

September 20, 2022

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

- A. Proclamation Declaring September 15-October 15, 2022 as Hispanic/Latinx Heritage Month.**
- B. Proclamation Declaring September 17-23, 2022 as Constitution Week.**
- C. Proclamation Declaring October 1 as Tour de Corgi Day.**
- D. Proclamation Declaring October 9-15 as Fire Prevention Week.**
- E. Proclamation Declaring October 15-16 as The Cupboard's 50th Anniversary Days.**

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
Councilmember Susan Gutowsky
Councilmember Julie Pignataro
Councilmember Tricia Canonico

ABSENT

Mayor Pro Tem Emily Francis
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, including:

- There were no changes to the published agenda.
- All items on the consent agenda were recommended for approval.
- Noting an extended Community Report as part of the meeting from Platte River Power Authority.

F) COMMUNITY REPORTS

1. Platte River Power Authority Report

Kendall Minor, Utilities Executive Director, introduced the community report and representatives from Platte River Power Authority. PRPA CEO Jason Frisbie led the presentation. Also assisting in the presentation were Raj Singam Setti, Chief Transition and Integration Officer, and Eddie Gutierrez, Chief Strategy Officer.

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

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

Alan Braslau, Fort Collins resident and member of the Energy Board, spoke regarding wholesale energy price increases and associated retail rate increases and the need to support energy assistance programs. He also spoke about the need to expand efforts to meet challenges around transportation that contribute to carbon issues.

Fred Kirsch, Fort Collins resident, spoke on behalf of Community for Sustainable Energy... in supporting thinking bigger around a commercial scale solar production program. He delivered signatures collected in support of this.

Tom Weatherly, Fort Collins resident, spoke to request the ending of the Spin program for bike and scooter rentals due to the way these are being parked and impeding access on sidewalks and roadways. He provided photos.

Paul Gessler, representing the group Back from the Brink, spoke regarding nuclear weapons and the need to end the threat of nuclear war and asked council to endorse the United Nations Treaty on the Prohibition of Nuclear Weapons. Also requested was two hours of time a week in the Council Chambers to hold public information events regarding this topic.

Yenny Andreu, Fort Collins resident, spoke as a Colombian immigrant to thank the Council for their support of immigrant communities.

Tallon Nightwalker, director of Northern Colorado Wildlife Center, spoke in support of having wildlife health and support in the City's budget beyond the current non-profit being funded that only provides euthanasia services.

Jesus Castro, resident of Fort Collins, spoke regarding his work with the immigrant community in Fort Collins and his appreciation for the support of the Fort Collins community.

Maya Ortega, resident of Fort Collins, spoke in support of the Art to Live program that is part of a proposed budget offer.

Jerry Gavaldon, Fort Collins resident and president of the Museo Tres Colonias board, shared his appreciation for the help of Maren Bzdek and others across the City in work done on the Museo.

Patricia Miller, Fort Collins resident, shared her appreciation for the support of immigrant communities in Fort Collins.

Kellie Falbo with the Sustainable Living Association, participating online, shared her support for offer 32.16, Seed Funding for a Partner-Led Sustainable Business Program.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Gutowsky acknowledged the appreciation of the Museo and offered her encouragement for the community to visit and enjoy the Museo and see the adobe as well as the altars.

Councilmember Canonico expressed appreciation for the reminder transportation is a big part of decarbonization. She also requested more information on the nuclear weapons treaty.

Mayor Arndt thanked everyone for coming out, and shared agreement there is room for improvement with Spin as a private partner. Regarding the request for use of public facilities, it was noted staff would follow up with the resident making that request regarding City policies.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

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

The purpose of this item is to approve the minutes of the September 6, 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 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.

Adopted on Second Reading.

- 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.**

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.

Adopted on Second Reading.

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

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.

Adopted on Second Reading.

- 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.**

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.

Adopted on First Reading.

- 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.**

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.

Adopted on First Reading.

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.

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.

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.

Adopted and Adopted on First Reading.

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.

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.

Adopted on First Reading.

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.

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.

Adopted on First Reading.

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

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.

Adopted.

END OF CONSENT CALENDAR

K) ADOPTION OF CONSENT CALENDAR

Councilmember Pignataro moved, seconded by Councilmember Gutowsky, to approve the recommended actions on items 1-10 on the consent calendar.

The motion carried 4-0.

Absent: Mayor Pro Tem Francis, Councilmember Peel, and Councilmember Ohlson.

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

Susan Gutowsky

- Attended and shared a recognition on behalf of the City at the Food Coop 50th Anniversary celebration.
- Spoke at the First United Methodist Church regarding current and future Council activities.
- Attended the monthly meeting of the Behavioral Health Policy Council, with an update on how the facility under construction is doing, currently at 50% complete.
- Attended the City's Volunteer recognition event last week at Gardens on Spring Creek with several other members of Council.
- Attended a Women Transforming Government event last week with Councilmember Peel.
- Attended the Hispanic/Latinx Heritage Month celebration over the weekend held at the Aztlan Center.

Tricia Canonico

- Attended an event at Harmony Village Mobile Home Park last Saturday with elected officials across the area that provided an opportunity to share resources with the community.

Julie Pignataro

- Attended the Neighbor-to-Neighbor Welcome Home benefit on September 8 raising funds to help keep people in their homes.

Jeni Arndt

- Added that volunteers are essential to the community.
- Noted Linden Street opened and hosted a nice celebration last Friday.
- Acknowledged the regionalism and collaboration that has been occurring, including the event held the prior weekend across local jurisdictions to help in resolving outstanding warrants.

Clerk's Note: Mayor Arndt called for a ten-minute break at 7:50 p.m. The meeting resumed at 8:03 p.m.

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

None.

P) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

12. 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.

Travis Storin, Chief Financial Officer, was present on behalf of staff to address any questions.

Faith Johnson, Fort Collins resident, spoke in support of offer 50.15, Art to Live.

13. 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.

Mayor Arndt introduced the item and the nature of the appeal.

City Attorney Carrie Daggett provided a brief overview of the appeal process.

STAFF EXPLANATION AND PRESENTATION

Paul Sizemore, Community Development and Neighborhood Services Director, presented on behalf of staff as set forth in the slide deck in the agenda materials to provide an explanation of the nature of the appeal.

CONFLICTS

Mayor Arndt asked if any Councilmembers wished to disclose any potential conflict of interest issues. No conflicts were disclosed.

SITE VISIT OBSERVATIONS

Mayor Arndt asked Councilmembers who participated in the site visit on September 16 to describe their observations that may be relevant to the appeal.

Councilmember Gutowsky noted she attended the site visit, and was able to observe the exterior condition of the building.

PARTIES IN INTEREST PRESENT

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

Present in support of the appeal:

- Jeff Cullers, attorney for the appellant, H&H Properties
- Asher Haun, owner of H&H Properties, the subject property owner and appellant
- Mike Kroneberger, a party in interest as the owner of an adjacent property having received hearing notices

Present and opposed to the appeal:

- Monica Bird, party in interest as someone who spoke at the hearing
- Mary Perez, party in interest as someone who spoke at hearing
- Maria Perez, party in interest as someone who spoke at hearing

TIME ALLOCATIONS

Mayor Arndt provided the time allocation, indicating each side of the appeal would be provided 20 minutes in total for each side of the appeal to make any initial presentations, and then 10 minutes for each side for rebuttals.

PROCEDURAL ISSUES

Mayor Arndt asked if there were any general procedural issues or objections to be addressed before the Council began hearing arguments. No issues or objections were raised.

APPELLANT AND PARTIES IN INTEREST IN SUPPORT OF THE APPEAL PRESENTATION

Mayor Arndt invited the appellant and other parties-in-interest in support of the appeal to make their presentation in support of the appeal.

Asher Haun, owner of H and H Properties, the subject property owner and appellant provided information about his acquisition and ownership of the property. As part of the information provided, he included details on the losses the restaurant sustained under his ownership even while he undertook substantial updating of the facility with the intention to continue operations.

Jeff Cullers, attorney for H and H Properties, presented as set forth in his slide deck in support of the appeal. His presentation included details on H and H Properties, LLC's ownership of the site, renovations done, and objections to the significance findings of the Historic Preservation Commission.

Mark Kroneberger, owner of North College Motors, spoke in support of the appeal. He noted Frank Perez, as the prior owner of the business, had attempted to sell the property for more than 15 years and would not have supported this action because of its impact on his ability to market and sell the property.

PRESENTATION BY PARTIES IN INTEREST OPPOSED TO THE APPEAL

Mayor Arndt invited those opposed to the appeal to make their presentation against the appeal.

Monica Bird came forward and requested to provide the Council with written materials that include supporting information for her remarks. City Attorney Daggett noted the materials had been reviewed by her office and a determination was made new evidence was included. Because of this, she indicated the Council would need to make a determination regarding allowing new evidence outside of the normal parameters allowed under the appeal process. Mayor Arndt ruled new evidence would not be permitted.

Monica Bird, daughter of Frank Perez, spoke against the appeal and in support of the determination of eligibility for this property, providing information about the life story of Frank Perez and his journey as a Mexican immigrant to Fort Collins, as part of the larger context for Mexican immigration to the community and resulting struggles in establishing livelihoods, including starting businesses.

Mary Perez spoke against the appeal and in support of the determination of eligibility for this property. She provided information about her husband, Frank Perez, and his life history and work establishing the business at the subject property.

Amelia Perez, daughter of Frank Perez, spoke against the appeal and in support of the determination of eligibility for this property, noting her niece still owns 5% of the business and no notice was provided to her or any other family members about the intention to close down the business and sell the site.

APPELLANT REBUTTAL

Jeff Cullers requested all new evidence presented orally be struck. City Attorney Daggett noted the objection would be noted for the record, including specifically the following information provided during comments from those opposed to the appeal:

- Frank Perez's involvement with Holy Family Church generally,
- Frank Perez's involvement in Church fundraisers at Holy Family Church. and
- Ownership information about El Burrito restaurant in Fort Collins.

His rebuttal continued, noting historic landmarking can be a great thing but can also be abused. He indicated a belief there is a personal conflict involved in this situation, referencing quotes attributed to Monica Bird regarding the closure in news coverage in the Coloradoan. In response to some of the assertions made by those opposed to the appeal, he indicated there was evidence presented

in the Historic Preservation Commission hearing about the abrupt closure of the restaurant being standard for the restaurant industry. He noted this is not about racism, although the Perez family is trying to turn it into that, and that the restaurant on this site, Pobre Panchos, did not have anything to do with the sugar beet industry in Fort Collins and that part of the history of Mexican immigrants in the community.

REBUTTAL BY THOSE OPPOSED TO THE APPEAL

Monica Bird indicated she was sad and upset when the restaurant suddenly closed, in a human response to the circumstances, but does not want ill will and is trying to work with outside parties for a win-win outcome. She noted her dad would want something to commemorate the hard work of himself and other Latinos. He would want to make it so it is recognizable and to help other people. She understands they don't own the building right now and she is trying to work on something with other members of the community.

COUNCIL QUESTIONS

Councilmember Pignataro

- Asked about when the property was surveyed. Staff indicated the property was not surveyed until March of this year as part of the development review process for a land use application. It was not part of a proactive historic survey.
- Asked if the process is the same for voluntary or involuntary designations. Staff indicated that it is not for the eligibility process.
- Asked for details about the current stage. This is regarding eligibility but is not a landmark designation. Landmark designation can occur with nomination by a property owner, or by nomination by three city residents.
- Asked about how historic integrity is measured related to specific places, such as evaluating someone's home versus workplace. There is evaluation around the period of occupation and how well the property still reflects that story.

Councilmember Gutowsky

- Noted the comments about the information that was presented by Ms. Bird as new evidence. She asked about the comments by the appellant's attorney regarding statements made by Ms. Bird and whether that constituted new evidence.
- Asked if a property can be sold without the consent of all owners. Mr. Cullers noted the property is owned by H and H Properties and can be sold by the authorized decision makers of H and H Properties. Mr. Haun noted the 5% share of ownership associated with the Perez family is of the restaurant business, not the property.
- Asked for clarification on who was being referenced as the historian. It was noted it was a third-party historian contracted by the City.
- Asked if the fact Mr. Perez was attempting to market his property previously was new information. Mr. Cullers stated he was uncertain, but that the fact Mr. Perez sold the restaurant is evident and a clear indication of his desire to do so.
- Asked staff to share the benefits to the owners of the property should the property be designated. Staff noted this specific decision is related to a development review and therefore has no associated financial incentives. If the property were to ultimately be designated, there are financial incentives available to the property owner as a result of the designation.
- Asked Mr. Cullers where he resides, given comments made that indicate a lack of knowledge about the history of this community. It was deemed that question was not relevant.

Mayor Arndt

- Asked staff if the eligibility determination has an impact on value. Staff indicated it is a complex question and depends on the market and a number of factors. Where there is a difference between the zoning's highest and best use and what is allowed with a historic designation, it can result in a decrease in value. The financial incentives available tend to help put things in favor of historic designation.
- Asked Ms. Bird in terms of value and timing why had the family not sought eligibility before the sale of the property. She responded her father was humble and didn't see himself that way or that it was potentially eligible.

Councilmember Canonico

- Noted determinations can be subjective, in this case through the use of third-party historian. She noted a trend was identified based on one determination and wondered if more than one opinion could have been sought. Mayor Arndt followed up and asked if the City ever looks at more than one historian. Staff indicated the historian used relies on other evidence and materials drawing from wider sources that are reflected in the survey form and its bibliography.

Mayor Arndt

- Asked how the business and the place relate, given it seems clear the business is historic but less so that the place is. Staff noted the role of historic preservation is identifying when the building connects a historic trend to the place where that story occurred.

Councilmember Gutowksy

- Noted another business in the area has previously been designated.

The Council requested to have City Attorney Daggett discuss the short list of things brought up as new evidence by both sides of the appeal:

- Information presented by opponents to the appeal about:
 - Mr. Perez's involvement with Holy Family
 - Involvement with a fundraiser
 - Ownership of El Burrito
- Council for the Appellant read quotes from a newspaper

The mayor ruled all these items should be struck from the record and not relied on by the Council in making its determination. Mayor Arndt closed the hearing at 9:54 a.m.

COUNCIL DISCUSSION

Councilmember Gutowsky indicated she was able to make the following conclusions as a result of the evidence provided to the Council:

- Gathered from the survey the restaurant was moved north of the Poudre River from downtown;
- It played a role in Greatly enhanced Hispanic culture in the Fort Collins community;
- Does believe it was a fair hearing and that staff correctly interpreted the standards in the designation.

Councilmember Pignataro shared the following conclusions:

- Feels the HPC was doing what they are intended to do and did adhere to code;
- Expressed worried about the future of this building and what is going to look like in 10 years;
- In the future, it will be necessary to address the appeal process and the historic preservation efforts.

Councilmember Canonico indicated her finding that the HPC did follow the parameters identified.

Mayor Arndt shared the following conclusions:

- Equally uneasy with involuntary eligibility and the timing, with the potential impact on value;
- As a resident of Fort Collins since 1964 has seen the social segregation that had occurred as well as the historic trends and value of people operating businesses;
- The way the code reads and with the process as it stands, the hearing was fair and there is rationale behind the findings.

Councilmember Pignataro moved, seconded by Councilmember Canonico, that the Council find that the HPC conducted a fair hearing in their consideration of the Eligibility for Landmark Designation of 1802 North College Avenue and did not consider false or misleading evidence relevant to their decision because:

- ***the evidence regarding the closing Pobre Panchos is described as “irrelevant” by the Appellant; not “relevant” as required by City Code for appeal; and***
- ***the evidence regarding Mr. Frank Perez directly related to the analysis under Section 14-22 “Significance” upon which the HPC made its eligibility determination.***

The motion carried 4-0.

Absent: Mayor Pro Tem Francis, Councilmember Peel, and Councilmember Ohlson.

Councilmember Pignataro moved, seconded by Councilmember Canonico, that the Council find that the HPC properly interpreted and applied the following relevant provisions of the Land Use Code in their consideration of the eligibility determination for 1802 North College Avenue because:

- ***the Significance criteria of the Fort Collins Municipal Code Sections 14-22(a)(2) Persons/Groups was met because the evidence that was presented they properly interpreted; and***
- ***the Integrity criteria of the Fort Collins Municipal Code Section 14-22(b) was met also because the evidence presented was properly interpreted;***

and further moved that the Hearing Officer correctly decided all criteria that are the subject of this appeal not specified in this motion, and that the appeal is denied with respect to those issues.

The motion carried 4-0.

Absent: Mayor Pro Tem Francis, Councilmember Peel, and 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.)

None.

R) ADJOURNMENT

There being no further business before the Council. the meeting was adjourned at 10:09 p.m.

Mayor

ATTEST:

City Clerk