

Fort Collins City Council Agenda

Regular Meeting

6:00 p.m. Tuesday, June 6, 2023

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

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

NOTICE:

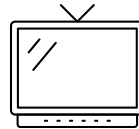
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

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.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione aviso previo. Las solicitudes de interpretación en una reunión deben realizarse antes del mediodía del día anterior.



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

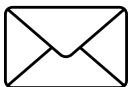
Meeting ID: 982 4141 6497

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

June 6, 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 May 21-27, 2023 as Flood Awareness Week.**
- PP 2. **Declaring June 1-7, 2023 as National CPR and AED Awareness Week.**
- PP 3. **Declaring June 4-10, 2023 as Wildfire Awareness and Prevention Week.**
- PP 4. **Declaring June 19, 2023 as Juneteenth Independence Day.**
- PP 5. **Declaring June 2023 as LGBTQ+ Pride 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/*
- 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 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 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 May 16, 2023 Regular Meeting and the May 23, 2023 Adjourned Meeting.**

The purpose of this item is to approve the minutes of the May 16, 2023 Regular meeting and the May 23, 2023 Adjourned meeting.

2. **Second Reading of Ordinance No. 072, 2023, Authorizing the Disposition of a Portion of a Shared Parking Easement and the Execution of an Amendment to the Shared Parking and Access Easement Deed and Agreement.**

This Ordinance, unanimously adopted on First Reading on May 16, 2023, approves the reduction of a shared parking and access easement previously dedicated to the City and to authorize the execution of an amendment to the agreement that granted such easement. City Code Section 23-111 requires Council authorization to sell, convey, exchange, or otherwise dispose of any and all interests in real property, including easements, owned in the name of the City. The original agreement was to allow for shared parking and access on the property located at the northwest corner of Drake Road and College Avenue for users of the MAX bus line. The goal for amending the shared parking space is to add an additional area for shared parking and additional parking spaces and to revise the original boundary so that it better conforms with proposed development's parking lot layout.

3. **Second Reading of Ordinance No. 073, 2023, Appropriating Unanticipated Revenue from Larimer County and Authorizing Transfers of Appropriations for the Design and Construction of Connexion into Areas Northwest and Northeast of the Harmony Road and Taft Hill Road Intersection and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on May 16, 2023, appropriates \$3.58 million from Larimer County and authorizes transfers for the design and construction of Connexion in an area near the Harmony Road and Taft Hill Road intersection. At the June 6, 2023 meeting, Council adopted a Resolution to enter into an Intergovernmental Agreement (IGA) to enable the City and Larimer County to collaborate to provide Connexion broadband communication service within unincorporated Larimer County, including within the City's Growth Management Area. The initial project under the IGA to provide service to this area will establish a cost- and revenue-sharing relationship through which the County will provide \$3.58M to fund the design and construction of the expansion of Connexion service on behalf of the County. Upon appropriation of these funds and completion of this work, approximately 1,000 premises will be connected to Connexion service, and Connexion will thereafter share with the County a portion of the service revenue from these areas, subject to annual appropriation. Subsequent projects will be authorized through similar work orders executed pursuant to the IGA.

4. **First Reading of Ordinance No. 075, 2023, Making Supplemental Appropriation of Unanticipated Grant Revenue and Authorizing Transfers for the Development of a Paratransit Mobile Application and Web Portal.**

The purpose of this item is to appropriate unanticipated grant revenue awarded to Transfort by the Colorado Department of Transportation ("CDOT"), together with unencumbered Transit Services Fund amounts that will satisfy the grant's local match requirement.

Transfort has applied for and been awarded a \$50,000 state grant through CDOT's Office of Innovative Mobility, to be used for the development of a paratransit client web portal and mobile application. This grant requires a \$10,000 local match.

This Ordinance appropriates \$50,000 in state grant revenue, and \$10,000 in local match from the Transit Services Fund.

5. **First Reading of Ordinance No. 076, 2023, Appropriating Prior Year Reserves for the Administration of the Land Use Code Regulations for Designated Areas and Activities of State Interest.**

The purpose of this Ordinance is to appropriate general fund dollars to administer the recently adopted 1041 regulations. The 1041 regulations represent a new permitting program for designated activities of statewide interest, including major domestic water, sewage treatment and highway projects.

6. **First Reading of Ordinance No. 077, 2023, Appropriating Philanthropic Revenue Received Through City Give for the Carnegie Center for Creativity as Designated by the Donor.**

The purpose of this item is to request appropriation of \$200,000 in philanthropic revenue received through City Give for the Carnegie Center for Creativity 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.

7. **First Reading of Ordinance No. 078, 2023, Appropriating Philanthropic Revenue Received through City Give for Various Programs and Services as Designated by the Donors.**

The purpose of this item is to request appropriation of \$65,790 in philanthropic revenue received through City Give. These miscellaneous gifts to various City 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.

8. **First Reading of Ordinance No. 079, 2023, Making Supplemental Appropriation from the Colorado Division of Criminal Justice Synthetic Opiate Poisoning Investigation and Distribution Interdiction Grant for the Fort Collins Police Services Forensic Services Unit.**

The purpose of this item is to support Fort Collins Police Services Forensic Services Unit work in prevention and investigation of serious injuries and deaths caused by illegal synthetic opiate poisoning and for disrupting synthetic opiate distribution by appropriating \$255,833 of unanticipated grant revenue from the Colorado Department of Public Safety, Division of Criminal Justice (DCJ).

9. **First Reading of Ordinance No. 080, 2023, Authorizing Transfers of Appropriations for the Northside Aztlan Resilience Hub Project.**

The purpose of this item is to appropriate supplemental funds for the Northside Aztlan Community Center Resilience Hub Project. Funding originally provided through Ordinance No. 113, 2020, supported the construction of battery storage and upgraded solar equipment at the Northside Aztlan Community Center. Project cost overruns arising from escalation, building code changes and design modifications requires Utilities to transfer \$60,000 from the Utilities Energy Services budget to supplement the Northside Aztlan Resilience Hub capital project budget. This funding transfer utilizes anticipated underspend of lapsing funds to accomplish an objective consistent with the purpose of the project. The project also received \$200,000 in funding from the Colorado Department of Local Affairs.

10. Items Relating to Sales Tax Code Updates.

A. First Reading of Ordinance No. 081, 2023, Amending Article VIII, Article XI and Article XIV of Chapter 15 of the Code of the City of Fort Collins Relating to Pawnbrokers, Secondhand Dealers, and Outdoor Vendors.

B. First Reading of Ordinance No. 082, 2023, Amending Article III of Chapter 25 of the Code of the City of Fort Collins Relating to Sales and Use Tax.

The purpose of Ordinance A is to amend Chapter 15 of the City Code to include annual renewal dates for pawnbroker and secondhand dealer licenses, to create exemptions from secondhand dealer regulation for flea markets and secondhand furniture stores, and to restrict mobile food truck vendors and pushcart vendors from operating on the renovated portion of Linden Street.

The purpose of Ordinance B is to amend Chapter 25 of the City Code concerning sales and use tax. The updates to Chapter 25 include clarifying the process for a taxpayer to obtain a refund or credit for overpayment of tax discovered in an audit, updating licensing to align with Senate Bill 22-032, and the time period that a business relocating to Fort Collins will owe use tax on items brought into the City that were purchased while a nonresident.

11. First Reading of Ordinance No. 083, 2023, Amending Chapter 23.5 of the Code of the City of Fort Collins Regarding Special Events.

The purpose of this item is to update the City Code regarding special event permitting so that it aligns with current standards and practices. The majority of the changes are related to administrative tasks, such as fees, timelines, and permitting authorities. The amendment also includes allowing most of those changes to be handled at the administrative level, with City Manager approval, without coming back to City Council for every change.

12. First Reading of Ordinance No. 084, 2023, Amending Article IX of Chapter 2 of the Code of the City of Fort Collins Regarding Emergency Management.

The purpose of this item is to amend the City Code to reflect updates on how emergency management programming is done and where the responsibility for that programming sits. This includes some updated language changes, as well as authorities and roles for staff and elected officials during a critical event.

At Second Reading of the Ordinance, Council will be asked to consider a Resolution to adopt an updated Emergency Operation Plan (EOP) that supports and is consistent with the requested changes in the City Code.

13. First Reading of Ordinance No. 085, 2023, Repealing and Reenacting Article II of Chapter 9 of the City Code Regarding Open Fire and Burning Restrictions.

The purpose of this item is to update the City Code provisions regarding restrictions on open fires and burning in the City to update references to the International Fire Code, improve defined terms, better describe what activities are or are not permitted during declared Stage 1 and Stage 2 fire restrictions, and provide a mechanism for Poudre Fire Authority to act quickly to postpone previously permitted burns when changes in weather conditions increase the fire danger.

14. Resolution 2023-048 Authorizing the Assignment of the City's 2023 Private Activity Bond Allocation to Housing Catalyst and Colorado Housing and Finance Authority for CARE Housing to Finance the Construction and Rehabilitation of Affordable Homes.

The purpose of this item is to support the new construction and rehabilitation of affordable housing at several locations in the City by assigning the City's 2023 Allocation of Private Activity Bond (PAB) capacity. PAB capacity is required for development projects using 4% Low-Income Housing Tax Credit financing.

15. Resolution 2023-049 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins, Colorado, and the Colorado Department of Transportation for the Maintenance of Traffic Signals, Signs, and Pavement Markings Within Fort Collins and Within the Fort Collins Growth Management Area.

The City has a long-standing agreement with the Colorado Department of Transportation (CDOT) to maintain traffic control devices within the City and within the Growth Management Area (GMA). This update increases the amount that CDOT pays to the City for maintenance of signs and pavement markings to more accurately reflect actual costs incurred by the City for this work. Under this new intergovernmental agreement (IGA), the amount paid to the City by CDOT will increase from \$217,568 to \$249,648 annually. The term of this IGA is 5 years.

16. Public Hearing and Resolution 2023-050 Approving the Programs and Projects that Will Receive Funds from the Federal Community Development Block Grant Program, the HOME Investment Partnerships Program, the City's Affordable Housing Fund, and the City's Human Services Program.

The purpose of this item is to approve funding recommendations of the 2023 Spring Cycle of the Competitive Process. This Resolution will complete the 2023 Spring Cycle of the Competitive Process for allocating \$4,180,498 in City financial resources to affordable housing and public facility projects, human service programs and administration of the programs.

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.

17. Items Relating to Housing Strategic Plan Implementation: Rental Housing Registration Program.

A. First Reading of Ordinance No. 086, 2023, Amending Chapter 5 of the Code of the City of Fort Collins to adopt a Rental Housing Registration Program as an Implementation Action of the Housing Strategic Plan and the Our Climate Future Plan.

B. First Reading of Ordinance No. 087, 2023, Appropriating Prior Year Reserves in the General Fund for the Startup Phase of the Rental Housing Registration Program.

The purpose of this item is to consider the adoption of a Rental Housing Registration Program that includes rental registration, improvements to the complaint-based inspection system and software, enhanced mediation, education and outreach, and incentives for voluntary compliance. Additionally, this item asks the Council to consider an off-cycle General Fund appropriation in the amount of \$461,375 (with an anticipated two-year total for 2023-2024 of \$1.1 million) to support the startup and implementation phases of the program. The development of a Rental Housing Registration Program implements policy direction in both the Housing Strategic Plan (2021) and the Our Climate Future Plan (2021):

- Housing Strategic Plan, Strategy 20 - Explore the option of a mandated rental license/registry program for long-term rentals and pair with best practice rental regulations.
- Our Climate Future Plan, Strategy HAH6 - Explore the option of mandated rental licensing/rental registry with minimum standards for health, safety, stability, and efficiency.

If adopted by the Council, staff anticipates the phased rollout of registration will begin in Q3 2024. The period between adoption and implementation will be used to hire and train staff, implement new software, implement improvements to the complaint-based inspection system and mediation program, and conduct education and outreach with landlords, tenants, property managers, and others impacted by the Rental Housing Registration Program. Because the timelines for hiring processes, educational outreach, and software upgrades will impact the overall program implementation timeline, staff will keep City Council updated on the progress of the rollout as milestones are achieved.

The proposed Ordinance and supporting AIS before the Council incorporates the components that a consensus of Councilmembers expressed support for bringing forward at April 18, 2023, Council meeting discussion of rental housing. The components of the proposed program include: (1) rental registration; (2) improvements to the existing complaint-based system, including software; (3) enhanced mediation services; and (4) public education and outreach programs.

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 call a Special Meeting to be held immediately following the Council Work Session scheduled for June 13, 2023, to conduct mid-year reviews for Council's direct report employees:**

"I move, pursuant to Section 2-29(a) of the City Code, that the Council call a special meeting of the Council to take place on Tuesday, June 13, 2023, to be held immediately following the 6:00 p.m. Council work session, in the Colorado River Room at 222 Laporte Avenue, Fort Collins, for the purpose of considering a motion to go into executive session to conduct the mid-year reviews of the three Council direct-report employees."

- OB 3. Consideration of a motion to cancel the Tuesday, July 4, 2023, Regular Council meeting:**

"I move, pursuant to City Code Section 2-28(a), that Council cancel its regular meeting of July 4, 2023, in light of the Fourth of July holiday."

Q) ADJOURNMENT

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

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide advance notice. Requests for interpretation at a meeting should be made by noon the day before.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione aviso previo cuando sea posible. Las solicitudes de interpretación en una reunión deben realizarse antes del mediodía del día anterior.