



City Council Regular Meeting Action Agenda

February 07, 2023 at 6:00 PM

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

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

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

Carrie Daggett
City Attorney

Kelly DiMartino
City Manager

Anissa Hollingshead
City Clerk

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. **Proclaiming February 19-25, 2023 as National Engineers Week.**

REGULAR MEETING 6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

7-0 ALL MEMBERS PRESENT

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.)

H) PUBLIC COMMENT FOLLOW-UP

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

ITEM 12 PULLED FOR DISCUSSION

CONSENT CALENDAR

- 1. Consideration and Approval of the Minutes of the December 6, 2022 and December 20, 2022, Regular Council Meetings.**

The purpose of this item is to approve the minutes of the December 6, 2022 and December 20, 2022 regular Council meetings.

ACTION TAKEN: APPROVED.

- 2. Second Reading of Ordinance No. 001, 2023, Appropriating Funds in the General Fund for 2023 Increases in Salary Compensation for the Mayor and Councilmembers as Approved by the City of Fort Collins Voters on November 8, 2022, by the Amendment of Section 3 in Article II of the City Charter.**

The purpose of this Ordinance, unanimously adopted on First Reading on January 17, 2023, is a General Fund supplemental appropriation to fund 2023-2024 Budget Offer 28.12 - City Council Voter Approved Pay Increase but only for fiscal year 2023. This budget request was not funded in the 2023 annual appropriation since the election results of the 2022 City-Initiated Charter Amendment No. 1 (Council Compensation) ballot initiative would not be known until after First Reading of the City's annual appropriation ordinance for 2023. The initiative was approved by Fort Collins voters and this action is to appropriate the increased spending in the General Fund to implement the ballot initiative for the salary increases in 2023.

ACTION TAKEN: ADOPTED ON SECOND READING.

- 3. Second Reading of Ordinance No. 002, 2023, Appropriating Philanthropic Revenue Received Through City Give for the Acquisition of a Community Soundstage in the Parks Department.**

This Ordinance, unanimously adopted on First Reading on January 17, 2023, requests appropriation of \$250,000.00 in philanthropic revenue received by City Give for Parks for the purchase and acquisition of a community soundstage.

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.

ACTION TAKEN: ADOPTED ON SECOND READING.

- 4. Second Reading of Ordinance No. 003, 2023, Declaring a Portion of City-Owned Property at 835 Wood Street as Right-of-Way.**

The purpose of this item is to declare a strip of property owned by the City as road right-of-way (ROW) via the proposed plat for the Fort Collins Fleet Maintenance Subdivision. City staff recently discovered that a portion of the City's property at 835 Wood Street is being used for public street purposes, but was never dedicated or declared to be public ROW. This Ordinance, which was unanimously adopted on First Reading on January 17, 2023, establishes this portion of the property as ROW for Wood Street and authorizes the City Manager to dedicate such ROW through execution of the plat.

ACTION TAKEN: ADOPTED ON SECOND READING.

5. **Second Reading of Ordinance No. 004, 2023, Authorizing the Sale of the Real Property Located at 945 East Prospect Road to Kum & Go, L.C.**

The purpose of this item, which was unanimously adopted on First Reading on January 17, 2023, is to authorize the sale of the City-owned property located at 945 East Prospect Road to Kum & Go, L.C., an Iowa limited liability company (Kum & Go), for \$403,000. The sales price was determined by an appraisal by CBRE Valuation and Advisory Services, which provides on-call property appraisals for the City. A purchase and sale agreement was executed by Kum & Go and the City Manager on November 3, 2022. Completion of the purchase is contingent on City Council's approval of the sale by its final adoption of this Ordinance in accordance with Section 23-111 of the City Code, and approval of the final development plans by the City's Director of Community Services and Neighborhood Development.

ACTION TAKEN: ADOPTED ON SECOND READING.

6. **Second Reading of Ordinance No. 005, 2023, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the 215 North Mason Municipal Court 15-Year Buildout Design and Related Art in Public Places.**

The purpose of this item is to receive Council approval for an appropriation for Design of the 215 North Mason Municipal Court 15-year build-out using Capital Expansion Fees. This Ordinance was unanimously adopted on First Reading on January 17, 2023.

ACTION TAKEN: ADOPTED ON SECOND READING.

7. **Second Reading of Ordinance No. 006, 2023, Appropriating Prior Year Reserves in the Transportation Capital Expansion Fee Fund for Eligible Reimbursement to the Northfield Developer for the Construction of Suniga Road Improvements.**

The purpose of this item is to appropriate \$2,081,548 of Transportation Capital Expansion Fee (TCEF) Funds for expenditure from the Transportation Capital Expansion Fee Program Budget to reimburse the Northfield developer for its oversizing construction of Suniga Road. The Northfield developer has constructed Suniga Road as a four-lane arterial to City standards as part of its development requirements. Per Section 24-112 of the City Code, the developer is eligible for reimbursement from Transportation Capital Expansion Fee (TCEF) funds for the oversized, non-local portion of Suniga Road not attributed to the local portion obligation. This Ordinance was unanimously adopted on First Reading on January 17, 2023.

ACTION TAKEN: ADOPTED ON SECOND READING.

8. **Second Reading of Ordinance No. 007, 2023, Repealing Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as "2022 Transitional Land Use Regulations".**

On January 17, 2023, Council unanimously adopted this Ordinance on First Reading from the options available to it upon the presentation of a petition certified as sufficient for referendum.

ACTION TAKEN: ADOPTED ON SECOND READING.

9. **Items Related to Code Amendments to Update and Align Wireless Communication Facility Regulations with the Wireless Telecommunications Master Plan**

A. Second Reading of Ordinance No. 011, 2023, Amending the Fort Collins Land Use Code to Update Standards for Wireless Communications Facilities Consistent with the Wireless Telecommunications Master Plan.

B. Second Reading of Ordinance No. 012, 2023, Amending the Code of the City of Fort Collins to Update Standards for Wireless Communications Facilities in Public Highways Consistent with the Wireless Telecommunications Master Plan.

The purpose of the update to the Wireless Communication section of the Land Use Code and corresponding revisions to the City Code is to ensure City standards and requirements for wireless communication development proposals align with the goals, policies, and implementation strategies of the recently adopted Wireless Telecommunications Master Plan and current state and federal regulatory standards. Doing so will enable the City to fully exercise its regulatory authority during the review and siting of new wireless communication infrastructure throughout the community. The Planning and Zoning Commission has reviewed and recommended approval of the revised City Code and Land Use Code language. These Ordinances were unanimously adopted on First Reading on January 17, 2023.

To avoid confusion with the Codifier in accurately updating the Land Use Code, a new Section 47 has been added to Ordinance No. 011, 2023, to specifically state that the definitions of “Wireless telecommunication equipment”, “Wireless telecommunication facility” and “Wireless telecommunication services” are deleted from Section 5.1.2 of the Land Use Code. This is not a substantial change to the Code language Council approved on First Reading.

ACTION TAKEN: ADOPTED ON SECOND READING.

10. **First Reading of Ordinance No. 013, 2023, Appropriating Unanticipated Grant Revenue From the Colorado Community Revitalization Grant Program in the Cultural Services & Facilities Fund for the Renovation of the Carnegie Center for Creativity and Approving the Associated Grant Agreement.**

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

ACTION TAKEN: ADOPTED ON SECOND READING.

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

The purpose of this item is to request appropriation of \$50,000.00 in philanthropic revenue received by City Give for Forestry, Community Services.

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

ACTION TAKEN: ADOPTED ON FIRST READING.

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

The purpose of this item is to request appropriation of \$480,765.00 for the designated purpose

toward the construction of the 9/11 Memorial at Spring Park, 2100 Mathews Steet, Fort Collins, CO.

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

ACTION TAKEN: PULLED FROM CONSENT TO ALLOW DISCUSSION.

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

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

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

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

ACTION TAKEN: ADOPTED ON FIRST READING.

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

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

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

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

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

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

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

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

ACTION TAKEN: ADOPTED ON FIRST READING.

15. Items Relating to Victim Services Grants.

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

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

The purpose of these items is to help fund the Victim Services Unit of Fort Collins Police Services for victim advocacy services which are required under the Colorado Victim Rights Amendment for victims of crime and their family members.

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

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

ACTION TAKEN: ADOPTED ON FIRST READING.

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

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

ACTION TAKEN: ADOPTED ON FIRST READING.

17. Resolution 2023-015 Making an Appointment to the Youth Advisory Board.

The purpose of this item is to fill a vacancy on the Youth Advisory Board.

ACTION TAKEN: ADOPTED.

18. **Resolution 2023-016 Authorizing the Initiation of Exclusion Proceedings of Annexed Properties Within the Territory of the Poudre Valley Fire Protection District and Authorizing an Intergovernmental Agreement with Said District.**

The purpose of this item is to authorize the City Attorney to file a petition in Larimer County District Court to exclude properties annexed into the City in 2022 from the Poudre Valley Fire Protection District (the "District") in accordance with state law. The properties affected by this Resolution are the Peakview Annexation Number One and the Timber Lark Annexation. Colorado Revised Statutes Section 32-1-502 requires an order of exclusion from the District Court to remove these annexed properties from special district territories. The properties have been receiving fire protection services from the Poudre Fire Authority and will continue to do so. The City Attorney's Office files the petition in Larimer County District Court each year seeking exclusion for all properties annexed in the previous year that should be removed from the District to avoid double taxation.

ACTION TAKEN: ADOPTED.

19. **Resolution 2023-017 Adopting Amendments to the City's Financial Management Policies.**

The purpose of this item is to update three of the internal Financial Management Policies:

Policy 5 – Fund Balance

Policy 7 – Debt

Policy 8 – Investment

The policies are reviewed on a three-year rolling schedule. The recommended changes have been presented to the Council Finance Committee which supported the changes recommended.

ACTION TAKEN: ADOPTED.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

ACTION TAKEN: APPROVED RECOMMENDED ACTIONS ON ITEMS 1-11 AND 13-19, 7-0

- 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

Multicultural Business and Entrepreneur Center (MBEC) Update.

M) COUNCILMEMBER REPORTS

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

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

The purpose of this item is to request appropriation of \$480,765.00 for the designated purpose toward the construction of the 9/11 Memorial at Spring Park, 2100 Mathews Steet, Fort Collins, CO.

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

ACTION TAKEN: ADOPTED ON FIRST READING 6-1. (NAY: OHLSON.)

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

20. First Reading of Ordinance No. 023, 2023, Amending the Land Use Code to Include Regulations for Areas and Activities of State Interest.

The purpose of this ordinance is to amend the Fort Collins Land Use Code to include regulations for reviewing and permitting designated areas and activities of statewide interest - a new 1041 permit process for major domestic water, sewage treatment and highway projects. 1041 powers give local governments the ability to regulate particular development projects occurring within their jurisdiction, even when the project has broader impacts.

If Council wishes to provide additional time for review and consideration of the Ordinance, a postponement by motion to a date certain would be appropriate or providing additional time between first and second reading. Regardless, staff recommends Council use February 7th for discussion and further clarifications. If there will not be a hearing on February 21st, a new notice will need to be published in a newspaper of general circulation at least 30 days prior to the hearing.

ACTION TAKEN: POSTPONED FIRST READING TO MAY 2, 2023

P) OTHER BUSINESS

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

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

Q) ADJOURNMENT

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

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City

services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide advance notice. Requests for interpretation at a meeting should be made by noon the day before.

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