

Fort Collins City Council Agenda

Regular Meeting

6:00 p.m. Tuesday, September 5, 2023

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

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

NOTICE:

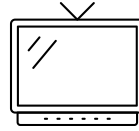
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

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/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.

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

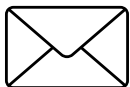
Meeting ID: 982 4141 6497

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

September 5, 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. **Declaring September 9, 2023 as Poudre Landmarks Foundation 39th Annual Historic Homes Tour Day.**

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/*

- *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 their 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 City's Development Review Center page 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 recommend 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 August 8, 2023 Special Meeting and the August 15, 2023 Regular Meeting.

The purpose of this item is to approve the minutes of the August 8, 2023 special meeting and the August 15, 2023 regular meeting.

2. Second Reading of Ordinance No. 104, 2023, Appropriating Unanticipated Revenue from Bond Proceeds from the Issuance of the Series 2023 Electric Utility Enterprise Revenue Bonds for Light and Power, Connexion, and the Art in Public Places Program.

This Ordinance, unanimously adopted on First Reading on August 15, 2023, appropriates the funds received from the bond issuance in the Light and Power Fund. These proceeds will be used to fund capital projects needing to occur for both Light and Power and Connexion, as well as for

operating funds for Connexion, to pay issuance costs for the Series 2023 Revenue Bonds, and to transfer certain funds required by the Art in Public Places Program (APP Program) for the capital projects.

There was an error in the Ordinance on First Reading in Section 2. The appropriation amount expressed in words did not match the numerical value. The numerical value was correct and reflected throughout the Ordinance. The appropriation amount expressed in words has been updated to match the numerical value.

3. **Second Reading of Ordinance No. 105, 2023, Appropriating Prior Year Reserves in the General Fund to Continue the Encampment Site Cleanup Pilot Program.**

This Ordinance, unanimously adopted on First Reading on August 15, 2023, appropriates \$200,000 in additional funds to continue the encampment site cleanup pilot program. In Fall 2022, staff identified a backlog of site cleanups throughout the City and determined that cleanups needed to shift from twice a month to once per week. This was implemented towards the end of January 2023 with the recognition that additional funds would be needed if this pilot program achieved desired results.

4. **Second Reading of Ordinance No. 106, 2023, Making Supplemental Appropriations from the 2023 Colorado Opioid Settlement Funds for Use by the Municipal Court.**

This Ordinance, unanimously adopted on First Reading on August 15, 2023, appropriates \$75,000 of the City's share of 2023 funds from the Colorado Opioid Settlement to be used in the remainder of 2023 to work towards establishing a municipal drug court program for persons with opioid use disorder and co-occurring substance use or mental health issues. This is a permitted use for these funds under the Colorado Opioid Settlement Memorandum of Understanding ("MOU") between the City and the State of Colorado.

5. **Second Reading of Ordinance No. 107, 2023, Appropriating Prior Year Reserves Designated for Fire Protection Services in the Fire Protection Capital Expansion Fee Account within the Capital Expansion Fee Fund for Payment to the Poudre Fire Authority to be Used by it for a New Headquarters Building.**

This Ordinance, unanimously adopted on First Reading on August 15, 2023, appropriates funds from the reserves in the Fire Protection Capital Expansion Fee Account within the City's Capital Expansion Fee Fund ("CEF Fund") and payment of those funds to the Poudre Fire Authority ("PFA") for its purchase of a new Headquarters Building.

6. **Second Reading of Ordinance No. 108, 2023, Appropriating Prior Year Reserves in the General Fund for the Purchase of Police Radios.**

This Ordinance, unanimously adopted on First Reading on August 15, 2023, requests an appropriation in the amount of \$620,000 for the purchase of police handheld radios and approve the use of prior year reserves in the General Fund. There are currently 242 total handheld radios with 130 replaced in 2022. This leaves the remaining 112 radios needing to be replaced.

7. **Second Reading of Ordinance No. 109, 2023, Making a Supplemental Appropriation from the Colorado Division of Criminal Justice of Unanticipated Grant Revenue for Various Restorative Justice Services Programs.**

This Ordinance, unanimously adopted on First Reading on August 15, 2023, appropriates grant revenue to fund Restorative Justice Services within Community Development and Neighborhood Services. A grant in the amount of \$57,356 has been awarded from the Colorado Division of

Criminal Justice (DCJ) Juvenile Diversion Fund for the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program (RJCP) and Reflect Program for all other offenses. No match is required and the grant period is July 1, 2023, to June 30, 2024.

8. **First Reading of Ordinance No. 110, 2023, Appropriating Prior Year Reserves and Philanthropic Revenue Received Through City Give for The Carnegie Center for Creativity as Designated by the Donors.**

The purpose of this item is to request appropriation of \$100,000 in philanthropic revenue received through City Give for The Carnegie Center for Creativity as designated by the donors.

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.

9. **Items Related to the Implementation of a Strengthening Mobility and Revolutionizing Transportation (SMART) Grid Electric Vehicle Charge Management Solution.**

A. Resolution 2023-077 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the U.S. Department of Transportation for Implementation of a SMART Grid Electric Vehicle Charge Management Solution.

B. First Reading of Ordinance No. 111, 2023, Making a Supplemental Appropriation of Grant Funds from the U.S. Department of Transportation SMART Grants Program in Support of the City of Fort Collins Electric Vehicle Fleet.

The City successfully applied for \$1,059,037 under the U.S. Department of Transportation (USDOT) SMART Grants Program to support implementing a SMART Grid Electric Vehicle (EV) charge management solution to control usage of City owned EV chargers to reduce energy consumption (the SMART Grid Project).

The purpose of this item is to support this project by:

- Authorizing the Mayor to execute an Intergovernmental Agreement (IGA) with the USDOT for implementing the SMART Grid Project; and
- Appropriating \$1,059,037 of unanticipated grant revenue from USDOT.

10. **First Reading of Ordinance No. 112, 2023, Making Supplemental Appropriations and Authorizing Transfers for the “Planning to Implement Future Innovation Zones” Project.**

The purpose of this item is to develop the Innovation Zones Project Plan by:

- Appropriating \$50,000 of unanticipated grant revenue, awarded by the Colorado Department of Transportation’s Office of Innovative Mobility; and
- Utilizing matching funds in the amount of \$10,000 from existing 2023 appropriations into this new grant project.

11. First Reading of Ordinance No. 113, 2023, Making Supplemental Appropriations and Authorizing Transfers for the City of Fort Collins Electric Vehicle Readiness Roadmap Update.

The purpose of this item is to update the City’s 2017 Electric Vehicle (EV) Readiness Roadmap by:

- Appropriating \$40,000 of unanticipated grant revenue, awarded by the Colorado Energy Office; and
- Utilizing matching funds in the amount of \$13,333 from existing 2023 appropriations into this new grant project.

12. First Reading of Ordinance No. 114, 2023, Amending Various Sections of the Code of the City of Fort Collins to Correct References to the Building Review Board and to Correct References to Meeting Minutes Requirements.

The purpose of this item is to amend various sections of City Code. During the work of the Ad Hoc Committee on Boards and Commissions, staff identified necessary edits to all reference to the Building Review Board. Those references should be changed to the Building Review Commission, which is in line with City Ordinance No. 049, 2021. Also, staff identified numerous incorrect references to the requirement for various bodies to record meeting minutes.

13. First Reading of Ordinance No. 115, 2023, Authorizing Conveyance of a Permanent Non-Exclusive Utility Easement on Property Jointly Owned by the City and the City of Loveland at the Northern Colorado Regional Airport for the AeroFNL Development.

The purpose of this item is to authorize a permanent non-exclusive utility easement over a portion of the Northern Colorado Regional Airport property owned jointly by the City of Fort Collins and the City of Loveland and leased by IC Loveland Investors, LLC, to allow for the installation and maintenance of electrical infrastructure for the new AeroFNL development.

14. Resolution 2023-078 Approving the Execution of the Fifth Amended Intergovernmental Agreement Establishing the Larimer Emergency Telephone Authority.

The purpose of this item is to approve an agreement to amend and supersede an intergovernmental agreement (IGA) establishing an "E911" Emergency Telephone Service. The City is a party to an Intergovernmental Agreement (the "E-911 IGA") dated November 14, 1990, which established a separate legal entity called the Larimer Emergency Telephone Authority ("LETA"). LETA is responsible for operating the emergency telephone service program (911) and defining how each of the parties will participate in the Authority. The LETA Board of Directors recently approved an amended E-911 IGA to expand services and representation in LETA operations into Jackson County. This Resolution approves execution of the Fifth Amended Intergovernmental Agreement for the Establishment of the Larimer County Emergency Telephone Authority.

15. Resolution 2023-079 Amending the Existing Intergovernmental Agreement Between the City of Fort Collins and the Colorado Department of Transportation for the Reconstruction of the US 287 and Troutman Traffic Signal to Extend the Agreement’s Expiration Date.

The purpose of this item is to extend the expiration date of an existing Intergovernmental Agreement ("IGA") with the Colorado Department of Transportation ("CDOT") that is set to expire on September 11, 2023, to September 11, 2025. This date will allow for staff to complete the work and receive the full \$250,000 reimbursement amount identified in the IGA.

16. Resolution 2023-080 Adopting Findings of Fact in Support of the City Council’s Decision on Appeal to Remand the Planning and Zoning Commission Approval of a Major Amendment to the Ziegler-Corbett Overall Development Plan.

The purpose of this item is to make findings of fact and conclusions regarding Council's decision at the August 15, 2023, appeal hearing to remand the Planning and Zoning Commission decision to approve the Ziegler-Corbett Overall Development Plan Major Amendment back to the Planning and Zoning Commission for further consideration.

17. Resolution 2023-081 Making an Appointment to the Human Relations Commission.

The purpose of this item is to fill a vacancy on the Human Relations 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 (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. Items Relating to City Council’s Direction to Address Existing Occupancy Regulations.

- A. Possible Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.
- B. Resolution 2023-082 Directing City Staff to Prepare and Present to Council Amendments to the City of Fort Collins Land Use Code Increasing Limits on Occupancy in Residential Dwellings.
- C. Resolution 2023-083 Referring to the Registered Electors of the City of Fort Collins Resolution 2023-082, Concerning Amending the Fort Collins Land Use Code to Increase the Occupancy Allowed in Residential Dwellings.

Any protest of the proposed ballot language must be received no later than Tuesday, September 5, 2023, at noon. Protest(s) shall be heard, considered and resolved by the Council prior to adoption of the related Resolution. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.

19. **First Reading of Ordinance No. 116, 2023, Amending the Land Use Code Regarding Buffering Between Buildings with Occupiable Space and Oil and Gas Facilities.**

Based on Council direction during the October 25, 2022, Work Session discussion and the April 2023 adoption of Ordinance No. 151, 2022 for new oil and gas well sittings, staff seek to update the reverse setback development standards (LUC 3.8.26) to reflect recent changes in the **Colorado Energy and Carbon Management Commission (ECMC)** regulations, recently adopted Ordinance No. 151, 2022 – AMENDING THE LAND USE CODE TO REGULATE OIL AND GAS FACILITIES AND PIPELINES, and lessons learned over the past 4 years, including:

- Apply reverse setback buffers to all occupiable buildings, not just residential uses; and
- Explicitly state required setback buffers, rather than refer generally to ECMC rules; and
- Create a more predictable pathway for abandoned/inactive well types; and
- Eliminate the buffer exemption for crossings of arterial roadways.

20. **Items Implementing Recommendations from the Ad Hoc Committee on Boards and Commissions.**

- A. First Reading of Ordinance No. 117, 2023, Amending Chapter 2, Article III, Division 1 of the Code of the City of Fort Collins to Add City Council Liaison Responsibilities.
- B. First Reading of Ordinance No. 118, 2023, Amending Chapter 2, Article III, Division 2 of the Code of the City of Fort Collins to Modify Type 1 Advisory Board Composition and Functions and Eliminate One-Year Terms.
- C. First Reading of Ordinance No. 119, 2023, Amending Chapter 2, Article III, Division 3 of the Code of the City of Fort Collins to Eliminate One-Year Terms of Type 2 Advisory Boards.
- D. First Reading of Ordinance No. 120, 2023, Reorganizing Chapter 2, Article VII, Divisions 1 and 2 of the Code of the City of Fort Collins to Consolidate the Ethical Rules of Conduct and Board of Ethics Sections with a Complaint Process for Violations of the Code of Conduct.
- E. Resolution 2023-084 Approving Amendments to the Respectful Workplace Policy and Renaming it the Anti-Discrimination and Anti-Harassment Policy.
- F. Resolution 2023-085 Approving a Code of Conduct for City Councilmembers and Board and Commission Members.
- G. Discussion and Direction to Staff Regarding Ex-officio Members.

The purpose of these items is to consider resolutions and amendments to various divisions of Chapter 2 of the Municipal Code to reflect the recommendations of the Ad Hoc Committee on Boards and Commissions.

21. First Reading of Ordinance No. 121, 2023, Amending the Land Use Code to include Regulations for Making Water Adequacy Determinations.

The purpose of this item is to adopt Land Use Code provisions to add specific regulations outlining how the City will make water adequacy determinations for development. The proposed regulations are divided into three different categories for: (1) established potable water supply entities; (2) new, or other potable water supply entities; and, (3) non-potable water supply entities. The goals of these changes include: complying with Colorado state statutory requirements (Section 29-20-301, et seq., C.R.S.); ensuring development has an adequate water supply; providing City staff with guidance to make these determinations and applicants with certainty on the requirements; and ensuring that growth and development in the City occur in a planned and coordinated manner. Other than minor, non-substantive clarifications, the proposed regulations are the same as those discussed at the June 6, 2023, Work Session. The Planning & Zoning Commission has recommended adoption of the proposed regulations (4-2 vote).

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. Consideration of a motion to cancel the Tuesday, November 7, 2023, Regular Council meeting:

"I move, pursuant to City Code Section 2-28(a), that Council cancel its regular meeting on Tuesday, November 7, 2023, due to the election that day."

OB 3. Consideration of a motion to cancel the Tuesday, January 2, 2024, Regular Council meeting:

"I move, pursuant to City Code Section 2-28(a), that Council cancel its regular meeting on Tuesday, January 2, 2024."

OB 4. Motion to adjourn this meeting until after the completion of the Electric Utility Enterprise Board business:

"I move that Council adjourn this meeting until after the completion of the Electric Utility Enterprise Board business."

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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