

Fort Collins City Council Agenda

Regular Meeting

6:00 p.m. Tuesday, January 17, 2023

City Council Chambers at City Hall, 300 Laporte Ave, Fort Collins, CO 80521

Zoom Webinar link: <https://zoom.us/j/98241416497>

NOTICE:

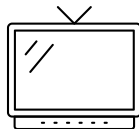
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

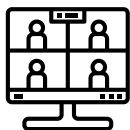
How to view this Meeting:



Meetings are open to the public and can be attended in person by anyone.



Meetings are televised live on Channels 14 & 881 on cable television.



Meetings are available through the Zoom platform, electronically or by phone.



Meetings are livestreamed on the City's website, fcgov.com/fctv

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide advance notice. Requests for interpretation at a meeting should be made by noon the day before.

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There are in person and remote options for members of the public who would like to participate in Council meetings:

Comment in real time:

During the public comment portion of the meeting and discussion items:



In person attendees can address the Council in the Chambers.
The public can join the Zoom webinar and comment from the remote meeting, joining online or via phone.



All speakers are required to sign up to speak using the online sign up system available at www.fcgov.com/council-meeting-participation-signup/. Staff is also available outside of Chambers prior to meetings to assist with the sign up process for in person attendees.

Full instructions for online participation are available at fcgov.com/councilcomments.

Join the online meeting using the link in this agenda to log in on an internet-enabled smartphone, laptop or computer with a speaker and microphone. Using earphones with a microphone will greatly improve audio experience.

To be recognized to speak during public participation portions of the meeting, click the 'Raise Hand' button.

Participate via phone using this call in number and meeting ID:

Call in number: 720 928 9299

Meeting ID: 982 4141 6497

During public participation opportunities in the meeting, press *9 to indicate a desire to speak.

Submit written comments:



Email comments about any item on the agenda to cityleaders@fcgov.com



Written comments can be mailed or dropped off at the City Manager's Office at City Hall, at 300 Laporte Ave, Fort Collins, CO 80521

Documents to Share during public participation: *Persons wishing to display presentation materials using the City's display equipment under the Public Participation portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City's display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.*

NOTE: All presentation materials for appeals, addition of permitted use applications or protests related to election matters must be provided to the City Clerk no later than noon on the day of the meeting at which the item will be considered. See Council Rules of Conduct in Meetings for details.



City Council Regular Meeting Agenda

January 17, 2023 at 6:00 PM

Jeni Arndt, Mayor
Emily Francis, District 6, Mayor Pro Tem
Susan Gutowsky, District 1
Julie Pignataro, District 2
Tricia Canonico, District 3
Shirley Peel, District 4
Kelly Ohlson, District 5

City Council Chambers 300
Laporte Avenue, Fort Collins &
via Zoom at
<https://zoom.us/j/98241416497>

Cablecast on FCTV
Channel 14 on Connexion
Channel 14 and 881 on Xfinity

Carrie Daggett
City Attorney

Kelly DiMartino
City Manager

Anissa Hollingshead
City Clerk

PROCLAMATIONS & PRESENTATIONS 5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

REGULAR MEETING 6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

E) CITY MANAGER'S AGENDA REVIEW

- City Manager Review of Agenda

- Consent Calendar Review, including removal of items from Consent Calendar for individual discussion.

F) COMMUNITY REPORTS

G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS

(Including requests for removal of items from Consent Calendar for individual discussion.)

*Individuals may comment regarding any topics of concern, whether or not included on this agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process** and not to Council.*

- *Those who wish to speak are required to sign up using the online sign-up system available at www.fcgov.com/council-meeting-participation-signup/*

- *Each speaker will be allowed to speak one time during public comment. If a speaker comments on a particular agenda item during general public comment, that speaker will not also be entitled to speak during discussion on the same agenda item.*
- *All speakers will be called to speak by the presiding officer from the list of those signed up. After everyone signed up is called on, the presiding officer may ask others wishing to speak to identify themselves by raising their hand (in person or using the Raise Hand option on Zoom), and if in person then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).*
- *The presiding officer will determine and announce the length of time allowed for each speaker.*
- *Each speaker will be asked to state his or her name and general address for the record, and, if their comments relate to a particular agenda item, to identify the agenda item number. Any written comments or materials intended for the Council should be provided to the City Clerk.*
- *A timer will beep one time and turn yellow to indicate that 30 seconds of speaking time remain and will beep again and turn red when a speaker's time has ended.*

*[**For questions about the development review process or the status of any particular development, consult the Development Review Center page on the city's website at <https://www.fcgov.com/developmentreview/>, or contact the Development Review Center at 970.221.6760.]*

H) PUBLIC COMMENT FOLLOW-UP

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

CONSENT CALENDAR

The Consent Calendar is intended to allow council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Agenda items pulled from the Consent Calendar by either Council or the City Manager will be considered separately under their own Section, titled "Consideration of Items Removed from Consent Calendar for Individual Discussion." Items remaining on the Consent Calendar will be approved by Council with one vote. The Consent Calendar consists of:

- *Ordinances on First Reading that are routine;*
- *Ordinances on Second Reading that are routine;*
- *Those of no perceived controversy;*
- *Routine administrative actions.*

1. Second Reading of Ordinance No. 150, 2022, Amending Ordinance No. 084, 2022 to Amend the Effective Date of the 2022 Council District-Precinct Map.

This Ordinance, adopted 6-0 on December 20, 2022, amends Ordinance No. 084, 2022, Amending the City of Fort Collins District-Precinct Map, adopted on second reading on July 19, 2022, in order to move forward clarification and amendment of the District-Precinct Map in order to eliminate confusion and practical impacts and inconsistencies in Councilmember districts.

2. **Second Reading of Ordinance No. 152, 2022, Amending the Definition of Discrimination in City Code Chapter 13 to Prohibit Discrimination on the Bases of Sexual Orientation, Gender Identity and Gender Expression.**

This Ordinance, adopted 6-0 on December 20, 2022, modifies anti-discrimination language in City Code Chapter 13, Article II, to prohibit discrimination on the bases of “sexual orientation, gender identity and gender expression.” Absent this new language, our residents in these classes feel unprotected from discrimination, resulting in not including “all” in our growing community. The amendment advances the City of Fort Collins’ vision to be a safe and welcoming community for all.

3. **Second Reading of Ordinance No. 153, 2022, Amending Section 2-569 of the Code of the City of Fort Collins to Update and Clarify the Process for Review of Ethics Complaints.**

This Ordinance, adopted 6-0 on December 20, 2022, updates the Code provisions describing the ethics complaint process and establishing a new process for screening and investigation of complaints alleging ethics violations by Councilmembers. The Ethics Review Board met in November 2021, January 2022, May 2022, and October to discuss options for improvements to the ethics complaint screening and review process. The Ethics Review Board recommended the changes in the Ordinance for adoption.

4. **First Reading of Ordinance No. 001, 2023, Appropriating Funds in the General Fund for 2023 Increases in Salary Compensation for the Mayor and Councilmembers as Approved by the City of Fort Collins Voters on November 8, 2022, by the Amendment of Section 3 in Article II of the City Charter.**

The purpose of this item is for a General Fund supplemental appropriation to fund 2023-2024 Budget Offer 28.12 - City Council Voter Approved Pay Increase but only for fiscal year 2023. This budget request was not funded in the 2023 annual appropriation since the election results of the 2022 City-Initiated Charter Amendment No. 1 (Council Compensation) ballot initiative would not be known until after First Reading of the City’s annual appropriation ordinance for 2023. The initiative was approved by Fort Collins voters and this action is to appropriate the increased spending in the General Fund to implement the ballot initiative for the salary increases in 2023.

5. **First Reading of Ordinance No. 002, 2023, Appropriating Philanthropic Revenue Received Through City Give for the Acquisition of a Community Soundstage in the Parks Department.**

The purpose of this item is to request appropriation of \$250,000.00 in philanthropic revenue received by City Give for Parks for the purchase and acquisition of a community soundstage.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

6. **First Reading of Ordinance No. 003, 2023, Declaring a Portion of City-Owned Property at 835 Wood Street as Right-of-Way.**

The purpose of this item is to declare a strip of property owned by the City as road right-of-way (ROW) via the proposed plat for the Fort Collins Fleet Maintenance Subdivision. City staff recently discovered that a portion of the City’s property at 835 Wood Street is being used for public street purposes, but was never dedicated or declared to be public ROW. This Ordinance establishes this portion of the property as ROW for Wood Street and authorizes the City Manager to dedicate such ROW through execution of the plat.

7. **First Reading of Ordinance No. 004, 2023, Authorizing the Sale of the Real Property Located at 945 East Prospect Road to Kum & Go, L.C.**

The purpose of this item is to authorize the sale of the City-owned property located at 945 East Prospect Road to Kum & Go, L.C., an Iowa limited liability company (Kum & Go), for \$403,000. The sales price was determined by an appraisal by CBRE Valuation and Advisory Services, which provides on-call property appraisals for the City. A purchase and sale agreement was executed by Kum & Go and the City Manager on November 3, 2022. Completion of the purchase is contingent on City Council's approval of the sale by its final adoption of this Ordinance in accordance with Section 23-111 of the City Code, and approval of the final development plans by the City's Director of Community Services and Neighborhood Development.

8. **First Reading of Ordinance No. 005, 2023, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the 215 North Mason Municipal Court 15-Year Buildout Design and Related Art in Public Places.**

The purpose of this item is to receive Council approval for an appropriation for Design of the 215 North Mason Municipal Court 15-year build-out using Capital Expansion Fees.

9. **First Reading of Ordinance No. 006, 2023, Appropriating Prior Year Reserves in the Transportation Capital Expansion Fee Fund for Eligible Reimbursement to the Northfield Developer for the Construction of Suniga Road Improvements.**

The purpose of this item is to appropriate \$2,081,548 of Transportation Capital Expansion Fee (TCEF) Funds for expenditure from the Transportation Capital Expansion Fee Program Budget to reimburse the Northfield developer for its oversizing construction of Suniga Road. The Northfield developer has constructed Suniga Road as a four-lane arterial to City standards as part of its development requirements. Per Section 24-112 of the City Code, the developer is eligible for reimbursement from Transportation Capital Expansion Fee (TCEF) funds for the oversized, non-local portion of Suniga Road not attributed to the local portion obligation.

10. **Resolution 2023-001 Authorizing an Intergovernmental Agreement Between the Cities of Fort Collins, Greeley and Loveland for the Exchange of Judicial Services, and Appointing Temporary Judges.**

The purpose of this item is to authorize an intergovernmental agreement (IGA) with the Cities of Greeley and Loveland for judicial services to be used in the event that a conflict of interest or other circumstance prevents the Municipal Judge and assistant judges from hearing a particular Municipal Court case. This agreement is intended to replace an existing 2020 IGA between Fort Collins, Loveland, and Greeley. This agreement is updated to include all current, eligible judges from each jurisdiction.

11. **Items Relating to the Appointment of Assistant Municipal Judges.**

A. Resolution 2023-002 Reappointing Kristin Brown as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

B. Resolution 2023-003 Reappointing Vicki Cirbo as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

C. Resolution 2023-004 Reappointing Michelle Kline as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

D. Resolution 2023-005 Reappointing Brandi Nieto as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

E. Resolution 2023-006 Reappointing Courtney Patterson as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

F. Resolution 2023-007 Appointing Sarah Simchowicz as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

The purpose of this item is to reappoint all current Assistant Municipal Judges for a term of two years and to appoint Sarah Simchowicz to her first two year term. The City Charter provides for the appointment of judges of the Municipal Court for two (2) year terms. Chief Judge Jill A. Hueser recommends that all current Assistant Municipal Judges be reappointed, to serve in the absence of the Chief Judge.

12. Resolution 2023-008 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the Fort Collins Downtown Development Authority Regarding the Renovation and Redevelopment of Olive Street Alley, Harper Goff Alley and East Myrtle Street Alley.

The purpose of this item is to authorize the execution of an Intergovernmental Agreement (the "IGA") between the City and the Downtown Development Authority (the "DDA") for renovation and redevelopment of Olive Street, Harper Goff and East Myrtle Street Alleys. The alley names listed are temporary and are designated as such only for the purpose of identification in the IGA and during design and construction. These alleys will be named in the future after consideration of the City's practice of naming downtown alleys to honor exemplary individuals who reflect the historic and cultural geography of the downtown area.

13. Resolution 2023-009 Adopting Findings of Fact in Support of the City Council's Decision to Remand to the Historic Preservation Commission for Rehearing the Determination of Eligibility for Landmark Designation of the Service Station Located at 825 North College Avenue.

The purpose of this item is to adopt findings of fact in support of City Council's decision to remand back to the Historic Preservation Commission ("HPC") the Landowner's application and appeal concerning the service station located at 825 North College Avenue. The HPC's decision, which was appealed to Council, found that the service stations is a historic resource for the purposes of development review under Land Use Code Section 3.4.7 and, therefore, is eligible for Landmark Designation. Council heard the Landowner's appeal on December 20, 2022, and denied the claim that the HPC conducted an unfair hearing, but remanded the matter to the HPC for consideration of additional evidence in determining eligibility for designation.

14. Resolution 2023-010 Approving an Intergovernmental Agreement Between the City of Fort Collins and the United States Drug Enforcement Administration to Staff an Anti-Narcotics Trafficking Taskforce.

The purpose of this item is to obtain approval for an Intergovernmental Agreement between the City and the United States Drug Enforcement Administration (DEA) to station one Fort Collins Police Services (FCPS) police officer with a DEA anti-narcotics trafficking taskforce headquartered in Denver.

15. Resolution 2023-011 Authorizing Amendment One to the Intergovernmental Agreement Regarding Larimer County Regional Opioid Settlement Implementation.

The purpose of this item is to approve an amendment to Regional Intergovernmental Agreement approved in Resolution 2022-055 adopted by Council in May 2022 to add the Town of Estes Park as a participating local government. Current participants include Larimer County, City of Fort Collins, City of Loveland, and Town of Wellington. The amendment adds an Estes Park representative to the Regional Opioid Abatement Council that oversees funding received by the Larimer County Region from the national settlements reached with opioid distributors and manufacturers.

16. Resolution 2023-012 Appointing Daniel Benton and Carl Pratt to the Fort Collins Tourism Improvement District Board of Directors.

The purpose of this item is to appoint Daniel Benton and Carl Pratt to the Fort Collins Tourism Improvement District (District) Board of Directors. Daniel Benton will serve a second term representing large lodging establishments and Carl Pratt will serve as an at-large director. The terms for both directors will begin January 17, 2023, and end January 17, 2026. The District Board has adopted resolutions nominating both directors in 2022.

17. Resolution 2023-013 Repealing Resolution 2001-120, Establishing Criteria for Arterial Intersection Analysis.

The purpose of this item is to consider repealing Resolution 2001-120. This resolution established that:

- An intersection alternatives analysis must be completed for any major improvement at arterial/arterial and arterial/collector intersections to assist transportation staff in determining the most appropriate improvements for the intersection.
- The analysis shall include evaluation of a roundabout and traditional intersection improvements.
- The City Manager shall submit proposals for roundabouts to City Council for a final determination. This is not required if a roundabout is not selected as the preferred alternative.

Very few modern roundabouts were in use in the Front Range in the early 2000's and this resolution was a tool to help encourage their implementation. Roundabouts have become much more common since then, and several have been successfully constructed in Fort Collins and surrounding communities. In general, roundabouts have proven to be an efficient and safe intersection control type for certain intersections. Additionally, Fort Collins adopted the Master Street Plan, which identified many intersections throughout the community as potential locations for roundabouts.

Alternatives outside of traditional intersection controls and roundabouts should also be considered as we move forward to better align with the vision and priorities of our community and allow Fort Collins to remain nimble to innovations in traffic engineering and design.

Repealing this resolution will:

- Allow the City to evolve and improve our intersection alternatives criteria to reflect the vision, priorities and conditions of our community at the time.
- Allow additional intersection alternatives to be considered beyond roundabouts and traditional intersections.
- Change authority on the final determination of roundabouts from City Council's authority to City staff.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

K) CONSENT CALENDAR FOLLOW-UP *(This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.)*

L) STAFF REPORTS

Volunteer Services Program

M) COUNCILMEMBER REPORTS

N) CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

The method of debate for discussion items is as follows:

- Mayor introduced the item number and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests public comment on the item (three minute limit for each person)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all have an opportunity to speak. The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

18. **Reconsideration of Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as "2022 Transitional Land Use Regulations", Following a Successful Referendum Petition.**

The purpose of this item is to provide Council with the options available for action following the presentation of a petition certified as sufficient for referendum. These options include:

- **OPTION 1: Repealing the Ordinance subject to the referendum petition;**

A. First Reading of Ordinance No. 007, 2023, Repealing Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as "2022 Transitional Land Use Regulations".

If this option is approved, Council may choose to discuss next steps regarding any future shifts to the current Land Use Code.

or

• **OPTION 2A: Referring the Ordinance to a vote of the registered electors of the City. Such referral can be to the next regular or special election called for any other purpose or can be to a special election called for that specific purpose:**

B. Resolution 2023-014, Referring Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as “2022 Transitional Land Use Regulations” to a Vote of the Registered Electors of the City at the Next Municipal Election.

and, if desired, OPTION 2B:

C. First Reading of Ordinance No. 008, 2023, Calling a Special Municipal Election for the Purpose of Submitting to the Registered Electors a Citizen Referendum of Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land use Code as “2022 Transitional Land Use Regulations”.

19. Items Relating to Rental Housing Program.

A. First Reading of Ordinance No. 009, 2023, Adopting a Rental Housing Program as an Implementation Action of the Housing Strategic Plan and the Our Climate Future Plan.

B. First Reading of Ordinance No. 010, 2023, Appropriating Prior Year Reserves in the General Fund for the Start Up Phase of the Rental Housing Program.

The purpose of this item is to consider the adoption of a Rental Housing Program. Ordinance No. 009, 2023 would amend the City Code to create the regulations for a Rental Housing Program that includes registration and proactive rental inspections and relocate and add new definitions within Article VI of Chapter 5. Ordinance No. 010, 2023, would approve an off-cycle general fund appropriation in the amount of \$750,000 to support the start-up phase of the proposed program in 2023. An additional \$850,000 will be requested to complete the start-up phase in 2024.

The development of a Rental Housing Program implements policy direction in both the Housing Strategic Plan (2021) and the Our Climate Future Plan (2021):

- Housing Strategic Plan, Strategy 20 – Explore the option of a mandated rental license/registry program for long-term rentals and pair with best practice rental regulations

- Our Climate Future Plan, Strategy HAH6 – Explore the option of mandated rental licensing/rental registry with minimum standards for health, safety, stability, and efficiency

If adopted by City Council, staff recommends that the proposed Rental Housing Program commence the start-up phase in October 2023. The time period between adoption and start-up will be used to hire and train staff, implement new software, and conduct education and outreach with landlords, tenants, property managers, and others impacted by the Rental Housing Program.

20. Items Related to Code Amendments to Update and Align Wireless Communication Facility Regulations with the Wireless Telecommunications Master Plan

A. First Reading of Ordinance No. 011, 2023, Amending the Fort Collins Land Use Code to Update Standards for Wireless Communications Facilities Consistent with the Wireless Telecommunications Master Plan.

B. First Reading of Ordinance No. 012, 2023, Amending the Code of the City of Fort Collins to Update Standards for Wireless Communications Facilities in Public Highways Consistent with the Wireless Telecommunications Master Plan.

The purpose of the update to the Wireless Communication section of the Land Use Code and corresponding revisions to the City Code is to ensure City standards and requirements for wireless communication development proposals align with the goals, policies, and implementation strategies of the recently adopted Wireless Telecommunications Master Plan and current state and federal regulatory standards. Doing so will enable the City to fully exercise its regulatory authority during the review and siting of new wireless communication infrastructure throughout the community. The Planning and Zoning Commission has reviewed and recommended approval of the revised City Code and Land Use Code language.

P) OTHER BUSINESS

OB 1. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers.

(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

Q) ADJOURNMENT

Every regular Council meeting will end no later than midnight, except that: (1) any item of business commenced before midnight may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting beyond midnight for the purpose of considering additional items of business. Any matter that has been commenced and is still pending at the conclusion of the Council meeting, and all matters for consideration at the meeting that have not yet been considered by the Council, will be deemed continued to the next regular Council meeting, unless Council determines otherwise.

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