

**AGENDA**  
OF THE  
COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

February 16, 1999

**Proclamations and Presentations**  
**5:30 p.m**

- A. Proclamation Proclaiming February 24, 1999 as "National Trio Day".

**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 #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. Consideration and approval of the Council meeting minutes of February 2, 1999.

8. Second Reading of Ordinance No. 15, 1999, Appropriating Prior Year Reserves.

Ordinance No. 15, 1999, which was unanimously adopted on First Reading on February 2, 1999, reappropriates the 1998 funds for the same uses in 1999 as were originally approved by Council in 1998.

9. Second Reading of Ordinance No. 16, 1999, Approving the Terms of the Lease Agreement for 101 Remington Street, Suites F, M, O and Q.

Ordinance No. 16, 1999, was unanimously adopted on First Reading on February 2, 1999, and authorizes the terms of the lease for 101 Remington Street, and permits the Larimer County Treasurer's office to remove the Leased Property from the tax rolls in accordance with Section 31-15-(801 and 802) C.R.S.

9A. Second Reading of Ordinance No. 17, 1999, Vacating a Portion of the Right-of-way for Stetson Creek Drive as Dedicated on the Stetson Creek P.U.D., First Filing Plat.

Ordinance No. 17, 1999, was unanimously adopted on First Reading on February 2, 1999 and vacates a portion of the street right-of-way for Stetson Creek Drive.



10. Second Reading of Ordinance No. 18, 1999, Appropriating Unanticipated Revenue in the Transportation Services Fund for Safety Improvements to 18 Traffic Signals on the College Avenue Corridor.

The City of Fort Collins successfully applied for Federal Highway safety dollars in 1998. Traffic Operations applied for \$72,600 that would be used for upgrading eighteen (18) traffic signals on the College Avenue Corridor from Cherry Street to Boardwalk. Ordinance No. 18, 1999, was unanimously adopted on First Reading on February 2, 1999.

11. Items Relating to Affordable Housing.

A. Second Reading of Ordinance No. 19, 1999, Revising the Definitions for "Affordable Housing Project" and "Affordable Housing Unit," Revising the City's Development Review Fee Waiver Provisions for Affordable Housing and Revising the City's Impact Fee Delay Program for Affordable Housing.

Ordinance No. 19, 1999, which was unanimously adopted on First Reading on February 2, 1999, revises the definitions for "Affordable housing project," "Affordable housing unit for rent" and "Affordable housing unit for sale" in the Land Use Code, the Transitional Land Use Regulations, and the City Code. It revises Fort Collins' Development Review Fees Waiver for Affordable Housing in both the Land Use Code and the Transitional Land Use Regulations. Finally, this Ordinance revises Fort Collins' Impact Fee Delay Program for Affordable Housing in the City Code.

B. Second Reading of Ordinance No. 20, 1999, Repealing Article IX of Chapter 5 of the City Code Regarding the Offset of Impact Fees for Affordable Housing.

Ordinance No. 20, 1999, which was unanimously adopted on First Reading on February 2, 1999, eliminates the Rebate Program to eventually be replaced with a competitive process, except for eleven (11) projects that have received preliminary planning approval and have financially relied on receiving a rebate of fees from the City.

12. First Reading of Ordinance No. 21, 1999, Appropriating Unanticipated Revenue in the Cultural Services and Facilities Fund Art in Public Places Reserve Account for Payment Toward the Sculpture Commemorating the 1997 Flood.

Fort Collins artist Jack Kreutzer's commemorative sculpture titled "Human Spirit" will consist of a group of 3 life-sized bronze adult figures holding a child and a dog. The figures depict a rescue worker along with a man, woman, and child wearing life jackets linking arms to support one another. This sculpture is about the community's spirit, not only that night, but during the many days, weeks, and months that followed the Flood of 1997.

The Commemorative Sculpture Selection Subcommittee was comprised of two Art in Public Places Board members; community members who were involved in the rescue, relief and



counseling efforts; a student and professor from Colorado State University; and representatives from the Water Board and Parks and Recreation Board. At its August 20, 1998 meeting, the Art in Public Places Board reviewed and approved the Committee's selection. The Council previously appropriated \$13,000 in initial donations for the project, and this second appropriation will allow the artist to continue working toward completion of the sculpture.

13. First Reading of Ordinance No. 22, 1999, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between the Storm Drainage Fund Dry Creek Improvements Project and the Storm Drainage Fund Colorado Water Conservation Board Grant.

This Ordinance will appropriate a \$52,689 grant from the Colorado Water Conservation Board (CWCB). The grant will be used for engineering services for the joint project with Larimer County on the Dry Creek Flood Diversion Project. Staff applied for funds from the CWCB to assist in designing the project. Recently staff learned that the grant had been awarded. In order to utilize the grant, the City must first expend the funds for the project and then be reimbursed. Without the grant, funds would have been used from the Dry Creek Project budget.

14. First Reading of Ordinance No. 23, 1999, Amending Section 2-203 of the City Code to Add a New Function of the Cultural Resources Board.

The Cultural Resources Board is requesting an amendment to Section 2-203 of the City Code to add an additional function. The Board has recommended this change to recognize a role for the Board in cooperating with community and citizen groups in promoting cultural development in Fort Collins.

15. Hearing and First Reading of Ordinance No. 24, 1999, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Lemay Avenue 3rd Annexation.

This is the zoning of property that was annexed as the Lemay Avenue 3rd Annexation on January 19, 1999. The property is approximately 2.00 acres in size, located on the east side of North Lemay Avenue, between East Lincoln Avenue and East Vine Drive. The property is currently vacant. The proposed zoning for this property is I-Industrial.

APPLICANT: City of Fort Collins

OWNER: Norman L. Royval  
3739 North County Road 13  
Fort Collins, CO 80522



16. First Reading of Ordinance No. 25, 1999, Recognizing an Abandonment of Ditch and Pipe Line Rights-of-Way in Exchange for the Granting of Two Water Line Easements.

The Water Utilities staff was originally approached in 1990 by a property owner requesting that the City vacate a strip of right-of-way adjacent to this property. As this request was being circulated, Cultural, Library and Recreational Services ("CLRS") identified the strip as a potential alignment for the Poudre River Trail; therefore, the request was denied. Since that time, CLRS eliminated this alignment from consideration for the trail system due to safety reasons as it approached Overland Trail Road.

Recently, a contract purchaser of an adjacent property requested that the above-mentioned strip of land along with a pipeline right-of-way be abandoned as they affect his land purchase. He asserts that they have not been used for the intended purpose since 1906. The conveyance documents contain language similar to the following: ... "provided that in case the said Town, its successors and assigns shall permanently abandon said line, the same to revert to and become reinvested in said Grantor, his/her heirs and assigns".

During research, staff discovered the two existing waterlines crossing contract purchaser's property were not contained in recorded easements. The contract purchaser has agreed to grant to the City the water line easements in exchange for recognition by the City that 1906 was the date of abandonment for the rights-of way. After researching the conveyance documents, staff recommends approval of contract purchaser's proposal.

17. First Reading of Ordinance No. 27, 1999, Amending Chapter 23 of the City Code by Adding Provisions Pertaining to Natural Areas.

These proposed regulations would govern human behavior in City-owned natural areas and are an important part of staff's efforts to protect the City's significant investment in natural areas. Without these provisions, the City would, in many instances, have no way to enforce activity restrictions necessary to keep wildlife and vegetation from being negatively impacted, and in some cases, destroyed.

Only six of these provisions are new. The rest are either (1) similar to Parks Rules and Regulations or other existing regulations or (2) were reviewed by Council (and by the public) when the "General Management Guidelines for City-Owned Open Spaces and Natural Areas" ("Guidelines") was approved in 1994.

A couple of the provisions have been of particular interest to the public: (1) the provision, from the "Guidelines," requiring horses to remain on trails, or within a specified distance of trails, in natural areas; and (2) the new provision providing for permits to allow certain activities, such as training of Search and Rescue dogs off leash and off trail on certain natural areas under Section 23-193 (e). Council also had concerns about other aspects of the proposed Code changes. These concerns were addressed at Council's February 9 Study Session.



18. First Reading of Ordinance No. 28, 1999, Amending Chapter 23 of the City Code by Adding Provisions Pertaining to Parks, Trails, and Recreation Areas.

Section 23-201 of the City Code provides that the Council may control the public's use and enjoyment of City parks, golf courses, trails, and open spaces through rules and regulations adopted by Council by ordinance. Pursuant to Ordinance No. 62, 1988, the Council adopted various rules and regulations concerning the public use of these parks and recreation areas. These rules and regulations have been very useful in protecting the recreation areas and enhancing the public's safety and enjoyment of them. However, given the fact that over 10 years has passed since these regulations were adopted, staff undertook a comprehensive review of them to determine if changes or additions were necessary. Staff also believed that better enforcement and better notice would be provided by codifying the rules and regulations that pertain to parks and recreation areas in the City Code. By adopting this Ordinance, Council will be updating and improving the regulation of the City's parks, trails, and golf courses.

19. First Reading of Ordinance No. 29, 1999, Amending Chapter 4 of the City Code to Add an Exception to the Prohibition Against Animals at Large and Clarify the Existing Exception for Police Dogs.

This Ordinance is a companion to the previous ordinances that establish regulatory provisions for activities in the City's natural areas, and recreation areas. The natural areas ordinance allows the City's Office of Community Planning and Development Services ("CPES") to permit certain activities, including training of search and rescue dogs, off leash on selected sites in the City's natural areas. The parks and recreation areas ordinance allows the City's Office of Cultural, Library and Recreational Services ("CLRS") to permit certain activities, including training of search and rescue dogs, off leash on selected sites in the City's recreation areas. This amendment to the provision relating to animals at large is needed to implement those ordinances.

20. Resolution 99-17 Amending Resolution 98-91. Pertaining to the 1998-99 Community Development Block Grant Program for the City of Fort Collins.

On June 2, 1998, Council approved Resolution 98-91 which allocated FY 1998-99 Community Development Block Grant (CDBG) Program funding including an amount of \$138,222 for Concorde Capital Corporation's Richard's Lake Townhome Project. Capital Corporation has notified the City it is unable to utilize the funds. On January 11, 1999, the Northern Colorado AIDS Project (NCAP) requested the CDBG Commission consider reallocation of the \$138,222 to NCAP's Temporary Residence for Asset Development and Empowerment (TRADE) House Project. Adoption of Resolution 99-17 would reallocate the CDBG funds to the NCAP TRADE project.



21. Resolution 99-18 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 by the City Manager. 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 with a primary purpose of presenting 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 Tier #2 and Tier #3 grants are accepted each January and June.

22. Resolution 99-19 Making Appointments to the Various Boards and Commissions.

A vacancy also currently exists on the Retirement Committee due to the resignation of Patti Teraoka. Councilmembers Azari and Byrne reviewed the applications on file and are recommending that Terry VanCleave be appointed to fill the vacancy with a term to begin immediately and to expire on June 30, 2001.

A vacancy also currently exists on the Senior Advisory Board due to the resignation of Jeanne Whetstone. Councilmembers Azari and Kneeland conducted interviews from the applications on file. The Council interview team is recommending that George Kress be appointed to fill the vacancy with a term to begin immediately and to expire on June 30, 2001.

23. Resolution 99-20 Making Appointments to the Citizen Review Board.

At its August 4, 1998 meeting, Council adopted on Second Reading Ordinance No. 76, 1998 creating the Citizen Review Board. The Board was created to: (1) upon the request of the City Manager or the Chief of Police, make recommendations concerning the interpretation of police policies and procedures; (2) review police internal investigations in those circumstances where police officers and community service officers have used deadly force; (3) review police internal investigations in those circumstances where persons have complained about the conduct of police officers and community service officers; (4) offer review for non-City law enforcement agencies operating within the City; and (5) make annual reports to the City Council and City Manager concerning the activities and recommendations of the Board.

\*\*\*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 February 16 include:**  
*Health and Safety Committee*  
*Legislative Review Committee*  
*Metropolitan Planning Organization*  
*Poudre School District Liaison Committee*

### ITEMS NEEDING INDIVIDUAL CONSIDERATION

27. Items Relating to a Citizen Initiated Ordinance Relating to the Mulberry-Lemay Crossing Preliminary P.U.D. (Project #36-96B, Wal-Mart).
- A. First Reading of Ordinance No. 26, 1999, Approving the Mulberry-Lemay Crossing Preliminary P.U.D. (Project #36-96B), Overturning and Reversing Previous Decisions Denying the Project and Making Certain Findings in Connection with Such Project;
- or-
- B. Resolution 99-21 Submitting a Citizen Initiated Ordinance to a Vote of the Registered Electors of the City at the Regular Municipal Election of April 6, 1999.

On January 29, 1999, the City Clerk received a petition requesting that Council submit to the electors a Citizen Initiated Ordinance relating to the Mulberry-Lemay Crossing Preliminary PUD (Project #36-96B - Wal-Mart).

The City Clerk verified that the petition contained sufficient signatures for presentation of the petition to Council and to require submission of the measure to a vote of the people at a Regular Municipal Election. The petition contains the signatures of at least 1,783 registered city electors, which is 10% of the total number of ballots cast at the 1997 Regular Municipal Election.

Article X of the City Charter requires that the Council either adopt the Citizen Initiated Ordinance without change within 30 days of the date of the presentation of the City Clerk's certification of a valid petition to the Council, or submit it to a vote at the next Regular Municipal Election.





28. Resolution 99-22 Submitting to the Registered Electors of the City an Ordinance Establishing a Thirty-Six One-Hundredths Percent (0.36%) Sales and Use Tax on All Taxable Services and Tangible Personal Property Except Food, For the Purpose of Obtaining Additional Revenues for a New Traffic Signal Control System, Implementation of the City's Transit Development Plan, and to Fund Other Costs of Operating the City's Overall Transportation System, Which Tax Shall Remain in Effect for a Period of 10 Years and Six Months Beginning on July 1, 1999 and Ending December 31, 2009.

Transportation is one of the key issues facing Fort Collins. The City's *Transportation Operations* provides services such as transit, engineering, parking and transportation demand management. The largest part of the operations budget is for transit.

The City's current operations budget is about \$11.3 million per year. Staff has identified a funding gap that amounts to \$7.3 million annually. Of that amount, the most significant need is to fully implement the Transit Development Plan (TDP) which amounts to \$6.0 million per year (in 1996 dollars).

The other primary operational need relates to the City's traffic signal timing system. The City's current system is antiquated and is based in 1970's technology. Replacement of the system will cost approximately \$4.0 million.

The Transportation Funding Advisory Committee (TFAC) determined it was important to consider all the operations' needs as a package rather than trying to fashion a piecemeal funding approach.

29. Items Relating to the City's Economic Policy.

The following actions resulted from the City Council study sessions held in April and December of 1998. These sessions were held by Council to continue the ongoing discussion of the appropriate City role in maintaining the long-term viability of the Fort Collins economy. Over the past ten years, the City has begun a shift away from the former model used in many parts of the U.S. of using financial incentives to encourage local business development and job creation. The current approach emphasizes tools and techniques that focus on building local capacity for business development and entrepreneurial activity. This includes refining the City's economic policy to reflect this shift, modifying the Manufacturing Use Tax Rebate Program to encourage new manufacturing business start-ups, and expansions. Additional actions include ordinances terminating the Development Impact Fee Rebate Program, and the Street Oversizing Impact Fee Rebate Program.

- A. Resolution 99-23 Amending the Economic Development Policy and Renaming it as the Economic Policy of the City of Fort Collins.



- B. First Reading of Ordinance No. 30, 1999, Continuing and Modifying a Temporary Manufacturing Equipment Use Tax Rebate Program For Fort Collins Manufacturers.
- C. First Reading of Ordinance No. 31, 1999, Repealing Article VII, Chapter 5 of the City Code in Order to Terminate the Development Impact Fee Rebate Program.
- D. First Reading of Ordinance No. 32, 1999, Repealing Section 24-113(b) of the City Code, in Order to Terminate the Street Oversizing Exemption Program.

30. Pulled Consent Items.

31. Other Business.

32. Adjournment.

