

# AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

June 15, 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 24. 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 #30, 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 regular meeting minutes of May 4 and May 18, 1999.
8. Second Reading of Ordinance No. 91, 1999, Appropriating Prior Year Reserves in the General Fund for Police Seizure Activity.

State statutes specify that the proceeds from seizures be used for law enforcement purposes, and require that the governing body (City Council) of the seizing agency (Police Services) appropriate these proceeds to supplement the seizing agency's budget or forfeit the proceeds to the general fund of the State of Colorado. Ordinance No. 91, 1999, was unanimously adopted on First Reading on June 1, 1999.

9. Second Reading of Ordinance No. 92, 1999, Appropriating Prior Year Reserves in the Street Oversizing Fund and Authorizing the Transfer of Appropriations Between Funds for the Purpose of Constructing Improvements at the Horsetooth Road and Mason Street Intersection.

Ordinance No. 92, 1999, which was unanimously adopted on First Reading on June 1, 1999, appropriates funds into the Minor Streets Capital Project fund to construct arterial roadway improvements for the right turn lane project at Horsetooth Road and Mason Street.

10. Second Reading of Ordinance No. 93, 1999, Amending Section 20-25 of the City Code by Exempting the City from Liability for any Noise Emanating From any Public Right-of-Way.

The City's noise ordinance does not presently exempt noise emanating from City streets. Because it is impossible for the City to control that noise, and the City Code makes property owners liable for noise coming from their premises. Ordinance No. 93, 1999, which was unanimously adopted on First Reading on June 1, 1999, amends the Code to exempt the City from any liability for noise emanating from City streets.

11. Second Reading of Ordinance No. 94, 1999, Authorizing the Conveyance of a Quit Claim Deed to Walter Edward Sperry and Leona Veronica Kelley to Clarify Ownership of a Tract of Land (.246 Acres) at Overland Trail Park.

Ordinance No. 94, 1999, which was unanimously adopted on First Reading on June 1, 1999, authorizes the City to convey a Quit Claim Deed to Walter Edward Sperry and Leona Veronica Kelley.



12. Second Reading of Ordinance No. 95, 1999, Amending Sections 29-13 and 29-14 of the Transitional Land Use Regulations Pertaining to Construction, Maintenance and Repair Guarantees and Security Requirements for Developers.

Ordinance No. 95, 1999, was unanimously adopted on First Reading on June 1, 1999, making amendments to Sections 29-13 and 29-14 of the Transitional Land Use Regulations to match similar proposed changes in the "Spring 1999" revisions to the Land Use Code.

13. Items Relating to the City's Fiscal Year 1999-2000 Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Programs.

- A. Second Reading of Ordinance No. 96, 1999, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Community Development Block Grant Fund.
- B. Second Reading of Ordinance No. 97, 1999, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Program Years in the Home Investment Partnerships Fund.

The Community Development Block Grant (CDBG) Program and the Home Investment Partnerships (HOME) Program provide Federal funds from the Department of Housing and Urban Development (HUD) to the City of Fort Collins which can be allocated to housing and community development related programs and projects, thereby, reducing the demand on the City's General Fund Budget to address such needs. Ordinance No. 96, 1999 and Ordinance No. 97, 1999, were both unanimously adopted on First Reading on June 1, 1999.

14. Items Related to Amending the Land Use Code.

- A. Second Reading of Ordinance No. 98, 1999, Amending the Harmony Corridor Plan and the Design Standards and Guidelines.
- B. Second Reading of Ordinance No. 99, 1999, Making Various Amendments to the City of Fort Collins Land Use Code.

Staff has identified 20 Code amendments for consideration at this time. In addition to the LUC amendments, amendments to the Harmony Corridor Plan and Harmony Corridor Design Standards and Guidelines are recommended to address the issue of convention and conference centers in the Harmony Corridor. Ordinance No. 98, 1999, which was unanimously adopted on First Reading on June 1, 1999, amends the Harmony Corridor Plan and the Design Standards and Guidelines. Ordinance No. 99, 1999, which was also unanimously adopted on First Reading on June 1, 1999, amends the Land Use Code.



15. First 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.

This request is for appropriating unanticipated revenue in the amount of \$324,205 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."

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 328 Remington Street in Fort Collins.

16. First 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.

This request is for appropriating unanticipated revenue in the amount of \$13,400 for the rehabilitation of 1035 East Swallow, the Nelson Milk House in Spencer Park.

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 1035 East Swallow, the Nelson Milk House in Spencer Park.

17. First Reading of Ordinance No. 102, 1999, Appropriating Prior Year Reserves for Equipment Replacement.

In 1992, it became apparent that not all future equipment replacement needs were being planned for by the departments and that future revenue to replenish the Equipment Reserve would not meet the demands for replacement. An Equipment Replacement Task Team was formed to analyze these issues and to make a recommendation for replacement of equipment. After considerable input from all the affected interests, a policy for equipment replacement and the purchase of future equipment was recommended and approved by the Executive Lead Team.

In 1993 existing lease purchase funding totaling \$1.2 million was identified as funding for this policy. As each existing lease obligation expires, those funds are redistributed to departments until the final amount is distributed in 2002. The distribution was based on the percentage of the operating departments average usage from actual 1987 though their projected 1997 replacement needs. Unspent equipment monies become a part of each department's reserve for equipment replacement. Departments can also designate any savings they may have from operations for equipment replacement.



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

The passage of Amendment 1 (the TABOR Amendment) by the Colorado voters in 1992, required the City to form enterprises in order for its utilities to be able to issue municipal bonds without an election. Since that time, all utility bonds have been issued by the appropriate utility enterprise.

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. The accompanying ordinances 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.

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

This Ordinance authorizes the Mayor to sign a deed granting to Fetco II, LLC an easement on Tract E, Shenandoah P.U.D., First Filing. The public access easement will allow the Fossil Creek Nursery PUD to have vehicular access off of Strasburg Drive. This access is desirable as the access point for this property is currently off of U.S. Highway 287 (College Avenue) and the access point is subject to being modified to limit turning movements or closure by the State Highway Department. At the time of approval of Fossil Creek Nursery P.U.D. by the Planning and Zoning Board, it was intended that the development would provide vehicular access to the internal street system within Shenandoah P.U.D. once that system was built. An emergency access easement was provided by that development, but a public access easement is desired to clarify the use of the access point.



20. Items Relating to the Construction of a Traffic Signal at the Intersection of County Road 32 and Timberline Road Utilizing Federal STU Funds.

- A. Resolution 99-72 Approving an Intergovernmental Agreement with the Colorado Department of Transportation Providing for the Construction of Traffic Signals and Improvements at the Intersection of County Road 32 and Timberline Road.
- B. First 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.

21. Items Relating to the Fossil Creek Reservoir Area Plan and the Master Street Plan.

- A. Resolution 99-73 Adopting Revisions to the Master Street Plan.
- B. Resolution 99-74 Amending the Fossil Creek Reservoir Area Plan.

**Master Street Plan Revisions**

The Master Street Plan is a map-based plan identifying the major transportation network within the Urban Growth Area. The Plan was developed using the City Structure Plan as the basic urban form projected to the year 2015. The Structure Plan projects density, transit service, activity centers, and mixed-use corridors. This information is used to predict travel behavior and the demand for transportation infrastructure. The Master Street Plan is the map of that infrastructure.

A recent staff assessment determined that certain changes should be made to the street network within the southeast area of the City. In reviewing several new development projects and corresponding traffic impacts, and responding to more specific conditions, the proposed changes will improve circulation, safety, and avoid impacts on existing natural resources. The revisions include changes to the street classification between collector and connector streets, and alignment. No changes are recommended to arterial streets.



22. Resolution 99-75 Authorizing the Mayor to Enter into an Intergovernmental Agreement with Larimer County for the Provision of Social and Human Services for the Second Half of 1999.

This Resolution authorizes the Mayor to enter into an Intergovernmental Agreement with Larimer County for the purpose of providing social and human services to the City of Fort Collins for the second half of 1999. The Resolution also allocates approximately one-half of the funds from the 1999 budget for these purposes. Since 1981, the City has contracted with Larimer County to allocate and to administer the distribution of human services funds via the Human Resource Grant Program administered by the County. Due to changes in the process of administering these grants, the funding allocations will be made each six months, rather than on an annual basis, as in the past. The provisions of this Agreement are outlined in the contract.

The recommended allocation of the funds among the human service agencies participating in the Human Resource Grant Program is developed by Larimer County's Human Resource Committee. With the passage of this Resolution, City Council will approve these allocations to the various service providers.

23. Resolution 99-77 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 54 appointments to 20 boards and commissions. Names of those individuals recommended for appointment by each Council interview team have been inserted in the Resolution.

Interviews are being held for several boards during late June. Appointments are tentatively scheduled for the July 6 meeting for the following boards and commissions:

Air Quality Advisory Board  
Art in Public Places Board  
Golf Board  
Planning and Zoning Board  
Transportation Board

Readvertising will be taking place for one vacancy to be filled on the Zoning Board of Appeals. This recommendation will be scheduled for later this summer.



24. Routine Deeds and Easements.

- A. Easement from Larry L. and Beth Ann Howell to install a pad mount transformer to underground existing overhead electric services, located at 814-816 South College. Monetary consideration: \$504.
- B. Easement from LPJ Limited Partnership Association, to install a pad mount transformer, located at 345 East Mountain. Monetary consideration: \$10.
- C. Easement from Philippe and Vesna Lindheimer, to underground existing overhead electric services, located at 1320 West Magnolia. Monetary consideration: \$10.
- D. Storm Drainage Easement from Hewlett-Packard Company, located south of Harmony Road and east of County Road 9. Monetary consideration: \$10.
- E. Right-of-Way dedication from Hewlett-Packard Company, located south of Harmony Toad and east of County Road 9. Monetary consideration: \$0. (See Map #5)

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

25. Consent Calendar Follow-up.

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

26. Staff Reports.27. Councilmember Reports.**Committees that have met since June 1 include:**

*Growth Management Committee*

*Legislative Review Committee*

*Metropolitan Planning Organization*

*Poudre School District Liaison Committee*

### ITEMS NEEDING INDIVIDUAL CONSIDERATION

28. Items Relating to Master Street Plan Amendments.

- A. Resolution 99-77 Amending the Master Street Plan So as to Establish a New Designation of "Enhanced Major Arterial Street" for the Possible Relocation of Colorado Highway 14 and Identifying a Future Major Thoroughfare along a Portion of East Vine Drive.





In addition, the classification of the old alignment of Vine Drive from Lemay Avenue to Redwood Street would be changed to a local street and the classification of the old Vine Drive from Redwood to College Avenue would be changed to a minor arterial.

This action establishes a category of streets known as "enhanced major arterial streets," with a right-of-way width requirement up to two hundred fifty one (251) feet. It will also amend the Master Street plan to show the proposed Modified Vine Alternative as a future enhanced major arterial street in order to accommodate the possible relocation of Colorado Highway 14.

This action also directs the City Manager to negotiate with Larimer County on a proposed intergovernmental agreement between the County and the City which would require new development in the County to accommodate the streets and transportation facilities shown on the Master Street Plan.

Finally, the resolution directs the City Manager to continue planning, design, right-of-way acquisition and other work to allow the construction of an alternative truck route and/or the relocation of Colorado Highway 14 along the Modified Vine Alternative route, to the extent that funding for such activities is appropriated by the City Council.

This action does not relocate Colorado Highway 14.

B. Resolution 99-78 Amending the Structure Plan Map and the Mountain Vista Area Sub Area Plan Regarding the Establishment of an Enhanced Major Arterial Street along the Portion of East Vine Drive.

This action updates these documents to reflect the changes made in the previous resolution.

29. Resolution 99-80 Authorizing the City to Participate in the Funding and Development of an Aviation Memorial at East Mulberry Street and Timberline Road.

The Longs Peak Chapter of the Air Force Association, an association of retired Air Force servicemen and women, 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. Roberts over the past year to gain a better understanding of his proposal and to determine the City's involvement in this project, if any, and associated costs.

The Air Force Association will supply and help maintain the aircraft and expects to secure volunteer labor to help with construction of the memorial. Staff understands project costs over the City's \$35,000 contribution will be raised by and the responsibility of the Air Force Association. The memorial will be located on property owned by the State of Colorado (the state has indicated a revocable permit will be issued for the memorial), and outside the City



limits. The aircraft will be dedicated to the City, and the City will bear any liability risk associated with owning this type of facility. The design of the project should prevent access to the aircraft by the public, as it will be over 10 feet off the ground.

30. Pulled Consent Items.
31. Other Business.
32. Adjournment.

