

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

January 6, 2004

Proclamations and Presentations
5:30 p.m.

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 20. 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 #26, 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. 177, 2003, Amending Section 2-582 of the City Code Regarding the Employment Status of Deputy and Assistant City Attorneys.

This Ordinance, which was unanimously adopted on First Reading on December 16, 2003, clarifies that Deputy and Assistant City Attorneys are not management employees of the City but, rather, are unclassified employees whose positions are approved by the Council, and who are appointed by the City Attorney, and serve at the pleasure of the City Attorney.

8. Postponement of Second Reading of Ordinance No. 178, 2003, Imposing a Moratorium upon the Acceptance of Applications for the Approval of Development Plans and/or the Issuance of Building Permits for Dwellings Constructed on the Rear Portion of Lots Located Within the N-C-L, Neighborhood Conservation Low Density, N-C-M, Neighborhood Conservation Medium Density, and the N-C-B, Neighborhood Conservation Buffer Zone Districts, to January 20, 2004.

This Ordinance, which was adopted 4-2 (Nays: Kastein and Martinez, Councilmember Bertschy was absent) on First Reading on December 16, 2003, imposes a moratorium on the acceptance of applications for the approval of development plans and/or issuance of building permits for "alley houses" or other dwellings on the rear portion of lots located within the Eastside and Westside neighborhoods. Staff is recommending that this Ordinance be postponed on Second Reading until January 20 so that the full Council will be present to consider the Ordinance.

9. First Reading of Ordinance No. 001, 2004, Appropriating Prior Year Reserves in the Street Oversizing Fund and Authorizing the Transfer of Appropriated Amounts to Be Used to Construct Improvements on Ziegler Road from Timberwood Drive, South to Kechter Road.

With the construction of the Fossil Ridge High School, arterial street improvements are planned for Zeigler Road adjacent to the school property. Parks and Recreation owns the Southeast Community Park site adjacent to Zeigler Road immediately south of the high school site. Hewlett Packard owns an undeveloped site adjacent to Zeigler Road immediately north of the high school. Staff has worked with these property owners in an effort to complete this portion of Zeigler Road between Harmony and Kechter. The property owners have combined to improve Zeigler Road to a minor arterial from Timberwood Drive south to Kechter Road. Combining the roadway construction into one project will save costs for all property owners due to economies of scale and complete an important segment of roadway which will provide primary access to the new Fossil Ridge High School opening in the fall of 2004. This project will be funded entirely through developer contributions and the construction will be managed by the City Street Oversizing Program.

10. First Reading of Ordinance No. 002, 2004, Amending Chapter 17 of the City Code by the Addition of a New Section 17-45 to Make it Unlawful for Any Person to Damage or Destroy Public Improvements in Public Rights-of-Way Unless Authorized or Permitted to Do So in Accordance with Law.

It is proposed that Chapter 17 of the City Code be modified to add language to state that no person shall do any act in the public right-of-way that will deface or cause damage to public street improvements unless they are permitted to do so in accordance with law. Along with this change the City Engineer's authority would be expanded to prevent damage to public street improvements that are caused by non-permitted contractors, suppliers and other parties causing damage to streets and related facilities by their activities. This authority would be exercised through the Engineering Construction Inspectors, who are currently sworn officials, similar to Building Inspectors. Engineering Construction Inspectors, as well as Police Officers, would then be able to enforce City Code provisions that make it unlawful to damage public improvements in the public rights-of-way.

11. First Reading of Ordinance No. 003, 2004, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the East Ridge Rezoning.

This is a request to rezone 159 acres of land located east of Timberline Road and south of East Vine Drive. The proposed zoning for the entire property is LMN – Low Density Mixed-Use Neighborhood district. The property is currently zoned T – Transition. This zoning was adopted on the property at the time the property was annexed.

The property is designated as LMN on the City of Fort Collins Structure Plan and the East Mulberry Corridor Plan.

The rezoning request is consistent with the recently adopted East Mulberry Corridor Plan. This plan designates this parcel as LMN. The LMN zone district permits a variety of residential uses, including single family, single family attached (townhomes) and multi-family residential at a density range of 5 to 8 units/acre. Churches, community facilities and neighborhood centers are permitted within the LMN zone district as well.

12. First Reading of Ordinance No. 004, 2004, Approving and Authorizing the Execution and Delivery of a First Amendment to the Trust Indenture Relating to the City of Fort Collins, Colorado, Multifamily Housing Revenue Bonds, Series 1997 (the Bull Run Townhomes Project); and Authorizing the Preparation and Execution of Related Documents.

As one of its tools to facilitate the development of affordable housing, the City of Fort Collins occasionally issues private activity bonds on behalf of qualified projects. The interest on the bonds is not subject to income taxation. Therefore the rates are lower than taxable market rates. This allows a portion of the units in a qualified project to pay lower rents. To become qualified, the project must rent the housing units to individuals or families that meet

low- or moderate-income guidelines. The City issued bonds for the Bull Run Townhomes Project in 1997.

The proposed changes to the Trust Indenture are being requested by AIG Retirement Services, Inc. AIG provides financial security for the 1997 bonds. The changes include a different means by which to calculate the interest on the bonds and a change in the repayment schedule to lower the annual payments.

13. First Reading of Ordinance No. 005, 2004, Approving and Authorizing the Execution and Delivery of a First Amendment to the Trust Indenture Relating to the City of Fort Collins, Colorado, Multifamily Housing Revenue Bonds, Series 1998 (the Country Ranch II Limited Partnership Project); and Authorizing the Preparation and Execution of Related Documents.

As one of its tools to facilitate the development of affordable housing, the City of Fort Collins occasionally issues private activity bonds on behalf of qualified projects. The interest on the bonds are not subject to income taxation. Therefore the rates are lower than taxable market rates. This allows a portion of the units in a qualified project to pay lower rents. To become qualified, the project must rent the housing units to individuals or families that meet low- or moderate-income guidelines. The City issued bonds for the Country Ranch II Limited Partnership Project in 1998.

The proposed changes to the Trust Indenture is being requested by AIG Retirement Services, Inc. AIG provides financial security for the 1998 private activity bonds. The changes include a different means by which to calculate the interest on the bonds and a change in the repayment schedule to lower the annual payments. With these two changes accomplished, the Bonds will be transferred to the Federal Home Loan Mortgage Corporation (also known as Freddie Mac).

14. First Reading of Ordinance No. 006, 2004, Authorizing the Grant of a Non-exclusive Easement to Owest Corporation Across City-owned Property in Avery Park.

The proposed easement is located within Avery Park near the intersection of South Taft Hill Road and Clearview Avenue. The easement area would be used for a telecommunication cabinet to provide DSL service to the community. The dimensions of the proposed easement are 10' X 10' in addition to a 4' X 5' strip to allow connectivity between an existing telecommunication cabinet and the proposed cabinet. Parks Department staff has no objections to the requested easement.

15. First Reading of Ordinance No. 007, 2004, Authorizing the Exchange of a City Property for a Parcel of Land Adjacent to Kingfisher Natural Area and Appropriating the Value of the Partial Donation of the Property to Be Acquired.

The proposed land exchange with William C. and Maureen D. Stockover will result in a conveyance to the City of approximately 2.468 acres of excess land to the south of the

Stockover's business at 1833 East Mulberry Street, which is on the Poudre River Corridor and adjacent to the Kingfisher Natural Area, in exchange for a conveyance to the Stockovers, subject to a City easement, of approximately 0.621 acres of City owned land adjacent to the Stockover Property.

The Stockovers own an approximately 18,000 square foot retail/distribution improvement on a 5.499 acre tract. The tract contains two legal parcels. The building is currently leased to the Stanley Steamer, Inc.

16. Resolution 2004-001 Stating the Intent of the City of Fort Collins to Annex Certain Property and Initiating Annexation Proceedings for Such Property to be Known as the Homestead Annexation.

The Homestead Annexation consists of approximately 25.151 acres of publicly and privately owned property. This annexation includes a 1271 foot long portion of the Ziegler Road right-of-way, and the adjacent street rights-of-way along Cornerstone Drive and Hearthstone Drive. The recommended zoning is the UE – Urban Estate zone district. The property is located within the Fossil Creek Reservoir Area Plan.

17. Resolution 2004-002 Making Findings of Fact and Conclusions Regarding the Appeal of a Decision of the Administrative Hearing Officer Relating to the Discount Tire at Fossil Creek Project Development Plan.

On December 16, 2003, Council conducted a hearing on the appeal of the rehearing for the Discount Tire at Fossil Creek Project Development Plan, and voted 6-0 to uphold the hearing officer's approval of the project.

18. Resolution 2004-003 Authorizing the Execution of a Grant Agreement with the State of Colorado for Funding of Airport Projects at the Fort Collins-Loveland Municipal Airport.

The Airport previously submitted a grant request to the Colorado Division of Aeronautics for financial assistance to help pay for Airport projects. As a result, the Aeronautic Board approved a grant offer to the cities in the amount of \$45,278. Of this total: \$25,788 is for half of the cities' federal match for the Master Plan Study (the \$450,000 FAA Grant for the Master Plan Study has already been accepted by the cities); \$7,500 is for half of the estimated costs to construct a replacement diesel fuel storage tank; and \$12,000 is for half of the estimated cost to construct a baggage claim structure to be used by commercial air passengers. The cost to construct the diesel storage tank and baggage claim structure are still being developed and will be submitted at a later date to the cities for approval and appropriation of funds. The cities' share of costs for the Master Plan Study has already been appropriated. Acceptance of the grant funds now ensures the commitment of funding will not be lost to another airport.

19. Resolution 2004-004 Amending Resolution 2003-126 so as to Eliminate the Transfort Youth Fare.

As a result of the Bohemian Foundation Grant, youth will continue to ride Transfort at no cost, which will help greatly to continue viable transportation for the community's youth. This grant will ensure that youth will have transportation to get to school, after-school activities, and jobs. The grant should encourage strong ridership on Transfort; prevent a financial burden on youth; provide a constant revenue amount to Transfort; and permit city staff sufficient time to work with other community agencies in developing a youth fare policy.

At the November 18, 2003 meeting the Council adopted Resolution 2003-126 establishing the youth fare at .25 cents per ride. The youth fare was scheduled for implementation on January 19, 2004. This Resolution would amend Resolution 2003-126 to change the youth (17 & under) fare to "no charge".

20. Routine Easement.

- A. Deed of dedication for easement from the Poudre School District, for a permanent utility easement, located north of East Laurel Street and east of South College Avenue. Monetary consideration: \$10.

*****END CONSENT*****

21. Consent Calendar Follow-up.

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

22. Staff Reports.

Status Report on Council Requests.

23. Councilmember Reports.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

24. Resolution 2004-006 Relating to the Adoption of an Action Plan Pertaining to the City's Economic Health. (30 minutes)

Resolution 2004-006 is a follow-up to the November 25, 2003, study session when City Council requested that staff bring forth several action items pertaining to the City's economic health. The action items are as follows:

- The reaffirmation of the City of Fort Collins economic policy adopted on February 16, 1999 (Exhibit A).

- Appointment of Councilmembers Tharp and Weitkunaut to serve as the City Council liaisons to an Economic Vitality and Sustainability Group.
- Establishment of the Economic Vitality and Sustainability Group.
- Development of an Economic Vitality and Sustainability Plan for the City and the establishment of guidelines for funding an Economic Vitality and Community Sustainability Fund no later than June 30, 2004.
- The creation of the position of economic advisor within the City. (The major duties of the position are outlined in Exhibit B).
- Directing the City Manager to begin a dialogue with the business community regarding a possible amendment to Chapter 25 of the City Code which would reduce the amount retained by retailers on sales tax collected by them on behalf of the City.

25. Resolution 2004-005 Establishing a Budget Advisory Committee (Option A or B).
(20 minutes)

As staff and Council wrestle with the many issues related to reconciling resources with services and facility demands, the Council has determined that a citizen budget committee would be beneficial.

The purpose of the proposed Budget Advisory Committee would be to assist the City Council in considering the City Manager's recommended budget. Initially the Committee would work with staff to review the proposed exceptions to the 2005 budget including the projected revenues and any adjustments (increases or reductions) to proposed expenditures. The Committee's charge is to help Council make the best possible decisions regarding the 2005 budget exceptions within the framework of existing City policies and programs.

26. Pulled Consent Items.

27. Other Business.

28. Adjournment.