

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

December 7, 1999

**Regular Meeting
6:00 p.m.**

PRESENTATION OF COLORS

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 #38, 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. 175, 1999, Appropriating Unanticipated Revenue in the General Fund for the Local Action Plan Development for the Cities for Climate Protection Campaign.

Ordinance No. 175, 1999, which was unanimously adopted on First Reading on November 16, 1999, appropriates unanticipated revenue in the General Fund for the Cities for Climate Protection Campaign that Fort Collins joined in 1997.

8. Second Reading of Ordinance No. 176, 1999, Appropriating Unanticipated Revenue in the Benefits Fund to Cover Medical Insurance Claims and Other Expenses.

Ordinance No. 176, 1999, which was unanimously adopted on First Reading on November 16, 1999, appropriates revenue received in the Benefit Fund to cover estimated costs of medical claims and benefit expenses in 1999.

9. Second Reading of Ordinance No. 177, 1999, Appropriating Unanticipated Revenue in the General Fund for the Climate Wise Local Government/Industrial Partnership to Reduce Greenhouse Gas Emissions.

Ordinance No. 177, 1999, which was unanimously adopted on First Reading on November 16, 1999, appropriates \$22,000 of unanticipated revenue in the General Fund. These funds will be used to encourage local industrial and manufacturing businesses to increase energy efficiency, reduce waste generation, save money, and reduce their greenhouse gas emissions.

10. Second Reading of Ordinance No. 190, 1999, Appropriating Prior Year Reserves for the 1998 Manufacturer's Use Tax Rebate Program.

Ordinance No. 190, 1999, which was unanimously adopted on First Reading on November 16, 1999, appropriates prior year reserves for the 1998 Manufacturer's Use Tax Rebate Program.

11. Second Reading of Ordinance No. 178, 1999, Continuing a Temporary Manufacturing Equipment Use Tax Rebate Program For Fort Collins' Manufacturers.

In March 1996, City Council approved a temporary rebate program for use tax paid on manufacturing equipment. The goal of the program was to maintain the local economic base by providing modest tax relief to manufacturing concerns located in Fort Collins. The program has been authorized to provide rebates to manufacturers for 1997, 1998 and 1999. Modifications were made to the program in 1999 to reflect several requests made by the manufacturing community. Ordinance No. 178, 1999, which was unanimously adopted on



First Reading on November 16, 1999, approves continuation of the program without any changes or modifications for 2001.

12. Second Reading of Ordinance No. 179, 1999, Adopting the 2000 Classified Employees Pay and Classification Plan.

The pay for each pay grade has been reviewed by comparing the benchmark jobs in each occupational group to similar jobs in the local private and public sectors. This analysis permitted an evaluation of the competitiveness of the pay grade. Each of the pay grades in an occupational group was similarly analyzed, and if it was observed that a structure adjustment was needed, the pay ranges in that occupational group were adjusted. Ordinance No. 179, 1999 was unanimously adopted on First Reading on November 16 1999. Between First and Second Reading page 14 of the Pay Plan, under the heading **Protective Services Sworn**, was amended to fix a typographical error.

13. Second Reading of Ordinance No. 180, 1999, Amending Section 2-575 of the City Code Relating to Councilmember Compensation.

Ordinance No. 180, 1999, which was unanimously adopted on First Reading on November 16, 1999, amends Section 2-575 of the City Code to set the 2000 compensation of Councilmembers at \$525 and the compensation of the Mayor at \$790.

14. Items Relating to the Brookfield Annexation and Zoning.

- A. Second Reading of Ordinance No. 181, 1999, Annexing Property Known as the Brookfield Annexation to the City of Fort Collins.
- B. Second Reading of Ordinance No. 182, 1999, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Brookfield Annexation.

On November 16, 1999, Council unanimously adopted Resolution 99-136 Setting Forth Findings of Fact and Determinations Regarding the Brookfield Annexation.

Council also unanimously adopted Ordinance No. 181 and No. 182, 1999 on November 16, 1999, approving the annexation and zoning of approximately 50.30 acres in size of private land. The subject annexation is located south of East Harmony Road, east of Cinquefoil Lane alignment, west of County Road 7 and north of County Road 36. The property has rural agricultural uses and is in the FA-1 Farming District in Larimer County. The recommended zoning is the **Harmony Corridor District (HC)**. This is a 100% voluntary annexation.



15. Second Reading of Ordinance No. 183, 1999 Authorizing the Conveyance of Nonexclusive Easement Interests for the Construction of Off Site Water and Sewer Lines Related to the Harmony Ridge P.U.D. in the Cathy Fromme Prairie Natural Area.

Ordinance No. 183, 1999, which were unanimously adopted on First Reading, will replace or modify existing easements to accommodate changes to plans for the water or sewer lines. Three of the easements are very routine and have minimal impact to the Cathy Fromme Prairie. Easement (1), as described in detail below raised issues that staff has worked with the developer to address. The easement will require that the impacts during construction be minimized and a restoration plan be developed and implemented. These requirements are improvements over the currently existing easement.

16. First Reading of Ordinance No. 191, 1999, Adding a New Division 4 to Chapter 25, Article II of the Code of the City of Fort Collins Establishing a Program for a Rebate of the City's Sales and Use Taxes for Materials Used in the Construction of Affordable Housing Units, and the Deferral of The Payment of Sales and Use Taxes Thereon.

Since 1993, the City of Fort Collins has established several programs to promote the development of affordable housing units in the community. Some programs deal with the soft costs of development involving the processing of development applications, e.g., the "Priority Processing Program," while others more directly constitute financial incentives, e.g., the "Development Impact Fee Collection Delay Program."

17. First Reading of Ordinance No. 192, 1999, Amending Section 24-1 of the City Code Pertaining to Signs on Bus Shelters and Bus Benches.

The purpose of this Ordinance is to permit staff to install 5 bus shelters to evaluate whether the Fort Collins citizens find the shelters acceptable as to design and function. The most significant design change is the addition of advertising on the shelters. In the past, any advertising on benches or the buses has been controversial. In discussions with the City Council Growth Management Committee, staff recommended placing "test" bus shelters in key commercial and residential locations to evaluate the impacts on the citizens. The committee directed staff to proceed with the test sites. In order to legally construct any new bus shelters with advertising, the current Code needs to be modified. The intent is to install 5 bus shelters at: College Avenue (west side) near Myrtle Street; College Avenue (east side) near Boardwalk; Harmony Road (south side) near Lemay Avenue; Dunbar Street (east side) near Swallow Road; and Stover Street (west side) near Dartmouth. Over a 6 month period, staff will survey the general public's impressions on these shelters. The survey findings would be reported back to Council prior to proceeding any further with this project.



18. First Reading of Ordinance No. 193, 1999, Amending Chapter 23, Article III, of the City Code by the Addition of a New Division 4 Pertaining to Neighborhood Entry Signs and Amending Section 24-1 of the City Code Pertaining to Signs on Streets and Sidewalks.

There have been recent inquiries regarding the placement of Neighborhood Entry signs in the public right-of-way. City staff has developed a process to manage these requests, in order to allow established, organized neighborhoods to request a revocable permit from the City to erect Neighborhood Entry Signs.

A team from Traffic Operations, Neighborhood Resources, Engineering, Current Planning, and the City Attorney's office has developed this process that would allow qualified neighborhood organizations to erect certain entry signs in the public right-of-way. This process and the sign standards are explained in the proposed ordinance.

19. First Reading of Ordinance No. 194, 1999, Amending Chapter 19 of the City Code So as to Establish the Municipal Court as a Court of Record.

The Fort Collins Municipal Court is not a "court of record", meaning that there is no verbatim transcript of the hearings held in the Court. The most significant impact of this is that if a defendant appeals a conviction, he/she is entitled to a new trial in County Court. By becoming a court of record, appeals would be based on the record of the trial in Municipal Court and would go directly to District Court. By state statute, an ordinance is required in order to become a court of record.

20. First Reading of Ordinance No. 195, 1999, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands for the Roma Valley Drive Street Connection with Mail Creek Lane.

The acquisition of land through uncontested eminent domain proceedings is necessitated by the May 18, 1999 City Council approval of the Master Street Plan Amendment. This amendment required a new street connection network that allows the Mail Creek Lane/Roma Valley Drive connection in lieu of the Highcastle Drive connection over Mail Creek.

The Fossil Creek Homeowners Association owns the land needed for acquisition as part of its common property. The area of the subject land exists as open space consisting of vegetation and is approximately 76 square feet and the estimated value of the subject land is less than \$100. The President of the Fossil Creek Homeowners Association has indicated that at a meeting of the homeowners, the possibility of condemnation was discussed and a motion was made and approved not to oppose this process. Without eminent domain, all Fossil Creek Meadows homeowners in the Association and all lending institutions holding deeds of trust would need to execute the conveyance document pursuant to the Bylaws of the Association.

21. First Reading of Ordinance No. 196, 1999, Designating the Winslow/Guard House, 730 West Olive Street, as a Local Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Ada May Guard, is initiating this request for Local Landmark designation for the Winslow/Guard House. The building is significant for its architectural importance, as a beautiful example of the American Foursquare architectural style in Fort Collins.

22. Items Relating to the Fossil Creek Wetlands Annexation and Zoning.

- A. Resolution 99-138 Setting Forth Findings of Fact and Determinations Regarding the Fossil Creek Wetlands Annexation.
- B. First Reading of Ordinance No. 197, 1999, Annexing Property Known as the Fossil Creek Wetlands Annexation to the City of Fort Collins.
- C. First Reading of Ordinance No. 198, 1999, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Fossil Creek Wetlands Annexation.

APPLICANT: The City of Fort Collins

OWNER: The City of Fort Collins

23. First Reading of Ordinance No. 199, 1999, Authorizing the Lease of Portions of the Resource Recovery Farm to LaFarge Corporation for Sand and Gravel Mining in Order to Protect Sensitive Natural Habitats Along the Cache la Poudre River.

This Ordinance enables implementation of a unique natural area conservation project involving the City of Fort Collins, LaFarge Corporation, Flatiron Companies, and Colorado State University. The collaborative project will save from sand and gravel mining approximately 40 acres of meadow and mature riparian forest along the Cache la Poudre River that represents some of the most unique and valuable wildlife habitat in the Fort Collins area. In exchange for not mining these sensitive natural habitats, approximately 106 acres of much less sensitive agricultural land on the City's Resource Recovery Farm will instead be mined. Reclamation of the mined area on the Resource Recovery Farm will enhance the wildlife habitat diversity and overall value of the natural areas along this reach of the Cache la Poudre River. This area will enhance the City's efforts to protect and enhance the wildlife habitat, aesthetic, and recreational values of this section of the Poudre River consistent with the City's Natural Areas Policies and will also enhance programs at CSU's Environmental Learning Center.



24. First Reading of Ordinance No. 200, 1999, Amending Section 24-42 (c) for the Purpose of Correcting an Error.

Section 24-42(c) of the City Code makes reference to Section 24-657(g)(4) of the Code, which section does not exist. The intended section was probably Section 29-657(g)(5). However, when the Land Use Code was adopted, all of Chapter 29 was removed from the City Code and recodified as the "Transitional Land Use Regulations". Since the Transitional Land Use Regulations are already mentioned in subparagraph (c) of Section 24-42, the specific reference to a section number is not necessary. Therefore, the reference to this section should be deleted.

25. Resolution 99-139 Establishing a Waste Diversion Policy.

Staff recommends adopting a Resolution that builds on the successful level of recycling that Fort Collins has accomplished and sets new, incremental goals (five years hence, then ten years) for continuously improving the City's waste diversion efforts. Measuring the amount of waste that is being diverted from disposal in landfills gives a broad indication of the success of efforts such as recycling, composting, and reuse of materials. This Resolution will change the existing policy from a targeted 20% waste diversion level, to a 35% goal by the year 2004 and to 50% by 2010.

The Resolution is intended to respond to interest expressed by the Council at a study session in August. At that meeting, staff reported the very good news that Fort Collins has surpassed a goal set in 1995 for 20% waste stream diversion from landfills, in February of 1999 measuring at 24% diversion. Council indicated support for continuing the steady improvements in recycling that are occurring in our community, and shortly afterwards further expressed commitment by approving \$145,000 in the 2000 budget to fund new recycling projects.

By adopting this Resolution, the City Council does not create any financial obligation. Future budget requests that would be proposed to help accomplish the waste diversion goal (such as the recycling projects recently funded for 2000) would only be decided on the basis of merit by the Council.

26. Resolution 99-140 Establishing Affordable Housing as the Highest Priority in the Use of the City's Year 2000 Private Activity Bond Allocation.

Under Sections 103 and 141 of the Internal Revenue Code, the City may issue tax exempt private activity revenue bonds for certain purposes. One of the qualified uses for private activity bonds is for projects that will provide affordable housing for low and moderate income individuals and families. The Colorado General Assembly established the Colorado Private Activity Bond allocation program to provide for the allocation of the States PAB ceiling under the federal Tax Reform Act of 1986.



The result of the federal and state laws is that the City of Fort Collins has a private activity bond allocation of \$2,756,250 for the year 2000. Based on recommendations in the City's Priority Affordable Housing Needs and Strategies Report (the "Report") and the review and recommendation of the Council Finance Committee, the proposed Resolution would set affordable housing projects as the top priority use for the City's year 2000 private activity bond allocation.

27. Resolution 99-141 Authorizing the City Manager to Grant a License to Drahota Construction Company to Enter City Property.

Drahota Construction Company has requested a license from the City to place a construction trailer on approximately seven hundred square feet (700') of an unused portion of the Fort Collins Senior Center P.U.D. site. Drahota will be using the trailer as its office for the construction of two additional multi-family residential buildings for The Preserve II Apartments P.U.D. The License to Enter agreement will terminate on or before July 31, 2000.

28. Resolution 99-142 Making Appointments to the Citizen Review Board and the Human Relations Commission.

A vacancy currently exists on the Citizen Review Board due to the resignation of Sam Blanco. City Manager John Fischbach and Councilmembers Wanner and Bertschy reviewed the applications on file and are recommending Maria Martinez to fill the vacancy with a term to begin immediately and to expire on June 30, 2002.

Vacancies currently exist on the Human Relations Commission due to the resignations of Judith Berg and Cheryl Breeden. Applications were solicited and Councilmembers Bertschy and Byrne conducted interviews. The Council interview team is recommending that Dan Devine and Barry Siff be appointed to fill the vacancies with terms to begin immediately and to expire on June 30, 2002 and June 30, 2003 respectively.

29. Routine Easements.

- A. Easement from Everline LLC to install electric switch gear, located at County Road 9 and County Road 36. Monetary consideration: \$10.
- B. Construction and maintenance easement from Fort Collins Glass & Paint Company, located at 1308 Riverside. Monetary consideration: \$171.
- C. Construction and maintenance easement from K & M Company, located on the west side of Timberline and south of County Road 50. Monetary consideration: \$100.

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



30. Consent Calendar Follow-up.
This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
31. Staff Reports.
32. Councilmember Reports.
Committees that have met since November 16 include:
Finance Committee *Legislative Review Committee*

ITEMS NEEDING INDIVIDUAL CONSIDERATION

33. Consideration of the Appeal of the October 12, 1999, Determination of the Administrative Hearing Officer to Approve the Oakridge Business Park, 28th Filing (Bank of Colorado) - Project Development Plan.

On October 12, 1999, the Administrative Hearing Officer approved the Oakridge Business Park, 28th Filing (Bank of Colorado) - Project Development Plan for a two-story, 12,000 square foot bank building with 4 drive-thru lanes and associated parking on a property that is approximately 1.2 acres in size.

The property is zoned HC - Harmony Corridor (as of the effective date of March 28, 1997 for the new Land Use Code). The property is located at the southeast corner of the intersection of East Harmony Road and McMurry Drive. Oakridge Drive forms the south boundary of the property.

34. Second Reading of Ordinance No. 186, 1999 Authorizing the Conveyance of Non-exclusive Easement Interests to Boxelder Sanitation District for the Construction of Flood Control Measures and the Repair of Flood-Caused Damage in and Along the Poudre River in the Archery Range Natural Area.

Ordinance No. 186, 1999 was adopted on First Reading on November 16, 1999 by a vote of 4-3, and authorizes the conveyance of an easement to Boxelder Sanitation District for the construction of flood control measures as well as repairs along the Poudre River caused by flood damage. The Boxelder total compensation for the temporary construction easement and permanent easement is \$2,000.

This Ordinance has been revised since First Reading to clarify that the subject property was originally purchased by the Wastewater Utility as excess flood plain property.



35. First Reading of Ordinance No. 187, 1999, Amending Section 2-581 of the City Code and Setting the Compensation of the City Attorney.

City Council met in Executive Session on November 9, 1999 to conduct the performance appraisal of City Attorney Steve Roy. This Ordinance establishes the 2000 salary and compensation of the City Attorney

36. First Reading of Ordinance No. 188, 1999, Amending Section 2-596 of the City Code and Setting the Compensation of the City Manager.

City Council met in Executive Session on November 9, 1999 to conduct the performance appraisal of City Manager John Fischbach. This Ordinance establishes the salary and compensation provided the City Manager.

37. First Reading of Ordinance No. 189, 1999, Amending Section 2-606 of the City Code and Setting the Compensation of the Municipal Judge.

City Council met in Executive Session on November 9, 1999 to conduct the performance appraisal of Municipal Judge Kathleen M. Lane. This Ordinance establishes the 2000 salary and compensation of the Municipal Judge.

38. Pulled Consent Items.

39. Other Business.

Motion to cancel the meeting of December 21, 1999.

40. Adjournment.

