

# AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

June 1, 1999

## **Proclamations and Presentations**

**5:30 p.m**

- A. Proclamation Proclaiming the Month of June as "Bicycle Month".

## **Regular Meeting**

**6:00 p.m.**

### PRESENTATION OF COLORS

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 25. 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 #32, 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. 81, 1999, Appropriating Proceeds from the Issuance of City of Fort Collins, Colorado, Stormwater Utility Enterprise, Storm Drainage Revenue Bonds, Series 1999, Dated June 1, 1999, in the Aggregate Principal Amount of \$20,060,000, and Appropriating Unanticipated Revenues in the Storm Drainage Fund for Bond Debt Service.

Ordinance No. 81, 1999, was unanimously adopted on First Reading on May 18, 1999, and appropriates bond proceeds in the Storm Drainage Fund for the acquisition and construction of storm drainage improvements and the cost of issuing the bonds as well as amounts to pay debt service on the bonds in 1999.

8. Second Reading of Ordinance No. 82, 1999, Authorizing the Mayor to Execute a Quit Claim Deed Dedicating to the Colorado Department of Transportation Certain Portions of the Access Rights-of-way on Harmony Road Adjacent to Harmony Technology Park First Filing.

Ordinance No. 82, 1999, was unanimously adopted on First Reading May 18, 1999 and dedicates additional right-of-way to the Colorado Department of Transportation for access right-of-way for future widening of the south side of State Highway 68 (Harmony Road) from County Road 9 east to Cambridge Drive. This new right-of-way is in addition to that dedicated with the Harmony Technology Park First Filing Plat.



9. Second Reading of Ordinance No. 83, 1999, Appropriating Prior Year Reserves in the General Employees' Retirement Fund.

Ordinance No. 83, 1999, which was unanimously adopted on First Reading May 18, 1999, appropriates funds to accommodate separated vested employees who have elected to take single sum payments from the GER Plan, thus terminating their membership in the GER Plan. Ordinance No. 83, 1999, also authorizes a \$250,000 appropriation for the employees hired in 1998 who have elected to convert their GER Plan benefits to the ICMA Money Purchase Plan.

10. Second Reading of Ordinance No. 84, 1999, Appropriating Prior Year Reserves and Unanticipated Revenue in the General Fund for Promotion of Convention and Visitor Activities and for Cultural Development and Programming Activities.

Ordinance No. 84, 1999, which was unanimously adopted on First Reading on May 18, 1999, appropriates 1998 lodging tax receipts dedicated to the Convention and Visitors Bureau, Cultural Development and Programming (CDP), Visitor Events, and Tourism Capital.

11. Second Reading of Ordinance No. 85, 1999, Authorizing Dedication of Certain Property for Public Highway to Improve Access to the Larimer County Landfill.

Larimer County plans to construct a new access to the Landfill approximately 700 feet south of the existing access. In conjunction with the project, additional right-of-way is needed to accommodate safety improvements in the form of turn lanes and wider shoulders. Some of the property included in the project (1.05 acres) is owned jointly by the City of Fort Collins, City of Loveland and County of Larimer; therefore, approvals and signatures are required of each municipality. While the dedication is not presently needed, it is necessary to clarify future intended use of the land should the ownership of the adjoining land change. Ordinance No. 85, 1999 was unanimously adopted on First Reading on May 18, 1999.

12. Second Reading of Ordinance No. 86, 1999, Authorizing the Conveyance of a Non-Exclusive Easement for a Sanitary Sewerline on Riverbend Ponds Natural Area to the Boxelder Sanitation District.

Countryside Park Subdivision, which is located north of the Riverbend Ponds Natural Area, was originally designed as a mobile home park and is one of the oldest areas served by the Boxelder Sanitation District. Consequently, the existing sewer lines were engineered with some 45° angles that have the potential to cause service disruption to Countryside Park and Mulberry Commercial Park users. The District is requesting a 20' easement (.0061 acres) on Riverbend Ponds Natural Area for a sewerline extension that will tie into an existing 30' sewerline to alleviate the problem. Natural Area staff has approved the project. This Ordinance was unanimously adopted on First Reading on May 18, 1999.



13. Second Reading of Ordinance No. 87, 1999, Authorizing the City of Fort Collins to Grant a Non-Exclusive Easement on Meadow Springs Ranch to Poudre Valley Rural Electric Association.

Ordinance No. 87, 1999, which was unanimously adopted on First Reading on May 18, 1999, provides the necessary electrical service to a cattle watering well in the southwestern corner of the City-owned Meadow Springs Ranch and to a portion of the neighboring Diehl Ranch.

14. Second Reading of Ordinance No. 88, 1999, Appropriating Unanticipated Revenue in the General Fund for the Library Outreach Program.

Ordinance No. 88, 1999, was unanimously adopted on First Reading on May 18, 1999, and appropriates unanticipated revenue for outreach services.

15. First Reading of Ordinance No. 91, 1999, Appropriating Prior Year Reserves in the General Fund for Police Seizure Activity.

Nearly 100 years ago, Colorado law created a process for the seizure of illegal contraband used in or gained from criminal activity. The intent is to deter crime and to have criminals help defray the costs of policing.

State statutes specify that the proceeds from such seizures are to be used for law enforcement purposes, and require that the governing body (City Council) of the seizing agency (Police Services) appropriate these proceeds to supplement the seizing agency's budget or forfeit the proceeds to the general fund of the State of Colorado. The Colorado Supreme Court and the United States Supreme Court have consistently upheld the constitutionality of these statutes.

16. First Reading of Ordinance No. 92, 1999, Appropriating Prior Year Reserves in the Street Oversizing Fund and Authorizing the Transfer of Appropriations Between Funds for the Purpose of Constructing Improvements at the Horsetooth Road and Mason Street Intersection.

The intersection of Horsetooth Road and Mason Street is currently at level of service F, which indicates severe delays to traffic during peak hours. This project will add a right turn lane at the intersection of Horsetooth Road and Mason Street to alleviate this congestion, plus complete the pedestrian connections in the area. These improvements include a southbound right turn lane onto Mason Street from Horsetooth Road, curb and gutter along Horsetooth and Mason, attached sidewalk, storm sewer improvements and pedestrian crosswalks at the intersection. The project is predominantly funded by the Minor Streets Capital Program, but includes contributions from the Pedestrian Access Program, Traffic Operations and the Street Oversizing Program. Staff is requesting that funds be appropriated from the Pedestrian Access, Street Oversizing, and Traffic Operations programs so that construction of these arterial road improvements can begin in the summer of 1999. Staff



believes this project needs to start in the summer in order to alleviate the severe traffic delays and congestion in the area.

17. First Reading of Ordinance No. 93, 1999, Amending Section 20-25 of the City Code by Exempting the City from Liability for any Noise Emanating From any Public Right-of-Way.

The City's noise ordinance does not presently exempt noise emanating from City streets. Because it is impossible for the City to control that noise, and the City Code makes property owners liable for noise coming from their premises, City staff is recommending that the Code be amended to exempt the City from any liability for noise emanating from City streets.

18. First Reading of Ordinance No. 94, 1999, Authorizing the Conveyance of a Quit Claim Deed to Walter Edward Sperry and Leona Veronica Kelley to Clarify Ownership of a Tract of Land (.246 Acres) at Overland Trail Park.

The 15-acre Overland Trail Park was purchased in 1978 and developed in 1986. During the development of the park there was an unresolved dispute with the adjacent landowners, Walter Sperry/Veronica Kelley, over the northerly boundary of the park. The issue has resurfaced because the landowners have a contract on their property and have requested a Quit Claim Deed from the City to resolve ownership of the .246-acre tract of land. Parks and Recreation needs 10 new parking spaces along the easterly 100 feet of the tract. To reach a "win-win" situation, Sperry/Kelley have agreed to a quit claim deed from the City for the disputed tract, with a reservation for the City of a vehicular parking easement to accommodate the desired parking spaces. The buyers of the Sperry/Kelley property have agreed to cooperate with the City through the planning process.

19. First Reading of Ordinance No. 95, 1999, Amending Sections 29-13 and 29-14 of the Transitional Land Use Regulations Pertaining to Construction, Maintenance and Repair Guarantees and Security Requirements for Developers.

The following recommended changes in the Transitional Land Use Regulations are proposed to match similar proposed changes in the "Spring 1999" revisions to the Land Use Code. The changes are as follows:

1. Add language to define the start date of the warranty period.
2. Add language to provide the option for describing warranty requirements in the development agreement for when no new plat is required for the project or if work is located outside the plat boundary.
3. Revise language to (1) add the words "construction" and "maintenance/repair" when describing security to distinguish between two types of security; and (2) add flexibility for the developer to change the form of security.



These revisions are in keeping with the City Council's charge to staff when the "Choice Streets" package was approved last fall, to make changes when necessary to help the new requirements work.

20. Resolution 99-63 Authorizing the City Manager to Lease 1745½ Hoffman Mill Road and the Barn and Pastures on the Nix Natural Area.

The City purchased two houses and a barn as part of the Nix Natural Area in December 1996. At the time of the purchase, three leases were in place for residences and for the barn and pasture. The new lease for 1745 Hoffman Mill Road (Residence "A") was approved by Council on May 18, 1999. The lease for 1745½ Hoffman Mill Road, referred to as "Residence "B" on the map attached to the Resolution, terminates on July 14, 1999. The lease for the barn and pastures terminates on June 1, 1999. Because planning for use of the structures on the property is still underway, Natural Resources staff is recommending that new leases for Residence "B" and the barn/pasture be executed that would permit continued collection of rent payments pending completion of plans by the Natural Resources Department.

Natural Resources is continuing to evaluate the feasibility of modifying Residence "B" for use by Natural Resources staff, including Rangers and maintenance staff. The proposed Lease Agreements have a maximum term of two years, with the City having the option to terminate the lease at any time with notice to the tenants.

21. Resolution 99-64 Authorizing a Lease of City-Owned Property at 149 Grandview.

The City built this house for use by the Cemetery Superintendent. Since this position has been eliminated, the City does not need to use this house as a staff residence. CLRS staff considered moving the building to Roselawn Cemetery to be used as a maintenance facility. Researching this option, staff concluded that it would not be cost effective to move and remodel the house into a maintenance shop.

In the future, the area in which the house is located will be needed for more cemetery space. Prior to that time, renting the house will generate income that the Cemetery staff can utilize to build the needed maintenance shop at Roselawn. Staff also believes vandalism can be discouraged by keeping the house occupied.

22. Items Pertaining to the Cooperative Planning Area Adjacent to Fossil Creek Reservoir.

- A. Resolution 99-65 Authorizing the Mayor to Enter into an Intergovernmental Agreement with Larimer County Regarding Development in the Fort Collins Cooperative Planning Area Adjacent to Fossil Creek Reservoir.
- B. Resolution 99-66 Authorizing the Mayor to Enter into an Intergovernmental Agreement among the City of Fort Collins, the City of Loveland, the Town of



Windsor and Larimer County Regarding Annexations in the Fort Collins Cooperative Planning Area Adjacent to Fossil Creek Reservoir.

- C. Resolution 99-67 Authorizing The Mayor to Enter Into an Intergovernmental Agreement With the Town of Windsor Regarding Annexations East of Interstate Highway 25.

Approximately one year ago, the City of Fort Collins and Larimer County adopted the *Fossil Creek Reservoir Area Plan*. One of its implementation actions was the preparation of intergovernmental agreements establishing a "Cooperative Planning Area". A Cooperative Planning Area (CPA) is intended to be the area which is situated beyond a municipality's Growth Management Area (GMA) but which could conceivably be annexed in the long term. It is intended that rural developments in the CPA proceed in accordance with the existing County zoning, but in a manner that does not preclude or jeopardize urbanization when, and if, it becomes part of the municipality's GMA. Special zoning and/or development standards may apply to each CPA. Another principle behind the CPA idea is that if each municipality would identify its own CPA, the potential for "annexation wars" would diminish.

Last June, staff and elected official representatives from the cities of Fort Collins, Loveland, Windsor, and Timnath, and Larimer County, met to discuss the establishment of a CPA for the Fossil Creek Reservoir area. The concensus from this meeting was for Fort Collins to proceed with preparing the necessary legal documents establishing the CPA.

23. Resolution 99-68 Approving a Charge for Personal Service Costs for Cases Heard in the Fort Collins Municipal Court.

On May 17, 1999, House Bill 99-1364, "Concerning the Use of Automated Vehicle Identification Devices," was signed by the Governor. That bill affects the City's use of the camera radar and red light traffic enforcement systems. In the portion of that bill relating to service of process, there is a provision indicating that a municipality may charge the actual costs of personal service of process.

At this time, Judge Lane is recommending that City Council approve the establishment of a personal service cost so that when it is necessary for a police officer to locate and personally serve a defendant with a summons and complaint, the cost of that service can be assessed against the defendant. This cost would only be assessed and due if the defendant pled "guilty" or "no contest" or was found guilty at trial. As with other costs, it may be waived by the Judge if the defendant is indigent or when otherwise appropriate.

24. Resolution 99-69 Reappointing Gordon F. Esplin as Temporary Judge and Authorizing the Execution of an Employment Agreement.

Council originally appointed Gordon F. Esplin as Temporary Judge (Assistant Municipal Judge) in 1989, and reappointed him every two years thereafter. His current appointment



terminates on June 30, 1999. Municipal Judge Kathleen M. Lane recommends that Mr. Esplin be reappointed for another 2-year term.

Mr. Esplin is currently paid \$75 per hour for his services. That rate is well below the going rate for legal fees in Fort Collins. For that reason, staff recommends an increase in the compensation paid to Mr. Esplin to \$80 per hour.

25. Routine Easements.

- A. Easement from Karl Yoder and Ruth Pendergrast to underground existing overhead electric services, located at 825 Smith. Monetary consideration: \$10.
- B. Easement from Fort Collins Newspapers, Inc. to install underground electric system and equipment, located at 1300 Riverside. Monetary consideration: \$1342.50.
- C. Easement from Maureen and Roger Bryant to install an oval vault to underground existing overhead electric system, located at 530 South Taft Hill. Monetary consideration: \$80.

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

26. Consent Calendar Follow-up.

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

27. Staff Reports.

28. Councilmember Reports.

**Committees that have met since May 18 include:**

*Finance Committee*

*Health and Safety Committee*

*Legislative Review Committee*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

29. Items Related to the West Central Neighborhoods Plan Rezoning.

- A. Second Reading of Ordinance No. 89, 1999, Amending the Land Use Code for the Purpose of Implementing the West Central Neighborhoods Plan.
- B. Second Reading of Ordinance No. 90, 1999, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for Those Certain Properties Known as the West Central Neighborhoods Plan Subarea Rezoning.





Ordinance No. 89, 1999 was adopted 5-0 (Councilmembers Byrne and Weitkunant were withdrawn) on First Reading on May 18, 1999 making amendments to the Land Use Code for the implementation of the West Central Neighborhood Plan.

Ordinance No. 90, 1999, which was also adopted 5-0 (Councilmembers Byrne and Weitkunant were withdrawn) on First Reading on May 18, 1999, making certain amendments to zoning district boundaries of the Zoning map.

30. Items Relating to the City's Fiscal Year 1999-2000 Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Programs.

- A. Resolution 99-70 Approving the Fiscal Year 1999-2000 Community Development Block Grant Program for the City of Fort Collins.
- B. Resolution 99-71 Approving the Fiscal Year 1999-2000 Home Investment Partnerships Program for the City of Fort Collins.
- C. First Reading of Ordinance No. 96, 1999, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Community Development Block Grant Fund.
- D. First Reading of Ordinance No. 97, 1999, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years 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 two resolutions. Resolution 99-70 will establish which programs and projects will receive funding with CDBG Funds for the FY 1999-2000 Program year which starts on October 1, 1999, while Resolution 99-71 will establish which programs and projects will receive funding with HOME Funds for the FY 1999-2000 Program year which also starts on October 1, 1999.

31. Items Related to Amending the Land Use Code.

- A. First Reading of Ordinance No. 98, 1999 Amending the Harmony Corridor Plan and the Design Standards and Guidelines.
- B. First Reading of Ordinance No. 99, 1999, Making Various Amendments to the City of Fort Collins Land Use Code.



Staff has identified 20 Code amendments for consideration at this time. In addition to the LUC amendments, amendments to the Harmony Corridor Plan and Harmony Corridor Design Standards and Guidelines are recommended to address the issue of convention and conference centers in the Harmony Corridor.

32. Pulled Consent Items.

33. Other Business.

34. Adjournment.

