

Fort Collins City Council Agenda

Regular Meeting

6:00 p.m. Tuesday, September 6, 2022

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

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

NOTICE:

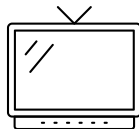
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

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

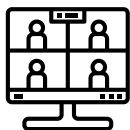
How to view this Meeting:



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

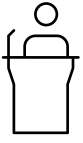
Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

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There are four options for members of the public who would like to participate in Council meetings:

Comment in real time::



In person attendees can address the Council in the Chambers. Speakers are required to sign up to speak on sign up sheets on the tables just outside the Chambers.



During the public comment portion of the meeting and discussion items:
The public can join the Zoom webinar and comment from the remote meeting, joining online or via phone.

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 the call in number and meeting ID below:

Call in number: 720 928 9299

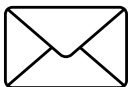
Meeting ID: 939 1075 7534

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: *If residents wish to speak to a document or presentation, the City Clerk needs to be emailed those materials by 4 p.m. the day of the meeting. 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 6, 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 September 17, 2022 as Historic Homes Tour Day.

[PP 2.](#) Proclamation Declaring October 21, 2022 as the Foodie Walk 10th Anniversary.

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 at the table in the lobby, or online if participating remotely.*
- *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 are asked by the presiding officer 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). Those participating online will be called to speak following those attending the meeting in person.*
- *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 , 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 August 16, 2022 Regular Meeting.

The purpose of this item is to approve the minutes of the August 16, 2022 Regular meeting.

2. Second Reading of Ordinance No. 090, 2022, Authorizing the Conveyance of an Emergency Access Easement to Poudre Fire Authority on City-owned Real Property Located at 430 N. College Avenue.

This Ordinance, unanimously adopted on First Reading on August 16, 2022, authorizes the conveyance of an Emergency Access Easement (EAE) to Poudre Fire Authority (PFA) on City-owned real property located at 430 N. College Avenue. The City leases this property, which is

the location of the Powerhouse Energy Campus, to the Colorado State University Research Foundation (CSURF). CSURF has submitted plans to the City to make improvements to the property to support a hydrogen fueling station and turbine generator. As a condition of approval, the City, as property owner, is required to convey an EAE to PFA to support fire truck and emergency equipment access, which is a common requirement for new development and improvements on certain properties. Conveyance of the EAE is the final action needed for the City's Planning, Development, and Transportation Department to approve the project and issue construction permits as CSURF has met all other lease and development review requirements.

3. Second Reading of Ordinance No. 091, 2022, Authorizing the Execution of a First Amendment to Lease with New Cingular Wireless PCS, LLC of City-Owned Property at City Park Ballfields.

This Ordinance, unanimously adopted on First Reading on August 16, 2022, authorizes the City Manager to execute an amendment extending the existing New Cingular cell site lease at the ball fields at City Park. The amendment would extend the end of the current lease terms from March 8, 2023, to October 20, 2023, and allow an additional 5-year term from October 21, 2023, to October 20, 2028. New Cingular has leased the site from the City since 2005. Annual rent received by the City will increase from \$20,736 to \$24,000 for the first year of the 5-year term with 3% increases every year afterwards.

4. Second Reading of Ordinance No. 092, 2022, Dissolving the Parking Advisory Board and Amending the Code of the City of Fort Collins by Repealing Section 2-110 Relating to the Parking Advisory Board.

This Ordinance, unanimously adopted on First Reading on August 16, 2022, dissolves the Parking Advisory Board.

5. Second Reading of Ordinance No. 093, 2022, Making Supplemental Appropriations in the General Fund for the Environmental Services Air Quality Program from the US Environmental Protection Agency Grant.

This Ordinance, unanimously adopted on First Reading on August 16, 2022, appropriates unanticipated grant revenue in the General Fund for the Environmental Services Air Quality Program. This grant directly supports Council Priority #17, Improved Air Quality, and includes \$108,200 of grant funding provided by the U.S. Environmental Protection Agency (EPA) and associated with the American Rescue Plan Act (ARPA) to support local monitoring of National Ambient Air Quality Standard (NAAQS) pollutants in and near communities with environmental justice concerns who face disproportionate exposure to these pollutants and health risks and are also associated with increased vulnerability to COVID-19.

The Ordinance has been revised to include a reference to the City Manager's authority to approve/sign an intergovernmental agreement with the EPA for the funding.

6. Second Reading of Ordinance No. 094, 2022, Adopting a Graywater Ordinance, to Allow Voluntary Graywater System Installations.

This Ordinance, unanimously adopted on First Reading on August 16, 2022, adopts an ordinance to allow graywater systems to be installed in the City. The proposed graywater ordinance would enact a voluntary program for graywater use for toilet flushing in Fort Collins Utilities' water and wastewater service areas, as well as the service areas of consenting water and wastewater districts in the Growth Management Area (GMA). The proposed graywater ordinance would be consistent with State regulatory requirements and local water right limitations.

7. First Reading of Ordinance No. 095, 2022, Appropriating Philanthropic Revenue Received by City Give for the 2022 Parks Independence Day Celebration and the 2022 Community Development and Neighborhood Services Urban Design Awards.

The purpose of this item is to appropriate philanthropic revenue designated for the 2022 Independence Day Celebration and for the 2022 Community Development and Neighborhood Services Urban Design Awards.

8. First Reading of Ordinance No. 096, 2022, Conditionally Vacating a Portion of Coleman Street Right-of-Way.

The purpose of this item is to approve the conditional vacation of a portion of Coleman Street right-of-way that is no longer desirable or necessary to retain for street purposes. The right-of-way area, once vacated, will be retained in its entirety as a public utility and public access easement to the City. The right-of-way vacation will be conditional upon the demolition of the existing street stub of Coleman Street and the reconstruction of the vacated area as a landscape and pedestrian area. These conditions are outlined in detail in the Ordinance.

9. Resolution 2022-095 Making Findings of Fact Regarding the Appeal of the Administrative Hearing Officer's Decision Approving the Sanctuary on the Green Project Development Plan #PDP210018.

The purpose of this item is to make findings of fact regarding the appeal of the Administrative Hearing Officer's Decision to approve the Sanctuary on the Green Project Development Plan. The appeal was heard by Council on August 16, 2022.

10. Resolution 2022-096 Supporting an Application for a Great Outdoors Colorado Land Acquisition Grant for the Buckeye Conservation and Front Range Gateway Project.

In partnership with Larimer County, the Buckeye Ranch Conservation Project would conserve over 1,000 acres north of Fort Collins. The County and City have been invited by Great Outdoors Colorado to submit a full grant application to support this project in their upcoming Land Acquisition program cycle.

11. Resolution 2022-097 Setting the Dates of the Public Hearings on the 2023-24 Proposed City of Fort Collins Budget.

The purpose of this item is to set two public hearing dates for the proposed 2023-24 budget that the City Manager has filed with the City Clerk pursuant to Section 2 of City Charter Article V. Section 3 of City Charter Article V requires Council to set a date for a public hearing on the proposed budget and to cause notice of the hearing to be published. This Resolution sets two public hearing dates for Council's regular meeting on September 20, 2022, and its regular meeting on October 4, 2022. The Resolution also directs the City Clerk to publish the notice of these two hearings, which notice is attached as Exhibit "A" to the Resolution.

12. Resolution 2022-098 Making Appointments to the Transportation Board.

The purpose of this item is to fill vacancies on the Transportation Board.

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 – None

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 go into Executive Session:**

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

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

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

1. specific legal questions related to the Surat lawsuit; and
2. the manner in which the particular policies, practices or regulations of the City related to programs for advertising on City transit and other facilities may be affected by existing or proposed provisions of federal, state or local law."

Q) ADJOURNMENT

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

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PROCLAMATION

WHEREAS, the Poudre Landmarks Foundation, Inc., was established in 1972 to administer the Avery House upon its acquisition by the City of Fort Collins in 1974; and

WHEREAS, the mission of the Poudre Landmarks Foundation is to preserve, restore, protect, and interpret the architectural and cultural heritage of the Fort Collins area; and

WHEREAS, the Annual Historic Homes Tour was established in 1985 as the major fund-raising event for the Poudre Landmarks Foundation, with all proceeds benefiting its preservation work; and

WHEREAS, the Historic Homes Tour is a community service event by volunteers of the Poudre Landmarks Foundation to raise awareness about historic preservation work; and

WHEREAS, September 17, 2022, is the date of the 38th Annual Historic Homes Tour presented by the Poudre Landmarks Foundation.

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim Saturday, September 17, 2022, as the

HISTORIC HOMES TOUR DAY

in the city of Fort Collins and call upon the community to join their fellow citizens in recognizing and participating in this special observance.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 6th day of September, 2022.

Mayor

ATTEST:

City Clerk



PROCLAMATION

WHEREAS, a collaboration and partnership were established between retail-based culinary shops to highlight, recognize, and celebrate the culinary culture and thriving foodie scene in Downtown Fort Collins; and

WHEREAS, the following businesses share a unified message to welcome food lovers of all ages, abilities, and backgrounds to engage their senses, explore their culinary curiosity, and deepen their passion for preparing and sharing the experience of enjoying food and drink with others: CopperMuse Distillery, Downtown Ace Hardware Grilling Department, Happy Lucky's Teahouse, Ku Cha House of Tea, Old Town Spice Shop, Rocky Mountain Olive Oil, Savory Spice, The Cooking Studio with Audacious Truffles, and The Cupboard; and

WHEREAS, participating businesses believe that the culinary community adds vibrancy to Downtown Fort Collins and these businesses craft a unique and special sampling opportunity every third Friday of each month; and

WHEREAS, Fort Collins Foodie Walk celebrates a significant milestone, acknowledging the longevity of the promotion with participating businesses welcoming and highlighting the food-centric culture for 10 years; and

WHEREAS, Foodie Walk is part of the Downtown Development Authority's efforts to recognize the importance of the retail-based food and beverage businesses and the economic impact they make in Downtown Fort Collins; and

WHEREAS, the Downtown Development Authority with the participating businesses would like to extend an invitation to celebrate the Tenth Anniversary of Fort Collins Foodie Walk; and

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim October 21, 2022 as the

FOODIE WALK 10th ANNIVERSARY

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 6th day of September A.D. 2022.

Mayor

ATTEST:

City Clerk

September 6, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Anissa Hollingshead, City Clerk

SUBJECT

Consideration and Approval of the Minutes of the August 16, 2022 Regular Meeting.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the August 16, 2022 Regular meeting.

ATTACHMENTS

1. Draft Minutes from August 16, 2022

August 16, 2022

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

1. 2022 Friend of Preservation Awards

Beginning at 5 p.m., Mayor Jeni Arndt and Kurt Knierim, Chair of the Historic Preservation Commissions, presented awards to the following recipients:

- John Albright, receiving a Lifetime Achievement Award.
- Brian Carrol, for accomplishments in local history.
- The Fort Collins Municipal Railway Society, for the restoration of car no. 25.
- Wayne Sundberg, receiving a Lifetime Achievement Award.

B) CALL MEETING TO ORDER

Mayor Jeni Arndt called the meeting to order at 6:00 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado, with hybrid participation available via the City's Zoom platform.

C) PLEDGE OF ALLEGIANCE

Mayor Jeni Arndt led the Pledge of Allegiance to the American Flag.

D) ROLL CALL

PRESENT

Mayor Jeni Arndt
Mayor Pro Tem Emily Francis
Councilmember Susan Gutowsky
Councilmember Julie Pignataro
Councilmember Tricia Canonico
Councilmember Shirley Peel
Councilmember Kelly Ohlson

STAFF PRESENT

City Manager Kelly DiMartino
City Attorney Carrie Daggett
City Clerk Anissa Hollingshead

E) CITY MANAGER'S AGENDA REVIEW

City Manager Kelly DiMartino provided an overview of the agenda for the night. There were no changes to the published agenda and all items on the consent agenda were recommended for approval.

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.)

John McDonough, Fort Collins resident, spoke on behalf of the Sierra Club Poudre Canyon Group in support of Item 15 and the adoption of the resolution setting interim greenhouse gas reduction goals.

Sarah Manno, Fort Collins resident, spoke in support of Item 15 and the adoption of the resolution setting interim greenhouse gas reduction goals with a 56% emissions goal by 2026.

Susan Hughes, Fort Collins resident, spoke in support of Item 15 establishing adequate greenhouse gas reduction interim goals.

Joyce Butcher, Fort Collins resident, spoke in support of Item 15 and the adoption of a new interim greenhouse gas reduction goal for 2025.

Bobbi Wells Hargleroad, Fort Collins resident, spoke as the chair of the Climate Action Ministry at Plymouth Congregational Church in support of Item 15 because of concerns with the impacts of greenhouse gas emissions.

Audrey Welsh, founder of ReKaivery, a local food access organization, spoke to bring awareness of the lack of alignment in City departments with the City's goals following the experience she has had with her business trying to follow existing City processes resulting in a notice that her business must close within 48 hours.

(inaudible), Fort Collins resident, spoke as a teacher and advisor of several start up enterprises focused on solving community issues, noting his satisfaction overall with the work of the City in creating a positive environment. He shared concerns he has with some specific instances, including regarding ReKaivery, and the observation that City staff is providing interpretations of City code that are not favorable for innovative businesses.

Austin Lammers, co-owner of ReKaivery, noted tomorrow marks one month of operations, during which time the business has obtained \$22,000 in local sales. He requested any assistance the Council is able to provide in this situation.

Rich Stave, Fort Collins resident, spoke about the challenges in negotiating the new online format of the agenda due to the size of the PDF packet. He also spoke regarding Item 14 and the appearance the Air Quality Advisory Board will include additional appointees with similar mindsets and backgrounds.

Reiner Lomb, Fort Collins resident participating online, spoke in support of Item 15 from his perspective as someone who has been involved in environmentally-focused boards in the community. He listed additional benefits of moving forward with action now, including the recent adoption of the Inflation Reduction Bill that includes climate mitigation actions.

Karen Artell, Fort Collins resident participating online, spoke as a member of the Air Quality Advisory Board but not on behalf of the board regarding Item 7. She noted her appreciation of these efforts to improve air quality.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Julie Pignataro

- Thanked everyone who came out to speak.
- Requested clarification from the City Clerk regarding whether information will be provided to the public about the new agenda system. City Clerk Hollingshead indicated additional public communication, including guidance on accessing agenda materials in different formats, is planned as part of the full implementation of the new agenda system, with more details for the public expected prior to the next Council meeting.
- Encouraged residents to apply for boards and commissions when applications next open again.

Councilmember Kelly Ohlson

- Requested details on whether the new agenda format is easier for the public to access or not. Clerk Hollingshead responded the new presentation of agenda materials is overall seen as an enhancement to how the public can access these items. As part of the ongoing implementation, which has been on a rapid timeline due to a number of factors, there will be a full communications plan to ensure the public is aware of these advantages and how to take advantage of the multiple ways to now access agenda materials.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

Councilmember Ohlson requested to remove Item 9 from the Consent Calendar.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the June 21, July 5, and July 19, 2022 Regular Meetings and the July 12, 2022 Special Meeting.

The purpose of this item is to approve the minutes of the June 21, July 5, and July 19, 2022, Regular Meetings and the July 12, 2022, Special Meeting.

Approved.

2. Second Reading of Ordinance No. 086, 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 July 12, 2022, sets the salary of the City Manager effective July 1, 2022.

Adopted on Second Reading.

3. Second Reading of Ordinance No. 087, 2022, Authorizing the Exchange of Stormwater Easements Between the City of Fort Collins and Sun Foothills Fort Collins, LLC.

This Ordinance, unanimously adopted on First Reading on July 19, 2022, authorizes the conveyance of a stormwater drainage easement to Sun Foothills Fort Collins, LLC ("Sun") on undeveloped City-owned real property located south of Trilby Road and east of South College Avenue (Assessor's Parcel No. 9613200927). This easement is necessary for Sun to develop its

property adjacent and to the north of the City's property. In exchange, Sun will convey to the City a stormwater drainage easement on its property that will allow the City, or future owner, to use Sun's property for stormwater drainage from the City's property when developed. The execution of the Reciprocal Stormwater Drainage Easement Agreement will effectuate the reciprocal conveyances.

Adopted on Second Reading.

4. **First Reading of Ordinance No. 090, 2022, Authorizing the Conveyance of an Emergency Access Easement to Poudre Fire Authority on City-owned Real Property Located at 430 N. College Avenue.**

The purpose of this item is to authorize the conveyance of an Emergency Access Easement (EAE) to Poudre Fire Authority (PFA) on City-owned real property located at 430 N. College Avenue. The City leases this property, which is the location of the Powerhouse Energy Campus, to the Colorado State University Research Foundation (CSURF). CSURF has submitted plans to the City to make improvements to the property to support a hydrogen fueling station and turbine generator. As a condition of approval, the City, as property owner, is required to convey an EAE to PFA to support fire truck and emergency equipment access, which is a common requirement for new development and improvements on certain properties. Conveyance of the EAE is the final action needed for the City's Planning, Development, and Transportation Department to approve the project and issue construction permits as CSURF has met all other lease and development review requirements.

Adopted on First Reading.

5. **First Reading of Ordinance No. 091, 2022, Authorizing the Execution of a First Amendment to Lease with New Cingular Wireless PCS, LLC of City-Owned Property at City Park Ballfields.**

The purpose of this item is to authorize the City Manager to execute an amendment extending the existing New Cingular cell site lease at the ball fields at City Park. The amendment would extend the end of the current lease terms from March 8, 2023, to October 20, 2023, and allow an additional 5-year term from October 21, 2023, to October 20, 2028. New Cingular has leased the site from the City since 2005. Annual rent received by the City will increase from \$20,736 to \$24,000 for the first year of the 5-year term with 3% increases every year afterwards.

Adopted on First Reading.

6. **First Reading of Ordinance No. 092, 2022, Dissolving the Parking Advisory Board and Amending the Code of the City of Fort Collins by Repealing Section 2-110 Relating to the Parking Advisory Board.**

The purpose of this item is to dissolve the Parking Advisory Board.

Adopted on First Reading.

7. **First Reading of Ordinance No. 093, 2022, Making Supplemental Appropriations in the General Fund for the Environmental Services Air Quality Program from the US Environmental Protection Agency Grant.**

The purpose of this item is to appropriate unanticipated grant revenue in the General Fund for the Environmental Services Air Quality Program. This grant directly supports Council Priority #17, Improved Air Quality, and includes \$108,200 of grant funding provided by the U.S. Environmental

Protection Agency (EPA) and associated with the American Rescue Plan Act to support local monitoring of National Ambient Air Quality Standard (NAAQS) pollutants in and near communities with environmental justice concerns who face disproportionate exposure to these pollutants and health risks and are also associated with increased vulnerability to COVID-19.

Adopted on First Reading.

8. First Reading of Ordinance No. 094, 2022, Adopting a Graywater Ordinance, to Allow Voluntary Graywater System Installations.

The purpose of this item is to propose a graywater ordinance for Council's consideration, which is necessary to allow graywater systems to be installed in the City. The proposed graywater ordinance would enact a voluntary program for graywater use for toilet flushing in Fort Collins Utilities' water and wastewater service areas, as well as the service areas of consenting water and wastewater districts in the Growth Management Area (GMA). The proposed graywater ordinance would be consistent with State regulatory requirements and local water right limitations.

Adopted on First Reading.

9. Resolution 2022-081 Authorizing the City Manager to Execute an Intergovernmental Agreement with Larimer County for the Northern Big Game Critical Winter Range Restoration Project at Coyote Ridge and Bobcat Ridge Natural Areas.

The purpose of this item is to adopt a resolution supporting the RESTORE Big Game Critical Winter Range Habitat project and the City and Larimer County's related intergovernmental agreement. The Larimer County Department of Natural Resources was recently awarded \$328,900 by the National Fish and Wildlife Foundation RESTORE Program. Larimer County is the prime recipient, together with subrecipients Colorado Parks & Wildlife (CPW), City of Fort Collins Natural Areas Department (FCNAD), Boulder County Parks & Open Space, and Jefferson County Open Space.

Funds from the award will be used to control and eradicate invasive annual grasses across 4,385 acres of Northern Colorado foothills open spaces to improve critical winter habitat for elk and mule deer. As a partnering agency, FCNAD will receive \$58,500 to treat 780 acres across Coyote Ridge and Bobcat Ridge Natural Areas. To share the funding, Larimer County has requested that the City of Fort Collins enter into an Intergovernmental Agreement (IGA), a draft of which is attached to the Resolution as Exhibit "A".

This item was pulled from the Consent Calendar to allow for discussion.

10. Resolution 2022-082 Setting Forth Findings of Fact and Determinations Regarding the Peakview Annexation No. 1.

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for the Peakview Annexation No. 1. The Applicant has submitted a written petition requesting the annexation and proposed zoning. The Peakview Annexation No. 1 totals 5.7-acres and is located generally northeast of the East Mulberry Street and Greenfields Court intersection.

The requested zoning for this annexation is General Commercial (C-G), Neighborhood Commercial (N-C), and Medium Density Mixed-Use Neighborhood (M-M-N), in compliance with the City of Fort Collins Structure Plan and the East Mulberry Corridor Plan. 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.

Adopted.

11. Resolution 2022-083 Approving the Acceptance of the Proposed Donation of a Sculpture to be Placed at Veterans Plaza in Spring Canyon Community Park.

This Resolution accepts the donation from Diggs Brown for a bronze sculpture entitled, Arthur-My Hero, My Friend, that will be placed at the Veterans Plaza located in Spring Canyon Community Park.

Adopted.

12. Resolution 2022-084 Approving an Art Project for the Glenmoor Pond Enhancement Project and Approving Expenditures from the Art in Public Places Stormwater Utility Account to Commission an Artist to Create the Art Project Pursuant to the Art in Public Places Program.

The purpose of this item is it to approve expenditures from the Art in Public Places (APP) Reserve Account to commission an artist to create art for the Glenmoor Pond Enhancement Project. The expenditures of \$55,000 will be for design, materials, signage, fabrication, delivery, installation, and contingency for APP artist Lisa Cameron Russell to create the art for the Glenmoor Pond Project.

Adopted.

13. Resolution 2022-085 Approving an Art Project for the Bucking Horse Park Project and Approving Expenditures from the Art in Public Places Reserve Account in the Cultural Services and Facilities Fund to Create the Art Project Pursuant to the Art in Public Places Program.

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 Bucking Horse Park Project. The expenditures of \$67,000 will be for design, materials, signage, fabrication, delivery, installation, and contingency for APP artist Joshua Wiener to create the art for the Bucking Horse Park Project.

Adopted.

14. Items Relating to Appointments to Various Boards and Commissions:

- A. Resolution 2022-086 Making Appointments to the Air Quality Advisory Board.**
- B. Resolution 2022-087 Making an Appointment to the Art in Public Places Board.**
- C. Resolution 2022-088 Making an Appointment to the Citizen Review Board.**
- D. Resolution 2022-089 Making Appointments to the Historic Preservation Commission.**
- E. Resolution 2022-090 Making Appointments to the Human Services and Housing Funding Board.**
- F. Resolution 2022-091 Making Appointments to the Natural Resources Advisory Board.**
- G. Resolution 2022-092 Making an Appointment to the Senior Advisory Board.**

The purpose of this item is to fill vacancies on various boards and commissions.

Adopted.

END OF CONSENT CALENDAR

K) ADOPTION OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to approve the recommended actions on Items 1-8 and 10-14.

The motion carried 7-0.

L) CONSENT CALENDAR FOLLOW-UP *(This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.)*

Councilmember Shirley Peel

- Offered congratulations to everyone being appointed to a board tonight. She noted in many instances there were several applicants, all with outstanding qualifications.

Councilmember Kelly Ohlson

- Asked about people being appointed until the end of the year, and would they be allowed to still serve two full terms. It was noted that there are multiple different term lengths, and those terms can be served in different combinations.

Councilmember Julie Pignataro

- Asked about the next work session regarding boards and commissions. City Clerk Hollingshead noted the next step with Council on boards and commission is the convening of an ad hoc Council committee to explore further adjustments to the program. That committee will begin its work once a new team member is on board in the Clerk's Office to support that work.

Mayor Jeni Arndt

- Commented regarding Item 8 and the excellent work that has been done on the topic of graywater to bring this forward.

M) COUNCILMEMBER REPORTS

Councilmember Gutowsky

- Provided a shout out for the Fort Collins Symphony and all the options they have offered the community this summer, including backyard concerts, a Beethoven celebration, and numerous other activities.
- Shared about National Night Out and the numerous activities underway that evening.
- Provided information about a fieldtrip to visit the Hoffman crushing site off of Lemay to allow reuse of concrete and wood products to divert materials from the landfill.
- Noted Traverse Park had its grand opening on the northeast side of the City off of Vine Drive.
- Attended a BizWest event honoring City Manager Kelly DiMartino who received an award as a woman of distinction.

Councilmember Shirley Peel

- Noted she also attended the BizWest event, where Councilmember Canonico was also a nominee for the woman of distinction award.
- Shared about a listening session she will be hosting on August 27 at Deli Works centered around the neighborhoods in the South College corridor.

Mayor Jeni Arndt

- Noted sometimes we feel disconnected and therefore she wanted to highlight some feel good things.
- Shared about a letter from a resident regarding help he received from Nick Heimann, a City employee, when falling.
- Shared about losing her bike chain while riding to work a couple weeks ago, where someone offered her help in getting it put back on.
- Highlighted the Historic Preservation awards presented earlier tonight, including feedback provided by an attendee about the excellent work of City staff in helping to make the City a great place to live and work.

N) STAFF REPORTS

None.

O) CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION

9. Resolution 2022-081 Authorizing the City Manager to Execute an Intergovernmental Agreement with Larimer County for the Northern Big Game Critical Winter Range Restoration Project at Coyote Ridge and Bobcat Ridge Natural Areas.

The purpose of this item is to adopt a resolution supporting the RESTORE Big Game Critical Winter Range Habitat project and the City and Larimer County's related intergovernmental agreement. The Larimer County Department of Natural Resources was recently awarded \$328,900 by the National Fish and Wildlife Foundation RESTORE Program. Larimer County is the prime recipient, together with subrecipients Colorado Parks & Wildlife (CPW), City of Fort Collins Natural Areas Department (FCNAD), Boulder County Parks & Open Space, and Jefferson County Open Space.

Funds from the award will be used to control and eradicate invasive annual grasses across 4,385 acres of Northern Colorado foothills open spaces to improve critical winter habitat for elk and mule deer. As a partnering agency, FCNAD will receive \$58,500 to treat 780 acres across Coyote Ridge and Bobcat Ridge Natural Areas. To share the funding, Larimer County has requested that the City of Fort Collins enter into an Intergovernmental Agreement (IGA), a draft of which is attached to the Resolution as Exhibit "A".

This item was pulled from the Consent Calendar to allow for discussion.

There was no public comment.

Councilmember Kelly Ohlson asked the following questions:

- Asked about when we are aerial spraying pesticides, expressing concern he didn't see a lot of information about impact on other species, and noted more in depth follow up after the meeting would be appreciated.

- Also asked whether the item included a recommendation from the Land Conservation and Stewardship Board.

Katie Donahue, Natural Areas Director, was available online but had technical difficulties. Follow up will be provided in writing.

Mayor Pro Tem Francis moved, seconded by Councilmember Peel, to adopt the resolution. The motion carried 7-0.

P) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

15. Resolution 2022-094 Adopting an Interim Greenhouse Gas Reduction Goal.

The purpose of this item is to consider adoption of a Resolution setting an interim target for community greenhouse gas (GHG) reductions between now and the 2030 goal of 80% below 2005 levels. The specific date and reduction target in the Resolution may be determined by City Council during discussion.

In support of Council's discussion regarding the establishment of an additional interim goal between now and 2030, staff have projected the community GHG inventory for 2026. The expected range, based on currently planned projects and known variability factors is between 28% and 48% below 2005 baseline. If a Resolution is adopted, staff recommends choosing 2026 as the target year for an interim goal because it falls halfway between the current year and 2030, allowing for two full City budget cycles before and after the interim goal year.

City Manager Kelly DiMartino introduced this item, and turned the presentation over to Utilities Executive Director Kendall Minor.

Director Minor provided an overview of the topic. Honore Depew, Climate Program Manager, presented as set forth in the slide deck in the agenda packet. Also available for questions as part of the presentation was John Phelan, Energy Services Manager and Policy Advisor.

Public comment:

Kevin Cross spoke on behalf of the Fort Collins Sustainability Group. He thanked Council for requesting this item come forward, and thanked staff for their work on this. He expressed support for establishing an interim goal for 2026 rather than 2025, and a goal of at least a 56% reduction in gases by that time.

Scott Denny, professor of atmospheric science at Colorado State University, spoke in support of this action and its importance. He highlighted what he identified as fairly new climate science that is coming out regarding how the total amount of historic greenhouse gas emissions over time impacts the future climate.

Rich Stave, Fort Collins resident, shared his lack of agreement with most of the conclusions presented tonight, with the belief they constitute hypotheses not fact. He expressed concern about awareness of a balanced approach and asked if it is realistic to set goals based on the last two years when there was not the same type of normal activity due to COVID.

There being no further comments from the public, Councilmembers began their discussion.

Councilmember Kelly Ohlson stated support for an ambitious goal in the neighborhood of 56% for 2026.

Mayor Arndt asked staff regarding the suggestion for a linear goal. She noted she has not seen a linear chart that reflects linear progress towards these goals, and the variability in the clean transition. The potential loss of hydro power from Lake Mead could impact this as well. John Phelan responded, providing information about the variability of progress for individual adoption of things like electric vehicles somewhat steadily over time, versus a lumpier path for utility related shifts that occur typically in chunks at a time.

Mayor Pro Tem Francis asked about the staff recommendation of 20-48%, and what the impact would be to budget and personnel work plans if a 56% goal were adopted. Manager Phelan provided information about the budgetary options that will be presented at the October 11 work session. Mayor Pro Tem expressed her support for interim goals while stating her support for postponing this action until additional data can be provided at the work session to enable a more data driven decision that can be truly impactful.

Councilmember Canonico stated support for setting interim goals following the October work session.

Councilmember Gutowsky requested clarification on the negative impact of setting a goal before October 11, indicating she views this as a necessary statement of commitment. Manager Depew noted the impacts on what staff would be bringing forward would include weaving that into the pathways to meeting those goals, and that it is a Council decision on the timing. Manager Phelan clarified staff is not at this time prepared to identify the impact on staffing and budget of setting any specific interim goal.

Mayor Arndt noted the question could be asked in reverse about the impacts of delaying the adoption of an interim goal, while the Council has made a clear statement of the priority of this topic. The Mayor expressed a preference for delaying the setting of a goal until the activities to obtain a specific goal are more fully scoped. Director Minor expressed staff's support for setting interim goals while acknowledging the advantages of being able to present a roadmap with activities tied to targets in October.

In response to questions from Councilmember Ohlson, City Manager DiMartino noted the 2030 goal has already impacted budget recommendations that are being developed. Further interim goals can have additional impact on the timing of additional investments.

Mayor Pro Tem Francis noted in her initial service on Council, there had been midyear appropriations that focused on Council priorities, and that a similar process could be used to allocate more dollars at that point towards this goal.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to postpone this item to October 18.

Councilmember Pignataro stated her support for this topic, and her excitement to be able to take action on this in October.

Mayor Pro Tem Francis also stated her clear support for taking action on interim goals on the October timeline.

Mayor Arndt thanked those who have been helping to push this forward and expressed her support for taking action in October.

Councilmember Gutowsky expressed thanks for the clarification provided tonight.

Councilmember Peel noted she will be cautious on actions around climate action due to concerns about the tradeoffs.

City Manager DiMartino noted the timing of bringing an item the week immediately following the work session presented challenges.

Mayor Arndt offered an amendment to change the date in this item to October 25. The amendment was adopted by unanimous consent.

The motion as amended to postpone consideration of the resolution until October 25, 2022, was adopted 6-1.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmember Gutowsky, Councilmember Pignataro, Councilmember Canonico, Councilmember Peel.

Nays: Councilmember Ohlson.

Following this item, Mayor Pro Tem Francis offered appreciation to Jackie Kozak-Thiel, Sustainability Officer, as this is her final meeting before transitioning to a new role.

The meeting was recessed at 7:44 p.m. to allow for set up for the next item.

The meeting resumed at 8:01 p.m.

16. Sanctuary on the Green Project Development Plan Appeal.

The purpose of this quasi-judicial item is to consider an appeal of the Administrative Hearing Officer's Decision on May 2, 2022, approving the Sanctuary on the Green Project Development Plan (#PDP210018) located near the northwest corner of N. Taft Hill Road and Laporte Avenue. A Notice of Appeal was filed on May 31, 2022, alleging that the Administrative Hearing Officer considered evidence relevant to their findings which was substantially false or grossly misleading including misrepresentations and mischaracterizations of several items from the Applicant and City staff. The Notice of Appeal further alleges that the Administrative Hearing Officer was biased against the appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with the Decision Maker's independence because the application was allowed to go through a Type 1 hearing. The appellant also believes the public hearing structure, which does not allow rebuttal from the public to final statements made by the Applicant or staff, is unfair.

Lastly, the Notice of Appeal alleges the Administrative Hearing Officer failed to properly interpret and apply relevant provisions of six sections of the Land Use Code including Section 1.2.2 (Purpose), Section 3.5.1 (Building and Project Compatibility), Section 4.5.D.1 (Low Density Mixed-Use Neighborhood District Density Standard), Section 3.4.7 (Historic and Cultural Resources), Section 3.5.2(D)(1) (Orientation to a Connecting Walkway) and 4.5 (D)(2)(a) (Mix of Housing).

Mayor Arndt introduced the item.

City Attorney Carrie Daggett introduced Assistant City Attorney Aaron Guin, seated at the staff table with Planning staff, who has been working on this item, and then provided a brief overview of the appeal process.

STAFF EXPLANATION AND PRESENTATION

City Manager Kelly DiMartino introduced Paul Sizemore, Community Development & Neighborhood Services Director, to provide the staff presentation on the item. Director Sizemore presented as set forth in the slide deck in the agenda materials. Also present to assist with the staff presentation and questions was Jenny Axmacher, Senior City Planner.

CONFLICTS

No Councilmembers disclosed any conflict of interest issues or other reasons for recusal.

SITE VISIT OBSERVATIONS

Mayor Arndt noted an organized site visit was conducted on Monday, August 15, 2022, and invited Councilmembers who participated in that site inspection or who otherwise individually visited the site to view it to share relevant observations.

Councilmember Gutowsky shared her objective in attending the site visit was to get a sense of the physical space.

Councilmember Ohlson also shared about his experience at the site visit to gain a sense of the physical space.

Councilmember Peel noted she missed the formal site visit, but did go to the site today to get a sense of the site.

Mayor Arndt shared she lives very nearby, attended high school at the school across the street, and is familiar with the property.

PARTIES PRESENT

Mayor Arndt asked the appellant and the property owner as well as any parties in interest to identify themselves.

Laura Larson, resident of a property immediately abutting the subject property, identified herself as the designated spokesperson for the Sanctuary Field Neighborhood Network who would be speaking for the appellant.

Carolynne White introduced herself as the attorney representing the property owner and project applicant as their land use counsel and indicated she would be speaking for the property owner in opposition to the appeal.

TIME ALLOCATIONS

Mayor Arndt announced the allocation of time for all parties to include:

- A total of 30 minutes for the Appellant for its presentation.
- A total of 30 minutes for the property owner in its presentation.
- A total of 15 minutes rebuttal for the Appellant.
- A total of 15 minutes for rebuttal by the property owner.

PROCEDURAL ISSUES

In response to the request of the Mayor to identify procedural issues, attorney for the applicant, Carolynne White, came forward. She requested expansion of the time allotted to 45 minutes given the breadth of issues at hand. She also noted the letter submitted by the applicant has been

considered by the City Attorney's Office to include new evidence in part. It is the applicant's contention the information contained in the letter was previously presented as part of the original hearing, although there is a portion in the letter that refers to a staff report from June that contains identical information to a report from January that had been referenced by the applicant at the May hearing.

Comments from Council regarding these procedural issues included consensus for the 30 minute time limits and to accept the letter while striking the provisions that were identified as potentially constituting new evidence. Mayor Arndt ruled to maintain the time limits as they were set forth, and to accept the letter minus the provisions in question.

On behalf of the appellants, Laura Larson objected to the submission of the letter by the applicants on the basis they were not afforded the same opportunity to provide additional materials under information it was asserted was provided to them by the City Clerk's Office. Following discussion by Council and reconsideration, Mayor Arndt ruled the letter would not be accepted.

APPELLANT PRESENTATION

The appellant was invited to make their presentation, with a time limit of 30 minutes. On behalf of the group appealing the matter, Laura Larson presented as set forth in the slide deck submitted into the public record outlining the basis of the appeal.

PROPERTY OWNER PRESENTATION

At the onset of the presentation, Attorney Carolynne White registered for the record objections regarding the letter being stricken as well as the inclusion of new evidence in the presentation provided by the appellants, including new graphics.

Attorney White then presented as set forth in the slide deck entered into the public record in opposition to the appeal.

APPELLANT REBUTTAL

Laura Larson provided the rebuttal. Areas addressed included:

- Disagreement with proposed density step downs and which properties are being chosen to be included for comparisons, such as Ramblewood Apartments as a comparable property while ignoring nearby farms.
- Asserted misrepresentations were included in the applicant's presentations.
- Reiterated concern with the lack of consideration for public input and engagement in the creation of subarea plans that are not being respected by this project.
- Disagreed with depiction of the hearing officer agreeing the project meets small area plans, as in his final statements he said it was unclear to him whether the project conforms to the plans.

PROPERTY OWNER REBUTTAL

Carolynne White provided the rebuttal on behalf of the property owner.

- Shared the developer has continued coming back to the table for 15 years, and has greatly reduced the overall density of the project. It cannot be a requirement to continue iterating the project until it meets the approval of the adjacent neighbors.
- Indicated this project does meet the parameters of the Northwest Subarea Plan, and does not disregard it.

QUESTIONS FROM COUNCIL

Councilmember Ohlson asked what determines the type of hearing that is held on an item. Director Sizemore clarified this is based on the requirements in the Land Use Code, driven by the types of properties proposed to be constructed. He also asked about whether it is accurate the public is not allowed a rebuttal in front of the hearing officer. Planner Axmacher confirmed that is accurate under the provisions of the Land Use Code.

Wes LaMarque with Utilities provided details about plans for a regional stormwater management facility in answer to a question from Councilmember Ohlson regarding stormwater management. He also provided information on how this facility is funded through permit fees across the city.

In response to a request for more detail about lighting code requirements, Planner Axmacher clarified there is a condition in the approval requiring compliance with these standards.

Asked why there is not a requirement to preserve existing large cottonwood trees. City Forester Kendra Boot responded with details regarding why some of the existing large trees cannot be preserved, including the proposed grading of the site. Forester Boot indicated the applicant was required to obtain an assessment of some of the trees, which resulted in findings of limited structural integrity.

Councilmember Julie Pignataro asked if doing comparables is like finding comps for a home when selling. Planner Axmacher responded it is more of an art than a science in terms of what is included, although there is some guidance provided in the Code.

Councilmember Peel asked whether minutes of neighborhood meetings were included in the packet. Planner Axmacher noted that was included as attachment 27 to the staff report.

Councilmember Canonico requested more insight into how the Land Use Code and plans for the area work together. Director Sizemore provided information about how a comprehensive planning effort is undertaken in an area. In the Northwest Subarea Plan, there is identification of the types of zone districts that would align with what the neighborhood would like to see. The planning documents provide a vision for the area, but the Land Use Code provides the regulatory framework.

Councilmember Gutowsky asked for more information about concerns with stormwater management in the area, particularly given it is identified as being in a floodplain. Planner Axmacher noted the floodplain issue must be addressed for the applicant to move forward. Ted Bender with City Stormwater also responded with information about how the applicant has hired an engineering firm to review these elements, and is providing these findings to the City for review as well. It has been made clear to the applicant they must meet the standards of the City in this realm. One stipulation of any approval would be that there are no increases in the floodplain elevations.

Councilmember Gutowsky asked the appellant how many of the homes in the area have basements. Laura Larson indicated no homes in the area have basements due to water table levels.

Asked who made the determination about whether the homes qualified as historic, Director Sizemore indicated Historic Preservation made those determinations. Historic Preservation Manager Maren Bzdek provided an overview of the preliminary review of the historic resources performed.

Mayor Arndt asked for clarification on the next steps for the applicant if the appeal were to fail. Planner Axmacher indicated if this moves forward, the next step is the final development plan (FDP) which would include additional reviews of several aspects. The FDP must be approved before any building permits can be applied for and granted.

Councilmember Gutowsky stated her belief this project is not compatible with the surrounding area. She also asked about traffic and where the egresses are located for this development. Planner Axmacher noted there is a new connection proposed on Taft Hill Road near the northeast corner of the development as well as one in the southwest corner of the site onto Laporte.

Councilmember Pignataro asked about any plans to update the Northwest Subarea Plan, noting it was completed in 2006. Planner Axmacher noted it is one of the City's older plans and there is a current budget offer in proposing to update the plan.

The hearing was closed at 10:30 p.m.

COUNCIL DISCUSSION

Councilmember Pignataro thanked everyone for coming out and for all the work that has gone into this process. She indicated she tends to avoid site visits but is very familiar with the area. She stated her biggest questions are around the comparables, while noting there is not cohesiveness in this area. She stated she did not see any issues with the actions of the hearing officer.

Councilmember Peel noted she understands when country meets city, and the desire to preserve a country atmosphere. She stated the decision at hand, however, is whether the process was followed appropriately and not opinions on the project. She stated her belief the hearing officer followed the intent of the subarea plan.

Councilmember Canonico shared her empathy with the homeowners in this area with concerns for the development around them, but that she has concluded the hearing was conducted in a fair manner.

Councilmember Ohlson stated he does believe it was a fair hearing. He indicated he was involved in the Northwest Subarea Plan, which clearly indicated a desire to keep things in the area as they are as much as possible. He shared his desire to stop doing these subarea plans because they are often not respected. He expressed appreciation to the applicant for respecting the buffers. He also indicated he does not see the Ramblewood Apartments as a reasonable comparable and noted disappointment in the trees that will be lost. He offered a suggestion for utilizing some of these trees that must be taken down somewhere else in the development. He expressed his belief the scale and mass is out of whack.

Mayor Arndt indicated she thought the hearing officer considered relevant evidence and conducted a fair hearing. She also stated the Land Use Code takes precedence and therefore she will not find in support the appeal.

Mayor Pro Tem Francis stated her finding the Land Use Code is the regulatory framework that must be followed in evaluating the project.

Councilmember Gutowsky stated she did not feel it was a fair hearing given the hearing officer's inexperience in knowledge of this area. She stated a desire to see more resources available for the appellants in appeals to provide assistance in the process. She stated her support for the appeal.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, that the Council find that the Hearing Officer conducted a fair hearing in their consideration of the Project Development Plan for Sanctuary on the Green (PDP210018) and that the Hearing Officer:

- **Did not consider evidence relevant to their decision that was substantially false or grossly misleading; and**
- **Was not biased against the Appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with the Hearing Officer's independence of judgment.**

The motion carried 6-1.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmember Pignataro, Councilmember Canonico, Councilmember Peel, Councilmember Ohlson.

Nays: Councilmember Gutowsky.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, that the Council find that the Hearing Officer properly interpreted and applied relevant provisions of the Land Use Code in their consideration of the Project Development Plan for Sanctuary on the Green (PDP210018) and properly found that the following criteria set forth therein were met because the PDP and requested modifications of standards:

- a) The PDP and requested modifications of standards satisfies the intent and purpose of Section 1.2.2 (A), (E), (I), (M), and (N) and the recommendations made by the Northwest Subarea Plan.**
- b) The PDP is compatible with historic resources located within the Area of Adjacency.**
- c) This PDP meets the standards for building and project compatibility in accordance with Section 3.5.1.**
- d) This PDP satisfies the maximum density standards for new development in the Low Density Mixed-Use Neighborhood District and the Northwest Subarea Plan.**
- e) The Applicant met applicable criteria for the approval of a modification of standard for mix of housing under Section 4.5(D)(2)(a)(3).**
- f) The Applicant met applicable criteria for the approval of a modification of standard for orientation to a connecting walkway under Section 3.5.2(D)(1).**

and further moved that the Council deny the appeal in its entirety.

The motion carried 5-2.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmember Pignataro, Councilmember Canonico, Councilmember Peel.

Nays: Councilmember Gutowsky, Councilmember Ohlson.

Q) OTHER BUSINESS

- A. 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.)

Councilmember Pignataro brought up the topic of bus advertising and a desire for a policy discussion on this program. She requested that this be added to the work session for September 6. There was consensus to make this scheduling addition.

R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 10:52 p.m.

Mayor

ATTEST:

City Clerk

DRAFT

September 6, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Keith Hanson, Real Estate Manager
Ingrid Decker, Senior Assistant City Attorney

SUBJECT

Second Reading of Ordinance No. 090, 2022, Authorizing the Conveyance of an Emergency Access Easement to Poudre Fire Authority on City-owned Real Property Located at 430 N. College Avenue.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 16, 2022, authorizes the conveyance of an Emergency Access Easement (EAE) to Poudre Fire Authority (PFA) on City-owned real property located at 430 N. College Avenue. The City leases this property, which is the location of the Powerhouse Energy Campus, to the Colorado State University Research Foundation (CSURF). CSURF has submitted plans to the City to make improvements to the property to support a hydrogen fueling station and turbine generator. As a condition of approval, the City, as property owner, is required to convey an EAE to PFA to support fire truck and emergency equipment access, which is a common requirement for new development and improvements on certain properties. Conveyance of the EAE is the final action needed for the City's Planning, Development, and Transportation Department to approve the project and issue construction permits as CSURF has met all other lease and development review requirements.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

CSURF has leased the property from the City since 1994 for its Engines and Energy Conversion Laboratory, and for instructional and research purposes focused on developing innovative and alternative energy solutions. The current lease, executed in 2012, is for a term of 40 years with a 20-year option. Since the 2012 lease was executed, CSURF has improved the property with the construction of a new facility, which will revert to City ownership upon the expiration of the lease. CSURF is responsible for all operations, maintenance, and repair at the property throughout the term of the lease in exchange for rent of \$25 per year.

CSURF has submitted construction plans to the City for improvements to support a hydrogen fueling station and turbine generator at the property. As part of the City's development review process, PFA is one of the agencies that must review the plans for regulatory compliance. Fire truck access is required to be within 150 feet of all exterior portions of the structures. Since the location of the new structures is more than 150 feet from any current access point, an EAE for a fire lane will be necessary. Any fire lane greater than 150 feet requires a turn-around area (hammerhead).

An existing driveway on the property was selected for the emergency access path. The driveway meets

PFA's requirements for a minimum of 20 feet of unobstructed width; a flat, hard, all-weather driving surface capable of supporting 40 tons; and an approved fire truck hammerhead. CSURF provided a geotechnical report demonstrating the ability of the driveway to support 40 tons, as well as a fire truck turning analysis for a hammerhead at the end of the driveway.

CITY FINANCIAL IMPACTS

There is no cost to the City associated with the EAE or construction improvements.

ATTACHMENTS

1. Ordinance for Consideration
2. Exhibit A

ORDINANCE NO. 090, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF AN EMERGENCY ACCESS EASEMENT TO
POUDRE FIRE AUTHORITY ON CITY-OWNED PROPERTY AT
430 NORTH COLLEGE AVENUE

WHEREAS, the City is the owner of real property located at 430 North College Avenue, which is the site of the Old Power Plant (the “Property”); and

WHEREAS, the Property is owned by the City’s electric utility but is no longer needed, except incidentally, for utility purposes; and

WHEREAS, since February 2012 the City has leased the Property to the Colorado State University Research Foundation (“CSURF”) for use as the Colorado State University (“CSU”) Engines and Energy Conversion Laboratory (the “Engines Lab”), also known as the Powerhouse Energy Campus, pursuant to Ordinance No. 183, 2011; and

WHEREAS, prior to 2012, CSU had leased a portion of the Property for the Engines Lab since 1994; and

WHEREAS, CSURF has submitted plans to the City to make improvements to the Property to support a hydrogen fueling station and turbine generator; and

WHEREAS, as a condition of approval of CSURF’s plans, the City, as property owner, must convey an emergency access easement to Poudre Fire Authority (PFA) to provide access for fire trucks and other emergency equipment (the “Easement”); and

WHEREAS, the location of the proposed Easement, which is over an existing driveway, is shown and described on Exhibit “A”, attached and incorporated herein by reference; and

WHEREAS, Section 23-111 of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interest in real property owned by the City, provided that the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City and, with respect to property which is part of the City’s utility systems, that the disposition will not materially impair the viability of the particular utility system as a whole and will be for the benefit of the citizens of the City; and

WHEREAS, as consideration for the City’s conveyance of the Easement CSURF has agreed to pay the City an administrative fee of \$500 and assume responsibility for maintaining the surface of the Easement; and

WHEREAS, City staff is recommending that the City not charge CSURF or PFA full fair market value for the Easement as the conveyance serves a bona fide public purpose under Section 23-114 of the City Code because:

- (1) The use of the Easement for emergency access by PFA, and CSURF's continued use of the Property for research and development of alternate energy solutions, promotes health, safety or general welfare and benefits a significant segment of the citizens of Fort Collins;
- (2) The use to which the Property will be put supports one or more of the City Council's goals, adopted policies, projects or plans by continuing the support the City Council has previously shown for the Engines Lab through the minimal rent (\$25 per year) the City charges CSURF under the 2012 lease;
- (3) The financial support provided by the City through the below-market conveyance of the Easement will be leveraged with other funding or assistance from CSURF;
- (4) Conveyance of the Easement will not result in any direct financial benefit to any private person or entity, except to the extent such benefit is only an incidental consequence and is not substantial relative to the public purpose being served; and
- (5) Conveying the Easement for less than fair market value will not interfere with current City projects or work programs, hinder workload schedules or divert resources needed for primary City functions or responsibilities.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby finds that the City's conveyance of the Easement to PFA as described herein is in the best interests of the City, will not impair the viability of the electric utility system as a whole, and will be for the benefit of the citizens of the City.

Section 3. That the City Council hereby authorizes the Mayor to execute such documents as are necessary to convey the Easement to PFA on terms and conditions consistent with this Ordinance, together with such terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City, including, but not limited to, any necessary changes to the legal description of the Easement, as long as such changes do not materially increase the size or change the character of the interest to be conveyed.

Introduced, considered favorably on first reading and ordered published this 16th day of August, A.D. 2022, and to be presented for final passage on the 6th day of September, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 6th day of September, A.D. 2022.

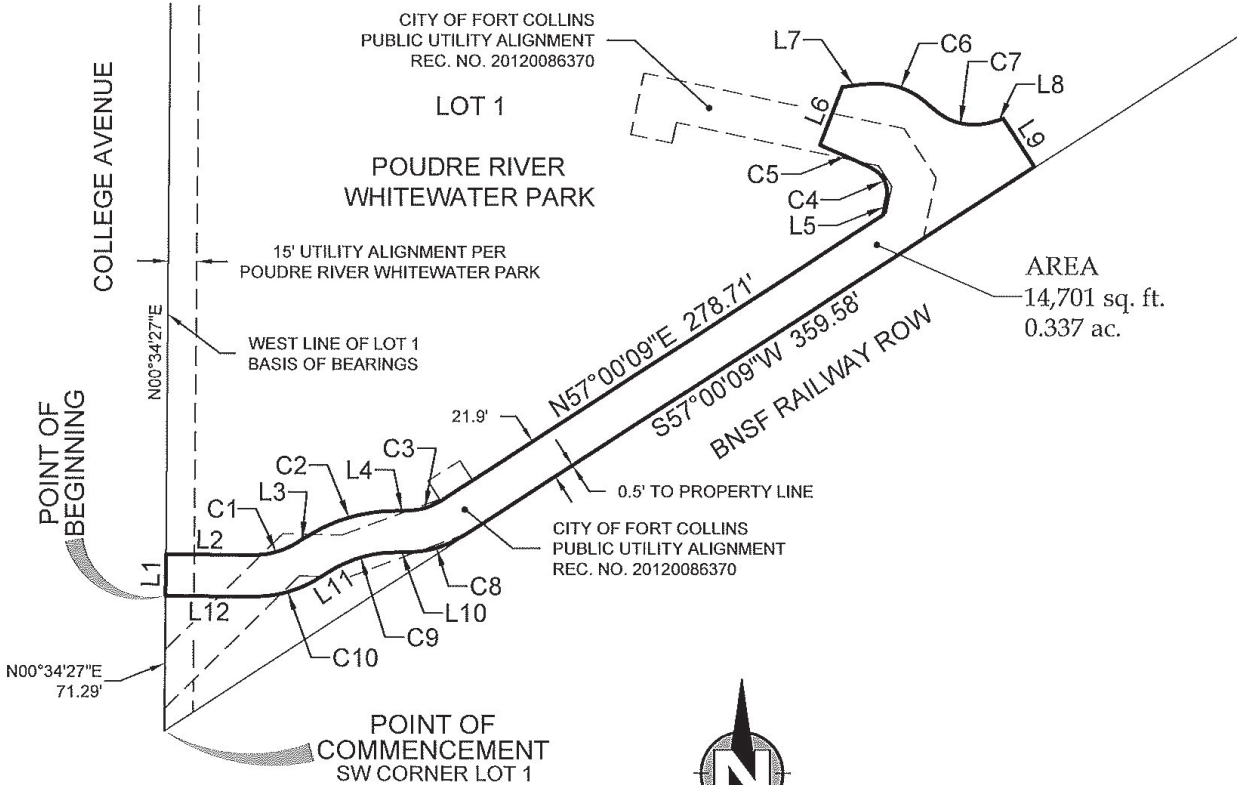
Mayor

ATTEST:

City Clerk

EXHIBIT

A PARCEL OF LAND BEING A PORTION OF LOT 1, POUDRE RIVER WHITEWATER PARK, LOCATED IN THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6th P.M., CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

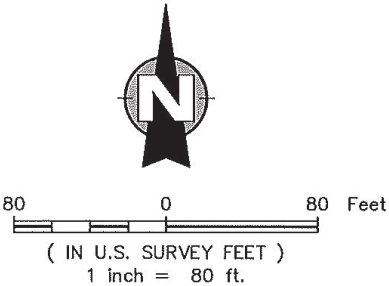


CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	25.06'	43.00'	33°23'44"	N73°52'45"E	24.71'
C2	49.83'	87.00'	32°49'06"	N73°35'27"E	49.15'
C3	17.28'	30.00'	32°59'51"	N73°30'05"E	17.04'
C4	18.73'	14.13'	75°55'04"	N25°57'23"W	17.39'
C5	30.08'	371.89'	4°38'06"	N66°13'41"W	30.08'
C6	38.35'	40.36'	54°26'18"	S71°13'05"E	36.92'
C7	36.26'	31.49'	65°57'57"	S76°58'55"E	34.29'
C8	29.95'	52.00'	32°59'51"	S73°30'05"W	29.54'
C9	37.23'	65.00'	32°49'06"	S73°35'27"W	36.72'
C10	37.89'	65.00'	33°23'44"	S73°52'45"W	37.35'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00° 34' 27"E	22.00'
L2	S89° 25' 23"E	46.11'
L3	N57° 10' 54"E	5.35'
L4	N90° 00' 00"E	6.73'
L5	N12° 00' 09"E	9.30'
L6	N21° 27' 16"E	33.04'

LINE TABLE		
LINE	BEARING	LENGTH
L7	N82° 38' 08"E	11.60'
L8	N72° 17' 43"E	4.82'
L9	S32° 59' 51"E	30.23'
L10	N90° 00' 00"W	6.73'
L11	S57° 10' 54"W	5.35'
L12	N89° 25' 23"W	46.11'

NOTE: THIS EXHIBIT IS NOT INTENDED TO BE A MONUMENTED LAND SURVEY. ITS SOLE PURPOSE IS AS A GRAPHIC REPRESENTATION TO AID IN THE VISUALIZATION OF THE WRITTEN PROPERTY DESCRIPTION WHICH IT ACCOMPANIES. THE WRITTEN PROPERTY DESCRIPTION SUPERCEDES THE EXHIBIT DRAWING.



September 6, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Keith Hanson, Real Estate Manager
Mike Calhoon, Director of Parks
Ryan Malarky, Legal

SUBJECT

Second Reading of Ordinance No. 091, 2022, Authorizing the Execution of a First Amendment to Lease with New Cingular Wireless PCS, LLC of City-Owned Property at City Park Ballfields.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 16, 2022, authorizes the City Manager to execute an amendment extending the existing New Cingular cell site lease at the ball fields at City Park. The amendment would extend the end of the current lease terms from March 8, 2023, to October 20, 2023, and allow an additional 5-year term from October 21, 2023, to October 20, 2028. New Cingular has leased the site from the City since 2005. Annual rent received by the City will increase from \$20,736 to \$24,000 for the first year of the 5-year term with 3% increases every year afterwards.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

New Cingular has leased its cell site at the ball fields at City Park since 2005, when the original *COLORADO OPTION AND STRUCTURE LEASE AGREEMENT* was executed. New Cingular's cell equipment is situated atop a City-owned light pole that serves the ball fields. Staff has negotiated an amendment to extend the lease for another 5-year term, and annual rent will increase from \$20,736 to \$24,000 for the first year of the 5-year term with yearly 3% increases for the remaining term. The rent is within the range of fair market cell site lease rates for similar locations and set-ups without a dedicated cellular equipment tower. New Cingular will continue to be responsible for all costs associated with the cell site equipment, including maintenance and utilities. There is no cost to the City.

CITY FINANCIAL IMPACTS

The City would receive \$127,419 in rent over the full 5-year term and not incur any expense.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 091, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO LEASE WITH NEW
CINGULAR WIRELESS PCS, LLC OF CITY-OWNED PROPERTY AT
CITY PARK BALLFIELDS

WHEREAS, the City is the owner of that certain parcel of real property known as the City Park Ballfields (the “Ballfields”) located at 1715 W. Mountain Avenue, Fort Collins, CO 80521; and

WHEREAS, on September 20, 2005, the City Council adopted Ordinance No. 098, 2005, authorizing the City to enter into a Colorado Option and Structure Lease Agreement with New Cingular Wireless PCS, LLC (“New Cingular”) regarding the leased premises located at the Ballfields for the use of a pole for the installation of its personal communications service antenna and related equipment (the “Lease Space”); and

WHEREAS, the City and New Cingular entered into the Colorado Option and Structure Lease Agreement dated October 3, 2005 (the “Lease”) for a six-month option period within which Cingular could choose to move forward with the Lease, then an initial lease term of five years plus two five-year options to renew, and a final renewal period to expire no later than March 8, 2023; and

WHEREAS, New Cingular has requested that the City extend the current Lease term to end on October 20, 2023, instead of March 8, 2023, and grant an extension of the Lease for one additional five-year term starting on October 21, 2023; and

WHEREAS, staff has negotiated with New Cingular proposed terms for an extension and has prepared a First Amendment to Site Lease (“First Amendment”) to extend the Lease, together with all necessary easements for access and utilities set forth in the Lease, by five years; and

WHEREAS, a copy of the proposed First Amendment is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, the First Amendment provides that New Cingular shall pay lease payments at a rate of \$24,000 per year for the initial year, said rate to be increased annually by three percent; and

WHEREAS, the financial benefits to the City of permitting New Cingular’s continued use are substantial, and the impacts to the City of the same are minimal; and

WHEREAS, under Section 23-113 of the City Code, the Council is authorized to lease any and all interests in real property owned in the name of the City, provided that Council first finds that the lease is in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby determines that the extension of the term of the Lease along with all necessary easements for access and utilities as set forth in the Lease for the period from March 8, 2023, to October 20, 2023, followed by one additional term of five years, is in the best interests of the City.

Section 3. That the City Council hereby authorizes the City Manager to enter into the First Amendment to Colorado Option and Structure Lease Agreement with New Cingular Wireless PCS, LLC, for the continued use of the Lease Space, consistent with the terms hereof, along with such other provisions as the City Manager, in consultation with the City Attorney, deems necessary or appropriate to protect the interests of the City.

Introduced, considered favorably on first reading and ordered published this 16th day of August, A.D. 2022, and to be presented for final passage on the 6th day of September, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 6th day of September, A.D. 2022.

Mayor

ATTEST:

City Clerk

**FIRST AMENDMENT
TO COLORADO OPTION AND STRUCTURE LEASE AGREEMENT**

This First Amendment to Colorado Option and Structure Lease Agreement (the "**First Amendment**") is effective as of _____ (the "**Effective Date**") by and between the City of Fort Collins, Colorado, a Colorado municipal corporation ("**Landlord**") and New Cingular Wireless PCS, LLC, a Delaware limited liability company ("**Tenant**") (each a "**Party**", or collectively, the "**Parties**").

A. Landlord and Tenant (or their predecessors-in-interest) entered into that certain Colorado Option and Structure Lease Agreement dated October 3, 2005 and effective October 12, 2005 (the "**Lease**") regarding the leased premises ("**Premises**") located at 1715 W. Mountain Avenue, Fort Collins, CO 80521 (the "**Property**").

For good and valuable consideration, Landlord and Tenant agree as follows:

1. The term of the Agreement shall be amended to provide that the current term, which commenced on March 08, 2018, shall expire on October 20, 2023 ("**Current Term**"), and commencing on October 21, 2023, will be automatically renewed, upon the same terms and conditions of the Agreement, for one (1) additional five (5) year term (the "**Renewal Term**"). Hereafter, "**Term**" shall include the Current Term and the Renewal Term. Lessor agrees and acknowledges that, except as such permitted use or other rights may be amended herein, Lessee may continue to use and exercise its rights under the Agreement as permitted prior to the Renewal Term.
2. Commencing October 21, 2023, Tenant shall pay Landlord annual rent in the amount of Twenty-Four Thousand and No/100 dollars (\$24,000.00) per year (the "**Rent**"). Where duplicate Rent would occur, a credit shall be taken by Tenant for any prepayment of Rent by Tenant.

Rent shall be adjusted annually on each anniversary of the Renewal Term commencement date by an amount equal to three percent (3%) over the Rent for the immediately preceding year. This new Rent and Rent adjustment shall supersede and replace any prior rent and rent adjustments.

If Tenant remains in possession of the Premises at the expiration or termination of this Lease without a new written agreement, such tenancy shall be deemed a month-to-month tenancy. Rent for the holdover period shall be 150% of the last current annual rent, plus the three percent annual (3%) escalator as applicable, prorated and paid monthly on the first day of each month.

3. All notices, requests, and demands shall be in writing and shall be deemed to have been delivered upon receipt or refusal to accept delivery, and are effective only when deposited into the U.S. certified mail, return receipt requested, or when sent via a nationally recognized courier to the addresses set forth below. Landlord or Tenant may

from time to time designate any other address for this purpose by providing written notice to the other Party.

If to Tenant:

New Cingular Wireless PCS, LLC
Attn: TAG – LA
Re: Cell Site #: COL030360
Cell Site Name: Sheldon Lake (TX)
Fixed Asset #: 10099199
1025 Lenox Park Blvd. NE
3rd Floor
Atlanta, GA 30319

With a copy to:

New Cingular Wireless PCS, LLC
Attn: Legal Department
New Cingular Wireless PCS, LLC
Re: Cell Site #: COL030360
Cell Site Name: Sheldon Lake (TX)
Fixed Asset #: 10099199
208 S. Akard Street
Dallas, TX, 75202-4206

If to Landlord:

City of Fort Collins, Colorado
300 Laporte Avenue, Building B
Fort Collins, CO 80521
Attn: Real Estate Service Manager

4. Tenant will ensure that Landlord has current contact information for Tenant's employees, representatives and/or contractors that are in charge of access, maintenance, and repairs on the Premises.
5. Tenant and Landlord will reasonably cooperate with each other's requests to approve permit applications and other documents related to the Property without additional payment or consideration.
6. Except as expressly set forth in this First Amendment, the Lease otherwise is unmodified. To the extent any provision contained in this First Amendment conflicts with the terms of the Lease, the terms and provisions of this First Amendment shall control. Each reference in the Lease to itself shall be deemed also to refer to this First Amendment.
7. This First Amendment may be executed in duplicate counterparts, each of which will be deemed an original. Signed electronic, scanned, or facsimile copies of this First Amendment will legally bind the Parties to the same extent as originals.
8. Each of the Parties represents and warrants that it has the right, power, legal capacity and authority to enter into and perform its respective obligations under this First Amendment. Landlord represents and warrants to Tenant that the consent or approval of a third party has either been obtained or is not required with respect to the execution of this First Amendment.
9. This First Amendment will be binding on and inure to the benefit of the Parties herein, their heirs, executors, administrators, successors-in-interest and assigns.

IN WITNESS, the Parties execute this First Amendment as of the Effective Date.

LANDLORD:

**City of Fort Collins, Colorado,
a Colorado municipal corporation**

By: _____

Print Name: Kelly DiMartino

Title: City Manager

Date: _____

TENANT:

**New Cingular Wireless PCS, LLC,
a Delaware limited liability company**

By: AT&T Mobility Corporation

Its: Manager

By: _____

Print Name: Mark Johns

Title: Area Manager

Date: 7/8/2022

DocuSigned by:
Mark Johns
F0CDE175DEBF43B...

ATTEST:

By: _____

Print Name: Anissa Hollingshead

Title: City Clerk

APPROVED AS TO FORM:

By: _____

Print Name: Ingrid Decker

Title: Senior Assistant City Attorney

September 6, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Anissa N. Hollingshead, City Clerk
Carrie M. Daggett, Legal

SUBJECT

Second Reading of Ordinance No. 092, 2022, Dissolving the Parking Advisory Board and Amending the Code of the City of Fort Collins by Repealing Section 2-110 Relating to the Parking Advisory Board.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 16, 2022, dissolves the Parking Advisory Board.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

Over the past several years, the Parking Advisory Board has had difficulty achieving a quorum and generating agenda topics. Following discussions between the Council liaison, staff liaison, and the City Clerk's office, it was agreed that any topics that may come up regarding parking could be absorbed into the existing Transportation Board's scope of work. This topic was addressed in the Work Session on Boards and Commission earlier this year and received general support from Councilmembers.

This Ordinance dissolves the Parking Advisory Board and repeals Section 2-110 of the City Code.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 092, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
DISSOLVING THE PARKING ADVISORY BOARD AND AMENDING THE CODE OF
THE CITY OF FORT COLLINS BY REPEALING SECTION 2-110 RELATING TO THE
PARKING ADVISORY BOARD

WHEREAS, the Parking Advisory Board is a City board established by ordinance for the purpose of advising the City Council and staff regarding the implementation of parking plans, advocate for parking initiatives and programs, and educate the public about parking issues; and

WHEREAS, beginning in November 2021, members of the Parking Advisory Board (the "Board"), as well as staff began a review of the focus and format of its meetings and work plan; and

WHEREAS, staff and the Board concluded that any future topics regarding parking could easily be absorbed by the still existing Transportation Board; and

WHEREAS, staff has requested that the Parking Advisory Board be dissolved.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 2-110 of the Code of the City of Fort Collins is hereby deleted in its entirety and said section number held in reserve for future use.

~~Sec. 2-110. Parking Advisory Board.~~

~~(a) — The City shall have a Parking Advisory Board, hereafter referred to in this Section as the "Board." The Board shall consist of nine (9) members. Five (5) Board members shall be either residents, landowners, employees, business owners or tenants within the downtown area and four (4) members shall represent a broad base of the City at large.~~

~~(b) — The Board shall have the following functions:~~

~~(1) — To make recommendations to the City Council regarding the implementation of the City's parking policies and plans;~~

~~(2) — To provide an avenue for ongoing stakeholder input and involvement in parking decisions that affect the public;~~

~~(3) — To support and advocate for parking initiatives and programs;~~

~~(4) To help educate the public about parking issues; and~~

~~(5) To work with other boards and commissions of the City or other community organizations that have an interest in parking issues.~~

Introduced, considered favorably on first reading and ordered published this 16th day of August, A.D. 2022, and to be presented for final passage on the 6th day of September, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 6th day of September, A.D. 2022.

Mayor

ATTEST:

City Clerk

September 6, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Jason Komes, Senior Environmental Specialist
Judy Schmidt, Legal

SUBJECT

Second Reading of Ordinance No. 093, 2022, Making Supplemental Appropriations in the General Fund for the Environmental Services Air Quality Program from the US Environmental Protection Agency Grant.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 16, 2022, appropriates unanticipated grant revenue in the General Fund for the Environmental Services Air Quality Program. This grant directly supports Council Priority #17, Improved Air Quality, and includes \$108,200 of grant funding provided by the U.S. Environmental Protection Agency (EPA) and associated with the American Rescue Plan Act (ARPA) to support local monitoring of National Ambient Air Quality Standard (NAAQS) pollutants in and near communities with environmental justice concerns who face disproportionate exposure to these pollutants and health risks and are also associated with increased vulnerability to COVID-19.

The Ordinance has been revised to include a reference to the City Manager's authority to approve/sign an intergovernmental agreement with the EPA for the funding.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The City has been awarded a grant from the EPA ("Grant") in the amount of \$108,200 for the purchase of new air quality monitoring equipment (ozone and NO_x analyzers) and related supplies (including calibration equipment, meteorological tower and sensors) (collectively, "New Equipment"). The Grant requires the City to procure the New Equipment in accordance with the terms of the grant and the ARPA, and funds that purchase at 100% (no local matching funds required).

Although not specified by the Grant, the City plans to install the New Equipment in a new criteria pollutant monitoring site ("New Site") to supplement the two existing regulatory ozone monitors already in the City. The New Site will be constructed by the City, utilizing funds already appropriated for the Air Quality Monitoring Program. Construction will include a shelter, data connections and installation of the New Equipment.

Currently, the City does not have an oxides of nitrogen (NO_x) monitor and a downtown ozone monitor is believed to underestimate ozone concentrations due to proximity to roadways and NO_x titration. A 2017 evaluation of the regulatory network conducted by the National Center for Atmospheric Research (NCAR)

recommended regulatory ozone monitoring on the eastern side of town to ensure that population exposure is not underestimated. The location of the New Site has not yet been determined but will likely be on the eastern side of the City. Staff intends to work with the Colorado Department of Public Health and Environment Air Pollution Control Division (the "State") to create an agreement under which the State will operate, maintain, and collect the data produced by the New Site, as they do for other such sites in the City and County. The Grant is an Intergovernmental Agreement that may be approved by the City Manager under City Code Section 1-22. Any future IGA with the State will be approved as required under City Code Section 1-22.

The New Site will provide better regional information, including information for Environmental Justice (EJ) communities, regarding ozone exposure.

CITY FINANCIAL IMPACTS

City resources in the General Fund would increase by \$108,200. No match is required; however, construction of the New Site will be funded by an appropriation made available under the 2022 enhancements to the City's Air Quality monitoring budget (BFO Offer 48.15).

PUBLIC OUTREACH

While no formal outreach has been conducted prior to receipt of these funds, monitored data will be used to support community awareness of air quality issues.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 093, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS IN THE GENERAL FUND FOR THE
ENVIRONMENTAL SERVICES AIR QUALITY PROGRAM FROM THE
US ENVIRONMENTAL PROTECTION AGENCY GRANT

WHEREAS, the City of Fort Collins has been awarded a grant in the amount of \$108,200 (the "Grant") by the U.S. Environmental Protection Agency (EPA) associated with the American Rescue Plan Act to support local monitoring of national air quality standard (NAAQS) pollutants in and near communities with environmental justice concerns who face disproportionate exposure to such pollutants and resulting health risks, as well as increased vulnerability to COVID-19; and

WHEREAS, the City Manager or their designee is authorized under City Code Section 1-22 to execute an agreement between the City and the EPA required in connection with the award of the Grant; and

WHEREAS the Grant will fund the purchase of new air quality monitoring equipment ("Equipment") to be installed in a new criteria pollutant monitoring site ("Site") to supplement the two existing regulatory ozone monitors currently operated by the City's Environmental Services Air Quality Program; and

WHEREAS, while no matching funds are required under the Grant, installation of the Site in which the Equipment will be located will be completed using appropriated funds made available under the 2022 enhancements to the City's Air Quality Monitoring budget (BFO Offer 48.15); and

WHEREAS, the purchase and installation of the Equipment and the Site directly supports Council Priority #17, Improved Air Quality, protects the health, safety and welfare of Fort Collins' residents and is in the best interest the City and its residents; and

WHEREAS, this appropriation benefits public health, safety and welfare of the residents of Fort Collins and serves the public purpose of improving air quality for City residents; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriations, in combination with all previous appropriations for that fiscal year, does not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in that Fund during this fiscal year; and

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but

continue until the earlier of the expiration of the federal, state or private grant or the City's expenditure of all funds received from such grant; and

WHEREAS, the City Council wishes to designate the appropriation herein from the US Environmental Protection Agency Grant for the Environmental Services Air Quality Program as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from new revenue or other funds in the General Fund the sum of ONE HUNDRED EIGHT THOUSAND TWO HUNDRED DOLLARS (\$108,200) for the Environmental Services Indoor Air Quality Program.

Section 3. That the appropriation herein for the US Environmental Protection Agency Grant for the Environmental Services Air Quality Program is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading and ordered published this 16th day of August, A.D. 2022, and to be presented for final passage on the 6th day of September, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 6th day of September, A.D. 2022.

Mayor

ATTEST:

City Clerk

September 6, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Mariel Miller, Water Conservation Manager
Paul Sizemore, Community Development & Neighborhood Services Director
Eric Potyondy, Assistant City Attorney
Marcus Coldiron, Chief Building Official

SUBJECT

Second Reading of Ordinance No. 094, 2022, Adopting a Graywater Ordinance, to Allow Voluntary Graywater System Installations.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 16, 2022, adopts an ordinance to allow graywater systems to be installed in the City. The proposed graywater ordinance would enact a voluntary program for graywater use for toilet flushing in Fort Collins Utilities' water and wastewater service areas, as well as the service areas of consenting water and wastewater districts in the Growth Management Area (GMA). The proposed graywater ordinance would be consistent with State regulatory requirements and local water right limitations.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

Development of a graywater ordinance is a Council Priority for 2021-2023. Staff presented information to the Council at a November 23, 2021, work session, where Council indicated a desire for staff to develop an enabling ordinance, which meets the State's Water Quality Regulation 86 (graywater standards) and is in accordance with local water rights. Staff provided two updates to Council, dated April 11 and June 27, 2022, in the form of a memo in their Thursday Council Packet.

If adopted by Council, the proposed graywater ordinance would enact the following:

- The ability for those who elect to install a graywater system to do so (the proposed ordinance does not require graywater systems).
- An ordinance that meets Colorado's requirements and is not more restrictive than the State Regulation 86's minimum standards.
- Enabling water from bathroom and laundry sinks, clothes washers, baths, and/or showers to be used for toilet flushing only, which aligns with local water right limitations.
- Design criteria and standards to protect public health and the environment and a permitting and inspection process administered by City Building Services.

- Graywater use within Fort Collins Utilities' water and wastewater service areas, with the possibility of graywater use extending into other water and wastewater service providers' service areas within city limits, depending on consent by other service providers within city limits (Boxelder Sanitation District, East Larimer County Water District, Fort Collins-Loveland Water District, South Fort Collins Sanitation District, and West Fort Collins Water District).
- Graywater use in single-family and multi-family residential and commercial developments (both new and redevelopment properties).

Strategic Alignment: Graywater is aligned to a variety of plans and strategic objectives that touch many areas across the organization, community and state. These include, but are not limited to:

- City Strategic Plan (2020)
- Utilities Strategic Plan (2021)
- City Plan (2019)
- Municipal Sustainability and Adaptation Plan (2019)
- Our Climate Future (2021)
- Water Efficiency Plan (2015)
- Water Supply and Demand Management Plan (2012)
- Housing Strategic Plan (2021)
- Colorado Water Plan (2015)

Coordinating with local water and sanitation districts: Staff met with all water and wastewater service providers that serve areas within the Fort Collins growth management area (GMA). As a best practice, staff provided them each with a preliminary discussion draft graywater ordinance ("draft ordinance") and draft memorandum of understanding (MOU), which document the districts' acknowledgement and agreement to graywater system installation in their service areas. The process to execute these agreements is as follows:

- City Manager to sign each agreement, as it is approved and signed by each district.
- In accordance with language in the draft ordinance, as MOUs are signed, a city map will be updated to reflect the current area where graywater is allowed. This gives flexibility to expand the area as we work to get agreements from districts. MOUs can be executed at any time – before or after the ordinance is effective – allowing the boundary to be expanded without an ordinance amendment.

To date, the status of each district is as follows:

- East Larimer County Water District has signed the MOU, agreeing to graywater system installation within their service area.
- Boxelder Sanitation District has expressed willingness to sign an agreement and staff is preparing the final MOU.
- West Fort Collins Water District's Board declined to sign at this time, but would be willing to reconsider if the financial benefits improved in the future.
- Fort Collins Loveland Water and South Fort Collins Sanitation Districts are in the process of sharing documentation with their respective boards.

State Regulation 86: State Regulation 86 is Colorado's graywater control regulation, promulgated by the Colorado Department of Public Health and Environment's Water Quality Control Commission. It includes numerous definitions and requirements for local graywater programs such as the draft ordinance before Council. These include:

- Identifying the type of graywater uses allowed.
- Defining boundaries where graywater use is allowed.
- Systems to track where graywater is used.
- Graywater design criteria guideline document.

- Approval of graywater installations and inspections.
- Enforcement terms.
- Terms regarding operations and maintenance manuals and operators.

Extended effective date: Staff communicated in a memo to Council dated June 27, 2022, the need to propose an effective ordinance date of November 1, 2022, to provide high quality service to future graywater permit applicants. This extended effective date will allow staff to complete the following:

- Development of a design criteria guideline document (State Regulation 86 requirement).
- Development of permit requirements, fees and process (State Regulation 86 requirement).
- Development of inspection fees and process (State Regulation 86 requirement).
- System to maintain current permit holder/graywater owner and maintenance information (State Regulation 86 requirement).
- Staff training on graywater permit review and inspections.
- Public education, communications, etc. on graywater systems and the requirements.

Next steps, following adoption of the Ordinance:

- Short term:
 - Complete the remaining supporting documents, systems and processes required for City Building Services to administer the graywater ordinance and train applicable staff on permit review and inspection, by the proposed effective date of November 1, 2022.
 - Continue to attend the State's monthly Regulation 86 stakeholder meetings, as the State plans to update its regulations in 2023.
 - Continue to work with the local water and wastewater districts to determine the legal boundary for graywater, by executing MOUs with each district as they provide approvals for graywater systems in their service areas.
 - Develop and promote public education and communications on graywater systems and the requirements.
- Long term (2023-2025):
 - Update the City's graywater ordinance with any changes resulting from the State Regulation 86 updates.
 - Consider pilot program funding and incentive development.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Three City Boards and Commissions were engaged in April 2022. All but the Water Commission recommended that the Council approve a local graywater ordinance.

- Natural Resource Advisory Board (NRAB) memo dated June 17, 2022
- Building Review Commission April 28, 2022, meeting minutes
- Water Commission Memo dated June 16, 2022

CITY FINANCIAL IMPACTS

There are no financial impacts to the City. Permits fees will be paid by applicants and are based on project valuation, consistent with other building permit fees. These fees are estimated to cover staff time for plan review and inspection for graywater systems.

PUBLIC OUTREACH

Staff conducted a variety of outreach and research efforts prior to the Council Work Session in November 2021. Following direction by Council in November, further outreach and communication efforts were pursued between April -June 2022. Reoccurring themes were expressed in several

engagement efforts. The input staff received can be summarized by the two following sentiments regarding the creation of an enabling ordinance for graywater:

- 1) The City should not be pursuing this ordinance or should only pursue it with the development of incentives to reduce the cost to customers. Given State Regulation 86 requirements and the limitation resulting from water right constraints, that limits graywater use for toilet flushing only, it is too costly to develop graywater systems without financial assistance or some other incentive.
- 2) The City should adopt an enabling ordinance because it allows those who want graywater to develop it. It is the first step in what could be the development of future pilot programs and incentives, and the burgeoning graywater industry in Colorado. State regulations could change in the future, making graywater systems more desirable and we should be prepared to take advantage of more sustainable water uses when they become available.

When preparing for the November 2021 Council Work Session and prior to 2022, staff conducted the following preliminary engagement and research efforts:

- Presented at a Key Accounts Lunch and Learn (October 6, 2021), and to Fort Collins Area Chamber of Commerce members (December 13, 2021).
- Interviewed graywater system manufactures, Colorado Department of Public Health and Environment staff, and other water provider and land use authority staff who have developed and are implementing existing graywater programs.

Following Council direction in November 2021, during Q1 and Q2 of 2022, staff provided the following public information and engagement activities:

- Created the following communication pieces to advertise Our City forum and the June 16, 2022, presentation with the public:
 - Emailed three e-newsletters to building industry-related contractors, developers and trades – sent in April 15 (emailed to 445), June 2 (emailed to 3,687) and July 1, 2022 (emailed to 3,332).
 - Invited 770 Utilities customer contacts, non-profits and other stakeholders to the public information session – sent June 2, 2022.
 - Mailed Utility bill inserts that reach about 49,000 Utilities customers – June 2022.
- Created an Our City forum to inform the public and collect and respond to feedback (staff received and responded to three posts between April and July, which can be viewed here: ourcity.fcgov.com/graywater).
- Discussed graywater and shared the draft MOU with Fort Collins-Loveland Water District, West Fort Collins Water District, East Larimer County Water District, Boxelder Sanitation District and South Fort Collins Sanitation District.
- Presented to City Boards and Commissions and requested recommendation to Council from:
 - Natural Resource Advisory Board – April 20, 2022
 - Building Review Commission – April 28, 2022
- Water Commission – April 21, 2022 and Mayor's response letter
- Presented to Fort Collins Area Chamber of Commerce – May 20, 2022
- Presented to stakeholders (open to the public – 56 pre-registered for meeting, 24 attended) – June 16, 2022
- Coordinated with Larimer County to discuss alignment with the County's draft graywater ordinance and how to address properties within the Fort Collins GMA, which could be annexed in the future.
- Met with Colorado State University's Dr. Sybil Sharvelle to discuss the future potential of graywater.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 094, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 5, ARTICLE V OF THE CODE OF THE CITY OF FORT COLLINS
TO ADOPT A GRAYWATER PROGRAM

WHEREAS, the State of Colorado authorized the use of graywater in 2013 by enacting House Bill 13-1044 (2013 Colo. Sess. Laws 1087) amending various sections of Titles, 12, 25, 30, 31, and 37 of the Colorado Revised Statutes (“Graywater Statute”); and

WHEREAS, the Graywater Statute provides that graywater may only be used in areas where the local city, city and county, or county has adopted an ordinance or resolution approving its use pursuant to applicable requirements; and

WHEREAS, the City has not previously authorized use of graywater in the Fort Collins municipal boundaries; and

WHEREAS, the City agrees with the findings in the Graywater Statute that innovative uses of existing technologies, such as graywater treatment systems, will (1) play an important role in reducing per capita consumption of water; (2) enable significantly greater efficiencies in the use of water within facilities; and (3) have the potential to reduce water and wastewater treatment costs and energy consumption; and

WHEREAS, the City also agrees with declarations in the Graywater Statute that: (1) the greater public interest is served by policies that promote greater efficiency in the first use of water within residential, commercial, and industrial facilities; and (2) policies allowing the use of graywater systems, while preserving the health, safety, and welfare of Coloradans, represent one strategy available for achieving greater efficiency in the use of the state’s vital water resources; and

WHEREAS, the City owns and operates Fort Collins Utilities which, among other things, provides water and wastewater service to customers in and outside of Fort Collins municipal boundaries in its water and wastewater service areas; and

WHEREAS, several duly-established special districts (“water and wastewater districts”) provide water or wastewater service to customers in and outside of Fort Collins municipal boundaries in their water and wastewater service areas; and

WHEREAS, the Northern Colorado Water Conservancy District (“Northern Water”) operates the Colorado-Big Thompson Project (“CBT”), which is a significant source of water for Fort Collins Utilities and the water districts; and

WHEREAS, Northern Water has enacted Resolution D-1344-07-20 which: (1) authorizes the use of CBT water in non-consumptive graywater systems, defined as systems where graywater flows “to a toilet prior to being discharged to a leech field or sanitary sewer”; and (2) prohibits the consumptive use of CBT water in “graywater systems for irrigation or other partially or fully consumptive uses”; and

WHEREAS, in compliance with applicable rules and regulations promulgated pursuant to the Graywater Statute, including Regulation No. 86 – Graywater Control Regulation, 5 CCR 1002-86, promulgated by the Colorado Department of Public Health and Environment, Water Quality Control Commission, City Council desires to authorize the use of graywater in Fort Collins' municipal boundaries, subject to the consent of water and wastewater districts serving customers in Fort Collins' municipal boundaries, pursuant to the terms and conditions described in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Chapter 5, Article V of the Code of the City of Fort Collins is hereby amended by the addition of a new Division 3 which reads in its entirety as follows:

Division 3
Graywater

Sec. 5-150. – Definitions.

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this Section:

Component shall mean a subpart of a graywater treatment works which may include multiple devices.

Cross-Connection shall mean any connection that could allow any water, fluid, or gas such that the water quality could present an unacceptable health and/or safety risk to the public, to flow from any pipe, plumbing fixture, or a customer's water system into a public water system's distribution system or any other part of the public water system through backflow.

Design shall mean the process of selecting and documenting in writing the size, calculations, site specific data, location, equipment specification and configuration of treatment components that match site characteristics and facility use.

Design flow shall mean the estimated volume of graywater per unit of time for which a component or graywater treatment works is designed.

Facility shall mean any building, structure, or installation, or any combination thereof that uses graywater subject to the program, is located on one or more contiguous or adjacent properties, and is owned or operated by the same person or legal entity. *Facility* is synonymous with the term operation.

Graywater shall mean that portion of wastewater that, before being treated or combined with other wastewater, is collected from fixtures within residential, commercial, or industrial buildings or institutional facilities for the purpose of being put to beneficial uses. Sources of graywater are limited to discharges from bathroom and laundry room sinks, bathtubs, showers, and laundry machines. Graywater does not include the wastewater from toilets, urinals, kitchen sinks, dishwashers, or nonlaundry utility sinks.

Graywater design criteria document shall mean a document setting forth the design criteria for graywater use and graywater treatment works under the program. The requirements shall be at least as stringent as the minimum design requirements in Regulation 86 and shall include requirements under the program.

Graywater treatment works shall mean an arrangement of devices and structures used to: (a) collect graywater from within a building or a facility; and (b) treat, neutralize, or stabilize graywater within the same building or facility to the level necessary for its authorized uses.

Legally responsible party shall mean:

- (1) For a residential property, the legally responsible party is the property owner.
- (2) For a corporation, the legally responsible party is a responsible corporate officer, either:
 - a. a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - b. the manager of operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for approval application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (3) For a partnership or sole proprietorship, the legally responsible party is either a general partner or the proprietor, respectively.
- (4) For a municipality, State, Federal, or other public agency, the legally responsible party is a principal executive officer or ranking elected official, either:

- a. the chief executive officer of the agency, or
- b. a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

Modification or modified shall mean the alteration or replacement of any component of a graywater treatment works that can affect the quality of the finished water, the rated capacity of a graywater treatment works, the graywater use, alters the treatment process of a graywater treatment works, or compliance with Regulation 86 of the program. This definition does not include normal operations and maintenance of a graywater treatment works.

Permit shall mean a revocable permit to use graywater pursuant to this Division.

Program shall mean the authorization of graywater use pursuant to the terms and conditions of this Division.

Regulation 86 shall mean Regulation No. 86 – Graywater Control Regulation, 5 CCR 1002-86, promulgated by the Colorado Department of Public Health and Environment, Water Quality Control Commission, as the same may be amended from time to time.

Toilet shall mean a fixed receptacle into which a person may urinate or defecate, which is connected to a system for flushing away the waste into a sanitary sewer or septic tank. *Toilets* includes urinals.

Sec. 5-151. – General Provisions.

- (a) The City Council hereby finds, determines, and declares that graywater may be used pursuant to the terms and conditions of the program.
- (b) *Authorized uses.* Graywater may only be used for toilet flushing. This comprises Categories C and D of Regulation 86, as modified to limit use for toilet flushing only.
- (c) *Geographical boundaries.* Graywater may be used pursuant to the program on all lands within the boundaries of the City of Fort Collins where both the water provider and wastewater provider have consented in writing to the use of graywater on the subject land.
 - (1) For the purposes of this subsection, the City hereby consents to the use of graywater pursuant to the program for all lands within the boundaries of the City of Fort Collins that are in the City's water and wastewater service areas.
 - (2) Subject to applicable legal requirements, including §1-22, the City Manager is hereby authorized to enter into agreements with relevant water and wastewater providers

for the purposes of this subsection to identify lands where graywater may be used pursuant to the program and related matters.

(3) The City shall maintain an up-to-date map identifying all lands where graywater may be used pursuant to the program.

(d) *Graywater design criteria document.* The Building Official shall prepare and adopt a graywater design criteria document, which shall be in compliance with this Division and which shall be posted online. All graywater treatment works must comply with the graywater design criteria document. No cross-connections shall be allowed.

(e) *Fees.* The Building Official is hereby authorized to adopt and impose fees for the City's activities under the program, the purpose of which shall be to offset costs the program imposes on the City. The Building Official shall maintain a schedule of such fees.

(f) *Tracking mechanism.* The City shall maintain a searchable tracking mechanism that must include, at a minimum, the following information:

(1) Legal address of each facility with graywater treatment works, allowed graywater uses at each facility, and a graywater treatment works description;

(2) The legally responsible party associated with every graywater treatment works;

(3) Where required under Regulation 86, the certified operator associated with every graywater treatment works; and

(4) Any changes to the legally responsible party, certified operator, and status of the graywater treatment works must be updated within sixty (60) days.

Sec. 5-152. –Permit Required; Penalty.

(a) It is unlawful for any person to use graywater unless a permit has been obtained pursuant to and in accordance with this Division.

(b) If any work requiring a permit is commenced without a permit first having been obtained, the Building Official may immediately issue a stop-work order until the proper permit is obtained and the offender shall pay any additional penalties established and determined by the Building Official.

Sec. 5-153. – Contents of Application for Permit.

(a) Any person desiring to use graywater under the program shall apply in writing to the City for a permit prior to installing any component of the graywater treatment works. The application shall set forth:

- (1) The name, address and phone number of the owner of the premises;
 - (2) The name, address and phone number of the applicant if the applicant is a contractor or agent and not the legally responsible party;
 - (3) A legal description of the premises to be served or designation of the lot, block and subdivision and common street address;
 - (4) A description of the graywater treatment works and its compliance with the program and the graywater design criteria document, including design documentation, which must include the following information:
 - a. The graywater uses;
 - b. Location of the graywater treatment system;
 - c. Design flow calculations for the graywater treatment works;
 - d. The fixture(s) that are the source(s) of the graywater;
 - e. The design of the plumbing system;
 - f. A description of the products or components;
 - g. If applicable, contact information for system designer or professional engineer and operator;
 - h. Name and address of the legally responsible party; and
 - i. Must be signed by the legally responsible party.
 - (5) Any other information which the Building Official may deem necessary.
- (b) The City may prepare a form of application for the purposes of this Division.

Sec. 5-154. – Conditions of Permit.

- (a) A permit will be granted if all of the following conditions are met:
- (1) The application is complete;
 - (2) The graywater use will in all respects conform to the requirements of this Division;
 - (3) Any graywater treatment works have been inspected and approved by the City;
 - (4) All required fees associated with the permit have been paid; and
 - (5) The legally responsible party has signed the permit.
- (b) Any permit shall be issued pursuant to the following terms and conditions:

- (1) Graywater use shall comply with the program, applicable provisions of City Code including Section 5-125, the terms and conditions of Regulation 86, and applicable provisions of state and federal law.
- (2) The legally responsible party must update the City within sixty (60) days regarding any changes to the legally responsible party, certified operator, and status of the graywater treatment works.
- (3) Require an operation and maintenance manual for all graywater treatment works, and require that said manual:
 - a. Remain with the graywater treatment works throughout the life of the system;
 - b. Be updated at the time the system is modified;
 - c. Meet all requirements of Regulation 86; and
 - d. Upon change of ownership or occupancy of the property where the graywater treatment works is located, transfer to the new owner or tenant.
- (4) Such additional terms and conditions as the Building Official deems appropriate to protect the City or further the purposes of the program.

Sec. 5-155. – Revocation of Permit; Updates to Permit.

- (a) The Building Official shall revoke or suspend any permit for failure to comply with the program or terms and conditions of the permit. Upon revocation, the graywater treatment works shall be physically removed or permanently disconnected at the property owner's expense.
- (b) If the State of Colorado modifies Regulation 86 and the City must modify this Division or the standards for permits granted under this Division, the Building Official shall be entitled to impose new terms and conditions on previously-issued permits. Failure to abide by such new terms and conditions shall be considered a failure to comply with the program or terms and conditions of the permit.
- (b) If a property has a graywater system or treatment works at the time of annexation, any permit or other authorization for such graywater system or treatment works shall have no effect upon annexation. If the property owner desires to use the graywater system following annexation, the property owner must acquire a permit pursuant to this Division. If no permit is sought, the graywater treatment works shall be physically removed or permanently disconnected at the property owner's expense.
- (c) No permit or other authorization issued under this Division shall grant award any vested rights to the use of a graywater system or treatment works. The City retains the right to revoke or

suspend any or all permits issued under this Division if the City Manager determines it to be in the best interests of the City.

Sec. 5-156. – Enforcement.

The City shall have the sole authority to enforce this Division. Violations of this Division shall be subject to the penalties of § 1-15.

Section 3. That the City Council hereby directs that, within 60 days of this Ordinance going into effect, the City Manager or their delegate shall notify the Colorado Water Quality Control Division of this Ordinance.

Section 4. That the changes to the Code of the City of Fort Collins as set for herein shall go into effect on November 1, 2022.

Introduced, considered favorably on first reading and ordered published this 16th day of August, A.D. 2022, and to be presented for final passage on the 6th day of September, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 6th day of September, A.D. 2022.

Mayor

ATTEST:

City Clerk

September 6, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Nina Bodenhamer, City Give Director
John Duval, Legal

SUBJECT

First Reading of Ordinance No. 095, 2022, Appropriating Philanthropic Revenue Received by City Give for the 2022 Parks Independence Day Celebration and the 2022 Community Development and Neighborhood Services Urban Design Awards.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate philanthropic revenue designated for the 2022 Independence Day Celebration and for the 2022 Community Development and Neighborhood Services Urban Design Awards.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The purpose of this item is to appropriate \$27,500 in philanthropic revenue received from Elevations Credit Union. The award is designated by the donor as \$20,000 for sponsorship of the 2022 Independence Day Celebration and \$7,500 for sponsorship of the 2022 Community Development and Neighborhood Services Urban Design Awards.

A sponsorship, also referred to as “underwriting,” is both a community partnership and charitable award. Local businesses sponsor events to invest in community engagement and expand the reach of both organization’s valuable audiences. Per IRS code, businesses can declare portions of a sponsorship as charitable giving. Therefore, the City’s fiduciary responsibility is to steward, track, and report sponsorships as philanthropic revenue.

Each year, the City enters into various sponsorships across departments for events ranging from Kids in the Park to performances at The Lincoln Center, from Open Streets to Treatsylvania.

Community partnerships and event sponsorships such as support from Elevations Credit Union significantly enhances the City of Fort Collins’ service to the community and our residents.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate \$20,000 in philanthropic revenue received by City Give in the General Fund for the Parks Department and \$7,500 for Community Development and Neighborhood Services in the General Fund.

The funds have been received and accepted per City Give Administrative and Financial Policy. The City Manager has also determined that these appropriations are available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in the General Fund during fiscal year 2022.

ORDINANCE NO. 095, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PHILANTHROPIC REVENUE RECEIVED BY CITY GIVE FOR THE
2022 PARKS INDEPENDENCE DAY CELEBRATION AND THE 2022 COMMUNITY
DEVELOPMENT AND NEIGHBORHOOD SERVICES URBAN DESIGN AWARDS

WHEREAS, the City has received in fiscal year 2022 through the City Give program a donation of \$27,500 from Elevations Credit Union; and

WHEREAS, Elevations Credit Union has designated that \$20,000 of its donation be used for its sponsorship of the City's 2022 Parks Independence Day Celebration and that the remaining \$7,500 be used to fund the City's 2022 Community Development and Neighbor Services Urban Design Awards; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year; and

WHEREAS, these appropriations serve the public purposes of funding the City's 2022 Fourth of July celebration for its residents and funding in 2022 the City's program awarding and incentivizing urban designs that improve the quality of life in Fort Collins, which purposes thereby benefit the public's health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from new revenue or other funds in the General Fund the sum of TWENTY THOUSAND DOLLARS (\$20,000) to be expended in the General Fund for the 2022 Parks Independence Day Celebration.

Section 3. That there is hereby appropriated from new revenue or other funds in the General Fund the sum of SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500) to be expended in the General Fund for the 2022 Community Development and Neighborhood Services Urban Design Awards.

Introduced, considered favorably on first reading, and ordered published this 6th day of, September A.D. 2022, and to be presented for final passage on the 20th day of September, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 20th day of September, A.D. 2022.

Mayor

ATTEST:

City Clerk

September 6, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Sophie Buckingham – Civil Engineer I
Brad Yatabe, Legal

SUBJECT

First Reading of Ordinance No. 096, 2022, Conditionally Vacating a Portion of Coleman Street Right-of-Way.

EXECUTIVE SUMMARY

The purpose of this item is to approve the conditional vacation of a portion of Coleman Street right-of-way that is no longer desirable or necessary to retain for street purposes. The right-of-way area, once vacated, will be retained in its entirety as a public utility and public access easement to the City. The right-of-way vacation will be conditional upon the demolition of the existing street stub of Coleman Street and the reconstruction of the vacated area as a landscape and pedestrian area. These conditions are outlined in detail in the Ordinance.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

This portion of Coleman Street right-of-way is no longer desirable or necessary to retain for street purposes because Coleman Street will not be continued eastward by the proposed Bloom Filing One development, which is anticipated to be approved in Fall 2022. The right-of-way for the existing street stub of Coleman Street must be vacated for the Bloom Filing One development plans to be in compliance with Section 3.6.3(F) of the Land Use Code. Staff from Planning, Development, and Transportation have determined that vehicular connectivity and circulation will be adequate without the continuation of Coleman Street into the Bloom development, since the following streets will be continued east into the Bloom development: Barnstormer Street, Conquest Street, Sykes Drive, Comet Street, and Crusader Street. Figure 1 shows an area map of the existing street network. After Council's conditional approval of this Ordinance and the City's approval of Bloom Filing One, the Bloom developer will demolish the existing street stub and install a landscape area and pedestrian connection from the East Ridge neighborhood into the future Bloom neighborhood. Figure 2 shows the existing street stub. Once the street stub has been demolished and the pedestrian connection has been installed, the right-of-way vacation will take effect upon recording of the Ordinance with the Larimer County Clerk and Recorder. The entire area of vacated right-of-way will be retained as a public utility and public access easement to the City. The City Engineer and the Planning, Development, and Transportation Director recommend approval of this conditional right-of-way vacation.

For a vacation of right-of-way to be completed, the approved ordinance must first be recorded with Larimer County. To ensure that the vacated area is properly improved and maintained, staff recommends that the following conditions, as further detailed in the Ordinance, be satisfied prior to recording:

- East Ridge Second Filing – ROW Minor Amendment, MA220027, setting forth the proposed street stub demolition and landscape area construction must receive City approval.
- The Bloom Filing One developer will provide the City with a bond for 125% of the estimated cost to restore the existing street improvements, should the Ordinance become null and void after the existing street stub has been demolished.
- The Bloom Filing One developer will demolish the existing street stub.
- Mulberry Metropolitan District No. 3 for the Bloom development will enter into an intergovernmental agreement with the City in which the Metropolitan District agrees to:
 - If vacated area does not vest in the Metropolitan District on vacation pursuant to Section 43-2-302, C.R.S, obtain ownership of the vacated area immediately upon vacation.
 - Provide a bond to the City for 125% of the estimated value of the landscape improvements to guarantee the completion of those improvements.
 - Maintain the vacated area in perpetuity pursuant to the City's approved plans at the Metropolitan District's sole expense.

Figure 1. Area Map

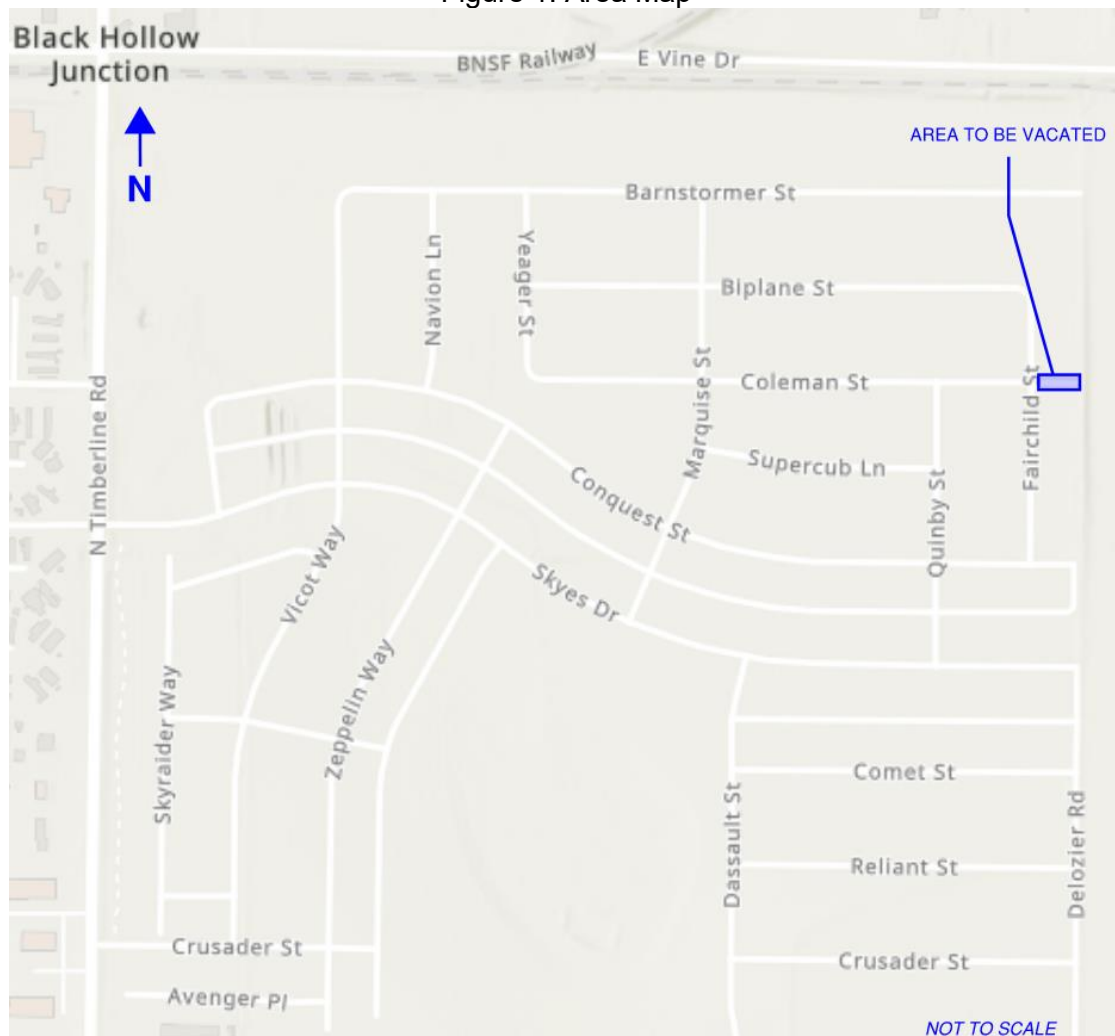
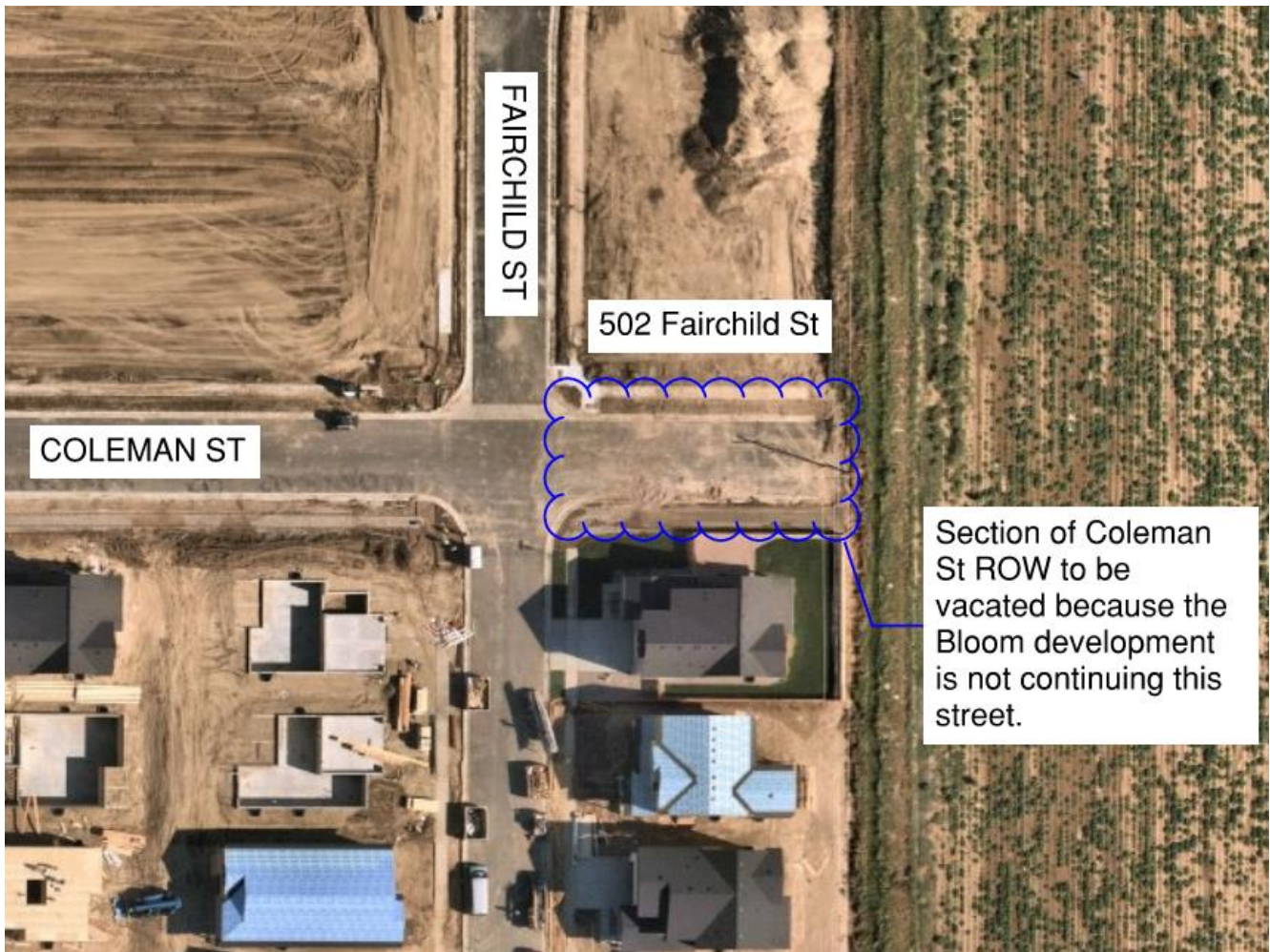


Figure 2. Existing Street Stub



CITY FINANCIAL IMPACTS

The City will no longer need to maintain the 5,373 square feet of vacated right-of-way, which will decrease the City's street maintenance costs.

PUBLIC OUTREACH

Potentially affected utility agencies, staff, and emergency service providers have been notified of the request for right-of-way vacation. Additionally, the adjacent property owners at 468 Fairchild Street and 502 Fairchild Street have been notified of the proposed right-of-way vacation. The notification letter to the adjacent property owners also informed them that the first reading of this Ordinance is scheduled for the City Council consent agenda on September 6, 2022.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 096, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
CONDITIONALLY VACATING A PORTION OF
COLEMAN STREET RIGHT-OF-WAY

WHEREAS, the previously approved Eastridge Second Filing subdivision plat dedicated Coleman Street internal to the subdivision as a public street right-of-way; and

WHEREAS, the developer of the Mulberry & Greenfields Planned Unit Development, Mulberry Development, LLC, (the “Developer”) located east of and adjacent to Eastridge Second Filing has requested that the portion of Coleman Street east of Fairchild Street be vacated as depicted on Exhibit “A” attached hereto and incorporated herein (such portion hereinafter referred to as the “Vacation Area”); and

WHEREAS, the Vacation Area is a dead-end street stub originally intended to be extended upon development of the land to the east; and

WHEREAS, the Developer has stated that extending Coleman Street east of Fairchild Street into the Mulberry & Greenfields Planned Unit Development is not necessary and proposes that the current street stub be removed and landscaping installed within the Vacation Area; and

WHEREAS, the developer of East Ridge Second Filing has submitted a minor amendment, MA220027, to amend the site plan to allow removal of the street stub within the Vacation Area and to install landscaping in its place; and

WHEREAS, the City Engineer has routed the vacation request to potentially affected utility agencies, City staff, emergency service providers and affected property owners in the vicinity of the Vacation Area and no objection to the proposed vacation has been received; and

WHEREAS, in accordance with City Code Section 23-115, the City Engineer recommended conditional approval of this vacation to the Planning, Development and Transportation Director, and the Director recommends to Council that the request for vacation be approved with the conditions set forth in the Ordinance; and

WHEREAS, the right of the residents of the City of Fort Collins will not be prejudiced or injured by the vacation of said street rights-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby finds and determines that:

- (1) The Vacation Area more particularly described on Exhibit “A” attached hereto and incorporated herein is no longer needed for road right-of-way purposes and that it is in the public interest to vacate the Vacation Area provided certain conditions as stated in Section 3 below are met; and
- (2) Upon vacation of the Vacation Area, the City hereby reserves a non-exclusive blanket easement for access and utilities within the Vacation Area (the “Reserved City Easement”); and
- (3) Title to the Vacation Area shall vest, subject to the Reserved City Easement, in accordance with Section 43-2-302, C.R.S.

Section 3. This vacation shall not take effect until this Ordinance is recorded with the Larimer County Clerk and Recorder and this Ordinance shall not be recorded until the following conditions have been met:

- (1) At the Developer’s sole expense, the Developer must demolish the existing street improvements in the Vacation Area to the City’s satisfaction after providing a bond with the City as obligee for 125% of the estimated cost to restore the demolished street improvements within the Vacation Area should this Ordinance become null and void as stated in Section 4 below, and such bond shall be released upon recording of this Ordinance;
- (2) The East Ridge Second Filing – ROW Minor Amendment, MA220027, must meet all applicable Land Use Code requirements and receive City approval;
- (3) The Mulberry Metropolitan District No. 3 (“Metropolitan District”) must enter into an intergovernmental agreement acceptable to the City in which the Metropolitan District agrees to:
 - (a) If ownership of the Vacation Area does not vest in the Metropolitan District under Section 43-2-302, C.R.S., obtain ownership of the Vacation Area immediately after vacation, subject to the Reserved City Easement;
 - (b) Provide a bond with the City as the obligee for 125% of the estimated value of the landscape improvements within the Vacation Area, as such improvements are described in the approved MA220027 minor amendment, to guarantee completion of such improvements; and
 - (c) Maintain the Vacation Area in perpetuity pursuant to the City’s approved MA220027 minor amendment landscape plan, and any subsequent amendments, at the Metropolitan District’s sole expense.
- (4) The City Manager is authorized to sign the intergovernmental agreement referenced in (3) above and any subsequent amendment of such agreement.

Section 4. If this Ordinance is not recorded within three years of the date of second reading of this Ordinance, then this Ordinance shall become null and void. Should this Ordinance become null and void but the existing road improvements within the Vacation Area have been demolished pursuant to Section 3, Subsection (1) above, the Developer must restore the road improvements within one-hundred and twenty days of this Ordinance becoming null and void, or such further time as the City Manager may grant in writing their reasonable discretion to restore the road improvements in consideration of the winter season or other construction limitations, after which the City may call upon the bond to restore such road improvements.

Introduced, considered favorably on first reading, and ordered published this 6th day of September, A.D. 2022, and to be presented for final passage on the 20th day of September, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 20th day of September, A.D. 2022.

Mayor

ATTEST:

City Clerk

VACATION LEGAL DESCRIPTION

COLEMAN STREET RIGHT OF WAY VACATION EAST OF FAIRCHILD STREET, EAST RIDGE SECOND FILING PLAT AS RECORDED AT RECEPTION NUMBER 20160047573 IN THE LARIMER COUNTY CLERK AND RECORDER'S OFFICE, LOCATED IN THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH (6TH) PRINCIPAL MERIDIAN IN THE CITY OF FT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO. SAID VACATION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 15, BLOCK 21 OF SAID EAST RIDGE SECOND FILING PLAT AND THE NORTH RIGHT OF WAY LINE OF COLEMAN STREET;

THENCE S00°17'22"W, A DISTANCE OF 53.00 FEET ON THE EAST LINE OF SAID EAST RIDGE SECOND FILING AND THE SAID EAST LINE OF THE NORTHEAST QUARTER OF SECTION 8 TO THE NORTHEAST CORNER OF LOT 1, BLOCK 22 OF SAID EAST RIDGE SECOND FILING AND THE SOUTH RIGHT OF WAY LINE OF COLEMAN STREET;

THENCE N89°40'53"W, A DISTANCE OF 84.54 FEET ON SAID SOUTH RIGHT OF WAY LINE;

THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°02'10", A DISTANCE OF 23.57 FEET, A CHORD BEARING OF S45°18'02"W WITH A CHORD DISTANCE OF 21.22 FEET CONTINUING ON SAID SOUTH RIGHT OF WAY LINE TO THE EAST RIGHT OF WAY LINE OF FAIRCHILD STREET;

THENCE N00°16'57"E, A DISTANCE OF 83.00 FEET ON SAID EAST RIGHT OF WAY LINE TO THE WEST LINE OF SAID LOT 15, BLOCK 21, A NON-TANGENT CURVE TO THE LEFT AND THE NORTH RIGHT OF WAY LINE OF COLEMAN STREET;

THENCE ON SAID NORTH RIGHT OF WAY LINE AND ON SAID NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°57'50", A DISTANCE OF 23.55 FEET, A CHORD BEARING OF S44°41'58"E WITH A CHORD DISTANCE OF 21.21 FEET;

THENCE S89°40'53"E, A DISTANCE OF 84.57 FEET CONTINUING ON SAID NORTH RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

PARCEL CONTAINS 5,373 SQUARE FEET OR 0.123 ACRES.

BASIS OF BEARING: THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., LARIMER COUNTY, COLORADO, IS ASSUMED TO BEAR S 00°17'22" WEST FOR 2647.93 FEET BETWEEN THE NORTHEAST CORNER OF SECTION 8, MONUMENTED WITH NO. 6 REBAR WITH 2-1/2" ALUMINUM CAP IN A MONUMENT BOX, STAMPED LS 28285 AND THE EAST QUARTER CORNER OF SECTION 8, MONUMENTED WITH NO. 6 REBAR WITH 3-1/4" ALUMINUM CAP, STAMPED LS 34995, 2016, WITH ALL OTHER BEARINGS REFERENCED THERETO

EXHIBIT B IS ATTACHED HERETO AND IS ONLY INTENDED TO DEPICT EXHIBIT A - LEGAL DESCRIPTION. IN THE EVENT THAT EXHIBIT A CONTAINS AN AMBIGUITY, EXHIBIT B MAY BE USED TO RESOLVE SAID AMBIGUITY.

PREPARED FOR AND ON BEHALF OF GALLOWAY
BY FRANK A. KOHL, PLS# 37067

March 3, 2022

H:\Hartford Homes\CO Fort Collins HFH22 - Mulberry\0SVY\3-Docs\Legals\ColemanStreet-Vacation-description.doc

37067
3-7-2022

September 6, 2022

AGENDA ITEM SUMMARY

City Council



STAFF

Paul Sizemore, Director, Community Development & Neighborhood Services
Jenny Axmacher, Senior City Planner
Aaron Guin, Legal

SUBJECT

Resolution 2022-095 Making Findings of Fact Regarding the Appeal of the Administrative Hearing Officer's Decision Approving the Sanctuary on the Green Project Development Plan #PDP210018.

EXECUTIVE SUMMARY

The purpose of this item is to make findings of fact regarding the appeal of the Administrative Hearing Officer's Decision to approve the Sanctuary on the Green Project Development Plan. The appeal was heard by Council on August 16, 2022.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On May 2, 2022, an Administrative Hearing was held to consider the application for the Sanctuary on the Green Project Development Plan #PDP210018. The Hearing Officer issued a Decision on May 16, 2022, to approve the PDP application with two modifications of standards, alternative compliance for LUC Section 3.6.3(D) – (F), and two conditions of approval. On May 31, 2022, a Notice of Appeal (the "Notice") was filed by the Sanctuary Field Neighborhood Network, with the following allegations:

1. The Administrative Hearing Officer failed to conduct a fair hearing because he considered evidence relevant to his findings that was substantially false or grossly misleading.
2. The Administrative Hearing Officer failed to conduct a fair hearing because the Hearing Officer was biased against the appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with the Hearing Officer's independence of judgement.
3. The Administrative Hearing Officer failed to properly interpret and apply six sections of the Land Use Code, including Section 1.2.2 (Purpose), Section 3.5.1 (Building and Project Compatibility), Section 4.5(D)(1) (Low Density Mixed-Use Neighborhood District (L-M-N); Land Use Standards; Density), Section 3.4.7 (Historic and Cultural Resources), Section 3.5.2(D)(1) (Residential Building Standards; Relationship to Dwellings to Streets and parking; Orientation to a Connecting Walkway) and 4.5 (D)(2)(a) (Low Density Mixed-Use Neighborhood District (L-M-N); Land Use Standards Mix of Housing).

On August 16, 2022, Council conducted a hearing to consider the allegations in the appeal, the record on appeal, and presentations by City staff, the Appellant's representative and Applicant's legal counsel. After discussion, Council voted to deny the appeal, finding that the Administrative Hearing Officer conducted a fair hearing and properly interpreted applicable sections of the Land Use Code.

ATTACHMENTS

1. Resolution for Consideration

RESOLUTION 2022-095
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING FINDINGS OF FACT REGARDING THE APPEAL OF THE ADMINISTRATIVE
HEARING OFFICER'S DECISION APPROVING THE SANCTUARY ON THE GREEN
PROJECT DEVELOPMENT PLAN #PDP210018

WHEREAS, on May 2, 2022, an Administrative Hearing Officer (the "Hearing Officer") conducted a public hearing, after which the Hearing Officer approved the Sanctuary on the Green Project Development Plan #PDP210018 (the "PDP") on May 16, 2022, including two modifications of standards, alternative compliance, and two conditions of approval; and

WHEREAS, on May 31, 2022, the Sanctuary Field Neighborhood Network (the "Appellant"), an organization representing residents of neighborhoods surrounding the area where the PDP is located, filed a notice of appeal ("Appeal") of the Hearing Officer's decision approving the PDP; and

WHEREAS, pursuant to City Code Sections 2-46 and 2-49, the Appeal was filed timely, and the Appellant is a party-in-interest eligible to file an appeal; and

WHEREAS, the Appeal alleged that the Hearing Officer failed to conduct a fair hearing because they considered evidence relevant to their findings that was substantially false or grossly misleading; and

WHEREAS, the Appeal also alleged that the Hearing Officer failed to conduct a fair hearing because they were biased against the Appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with the Hearing Officer's independence of judgment; and

WHEREAS, the Appeal alleged further that the Hearing Officer failed to properly interpret and apply several provisions contained in the Land Use Code, namely Sections 1.2.2, 3.4.7, 3.5.1, 4.5(D)(1), 3.5.2(D)(1), and 4.5(D)(2)(a)3; and

WHEREAS, on August 16, 2022, the City Council, after notice given in accordance with City Code Section 2-52, held a public hearing pursuant to City Code Section 2-54 to consider the allegations raised in the Appeal at which hearing the City Council considered the record on appeal, statements concerning physical characteristics of the subject property obtained by Councilmembers during the site inspection, and testimony from City staff, the Appellant's representative, and legal counsel for Solitaire Fort Collins (the "Applicant") for the PDP, which opposed the Appeal; and

WHEREAS, after discussion, the City Council found and concluded based on the evidence in the record and presentations made at the Council hearing on August 16, 2022, that the Hearing Officer did not fail to conduct a fair hearing because they considered evidence relevant to their findings that was substantially false or grossly misleading; and

WHEREAS, after discussion, the City Council found and concluded based on the evidence in the record and presentations made at the Council hearing on August 16, 2022, that the Hearing Officer did not fail to conduct a fair hearing because of a conflict of interest or other close business, personal or social relationship that interfered with the Hearing Officer's independence of judgment; and

WHEREAS, the City Council further found and concluded based on the evidence in the record (including the Staff Report) and presentations made at the City Council hearing on August 16, 2022, that the Hearing Officer properly interpreted and applied Sections 1.2.2 (Purpose), 3.4.7 (Historic and Cultural Resources), 3.5.1 (Building and Project Compatibility), 3.5.2(D)(1) (Orientation to a Connecting Walkway), 4.5(D)(1) (Low Density Mixed-Use Neighborhood District Density Standards, and 4.5(D)(2) (Mix of Housing), and of the Land Use Code; and

WHEREAS, City Code Section 2-56(c) provides that no later than the date of its next regular meeting after the hearing of an appeal, City Council shall adopt, by resolution, findings of fact in support of its decision on the Appeal.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that, pursuant to Section 2-56(c) of the City Code, the City Council hereby makes and adopts the following findings of fact and conclusions:

1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.
2. That the Appellant's fair hearing allegations and the allegation that the Hearing Officer failed to properly interpret and apply Land Use Code Sections 1.2.2, 3.4.7, 3.5.1, 4.5(D)(1), 3.5.2(D)(1), and 4.5(D)(2)(a), as stated in the Notice of Appeal, conform to the requirements of Section 2-48 of the City Code.
3. That, based on the evidence in the record and presentations made at the City Council Hearing on August 16, 2022, the Hearing Officer did not fail to conduct a fair hearing because there was no evidence in the record that the Hearing Officer considered relevant evidence that was substantially false or grossly misleading.
4. That, based on the evidence in the record and presentations made at the City Council Hearing on August 16, 2022, the Hearing Officer did not fail to conduct a fair hearing because there was no evidence of bias against Appellant by the Hearing Officer because of a conflict of interest or other close business, personal or social relationship that interfered with the Hearing Officer's independence of judgment.
5. That, based on the evidence in the record and presented at the City Council hearing on August 16, 2022, the Council finds that the Hearing Officer properly interpreted and applied Land Use Code Section 1.2.2 because the Purpose of the Land Use Code was satisfied by the procedures followed under the Code for this PDP and, therefore, the allegation is denied.

6. That, based on the evidence in the record and presented at the City Council hearing on August 16, 2022, the Council finds that the Hearing Officer properly interpreted and applied Land Use Code Section 3.4.7 because there are no historic buildings on the development site and the PDP met at least two of the design compatibility requirements required under Section 3.4.7 and, therefore, the allegation is denied.
7. That, based on the evidence in the record and presented at the City Council hearing on August 16, 2022, the Council finds that the Hearing Officer properly interpreted and applied Land Use Code Section 3.5.1 because the physical and operational characteristics of the proposed buildings and their uses in the PDP are compatible when considered within the context of the surrounding area, and the articulation and subdivision of larger buildings within the PDP satisfy the requirements of Section 3.5.1(C) and, therefore, the allegation is denied.
8. That, based on the evidence in the record and presented at the August 16, 2022, City Council hearing, the Council finds that the Hearing Officer properly interpreted and applied Land Use Code Section 3.5.2(D)(1) concerning connecting walkways within the PDP because it was within the Hearing Officer's authority under Section 2.8 of the Code to grant a modification of standard as the requested modification would not be detrimental to the public good and because the PDP would allow more residents access to shared walkways with a pattern that provides a high level of interconnectivity throughout the development and to adjacent neighborhoods in a manner that is equal to or better than a street network by fostering a development plan that increases safety, connectivity, pedestrian interaction and quiet enjoyment without sacrificing convenience and, therefore, the allegation is denied.
9. That, based on the evidence in the record and presented at the City Council hearing on August 16, 2022, the Council finds that the Hearing Officer properly interpreted and applied Land Use Code Section 4.5(D)(1) because the PDP includes density of dwelling units of 5.13 per gross acre, which satisfies the maximum density of 9 dwelling units per gross acre for the L-M-N zoning district and complies with the maximum density recommendations of the Northwest Subarea Plan (8 dwelling units per acre overall) and, therefore, the allegation is denied.
10. That, based on the evidence in the record and presented at the August 16, 2022, City Council hearing, the Council finds that the Hearing Officer properly interpreted and applied Section 4.5(D)(2)(a) of the Land Use Code concerning mix of housing because it was within the Hearing Officer's authority under Section 2.8 of the Code to grant a modification of standard (requiring a mix of at least four housing types) because the requested modification (to provide only three housing types) would not be detrimental to the public good, the PDP invites walking to gathering places and provides trail and local street linkages, and the PDP promotes the general purpose of Section 4.5(D)(2)(a) to provide a variety of housing types equally well or better than a plan that provides a fourth housing type and, therefore, the allegation is denied.

11. That the Hearing Officer's approval of Project Development Plan PDP210018 on May 16, 2022, including two modifications of standards, alternative compliance, and two conditions of approval, is hereby upheld.
12. That, based on the evidence in the record and presented at the August 16, 2022, hearing, the Appeal is without merit and is denied in its entirety.
13. That adoption of this Resolution shall constitute the final action of the City Council in accordance with City Code Section 2-56(c).

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 6th day of September, A.D. 2022.

Mayor

ATTEST:

City Clerk

September 6, 2022

AGENDA ITEM SUMMARY

City Council



STAFF

Julia Feder, Environmental Program Manager
Alynn Karnes, Land Conservation Specialist
Katie Donahue, Natural Areas Director
Ingrid Decker, Legal

SUBJECT

Resolution 2022-096 Supporting an Application for a Great Outdoors Colorado Land Acquisition Grant for the Buckeye Conservation and Front Range Gateway Project.

EXECUTIVE SUMMARY

In partnership with Larimer County, the Buckeye Ranch Conservation Project would conserve over 1,000 acres north of Fort Collins. The County and City have been invited by Great Outdoors Colorado to submit a full grant application to support this project in their upcoming Land Acquisition program cycle.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

Larimer County and the City have an opportunity to conserve a 1,000+ acre ranch north of Laporte, Colorado, within the Buckeye community of Northern Colorado. The ranch presents a critical buffer and landscape connection between an interconnected complex of conserved lands that spans the Roosevelt National Forest, State Land Board, and privately held conservation easements. The property fits into the regional priorities of both the City and County, including the Dry Creek Conservation Area (Fort Collins Natural Areas Master Plan, 2014) and Buckeye Priority Area (Larimer County Open Lands Master Plan, 2015).

Intact, landscape connections between the montane, foothills and plains are a rare occurrence on the rapidly developing Front Range. This ranch serves as one of the last remaining larger parcels on this eastern boundary that connects the mountains to the plains of northern Colorado. Conservation of the ranch would protect a highly valued large, intact property northwest of Fort Collins, situated in an area of Larimer County that is subject to significant development of 35-acre subdivisions, as well as forthcoming changes to the surrounding landscape including construction of the planned Glade Reservoir and a realignment of U.S. Highway 287.

The ranch is critical to ensure persistence and sustainability of wildlife at this eastern edge of the movement corridor and boasts high-quality habitats including intact native grasslands, and foothills shrublands, as well as wetland areas. As it stands today, this property is several miles east of the existing Highway 287 and separated by a steep hogback. Once realigned, the highway will be less than a half mile west of the

ranch and will run parallel to the property for three miles. This property will become the eastern visual backdrop to the highway and a significant feature at this newly created gateway to the City of Fort Collins. Additionally, it will continue to serve as an elk and mule deer winter range concentration area given the proximity of a planned wildlife underpass that will facilitate east-west movement of wildlife through this landscape corridor. Numerous opportunities exist for enhanced ecological outcomes through habitat restoration, including wetland and wet meadow expansion.

Current negotiations include approximately 700 acres of the ranch to be acquired in fee-simple. This area will be owned and managed as a natural area by the City. The remainder, between 200-400-acres, will stay in family ownership subject to a donated conservation easement to be held by Larimer County. Larimer County will also hold a conservation easement on the City-owned natural area. The project includes the purchase of one share of North Poudre Irrigation Company (NPIC) water with the fee-simple purchase and the encumbrance of one share of NPIC water tied to the donated conservation easement. Tying one share of water to each portion of the property allows for the leasing from NPIC for additional shares annually as needed, for both the City on its fee-simple ownership and future owners of the remainder of the ranch encumbered by the conservation easement.

CITY FINANCIAL IMPACTS

Based upon preliminary consultation with McCarty Land and Water Valuation in May 2022, the value of the portion to be acquired in fee-simple is anticipated to be between \$3,000,000-\$4,000,000. The contract purchase price will be dependent upon the appraised value disclosed in the final appraisal report, expected in September 2022. The landowner intends to donate the conservation easement on the remaining portion of the property, with an estimated total value of \$750,000-\$1,250,000.

The City and County are seeking \$766,800 in GOCO grant funding to support the total acquisition costs for this project. The remaining costs will be split 65/35% by the City/County. If GOCO does not award grant funding to this project, the City and County will continue to pursue this opportunity with a 65/35% City/County split of total project costs. In this scenario, the acquisition would likely take place over 2-3 years and would impact funds available for other Natural Areas land conservation endeavors.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At its August 10, 2022, meeting, the Land Conservation and Stewardship Board voted unanimously to recommend Council supports an application for a Great Outdoors Colorado grant relating to a land acquisition opportunity in the Buckeye region, in partnership with Larimer County.

PUBLIC OUTREACH

As part of the Mountains to Plains 2022 Zone Update, the Natural Areas Department collected public feedback about visiting the one property currently located in this zone, Soapstone Prairie Natural Area, and the management priorities identified in the update. Feedback responses included 107 comments about the plan, including 50 comments specifically about barriers to visiting Soapstone Prairie. Respondents indicated the distance to travel, and the time needed to access the site as barriers to visiting. While much smaller in scale than Soapstone Prairie, the Buckeye Conservation site would increase access to nature from north Fort Collins.

ATTACHMENTS

1. Resolution for Consideration

RESOLUTION 2022-096
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUPPORTING AN APPLICATION FOR A GREAT OUTDOORS COLORADO
LAND ACQUISITION GRANT FOR THE BUCKEYE CONSERVATION
AND FRONT RANGE GATEWAY PROJECT

WHEREAS, the City's Natural Areas Department, in partnership with Larimer County (the "County"), is seeking to apply for a grant through Great Outdoors Colorado ("GOCO") for a GOCO Land Acquisition Grant (the "Grant") to acquire a 1,000+ acre ranch north of Fort Collins (the "Property"); and

WHEREAS, acquiring the Property would help conserve a large tract of land that provides wildlife habitat and movement corridors in an area subject to significant development; and

WHEREAS, the City and County are seeking Grant funds of \$766,800 towards the total estimated cost of \$3,000,000 to \$4,000,000 to purchase approximately 700 acres of the Property, with the current owner of the Property expressing an intent to donate a conservation easement on the remaining portion of the Property; and

WHEREAS, the City and County would split the remaining costs to purchase the Property with the City paying 65% and the County paying 35%; and

WHEREAS, the City would own the purchased portion of the Property to operate as a City natural area, and the County would hold a conservation easement on the entire Property; and

WHEREAS, the Natural Areas funds necessary to pay the City's share of the acquisition costs are already appropriated and available for expenditure; and

WHEREAS, the Larimer County Board of County Commissioners is scheduled to consider a resolution approving the Grant application on September 6, 2022; and

WHEREAS, should GOCO award the City and County the Grant, City staff will ask the City Council, by a separate resolution, to authorize the City to enter into a grant agreement with GOCO and the County for the Project and to provide any other necessary authorizations.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals above.

Section 2. That the City Council strongly supports the GOCO Land Acquisition Grant Application.

Section 3. That if the Grant is awarded the City Council strongly supports the plan to acquire the Property.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 6th day of September, A.D. 2022.

Mayor

ATTEST:

City Clerk

September 6, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Lawrence Pollack, Budget Director
Travis Storin, Chief Finance Officer
John Duval, Legal

SUBJECT

Resolution 2022-097 Setting the Dates of the Public Hearings on the 2023-24 Proposed City of Fort Collins Budget.

EXECUTIVE SUMMARY

The purpose of this item is to set two public hearing dates for the proposed 2023-24 budget that the City Manager has filed with the City Clerk pursuant to Section 2 of City Charter Article V. Section 3 of City Charter Article V requires Council to set a date for a public hearing on the proposed budget and to cause notice of the hearing to be published. This Resolution sets two public hearing dates for Council's regular meeting on September 20, 2022, and its regular meeting on October 4, 2022. The Resolution also directs the City Clerk to publish the notice of these two hearings, which notice is attached as Exhibit "A" to the Resolution.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

ATTACHMENTS

1. Resolution for Consideration

RESOLUTION 2022-097
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SETTING THE DATES OF THE PUBLIC HEARINGS ON THE
2023-24 PROPOSED CITY OF FORT COLLINS BUDGET

WHEREAS, City Charter Article V, Section 2 provides that the City Manager shall file with the City Clerk on or before the first Monday in September preceding each budget term the proposed budget for that ensuing budget term; and

WHEREAS, City Charter Article V, Section 1 provides that the City Council is to set by ordinance the number of fiscal years that shall constitute the City's "budget term"; and

WHEREAS, in 2010, the City's budget term was set in City Code Section 8-1 as being two fiscal years, so a biennial budget term ("Budget Term"); and

WHEREAS, on May 19, 2020, City Council adopted Ordinance No. 067, 2020 ("Ordinance No. 067") suspending for only the 2021-22 Budget Term the biennial budget term required by Code Section 8-1 to allow for one-year budget terms for both fiscal years 2021 and 2022 due to the economic turmoil and uncertainty that occurred due to the COVID-19 global pandemic; and

WHEREAS, under Code Section 8-1, the City's next Budget term is now for fiscal years 2023 and 2024 (the "2023-24 Budget Term"); and

WHEREAS, the City Manager has therefore filed with the City Clerk a proposed budget for the 2023-24 Budget Term as required by Article V, Section 2 of the Charter ("Proposed 2023-24 Budget"); and

WHEREAS, Article V, Section 3 of the City Charter requires that, within ten days of the date of the filing of the proposed budget with the City Clerk by the City Manager, the City Council shall set a time certain for a public hearing and cause a notice of the hearing to be published; and

WHEREAS, the City Council wishes to set two hearing dates to receive public input on the Proposed 2023-24 Budget and to cause the publication of a notice for these two hearings.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That the public hearings will be conducted by the City Council at the City Council Chambers, City Hall West, 300 Laporte Avenue on September 20, 2022, and October 4, 2022, at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, to receive public input on the Proposed 2023-24 Budget.

Section 3. That the notice of these two public hearings, which is attached hereto as Exhibit "A" and incorporated herein by reference, is ordered to be promptly published by the City Clerk in the Fort Collins *Coloradoan*.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 6th day of September, A.D. 2022.

Mayor

ATTEST:

City Clerk

NOTICE OF PUBLIC HEARINGS
OF THE COUNCIL OF THE CITY OF FORT COLLINS CONCERNING
THE CITY'S PROPOSED 2023-24 BUDGET

Notice is hereby given that public hearings will be held by the Council of the City of Fort Collins in the Council Chambers in City Hall West, at 300 LaPorte Avenue in the City of Fort Collins, Colorado, on Tuesday, the 20th day of September 2022, and Tuesday, the 4th day of October, 2022, at the hour of 6:00 p.m., or as soon thereafter as the matter may come on for hearing, to receive public input on the proposed 2023-24 budget for the City of Fort Collins.

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 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

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 221-6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

Dated this ____ day of September, A.D. 2022.

_____, City Clerk

September 6, 2022



AGENDA ITEM SUMMARY

City Council

STAFF

Anissa Hollingshead, City Clerk
Carrie Daggett, City Attorney

SUBJECT

Resolution 2022-098 Making Appointments to the Transportation Board.

EXECUTIVE SUMMARY

The purpose of this item is to fill vacancies on the Transportation Board.

STAFF RECOMMENDATION

Staff recommends adoption of this Resolution.

BACKGROUND/DISCUSSION

This Resolution appoints two individuals to fill vacancies left from previous board members. These appointments will begin and expire as noted next to each recommended name shown below and in the resolution.

Transportation Board

Appointments	Term Effective Date	Expiration of Term
Ed Peyronnin (Seat H)	Immediately upon approval of this resolution	12/31/2022
Jess Dyrdaahl (Seat I)	Immediately upon approval of this resolution	12/31/2022

ATTACHMENTS

1. Resolution for Consideration
2. Redacted Applications

RESOLUTION 2022-098
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE TRANSPORTATION BOARD

WHEREAS, the Transportation Board has vacancies that have been open for an extended time; and

WHEREAS, Councilmembers interviewed candidates for these appointments on August 11, 2022; and

WHEREAS, the City Council desires to make appointments to fill these vacancies on the Transportation Board.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the following named persons are hereby appointed to fill the open vacancies on the Transportation Board with a term to begin and expire as noted below next to each appointee's name.

Transportation Board

Appointments	Term Effective Date	Expiration of Term
Ed Peyronnin (Seat H)	Immediately upon approval of this resolution	12/31/2022
Jess Dyrdaahl (Seat I)	Immediately upon approval of this resolution	12/31/2022

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 6th day of September, A.D. 2022.

Mayor

ATTEST:

City Clerk

VOLUNTEER APPLICATION

Ed Peyronnin

5/27/2022 9:54 AM

Application: **Boards or Commission Membership**

Applicant Information

Birthday: [REDACTED] Gender: [REDACTED] Education Level: Doctoral degree
 Address: [REDACTED] Phone: [REDACTED]
 Fort Collins, CO 80526

Availability

	S	M	T	W	T	F	S
Morning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Afternoon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Evening	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Volunteer Groups Applied For

Transportation Board

Job Description

☒ I have read the job description

Questions

Please indicate which Board(s) you are interested in:	Transportation Board
Which Council District do you live in Please refer to the map at: https://gisweb.fcgov.com/HTML5View	5
Current Occupation:	Retired
Current Employer:	N/A
Prior work experience (please include dates):	CSU - Teaching and administration 1993-2022 US Army - Artillery Officer 1979 - 1992
Volunteer experience (please include dates):	CSU Campus Bicycle Advisory Committee 2000-Present City Bicycle Advisory Committee 2021-Present Cub Scout Cubmaster 1997-2000 Assistant Scoutmaster Boy Scouts 2000-2007 Baseball coach 1995,1996,1997 Softball Coach 1998
Are you currently serving on a City board or Commission If so, which one	Yes; Bicycle Advisory Committee
Why do you want to become a member of this particular board or commission	I am interested in transportation planning for the future of the community.
Have you had any exposure to the board or commission you are applying for If yes, please explain:	Yes; The BAC is a part of the Transportation Board. I have participated in joint meetings.

Specify any activities which might create a serious conflict of interest if you are appointed:

None

How did you learn of a vacancy on this board or commission

Newspaper

Briefly explain what you believe are the three most important issues facing this board or commission, and how do you believe this board or commission should address each issue. Feel free to upload a separate sheet of paper if necessary.

Regional Growth. Continue to seek partnerships with area communities to improve alternative transportation.
Climate and water. Continue to find ways to change the driving culture through infrastructure.
Community. Create an equitable transportation system that includes all parts of the city recognizing cultural differences. The transportation system helps build community.

Fort Collins CO 80526

EDGAR PEYRONNIN

PROFILE Dedicated professional with history of meeting company goals utilizing consistent and organized practices. Skilled in working under pressure and adapting to new situations and challenges to best enhance the organizational brand.

EXPERIENCE**CONSULTANT****COLORADO STATE UNIVERSITY**

2020-2022

Represent the College on the Nutrien Agricultural Sciences construction project team.
The \$42 million renovation revitalized the home for Agriculture on campus and in the state.
Convened teams to ideate and develop consensus for the design of the building.
Provided expert opinion during weekly project team meetings.

DIRECTOR OF PLANNING AND OPERATIONS**COLORADO STATE UNIVERSITY**

2018-2020

Oversaw the five person IT team
Coordinate College Communications efforts
Design and administer websites
Data collection and analysis
Coordinate physical facility maintenance and improvements

IT DIRECTOR**COLORADO STATE UNIVERSITY**

2000-2018

Analyzed department and job-related functionality requirements to align technology priorities with business needs.
Developed and implemented technical application support and information technology policies and procedures that advanced investment needs, outcomes and performance measurements to balance continuous innovation with responsible risk-taking.
Identified opportunities for application optimization, redesign and development and troubleshoot and resolved user and application issues.
Fostered positive working environment that encouraged innovation, collaboration and accountability and managed end-user needs with functional and security responsibilities.

INSTRUCTOR**COLORADO STATE UNIVERSITY**

1993-2000

Applied various teaching aids to minimize learning gaps and instruct and motivate students.

Tracked student progress, frequently checking in with struggling students and identifying root causes of problems.

Evaluated and revised lesson plans and course content to achieve student-centered learning.

Observed other instructors and lecturers, gathering valuable techniques to be implemented into future lectures and courses.

ARMY OFFICER

1979-1994

Highlights

Unit command of an artillery unit, 120 personnel, in the Federal Republic of Germany

NATO liaison Officer for an artillery battalion in Greece. Attended language school prior to deployment to become fluent in Greek.

Lead Middle East intelligence analyst at Fort Sill Oklahoma during Desert Storm providing communications and briefings to the Post General Staff and deploying units

EDUCATION**2015****PHD****COLORADO STATE UNIVERSITY, PUBLIC COMMUNICATIONS AND TECHNOLOGY****1995****MASTERS OF SCIENCE****COLORADO STATE UNIVERSITY, COMPUTER INFORMATION SYSTEMS****1990****MASTERS OF ART****INDIANA UNIVERSITY, RUSSIAN AND EAST EUROPEAN STUDIES****1979****BACHELORS OF SCIENCE****NORTHERN ILLINOIS UNIVERSITY, FINANCE****SKILLS & INTERESTS**

Cycling • Travel • Music • Sustainability • Technology • Current member of the Campus Bicycle Advisory Committee and City Bicycle Advisory Committee

VOLUNTEER APPLICATION

Jessica Dyrdaahl

6/9/2022 2:22 PM

Application: **Boards or Commission Membership**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Masters degree
 Address: [REDACTED] Phone: [REDACTED] <<
 Fort Collins, CO 80526

Availability

	S	M	T	W	T	F	S
Morning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Afternoon	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Evening	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Volunteer Groups Applied For

Affordable Housing Board, Transportation Board

Job Description

☒ I have read the job description

Questions

Please indicate which Board(s) you are interested in:	Transportation Board, Affordable Housing Board
Which Council District do you live in? Please refer to the map at: https://gisweb.fcgov.com/HTML5Vie	4
Current Occupation:	Assistant Director for Student Government
Current Employer:	Colorado State University
Prior work experience (please include dates):	Please see attached resume
Volunteer experience (please include dates):	Please see attached resume for Leadership and Service Experience
Are you currently serving on a City board or Commission? If so, which one?	No
Why do you want to become a member of this particular board or commission?	I advise the student government at CSU and since I can remember, the cost of housing has been one of the greatest concerns for students I have worked with.
Have you had any exposure to the board or commission you are applying for? If yes, please explain:	Yes; I applied for the Affordable Housing Board a few years ago and attended some of the virtual meetings in 2020 and 2021
Specify any activities which might create a serious conflict of interest if you are appointed:	None
How did you learn of a vacancy on this board or commission?	Other (please specify); Social media

Briefly explain what you believe are the three most important issues facing this board or commission, and how do you believe this board or commission should address each issue. Feel free to upload a separate sheet of paper if necessary.

- 1) People who work here cannot afford to live here
- 2) There is a disparity amongst identities in terms of who are or are not homeowners
- 3) Safety in homes is of concerns, especially with mold and other contaminants

I do know the Affordable Housing Task Force is looking into the above mentioned items which is a great start. The Housing Strategic Plan is also a great blueprint for addressing the concerns. Lastly, as a Community Guide for Home2Health a lot of good ideas were shared that may not have made it into the Housing Strategic Plan but may be worth looking at.

JESSICA L. DYRDAHL

Includer Woo Positivity Communication Activator

EDUCATION

Indiana University

May 2010

Master of Education: Concentration: Higher Education in Student Affairs

Colorado State University

May 2007

Bachelor of Liberal Arts: Political Science; Spanish

Honors Program Graduate

Universidad de Alcala

Jan. – May 2005

Semester Abroad – Spanish

CERTIFICATIONS

Mental Health First Aid

May 2018

Gallup - Certified Strengths Coach

Nov. 2017

Teaching English as a Foreign Language (TEFL)

Jan. 2015

STUDENT AFFAIRS PROFESSIONAL EXPERIENCE

Assistant Director for Student Government, *Colorado State University*, Fort Collins, CO

Sept. 2018 – Present

- Assess ASCSU operations, policies, procedures, and financial functions for improved effectiveness and efficiencies and implementing changes
- Directly supervise one full-time State Classified Administrative Assistant, and three official student leaders elected annually by the Student Body
- Responsible for the recruitment, selection, and training of ASCSU departmental advisors, who are full-time University employees
- Oversee the management of budgets totaling over \$1.3M in student fees, ensuring proper expenditures of allocated funds and that contractual obligations are met
- Act as an advocate of diplomacy when interacting with student leaders involving decision-making and program development.
- Establish and maintain effective and collaborative working relationships with multiple constituents including campus offices, students, staff, faculty members and various other community groups

Senior Program Coordinator for Leadership Development, *Colorado State University*, Fort Collins, CO

July 2016 – Sept. 2018

- Hire, train, supervise and evaluate three student staff assistants through one-on-one meetings, focusing on strengths and goals
- Plan and implement President's Leadership Program (PLP) special events such as the Leadership Development Community Retreat, Fall Retreat, Spring Reception, Alumni events and four Service Weekends
- Oversee and coordinate up to four sections of PLP through weekly instructor meetings, develop course curriculum, assess learning outcomes, facilitate instructor trainings and co-teach one course per semester
- Coordinate the recruitment, interview and selection process of incoming high school and current CSU students to PLP by communicating with Office of Admissions representatives, high school counselors, SLiCE front desk and professional staff, PLP instructors and the Lory Student Center Marketing Team
- Manage and support the PLP Scholars Class through Lunches with Leaders and the International Experience to Uganda and Rwanda, as well as the logistics of the Interdisciplinary Minor in Leadership Studies
- Focus and emphasize PLP alumni development and strategic planning for PLP to ensure an integration of social justice
- Budget and track expenses through five different funding sources totaling over \$230,000
- Representative to the Colorado Leadership Alliance (CLA), an umbrella organization for leadership programs in Colorado and support in planning and implementing the annual CLA Summit
- Facilitator for Rams Engaging in Active Leadership (REAL) workshops with 30-40 students present in each session

Site Director, *Northeastern University*, Dublin, Ireland

June 2015 – Dec. 2015

- Supervised a team comprised of an Assistant Site Director and three International Student Advisors overseeing 76 domestic and international undergraduate students in their first semester of higher education
- Taught two Global Experience courses at Dublin Business School focusing on topics such as Global Citizenship, Critical Thinking and Cross-Cultural Communication through a social justice lens
- Managed a programming budget of \$75,000 and produced both small and large scale academic and social programs
- Liaison between the Dublin Business School, Northeastern University and the Foundation for International Education
- Processed student conduct cases through Maxient and mediated difficult situations between participants of the program
- Oversaw the Service Learning component of the program to ensure all 76 students fulfilled requirements and maintained positive relationships with service learning providers while integrating concepts learned in the Global Experience Course

Leadership Coordinator, University of Alaska Anchorage, Anchorage, AK

Jan. 2011 – J

Item 12.

- Supervised, hired, evaluated and trained an administrative assistant, graduate student intern and two student employees
- Co-founder and Co-coordinator of the Emerging Leaders Program (ELP), a co-curricular leadership development program which incorporates retreats, workshops, community engagement opportunities, speaker series, and mentor opportunities
- Co-coordinated and secured funding for ELP and the first university wide Leadership Conference at UAA
- Created and assessed learning outcomes for ELP in addition to the leadership certification process
- Increased presence of ELP through effective marketing, public relations, and collaboration across various departments
- Designed, planned, implemented and evaluated leadership retreats and workshops for students and staff
- Lead Advisor to over 80 student clubs and four Greek letter organizations on effective leadership, recruitment, organizational management, financial processes, team building, conflict resolution and general organizational procedures
- Managed and tracked budgets for over 80 student clubs and four Greek letter organizations in addition to the ELP budget
- Demonstrated ability to plan and execute university-wide programs such as Homecoming and Student Involvement Fairs
- Increased usage and functionality of the CollegiateLink website at UAA to improve student organization processes
- Engaged in regular assessment of programs and services in addition to updating handbooks of policies and procedures
- Advised Greek Council and Club Council on their funding processes for student organizations as well as internal processes
- Represented the Student Life and Leadership office on various committees and helped to coordinate recognition programs
- Chaired the Seawolf Student Leader and Seawolf Committee Service Award Scholarship Committees

Interim Assistant Director of Leadership, University of Alaska Anchorage, Anchorage, AK

Mar. 2012 – July 2012

- Advised Union of Students at the University of Alaska Anchorage (USUAA), the student government at UAA
- Travelled with student government members to the state capitol to meet with state senators and representatives
- Implemented one-on-one meetings with the Student Body President and Executive Members of USUAA
- Supervised one USUAA Administrative Assistant and worked closely regarding USUAA budget items
- Planned and implemented a statewide meeting of leadership professionals in the University of Alaska system
- Supported scholarship, award and honors programs, including selecting students to attend LeaderShape each year

Student Organizations Advisor, Indiana University, Bloomington, IN

Aug. 2008 – May 2010

- Advised 700+ student organizations on campus and was the primary advisor for the Student Organization Funding Board
- Produced and updated the Student Organization Handbook for both online and print copies
- Planned and led the Student Organization Orientation and make-up sessions
- Chair of the Student Organization Celebration committee to recognize the achievements of student organizations

School of Informatics Career Services Graduate Assistant, Indiana University, Bloomington, IN

Aug. 2009 – May 2010

- Co-taught a career advising course for 50 Informatics and Computing students
- Critiqued resumes for students on both a drop-in and scheduled basis
- Prepared students for the interview process by hosting mock interviews and answering questions

EXPERIENCE

Client Service Supervisor, Spherion, Fargo, ND

Sept. 2014 – May 2016

- Determined client needs and place appropriately skilled employees on flexible/full-time assignments
- Oversaw recruitment, interviews, hiring and new employee orientation of employees
- Supervised and counseled employees on behavioral and performance issues
- Utilized a Customer Relationship Management system to track potential, current and past employees for top job placement, ongoing trainings and new job opportunities

LEADERSHIP AND SERVICE EXPERIENCE

Leadership Fort Collins Steering Committee

- Connect with professionals across all industries and sectors to develop relationships

Division of Student Affairs (DSA) Onboarding Steering Committee Member – Colorado State University

- Co-chair the Marketing and Communication Subcommittee

Administrative Professionals Council (APC) – Colorado State University

- Serve as a voice and a DSA representative to the APC

Leadership Fort Collins – Fort Collins Chamber of Commerce

- Graduate of Leadership Fort Collins and coordinated a Mental Health First Aid Training as a class project

Safe Zone Trainer – University of Alaska Anchorage

- Facilitated trainings to help participants become better allies for GLBTQA+ and other marginalized communities

Larimer County Jail Volunteer

- Facilitate biweekly leadership trainings for an average of 7 participants as a Tier 1 program