

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

June 19, 2001

Proclamations and Presentations

5:30 p.m

- A. Proclamation Proclaiming the Week of July 14-20, 2001 as "Flood Awareness Week".

Regular Meeting

6:00 p.m.

PRESENTATION OF COLORS BY WEBELO PACK 91, DEN 5.

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 29. 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 #35, 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 the regular meeting of April 17, May 1 and May 15, 2001.
8. Second Reading of Ordinance No. 96, 2001, Appropriating Unanticipated Revenue and Prior Year Reserves in the Downtown Development Authority Debt Service Fund.

On April 17, Council adopted Ordinance No. 50, 2001, which refunded a portion of the Downtown Development Authority ("DDA") Tax Increment Revenue Refunding Bonds, Series 1992, through the issuance of City of Fort Collins Downtown Development Authority Tax Increment Revenue Refunding Bonds Series 2001, as approved by the Council in Ordinance No. 50, 2001, the amount of \$3,640,000. This refunding will save the City and DDA about \$200,000 over the next five years. Some of the costs of the refinancing were not known at the time of the second reading and therefore, staff was unable to have Council appropriate the exact amounts needed for the refunding costs. This Ordinance, which was unanimously adopted on First Reading on June 5, 2001, makes the required appropriations to adequately cover the costs of the refinancing.

9. Second Reading of Ordinance No. 97, 2001, Authorizing the Sale of Real Property to Tidal Wave Car Wash, LLC.

Responding to the rapid growth of the early 1980s, the City established partnerships with several development companies and issued special improvement district bonds to make public

improvements in several areas of the City. The eventual owners of the properties were to pay off the bonds through special assessments. In the mid to late 1980s, the City experienced a sharp drop in demand for housing units and many of the development companies decided to not to pay the special assessments. The City continued to make payments on the bonds with funds transferred from the General Fund. The City also proceeded to foreclose on the property and eventually received title to the properties. The two parcels in Ordinance No. 97, 2001, (the City parcel and the Johnson parcel) comprise a 0.87-acre property located at the northwest corner of JFK Parkway and the Troutman. The buyer has offered a payment that will pay the City a net amount of \$82,602.52, substantially higher than the amount estimated (\$37,900) in the 1993-feasibility study. This Ordinance, which was unanimously adopted on June 5, 2001, authorizes the sale of the City's ownership interests in the properties, which is legally two separate parcels represented by two separate sales agreements.

10. Second 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 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. Ordinance No. 98, 2001, which was unanimously adopted on First Reading on June 5, 2001, amends Section 24-95(c) of the City Code to include right-of-way acquisition as a reimbursable cost of the city when constructing streets.

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

This Ordinance, which was unanimously adopted on First Reading on June 5, 2001, amends 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.

12. Items Relating to the Arbor South Annexation.

- A. Second Reading of Ordinance No. 100, 2001, Annexing Property Known as the Arbor South Annexation to the City of Fort Collins, Colorado.

- B. Second 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.

On June 5, 2001, Council unanimously adopted Resolution 2001-73 Setting Forth Findings of Fact and Determinations Regarding the Arbor South Annexation.

On June 5, 2001, Council also unanimously adopted Ordinance No. 100 and Ordinance No. 101, 2001, annexing and zoning the property known as the Arbor South Annexation. 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 the 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.

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

- A. Second 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. Second 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 arrangement, in order to refine the terms of those agreements. The