



City Council Regular Meeting Action Agenda

March 7, 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 March 20-26, 2023, as Fix a Leak Week.

None.

REGULAR MEETING 6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

7-0 All 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 – none.

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

The purpose of this Ordinance, unanimously adopted (6-0) on First Reading on February 21, 2023, is to request appropriation of \$86,000.00 in philanthropic revenue received by City Give for Fort Collins Police Services for the Safe Futures initiative.

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

Action Taken: Adopted on Second Reading.

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

The purpose of this Ordinance, which was unanimously adopted (6-0) on First Reading on February 21, 2023, is to request appropriation of \$19,692 in philanthropic revenue received through City Give. These miscellaneous gifts to various City service areas and departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

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

Action Taken: Adopted on Second Reading.

- 3. **Items Related to Residential Solid Waste Collection.**

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

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

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

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

- 1. *Ordinance No. 027, 2023, would amend the City Code to enable the contracted hauling program and establish the City Administrative Fee to fund the City's role in the program.*

2. Ordinance No. 028, 2023, would adopt the contract with Republic Services.
3. Ordinance No. 029, 2023, would approve an off-cycle general fund appropriation in the amount of \$107,251 to support the start-up phase of the proposed program.
4. Policy question: Do Councilmembers prefer the weekly or every-other-week recycling collection option?

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

The proposed program includes the following benefits:

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

All three Ordinances were unanimously adopted (6-0) on First Reading on February 21, 2023.

Between First and Second Reading, staff has revised the Review Version of the contract with Republic Services and the proposed Code changes contained in Ordinance No. 027. Here are summaries of those changes:

- *Staff revised the frequency of the Recyclable Materials Service from every-other-week to weekly within the contract, added a new provision to address the City's right to change from weekly to every-other-week Recyclable Materials Service during the Agreement term subject to the party's good faith negotiations to determine the timing and impact to pricing of such change, and updated the Pricing Sheet accordingly. (See attached Contract Revision #1). Staff also updated the Pricing Sheet to reflect the selection of weekly Recyclable Materials Service (See attached Contract Revision #2). Additionally, staff incorporated a Cooperative Purchase provision to allow other governmental entities within the state of Colorado to use the City's competitive purchasing process as the basis to negotiate a contract with Republic Services for similar services, subject to such governmental entities' governing laws, rules, and regulations. (See attached Contract Revision #3).*
- *Staff also revised the Code changes to make various technical updates, including correcting the use of certain defined terms, removing unnecessary language, and correcting typographical errors. Staff moved a subsection from existing Section 15-413(d) to new Section 15-412(h) and clarified communication requirements for collectors in that same subsection. Additionally, staff clarified yard trimmings collection requirements within Section 15-414. All*

amendments from the First Reading version of Ordinance No.0 27 are shown within the Second Reading version of Ordinance No. 027.

Action Taken: Pulled from consent. On discussion, adopted all ordinances on second reading 7-0.

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

The purpose of this Ordinance, unanimously adopted (6-0) on First Reading on February 21, 2023, is to consider adoption of the North College Max Plan. The North College MAX BRT Plan is the result of approximately 18 months of community engagement, information analysis, and concept refinement. The plan provides recommendations for Bus Rapid Transit, local transit routes, bicycle and pedestrian facilities, future development, and affordability.

Action Taken: Adopted on Second Reading.

5. **First Reading of Ordinance No. 032, 2023, Authorizing the Release of Restrictive Covenants on Property at 1947 Phia Way Developed by Fort Collins Habitat for Humanity.**

The purpose of this item is to obtain authorization from Council to release the Agreement of Restrictive Covenants Affecting Real Property on the single-family home located at 1947 Phia Way, which was developed by Fort Collins Habitat for Humanity. The development of this home was initially assisted with funding from the Department of Housing and Urban Development (HUD). At the time of completion, the project no longer met the HUD requirements, triggering a HUD mandated repayment of the funds and cancellation of the project.

Action Taken: Adopted on First Reading.

6. **First Reading of Ordinance 033, 2023, Extending the Moratorium on Certain Activities of State Interest Designated in Ordinance No. 122, 2021.**

The purpose of this item is the First Reading of an ordinance that extends the length of a moratorium previously imposed through Ordinance No. 122, 2021, and further extended with Ordinance No. 139, 2022, on two designated activities of state interest. The proposed Ordinance extends the length of the existing moratorium for three months beyond March 31, 2022, or until City Council adopts guidelines for the administration of the two designated activities. Extending the moratorium allows staff to reengage with stakeholders and develop policy decision points for Council's consideration along with first reading of the version-three 1041 regulations, May 2, 2023.

Action Taken: Adopted on First Reading.

7. **First Reading of Ordinance No. 034, 2023, Making Supplemental Appropriations from the Colorado Water Conservation Board Grant and Water Fund Reserves and Authorizing Transfers of Appropriations for the Water Efficiency Plan Update.**

The purpose of this item is to support updating the City's Water Efficiency Plan by end of 2024 by:

- *Appropriating \$160,000 of unanticipated grant revenue, awarded by the Colorado Water Conservation Board, to the Water Fund*
- *Appropriating \$65,795 from the Water Fund reserves*

- Utilizing matching funds in the amount of \$126,705 from existing 2023 appropriations into this new grant project

Action Taken: Adopted on First Reading.

8. **First Reading of Ordinance No. 035, 2023, Authorizing the City Manager to Execute Agreements, Conveyances, and Other Documents to Incorporate the Spring Cañon Waste Way Ditch.**

The purpose of this item is to approve the City's conveyance of its 2/12ths fractional ownership of the Spring Cañon Waste Way Ditch (Ditch) to a newly formed and incorporated Spring Cañon Wasteway Ditch Company (Ditch Company), and thereby receive 2/12ths share of the Ditch Company. This item would also authorize the City Manager to execute related agreements needed to form the Ditch Company. This administrative restructuring of the Ditch and water right ownership will allow for a variety of efficiencies including easier shareholder transfers, providing a single point of contact, and improving coordination of Ditch maintenance.

Action Taken: Adopted on First Reading.

9. **Resolution 2023-024 Adopting the Water Quality Management Policy for City-Owned Lakes and Stormwater Basins in the Growth Management Area.**

The lakes and stormwater basins (together, "urban lakes") that the City owns are important resources that provide a range of benefits to the Fort Collins community. There are significant challenges associated with managing water quality in the City's urban lakes. A project team has been working over the last two years to address these challenges by developing the City of Fort Collins Urban Lakes Water Quality Management Policy ("Policy") and associated Guidance Document ("Guidance"). The Policy provides a framework for the City's water quality operational and management decisions for its urban lakes and the Guidance provides technical resources to assist City staff with implementing the Policy. Development of the Policy and Guidance were informed by feedback received as part of an extensive stakeholder engagement process, and the Water Commission, Land Conservation and Stewardship Board, Natural Resources Advisory Board, and Parks and Recreation Board have formally recommended that City Council adopt the Policy.

Action Taken: Adopted.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

Action Taken: Approved Recommended Actions on Items 1-2 and 4-8, 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

M) COUNCILMEMBER REPORTS

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

Item 3 was considered at this time and all three ordinances were adopted on Second Reading 7-0.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

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

The purpose of this Ordinance, adopted 5-1 (Nay: Ohlson) on First Reading on February 21, 2023, is to request appropriation of \$100,000 in philanthropic revenue received through City Give for The Gardens on Spring Creek for general operations as designated by the donor.

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

Action Taken: Adopted on Second Reading 6-1. (Nay: Ohlson)

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

The purpose of this Ordinance, adopted 5-1 (Nay: Ohlson) on First Reading on February 21, 2023, is to appropriate an anticipated \$1,000,000 capital contribution for the construction of a new public terminal facility (Project) at the Northern Colorado Regional Airport (Airport). Total Project costs are estimated to be \$25,000,000, and this Ordinance's adoption by the end of February helps to secure the anticipated \$21,000,000 of federal funding. At the suggestion of the Council Finance Committee, staff has developed a series of performance indicators to use as terms and conditions of the City contribution.

The Ordinance has been revised between first and second reading to add a new sixth recital listing the performance indicators for the Project that City staff identified. These indicators were not explicitly included in the changes to the Ordinance read into the record at first reading and approved by Council. These performance indicators are: (i) the Project achieve LEED Silver building certification; (ii) the Project include a public art commitment at 1% of the non-federal funding; (iii) the terminal's carbon footprint be no greater than 198 metric tons of carbon dioxide equivalent; (iv) the terminal have enhanced accessibility; and (v) the Airport achieve by 2028 no less than 33,000 bus or air passengers annually utilizing the terminal.

Action Taken: Adopted on Second Reading 5-2. (Nays: Francis, Ohlson)

12. **Appeal of Planning and Zoning Commission Approval of 636 Castle Ridge Court Group Home Project Development Plan/Final Development Plan.**

The purpose of this quasi-judicial item is to consider an appeal of the Planning and Zoning Commission's decision on December 15, 2022, approving the Castle Ridge Group Home combined Project Development Plan/Final Development Plan (#FDP220013 or "FDP") located at 636 Castle Ridge Court. Two Notices of Appeal were filed, the first on December 21, 2022, and second on December 28, 2022, alleging that the Planning and Zoning Commission failed to properly interpret and apply relevant provisions of the Land Use Code and failed to conduct a fair hearing.

Action Taken: All appeals denied 7-0.

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 12:58 a.m.

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.