15. First Reading of Ordinance No. 56, 2000, Authorizing the Revision of the Legal Description of that Easement Conveyed to Wyoming Interstate Company Pursuant to Ordinance No. 58, 1999, to Accommodate Minor Field Changes During Construction.

In May of 1999, Council adopted Ordinance No. 58, 1999 conveying an easement to Wyoming Interstate Company for pipeline construction across Meadow Springs Ranch. The "as-built" drawings show that the Wyoming Interstate Company's line of construction falls outside of the previously acquired construction easement. This minor field change was needed to accommodate

a straight boring under Interstate 25. The Wyoming Interstate Company would like to resolve the issue and correct the legal description contained in the easement. After Council approval of the revised easement it will be re-recorded.

16. First Reading of Ordinance No. 58, 2000, Amending the Code of the City to Increase the Community Parkland Capital Improvement Expansion Fee and the Neighborhood Parkland Fee.

Adoption of this Ordinance will increase the Neighborhood and Community Parkland fees due to increased costs related to park development. Neighborhood Parkland fees would increase \$122 (from \$956 to \$1,078) and Community Parkland fees would increase \$152 (from \$1,053 to \$1,205) for an average size home. The increase is based on current costs incurred by the City to construct new parks at the same level of service as existing parks.

The Neighborhood Parkland and Community Parkland fees were set in 1996 and reflected existing park acquisition and development costs. The fee is adjusted annually by the Denver-Boulder Consumer Price Index. The costs requiring the fee increase were not included in the original fees and are not covered by the Consumer Price Index adjustments.

17. First Reading of Ordinance No. 59, 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 Spring biannual update of the Land Use Code. On May 4, 2000, the Planning and Zoning Board voted 7-0 to recommend adoption of the proposed changes to City Council.

18. First Reading of Ordinance No. 60, 2000, Authorizing the Placement of Fill Material on Certain Real Property Owned by the City Without Review of Such Activity as "Development" Within the Meaning of the City's Land Use Code.

This Ordinance authorizes Lagunitas Landings, Inc. to place fill material on a four-acre parcel it is purchasing from the City without the need for review of such activity under the City's Land Use Code. Although the Land Use Code calls for review of any such activity as "development," the City has authorized the placement of the fill on the property in connection with its sale of the property to Lagunitas, and City staff have determined that the fill material and the activity involved will not be injurious to adjacent property owners or detrimental from a natural resources standpoint.

19. Resolution 2000-68 Adopting the Recommendation of the Cultural Resources Board Regarding Fort Fund Disbursements.

On November 30, 1998 revised guidelines for the Cultural Development & Programming and Tourism accounts (Fort Fund) were adopted and approved through the City Manager's office. These newly adopted guidelines created a three-tiered funding system for organizations that apply for grants from Fort Fund. Tier #1 was established as an annual programming fund for organizations whose primary purpose is to present three or more public events annually. These groups may apply for funding from Tier #1 each April. Tier #2 allows organizations that are not eligible for Tier #1 support to apply for funding of events that are not fund-raising in nature and do not generate more than \$2,500 in proceeds after expenses. Tier #3 allows organizations that are not eligible for Tier #1 support to apply for funding of events that generate more than \$2,500 in proceeds after expenses and are fund-raising in nature. Applications for support from Tier #2 and Tier #3 are accepted each January and June.

20. Resolution 2000-69 Approving an Exemption to the Use of a Competitive Process for Completion of the Northern Colorado Regional Communities I-25 Corridor Plan.

This request is for an exemption to the competitive purchasing process requirements in order to contract with Clarion Associates, as the lead consultants for the preparation of the Northern Colorado Regional Communities I-25 Corridor Plan.

The cost of preparing the Northern Colorado Regional Communities I-25 Corridor Plan is shared amongst the seven funding jurisdictions. The City's share (\$137,280) was provided for in the 1999 budget. The contract amount will not exceed \$220,000.

21. Resolution 2000-70 Approving an Intergovernmental Agreement for the Joint Ownership and Operation of the Fort Collins-Loveland Municipal Airport.

Through the proposed Intergovernmental Agreement (IGA), the Cities of Fort Collins and Loveland agree to continue sharing equally in the revenues and expenses arising out of Airport operations. Each of the Cities currently contributes \$60,000 annually to the Airport's budget. These funds are then used to leverage state and federal (FAA) grants for capital improvements to Airport facilities pursuant to a twenty-year (with five-year intervals) *Airport Improvement Program (CIP) and Operating and Development Policy*.

The current IGA was adopted by both Councils in January 1991, following the dissolution of the Airport Authority, and then modified with approval of both Councils in 1994 and 1996. Under the current IGA, full control and decision-making authority was placed with the Councils in Fort Collins and Loveland according to terms of joint ownership.

22. Resolution 2000-71 Concerning Flood Protection Improvements for the Buckingham Neighborhood.

The floodplain for the Cache la Poudre River encompasses the Buckingham neighborhood due to a flow split off of the main stem of the river just to the west of the Buckingham neighborhood. This floodplain includes some 76 residential and commercial structures. Inclusion in the floodplain presents the potential of flooding to the area and the hazards associated with it. These hazards include possible damages to private property and the potential loss of life. This area is also subject to floodplain regulations, which restrict the types of improvements that can be done to existing and new structures in the floodplain.

23. Resolution 2000-72 Making Findings of Fact and Conclusions Regarding the Appeal of a Decision of the Water Utility Hearing Officer Denying the Application of Earle and Maxine Horton for a Xeriscape Certification and Grass Height Variance.

On May 2, 2000, Council voted 7-0 to make the finding that, based upon a review of the City Code sections relevant to the appeal, the City's xeriscape certification and grass height variance program was improperly adopted. Accordingly, the Council found that the Hearing Officer incorrectly determined that the Water Utility's xeriscape certification and grass height variance program was a valid regulatory scheme. Based upon this finding, the Council voted 7-0 to modify the decision of the Hearing Officer. The Council directed the City Manager to repeal the City's current xeriscape certification and grass height variance program. Additionally, the Council directed the City Manager to provide research and information to the Council regarding the possible future adoption of an ordinance delegating authority to the Water Utility to adopt a xeriscape certification and grass height variance program. Finally, Council directed the City Manager to hold all pending applications for xeriscape certification in abeyance until the City adopts a new xeriscape certification program, or until the City Council determines that such a program will not be adopted. In order to complete the record regarding the appeal, Council should adopt a Resolution making findings of fact and finalizing its decision on the appeal.

24. Resolution 2000-73 Updating the List of Names for Arterial and Collector Streets.

With the various annexations in southeast Fort Collins over the years, there are segments of five roads that are now located entirely within the City boundaries. These roads are "section line" roads and, as such, are classified on the Master Street Plan as arterials.

Section 24-91 of the City Code requires that all new arterials are to be named from the list of street names approved by the City Council. This list is a collection of names of citizens that the city would like to honor posthumously. The list is adopted by the City Council and names can be added only by a resolution of the City Council.

The list of names has not been updated or amended since its adoption in 1985. With the adoption of both the Harmony Corridor Plan and the Fossil Creek Reservoir Area Plan, staff believes the southeast area of the city will rapidly develop. The time is ripe to begin the street renaming process in this area before future residents and employers would be impacted with street name changes.

Staff has conducted three meetings with the property owners in the southeast area and has recommended names for the five affected arterials for Council to consider.

25. Resolution 2000-74 Making Appointments to the Youth Advisory Board.

Two vacancies currently exist on the Youth Advisory Board due to the resignations of Steven Hill and Benjamin Brooks. Mayor Martinez and Councilmember Kastein reviewed the applications on file and are recommending Sarah Smith to fill the vacancy created by Steve Hill with a term to begin immediately and set to expire on June 30, 2001. The Council interview team is recommending Sarah April to fill the vacancy created by Benjamin Brooks to begin July 1, 2000 and set to expire on June 30, 2002.

26. Routine Deeds and Easements.

- A. Easement for construction and maintenance of public utilities from James Scott Christopher, located at 640 Peterson, to underground existing overhead electric services. Monetary consideration: \$10.
- B. Easement for construction and maintenance of public utilities from Karen L. Wheeler, located 134 Sylvan Circle, to install an oval vault to underground existing overhead electric system. Monetary consideration: \$170.
- C. Easement for construction and maintenance of public utilities from Darrell Floyd Anderson, located at 126 Sylvan Circle, to install an oval vault to underground existing overhead electric system. Monetary consideration: \$170.
- D. Deed of dedication for easement from James and Janet Gulley for a slope easement, located on the northwest corner of Trilby and Shields Streets. Monetary consideration: \$10.
- E. Deed of dedication for easement from Mike and Cheryl Peregoy for a grading and drainage easement, located on the northwest corner of Trilby and Shields Streets. Monetary consideration: \$10.

- F. Deed of dedication for easement from Dalco, LLLC for grading, utility, drainage and landscaping easement, located on the southwest corner Trilby and Shields Streets. Monetary consideration: \$10.
- G. Deed of dedication for easement from Dalco, LLLC for temporary grading and drainage easement, located on the southwest corner of Trilby and Shields Streets. Monetary consideration: \$10.
- H. Deed of dedication for easement from Dalco, LLLC for temporary turnaround easement, located on the southwest corner of Trilby and Shields Streets. Monetary consideration: \$10.
- I. Deed of dedication for easement from Stephen D. Joyce for a utility and slope easement, located at the intersection of Mulberry Street and Lemay Avenue. Monetary consideration: \$10.
- J. Deed of dedication for easement from Stephen D. and David G. Joyce for a sight distance easement, located at the intersection of Mulberry Street and Lemay Avenue. Monetary consideration: \$10.
- K. Deed of dedication for right-of-way from Stephen D. and David G. Joyce, located at the intersection of Mulberry Street and Lemay Avenue. Monetary consideration: \$10.
- L. Deed of dedication for easement from Storm Mountain Corporation for a storm sewer easement, located at the intersection of Mulberry Street and Lemay Avenue. Monetary consideration: \$10.
- M. Deed of dedication for right-of-way from Hoffman Trust, located at the intersection of Mulberry Street and Lemay Avenue. Monetary consideration: \$10.
- N. Deed of dedication for easement from Daniel Lloyd and Shirley E. Ellsworth for a slope and grading easement, located at the intersection of Mulberry Street and Lemay Avenue. Monetary consideration: \$10.
- O. Deed of dedication for easement from Link-N-Greens for a slope easement, located at the intersection of Mulberry Street and Lemay Avenue. Monetary consideration: \$10.

END CONSENT

27. Consent Calendar Follow-up.
This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
28. Staff Reports.
29. Councilmember Reports.
Committees that have met since May 2 include:
Growth Management Committee Legislative Review Committee
NFRT&AQPC
30. Pulled Consent Items.
31. Other Business.
32. Adjournment.

AGENDA

OF THE BOARD OF COMMISSIONERS OF THE FORT COLLINS HOUSING AUTHORITY

May 16, 2000

Regular Meeting 6:00 p.m.

(or as soon thereafter as the City Council completes its business)

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 Boardmembers to follow-up on issues raised during Citizen Participation.

5. AGENDA REVIEW: ACTING EXECUTIVE DIRECTOR
6. There are no items to be considered at this time.
7. Other Business.
8. Adjournment.