

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

July 6, 1999

**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 #32, 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 June 1 and June 15, 1999.
8. Second Reading of Ordinance No. 100, 1999, Appropriating Unanticipated Revenue in the General Fund for Facade Restoration of 328 Remington Street, the Historic 1904 First Baptist Church.

Ordinance No. 100, 1999, which was unanimously adopted on First Reading on June 15, 1999, appropriates unanticipated revenue for the restoration of 328 Remington Street (the historic 1904 First Baptist Church) which will become the "Old Town School for Film, Theatre and Dance."

9. Second Reading of Ordinance No. 101, 1999, Appropriating Unanticipated Revenue in the General Fund and Authorizing the Transfer of Appropriated Amounts Between Accounts and Projects for Rehabilitation of the Nelson Milk House.

Ordinance No. 101, 1999, was unanimously adopted on First Reading on June 15, 1999 and appropriates unanticipated revenue in the amount of \$10,000 for the rehabilitation of 1035 East Swallow, the Nelson Milk House in Spencer Park. It also authorizes the transfer of matching funds from Parks and Advance Planning budgets.

10. Second Reading of Ordinance No. 102, 1999, Appropriating Prior Year Reserves for Equipment Replacement.

In accordance with the City's Administrative Policy on Equipment Replacement, departments in the General Fund set aside or reserve a portion of their budgets for scheduled future equipment replacement. Departments/divisions have requested use of their equipment replacement reserves and the City Manager has approved the appropriations for Council consideration. Ordinance No. 102, 1999, was unanimously adopted on First Reading on June 15, 1999.

11. Items Ratifying the Actions of the Water, Wastewater, and Stormwater Utility Enterprise Boards.
- A. Second Reading of Ordinance No. 103, 1999, Ratifying Appropriations of Bond Proceeds in the Water Fund.
- B. Second Reading of Ordinance No. 104, 1999, Ratifying Appropriations of Bond Proceeds in the Wastewater Fund.
- C. Second Reading of Ordinance No. 105, 1999, Ratifying Appropriations of Bond Proceeds in the Storm Drainage Fund.

Prior to 1999, the appropriation of all amounts relating to each bond issue was included in each bond ordinance. However, the City Charter grants only the Council the power to appropriate funds. Therefore, this action by the Council is recommended in order to ensure that bond proceeds for the utilities have been properly appropriated. These ordinances, which were unanimously adopted on First Reading on June 15, 1999, ratify the previous actions of the Utility Enterprise Boards with regard to appropriations relating to all water, wastewater, and stormwater utility bonds issued between 1993 and 1998.

12. Second Reading of Ordinance No. 106, 1999, Authorizing the Mayor to Execute a Deed Granting a Public Access Easement to Fetco II, LLC.

Ordinance No. 106, 1999, which was unanimously adopted on First Reading on June 15, 1999, authorizes the Mayor to sign a deed granting to Fetco II, LLC an easement on Tract E, Shenandoah P.U.D., First Filing.

13. Second Reading of Ordinance No. 107, 1999, Appropriating Unanticipated Revenue in the Transportation Services Fund and Authorizing the Transfer of Appropriations from the Street Oversizing Fund to the Transportation Services Fund for the Construction of Traffic Signals and Improvements at the Intersection of County Road 32 and Timberline Road.

The City of Fort Collins successfully applied for Federal Highway STU funds for the construction of a needed traffic signal at the intersection of County Road 32 and Timberline Road. The project also entails adding left turn lanes at the intersection to improve the efficiency of the intersection. Construction of the traffic signal is scheduled for the Fall of 1999. Ordinance No. 107, 1999 was unanimously adopted on First Reading on June 15, 1999.

14. Items Relating to the Design and Construction of Harmony Road Bike Lanes.

- A. Resolution 99-79 Authorizing the Mayor to Enter into a Contract with the Colorado Department of Transportation for the Design and Construction of Harmony Road Bike Lanes.
- B. First Reading of Ordinance No. 108, 1999, Appropriating Unanticipated Revenue and Prior Year Reserves in the Transportation Services Fund and Authorizing the Transfer of Appropriations to be Used for the Design and Construction of Phase Three of the Harmony Road Bikeway Project.

The contract between the City and CDOT will allow for work to proceed to prepare final design documents and construction of third phase of the Harmony Road bikelane project.



15. Items Relating to the Johnson-Harmony Annexation and Zoning.

- A. Resolution 99-80 Setting Forth Findings of Fact and Determinations Regarding the Johnson-Harmony Annexation.
- B. First Reading of Ordinance No. 109, 1999, Annexing Property Known as the Johnson-Harmony Annexation to the City of Fort Collins.
- C. First 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.

This is an annexation and zoning of 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.

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

16. First Reading of Ordinance No.111, 1999, Authorizing the Conveyance of a Non-Exclusive Easement for an Electrical Substation to the City of Loveland on Fort Collins-Loveland Municipal Airport Property.

The Cities of Fort Collins and Loveland each own a fifty-percent share of the Fort Collins-Loveland Municipal Airport. The City of Loveland has asked for approval from the City of Fort Collins to acquire an easement of approximately three acres in order to construct an electrical power substation. The substation will provide improved service to residents in the vicinity of the Airport, and the Airport itself over time.



17. First Reading of Ordinance No.112, 1999, Authorizing the Mayor to Execute a Quit Claim Deed Conveying to the Shenandoah Land Limited Liability Company Certain Tracts of Land in the Shenandoah P.U.D. First Filing.

Ordinance No. 112, 1999, authorizes the conveyance to the original owners of Tracts A, B, C, D, E and F in the Shenandoah P.U.D. First Filing that were erroneously deeded to the City at the time of development in the Shenandoah First Filing development. These tracts of land were designated on the development plans as future building sites and open spaces intended for use by the owners of the development. The City does not want to own or maintain these tracts of land. Therefore, Council is asked to authorize the Mayor to execute a quit claim deed conveying these lands back to the Shenandoah Land Limited Liability Company.

18. First Reading of Ordinance No. 113, 1999, Authorizing the Conveyance of a Non-Exclusive Easement for the Construction of Flood Control Structures in and along the Poudre River in the Archery Range Natural Area to Boxelder Sanitation District.

During the April 30 – May 1 high water on the Cache La Poudre River, a section of the embankment near the Boxelder Sanitation District Treatment Plant was damaged. Boxelder Sanitation District is working the Army Corps of Engineers under the Corps Emergency Stream Bank Erosion Protection Program to stabilize the river embankment and protect the District's treatment facilities. All the proposed work is west of Boxelder Creek. The project consists of removal of one half of a rip rap revetment structure on the right bank, placing stone-toe revetment or rip rap along the left bank of the river, windrow revetment in the channel, and a rock sill control structure as detailed in the Corps of Engineers public notice. This scope of work protects the District's existing lagoons. Approximately 0.1 acres of wetlands will be impacted by the project and will be mitigated at a ratio of 1:1.

19. Items Relating to Camera Radar and Red-Light Camera Enforcement Systems.

- A. Resolution 99-81 Approving Extension of the ATS-REDFLEX, LLC (American Traffic Systems) Agreement as an Exception to the Competitive Purchasing Process.
- B. First Reading of Ordinance No. 114, 1999, Appropriating Unanticipated Revenue in the General Fund for the Use of Camera Radar and Red-Light Cameras to Enforce Traffic Violations.

Resolution 99-81 would authorize a one-year extension of the agreement with ATS to provide Traffic Camera services to the City of Fort Collins. Ordinance No. 114, 1999, would appropriate the revenue received through the camera radar and red light enforcement systems. The bulk of the revenue would be utilized to fulfill the City's obligations under its agreement with ATS. The balance of the revenue received would be utilized to defray costs incurred by the City in connection with its use of the camera radar and red-light camera systems or other programs intended to address the City's current traffic problems. Each year



since the inception of the program, appropriated funds have been earmarked for these purposes.

20. Resolution 99-82 Authorizing the City Manager to Submit the 1999-2000 Fort Collins Consolidated Annual Action Plan.

The City of Fort Collins 1999-2000 Consolidated Annual Action Plan was drafted as a requirement of the U.S. Department of Housing and Urban Development (HUD) for those communities participating in Federal grant programs administered by HUD. The 1995-99 Consolidated Plan, approved by Council on July 18, 1995, identified and set priorities in the community for those persons requiring housing assistance, human services and non-housing community development needs over the next five years. The one-year Action Plan identifies the CDBG and HOME funded projects which will carry out those priorities during the 1999-2000 program year and which were approved for funding by Council at its June 1, 1999 meeting.

21. Resolution 99-83 Authorizing an Exemption to the Use of a Competitive Process for Facade Restoration of the 1904 First Baptist Church, 328 Remington Street.

This request is for an exemption to the competitive process for University Designers and Builders, as the contractor for the restoration of the 1904 First Baptist Church Rehabilitation, 328 Remington Street in the Old Town Fort Collins Historic District.

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 rehabilitate the interior and exterior of the historic 1904 First Baptist Church in Fort Collins.

The building owner selected University Designers and Builders based on their exemplary recent restoration of the Trimble and Barkley Blocks in Fort Collins. The State Historical Fund encourages spin-off projects from previous successful grant awards. Historic preservation is a specialized field that requires knowledge of historical construction and preservation engineering. The firm's restoration reputation with the State Historical Fund also was an added incentive for the project to receive the grant.

22. Resolution 99- 84 Finding Substantial Compliance and Initiating Annexation Procedures for the Willow Brook First Annexation.

This is a request for a 100% voluntary annexation. The property being considered for annexation is approximately 39.41 acres of privately owned property located west of County Road 7 and north of County Road 36. The existing use of the property is agricultural in Larimer County. The proposed zoning for this annexation is LMN – Low Density Mixed-Use Neighborhood District.

The proposed Resolution states that it is the City's intent to annex this property and directs that the published notice required by State law be given of the Council's hearing to consider the needed annexation ordinance. The hearing will be held at the time of First Reading of the annexation and zoning ordinances on August 17, 1999. Not less than thirty days prior published notice is required by State law.

23. Resolution 99-85 Finding Substantial Compliance and Initiating Annexation Proceedings for the Willow Brook Second Annexation.

This is a request for a 100% voluntary annexation. The property being considered for annexation is approximately 75.22 acres of privately owned property located west of County Road 7 and north of County Road 36. The existing use of the property is agricultural in Larimer County. The proposed zoning for this annexation is LMN - Low Density Mixed-Use Neighborhood District.

The proposed Resolution states that it is the City's intent to annex this property and directs that the published notice required by State law be given of the Council's hearing to consider the needed annexation ordinance. The hearing will be held at the time of First Reading of the annexation and zoning ordinances on August 17, 1999. Not less than thirty days prior published notice is required by State law.

24. Resolution 99-86 Making an Amendment to the Boards and Commissions Manual as it Relates to Membership Limitations.

The City of Fort Collins began the General Employees Retirement Plan in 1971. Section 21-87 of the City Code provides for an administrative committee consisting of six members. Three members of the Committee are to be employees covered by the Retirement Plan. The fourth may be another employee covered by the Plan or a tax paying elector of the City. The fifth appointee is to be a retired member of the Plan who is receiving a monthly benefit from the Plan. The Director of Finance serves as a standing member of the Committee. The fiduciary responsibility of the members of the Committee is to the Plan. Historically, Council has appointed employees to the Committee without regard to residency within the Urban Growth Area of the City.

Council has adopted a Boards and Commissions Manual, maintained by the City Clerk, which summarizes the duties, composition, membership, limitations and responsibilities of the City's boards and commissions. In the Manual, the membership limitations provide that all persons appointed to or serving on any board or commission shall be residents of the Fort Collins Urban Growth Area or residents of City-owned property located outside the Urban Growth Area.

25. Resolution 99-87 Making Appointments to Various Boards and Commissions.

Vacancies currently exist on various boards and commissions due to resignations of board members and the expiration of terms of members of boards and commissions. Applications were solicited during March and April. Council received copies of the applications and Council teams interviewed applicants during May and June.

This Resolution makes 16 appointments to 5 boards and commissions. Names of those individuals recommended for appointment by each Council interview team have been inserted in the Resolution.

Interviews will be scheduled for the Urban Growth Area Review Board in conjunction with Larimer County. Re-advertising will be taking place for one vacancy to be filled on the Zoning Board of Appeals. These recommendations will be scheduled for later this summer.

26. Routine Easements.

- A. Easement from Beth Bergen to install an oval vault to underground existing overhead electric system, located at 542 South Taft Hill. Monetary consideration: \$100.
- B. Easement from James Arvidson, to install an oval vault to underground existing overhead electric system, located at 700 South Taft Hill Road. Monetary consideration: \$80.
- C. Drainage Easement from Western VII Investment, LLC, located east of Taft Hill Road and South of Harmony Road. Monetary consideration: \$0.
- D. Waterline Easement from GP Ventures LLP, located south of Horsetooth and west of Timberline Road. Monetary consideration: \$10.
- E. Temporary Grading Easement from Robert A. Russell, Tuileries Condominiums, LLLP, and RFG Management, Inc., located east of South Shields Street and south of Wabash. Monetary consideration: \$10.
- F. Utility and Drainage Easement from Homes of Distinction, Inc., located south of County Road 38 and west of Taft Hill Road. Monetary consideration: \$0.
- G. Deed of Dedication for Utility Easement from University/QV LLC, located west of College between Drake and Shields. Monetary consideration: \$10.



- H. Deed of Dedication from Kingston Associates, LLC, for stormwater and an irrigation system, located on Tract F, Fairbrooke Track A, Fort Collins. Monetary consideration: \$0.
- I. Easement Dedication from Arcon, Inc., for an access, drainage, and utility easement, located east of Blue Spruce Drive. Monetary consideration: \$10.
- J. Temporary Turnaround Easement from Storybook Farm, LLC, located north of Mountain Vista Drive and east of County Road 11. Monetary consideration: \$0.
- K. Detention Pond Easement from Storybook Farm, LLC, located north of Mountain Vista Drive and east of County Road 11. Monetary consideration: \$0.
- L. Stormwater Retention Pond Easement from Poudre School District, located north of Mountain Vista Drive and east of County Road 11. Monetary consideration: \$0.
- M. Easement from Gerald J. and Janice E. Wuerker, to underground existing overhead electric services, located at 501 Maple. Monetary consideration: \$10.
- N. Easement from Poudre Development, Ltd., to install electric concrete vault, located on the southwest corner of Buckingham and First Street. Monetary consideration: \$1500.

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

27. Consent Calendar Follow-up.

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

28. Staff Reports.

29. Councilmember Reports.

Committees that have met since June 15 include:

Finance Committee
Metropolitan Planning Organization
Governance Committee

30. Pulled Consent Items.

31. Other Business.

32. Adjournment.

****NOTE:** This meeting needs to be adjourned to July 13 at 6:00 p.m. to allow Council to consider adjourning into Executive Session to conduct the mid-year evaluations of the City Manager, City Attorney and Municipal Judge.