

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

March 2, 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 26. 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 #33, 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 minutes of the adjourned meeting of February 9, 1999.
8. Second Reading of Ordinance No. 21, 1999, Appropriating Unanticipated Revenue in the Cultural Services and Facilities Fund Art in Public Places Reserve Account for Payment Toward the Sculpture Commemorating the 1997 Flood.

The Commemorative Sculpture Selection Subcommittee was comprised of two Art in Public Places Board members; community members who were involved in the rescue, relief and counseling efforts; a student and professor from Colorado State University; and representatives from the Water Board and Parks and Recreation Board. At its August 20, 1998 meeting, the Art in Public Places Board reviewed and approved the Committee's selection. Council previously appropriated \$13,000 in initial donations for the project, Ordinance No. 21, 1999, was unanimously adopted on First Reading on February 16, 1999, appropriates unanticipated revenue for payment toward the completion of the sculpture.

9. Second Reading of Ordinance No. 22, 1999, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between the Storm Drainage Fund Dry Creek Improvements Project and the Storm Drainage Fund Colorado Water Conservation Board Grant.

This Ordinance, which was unanimously adopted on First Reading on February 16, 1999, appropriates a \$52,689 grant from the Colorado Water Conservation Board (CWCB). The grant will be used for engineering services for the joint project with Larimer County on the Dry Creek Flood Diversion Project.

10. Second Reading of Ordinance No. 23, 1999, Amending Section 2-203 of the City Code to Add a New Function of the Cultural Resources Board.

Ordinance No. 23, 1999, which was unanimously adopted on First Reading on February 16, 1999, amends Section 2-203 of the City Code. The Board has recommended amending the Code adding a new function of the Cultural Resources Board to recognize a role for the Board in cooperating with community and citizen groups in promoting cultural development in Fort Collins.

11. Second Reading of Ordinance No. 24, 1999, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Lemay Avenue 3rd Annexation.

Ordinance No. 24, 1999, which was unanimously adopted on First Reading on February 16, 1999, zones the property that was annexed as the Lemay Avenue 3rd Annexation on January 19, 1999. The property is approximately 2.00 acres in size, located on the east side of North Lemay



Avenue, between East Lincoln Avenue and East Vine Drive. The property is currently vacant. The proposed zoning for this property is I-Industrial.

APPLICANT: City of Fort Collins

OWNER: Norman L. Royval
3739 North County Road 13
Fort Collins, CO 80522

12. Second Reading of Ordinance No. 25, 1999, Recognizing an Abandonment of Ditch and Pipe Line Rights-of-Way in Exchange for the Granting of Two Water Line Easements.

The Water Utilities staff was originally approached in 1990 by a property owner requesting that the City vacate a strip of right-of-way adjacent to this property. As this request was being circulated, Cultural, Library and Recreational Services ("CLRS") identified the strip as a potential alignment for the Poudre River Trail; therefore, the request was denied. Since that time, CLRS eliminated this alignment from consideration for the trail system due to safety reasons as it approached Overland Trail Road. Ordinance No. 25, 1999 was unanimously adopted on First Reading on February 16, 1999.

13. Second Reading of Ordinance No. 27, 1999, Amending Chapter 23 of the City Code by Adding Provisions Pertaining to Natural Areas.

These adopted regulations govern human behavior in City-owned natural areas and are an important part of staff's efforts to protect the City's significant investment in natural areas. Ordinance No. 27, 1999, was unanimously adopted on First Reading on February 16, 1999.

14. Second Reading of Ordinance No. 28, 1999, Amending Chapter 23 of the City Code by Adding Provisions Pertaining to Parks, Trails, and Recreation Areas.

Section 23-201 of the City Code provides that the Council may control the public's use and enjoyment of City parks, golf courses, trails, and open spaces through rules and regulations adopted by Council by ordinance. Pursuant to Ordinance No. 62, 1988, the Council adopted various rules and regulations concerning the public use of these parks and recreation areas. These rules and regulations have been very useful in protecting the recreation areas and enhancing the public's safety and enjoyment of them. However, given the fact that over 10 years has passed since these regulations were adopted, staff undertook a comprehensive review of them to determine if changes or additions were necessary. Ordinance No. 28, 1999, was unanimously adopted on First Reading on February 16, 1999, amending Chapter 23 of the Code to add provisions relating to parks, trails and recreation areas.



15. Second Reading of Ordinance No. 29, 1999, Amending Chapter 4 of the City Code to Add an Exception to the Prohibition Against Animals at Large and Clarify the Existing Exception for Police Dogs.

Ordinance No. 29, 1999, which was unanimously adopted on First Reading on February 16, 1999, is a companion to the previous ordinances establishing regulatory provisions for activities in the City's natural areas, and recreation areas. certain activities, including training of search and rescue dogs, off leash on selected sites in the City's natural areas.

16. Items Relating to the City's Economic Policy.

- A. Second Reading of Ordinance No. 30, 1999, Continuing and Modifying a Temporary Manufacturing Equipment Use Tax Rebate Program for Fort Collins Manufacturers.

In early 1998, City Council approved several changes to the Manufacturing Use Tax Rebate Program. Many of the changes resulted from suggestions by local manufacturers. Ordinance No. 30, 1999, was unanimously adopted on First Reading on February 16, 1999, and eliminates the three-year eligibility requirement that is currently a restriction of the program. This change reflects the Policy intent to encourage the initial investment as well as reinvestment of smaller start-up businesses as well as existing firms.

- B. Second Reading of Ordinance No. 32, 1999, Repealing Section 24-113(b) of the City Code, in Order to Terminate the Street Oversizing Exemption Program.

Ordinance No. 32, 1999, which was unanimously adopted on First Reading on February 16, 1999, repeals Section 24-113(b) the Code establishing the program, and terminating the program.

17. First Reading of Ordinance No. 33, 1999, Appropriating Unanticipated PILOT Revenue from the Fort Collins Housing Authority in the General Fund.

The Fort Collins Housing Authority (the "Authority") made a payment to the City from its 1997 budget for the sum of \$18,476 and \$16,463 in 1998 as a "Payment in Lieu of Taxes" ("PILOT") for public services and facilities. The Authority annually requests that the City refund the money "...to again fund sorely needed affordable housing related activities, to attend the low-income housing needs of Fort Collins residents."

Resolution 92-93 reinstated the requirement by the City of the Authority to make the annual PILOT payment to the City. The purpose of the resolution was to clarify that these funds are the property of the City and not excess Housing and Urban Development ("HUD") funds. The City may spend the PILOT revenues as it deems appropriate in accordance with law, including remitting the funds to the Authority if the Council determines that such remittal serves a valid public purpose. The Council has remitted the PILOT to the Authority annually since 1992.



18. First Reading of Ordinance No. 34, 1999, Authorizing the Transfer of Existing Appropriations Between Funds.

On August 18, 1998, Council adopted the City's 1998-1999 Pay Plan. With that approval, the City now has a more descriptive, accurate, and streamlined classification system for its employees and each classification has an up-to-date market-based pay structure in line with the City's compensation policy.

The original concept was to accomplish the implementation of the Pay Plan within the existing funds set aside in the 1999 adopted budget. However, as employees began to assess how the plan would affect them, several concerns surfaced. To address those very real concerns, a recommendation was presented to Council for full implementation of the Pay Plan in 1999. The estimated cost at that time for full implementation was approximately \$3.2 million for the General Fund and those funds that have employees subsidized by the General Fund. The decision made by Council was to phase-in the implementation of the City Pay Plan over a two-year period (1999 and 2000).

19. First Reading of Ordinance No. 35, 1999, Appropriating Prior Year Reserves in the Capital Expansion Fund and Authorizing the Transfer of Appropriations Between Funds for Improvements Relating to the Southwest Community Park.

By adopting this Ordinance, \$570,000 worth of improvements will be made to the Southwest Community Park. Staff does not intend to fully develop this park for several years. These improvements are being constructed now because of Cottonwood Glen Neighborhood Park, which will be built this year.

Cottonwood Glen Neighborhood Park will serve the residents in the mile bounded by Taft Hill Road on the east, Drake Road on the north and Horsetooth Road on the south. This day-use park will contain a restroom, shelter, playground, multi-use pad, parking lot, ballfield, soccer field, open space, sidewalks, irrigation pond, and landscaping. Neighborhood Parkland Fees fund the construction budget for the park.

This park is located on and adjacent to the undeveloped Southwest/Youth Sports Community Park. This Community Park is intended to serve a four square mile area around the park site. Conceptual plans for this park show the northern area will contain facilities (restroom, shelter, pond, parking, sidewalks, open space and landscaping) that provide day-use type recreational opportunities. The development of the Cottonwood Glen Neighborhood Park has been designed to accommodate the planned community park uses in this northern area.



20. First Reading of Ordinance No. 36, 1999, Authorizing the Purchasing Agent to Enter into an Agreement for the Financing by Lease-Purchase of Vehicles and Equipment.

This Ordinance will authorize the Purchasing Agent to enter into a lease-purchase financing agreement with Safeco Credit Company at a 4.61 percent interest rate. The agreement shall be for an original term from the execution date of the agreement 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.

21. First Reading of Ordinance No. 37, 1999, Vacating Street Rights-of-Way for White Mountain Court and Bridgefield Lane as Dedicated on the Plat for Windtrail Park PUD.

This Ordinance vacates the street rights-of-way for White Mountain Court and Bridgefield Lane. The rights-of-way for these streets are not needed as the layout of this area has changed with the current proposed use. White Mountain Court is no longer needed and Bridgefield Lane will be dedicated as ROW in an area further west on the property as the developer has decided not to divide the site with a street. The vacation of these streets was prompted by the submittal of a development proposal "Care Housing at Windtrail Park". Since Bridgefield Lane currently exists and provides a connection from Rolland Moore Drive (a signalized intersection with Shields Street) to the neighborhood to the north, the area of Bridgefield Lane will be retained as a utility and access easement. This will allow the road to remain until the new Bridgefield Lane can be built and accepted, the easement will then be vacated to allow for the construction of units in this area. Since White Mountain Court does not currently exist and utilities are not yet in place, no easements will be retained in this area.

22. First Reading of Ordinance No. 38, 1999, Authorizing the Conveyance of Real Property to Gary and Caryn L. Delehoj in Exchange for an Access Easement.

The City's purchase of the Hyde Open Space included land needed for access to Overland Trail Road. This land is no longer needed because other property needed to complete the access to Overland Trail has not been obtained. The Delehoys have agreed to convey to the City a new, non-public maintenance and access easement to the Hyde Natural Area in exchange for the City's unneeded land and \$1,600. This easement, together with other easements owned by the City, will provide maintenance access to the Hyde Natural Area from Overland Trail.

23. First Reading of Ordinance No. 39, 1999, Appropriating Prior Year Reserves in the Sales and Use Tax Fund for Transfer to the Cultural Services and Facilities Fund Implementation of the Arts Alive Program.

The City's Cultural Resources Board is recommending funding of a new program entitled Arts Alive. This program is the result of the State of the Arts process instigated by Council members



to facilitate a community driven effort to promote and unify the arts in Fort Collins. This proposal recommends start-up funding for the program. The proponents of the program have requested \$100,000 from the City for each of the next three years. After various discussions in response to this initial request, the modified approach set out in the Ordinance, which requires matching of funds provided by the City, was developed. Under this approach, after an initial amount of \$35,000 is provided by the City, an additional \$35,000 would be provided contingent upon and after \$35,000 in donations from other sources was received. Additional funds to complete the budget target would also be raised through donations. Subsequent City funding would be considered as part of the regular City budget process. The Arts Alive program is proposed to be carried out under contract by a private, non-profit organization designed to serve as a central arts agency for the Fort Collins community. Its functions would include promoting excellence in the arts; increasing awareness and visibility for the arts; broadening the base of financial support for the arts; insuring the financial stability of local arts organizations; and maximizing economic benefits that the arts provide for our community.

24. First Reading of Ordinance No. 40, 1999, Amending Various Sections of the Transitional Land Use Regulations Relating to the Consolidation of the Office of Electric Utility Services and the Office of Water, Wastewater and Stormwater Utility Services.

Ordinance No. 198, 1998, which was adopted on Second Reading on November 17, 1998, consolidated the Office of Electric Utility Services and the Office of Water, Wastewater and Stormwater Utility Services into one service area, the Office of Utility Services.

In view of this reorganization it is necessary to also make amendments to the Transitional Land Use Regulations to change references to the "General Manager of the Water, Wastewater and Stormwater Utility" to the "General Manager of Utility Services." Also, references to the "Office of the Electric Utility" and "Office of the Water, Wastewater and Stormwater Utility" should be changed to the "Office of Utility Services." The necessary changes are detailed in this Ordinance.

25. Resolution 99-24 Finding Substantial Compliance and Initiating Annexation Proceedings for the Wykoff-Larimer First Annexation.

This is a request for a 100% voluntary annexation. The property being considered for annexation is approximately 6.69 acres in size and is located north of County Road 38E and west of Taft Hill Road. The existing use of the property is large lot residential in Larimer County. The landowner has requested zoning for this annexation in LMN -Low Density Mixed Use Neighborhood. The zoning proposed by the staff for this annexation is RF-Residential Foothills.

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 April 20, 1999. Not less than thirty days prior published notice is required by State law.



26. Resolution 99-25 Finding Substantial Compliance and Initiating Annexation Proceedings for the Wykoff-Larimer Second Annexation.

This is a request for a 100% voluntary annexation. The property being considered for annexation is 14.47 acres in size and is located north of County Road 38E and west of Taft Hill Road. The existing use of the property is large lot residential in Larimer County. The landowner has requested zoning for this annexation in LMN-Low Density Mixed Use Neighborhood. The zoning proposed by the staff for this annexation is RF-Residential Foothills.

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 April 20, 1999. Not less than thirty days prior published notice is required by State law.

*****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 February 16, 1999:

Finance Committee
Growth Management Committee
Health and Safety Committee
Legislative Review Committee

ITEMS NEEDING INDIVIDUAL CONSIDERATION

30. Items Relating to the Land Use Code.

- A. Resolution 99-26 Amending Policy GM-5.1 of the "Principles and Policies" Element of the Comprehensive Plan of the City.
- B. First Reading of Ordinance No. 41, 1999, Making Various Amendments to the Fort Collins Land Use Code.



These recommendations address four issues that were originally identified as part of the Fall 1998 Land Use Code maintenance process, but which were not included in the December ordinance in order to allow time to work on the issues.

31. First Reading of Ordinance No. 42, 1999, Amending the "Storm Drainage Design Criteria and Construction Standards" by Revising the Rainfall Intensity Duration Curve Graph.

This Ordinance will modify the current family of design storms used by the City of Fort Collins, which are currently the 100-year, 50-year, 25-year, 10-year, 5-year and 2-year storm frequencies, based on a revised analysis of rainfall data. The following discussion focuses on the 100-year design storm.

32. Second Reading of Ordinance No. 31, 1999, Repealing Article VII, Chapter 5 of the City Code in Order to Terminate the Development Impact Fee Rebate Program.

The *Development Fee Rebate Program* was initiated in 1990 with City Council approval. The Program was originally a Fee Waiver program, with the General Fund actually bearing the burden for the firm. The program was modified in 1994, and converted to a Rebate Program. In this way the firm pays the fees up-front, and then receives a rebate of the fees (as approved by Council) over time using the sales and use taxes received from the firm. At the time the program was designed it was intended to assist in the location and expansion of basic industrial firms by reducing the initial costs associated with the construction/expansion of the firms facilities. Since the program's inception, roughly \$980,000 has been approved by Council. The actual results associated with the program have, however, been very difficult to gauge. Ordinance No. 31, 1999, which was adopted 4-3 on First Reading on February 16, 1999, repeals the City Code provisions establishing the program, and terminates the operation of the program.

33. Pulled Consent Items.

34. Other Business.

35. Adjournment.

