

# AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

September 7, 1999

## Proclamations and Presentations

5:30 p.m

- A. Proclamation Proclaiming the Month of September 1999 as "America Goes Back to School Month".
- B. Proclamation Proclaiming the Week of September 17-23, 1999 as "Constitution Week".
- C. Proclamation Proclaiming September 15 - October 15 as "Hispanic Heritage Month".

## Regular Meeting

6:00 p.m.

### PRESENTATION OF COLORS BY FORT COLLINS U.S. ARMY RECRUITING STATION

- 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. Consideration and adoption of the Council meeting minutes of August 3 and August 17, 1999, and the adjourned meeting of July 27, 1999.
8. Items Relating to the Johnson-Harmony Annexation and Zoning.
  - A. Second Reading of Ordinance No. 109, 1999, Annexing Property Known as the Johnson- Harmony Annexation to the City of Fort Collins.
  - B. Second Reading of Ordinance No. 110, 1999, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Johnson-Harmony Annexation.

On July 6, 1999, Council unanimously adopted Resolution 99-80 Setting Forth Findings of Fact and Determinations Regarding the Johnson-Harmony Annexation.

On July 6, 1999, Council also unanimously adopted Ordinance Nos. 109 and 110, 1999, which annex and zone approximately 63.265 acres in size encompassing 61.468 acres of private land and 1.797 acres dedicated for Cinquefoil Lane right-of-way. The subject annexation is located south of East Harmony Road and east of Cambridge Avenue. 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.

On July 20, 1999, the applicant, Les Kaplan, requested postponement of Second Reading of Ordinance Nos. 109 and 110, 1999 to this date to allow additional time to coordinate land

planning and engineering with additional annexations to the south and east (Willow Brook 1 & 2).

APPLICANT: Lester M. Kaplan  
1060 Sailors Reef  
Fort Collins, CO 80525

OWNERS: Glen Johnson-3432 Carlton Avenue, Fort Collins, CO 80525  
Jean Johnson-3432 Carlton Avenue, Fort Collins, CO 80525  
Donald LeFever-4710 Cinquefoil Lane, Fort Collins, CO 80525  
Dorothy LeFever-4710 Cinquefoil Lane, Fort Collins, CO 80525

9. Second Reading of Ordinance No. 134, 1999, Approving the Terms of the Lease for the City's Lease of the Building at 220 East Olive Street/235 Mathews Street Fort Collins, Colorado.

The City's Transportation Department leases the building at Olive and Mathews Streets. The current lease expires August 31, 1999. Staff has renegotiated the lease to continue until the Transportation Department moves into the new City office building upon its completion. The term of this Lease Agreement commences on September 1, 1999 and continues until August 31, 2002, with the City having the option to terminate at any time with a six-month notice of termination. Ordinance No. 134, 1999, was unanimously adopted on First Reading on August 17, 1999 and authorizes the City's lease of 220 East Olive Street/235 Mathews Street.

10. Second Reading of Ordinance No. 135, 1999, Designating the Harden House, 227 Wood Street, Fort Collins, Colorado, as a Historic Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, Dr. David Rowan, initiated this request for Local Landmark designation for the Harden House. The building is significant for its architectural importance, as a representative example of vernacular residential architecture in Fort Collins, typical of the turn of the century. Ordinance No. 135, 1999, was unanimously adopted on First Reading on August 17, 1999.

11. Second Reading of Ordinance No. 136, 1999, Approving and Authorizing the City to Enter into Agreements in Connection with the Execution and Delivery of Lease Certificates of Participation for Street and Recreational Improvements.

The GID and Golf Fund projects will be financed through the use of a non-profit corporation, the Fort Collins Capital Leasing Corporation. This is similar to the financing used for the parking structure and future City office building. Through a lease-leaseback arrangement, the City will lease the existing police station (a 24,220 square foot building located at the southeast corner of LaPorte Avenue and Howes Street) and the adjacent parking lot to the

Fort Collins Leasing Corporation under a 30-year site lease. The Corporation will then lease the properties back to the City for a term of 20 years. The actual financing will be accomplished through the sale of certificates of participation (COPs). Upon payment in full of the Certificates of Participation, the site lease will be terminated. Ordinance No. 136, 1999, was unanimously adopted on First Reading on August 17, 1999.

As of the date of the First Reading, the City had not yet awarded a bid to the successful bidder. This Ordinance has been revised on Second Reading to reflect the successful bidder and the actual pricing of the deal.

12. Items Relating to the Willow Brook First Annexation and Zoning.

- A. Second Reading of Ordinance No. 137, 1999, Annexing Property Known as the Willow Brook First Annexation to the City of Fort Collins.
- B. Second Reading of Ordinance No. 138, 1999, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Willow Brook First Annexation.

On August 17, 1999, Council unanimously adopted Resolution 99-102 Setting Forth Findings of Fact and Determinations Regarding the Willow Brook First Annexation.

Also on August 17, 1999, Council unanimously adopted Ordinance Nos. 137 and 138, 1999, which annex and zone approximately 39.41 acres of privately owned property located 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 LMN - Low-Density Mixed Use Neighborhood District. This is a 100% voluntary annexation.

APPLICANT: Tom Iskiyan-Chateau Development Company  
8101 East Prentice Avenue, Suite 815  
Greenwood Village, CO 80111

OWNERS: Thomas Morroni-H.H. Investment Company  
P.O. Box 16383  
Denver, CO 80216

13. Items Relating to the Willow Brook Second Annexation and Zoning.

- A. Second Reading of Ordinance No. 139, 1999, Annexing Property Known as the Willow Brook Second Annexation to the City of Fort Collins.
- B. Second Reading of Ordinance No. 140, 1999, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Willow Brook Second Annexation.

On August 17, 1999, Council unanimously adopted Resolution 99-103 Setting Forth Findings of Fact and Determinations Regarding the Willow Brook Second Annexation.

Also on August 17, 1999, Council unanimously adopted Ordinance Nos. 139 and 140, 1999, which annex and zone approximately 75.22 acres of privately owned property located 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 LMN - Low-Density Mixed Use Neighborhood District. This is a 100% voluntary annexation.

APPLICANT: Tom Iskiyan-Chateau Development Company  
8101 East Prentice Avenue, Suite 815  
Greenwood Village, CO 80111

OWNERS: Thomas Morroni  
Electrical Equipment Engineering Company - Employee Profit Sharing Trust  
P.O. Box 16383  
Denver, CO 80216

14. Second Reading of Ordinance No. 141, 1999, Authorizing the Conveyance of a 2.18 Acre Parcel to Huntington Hills of Colorado, LLC, in Exchange for Approximately 20 Acres of Natural Area Property Near Mail Creek and Fossil Creek.

This Ordinance, which was unanimously adopted on First Reading on August 17, 1999, authorizes a land exchange between the City of Fort Collins and Huntington Hills of Colorado, LLC. As a result of the exchange, Huntington Hills will continue to own a 12-acre parcel of land to be developed as the 7th filing of the Huntington Hills development. The City will own a 30-acre parcel of land along Fossil Creek and Mail Creek that will be incorporated into the Natural Areas System. The exchange provides for the consolidation of natural areas along the creeks, enables a wider buffer zone between development and the creeks, and facilitates future plans for public trails, environmental interpretation, and habitat enhancement in the vicinity. The agreement also provides for appropriate street and utility easements for the future development of the land retained by Huntington Hills.

15. First Reading of Ordinance No. 143, 1999, Appropriating Unanticipated Revenue in the General Fund for the Northern Colorado Communities I-25 Regional Corridor Plan.

Last week, the last of the eight partnering jurisdictions gave its approval to begin the preparation of a Northern Colorado Communities I-25 Corridor Plan, when the Loveland City Council approved its share of the funding for the project. Fort Collins, Larimer County, Windsor, Berthoud, Timnath and Johnstown have informally agreed to proceed cooperatively in funding and carrying of the planning project. Each jurisdiction's share in the cost of the project is based on population, as has been done in the past on other regional projects. The total cost for the project is estimated at \$300,000. The City's share is \$137,280, which has been previously budgeted and appropriated in 1999 and included in the Year 2000 budget

request. Weld County declined to share in the cost of the project, but did agree to participate. The City of Fort Collins will act as Project Manager.

16. First Reading of Ordinance No. 144, 1999, Appropriating Unanticipated Revenue in the Capital Projects Fund Major Building Maintenance Capital Project for Facade Restoration of the Street Railway Car Barn.

This request is to appropriate unanticipated revenue in the amount of \$103,800 for the facade restoration of the Street Railway Car Barn, 330 North Howes.

The City of Fort Collins has been awarded a State Historical Fund grant in 1999 by the Colorado Historical Society. The purpose of the grant is to restore the facade of the 1907 Street Railway Car Barn. The building's front facade masonry will be re-pointed, the north/south additions will be re-roofed, the original trolley bay doors will be rebuilt, windows and pass doors will be reopened/restored and/or reconstructed, and the historic sign and flagpole will be stabilized.

17. First Reading of Ordinance No. 145, 1999, Appropriating Federal Grant Revenue and Authorizing the Transfer of Appropriations Between Projects in the Transportation Services Fund for the Operation of the North Front Range Transportation & Air Quality Planning Council's 1999-2000 Metropolitan Planning Organization Administration Program Year.

The North Front Range Transportation & Air Quality Planning Council (NFRT&AQPC) is the regional Metropolitan Planning Organization. The administration/program budget for the NFRT&AQPC is funded with federal transportation program dollars administered by the Colorado Department of Transportation (CDOT) based on the federal fiscal and program year of October 1, 1999 to September 30, 2000. This period does not correspond to the City's calendar year appropriation time frame, and this time differential causes some accounting and budget management problems. The Council's approval of this Ordinance will enable staff to more consistently manage and track the NFRT&AQPC's budget and expenditures. The proposed budget and appropriation for the 1999-2000 program year is \$618,824 for administration of the NRFT&AQPC.

18. Resolution 99-108 Authorizing Modification of the City's Contract with the Fort Collins Convention & Visitors Bureau (CVB) to Reallocate Current CVB Budget Resources to Provide Proactive Conference and Convention Sales.

In 1996 the City of Fort Collins modified its contract for tourism and conference services with the CVB. Pursuant to the previous contract, the CVB received a straight 75% of the total Lodging Tax collected within the city. With the new contract in 1996, the focus was somewhat shifted to a more local event and general tourism direction. The CVB was limited to a flat \$250,000 per year plus CPI growth. The new agreement also eliminated proactive conference and convention sales from the Bureau's contract, limiting the focus to general tourism, local event promotion, and *reactive* conference and convention activity.



19. Resolution 99-109 Emphasizing the Cooperative/Partnering Relationship Between the City and the U.S. Census Bureau in Achieving an Accurate and Complete Count of Persons Residing in the City in Census 2000.

The United States census, taken each decade, is of immense importance. The census dictates legislative representation and defines and determines many of the needs of local communities.

The Census Bureau cannot conduct the census alone. It needs to mobilize strong partners to help in accomplishing the goal of a complete census. State and local governments, non-governmental organizations, businesses and the media are all called upon to help spread the word about the census and to encourage the active participation of everyone.

In our community, the City of Fort Collins is called upon to establish a local *Complete Count Committee*, which will be appointed by the City Manager. This committee is to help promote the 2000 Census, especially to "hard to enumerate" populations, such as students, minorities, lower-income families, non-English speaking people, and so on. Given its task, the committee will be comprised of representatives from major employers in educational groups, religious institutions, members of the media and various groups and organizations that have knowledge of or linkages to "hard to enumerate" populations.

The *Complete Count Committee* will be established in September/October and our target is to schedule the committee's first meeting in October. The committee will then have the task of publicizing and educating the community about the census and encouraging all members of our community to participate in the census.

20. Resolution 99-110 Supporting the Preservation of the North Front Range Transportation and Air Quality Planning Council Transportation Improvement Program.

This Resolution expresses Council's support for the Transportation Improvement Program (TIP) of the regional planning organization and encourages the Colorado Department of Transportation (CDOT) not to make changes or reductions in the TIP, even though the state Transportation Commission has reduced the funding available to our region. The reason behind this is that in the past CDOT has promised a certain percentage of funding to our region but has consistently delivered a smaller amount than promised. By implication, this Resolution suggests that CDOT allocate the funding cuts to other regions that have received more than their promised share in the past.

21. Resolution 99-111 Setting the Dates of the Public Hearings on the 2000 and 2001 Proposed City of Fort Collins Biennial Budget.

The City will be adopting a biennial budget for the years 2000 and 2001. The City Charter requires that the City Council set a date for a public hearing on the proposed budget. This Resolution sets that hearing date for the Council meeting of September 21, 1999. In an effort

to receive further public input, this Resolution also sets an additional hearing date for the October 5, 1999 Council meeting.

**\*\*\*END CONSENT\*\*\***

22. Consent Calendar Follow-up.  
This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
23. Staff Reports.
24. Councilmember Reports.  
**Committees that have met since August 17 include:**  
*Finance Committee*  
*Growth Management Committee*  
*Health and Safety Committee*  
*NFRT&AQPC*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

25. Consideration of the Appeal of the July 1, 1999 Planning and Zoning Board Decision to Deny a Minor Amendment to the Greens at Collindale PUD.

On July 1, 1999, the Planning and Zoning Board denied a minor amendment to the Greens at Collindale PUD that had been referred to them by the Current Planning Director. This was a request to revise the design of the fence/wall that was approved on the west side of the development adjacent to Lemay Avenue. The new fence would be a combination of five foot high solid masonry sections and 45 inch high masonry walls with a row of glass block. There would also be a 32 foot wide section of open wrought iron fencing in the northern section of the fence/wall.

On July 15, 1999, a Notice of Appeal was received by the City Clerk's Office alleging that the Planning and Zoning Board "(1) did not properly interpret nor properly apply relevant law (Land Use Code) and (2) considered substantially false or grossly misleading evidence from the appellants opponent, the Harbor Walk Neighbors." The Notice of Appeal was subsequently amended and filed with the City Clerk on July 23, 1999.

26. Resolution 99-112 Disapproving the Proposed Donation of an Aviation Memorial at East Mulberry Street and Timberline Road.

The Longs Peak Chapter of the Air Force Association, an association of active and retired Air Force servicemen and women, and other public supporters of the U.S. Air Force, represented by Edmund L. Robert, has proposed to the City a plan to develop an aviation memorial to be located on the northeast corner of the intersection of East Mulberry and





Timberline Road. Various members of City staff have met with Mr. Robert over the past 3 years to gain a better understanding of his proposal and to determine the City's involvement in this project, if any, and associated costs.

The City Code requires Council approval of any "artistic monument" donated to the City to be placed in a public area if the value of such artistic monument is \$10,000 or more, and it also requires a review of such proposed donation and the recommendation of the Art in Public Places Board. In this case, the Board has reviewed and rated the aviation memorial proposal. The Board unanimously and strongly recommends that Council deny the proposal because the aircraft is not compatible with the proposed site.

The proposed location at Mulberry and Timberline is a very prominent site within an important gateway to Fort Collins. The aircraft is not unique to Fort Collins, does not rate well aesthetically and is not appropriate for a site that could be better utilized to define our community. The Board also believes the City should develop coordinated, thoughtful plans for its gateways before it begins to define them with individual pieces. The Council's adopted Policy Agenda contains two items that address this area. The Board believes it would be premature to install this memorial before the completion of the East Mulberry Corridor Plan (A-5) and the plan for Community Gateways (A-10). The Board recommends the City continue to work with Mr. Robert to find an appropriate location for the aircraft.

27. Resolution 99-113 Making Appointments to Various Boards and Commissions.

A vacancy currently exists on the Human Relations Commission due to the resignation of Lori Lenard. Councilmember Bertschy conducted interviews and is recommending that Mary Ellen Gomez be appointed to fill the vacancy with a term to begin immediately and to expire on June 30, 2001.

A vacancy also exists on the Liquor Licensing Authority due to the resignation of Melinda Minton. Mayor Martinez conducted interviews and is recommending that Vincent Duffy be appointed to fill the vacancy with a term to begin immediately and to expire on June 30, 2002.

A vacancy exists on the Personnel Board due to the resignation of Robert Vouk. Mayor Martinez reviewed the applications on file and is recommending that Chuck Washington be appointed to fill the vacancy with a term to begin immediately and to expire on June 30, 2002.

A vacancy currently exists on the Telecommunications Board due to the resignation of David Augustine. Applications were solicited and Councilmembers Kastein and Weitkumat will be conducting interviews on September 7. The Council interview team will present a recommendation at the meeting on September 7 to be inserted into the Resolution for a term to begin immediately and to expire on June 30, 2002.

A vacancy still exists on the Zoning Board of Appeals due to the lack of sufficient applications during the annual appointment process. Applications were solicited and Councilmembers Weitkunat and Kastein will be conducting interviews on September 7. The Council interview team will present a recommendation at the meeting on September 7 to be inserted into the Resolution for a term to begin immediately and to expire on June 30, 2003.

28. Pulled Consent Items.
29. Other Business.
30. Adjournment.