

# Fort Collins City Council Agenda

Regular Meeting

6:00 p.m. Tuesday, December 20, 2022

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

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

## NOTICE:

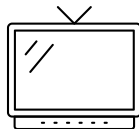
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

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

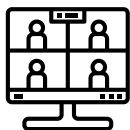
## How to view this Meeting:



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](https://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/council-meeting-participation-signup/](http://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](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

**December 20, 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**

PP 1. **Proclamation Declaring December 21, 2022, as Interfaith Holidays of Light 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**

### **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 November 1, 2022 and November 15, 2022, Regular Council Meetings and the November 22, 2022 Adjourned Council Meeting.**

The purpose of this item is to approve the minutes of the November 1, 2022 and November 15, 2022 regular Council meetings and the November 22, 2022 adjourned Council meeting.

#### **2. Second Reading of Ordinance No. 141, 2022, Making Supplemental Appropriations from the State of Colorado Childcare Operations Stabilization and Workforce Sustainability Grant Program and Reviewing and Approving of the Grant Funding.**

This Ordinance, unanimously adopted on First Reading on December 6, 2022, accepts two State of Colorado grants funded by the American Rescue Plan Act. The Childcare Operations

Stabilization and Workforce Sustainability Grant Program will fund childcare enhancements in City childcare programs.

3. **Second Reading of Ordinance No. 142, 2022, Adopting the 2023 Larimer County Regional Transportation Capital Expansion Fee Schedule.**

This Ordinance, unanimously adopted on First Reading on December 6, 2022, adopts the 2023 Larimer County Regional Transportation Capital Expansion Fee Schedule.

4. **Second Reading of Ordinance No. 144, 2022, Designating the Leslie P. and Ruth A. Ware Property, 1801 Sheely Drive, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.**

This Ordinance, unanimously adopted on First Reading on December 6, 2022, requests City Landmark designation for the Leslie P. and Ruth A. Ware Property at 1801 Sheely Drive. In cooperation with the property owner, City staff and the Historic Preservation Commission have determined the property to be eligible for designation under Standard 3, Design/Construction, for the property's embodiment of the Usonian style of architecture and for the public's interest in the property during the time of construction. The owner is requesting designation, which will provide protection of the property's exterior and access to financial incentives for historic property owners.

5. **Second Reading of Ordinance No. 145, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Extend and Clarify the Water Annual Allotment Management Program.**

This Ordinance, unanimously adopted on First Reading on December 6, 2022, amends Chapter 26 of the City Code to extend the Allotment Management Program to allow for applications to be filed through December 31, 2024 for the benefit of eligible nonresidential Utilities water customers. The Allotment Management Program serves eligible nonresidential Utilities water customers by waiving excess water use surcharges during the implementation of a landscape project intended to reduce the long-term water use on a property. The ordinance also includes a few language revisions to clarify certain aspects of the program.

6. **Second Reading of Ordinance No. 146, 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 December 6, 2022, establishes the 2023 salary of the City Manager. Council met in executive session on November 22, 2022, to conduct the performance review of Kelly DiMartino, City Manager. This Ordinance sets the 2023 salary of the City Manager.

7. **Second reading of Ordinance No. 147, 2022, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge.**

This Ordinance, unanimously adopted on First Reading on December 6, 2022, establishes the 2023 compensation of the Chief Judge. Council met in executive session on November 22, 2022, to conduct the performance review of Chief Judge Jill Hueser.

8. **Second Reading of Ordinance No. 148, 2022, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney.**

This Ordinance, unanimously adopted on First Reading on December 6, 2022, establishes the 2023 compensation of the City Attorney. Council met in executive session on November 22, 2022, to conduct the performance review of Carrie Daggett, City Attorney.

9. **Second Reading of Ordinance No. 149, 2022, Adopting the Active Modes Plan as a Component of City Plan.**

This Ordinance, unanimously adopted on First Reading on December 6, 2022, adopts the Active Modes Plan.

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

This item 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.

11. **Resolution 2022-140 Approving Expenditures from the Art in Public Places Reserve Account in the Cultural Services and Facilities Fund to Commission an Artist to Create an Art Project for the Vine and Lemay Project Pursuant to the Art in Public Places Program and Approving the Art Project.**

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 Vine & Lemay Project and to approve the art project. The expenditures of \$160,000 will be for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for Joshua Wiener of Flowcus to create the art for the overpass at Vine & Lemay.

12. **Resolution 2022-141 Authorizing the Mayor to Execute City-Sponsored 457(b) and Police 401(a) Restated Adoption Agreements.**

The purpose of this item concerns an administrative requirement to restate adoption agreements and related documents for City-sponsored 457(b) and Police 401(a) plans. Restatement of the City 457(b) and Police 401(a) adoption agreements is required in order to bring into alignment the internal procedural operation of each Plan with the governing documents controlling the plan. Restating the plans is an administrative action and will have no financial impact on the City or on benefits provided to participating employees. The City's deadline to restate its plan documents is December 31, 2022.

13. **Resolution 2022-142 Adopting the 2022 Update to the Three-Mile Plan for the City of Fort Collins.**

The purpose of this item is to adopt the annual update of the Three-Mile Plan for the City of Fort Collins. The Three-Mile Plan is a reference document of plans and policies coordinating the general location, character, utilities, infrastructure, and land uses for areas of potential annexation within three miles of the municipal boundary.

An annual update of the Three-Mile Plan is required by Colorado Revised Statutes and highlights applicable plans and policies adopted or amended by City Council over the preceding year.

14. **Resolution 2022-144 Superseding and Replacing Resolution 2022-119 Making Appointments to the Natural Resources Advisory Board.**

The purpose of this item is to amend the appointment made to Seat E on Resolution 2022-119 to list Lisa Andrews as the appointed member on the Natural Resources Advisory Board. This

matches the initial determinations made for appointments by the Council liaison and the decisions communicated to applicants at that time.

**15. Resolution 2022-145 Making an Appointment to the Art in Public Places Board**

The purpose of this item is to fill a vacancy on the Art in Public Places Board created by the resignation of Miriam Chase.

**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**

**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. **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.*

**16. Second Reading of Ordinance No. 143, 2022, Amending Section 2-73 of the Code of the City of Fort Collins to Allow City Commissions to Conduct Quasi-Judicial Hearings Using Remote Technology.**

This Ordinance, unanimously adopted as amended on First Reading on December 6, 2022, amends provisions of Article III of Chapter 2 of the City Code to permit boards and commissions considering quasi-judicial matters to incorporate participation by remote technology into proceedings.

The proposed amendment would enable the presiding officer of the board or commission, upon consultation with the staff liaison, to allow remote participation by members of the public and parties-in-interest. As it was presented at First Reading, the Ordinance would have also allowed remote participation and voting by commission members. Council removed the provision allowing



participation and voting by commission members at First Reading, and this change is reflected in the revised ordinance.

**17. First Reading of Ordinance No. 151, 2022, Amending the Land Development Code to Regulate Oil and Gas Facilities and Pipelines.**

The purpose of this item is to update the Land Development Code to regulate new oil and gas facilities and pipelines within City limits. These regulations include zoning standards, setbacks, development standards and a process for development review. Per new authority granted through Senate Bill 19-181, these local regulations exceed Colorado Oil and Gas Conservation Commission (COGCC) requirements related to surface oil and gas activities and are designed to ensure the protection of public health, safety, welfare, the environment, and wildlife resources.

**18. First 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.**

The Ordinance 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.

**19. First 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 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.

**20. Appeal of the Historic Preservation Commission’s Decision Finding 825 North College Avenue Eligible for Landmark Designation.**

The purpose of this quasi-judicial item is to consider an appeal of the decision of the Historic Preservation Commission (“HPC”) on October 19, 2022, determining that a portion of the property at 825 North College Avenue (historically, the M-K Service Station/North College Standard Service, is eligible for designation as a Fort Collins Landmark.

Appellant, GARA, LLC, the owner of the property, raises two issues on appeal:

First, Appellant argues that the HPC considered evidence relevant to its findings that was grossly misleading. More specifically, Appellant alleges that the HPC was prejudiced by City staff’s “overuse and emphasis of the history of the property, which caused a lack of proper consideration as to whether the Quick Lube Building retains sufficient integrity today to qualify as an historic structure.”

Second, Appellant argues that the HPC failed to properly interpret and apply provisions of the City Code Section 14-22, which establishes standards for determining the eligibility of structures for designation as landmarks or landmark districts. Specifically, Appellant alleges that the HPC failed



to properly determine whether the service station located on the property retained the significance and integrity required for Landmark designation under the Code.

## **P) OTHER BUSINESS**

### **OB 1. Consider a motion to direct the City Clerk to add an editor's note to the City Charter.**

"I move that the Council direct the City Clerk to work with the City's codifier to add an editor's note into the City Charter to be published at Charter Article II, Section 2, to state "With respect to eligibility to be a candidate for, or hold, the office of Councilmember, see also article VII, section 10 and article XII, section 4 of the Colorado Constitution", or substantially similar language the City Clerk may determine appropriate in consultation with the City Attorney, and to include substantially similar language in the City's election guideline materials."

### **OB 2. 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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