



City Council Regular Meeting Action Agenda

September 20, 2022 at 6:00 PM

Jeni Arndt, Mayor
Emily Francis, District 6, Mayor Pro Tem
Susan Gutowsky, District 1
Julie Pignataro, District 2
Tricia Canonico, District 3
Shirley Peel, District 4
Kelly Ohlson, District 5

City Council Chambers
300 Laporte Avenue, Fort Collins
& via Zoom at
<https://zoom.us/j/98241416497>

Cablecast on FCTV
Channel 14 on Connexion
Channel 14 and 881 on Xfinity

Carrie Daggett
City Attorney

Kelly DiMartino
City Manager

Anissa Hollingshead
City Clerk

The purpose of the action agenda is to provide a brief overview of the actions taken by the City Council to be available shortly after a Council meeting.

Council Proceedings are the complete official record of the meeting and are prepared for approval by the Council generally at its next meeting. They are published following their approval as the minutes of the meeting.

PROCLAMATIONS & PRESENTATIONS 5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

- PP 1. **Proclamation Declaring September 15-October 15, 2022 as Hispanic/Latinx Heritage Month**
- PP 2. **Proclamation Declaring September 17-23, 2022 as Constitution Week.**
- PP 3. **Proclamation Declaring October 1 as Tour de Corgi Day.**
- PP 4. **Proclamation Declaring October 9-15 as Fire Prevention Week.**
- PP 5. **Proclamation Declaring October 15-16 as The Cupboard's 50th Anniversary Days.**

REGULAR MEETING 6:00 PM

- B) CALL MEETING TO ORDER**
- C) PLEDGE OF ALLEGIANCE**
- D) ROLL CALL**

**4 Members Present: Mayor Arndt, Councilmembers Pignataro, Canonico and Gutowsky.
3 Excused: Mayor Pro Tem Francis, Councilmembers Peel and Ohlson.**

E) CITY MANAGER'S AGENDA REVIEW

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

NO CHANGES

F) COMMUNITY REPORTS

1. **Platte River Power Authority Report**

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

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

H) PUBLIC COMMENT FOLLOW-UP

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

CONSENT CALENDAR

1. **Consideration and Approval of the Minutes of the September 6, 2022 Regular Meeting.**
APPROVED

The purpose of this item is to approve the minutes of the September 6, 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. ADOPTED ON SECOND READING**

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. 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. ADOPTED ON SECOND READING**

This Ordinance, unanimously adopted on First Reading on September 6, 2022, appropriates philanthropic revenue designated for the 2022 Independence Day Celebration and the 2022 Community Development and Neighborhood Services Urban Design Awards.

4. **Second Reading of Ordinance No. 096, 2022, Conditionally Vacating a Portion of Coleman Street Right-of-Way. ADOPTED ON SECOND READING**

This Ordinance, unanimously adopted on First Reading on September 6, 2022, adopts 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.

5. **First Reading of Ordinance No. 097, 2022, Appropriating Unanticipated Revenue From Philanthropic Donations Received in 2022 Through City Give for Various City Programs and Services as Designated by the Donors. ADOPTED ON FIRST READING**

The purpose of this item is to request appropriation of \$90,234 in philanthropic revenue received through City Give. These miscellaneous gifts to various City service areas support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

6. **First Reading of Ordinance No. 098, 2022, Appropriating Prior Year Reserves in the General Fund to Provide Financial Support to the United Neighbors/Vecinos Unidos for Nueva Vida Mobile Home Park. ADOPTED ON FIRST READING**

The purpose of this item is to provide financial support to United Neighbors/Vecinos Unidos (UN/VU), a non-profit 501(c)(3) corporation that recently acquired ownership of the Parklane Mobile Home Park. On August 1, 2022, residents of the Parklane Mobile Home Park (Parklane MHP), with the help of a newly formed nonprofit (United Neighbors/Vecinos Unidos, UN/VU), outbid a commercial owner's offer and purchased their park. With this purchase, residents of Parklane have become one of only six mobile home parks in Colorado purchased by residents. UN/VU is seeking City funding toward several urgent and necessary infrastructure repairs to the park. This item was discussed at the September 1, 2022, Council Finance Committee.

7. **Items Relating to the Peakview Annexation No. 1.**

A. Resolution 2022-099 Setting Forth Findings of Fact and Determinations Regarding the Peakview Annexation No. 1. **ADOPTED**

B. Public Hearing and First Reading of Ordinance No. 099, 2022, Annexing the Property Known as the Peakview Annexation No. 1 to the City of Fort Collins, Colorado. **ADOPTED ON FIRST READING**

The purpose of this item is to annex a 5.78-acre portion of private property that will be used for the construction of Greenfields Drive, a future arterial street within the East Mulberry Corridor. The property to be annexed is a portion of the property subject to the Peakview Planned Land Division ("PLD") development application which is currently being processed by Larimer County and is expected to be approved prior to completion of this annexation. The remaining property subject to the PLD is expected to petition for annexation as a condition of the County's approval. The Initiating Resolution for this annexation was adopted on August 16, 2022. A related item to zone the annexed property is presented as the next item on this agenda.

This Annexation request is in conformance with State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins Comprehensive Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreements.

8. **Public Hearing and First Reading of Ordinance No. 100, 2022, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Peakview Annexation No. 1 to the City of Fort Collins and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and Lighting Context Area Map. **ADOPTED ON FIRST READING****

The purpose of this item is to zone the property included in the Peakview Annexation No. 1 Annexation into the General Commercial (C-G), Neighborhood Commercial (N-C) and Medium Density Mixed Use Neighborhood (MMN) zone districts and placement into the LC1 and LC2 Lighting Context Areas.

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 2(d) of the Council's Rules of Meeting Procedures most recently adopted in Resolution 2022-068.

9. **First Reading of Ordinance No. 101, 2022, Authorizing the Release of a Restrictive Covenant on Property at 331 North Howes Street Owned by Villages, Ltd. **ADOPTED ON FIRST READING****

The purpose of this item is to obtain authorization from Council to release the Agreement of Restrictive Covenants Affecting Real Property for the property located at 331 North Howes Street. This property is owned by Villages, Ltd, a 501(c)(3) non-profit corporation managed by Housing Catalyst. In exchange for repaying the original \$3,000 in Community Development Block Grant (CDBG) loan funds, the City will allow early release of a restrictive covenant which would otherwise expire in 2023.

10. **Resolution 2022-100 Supporting a Grant Application for Gray and Black Market Marijuana Enforcement Funding for Fort Collins Police Services. **ADOPTED****

The purpose of this item is to obtain Council support for the City to apply for grant money to support enforcement of gray- and black- market marijuana activity for Fort Collins Police Services.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

ACTION TAKEN: APPROVED RECOMMENDED ACTIONS FOR ITEMS 1-10 ON THE CONSENT CALENDAR 4-0.

- 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**

NONE

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

11. **Public Hearing #1 on the 2023-24 Recommended Budget for the City of Fort Collins.**

This is the first public hearing on the City Manager's 2023-24 Recommended Budget for the City of Fort Collins. The purpose of this public hearing is to gather public input on the 2023-24 budget.

To receive further public input, a second public hearing is scheduled for Council's Tuesday, October 4, 2022, regular meeting at 6:00 p.m. in Council Chambers with the option for remote participation through the online Zoom meeting platform. Both hearings were set by Council adoption of Resolution 2022-097 at its September 6, 2022, meeting. The City Manager's 2023-24 Recommended Budget can be reviewed at the City Clerk's Office by appointment only and online at fcgov.com/budget.

ACTION TAKEN: HEARING HELD

12. Appeal of 1802 North College Avenue City Landmark Eligibility for Development Review.

The purpose of this quasi-judicial item is to consider an appeal of the Historic Preservation Commission's (HPC) Decision on July 20, 2022, determining that the property at 1802 North College Avenue, Pobre Pancho's, is eligible as a Fort Collins Landmark and subject to the provisions of Land Use Code 3.4.7. Appeals of quasi-judicial commission decisions are processed under Municipal Code Chapter 2, Article II, Division 3. The Council is tasked, after considering the evidence, to uphold, overturn, or modify the decision of the Historic Preservation Commission (Sec. 2-56). The Council may also remand the matter to the HPC or an alternate decision-maker in certain circumstances under Sec. 2-56.

A Notice of Appeal of the HPC's decision was filed on August 3, 2022. The appellant, H and H Properties, LLC, (H&H) appealed the decision on two grounds. First, H&H argues that the HPC considered evidence relevant to its findings which was substantially false or grossly misleading. Second, H&H argues that the HPC failed to properly interpret and apply provisions of the City Code, specifically Municipal Code Sec. 14-22, Standards for Eligibility, and Sec. 14-23 Process for Determining Eligibility.

This item is a quasi-judicial matter and will be considered in accordance with the Council appeal procedures described in Division 3 of Article II of Chapter 2 of the City Code.

ACTION TAKEN: DENIED THE APPEAL, FINDING THE HPC CONDUCTED A FAIR HEARING and THE HPC PROPERLY INTERPRETED AND APPLIED THE LAND USE CODE IN ITS CONSIDERATION OF THE ELIGIBILITY DETERMINATION

P) OTHER BUSINESS

OB 1. Possible consideration of the Initiation of new ordinances and/or resolutions by Councilmembers.

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

Q) ADJOURNMENT

ADJOURNED AT 10:09 PM