

# Fort Collins City Council Agenda

Regular Meeting

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

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

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

## NOTICE:

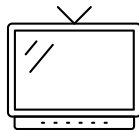
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

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

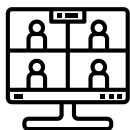
## How to view this Meeting:



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)

*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](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

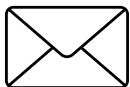
Meeting ID: 982 4141 6497

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

**February 21, 2023 at 6:00 PM**

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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

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## **PROCLAMATIONS & PRESENTATIONS 5:00 PM**

### **A) PROCLAMATIONS AND PRESENTATIONS**

## **REGULAR MEETING 6:00 PM**

### **B) CALL MEETING TO ORDER**

### **C) PLEDGE OF ALLEGIANCE**

### **D) ROLL CALL**

### **E) CITY MANAGER'S AGENDA REVIEW**

- City Manager Review of Agenda

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

### **F) COMMUNITY REPORTS**

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

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

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

- *Those who wish to speak are required to sign up using the online sign-up system available at [www.fcgov.com/council-meeting-participation-signup/](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. Second Reading of Ordinance No. 013, 2023, Appropriating Unanticipated Grant Revenue From the Colorado Community Revitalization Grant Program in the Cultural Services & Facilities Fund for the Renovation of the Carnegie Center for Creativity and Approving the Associated Grant Agreement.**

The purpose of this item is to appropriate unanticipated grant revenue in the Cultural Services & Facilities Fund for the renovation of the Carnegie Center for Creativity. This appropriation includes \$2,400,000 of supplemental grant revenues awarded on November 25, 2022, provided by the State of Colorado through the Colorado Creative Industries Office. This Ordinance was unanimously adopted on First Reading on February 7, 2023.

2. **Second Reading of Ordinance No. 014, 2023, Appropriating Philanthropic Revenue Received by City Give for Tree Planting in the Forestry Department.**

This Ordinance, which was unanimously adopted on First Reading on February 7, 2023, requests appropriation of \$50,000.00 in philanthropic revenue received by City Give for Forestry, Community Services.

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.

3. **Items Relating to the 2023 City Classified Employee Pay Plan as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.**

A. Second Reading of Ordinance No. 016, 2023, Adopting the 2023 Amended City Classified Employee Pay Plan to Update Classified Positions as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

B. Second Reading of Ordinance No. 017, 2023, Appropriating Prior Year Reserves in the General Fund for the Cost of Police Services Salary and Benefit Increases as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

The purpose of this item is to recommend changes to the 2023 City Classified Employee Pay Plan based on an annual market analysis conducted as agreed upon through the 2022-2024 Collective Bargaining Agreement (the "Agreement") with the Northern Colorado Lodge #3 of the Fraternal Order of Police ("FOP"). The Agreement was approved by Council by Resolution on December 7, 2021. The Agreement specifies a salary data collection method and evaluation process that includes market data as of early January. This data has been collected and analyzed, resulting in the revised 2023 City Classified Employee Pay Plan. These Ordinances were unanimously adopted on First Reading on February 7, 2023.

4. **Items Relating to The Landing at Lemay Plan Amendment to the City Structure Plan Map and Rezoning.**

A. Second Reading of Ordinance No. 018, 2023 Amending the City's Structure Plan Map.

B. Second Reading of Ordinance No. 019, 2023 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification of that Certain Property Known as The Landing at Lemay Rezoning.

The purpose of this item is to amend the City's Structure Plan Map, which is part of City Plan, to change the place type land use designation of approximately 17 acres of land east of the Lemay Avenue and Duff Drive intersection from the Industrial Place Type to the Mixed Neighborhood Place Type and to rezone the property from the Industrial (I) District to the Medium Density Mixed Use Neighborhood (MMN) District.

In order to approve a Structure Plan Map change, Council must determine that the Structure Plan Map is in need of the proposed amendment, and that the proposed amendment will promote the public welfare and will be consistent with the vision, goals, principles, and policies of City Plan and its elements.

The rezoning request is subject to criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Commission, which voted 5-1 at their December

2022 hearing to recommend approval of the request with two conditions as recommended in the staff report and with agreement from the petitioner.

These Ordinances were unanimously adopted on First Reading on February 7, 2023.

*The rezoning is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 2(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2022-068. The Structure Plan Map amendment is a legislative matter.*

**5. Items Relating to Victim Services Grants.**

A. Second Reading of Ordinance No. 020, 2023, Making Supplemental Appropriation from the Eighth Judicial District Victim Assistance and Law Enforcement Board for the Fort Collins Police Services Victim Services Unit.

B. Second Reading of Ordinance No. 021, 2023, Making Supplemental Appropriation from the Colorado Division of Criminal Justice under the Federal Victim of Crime Act for the Fort Collins Police Services Victim Services Unit.

These Ordinances, unanimously adopted on First Reading on February 7, 2023, help fund the Victim Services Unit of Fort Collins Police Services for victim advocacy services which are required under the Colorado Victim Rights Amendment for victims of crime and their family members.

The Victim Services Unit has been awarded a \$70,000 VALE grant for the period from January 1, 2023, to December 31, 2023. The VALE grant is awarded through the Eighth Judicial District Victim Assistance and Law Enforcement (VALE) Board to help fund services provided by the Victim Services team. This grant will fund one part-time victim advocate, as well as 65% of the salary of a contractual 40-hour per week victim advocate.

The Victim Services Unit has also been awarded a 24-month grant in the amount of \$47,959 for the period from January 1, 2023, to December 31, 2024, by the Colorado Division of Criminal Justice under the Federal Victim of Crime Act (VOCA). The amount to be received in 2023 is \$23,979 with the remaining amount to be received in 2024. This grant will help fund services provided by the Victim Services Unit. These funds will be used to pay 35% of the salary for the victim advocate who provides crisis intervention services for sexual assault victims between the school ages of kindergarten through 12th grade.

**6. Second Reading of Ordinance No. 022, 2023, Making Supplemental Appropriations and Authorizing Transfers for the Environmental Services Radon Program.**

This Ordinance, unanimously adopted on First Reading on February 7, 2023, appropriates unanticipated grant revenue in the General Fund for the Environmental Services Radon Program. This appropriation includes \$9,000 of grant revenues provided by the Colorado Department of Public Health and Environment (CDPHE) to support radon testing and mitigation programs. The grant directly supports radon activities identified in the Environmental Services Department's core budget offer and requires a local match of \$6,000. Matching funds are appropriated and unexpended in the 2023 Environmental Services operating budget and will be transferred to the Environmental Services Radon Program.

**7. First Reading of Ordinance No. 024, 2023, Appropriating Philanthropic Revenue Received By City Give for Fort Collins Police Services for the Safe Futures Initiative.**

The purpose of this item is to request appropriation of \$86,000.00 in philanthropic revenue

received by City Give for Fort Collins Police Services for the Safe Futures initiative.

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.

**8. First Reading of Ordinance No. 025, 2023, Appropriating Prior Year Reserves and Unanticipated Revenue from Philanthropic Donations Received Through City Give for Various Programs and Services as Designated by the Donors.**

The purpose of this item is to request appropriation of \$19,692 in philanthropic revenue received through City Give. These miscellaneous gifts to various City service areas and departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

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. First Reading of Ordinance No. 026, 2023, Appropriating Philanthropic Revenue Received Through City Give for The Gardens on Spring Creek for General Operations as Designated by the Donor.**

The purpose of this item is to request appropriation of \$100,000 in philanthropic revenue received through City Give for The Gardens on Spring Creek for general operations as designated by the donor.

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.

**10. Resolution 2023-018 Making Appointments to the Air Quality Advisory Board.**

The purpose of this item is to fill vacancies on the Air Quality Advisory Board.

**11. Resolution 2023- 019 Approving Fort Fund Grant Disbursements – Project Support II Category.**

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming Account and the Tourism Programming Account for the selected community events in the Project Support II category, based upon the recommendations of the Cultural Resources Board.

**12. Resolution 2023-020 Approving an Exception to the Use of a Competitive Process for an Enterprise License Agreement with ESRI for GIS Software.**

A request for an exception to the use of a competitive bid process for the purchase of a three-year Enterprise License Agreement (ELA) with an option to renew for two additional years from ESRI is being brought forward for consideration. The alternative is contrary to the City's best interests for the following reasons:

- ESRI's suite of Geographic Information System (GIS) software solution is used throughout the City by many departments and partner agencies to deliver map services to the public and to help City Council and Staff to make informed decisions.



- The ESRI solution is integrated and highly integral to various other software solutions used by the City. Moving away from the ESRI solution would be a multi-year project with high cost, the potential loss of functionality, and great impact to the City and the public.
- ESRI's software is proprietary and is only available for purchase directly from ESRI; they do not partner with third party resellers.
- ESRI holds the market share in GIS software making it easy to hire and maintain highly qualified staff.
- The ELA is a cost-effective approach which allows for an unlimited number of staff to make use of this software. It also provides access to future updates and upgrades which allows for growth and sustainability of the GIS environment.

**Exception to the Competitive Bid or Proposal Rationale:**

Section 8-161(d)(1)b. Although there exists more than one (1) responsible source a competitive process cannot reasonably be used or, if used, will result in a substantially higher cost to the City, will otherwise injure the City's financial interest, or will substantially impede the City's administrative functions or the delivery of services to the public.

**13. Resolution 2023-021 Finding Substantial Compliance and Initiating Annexation Proceedings for the Thompson Thrift Spaulding Addition Annexation.**

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for the Thompson Thrift Spaulding Addition Annexation, located at 423 Spaulding Lane. The Applicant has submitted a written petition requesting the annexation and proposed zoning. The Thompson Thrift Spaulding Addition Annexation totals 3.743-acres and is located off Terry Lake Road/Highway 1 on Spaulding Lane, closest to the Spaulding Lane and Valley View Lane intersection.

The requested zoning for this annexation is Low Density Mixed Use (L-M-N), which is in alignment with the City of Fort Collins Structure Plan designation for this area. 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.

**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. 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.*

### 14. **Second Reading of Ordinance No. 015, 2023, Appropriating Philanthropic Revenue By City Give and Conservation Trust Funds for the Construction of the 9/11 Memorial at Spring Park and Related Art in Public Places.**

The purpose of this item is to request appropriation of \$480,765.00 for the designated purpose toward the construction of the 9/11 Memorial at Spring Park, 2100 Mathews Steet, Fort Collins, CO. This Ordinance was adopted 6-1 (Nay: Ohlson) on First Reading on February 7, 2023.

A partnership between the City of Fort Collins and Poudre Fire Authority, the 9/11 Memorial will be located in midtown Fort Collins, and will honor firefighters, emergency medical technicians, law enforcement officers, and nearly 3,000 others who lost their lives on September 11, 2001.

### 15. **Items Related to Residential Solid Waste Collection.**

A. First Reading of Ordinance No. 027, 2023, Amending Chapter 12, Article II and Chapter 15, Article XV of the Code of the City of Fort Collins to Allow for the Establishment of a City Waste Collection Program and Generally Updating Provisions of the Code Governing Waste Collection Within the City.

B. First Reading of Ordinance No. 028, 2023, Authorizing the City Manager to Enter Into a Contract for the Provision of Residential Waste Collection Services.

C. First Reading of Ordinance No. 029, 2023, Appropriating Prior Year Reserves for Start-up Costs to Create a Contracted Residential Waste Collection Program.

The purpose of this item is to consider the adoption of a contracted residential waste and recycling program, which includes three separate Ordinances and one policy question:

1. Ordinance No. 027, 2023, would amend the City Code to enable the contracted hauling program and establish the City Administrative Fee to fund the City's role in the program.
2. Ordinance No. 028, 2023, would adopt the contract with Republic Services.
3. Ordinance No. 029, 2023, would approve an off-cycle general fund appropriation in the amount of \$107,251 to support the start-up phase of the proposed program.

4. Policy question: Do Councilmembers prefer the weekly or every-other-week recycling collection option?

This program aligns with the Council Priority to Explore a Districted System for Garbage, Recycling and Compost.

The proposed program includes the following benefits:

- Trash, recycling as well as yard trimmings and two bulky item collections per year for a cost similar to what most residents paid in 2022 for only trash and recycling
- A more affordable way to increase the collection of yard trimmings from residents
- Cost-effective, predictable pricing
- Opportunity to ensure a high level of customer service with penalties to the hauler and service credits to customers in the event of a missed pickup etc.
- Fewer trucks on residential roads helps to improve neighborhood safety, quality of life, reduces emissions, also reduces road wear and tear
- Additional yard trimmings composted (78% - 130% increase) and additional materials recycled if Councilmembers select the weekly recycling policy option (9% - 27% increase). Additional yard trimmings and recycling combined would achieve 3.7% - 6.7% of the progress needed to meet the zero waste goal.

**16. First Reading of Ordinance No. 031, 2023 Appropriating Prior Year Reserves for a Conditional Capital Contribution of \$1,000,000 for Construction of a New Public Terminal Facility at the Northern Colorado Regional Airport.**

The purpose of this item is for Council to consider a public position of support by appropriating an anticipated \$1,000,000 conditional capital contribution for the construction of a new public terminal facility (Project) at the Northern Colorado Regional Airport (Airport). Total Project costs are estimated to be \$25,000,000, and this Ordinance's adoption by the end of February helps to secure the anticipated \$21,000,000 of federal funding. At the suggestion of the Council Finance Committee, staff has developed a series of performance indicators to use as terms and conditions of the City contribution.

**17. First Reading of Ordinance No. 030, 2023, Adopting the North College MAX BRT Plan as a Component of City Plan.**

The purpose of this agenda item is for City Council to consider adoption of the North College Max Plan. The North College MAX BRT Plan is the result of approximately 18 months of community engagement, information analysis, and concept refinement. The plan provides recommendations for Bus Rapid Transit, local transit routes, bicycle and pedestrian facilities, future development, and affordability.

**18. Hearing and Determination of Standing for the Appeal of the Historic Preservation Commission Determination that 1901 and 1925 Hull Street are not Eligible for Landmark Designation and Consideration of Resolution 2023-023 Adopting Findings of Fact and Conclusions of Law Regarding the Determination of Standing.**

The purpose of this item is to consider the standing of a James Sack to file an appeal of the Historic Preservation Commission's (HPC) Decision on December 14, 2022, determining that the

properties at 1901 and 1925 Hull Street, historically the Hull and Shankula properties respectively, are not eligible as Fort Collins landmarks and are not subject to the provisions of Land Use Code 3.4.7.

The appeals process in Code Section 2-54(c) allows for the Mayor to establish a separate period of time in advance of arguments on the merits of the appeal to consider procedural issues. The Council is tasked with determining if Mr. Sack is a “party-in-interest” with standing to bring the appeal as defined in Municipal Code 2-46. Council may only proceed with hearing the issues raised in the notice of appeal at a future meeting if Mr. Sack qualifies as a party-in-interest Mr. Sack filed his notice of appeal on December 27, 2022. The Council may make its determination of standing by adopting Resolution 2023-023 with the correct option to state that determination.

## **P) OTHER BUSINESS**

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

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

## **Q) ADJOURNMENT**

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

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