

# Fort Collins City Council Agenda

Regular Meeting

6:00 p.m. Tuesday, March 21, 2023

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

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

## NOTICE:

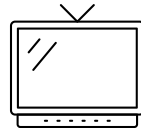
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

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](http://fcgov.com/fctv)

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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/agendas](http://www.fcgov.com/agendas). 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](http://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

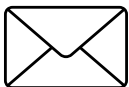
Meeting ID: 982 4141 6497

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](mailto: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

**March 21, 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

PP 1. **Proclaiming March 2023 as Women's History Month.**

## 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

None.

### 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/](http://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. Consideration and Approval of the Minutes of the January 17, February 7, February 21 and March 7, 2023 Regular Council Meetings.**

The purpose of this item is to approve the minutes of the January 17, February 7, February 21 and March 7, 2023 regular Council meetings.

2. **Second Reading of Ordinance No. 032, 2023, Authorizing the Release of Restrictive Covenants on Property at 1947 Phia Way Developed by Fort Collins Habitat for Humanity.**

This Ordinance, unanimously adopted on First Reading on March 7, 2023, obtains authorization from Council to release the Agreement of Restrictive Covenants Affecting Real Property on the single-family home located at 1947 Phia Way, which was developed by Fort Collins Habitat for Humanity. The development of this home was initially assisted with funding from the Department of Housing and Urban Development (HUD). At the time of completion, the project no longer met the HUD requirements, triggering a HUD mandated repayment of the funds and cancellation of the project.

3. **Second Reading of Ordinance No. 033, 2023, Extending the Moratorium on Certain Activities of State Interest Designated in Ordinance No. 122, 2021.**

This Ordinance, unanimously adopted on First Reading on March 7, 2023, extends the length of a moratorium previously imposed through Ordinance No. 122, 2021, and further extended with Ordinance No. 139, 2022, on two designated activities of state interest. The proposed Ordinance extends the length of the existing moratorium for three months beyond March 31, 2022, or until City Council adopts guidelines for the administration of the two designated activities. Extending the moratorium allows staff to reengage with stakeholders and develop policy decision points for Council's consideration along with first reading of the version-three 1041 regulations, May 2, 2023.

4. **Second Reading of Ordinance No. 034, 2023, Making Supplemental Appropriations from the Colorado Water Conservation Board Grant and Water Fund Reserves and Authorizing Transfers of Appropriations for the Water Efficiency Plan Update.**

This Ordinance, unanimously adopted on First Reading on March 7, 2023, updates the City's Water Efficiency Plan by end of 2024 by:

- Appropriating \$160,000 of unanticipated grant revenue, awarded by the Colorado Water Conservation Board, to the Water Fund
- Appropriating \$65,795 from the Water Fund reserves
- Utilizing matching funds in the amount of \$126,705 from existing 2023 appropriations into this new grant project

5. **Second Reading of Ordinance No. 035, 2023, Authorizing the City Manager to Execute Agreements, Conveyances, and Other Documents to Incorporate the Spring Cañon Waste Way Ditch.**

This Ordinance, unanimously adopted on First Reading on March 7, 2023, approves the City's conveyance of its 2/12ths fractional ownership of the Spring Cañon Waste Way Ditch (Ditch) to a newly formed and incorporated Spring Cañon Wasteway Ditch Company (Ditch Company), and thereby receive 2/12ths share of the Ditch Company. This item would also authorize the City Manager to execute related agreements needed to form the Ditch Company. This administrative restructuring of the Ditch and water right ownership will allow for a variety of efficiencies including easier shareholder transfers, providing a single point of contact, and improving coordination of Ditch maintenance.

6. **First Reading of Ordinance No. 036, 2023 Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations in Multiple Utility Funds for the Purchase of Vendor Services to Support a Major Upgrade to the Utilities Billing System.**

The purpose of this item is to approve an appropriation from reserves in the Light & Power, Water, Wastewater and Stormwater enterprise funds. The use of these reserves is necessary to implement a modern Utility Customer Information System – Customer Self Service Portal (CIS-CX) Solution. These funds are being requested to maintain project momentum as the City completes the selection of a solution partner and prepares to contract for professional services. This proposed appropriation will allow the City to secure CIS-CX project management and solution quality assurance services through go-live, provide legal review of professional services contracts, and provide funding to hire contractual staff throughout the implementation.

The total amount being recommended for appropriation is as follows:

Implementation Project Management and Quality Assurance	\$1,500,000
Contract Review and Counsel	\$100,000
Contractual Implementation Staffing	<u>\$2,650,000</u>
Total	\$4,250,000

Once the full solution scope with the City’s preferred vendor is negotiated, another appropriation will be requested for the direct solution costs including licensing and hardware.

7. **First Reading of Ordinance No. 037, 2023, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and Convention and Visitor Program Services.**

The purpose of this item is to appropriate \$598,668 of which \$261,527 is proposed for Cultural Development and Programming Activities (Fort Fund), \$169,624 is proposed for Tourism Programming (Fort Fund), and \$167,517 is proposed for Convention and Visitors Bureau from a combination of 2022 Lodging Tax collections and Prior Year Reserves (unspent appropriations) in the General Fund Lodging Tax Reserves.

Lodging taxes are annually collected by the City of Fort Collins for Cultural Development and Tourism programming activities. Anticipated revenue is projected through each Budgeting for Outcomes (BFO) cycle and then adjusted annually as needed based on final actual collections. For 2022, total Lodging Tax revenues collected came in \$239,310 above projected collections.

8. **First Reading of Ordinance No. 038, 2023, Authorizing the City Manager to Accept a Grant Award and Comply with the Terms of the Grant and Making Supplemental Appropriations and Authorizing Transfers for the Xeriscape Incentive Program.**

The purpose of this item is to support businesses, homeowner associations (“HOAs”) and other commercial properties pursuing costly landscape projects that reduce water use long-term through the Xeriscape Incentive Program by utilizing (1) \$75,000 in grant funds from the Bureau of Reclamation and (2) \$75,000 in matching funds from existing 2023 appropriations. This item would also authorize the City Manager or their designee to accept the grant award and comply with the terms of the grant application and award.

**9. Items Relating to the Timberline Mulberry Lincoln Intersection Project.**

A. Resolution 2023-025 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the State of Colorado Department of Transportation for the Timberline Mulberry Lincoln Intersection Project.

B. First Reading of Ordinance No. 039, 2023, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Timberline Mulberry Lincoln Intersection Project and Related Art in Public Places.

The purpose of this item is to enable the City to receive and expend Colorado Department of Transportation (CDOT) funds and to appropriate development payment-in-lieu funds for the Timberline Mulberry Lincoln Intersection Project (the Project). The funds will be used for design, right-of-way acquisition, and construction of improvements at the intersection of Timberline Road, Mulberry Street, and Lincoln Avenue. If approved, the item will: (1) authorize the Mayor to execute an Intergovernmental Agreement for the Project with CDOT; (2) appropriate \$1,523,915 of Highway Safety Improvement Program (HSIP) grant funds for the Project; (3) appropriate \$23,651 from the Capital Funds Reserve received in 2020 as a development payment-in-lieu contributed to this Project by an adjacent development; and (4) appropriate \$237 (1% of the development payment-in-lieu amount) to the Art in Public Places Program.

**10. First Reading of Ordinance No. 040, 2023, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Childcare Space Modifications at the Northside Aztlan Community Center and Related Art in Public Places.**

The purpose of this item is to appropriate \$260,000 from the Recreation Reserve to close the funding gap on the Childcare Space Modifications at Northside Aztlan Community Center and transfer 1% of the applicable construction costs to Art in Public Places.

**11. First Reading of Ordinance No. 041, 2023, Reappropriating Funds Previously Appropriated in 2022 But Not Expended and Not Encumbered in 2022.**

The purpose of this item is to reappropriate monies in 2023 that were previously authorized by City Council for expenditure in 2022 for various purposes. The authorized expenditures were not spent or could not be encumbered in 2022 because:

- There was not sufficient time to complete bidding in 2022 and therefore, there was no known vendor or binding contract as required to expend or encumber the monies; or
- The project for which the dollars were originally appropriated by Council could not be completed during 2022 and reappropriation of those dollars is necessary for completion of the project in 2023.

Additionally, there may have been sufficient unspent dollars previously appropriated in 2022 to carry on programs, services, and facility improvements in 2023 for those specific purposes.

In the above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2022 and reflect no change in Council policies.



**12. Resolution 2023-026 Adopting Findings of Fact in Support of the City Council’s Decision on Appeal to Uphold the Planning and Zoning Commission Approval with Conditions of the Castle Ridge Group Home.**

The purpose of this item is to make findings of fact and conclusions regarding City Council’s decision at the March 7, 2023, appeal hearing to uphold the Planning & Zoning Commission decision to conditionally approve the Castle Ridge Group Home Final Development Plan.

**13. Resolution 2023-027 Expressing the Official Intent of the City to be Reimbursed for Expenditures Relating to the Construction of Improvements to the City’s Broadband System Through the Issuance of Bonds.**

The purpose of this item is to declare the City’s official intent to reimburse itself for the capital costs it has incurred or will incur for Connexion with the proceeds it will receive from the future issuance of bonds to further fund Connexion capital costs.

**14. Resolution 2023-028 Approving Participation in the Settlements with Five Additional Opioid Defendants and Related Waivers of Claim.**

The purpose of this item is to seek approval of a Resolution to allow the City to participate in the Colorado Opioids Settlement by granting approval to sign additional waivers of claims for opioid-related damages.

**15. Resolution 2023-029 Ratifying the Reappointment of Matt Schild and the Appointment of Hilary Herrmann and Joshua Fudge to the Poudre River Library District Board of Trustees, and Designating Evelyn Peterson as an Alternate.**

The purpose of this item is to fill vacancies on the Poudre River Library District Board of Trustees.

**16. Resolution 2023-030 Making Appointments to the Historic Preservation Commission.**

The purpose of this item is to fill vacancies on the Historic Preservation Commission.

**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**

None.

**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*
- *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.*

### **17. First Reading of Ordinance No. 042, 2023, Making Supplemental Appropriations from Lease Financing Proceeds and Appropriating Prior Year Reserves for the Purchase of Vacant Land at the Former Hughes Stadium Site.**

The purpose of this item is to consider an appropriation to purchase the land of the former Hughes Stadium.

### **18. First Reading of Ordinance No. 043, 2023, Adopting the Vision Zero Action Plan as a Component of City Plan.**

The purpose of this item is to consider adoption of the Vision Zero Action Plan.

### **19. Items Related to Election Code Changes.**

A. First Reading of Ordinance No. 044, 2023, Amending Chapter 7 of the Code of the City of Fort Collins Relating to the Conduct of the City's Regular Municipal Election.

B. First Reading of Ordinance No. 045, 2023, Amending Chapter 7 of the Code of the City of Fort Collins Relating to Candidacy in a Municipal Election.

C. First Reading of Ordinance No. 046, 2023, Amending Chapter 7 of the Code of the City of Fort Collins Relating to Financial Disclosure Requirements.

The purpose of this item is to consider adopting changes to City Code required by the approval of Fort Collins voters to move the City's regular municipal election from April to November in odd-numbered years.

Specific changes proposed include: clarifying election administration provisions applying to City run elections and the applicability of State law to coordinated elections, establishing that regular municipal elections will be coordinated with the County unless the Council provides otherwise, adapting deadlines for filing for office to align with the requirements of the Uniform Election Code, and updating the timing for filing financial disclosures to align with the timing of regular municipal elections.

## **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.)*

### **OB 2. Possible Consideration of a Motion to Enter into an Executive Session to Discuss Water Issues.**

"I move that the City Council go into executive session pursuant to:

- City Charter Article Roman Numeral Two, Section 11(2),
- City Code Section 2-31(a)(2) and
- Colorado Revised Statutes Section 24-6-402(4)(b),

for the purpose of discussing with the City's attorneys and appropriate management staff the following items:

1. Specific legal questions related to potential litigation regarding the Northern Integrated Supply Project or the Halligan Reservoir Project; and
2. The manner in which the particular policies, practices or regulations of the City related to the City's water supply or the Halligan Reservoir Project may be affected by existing or proposed provisions of federal, state or local law."

## **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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