

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

October 19, 1999

Proclamations and Presentations 5:30 p.m

- A. Proclamation Proclaiming Saturday, October 28, 1999 as "Salute to the Armed Forces 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 27. 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 #34, 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 adoption of the Council meeting minutes of September 21, 1999.
8. Items Relating to the Appropriation of Proceeds from the Execution and Delivery of City of Fort Collins Lease Certificates of Participation Series 1999.
 - A. Second Reading of Ordinance No. 147, 1999, Appropriating Proceeds from the Execution and Delivery of City of Fort Collins Lease Certificates of Participation for the Golf Enterprise Fund for Golf Course Improvements.
 - B. Second Reading of Ordinance No. 148, 1999, Appropriating Proceeds from the Execution and Delivery of City of Fort Collins Lease Certificates of Participation in the Capital Projects Fund for the Downtown Intersection Renovation Project.

Ordinance No. 147, 1999, which was unanimously adopted on First Reading on October 5, 1999, appropriates \$2,255,000 of lease certificate proceeds in the Golf Fund. The proceeds will be used to make capital improvements at the City's golf courses. Approximately \$1.2 million will be used to replace the irrigation system at Collindale Golf Course. The remaining amount will be used for a combination of land acquisition near SouthRidge Golf Course and other capital improvements at City Park Nine Golf Course, Collindale Golf Course, and SouthRidge Golf Course. Revenues from the golf courses will provide the source of repayment for the lease certificates. The appropriation includes \$40,000 to cover the Golf Fund's share of the costs of issuance for the certificates.

Ordinance No. 148, 1999, which appropriates \$1,105,000 in the Downtown Intersection Renovation Project in the City's Capital Project Fund, was unanimously adopted on First Reading on October 5, 1999. The certificate proceeds will be used to finance pavement replacement and streetscape improvements along College Avenue. Annual revenues from General Improvement District No. 1 will be used to make the payments on this portion of the financial transaction. The appropriation includes \$20,000 of issuance costs.

9. Second Reading of Ordinance No. 149, 1999, Appropriating Prior Year Reserves and Unanticipated Revenue in Various Funds and Authorizing the Transfer of Appropriated Amounts Between Funds.

The purpose of the annual clean-up ordinance is to combine dedicated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and, therefore not included in the 1999 budget. The unanticipated revenue is primarily from fees, charges, rents, contributions and grants that have been paid to City departments to offset specific expenses. Prior year reserves are primarily being appropriated for unanticipated operation expenses from reserves that are aside for that purpose. Ordinance No. 149, 1999 was unanimously adopted on First Reading on October 5, 1999.

10. Items Relating to the Issuance of City of Fort Collins Downtown Development Authority Subordinate Tax Increment Revenue Bonds, Series 1999.

- A. Second Reading of Ordinance No. 150, 1999, Authorizing the Issuance of City of Fort Collins Downtown Development Authority Taxable Subordinate Tax Increment Revenue Bonds Series 1999 in the Amount of \$750,000 for the Purpose of Financing Certain Capital Improvements and Capital Projects.
- B. Second Reading of Ordinance No. 151, 1999, Appropriating Proceeds from the Issuance of City of Fort Collins, Colorado, Downtown Development Authority Taxable Subordinate Tax Increment Revenue Bonds, Series 1999, for the Purpose of Making Certain Capital Improvements in the Downtown Area of Fort Collins and Appropriating Revenues in the Tax Increment Fund.

The City of Fort Collins created the Downtown Development Authority to make desired improvements in the downtown area. Through tax increment financing, the DDA has made significant contributions to the redevelopment and improvement of the downtown area. These two Ordinances provide funding from unreserved fund balance in the DDA Debt Service Fund to make additional improvements in the downtown area. Ordinance No. 150, 1999, which was unanimously adopted on First Reading on October 5, 1999, issues short term bonds for the projects which will be paid from the tax increment revenue Ordinance No. 151, 1999, which appropriates the proceeds in to the Capital Projects Fund for the various projects, was also unanimously adopted on First Reading on October 5, 1999.

11. Items Relating to the Analysis and Construction of Intersection Improvements at the Intersection of State Highway 14 (Mulberry) and Lemay Avenue Utilizing Federal Congestion Mitigation and Air Quality (CMAQ) Funds.

- A. Resolution 99-117 Authorizing the Mayor to Execute an Intergovernmental Agreement with the Colorado Department of Transportation Allocating \$1,375,721 for the Analysis and Determination of Appropriate Intersection Improvements and the Construction of Said Improvements at the Intersection of State Highway 14 and Lemay Avenue.
- B. First Reading of Ordinance No. 152, 1999, Appropriating Unanticipated Revenue and Prior Year Reserves in the Transportation Services Fund and Authorizing the Transfer of Appropriations from the Street Oversizing Fund to the Transportation Services Fund for the Analysis and Determination of Appropriate Intersection Improvements and the Construction of Improvements at the Intersection of State Highway 14 and Lemay Avenue.

The City of Fort Collins successfully applied for Federal CMAQ funds for an Alternative Analysis of intersection improvements and the construction of those determined improvements at the intersection of SH14 and Lemay Avenue. The intersection is currently

experiencing both delay and accident problems. Pedestrian connectivity is also an existing problem and this project will build a pedestrian bridge across the Poudre River and sidewalk along Mulberry to connect Lemay to Riverside. Approximately \$300,000 of the project is dedicated to these pedestrian improvements.

The proposed Mulberry Lemay Crossing project (WalMart) will add considerable traffic to an existing problem. Although the Mulberry Lemay Crossing PUD will be financially responsible for improvements to the intersection based on its impacts, staff is also interested in investigating the design of a modern roundabout at this location.

12. First Reading of Ordinance No. 153, 1999, Authorizing the Purchasing Agent to Enter into an Agreement for the Lease-Purchase of Vehicles and Equipment and Appropriating Funds Related Thereto.

This Ordinance will authorize the Purchasing Agent to enter into a lease-purchase financing agreement with Safeco Credit Company at 5.25 percent interest rate. The agreement shall be for an original term from the execution date of the agreements to the end of the current fiscal year. The agreement shall provide for renewable one-year terms thereafter, to a total term of five (5) years, subject to annual appropriation of funds needed for lease payments. The total lease terms, including the original and all renewal terms, will not exceed the useful life of the property. This lease-purchase financing is consistent with the financial policies of the City of Fort Collins.

13. Items Relating to the Law Enforcement Assistance Fund (L.E.A.F.) Contract with the Colorado Department of Transportation Providing Funds for the Fort Collins Police Services Drunk Driving Enforcement Program.

- A. Resolution 99-119 Approving, and Authorizing the Mayor to Execute the Drunk Driving Enforcement Grant Contract #L-37-00 Between the City and the Colorado Department of Transportation.
- B. First Reading of Ordinance No. 154, 1999, Appropriating Unanticipated Revenue in the General Fund for Police Services Drunk Driving Enforcement Program.

The Colorado Department of Transportation has awarded Fort Collins Police Services a 2000 Law Enforcement Assistance Fund (L.E.A.F.) grant in the amount of \$41,000 to help reduce the number of drunk drivers in Fort Collins. This grant will provide overtime compensation for Fort Collins Police Officers who are involved in operations, which focus on the detection and arrest of drunk drivers.

14. Hearing and First Reading of Ordinance No. 155, 1999, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the North College Rezoning.

This is a request to rezone approximately 2.8 acres of property located on the northwest corner of Cherry Street and College Avenue. The current zoning is POL – Public Open Lands. The property was zoned incorrectly in 1997. The requested zoning is CCR – Community Commercial, Poudre River District.

APPLICANT: The City of Fort Collins, Colorado

OWNERS: The City of Fort Collins
The Missouri Improvement Company
Jack Hibler
Union Pacific Railroad

15. First Reading of Ordinance No. 156, 1999, Vacating Portions of the Rights-of-Way for Morning Dove Lane, South of Dusty Sage Drive, as Dedicated on the Harmony Ridge P.U.D. Plat.

This Ordinance vacates the street rights-of-way for Morning Dove Lane south of Dusty Sage Drive. First, it should be noted that the Harmony Ridge P.U.D. development is under construction, but no streets have been constructed. Furthermore, the right-of-way for this street is no longer needed for the housing units because the plan has been amended so that they take access off of Dusty Sage Loop. However, the Harmony Ridge P.U.D. depicts utilities in the Morning Dove Lane right-of-way and since drainage facilities and public access will need to accommodate a utility, access, and drainage easement, such easement will be retained with the vacation of Morning Dove Lane.

16. First Reading of Ordinance No. 157, 1999, Amending Ordinance No. 121, 1987, by Including in the Landmark Designation of the Power Plant Building and Art Deco Fountain at 430-500 North College Avenue the Landmark Designation of the Rock Garden, Waterway, Pool, and Historic Plantings Known as the "Grotto", Pursuant to Chapter 14 of the City Code.

The leasee of the property, Colorado State University, along with the owner of the property, the City of Fort Collins, are initiating this request to amend Ordinance No. 121, 1987 to include the Rock Garden, Waterway, Pool, and Historic Plantings known as the "Grotto". The designation of the grotto as a Local Landmark will allow Colorado State University to apply for State Historic Fund grants for the stabilization and restoration of the feature.

17. First Reading of Ordinance No. 158, 1999, Designating the Burnett/Killgore House and "Outhouse", 128 North Sherwood Street, as a Historic Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Jan Krucky, is initiating this request for Local Landmark designation for the Burnett/Killgore House and "Outhouse". The building and structure are significant for their architectural importance, as representative examples of vernacular residential architecture typical of the turn of the century.

18. First Reading of Ordinance No. 159, 1999, Designating the Clammer/Juel House, Garage, Iron Fence and Stone Walk, 729 Remington Street, as a Historic Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Elliot Juel Ray, is initiating this request for Local Landmark designation for the Clammer/Juel House, Garage, Iron Fence and Stone Walk. The house is architecturally significant as a representative example of a Late 19th - Early 20th Century vernacular residence. The garage, built in the 1930s, has considerable architectural significance in its own right, and contributes to the architectural importance of the property. The property still retains its original wrought-iron fence and stone walkway. Additionally, the property has historical significance for its associations with Mayor Samuel H. Clammer, and with the Christoffer Juel family.

19. Public Hearing and Resolution 99-120 Concerning the Fifth Year Performance Evaluation of Heritage Cablevision of Delaware, Inc., Doing Business as AT&T Cable Services ("AT&T"), Under the Terms of the 1993 Franchise Agreement, as Amended.

City staff developed an extensive public process in order to gather the data necessary to review AT&T's performance. Staff conducted three public forums and made a CityLine number and website available for public input. Citizens were surveyed regarding AT&T's services and operations. A technical audit was performed on AT&T's facilities and equipment, as well as a financial audit of franchise fee payments to the City. The public process indicated that AT&T is generally performing well in its delivery of cable TV services. Areas which indicated a need for improvement included telephone response and cable TV system reliability. AT&T's telephone system has been recently upgraded, and the entire cable TV system is currently being rebuilt, which should enhance system reliability.

City staff has documented in detail the results of this evaluation in a report titled, "Fifth Year Performance Evaluation of AT&T Cable Services", dated October 1999.

20. Resolution 99-121 Approving the Acquisition of Services from Insituform Technologies, Inc., for the Repair of Existing Sewer Mains as an Exception to the Use of Competitive Bid or Proposal.

Over the past fourteen years the Water/Wastewater Utility has used the Insituform Sleeving Method (Cured-In-Place-Pipe CIPP) to reline and restore over 38,000 lineal feet of existing six, eight, ten, twelve, eighteen, twenty-one, and twenty-four inch sewer mains and service connections. The method has been successful because it does not require any excavation of the street, minimizing disruption to citizens, businesses and traffic. In addition, there is a cost savings of between 5 to 40 percent, compared to conventional excavation and replacement methods, depending on the size and location of the line. This year, funds were budgeted for the relining of approximately 4,200 lineal feet of sewer mains, at a cost not to exceed \$190,000.

Section 8-160 of the Code states that any exemption to the use of competitive bidding in excess of \$100,000 must be approved by the City Council. The contract with Insituform Technologies is requested because it is the only repair method presently tested and approved that does not require excavation, it is cost effective when compared to conventional excavation and replacement methods and Insituform Technologies has been determined to be the sole responsible source for this repair method. The Utility continues to review qualifications of other vendors and will perform a test with Western Slope Utilities from Breckenridge. However, there is not time to complete the testing and still perform the amount of work that needs to be completed in 1999. If the Western Slope Utilities procedure is approved, the Utility will use a competitive process to select a firm next year. Council approved purchases with Insituform in 1997, of over 4,500 feet of Cured-In-Place-Pipe at a cost \$197,250 and in 1998, of over 4,600 feet at a cost of \$255,474.

The Resolution will authorize the contract for Insituform Sleeving (CIPP) as an exemption to the use of competitive bid or proposal and will allow an extension of the contract for 1999 as provided in Section 8-160(d)(4).

21. Resolution 99-122 Adopting the City's 2000 Legislative Agenda.

Each year the Legislative Review Committee (LRC) develops a legislative agenda to assist the City in the analysis of pending legislation. The 2000 Legislative Agenda has been updated from the 1999 Legislative Agenda and will be used as a guide for the upcoming legislative session 2000.



22. Resolution 99-123 Making Findings of Fact and Conclusions Regarding the Appeal of a Decision of the Planning and Zoning Board Relating to the Provincetowne PUD, Filing Two - Preliminary.

On August 16, 1999, an appeal of the August 5, 1999 decision of the Planning and Zoning Board to approve the Provincetowne PUD, Filing Two - Preliminary was filed by the Appellants David G. Evans, Doug Sparks, and Mark Menke. The Appellants filed an amended appeal on September 3, 1999.

On October 5, 1999, City Council voted to uphold the decision of the Planning and Zoning Board. In order to complete the record regarding this appeal, the Council should adopt a Resolution making findings of fact and finalizing its decision on the appeal.

23. Resolution 99-124 Making an Appointment to the Policy Committee of the Northern Colorado Communities I-25 Corridor Plan.

The preparation of the Northern Colorado Communities I-25 Corridor Plan is underway - the consultants have been selected and a Staff Technical Team has been meeting. One of the next steps is to form a Policy Committee composed of one elected official from each participating jurisdiction (Weld and Larimer counties, and the municipalities of Berthoud, Johnstown, Windsor, Loveland, Timnath and Fort Collins). This Resolution, if adopted, appoints Councilmember Mike Byrne to the Policy Committee.

24. Resolution 99-125 Supporting a Larimer County Ballot Initiative Authorizing the Collection, Retention, and Expenditure of Revenue in Excess of the Limitations Set by Section 20 of Article X of the Colorado Constitution (Tabor Amendment) and Article 1, Title 29 of the Colorado Revised Statutes.

Colorado voters approved the provisions of Section 20 of Article X of the State Constitution in the 1992 election. This provision, also known as the TABOR amendment, imposes revenues and spending limits on local governments, unless voters approve the retention of revenues exceeding those limits.

Notwithstanding a strong local economy, Larimer County is unable, because of the TABOR amendment, to utilize all of the revenues it collects to keep pace with growing service needs. In fact, the County is considering service reductions in its 2000 budget to accommodate, in part, the current inability to retain revenues it has and will collect. The Larimer County Commissioners have placed on the November ballot a measure which would remove the TABOR limits and allow Larimer County to keep all of its revenues and use them for much needed programs and services and improvements. If voters approve the proposed ballot measure, the Board of County Commissioners has indicated that the revenues would be targeted for priorities such as road maintenance, law enforcement, and public facilities.

In over 300 elections, voters in cities, towns, counties and special districts in Colorado have approved measures to exempt these jurisdictions from the revenue and spending limits imposed by the TABOR amendment. If approved, the ballot measure exempting the County from the limitations of Article X, Section 20 will not change (i.e., will not increase) the existing tax rate and any such future proposed tax rate change shall remain subject to voter approval.

25. Resolution 99-126 Endorsing Referendum A, Transportation Revenue Anticipation Notes (TRANS).

The Colorado General Assembly has placed Referendum A on the November, 1999 ballot. If approved, this referendum will authorize the state to borrow up to \$1.7 billion, with a maximum payback of \$2.3 billion, to be used for accelerating high priority state transportation projects. The proposal requires that the principal and interest on the borrowed money be paid from federal and state transportation moneys, and limits these payments to no more than 50% of the prior year's payment of federal transportation funds to Colorado.

If Council adopts this Resolution as drafted, it will show support for the referendum with certain recommendations. These recommendations highlight important transportation issues that are not addressed by the TRANS referendum.

26. Resolution 99-127 Supporting Initiated Issue 100 to Continue the Existing Help Preserve Open Spaces Sales and Use Tax and to Authorize Revenue Bonds for Preservation of Open Spaces.

On November 2, 1999, the voters in Larimer County will consider Initiated Issue 100 which is a proposal to extend the existing Help Preserve Open Spaces (HPOS) Sales and Use Tax. Originally passed in 1995 and scheduled to sunset after 2003, the HPOS tax is a 1/4 cent sales and use tax (excluding food and medicine) which is collected countywide for the purposes of "acquisition, protection, improvement and long-term maintenance of open space, natural areas, wildlife habitat, parks and trails." The tax is set up so that a minimum of 55% of the proceeds are distributed directly to the municipalities within Larimer County and the remaining 45% is used by Larimer County for its Open Lands program.

From the City of Fort Collins' perspective, extension of the sales tax would provide significant ongoing funding for our efforts to protect key natural areas and other significant open lands in and near Fort Collins. The ongoing funding is needed to help achieve the land use vision of City Plan, to assist in regional efforts to protect the Poudre River Corridor, to restore and enhance our natural areas, to provide trails, parking, restrooms, environmental education and other public improvements, and to provide for long-term care of our open lands. Both the Parks and Recreation Board and the Natural Resources Advisory Board unanimously recommended that Council officially endorse the proposal.

27. Routine Deeds.

- A. Quit claim deed from Giuliano & Father Construction, Inc., for a stormwater detention area, located in Woodlands 5th Filing, Tract A. Monetary consideration: \$10.
- B. Quit claim deed from Giuliano & Father Construction, Inc., for a stormwater detention area, located in Sun Disk Village 1st Filing, Tract A. Monetary consideration: \$0.

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

28. Consent Calendar Follow-up.

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

29. Staff Reports.30. Councilmember Reports.

Committees that have met since September 21 include:

*Growth Management Committee
Legislative Review Committee
Poudre School District Liaison Committee
NFRT&AQPC*

ITEMS NEEDING INDIVIDUAL CONSIDERATION

31. Resolution 99-128 Expressing the Council's Concerns About a Citizen-Initiated Ordinance Pertaining to an Alternative Truck Route.

This action formally states the City Council's concerns about the "Initiated Ordinance" (Ordinance No. 142, "Approving The Relocation of Colorado Highway 14 Truck Route Outside The City of Fort Collins Current Urban Growth Area And Approving Certain Measures in Support Thereof").

32. Items Relating to the Realignment of East Vine Drive.

- A. Resolution 99-129 Amending the City's Master Street Plan Regarding East Vine Drive.
- B. Resolution 99-130 Amending the City's Structure Plan Map and the Mountain Vista Subarea Plan-Framework Plan Map, and Proposed Transportation Plan, and Related Text to Reflect the Changes Made to the City's Master Street Plan Regarding East Vine Drive.

At Council's request, staff has prepared four options that amend the City's Master Street Plan by realigning East Vine Drive as an arterial street in the spirit of the "Modified Vine" alignment. Staff recommends adoption of the Option C - Piñon South alignment.

Contingent on adoption of one of the Vine Drive realignment options, staff recommends that the classification of the old alignment of Vine Drive from College Avenue to Redwood Street be changed on the Master Street Plan to Minor Arterial.

If the Master Street Plan is amended, changes to other documents are also required. Staff asks that Council further support amendments to the City Structure Plan Map and Mountain Vista Subarea Plan - Framework Plan Map, and Proposed Transportation Plan and related text as required due to changes in the City Master Street Plan.

33. Hearing and First Reading of Ordinance No. 160, 1999, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for Certain Properties Located Within the West Central Neighborhoods Plan and Known as the West Central Neighborhoods Plan Second Subarea Rezoning.

The **West Central Neighborhoods Plan** was adopted by the City Council on March 16, 1999, as a subarea (neighborhood) plan for an "L" shaped area of approximately three square miles located west, southwest, and south of the Colorado State University Main Campus. On June 1, 1999, the Council adopted on Second Reading Ordinance No. 90, 1999, which rezoned most of the properties proposed for rezoning within the Plan's boundaries as recommended in the **West Central Neighborhoods Plan**. The property located at 1132 West Prospect Road and the properties located north of West Prospect Road, adjacent to Whitcomb Street and Blevins Court, were deleted from the initial rezoning effort and temporarily retained in their existing R-L, Low Density Residential, District to allow staff additional time to work with the property-owners to discuss and evaluate their rezoning issues.

The property located at 1132 West Prospect Road is proposed to be rezoned into the L-M-N, Low Density Mixed-Use Neighborhood, District. This owner is no longer in opposition to the proposed rezoning.

The properties located north of West Prospect Road, adjacent to Whitcomb Street and Blevins Court, are proposed to be rezoned into the H-M-N, High Density Mixed-Use Neighborhood, District. Some property owners in this area are in opposition to the rezoning, contending that the minimum density of the H-M-N Zone at 20 dwelling units per acre is too high.

34. Pulled Consent Items.
35. Other Business.
36. Adjournment.



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

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 Boardmembers to follow-up on issues raised during Citizen Participation.

5. Agenda Review: Acting Executive Director.
6. Resolution No. 21 Adopting the Property Management Agreement between the Fort Collins Housing Authority (FCHA) and the Fort Collins Housing Corporation (FCHC).

In this Agreement, FCHA agrees to manage FCHC's 260 low-income housing units in accordance with the terms and conditions of the Agreement. The Agreement specifically outlines the budgetary expectations for both FCHA and FCHC. The Agreement establishes a monthly service charge due to the FCHA of \$27,463 for services as outlined in the Agreement.

Since 1985, FCHC has contracted with FCHA to oversee all property management services for FCHC's housing units. These units help significantly in filling low and moderate income housing gaps throughout the community.

On October 1, 1999 the FCHC Board unanimously approved this Agreement.

7. Other Business.
8. Adjournment.