

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

January 5, 1999

Proclamations and Presentations

5:30 p.m

- A. Proclamation Proclaiming January 5, 1999 as "Larimer County Partners 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 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 #33, 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. 233, 1998, Adding a New Division 2 to Article V of Chapter 2 of the City Code Relating to Councilmember Compensation.

Ordinance No. 233, 1998, which was unanimously adopted on First Reading on December 15, 1998, amends the City Code by adding a new Division 2 to Article V of Chapter setting the 1999 compensation of Councilmembers at \$515 and the compensation of the Mayor at \$770.

8. Second Reading of Ordinance No. 234, 1998, Amending the City Code Pertaining to the Procedure for Hearing Appeals to the City Council.

Ordinance No. 234, 1998 was unanimously adopted on First Reading on December 15, 1998 and amends the Appeals Procedure by repealing the prohibition against actions being taken until all appeal rights are exhausted and replacing that prohibition with a statement that such actions are permissible but, if taken, shall be totally at the risk of the person taking the action. The Ordinance also reconciles conflicting provisions regarding the time period in which an appellant may file an amended notice of appeal and adjusts other time-sensitive provisions accordingly.

9. Items Relating to the Arapaho Bend 1st Annexation.

- A. Second Reading of Ordinance No. 236, 1998, Annexing Property Known as the Arapaho Bend 1st Annexation.
- B. Second Reading of Ordinance No. 237, 1998, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property included in the Arapaho Bend 1st Annexation.

On December 15, 1998, Council unanimously adopted Resolution 98-163 Setting Forth Findings of Fact and Determinations Regarding the Arapaho Bend 1st Annexation.

On December 15, 1998, Council also unanimously adopted Ordinance No. 236, 1998 and Ordinance 237, 1998, which annex and zone approximately 41 acres. The property is located north of East Harmony Road, south of East Horsetooth Road, west of County Road 7 and east of County Road 9. The site is currently zoned Larimer County FA1-Farming, and the proposed zone district is POL-Public Open Lands.

APPLICANT: City of Fort Collins



OWNERS: City of Fort Collins
P.O. Box 580
Fort Collins, Colorado 80522-0580

Larimer County (roads only)
County Board of Commissioners
P.O. Box 1190
Fort Collins, Colorado 80522-1190

10. Items Relating to the Arapaho Bend 2nd Annexation.

- A. Second Reading of Ordinance No. 238, 1998, Annexing Property Known as the Arapaho Bend 2nd Annexation.
- B. Second Reading of Ordinance No. 239, 1998, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property included in the Arapaho Bend 2nd Annexation.

On December 15, 1998, Council unanimously adopted Resolution 98-164 Setting Forth Findings of Fact and Determinations Regarding the Arapaho Bend 2nd Annexation.

On December 15, 1998, Council also unanimously adopted Ordinance No. 238, 1998 and Ordinance 239, 1998, which annex and zone approximately 215 acres. The property is located north of East Harmony Road, south of East Horsetooth Road, west of I-25 and east of County Road 9. The site is currently zoned Larimer County C-Commercial and I-Industrial, and the proposed zone district is POL-Public Open Lands.

APPLICANT: City of Fort Collins

OWNERS: City of Fort Collins
P.O. Box 580
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11. Items Relating to the Cottonwood Hollow Annexation.

- A. Second Reading of Ordinance No. 240, 1998, Annexing Property Known as the Cottonwood Hollow Annexation.



- B. Second Reading of Ordinance No. 241, 1998, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property included in the Cottonwood Hollow Annexation.

On December 15, 1998, Council unanimously adopted Resolution 98-165 Setting Forth Findings of Fact and Determinations Regarding the Cottonwood Hollow Annexation.

On December 15, 1998 Council also unanimously adopted Ordinance No. 240, 1998 and Ordinance No. 241, 1998, which annex and zone approximately 93.3 acre in size, located on the south side of East Prospect Road, north of East Drake Road, west of Interstate 25 and east of Sharp Point Drive. The site consists of two parcels which are vacant. The recommended zoning is POL, Public Open Lands.

APPLICANT: City of Fort Collins

OWNERS: City of Fort Collins
P. O. Box 580
Fort Collins, CO 80522

Larimer County (roads only)
Board of County Commissioners
P.O. Box 1190
Fort Collins, Colorado 80522-1190

12. Items Relating to the Pineridge 3rd Annexation.

- A. Second Reading of Ordinance No. 242, 1998, Annexing Property Known as the Pineridge 3rd Annexation.
- B. Second Reading of Ordinance No. 243, 1998, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property included in the Pineridge 3rd Annexation.

On December 15, 1998, Council unanimously adopted Resolution 98-166 Setting Forth Findings of Fact and Determinations Regarding the Pineridge 3rd Annexation.

On December 15, 1998, Council also unanimously adopted Ordinance No. 242, 1998 and Ordinance No. 243, 1998, which annex and zone approximately 102 acres located on the west side of South Overland Trail and south of County Road 42C. The recommended zoning is POL, Public Open Lands.

APPLICANT: City of Fort Collins



OWNERS: City of Fort Collins
P.O. Box 580
Fort Collins, Colorado 80522-0580

Platte River Power Authority
2000 East Horsetooth Road
Fort Collins, Colorado 80525-5721

13. Second Reading of Ordinance No. 244, 1998, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Spring Creek Farm Rezoning.

This property was annexed into the City of Fort Collins as part of the Timberline Annexation on November 4, 1997. The applicant, Jim Sell Design, on behalf of Spring Creek Farms, LLC, filed a rezone petition with the City on October 9, 1998. Ordinance No. 245, 1998, which was unanimously adopted on First Reading on December 15, 1998, approves the applicants request for rezoning from T-Transitional to NC- Neighborhood Commercial, MMN-Medium Density Mixed Use Neighborhood and LMN-Low Density Mixed Use Neighborhood.

APPLICANT: Jim Sell Design, Inc.
153 West Mountain Avenue
Fort Collins, CO 80525

OWNER: Spring Creek Farms, LLC
3432 Carlton Avenue
Fort Collins, CO 80525

14. Second Reading of Ordinance No. 245, 1998, Authorizing the Grant of a Non-exclusive Easement to Larimer County for the Relocation of a Drainage Channel.

Ordinance No. 245, 1998, was unanimously adopted on First Reading December 15, 1998 and authorizes the City of Fort Collins Utilities to grant a non-exclusive easement to Larimer County to accommodate the relocation of the drainage channel that runs through the Water Treatment Facility located on LaPorte Avenue.

15. Second Reading of Ordinance No. 246, 1998, Authorizing the Grant of a Non-exclusive Easement to Platte River Power Authority for the Relocation of a Water Line.

Ordinance No. 246, 1998, was unanimously adopted on First Reading on December 15, 1998, and authorizes the City of Fort Collins Utilities to grant a non-exclusive easement to Platte River Power Authority to accommodate the relocation of the raw water line that runs



through the Water Treatment Facility located on LaPorte Avenue. PRPA will be concurrently vacating the existing easement.

16. First Reading of Ordinance No. 1, 1999, Appropriating Unanticipated Revenue in the General Fund for Facade Restorations of 210-218 Walnut Street and 251 Linden Street.

This is a request to appropriate unanticipated revenue in the amount of \$296,700 for the restorations of 210-218 Walnut Street (Silver Grill Buildings) and 251 Linden Street (north half of the Robertson/Haynes Block) in the Old Town Fort Collins Historic District.

The City of Fort Collins was awarded a State Historical Fund grant in 1998 by the Colorado Historical Society. The purpose of the grant is to restore the streetfront facades and structurally stabilize the historic Silver Grill buildings and north half of the Robertson/Haynes Block in Fort Collins.

State Historical Fund grants are available to private entities if a public entity will be the applicant for their project. This project will have a significant impact on the historical character and economic viability of the "Old Town Fort Collins Historic District." Therefore, the City agreed to be the applicant, and the building owners, John Arnolfo (210-218 Walnut) and Mr. and Mrs. Douglas Gennetten (251 Linden), were the co-applicants.

17. First Reading of Ordinance No. 2, 1999, Appropriating Prior Year Reserves in the Street Oversizing Fund and Authorizing the Transfer of Appropriations from the Street Oversizing Fund to the Capital Projects Fund for the Drake Road Improvement Project.

Arterial street improvements are planned for Drake Road from Shields Street to Research Boulevard. These improvements include planted medians, detached sidewalks, bike lanes, right turn lanes, storm sewer improvements, and roadway and traffic signal improvements at two intersections. The project is predominantly funded by the Street Oversizing Program, but includes a Development portion contributed in the form of a Contribution in Aid, as well as Pavement Management Program portion. Staff is requesting funds to be appropriated from the Street Oversizing Fund prior year reserves and authorized for transfer, along with existing appropriations, to the Capital Projects Fund for the purpose of starting these arterial road improvements in the spring of 1999. Staff believes this project needs to start in the Spring in order to avoid severe traffic delays and congestion in the area. Also, arterial improvements on Drake Road from Shields Street to Research Boulevard are also necessary in 1999 to keep construction impacts on City residents to a minimum.

18. First Reading of Ordinance No. 3, 1999, Appropriating Unanticipated Revenue in the General Fund for the Police Services Victim Services Team.

The Fort Collins Police Services Victim Services Team has been awarded a one-year grant for the period of January 1 to December 31, 1999 by the Eighth Judicial Victims and Law



Enforcement (V.A.L.E.) Board to help fund additional growth for this team. A previous V.A.L.E. grant in the same amount was received for calendar year 1998.

The Victim Services Team provides crisis intervention, resource and referral services to victims of violent crime, as well as in other traumatic situations. Information must be provided to victims under Colorado State Statutes. The Victim Services Team currently utilizes a staff of one paid Victim Services Coordinator, and a team of 16-25 volunteer advocates. Because of the growth of the program and the need to ensure consistent and quality services to the citizens of Fort Collins, the addition of a part-time paid victim advocate is needed.

19. First Reading of Ordinance No. 4, 1999, Appropriating Unanticipated Revenue in the Flood Mitigation Fund - Project Impact Grant.

The City has received approval from the Federal Emergency Management Agency (FEMA) for a grant funded under the Omnibus Consolidated Appropriations Act of 1997 which authorized the Disaster Resistant Community Initiative. The City's Office of Emergency Management, Utilities, and the Poudre Fire Authority will be involved in the implementation of the Initiative in Fort Collins.

The Fort Collins area is subject to potential riverine flooding, flash flooding, sheet flooding, hail, severe summer and winter storms, gale force winds, tornadoes, urban wildland fires, and dam breaks. The heavy rainfall that caused the Flood of 1997 resulted in 5 deaths, 160 injuries, and over \$500 million in losses to individuals, businesses, and institutions. The loss of life and property impacted the whole community.

20. Items Relating to the Lemay Avenue 3rd Annexation and Zoning.

- A. Resolution 99-1 Setting Forth Findings of Fact and Determinations Regarding the Lemay Avenue 3rd Annexation.
- B. First Reading of Ordinance No. 5, 1999, Annexing Property Known as the Lemay Avenue 3rd Annexation to The City of Fort Collins, Colorado.
- C. Resolution 99-2 Amending the City Structure Plan Map.
- D. First Reading of Ordinance No. 6, 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 an involuntary annexation and zoning of an enclave 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 annexation is



LMN – Low Density Mixed Use Neighborhood. The property being considered for annexation has, for a period of not less than three (3) years, been completely surrounded by property contained within the boundaries of the City of Fort Collins.

APPLICANT: City of Fort Collins

OWNER: Norman L. Royval
3739 North County Road 13
Fort Collins, CO 80524

21. First Reading of Ordinance No. 7, 1999, Authorizing the Conveyance of 645 Square Feet of Land to Doyle Duin, to Correct An Erroneous Conveyance to the City as Part of its Timberline Road and Dry Creek Channel Right-of-Way.

In May, 1998, the City acquired a portion of Doyle Duin's property for the construction of the Dry Creek Channel and the Timberline Road Extension. Recently an error was discovered in the legal description for the property acquired. The original legal description resulted in the City taking land located under Mr. Duin's commercial building. The revised legal description corrects the error and moves the property line out from under the building and reserves a permanent access easement to the storm drainage channel.

22. First Reading of Ordinance No. 8, 1999, Amending Section 2-93 of the City Code to Add a New Function of the Air Quality Advisory Board.

Members of the Air Quality Advisory Board discussed the addition of a new provision to the existing list of functions of the Board, as set forth in the City Code, at the Board's October 28, 1998 retreat.

23. Resolution 99-3 Approving an Exemption to the Use of a Competitive Process for Facade Restorations of 210-218 Walnut Street and 251 Linden Street.

This request is for an exemption to the competitive process for University Designers and Builders and A-E Design Associates, P.C., as the contractors for the restorations of 210-218 Walnut Street (Silver Grill Buildings) and 251 Linden Street (north half of the Robertson/Haynes Block) in the Old Town Fort Collins Historic District.

The City of Fort Collins has been awarded a State Historical Fund grant in 1998 by the Colorado Historical Society. The purpose of the grant is to restore the street front facades and structurally stabilize the historic Silver Grill Buildings and north half of the Robertson/Haynes Block in Fort Collins.



24. Resolution 99-4 Stating the City's Intent to Not Act as a Reviewing Entity for the Colorado Historic Preservation Income Tax Credit for Qualifying Historic Rehabilitation Projects for 1999.

As a Certified Local Government, Fort Collins has the opportunity each year to choose to be a reviewing entity for the Colorado Historic Preservation Income Tax Credit during the next calendar year. The City Council must adopt a resolution stating whether or not it intends to take on this responsibility each year.

Fort Collins became a Certified Local Government in 1991 when the Colorado Income Tax Credit was instituted, but didn't take on the reviewing entity function for this program until 1995. For the next three years, the Landmark Preservation Commission (LPC) was the reviewing entity and performed design review on qualifying historic rehabilitation projects for the Colorado Income Tax Credit. In 1998, the LPC elected to not be the reviewing entity for that year.

25. Routine Deed.

- A. Deed of Dedication from Bartran and Company for stormwater purposes, Tracts "E" and "F", English Ranch 4th filing. Monetary consideration: \$0.

*****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 December 15 include:

Health and Safety Committee

ITEMS NEEDING INDIVIDUAL CONSIDERATION

29. Second Reading of Ordinance No. 247, 1998, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes that Certain Property Known as the Rigden Farm Zoning.

This property was annexed into the City of Fort Collins as part of the Rigden Farm Annexation on August 8, 1988. The applicant filed a request for a Structure Plan Amendment and rezone petition with the City on October 9, 1998. The applicant is



requesting an initial zoning of LMN – Low Density Mixed Use Neighborhood and RC – River Corridor (as CSU property, there is no existing zoning). Ordinance No. 247, 1998, was adopted 6-1, on December 15, 1998.

APPLICANT: The State Board of Agriculture of the State of Colorado
on behalf of Colorado State University
202 Administration Building
Colorado State University
Fort Collins, CO 80523

OWNER: The State Board of Agriculture of the State of Colorado
on behalf of Colorado State University
202 Administration Building
Colorado State University
Fort Collins, CO 80523

30. Public Hearing and First Reading of Ordinance No. 9, 1999, Amending Chapter 9 of the City Code and Adopting by Reference the 1997 Uniform Fire Code, with Amendments.

The City of Fort Collins has historically adopted the Uniform Fire Code (UFC) as a model code for the identification, correction and prevention of fire safety hazards. This model code is developed and published by the International Fire Code Institute (IFCI) on three-year cycles. Currently, the City is administering the 1991 Edition. Poudre Fire Authority, along with the Fort Collins Building Department and the Larimer County Building Department, agreed in 1994 to skip one code cycle adoption. The purpose of this agreement was an effort to provide the community access to congruent model code documents. The Uniform Building Code and the Uniform Fire Code are companion codes; it is paramount that the three government entities use congruent codes.

31. Resolution 99-5 Making Findings of Fact Regarding Conducting a Special Review Hearing to Determine Whether the Mulberry-Lemay Crossing Preliminary P.U.D. Application was Properly Processed under the Land Development Guidance System, Pursuant to the Provisions of Ordinance No. 161, 1996.

On December 15, 1998, as a prelude to considering the appeal by the developer of the Planning and Zoning Board's decision to deny the Mulberry-Lemay Crossing Preliminary P.U.D., the City Council conducted a Special Review Hearing to determine whether the Preliminary P.U.D. was properly processed under the LDGS, pursuant to the provisions of Ordinance No. 161, 1996, rather than the recently enacted Land Use Code. At the conclusion of the hearing, by a unanimous vote, the Council determined that the Preliminary P.U.D. was complete when submitted and that it had been properly processed under the LDGS. The proposed resolution sets forth findings and confirms this action by the Council. Following



Following the Special Review Hearing on December 15, 1998, Council then proceeded to hear the developer's appeal of the Planning and Zoning Board's denial.

32. Resolution 99-6 Making Findings of Fact Regarding the Appeal of the Planning and Zoning Board Denial of Mulberry-Lemay Crossing Preliminary P.U.D.

The Planning and Zoning Board's decision to deny the Mulberry-Lemay Crossing Preliminary P.U.D. was appealed by the applicant. The appeal was considered by Council on December 15, 1998.

At the December 15, 1998 hearing on this matter, Council considered the testimony of City staff, the appellant, and other parties in interest. After discussion at this hearing, Council determined that the Board did not fail to properly interpret and apply the provisions of the City's Land Development Guidance System in denying the P.U.D. The Council specifically found that the Board did not err in deciding that the P.U.D. failed to satisfy all the applicable criteria of the L.D.G.S., particularly All Development Criterion A-2.1 (Vehicular, Pedestrian and Bicycle Transportation), All Development Criterion A-2.3 (Natural Features), and All Development Criterion A-2.6 (Pedestrian Circulation).

33. Pulled Consent Items.

34. Other Business.

35. Adjournment.

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

36. Call Meeting to Order.

37. Roll Call.

38. Executive Session Authorized

An adjourned meeting of the Board of Commissioners of the Fort Collins Housing Authority on December 22, 1998 was adjourned to this time and date to allow the Board to consider adjourning into Executive Session or to conduct other such business as may be presented to the Board.

39. Other Business.

40. Adjournment.

