

September 6, 2022

**COUNCIL OF THE CITY OF FORT COLLINS, COLORADO**

**Council-Manager Form of Government**

**Regular Meeting – 6:00 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.**

Mayor Jeni Arndt presented the above proclamations at 5:00 p.m. in the City Council Chambers.

**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 Julie Pignataro  
Councilmember Tricia Canonico (arrived at 6:15 p.m.)  
Councilmember Shirley Peel  
Councilmember Kelly Ohlson

**ABSENT**

Councilmember Susan Gutowsky

**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, including:

- There were no changes to the published agenda.
- Item 2 is being pulled from the consent agenda with the recommendation it be postponed for two weeks to allow for additional staff work.
- The remaining items on the consent agenda all 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.)*

Sterling, a young resident of Fort Collins, read a short book he wrote about how government is structured.

Tom Weatherly, a Fort Collins resident, shared concerns with Spin bicycles being left on city sidewalks, providing photos of some examples of the issues he is seeing on his normal routes when riding his bike to and from work and on other short car trips in his part of town.

Jan Stallones, a Fort Collins resident, stated she is a new Fort Collins resident who is learning about codes and ordinances and expressed concern about an abandoned property near her home. She offered her willingness to be involved in proactive solutions for these sorts of issues.

There were no online speakers.

## H) PUBLIC COMMENT FOLLOW-UP

Kelly Ohlson asked if City management has any comments regarding about the Spin program.

City Manager Kelly DiMartino noted follow up will be provided in the form of a memo and possibly a staff report regarding follow up on these sorts of repeat issues.

Mayor Jeni Arndt thanked Sterling for sharing his book, encouraged Ms. Stallone to be in contact with the City Clerk regarding openings on boards and commissions, and concurred regarding the need to ensure public sidewalks remain fully accessible.

## I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

## J) CONSENT CALENDAR

### 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.*

***Approved.***

### 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 item was pulled from consent to allow for discussion.

### 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.

**Adopted on Second Reading.**

- 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.*

**Adopted on Second Reading.**

- 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.*

**Adopted on Second Reading.**

- 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.*

**Adopted on Second Reading.**

- 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.*

***Adopted on First Reading.***

- 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.*

***Adopted on First Reading.***

- 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.*

***Adopted.***

- 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.*

***Adopted.***

- 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.*

***Adopted.***

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

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

**Adopted.**

**K) ADOPTION OF CONSENT CALENDAR**

**Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to approve the recommended actions on items 1 and 3-12 on the consent calendar.**

**The motion carried 6-0.**

**Absent: Councilmember Gutowsky.**

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

None.

**M) STAFF REPORTS**

None.

**N) COUNCILMEMBER REPORTS**

None.

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

**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.*

This item was pulled from the consent agenda to allow for discussion.

**Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to postpone second reading of this ordinance to September 20, 2022.**

**The motion carried 6-0.**

**Absent: Councilmember Gutowsky.**

**P) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION**

None.

**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.)*

None.

**B. Consideration of a motion to go into Executive Session:**

***Motion made by Mayor Pro Tem Francis moved, seconded by Councilmember Peel, 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."***

***The motion carried 6-0.***

***Absent: Gutowsky.***

Entered into executive session at 6:33 p.m. for the purpose of discussing with the City's attorneys and appropriate management staff specific legal questions pertaining to litigation with Michaella Surat, 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).

The meeting returned to open session at 6:56 p.m.

Entered into executive session at 6:58 p.m. for the purpose of discussing with the City's attorneys and appropriate management staff 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, 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).

Returned to open session at 7:29 p.m.

**R) ADJOURNMENT**

The meeting was adjourned at 7:31 p.m. to a special work session reconvening in the Colorado Community Room at 222 Laporte Ave.

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Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

DRAFT