

# AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

August 17, 1999

## **Proclamations and Presentations**

**5:30 p.m**

- A. Proclamation Proclaiming August 26, 1999, as Women's Equality Day.
- B. Proclamation Proclaiming the Week of August 29 - September 4, 1999 as "Take the Pledge Week."
- C. Presentation of Exemplary Citizenship Award to Dick DeCook.
- D. Presentation of Marcile N. Wood Awards by the Commission on the Status of Women.

## **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 23. 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. Second Reading of Ordinance No. 122, 1999, Appropriating Prior Year Reserves in the Sales and Use Tax Fund for Transfer to the Building Community Choices Streets and Transportation Capital Projects Fund and Appropriating Funds Therein for the Mason Street Transportation Corridor Capital Project.

Ordinance No. 122, 1999, which was unanimously adopted on First Reading on August 3, 1999, appropriates revenue dedicated to the project to fund an addendum to the scope of work for Balloffet for a vehicle intercept origin and destination survey, a transit on-board survey, and a special generator study for Colorado State University.

8. Second Reading of Ordinance No. 123, 1999, Appropriating Unanticipated Revenue in the Capital Projects Fund Minor Streets Capital Project to Be Used to Upgrade Crossing Warning Devices at the West Drake Road and Burlington Northern Santa Fe Railroad Crossing.

On August 3, 1999, Council unanimously adopted Resolution 99-95 authorizing the City Manager to enter into an agreement with Colorado Department of Transportation (CDOT), and the Burlington Northern and Santa Fe Railway Company (BNSF), for upgrading the crossing warning devices at the West Drake Road and BNSF crossing. Ordinance No. 123, 1999, which was also unanimously adopted on First Reading on August 3, 1999, appropriates the \$169,413 in Federal Funds budgeted towards the project in to the City's Minor Streets Capital Project in the Capital Projects Fund.



9. Second Reading of Ordinance No. 124, 1999, Appropriating Unanticipated Revenue and Prior Year Reserves in the Transportation Services Fund and Authorizing the Transfer of Appropriations Between Funds for the Local and Regional Transportation Demand Management Programs.

Ordinance No. 124, 1999, which was unanimously adopted on First Reading on August 3, 1999, appropriates unanticipated revenue and prior year reserves to be used by the City of Fort Collins and the North Front Range Transportation and Air Quality Planning Council ("NFRT&AQPC") to promote the use of alternative transportation and raise awareness of air quality issues and steps that can be taken by citizens to help preserve good air quality. The monies are part of a state grant of federal transportation dollars allocated to the City of Fort Collins by the NFRT&AQPC.

10. Items Relating to Calling a Special Election for November 2, 1999, and Placing Proposed Charter Amendments on Said Ballot.

- A. Second Reading of Ordinance No. 125, 1999, Calling a Special Municipal Election to be Held in Conjunction with the November 2, 1999 Larimer County Coordinated Election.
- B. Second Reading of Ordinance No. 126, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Articles IX and X of the City Charter, Pertaining to Petition Circulators.
- C. Second Reading of Ordinance No. 127, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article X of the City Charter, Pertaining to Initiative and Referendum.
- D. Second Reading of Ordinance No. 128, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article IX, Section 1(b) of the City Charter, Pertaining to the Commencement of Recall Proceedings and the Scheduling of a Recall Election.
- E. Second Reading of Ordinance No. 129, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article VIII of the City Charter Pertaining to the Appearance of Names on Election Ballots.
- F. Second Reading of Ordinance No. 130, 1999, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Article IV, Section 9 of the City Charter Exempting Special Purpose Committees from Conflict of Interest Rules.

Ordinance No. 125, 1999, which was unanimously adopted on August 3, 1999, calls a Special Municipal Election to be held in conjunction with the November 2, 1999 Larimer

County Coordinated Election. The remaining Ordinances, which were all unanimously adopted on First Reading on August 3, 1999, place individual Charter amendments on the Special Election ballot. The proposed Charter amendments were considered by the Council Governance Committee, which recommended they be forwarded to the Council for consideration for placement on the ballot.

11. Second Reading of Ordinance No. 131, 1999, Appropriating Unanticipated Revenue in the General Fund and Authorizing the Transfer of Appropriated Amounts Between Accounts and Projects for the Multi-Jurisdictional Drug Task Force.

For the past twelve years, Fort Collins Police Services has applied to the Colorado Division of Criminal Justice for federal drug grant monies to help fund the investigation of illegal narcotics activities. Fort Collins is once again joined with other members of the Drug Task Force, to include the Loveland Police Department, Larimer County Sheriff's Department and the Colorado State University Police Department, in one application for funding of the multijurisdictional drug task force to be administered by the City of Fort Collins. As administrator of the 1999-2000 grant, Police Services will assure funding to other participating agencies for their share of the federal funds. The City has recently received notification of a grant award in the amount of \$295,506. The participating agencies will be providing matching funds in the amount of \$295,506. A portion of the \$295,506 match will consist of \$32,712 from participating agencies so as to fund training and equipment needs. Fort Collins portion of the match is \$129,399. This match is met via the budgeted salary and fringe benefits (\$117,931) of existing Fort Collins Police Services personnel currently assigned to the Drug Task Force and \$11,468 earmarked for Fort Collins Polices Service's share of equipment and training costs. Ordinance No. 131, 1999, was unanimously adopted on First Reading on August 3, 1999.

12. Second Reading of Ordinance No. 132, 1999, Appropriating Unanticipated Revenue in the Capital Projects Fund Minor Streets Capital Project to Be Used to Install New Crossing Warning Devices at the Larimer County Road 32 And Union Pacific Railroad Crossing.

On August 3, 1999, Council unanimously adopted Resolution 99-96 authorizing the City Manager to enter into an agreement with the Colorado Department of Transportation (CDOT), and the Union Pacific Railroad Company (UPRR), is for installation of crossing warning devices at the Larimer County Road 32 and UPRR crossing. Also on August 3, 1999, Council unanimously adopted Ordinance No. 132, 1999, appropriating Federal Funds budgeted towards the project in to the City's Minor Streets Capital Project in the Capital Projects Fund.

13. Second Reading of Ordinance No. 133, 1999, Authorizing the Conveyance of a Non-Exclusive Easement for Parking to Colorado State University Through the State Board of Agriculture in Connection with the Environmental Learning Center/Visitor Center Project.

Resolution 99-97, which was unanimously adopted August 3, 1999, authorizes the Mayor to enter into an Intergovernmental Agreement with CSU. The agreement specifies the term of the Agreement (50 years) and sets out the respective rights and responsibilities of the parties regarding the leased space. The Agreement also sets forth certain terms and conditions between the City and the University regarding the development of the Center.

Ordinance No. 133, 1999, which was also unanimously adopted on First Reading on August 3, 1999, conveys an easement to CSU on City property (roughly ½ acre on the Resource Recovery Farm). The purpose of the easement is to allow CSU to develop a parking lot that will serve both the Center, and the Geologic Gardens (Rock Park – described in detail at the end of this summary). The 2-acre Rock Park will be located adjacent to the parking lot and the Center, and will be developed in 2000 and 2001.

14. First Reading of Ordinance No. 134, 1999, Approving the Terms of the Lease for the City's Lease of the Building at 220 East Olive Street/235 Mathews Street Fort Collins, Colorado

In order for this property to remain tax exempt, state law requires that the Council approve the terms of the lease by Ordinance.

The City's Transportation Department leases the building at Olive and Mathews Streets. The current lease expires August 31, 1999. Staff has renegotiated the lease to continue until the Transportation Department moves into the new City office building upon its completion. The term of this Lease Agreement commences on September 1, 1999 and continues until August 31, 2002, with the City having the option to terminate at any time with a six-month notice of termination. The lease is for 10,384 square feet of office space and 2,040 square feet of warehouse space. The gross rental for this facility is \$11,624.17 per month. This breaks down to \$12.50/square foot for the office space, which is comparable to other downtown office gross leases, and \$4.50/square foot for the warehouse space, which is comparable to warehouse leases in Fort Collins. Expenses paid by the Landlord are structural insurance, building and grounds maintenance, custodial, and utilities. The only other City responsibility will be for personal property insurance. The lease will be increased by the annual Consumer Price Index at the end of each year.

15. First Reading of Ordinance No. 135, 1999, Designating the Harden House, 227 Wood Street, Fort Collins, Colorado, as a Historic Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Dr. David Rowan, is initiating this request for Local Landmark designation for the Harden House. The building is significant for its architectural importance, as a representative example of vernacular residential architecture in Fort Collins, typical of the turn of the century.

16. First Reading of Ordinance No. 136, 1999, Approving and Authorizing the City to Enter into Agreements in Connection with the Execution and Delivery of Lease Certificates of Participation for Street and Recreational Facility Improvements.

The GID and Golf Fund projects will be financed through the use of a non-profit corporation, the Fort Collins Capital Leasing Corporation. This is similar to the financing used for the parking structure and future City office building. Through a lease-leaseback arrangement, the City will lease the existing police station (a 24,220 square foot building located at the southeast corner of LaPorte Avenue and Howes Street) and the adjacent parking lot to the Fort Collins Leasing Corporation under a 30-year site lease. The Corporation will then lease the properties back to the City for a term of 20 years. The actual financing will be accomplished through the sale of certificates of participation (COPs). Upon payment in full of the Certificates of Participation, the site lease will be terminated.

The financing term will be 20 years. The average life of the COPs is expected to be between ten and eleven years. The City expects to pay interest on the lease semi-annually, at an estimated rate of 5.50%. Principal payments will be made annually.

The Bank of Cherry Creek was selected to serve as the trustee for this transaction. The Trustee will be assigned all rents to the Corporation from the City and the Trustee will make payments to the investors that purchase the certificates of participation in the lease purchase transaction.

17. Items Relating to the Willow Brook First Annexation and Zoning.

- A. Resolution 99-102 Setting Forth Findings of Fact and Determinations Regarding the Willow Brook First Annexation.
- B. First Reading of Ordinance No. 137, 1999, Annexing Property Known as the Willow Brook First Annexation to the City of Fort Collins.
- C. First Reading of Ordinance No. 138, 1999, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Willow Brook First Annexation.

This is an annexation and zoning of approximately 39.41 acres of privately owned property located west of County Road 7 and north of County Road 36. The property has rural agricultural uses and is in the FA-1 Farming District in Larimer County. The recommended zoning is the LMN – Low-Density Mixed Use Neighborhood District. This is a 100% voluntary annexation.

APPLICANT: Tom Iskiyan-Chateau Development Company  
8101 East Prentice Avenue, Suite 815  
Greenwood Village, CO 80111



OWNERS: Thomas Morroni-H.H. Investment Company  
P.O. Box 16383  
Denver, CO 80216

18. Items Relating to the Willow Brook Second Annexation and Zoning.

- A. Resolution 99-103 Setting Forth Findings of Fact and Determinations Regarding the Willow Brook Second Annexation.
- B. First Reading of Ordinance No. 139, 1999, Annexing Property Known as the Willow Brook Second Annexation to the City of Fort Collins.
- C. First Reading of Ordinance No. 140, 1999, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Willow Brook Second Annexation.

This is an annexation and zoning of approximately 75.22 acres of privately owned property located west of County Road 7 and north of County Road 36. The property has rural agricultural uses and is in the FA-1 Farming District in Larimer County. The recommended zoning is the LMN - Low-Density Mixed Use Neighborhood District. This is a 100% voluntary annexation.

APPLICANT: Tom Iskiyan-Chateau Development Company  
8101 East Prentice Avenue, Suite 815  
Greenwood Village, CO 80111

OWNERS: Thomas Morroni  
Electrical Equipment Engineering Company - Employee Profit  
Sharing Trust  
P.O. Box 16383  
Denver, CO 80216

19. First Reading of Ordinance No. 141, 1999, Authorizing the Conveyance of a 2.18 Acre Parcel to Huntington Hills of Colorado, LLC, in Exchange for Approximately 20 Acres of Natural Area Property Near Mail Creek and Fossil Creek.

This Ordinance authorizes a land exchange between the City of Fort Collins and Huntington Hills of Colorado, LLC. As a result of the exchange, Huntington Hills will continue to own a 12-acre parcel of land to be developed as the 7th filing of the Huntington Hills development. The City will own a 30-acre parcel of land along Fossil Creek and Mail Creek that will be incorporated into the Natural Areas System. The exchange provides for the consolidation of natural areas along the creeks, enables a wider buffer zone between development and the creeks, and facilitates future plans for public trails, environmental interpretation, and habitat enhancement in the vicinity. The agreement also provides for

appropriate street and utility easements for the future development of the land retained by Huntington Hills.

20. Resolution 99-104 Reestablishing the Amount of the Telephone Exchange Access Facility Charge for the Larimer Emergency Telephone Authority Effective January 1, 2000.

The Larimer Emergency Telephone Authority (LETA) was created pursuant to C.R.S. Section 29-11-101 by an intergovernmental agreement between the City of Fort Collins and nineteen (19) other governmental entities in Larimer County.

The telephone exchange access facility charge of fifty cents (\$.50) per month became effective January 1, 1991, by approval of the Fort Collins City Council. This fee remained the same each year by annual approval of the LETA Board, until 1998 when the fee was decreased by 10% to the current forty-five cents (\$.45). At the most recent LETA Board meeting it was decided that in view of the future need to provide technical equipment to 911 Centers for locating wireless 911 callers, the telephone exchange access charge of forty-five cents (\$.45) per month should remain in place. The LETA Board has agreed to regularly review the charge in hopes of lowering it again in the future.

This surcharge to telephone subscribers is necessary to continue to adequately fund the Emergency 911 telephone service in the City of Fort Collins throughout 2000.

21. Resolution 99-105 Authorizing the Mayor to Execute an Intergovernmental Agreement Among Larimer County, Weld County, and the Cities of Fort Collins, Loveland and Greeley Concerning the Cache La Poudre Commission.

This Resolution authorizes the Mayor to execute an Intergovernmental agreement between Larimer County, Weld County, and the cities of Fort Collins, Loveland, and Greeley endorsing recommended appointments to the Cache la Poudre Commission.

22. Resolution 99-106 Concerning Approval of a Revocable Permit Agreement Between the City and McLeodUSA Telecommunication Services, Inc. Relating to the Installation of a Fiber Optic Cable in Certain City Streets and Rights-of-Way.

McLeodUSA Telecommunication Services, Inc. ("McLeodUSA") is a telecommunications carrier that provides telecommunication services throughout the State of Colorado and is currently constructing a fiber optic telecommunications system in the State. City staff and McLeodUSA have negotiated a proposed Revocable Permit Agreement, which is attached as Exhibit "B" to the Resolution (the "Agreement"), that would grant to McLeodUSA a revocable permit, as provided in Section 10 of Article XI of the City Charter. The revocable permit would authorize McLeodUSA to install and maintain underground a fiber optic cable within certain City streets and rights-of-way (as shown on the map attached as Exhibit "A" to the Resolution).



23. Routine Easement.

- A. Temporary construction easement from R.E.L.M. of Fort Collins, LLC, located north of Mountain Vista Drive and east of County Road 11. Monetary consideration: \$0.

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

24. Consent Calendar Follow-up.

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

25. Staff Reports.

26. Councilmember Reports.

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

*Legislative Review Committee  
NFRT&AQPC*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

27. Pulled Consent Items.

28. Other Business.

29. Adjournment.

## MEETING OF THE BOARD OF COMMISSIONERS OF THE FORT COLLINS HOUSING AUTHORITY

1. Call Meeting to Order.
2. Roll Call.
3. Resolution No. 19 Authorizing the 1999 Comprehensive Improvement Assistance Program Grant Application.

Originally, grants under the U.S. Department of Housing and Urban Development's (HUD) Comprehensive Improvement Assistance Program (CIAP) were awarded on a competitive basis. Several years ago, however, larger housing authorities (over 250 units) were placed in a new HUD Capital Fund Program (CFP). CFP provided funding annually on a non-competitive basis using the number of housing units as the basis to determine the amount of the grant.

HUD recently decided to eliminate CIAP and replaced it with CFP. Nonetheless, HUD will provide this year a one-time distribution of CIAP funds based on units and total bedrooms. The allocation for the Fort Collins Housing Authority will be \$299,012 (\$1,941.63 per unit). To be eligible for these funds, the Board must adopt this Resolution. HUD will be developing a formula for the award of grants under CFP for the upcoming Federal fiscal year 2000.

4. Other Business.
5. Adjournment.

