

Fort Collins City Council Agenda

Regular Meeting

6:00 p.m., Tuesday, December 19, 2023

City Council Chambers at City Hall, 300 Laporte Avenue, Fort Collins, CO 80521

Zoom Webinar link: <https://zoom.us/j/98241416497>

NOTICE:

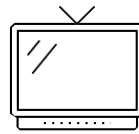
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

How to view this Meeting:



Meetings are open to the public and can be attended in person by anyone.



Meetings are televised live on Channels 14 & 881 on cable television.



Meetings are available through the Zoom platform, electronically or by phone.



Meetings are livestreamed on the City's website, fcgov.com/fctv

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.

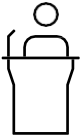
A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515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



There are in person and remote options for members of the public who would like to participate in Council meetings:

Comment in real time:

During the public comment portion of the meeting and discussion items:



In person attendees can address the Council in the Chambers.

The public can join the Zoom webinar and comment from the remote meeting, joining online or via phone.



All speakers are required to sign up to speak using the online sign up system available at www.fcgov.com/agendas.

Staff is also available outside of Chambers prior to meetings to assist with the sign up process for in person attendees.

Full instructions for online participation are available at fcgov.com/councilcomments.

Join the online meeting using the link in this agenda to log in on an internet-enabled smartphone, laptop or computer with a speaker and microphone. Using earphones with a microphone will greatly improve audio experience.

To be recognized to speak during public participation portions of the meeting, click the 'Raise Hand' button.

Participate via phone using this call in number and meeting ID:

Call in number: 720 928 9299

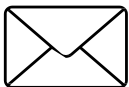
Meeting ID: 982 4141 6497

During public participation opportunities in the meeting, press *9 to indicate a desire to speak.

Submit written comments:



Email comments about any item on the agenda to cityleaders@fcgov.com



Written comments can be mailed or dropped off at the City Manager's Office at City Hall, at 300 Laporte Ave, Fort Collins, CO 80521

Documents to Share during public participation: Persons wishing to display presentation materials using the City's display equipment under the Public Participation portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City's display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.

NOTE: All presentation materials for appeals, addition of permitted use applications or protests related to election matters must be provided to the City Clerk no later than noon on the day of the meeting at which the item will be considered. See Council Rules of Conduct in Meetings for details.



City Council Regular Meeting Agenda

December 19, 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

PROCLAMATIONS & PRESENTATIONS 5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

No proclamations scheduled.

REGULAR MEETING 6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

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.)

*Individuals may comment regarding any topics of concern, whether or not included on this agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process** and not to Council.*

- *Those who wish to speak are required to sign up using the online sign-up system available at www.fcgov.com/council-meeting-participation-signup/*

- *Each speaker will be allowed to speak one time during public comment. If a speaker comments on a particular agenda item during general public comment, that speaker will not also be entitled to speak during discussion on the same agenda item.*
- *All speakers will be called to speak by the presiding officer from the list of those signed up. After everyone signed up is called on, the presiding officer may ask others wishing to speak to identify themselves by raising their hand (in person or using the Raise Hand option on Zoom), and if in person then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).*
- *The presiding officer will determine and announce the length of time allowed for each speaker.*
- *Each speaker will be asked to state their name and general address for the record, and, if their comments relate to a particular agenda item, to identify the agenda item number. Any written comments or materials intended for the Council should be provided to the City Clerk.*
- *A timer will beep one time and turn yellow to indicate that 30 seconds of speaking time remain and will beep again and turn red when a speaker's time has ended.*

*[**For questions about the development review process or the status of any particular development, consult the City's Development Review Center page at <https://www.fcgov.com/developmentreview>, or contact the Development Review Center at 970.221.6760.]*

H) PUBLIC COMMENT FOLLOW-UP

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

CONSENT CALENDAR

The Consent Calendar is intended to allow Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Agenda items pulled from the Consent Calendar by either Council or the City Manager will be considered separately under their own Section, titled "Consideration of Items Removed from Consent Calendar for Individual Discussion." Items remaining on the Consent Calendar will be approved by Council with one vote. The Consent Calendar consists of:

- *Ordinances on First Reading that are routine;*
 - *Ordinances on Second Reading that are routine;*
 - *Those of no perceived controversy;*
 - *Routine administrative actions.*
1. **Consideration and Approval of the Minutes of the November 21, 2023 Regular Meeting, the November 28, 2023 Adjourned Meeting, and the December 5, 2023 Regular Meeting.**

The purpose of this item is to approve the minutes of the November 21, 2023 regular meeting, the November 28, 2023 adjourned meeting, and the December 5, 2023 regular meeting.
 2. **Second Reading of Ordinance No. 163, 2023, Appropriating Unanticipated Revenue in the Transportation Services Fund for "Work For Others" Program Expenses.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, appropriates \$700,000 in unanticipated revenue in the Transportation Services Fund received for work to be completed through the Planning, Development, and Transportation's "Work for Others" program. This appropriation will be used for costs corresponding to the program and the generated revenue.

3. **Second Reading of Ordinance No. 164, 2023, Appropriating Prior Year Reserves for the Golf Enterprise.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, considers an appropriation of \$185,000 from golf reserves to the 2023 budget associated with the additional costs in golf related to higher revenues.

4. **Second Reading of Ordinance No. 165, 2023, Appropriating Prior Year Reserves and New Philanthropic Revenue Received through City Give for Various Programs and Services as Designated by the Donors.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, requests an appropriation of \$11,968.53 in philanthropic revenue received through City Give. These miscellaneous gifts to various City 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.

5. **Second Reading of Ordinance No. 166, 2023, Amending Chapters 18 and 26 of the Code of the City of Fort Collins Regarding Mobile Home Park Management and Livability.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, presents Municipal Code updates related to the livability issues identified by residents, property managers, and owners of manufactured housing communities/mobile home parks in our community. This item also addresses analysis of unmet needs in the State of Colorado Mobile Home Park Oversight Program.

Staff's recommendation includes the following Code changes:

- Expansion of authorization to conduct inspections in mobile home parks to include not only the Building Official, but also Specially Commissioned Officers under the Chief of Police.
- Establishment of protection for use and installation of clotheslines by residents in mobile home parks in Section 18-6(g).
- Establishment of protection for use and installation of window-mounted air conditioning units or evaporative coolers on homes within mobile home parks in Section 18-6(h).
- Establishment of new water utility billing/rebilling transparency requirements for Fort Collins Utility mobile home park water customers including:
 - Require as a condition of mobile home park service from the City's water utility that a mobile home park customer directly provide a designated Specially Commissioned Officer, or authorize such Officer to obtain, a copy of a notice, correspondence, invoice, and water leak notice from the water utility within seven days of receipt in Section 18-7(c).
 - Require as a condition of mobile home park service from the City's water utility that a mobile home park customer participates in the continuous consumption of water usage/leak notifications system through Fort Collins Utilities in Section 18-7(c).
 - Authorize the City's water utility in serving a mobile home park to provide the designated Specially Commissioned Officer a copy of any notice, correspondence, invoice, and water leak

notice sent to the mobile home park in Section 18-7(c). Add a cross-reference to these changes to Section 26-97 (water utility lines; general regulations).

- Acknowledge, as a condition of service, the designated Specially Commissioned Officer may exercise the power to audit and collaborate with the City's water utility to verify and maintain accuracy of water rebilling by the mobile home park.

6. **Second Reading of Ordinance No. 167, 2023, Amending Chapters 3 and 17 of the Code of the City of Fort Collins to Update and Align City Code Regarding Alcohol Beverages with State Law Changes and Adding Municipal Code Violations for Certain Alcohol-Related Offenses.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, requests approval of the proposed amendments to Chapter 3 (Alcohol Beverages) and Chapter 17 (Miscellaneous Offenses).

7. **Second Reading of Ordinance No. 168, 2023, Amending Article III of Chapter 25 of the Code of City of Fort Collins for the Voter Approved One-Half Cent Sales Tax Rate Increase Effective January 1, 2024.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, amends Section 25-75 of City Code to reflect the 0.50% sales and use tax approved by the voters at the City's November 7, 2023, election. The City of Fort Collins tax rate will increase from 3.85% to 4.35% beginning January 1, 2024. The use of the revenue is specifically identified in the ballot measure and, in general, may be used for parks and recreation facilities, environmental sustainability, and for public transit system improvements. The tax will not apply to: (1) items exempt from sales and use tax under the City Code; (2) food for home consumption; and (3) for the use tax only, manufacturing equipment.

The Ordinance would also amend Section 25-75 to remove reference to a 0.85% sales and use tax that expired at midnight on December 31, 2020. City staff is recommending this change as a clean-up item to remove extraneous provisions from the City Code

8. **Second Reading of Ordinance No. 169, 2023, Amending Chapter 2, Article III of the Code of the City of Fort Collins to Update Ex-officio Member Provisions for Various Boards and Commissions.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, considers an amendment to add an ex-officio seat for the Housing Catalyst to the Affordable Housing Board and to eliminate ex-officio members from the Art in Public Places Board and Water Commission.

9. **Second Reading of Ordinance No. 170, 2023, Authorizing the Conveyance of a Permanent Non-Exclusive Utility Easement on Property Jointly Owned by the City of Fort Collins and the City of Loveland at the Northern Colorado Regional Airport to the Fort Collins-Loveland Water District.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, authorizes a permanent non-exclusive utility easement over a portion of the Northern Colorado Regional Airport property to allow for the installation and maintenance of a regional waterline to serve the Fort Collins-Loveland Water District's (the "District") public water system. This project will directly benefit the Airport by providing water infrastructure to areas that currently lack it and service connection points, which have been strategically located to serve future Airport development.

10. **Second Reading of Ordinance No. 171, 2023, Vacating a Portion of Public Right-of-Way Dedicated by the Redwood Village PUD Phase II Plat.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, approves the vacation of a portion of public right-of-way that has never been used for street purposes. Once this right-of-way area is vacated, the property will be privately developed as a multifamily housing project, and new public right-of-way will be dedicated to support the housing project and provide public street connections to the adjacent Northfield subdivision.

11. **Second Reading of Ordinance No. 172, 2023, Adopting the 2024 Classified Employee Pay Plan.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, recommends the 2024 City Classified Employee Pay Plan. Classified jobs are grouped according to job functions, a business practice commonly used by both the public and private sectors. Pay ranges are developed by career group (management, professional, administrative, operations and trades) and level for each job function. The result of this work is a City Classified Employee Pay Plan (Pay Plan) which sets the minimum, midpoint, and maximum pay ranges for the level within each career group and function. Actual employee pay increases are awarded through a separate administrative process in accordance with the budgeted amount approved by Council.

12. **Second Reading of Ordinance No. 173, 2023, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, amends City Code to establish the 2024 compensation of the Chief Judge. Council met in executive session on November 28, 2023, to conduct the performance review of Jill Hueser, Chief Judge and to consider the salary market analysis for this position.

13. **Second Reading of Ordinance No. 174, 2023, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, amends City Code to establish the 2024 compensation of the City Attorney. Council met in executive session on November 28, 2023, to conduct the performance review of Carrie Daggett, City Attorney and to consider the salary market analysis for this position.

14. **Resolution 2023-112 Approving an Intergovernmental Agreement with Poudre School District and Poudre River Public Library District to Acquire Land and Construct the Southeast Community Center.**

The purpose of this item is to review the terms of a draft intergovernmental agreement (the IGA) covering land acquisition, constructions, and operation of the Southeast Community Center (SCC).

Poudre School District (PSD) intends to convey to the City at no charge a parcel of land adjacent to Fossil Ridge High School as the site for the SCC. This no-charge conveyance is contingent upon PSD's full funding of a 15% cost share of the indoor swim lanes construction, operation, and maintenance, includes of the value of the land.

This IGA is a critical first agreement, and throughout 2024 there will be additional agreements drafted and executed:

- Purchase and Sale Agreement between the City and PSD for the land acquisition (PSA, April 2024), subject to Council approval;
- Facility Use Agreement between the City and PSD governing PSD's use of City aquatic facilities (subsequent to November 2024 elections); subject to City Manager approval;
- Separate IGA between the City and Poudre River Public Library District (PRPLD) (TBD 2024) governing the Library's property interest, the facility design, cost sharing, and ongoing operations, subject to Council approval.

The facility was first conceived as a leisure-swim and maker/creator community space with no lane-swim capacity as part of the April 2015 Community Capital Improvement Plan ballot initiative. Subsequent efforts around community engagement, the 2022 Aquatics Study, and the recently passed 2023 ½-cent sales tax have surfaced an opportunity for an expanded recreation facility combined with a library branch. PSD and PRPLD have been highly collaborative partners with staff in drafting this agreement and working toward the full-featured community center proposed within the IGA.

15. Resolution 2023-113 Making Appointments to the Cultural Resources Board.

The purpose of this item is to fill vacancies on the Cultural Resources Board.

16. Resolution 2023-114 Making an Appointment to the Parks and Recreation Board.

The purpose of this item is to fill a vacancy on the Parks and Recreation Board.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

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

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

The method of debate for discussion items is as follows:

- Mayor introduced the item number and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests public comment on the item (three minute limit for each person)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all have an opportunity to speak. The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

17. Reconsideration of Ordinance No. 136, 2023, Repealing and Reenacting Section 20-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as “2023 Transitional Land Use Regulations,” Following a Successful Referendum Petition.

The purpose of this item is to provide Council with the options available for action following the presentation of a petition certified as sufficient for referendum. These options include:

● **OPTION 1: Repealing the Ordinance subject to the referendum petition.**

First Reading of Ordinance No. 175, 2023, Repealing Ordinance No. 136, 2023, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Revised Land Use Code and Separately Codifying the 1997 Land Use Code as the “Pre-2024 Transitional Land Use Regulations”, and Related Ordinance No. 137, 2023, and Ordinance No. 138, 2023.

- This option includes language repealing the associated Ordinance Nos. 137, 2023, and 138, 2023, that respectively made updates to City Code to align with the revised Land Use Code and renamed the Neighborhood Conservation zone districts to the Old Town zone district in alignment with the revised Land Use Code.
- If this option is approved, Council may choose to discuss next steps regarding a revised version of the repealed Land Use Code.

or

● **OPTION 2: Referring the Ordinance to a vote of the registered electors of the City. Such referral can be to the next regular or special election called for any other purpose or can be to a special election called for that specific purpose:**

Resolution 2023-115 Referring Ordinance No. 136, 2023, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Revised Land Use Code and Separately Codifying the 1997 Land Use Code as the “Pre-2024 Transitional Land Use Regulations” to a Vote of the Registered Electors of the City at the Next Municipal Election.

- This would refer the Ordinance to the November 4, 2025, Regular Municipal Election or the next special election called for any purpose prior to that date.

and, if desired,

● **OPTION 2A: Calling a Special Election**

First Reading of Ordinance No. 176, 2023, Calling a Special Municipal Election for the Purpose of Submitting to the Registered Electors a Citizen Referendum of Ordinance No. 136, 2023, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Revised Land Use Code and Separately Codifying the 1997 Land Use Code as the “Pre-2024 Transitional Land Use Regulations.”

18. Resolution 2023-116 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins, the City of Loveland, and the Federal Aviation Administration for Continued Federal Funding of Air Traffic Control Services at the Northern Colorado Regional Airport.

The purpose of this item is to authorize the City Manager to execute an agreement with the City of Loveland and the Federal Aviation Administration (FAA) for the Northern Colorado Regional Airport (Airport) to enter the FAA Contract Tower (FCT) Program. The FCT Program will result in the Airport continuing to receive federally funded Air Traffic Control services (ATC Services). ATC Services are currently funded through FAA's Next Gen office as part of the Remote Tower Project. However, that funding will be ending December 31, 2023, and entering the FCT Program will provide a continuation of ATC Services paid for by FAA. Acceptance in the Contract Tower Program ensures ATC Services for a period of 60 months while a permanent facility is constructed.

By executing this agreement, the Cities will be committing to take steps toward the design and construction of a brick-and-mortar tower along certain milestones set by the FAA. This agreement does not prohibit the Airport from continuing to pursue in parallel a remote tower project. Despite the Cities' commitment under the agreement, the Cities will be able to terminate the agreement on 90 days written notice with or without cause, and any financial commitment by the Cities is subject to appropriation by their respective City Councils.

19. Resolution 2023-117 Expressing Gratitude and Appreciation to Shirley Peel for her Service and Contributions to the Community as City Councilmember.

The purpose of this item is to recognize the work and contributions of Councilmember Shirley Peel during her time on City Council.

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.)

OB 2. Consideration of motion to call a special meeting for the Council Organizational Meeting.

"I move that City Council call a special meeting pursuant to Section 2-29 of the City Code to be held at 6:00 p.m. on Tuesday, January 9, 2024, for the purpose of the Council Organizational Meeting, which will include swearing in of those elected at the November 2023 municipal election and selection of a Mayor Pro Tem."

OB 3. Consideration of a motion to go into executive session.

This motion is to consider going into executive session to conduct the annual evaluation of the City Manager.

"I move that the City Council go into executive session, as permitted under Article Two, Section Eleven of the City Charter, Section 2-31(a)(1) of the City Code and Colorado Revised Statutes Section 24-6-402(4)(f)(roman numeral one), for the purpose of conducting annual performance review of City Manager."

City Manager: 75 minutes

Note: Time is approximate with breaks, as necessary.

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.

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