

Fort Collins City Council Agenda

Regular Meeting

6:00 p.m. Tuesday, August 16, 2022

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

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

NOTICE:

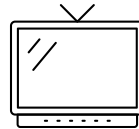
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

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 48 hours advance notice when possible.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.



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

Comment in real time::



In person attendees can address the Council in the Chambers. Speakers are required to sign up to speak on sign up sheets on the tables just outside the Chambers.



During the public comment portion of the meeting and discussion items:
The public can join the Zoom webinar and comment from the remote meeting, joining online or via phone.

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 the call in number and meeting ID below:

Call in number: 720 928 9299

Meeting ID: 939 1075 7534

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: *If residents wish to speak to a document or presentation, the City Clerk needs to be emailed those materials by 4 p.m. the day of the meeting. 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.*



August 16, 2022 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

1. 2022 Friend of Preservation Awards

**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 at the table in the lobby, or online if participating remotely.*
- *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 are asked by the presiding officer 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). Those participating online will be called to speak following those attending the meeting in person.
- 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 , 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. Consideration and Approval of the Minutes of the June 21, July 5, and July 19, 2022, Regular Meetings and the July 12, 2022 Special Meeting.

The purpose of this item is to approve the minutes of the June 21, July 5, and July 19, 2022, Regular Meetings and the July 12, 2022, Special Meeting.

2. Second Reading of Ordinance No. 086, 2022, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager.

This Ordinance, unanimously adopted on First Reading on July 12, 2022, sets the salary of the City Manager effective July 1, 2022.

3. Second Reading of Ordinance No. 087, 2022, Authorizing the Exchange of Stormwater Easements Between the City of Fort Collins and Sun Foothills Fort Collins, LLC.

This Ordinance, unanimously adopted on First Reading on July 19, 2022, authorizes the conveyance of a stormwater drainage easement to Sun Foothills Fort Collins, LLC ("Sun") on undeveloped City-owned real property located south of Trilby Road and east of South College

Avenue (Assessor's Parcel No. 9613200927). This easement is necessary for Sun to develop its property adjacent and to the north of the City's property. In exchange, Sun will convey to the City a stormwater drainage easement on its property that will allow the City, or future owner, to use Sun's property for stormwater drainage from the City's property when developed. The execution of the Reciprocal Stormwater Drainage Easement Agreement will effectuate the reciprocal conveyances.

4. **First Reading of Ordinance No. 090, 2022, Authorizing the Conveyance of an Emergency Access Easement to Poudre Fire Authority on City-owned Real Property Located at 430 N. College Avenue.**

The purpose of this item is to authorize the conveyance of an Emergency Access Easement (EAE) to Poudre Fire Authority (PFA) on City-owned real property located at 430 N. College Avenue. The City leases this property, which is the location of the Powerhouse Energy Campus, to the Colorado State University Research Foundation (CSURF). CSURF has submitted plans to the City to make improvements to the property to support a hydrogen fueling station and turbine generator. As a condition of approval, the City, as property owner, is required to convey an EAE to PFA to support fire truck and emergency equipment access, which is a common requirement for new development and improvements on certain properties. Conveyance of the EAE is the final action needed for the City's Planning, Development, and Transportation Department to approve the project and issue construction permits as CSURF has met all other lease and development review requirements.

5. **First Reading of Ordinance No. 091, 2022, Authorizing the Execution of a First Amendment to Lease with New Cingular Wireless PCS, LLC of City-Owned Property at City Park Ballfields.**

The purpose of this item is to authorize the City Manager to execute an amendment extending the existing New Cingular cell site lease at the ball fields at City Park. The amendment would extend the end of the current lease terms from March 8, 2023, to October 20, 2023, and allow an additional 5-year term from October 21, 2023, to October 20, 2028. New Cingular has leased the site from the City since 2005. Annual rent received by the City will increase from \$20,736 to \$24,000 for the first year of the 5-year term with 3% increases every year afterwards.

6. **First Reading of Ordinance No. 092, 2022, Dissolving the Parking Advisory Board and Amending the Code of the City of Fort Collins by Repealing Section 2-110 Relating to the Parking Advisory Board.**

The purpose of this item is to dissolve the Parking Advisory Board.

7. **First Reading of Ordinance No. 093, 2022, Making Supplemental Appropriations in the General Fund for the Environmental Services Air Quality Program from the US Environmental Protection Agency Grant.**

The purpose of this item is to appropriate unanticipated grant revenue in the General Fund for the Environmental Services Air Quality Program. This grant directly supports Council Priority #17, Improved Air Quality, and includes \$108,200 of grant funding provided by the U.S. Environmental Protection Agency (EPA) and associated with the American Rescue Plan Act to support local monitoring of National Ambient Air Quality Standard (NAAQS) pollutants in and near communities with environmental justice concerns who face disproportionate exposure to these pollutants and health risks and are also associated with increased vulnerability to COVID-19.

8. **First Reading of Ordinance No. 094, 2022, Adopting a Graywater Ordinance, to Allow Voluntary Graywater System Installations.**

The purpose of this item is to propose a graywater ordinance for Council's consideration, which is necessary to allow graywater systems to be installed in the City. The proposed graywater ordinance would enact a voluntary program for graywater use for toilet flushing in Fort Collins Utilities' water and wastewater service areas, as well as the service areas of consenting water and wastewater districts in the Growth Management Area (GMA). The proposed graywater ordinance would be consistent with State regulatory requirements and local water right limitations.

9. **Resolution 2022-081 Authorizing the City Manager to Execute an Intergovernmental Agreement with Larimer County for the Northern Big Game Critical Winter Range Restoration Project at Coyote Ridge and Bobcat Ridge Natural Areas.**

The purpose of this item is to adopt a resolution supporting the RESTORE Big Game Critical Winter Range Habitat project and the City and Larimer County's related intergovernmental agreement. The Larimer County Department of Natural Resources was recently awarded \$328,900 by the National Fish and Wildlife Foundation RESTORE Program. Larimer County is the prime recipient, together with subrecipients Colorado Parks & Wildlife (CPW), City of Fort Collins Natural Areas Department (FCNAD), Boulder County Parks & Open Space, and Jefferson County Open Space.

Funds from the award will be used to control and eradicate invasive annual grasses across 4,385 acres of Northern Colorado foothills open spaces to improve critical winter habitat for elk and mule deer. As a partnering agency, FCNAD will receive \$58,500 to treat 780 acres across Coyote Ridge and Bobcat Ridge Natural Areas. To share the funding, Larimer County has requested that the City of Fort Collins enter into an Intergovernmental Agreement (IGA), a draft of which is attached to the Resolution as Exhibit "A".

10. **Resolution 2022-082 Setting Forth Findings of Fact and Determinations Regarding the Peakview Annexation No. 1.**

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for the Peakview Annexation No. 1. The Applicant has submitted a written petition requesting the annexation and proposed zoning. The Peakview Annexation No. 1 totals 5.7-acres and is located generally northeast of the East Mulberry Street and Greenfields Court intersection.

The requested zoning for this annexation is General Commercial (C-G), Neighborhood Commercial (N-C), and Medium Density Mixed-Use Neighborhood (M-M-N), in compliance with the City of Fort Collins Structure Plan and the East Mulberry Corridor Plan. No project development plan proposal was submitted in conjunction with the annexation application.

This annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins City Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreement Regarding Growth Management.

11. **Resolution 2022-083 Approving the Acceptance of the Proposed Donation of a Sculpture to be Placed at Veterans Plaza in Spring Canyon Community Park.**

This Resolution accepts the donation from Diggs Brown for a bronze sculpture entitled, *Arthur-My Hero, My Friend*, that will be placed at the Veterans Plaza located in Spring Canyon Community Park.

12. **Resolution 2022-084 Approving an Art Project for the Glenmoor Pond Enhancement Project and Approving Expenditures from the Art in Public Places Stormwater Utility Account to Commission an Artist to Create the Art Project Pursuant to the Art in Public Places Program.**

The purpose of this item is it to approve expenditures from the Art in Public Places (APP) Reserve Account to commission an artist to create art for the Glenmoor Pond Enhancement Project. The expenditures of \$55,000 will be for design, materials, signage, fabrication, delivery, installation, and contingency for APP artist Lisa Cameron Russell to create the art for the Glenmoor Pond Project.

13. **Resolution 2022-085 Approving an Art Project for the Bucking Horse Park Project and Approving Expenditures from the Art in Public Places Reserve Account in the Cultural Services and Facilities Fund to Create the Art Project Pursuant to the Art in Public Places Program.**

The purpose of this item is to approve expenditures from the Art in Public Places (APP) Reserve Account to commission an artist to create art for the Bucking Horse Park Project. The expenditures of \$67,000 will be for design, materials, signage, fabrication, delivery, installation, and contingency for APP artist Joshua Wiener to create the art for the Bucking Horse Park Project.

14. **Items Relating to Appointments to Various Boards and Commissions:**

- A. **Resolution 2022-086 Making Appointments to the Air Quality Advisory Board.**
- B. **Resolution 2022-087 Making an Appointment to the Art in Public Places Board.**
- C. **Resolution 2022-088 Making an Appointment to the Citizen Review Board.**
- D. **Resolution 2022-089 Making Appointments to the Historic Preservation Commission.**
- E. **Resolution 2022-090 Making Appointments to the Human Services and Housing Funding Board.**
- F. **Resolution 2022-091 Making Appointments to the Natural Resources Advisory Board.**
- G. **Resolution 2022-092 Making an Appointment to the Senior Advisory Board.**

The purpose of this item is to fill vacancies on various boards and commissions.

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) COUNCILMEMBER REPORTS

M) STAFF 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. **If attending in person, please sign in at the table in the back of the room.** 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.*

15. **Resolution 2022-094 Adopting an Interim Greenhouse Gas Reduction Goal.**

(staff: Honore Depew, John Phelan; 10 minute presentation; 30 minute discussion)

The purpose of this item is to consider adoption of a Resolution setting an interim target for community greenhouse gas (GHG) reductions between now and the 2030 goal of 80% below 2005 levels. The specific date and reduction target in the Resolution may be determined by City Council during discussion.

In support of Council's discussion regarding the establishment of an additional interim goal between now and 2030, staff have projected the community GHG inventory for 2026. The expected range, based on currently planned projects and known variability factors is between 28% and 48% below 2005 baseline. If a Resolution is adopted, staff recommends choosing 2026 as the target year for an interim goal because it falls halfway between the current year and 2030, allowing for two full City budget cycles before and after the interim goal year.

16. **Sanctuary on the Green Project Development Plan Appeal.**

(staff: Paul Sizemore, Jenny Axmacher; estimated hearing time 3 hours)

The purpose of this quasi-judicial item is to consider an appeal of the Administrative Hearing Officer's Decision on May 2, 2022, approving the Sanctuary on the Green Project Development Plan (#PDP210018) located near the northwest corner of N. Taft Hill Road and Laporte Avenue. A Notice of Appeal was filed on May 31, 2022, alleging that the Administrative Hearing Officer considered evidence relevant to their findings which was substantially false or grossly misleading including misrepresentations and mischaracterizations of several items from the Applicant and City staff. The Notice of Appeal further alleges that the Administrative Hearing Officer was biased against the appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with the Decision Maker's independence because the application was allowed to go through a Type 1 hearing. The appellant also believes the public hearing structure, which does not allow rebuttal from the public to final statements made by the Applicant or staff, is unfair.

Lastly, the Notice of Appeal alleges the Administrative Hearing Officer failed to properly interpret and apply relevant provisions of six sections of the Land Use Code including Section 1.2.2 (Purpose), Section 3.5.1 (Building and Project Compatibility), Section 4.5.D.1 (Low Density Mixed-Use Neighborhood District Density Standard), Section 3.4.7 (Historic and Cultural Resources), Section 3.5.2(D)(1) (Orientation to a Connecting Walkway) and 4.5 (D)(2)(a) (Mix of Housing).

P) OTHER BUSINESS

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.

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 48 hours advance notice when possible.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.