

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

June 5, 2001

Proclamations and Presentations

5:30 p.m

- A. Proclamation Proclaiming June 15 and 16, 2001 as "Relay for Life Days".
- B. Proclamation Proclaiming the Month of June 2001 as "Bike Month".

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 21. 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 #28, 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. 93, 2001, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations for the Local and Regional Transportation Demand Management Programs the Regional Vanpool Program and Transportation Planning.

In April 2001, the North Front Range Transportation and Air Quality Planning Council approved the expenditures of unspent 2000 Regional TDM program funds, for SMARTTrips marketing and business outreach activities, the purchase of a van for the VanGO program, and support of MPO administrative expenses.

CMAQ funds will be used to pay for accounting support of the 12 City CMAQ projects – TDM, air quality, and alternative fuel activities. The funding for the CMAQ projects is through a contract with the Colorado Department of Transportation. Ordinance No. 93, 2001, was unanimously adopted on First Reading on May 15, 2001.

8. Second Reading of Ordinance No. 94, 2001, Designating the Nix Farm, 1745 Hoffman Mill Road, as a Local Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, the City of Fort Collins, is initiating this request for local landmark designation for the Nix Farm. The property contains two residences, a ramp barn, and an equipment/animal shed. These buildings and structures have architectural significance to Fort Collins, as excellent examples of both Craftsman and vernacular, farm-related architecture. The ramp barn in particular is highly significant as a rare example of

authorizes the sale of the City's ownership interests in the properties, which is legally two separate parcels represented by two separate sales agreements.

12. First Reading of Ordinance No. 98, 2001, Amending Section 24-95(c) of the City Code to Include Right-of-Way Acquisition as a Reimbursable Cost of the City When Constructing Streets.

Currently when the City designs and constructs a street through undeveloped areas, the City can be reimbursed for the design and construction costs at the time the undeveloped areas are developed and the developer takes access from that street. Under this proposed amendment to the City Code, when the City has to acquire land or right-of-way for the construction of the street, the costs for the acquisition would be recoverable by the City from the developer, at the time the land is developed and the developer takes access from the street.

This recommended change to the City Code would match a similar change to the Land Use Code, Section 3.3.2(F)(2), that is being proposed under separate cover as part of the Spring 2001 revisions to the Land Use Code.

13. First Reading of Ordinance No. 99, 2001, Amending Chapter 23.5 of the City Code Pertaining to Special Events and Demonstrations.

This Ordinance would amend Chapter 23.5 of the City Code (Special Events), to include a new defined category of event, referred to as a "demonstration". This term is used to clarify provisions in Chapter 23.5 that previously referenced "events for the purpose of exercising free speech." The Ordinance modifies current Code language to clarify that in all instances the permit holder shall be required to reimburse the City for any costs incurred repairing damage caused by the permit holder or its agents. New provisions have been added allowing: (1) the denial of a permit for an event that would violate an ordinance or statute; (2) revocation of a permit if conditions change so that the permit application would have been denied; and (3) revocation of a permit if continuation of an event presents a clear and present danger to participants or the public. The Ordinance also adds standards for determining when and how much insurance will be required, and makes the knowing violation of a permit a Code violation, in contrast to the present "willful" standard. The Ordinance includes other clarifying language consistent with these described changes, as well as general editing of existing provisions.

The proposed changes are the result of a review of the 14-year-old Special Events provisions, based on fairness and constitutional issues that have been identified through the experience of other jurisdictions.

14. Items Relating to the Arbor South Annexation.

- A. Resolution 2001-73 Setting Forth Findings of Fact and Determinations Regarding the Arbor South Annexation.
- B. Hearing and First Reading of Ordinance No. 100, 2001, Annexing Property Known as the Arbor South Annexation to the City of Fort Collins, Colorado.
- C. Hearing and First Reading of Ordinance No. 101, 2001, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Arbor South Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 11.26 acres in size. The site is located on the west side of South College Avenue, east of the Burlington Northern Santa Fe Railroad tracks, approximately one-half mile south of Harmony Road. The property is former Fossil Creek Nursery and is presently vacant.

The proposed zoning is C, Commercial. This will match the existing zoning on the north, east and south sides of the property. Contiguity with the existing municipal boundary is gained along the north, east and south sides of the property as well.

15. Items Relating to Amendments to the Various Agreements for the Civic Center Facilities.

- A. First Reading of Ordinance No. 102, 2001, Approving Amendments to the Leasehold Deed of Trust, Site Agreement, Lease Agreement, and Parking Structure License Agreement for the 1998 Lease Certificates of Participation for the Civic Center Facilities Project.
- B. First Reading of Ordinance No. 103, 2001, Authorizing the City Manager to, from Time to Time, Amend the Long-Term Lease of Real Property Adjacent to the Civic Center Parking Structure to Phelps Program Management, LLC, for the Development of Commercial Space and Related Easements.

In 1998, Council approved Lease Certificates of Participation (“COPS”) in the amount of \$17,210,000 for the Civic Center Facilities Project. This Project includes the Civic Center Parking Structure and the new City Office Building at 215 North Mason Street. In coordination with the issuance of the COPs and the construction of the Parking Structure, the first level along the western side of the Parking Structure was leased to Phelps Program Management (“PPM”), an affiliate of Hensel Phelps, for private use as restaurant, retail and other related purposes to enhance the attractiveness of the downtown area. As a result of the completion of the planning and construction of the Project, staff has been better able to define and anticipate certain issues that are addressed in the various agreements. As a result, staff has prepared and worked with other involved parties to develop amendments to the several agreements that were part of the COPs arrangement and the commercial ground lease