

Fort Collins City Council Agenda

Regular Meeting

6:00 p.m. Tuesday, December 6, 2022

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

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

NOTICE:

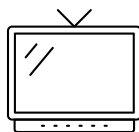
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

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

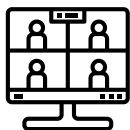
How to view this Meeting:



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.

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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/council-meeting-participation-signup/. 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 06, 2022 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

- PP 1. **Proclamation Retroactively Declaring October 2022 as Domestic Violence Awareness Month and Designating November 25 - December 10 as 16 Days of Activism Against Gender-Based Violence.**

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 register online at www.fcgov.com/cityclerk/agendas or at the table in the lobby of City Hall.*
- *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 are asked by the presiding officer 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). Those participating online will be called to speak following those attending the meeting in person.*
- *The presiding officer will determine and announce the length of time allowed for each speaker.*
- *Each speaker will be asked to state his or her 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 Development Review Center page on the City's website 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 October 18, 2022 Regular Council Meeting and the October 25, 2022 Adjourned Council Meeting.

The purpose of this item is to approve the minutes of the October 18, 2022 regular Council meeting and the October 25, 2022 adjourned Council meeting.

2. Second Reading of Ordinance No. 136, 2022, Repealing and Reenacting Article IX of City Code Chapter 20 Concerning Public Nuisances and Making Conforming Changes to City Code Section 19-3.

This Ordinance, unanimously adopted on First Reading on November 15, 2022, adopts a new public nuisance ordinance (PNO) that allows for a clearer, broader definition of public nuisance and adds new enforcement mechanism for abating public nuisances and chronic nuisance properties. The new PNO will allow staff to address the current community issues and nuisance situations more effectively.

Councilmembers asked at First Reading whether the PNO needs to be amended since the voters recently approved Proposition 122 legalizing in Colorado the use, possession, and cultivation of “natural medicine,” which includes psilocybin mushrooms. The PNO does not need to be amended because Proposition 122 also approved amendments to the Colorado statutes criminalizing controlled substances to exempt natural medicine from their provisions. Consequently, the PNO provisions defining “nuisance activity” and “drug-related activity” to include the State’s crimes concerning controlled substances no longer include, by definition, the possession, use, and cultivation of natural medicine as now allowed by Proposition 122. The PNO therefore does not need to be amended.

3. Second Reading of Ordinance No. 137, 2022, Appropriating Prior Year Reserves in the Light & Power Fund and the Water Fund for the Purchase of Vendor Services to Support a Major Version Upgrade to the Utilities Meter Data Management System.

This Ordinance, unanimously adopted on First Reading on November 15, 2022, appropriates Light & Power and Water Fund reserves to fund vendor services needed to support a major version upgrade to the Utilities Meter Data Management System.

The Meter Data Management System (MDMS) owned and operated by Utilities has been in place since the inception of the Advanced Meter Fort Collins implementation in 2010. It receives water and electric meter data for all advanced meters deployed across Fort Collins Utility Service’s territory throughout the day, performs quality checks on that data, and then at the end of the billing cycle it calculates the billing determinants for each customer that are necessary to generate individual customer bills.

Fort Collins Utilities has utilized the same version of the EnergyIP software since it was installed. For the reasons described below, this software must be upgraded to a more current version and the upgrade cannot wait for the new budget cycle to begin (i.e. January 2023). Utilities staff will need vendor support to complete this major software version upgrade.

As the MDMS system supports both the water and electric utilities, the cost of the upgrade will be shared between them. Utilities has historically allocated costs for shared software based on customer counts as determined by the number of deployed meters to establish the cost share for each utility. Applying this method here, the Water Enterprise’s share of this expense would be 31.6% and the Electric Utility Enterprise’s share would be 68.4%.

The total supplemental appropriation being proposed for your consideration is for \$629,588.

4. Second Reading of Ordinance No. 138, 2022, Adopting the 2023 Classified Employee Pay Plan.

This Ordinance, unanimously adopted on First Reading on November 15, 2022, adopts the 2023 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 which sets the minimum, midpoint and maximum of 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.

During First Reading, the City Manager noted that the Pay Plan as presented required limited clerical corrections that had been incorporated prior to First Reading for adoption. The Second Reading version of the Ordinance reflects the corrections that were incorporated at First Reading.

5. **Second Reading of Ordinance No. 139, 2022, Extending the Moratorium on Certain Activities of State Interest Designated in Ordinance No. 122, 2021.**

This Ordinance, unanimously adopted on First Reading on November 15, 2022, extends the length of a moratorium previously imposed through Ordinance No. 122, 2021, on two designated activities of state interest. The proposed Ordinance extends the length of the existing moratorium for three months beyond December 31, 2022, or until Council adopts guidelines for the administration of the two designated activities. Extending the moratorium allows staff to continue public engagement and seek feedback on version 2 of the Draft 1041 regulations discussed during the Council work session held on November 7, 2022.

6. **First Reading of Ordinance No. 141, 2022, Making Supplemental Appropriations from the State of Colorado Childcare Operations Stabilization and Workforce Sustainability Grant Program and Reviewing and Approving of the Grant Funding.**

The purpose of this item is to accept two State of Colorado grants funded by the American Rescue Plan Act. The Childcare Operations Stabilization and Workforce Sustainability Grant Program will fund childcare enhancements in City childcare programs.

7. **First Reading of Ordinance No. 142, 2022, Adopting the 2023 Larimer County Regional Transportation Capital Expansion Fee Schedule.**

The purpose of this item is to adopt the 2023 Larimer County Regional Transportation Capital Expansion Fee Schedule.

8. **First Reading of Ordinance No. 143, 2022, Amending Section 2-73 of the Code of the City of Fort Collins to Allow City Commissions to Conduct Quasi-Judicial Hearings Using Remote Technology.**

The purpose of this item is to amend provisions of Article III of Chapter 2 of the City Code to permit boards and commissions considering quasi-judicial matters to incorporate participation by remote technology into proceedings. The proposed amendments would enable the presiding officer of the board or commission, upon consultation with the staff liaison, to allow remote participation by members of the public, parties-in-interest, and members of the board or commission.

9. **First Reading of Ordinance No. 144, 2022, Designating the Leslie P. and Ruth A. Ware Property, 1801 Sheely Drive, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.**

The purpose of this item is to request City Landmark designation for the Leslie P. and Ruth A. Ware Property at 1801 Sheely Drive. In cooperation with the property owner, City staff and the Historic Preservation Commission have determined the property to be eligible for designation under Standard 3, Design/Construction, for the property's embodiment of the Usonian style of architecture and for the public's interest in the property during the time of construction. The owner is requesting designation, which will provide protection of the property's exterior and access to financial incentives for historic property owners.

10. First Reading of Ordinance No. 145, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Extend and Clarify the Water Annual Allotment Management Program.

The purpose of this item is to amend Chapter 26 of the City Code to extend the Allotment Management Program to allow for applications to be filed through December 31, 2024 for the benefit of eligible nonresidential Utilities water customers. The Allotment Management Program serves eligible nonresidential Utilities water customers by waiving excess water use surcharges during the implementation of a landscape project intended to reduce the long-term water use on a property. The ordinance also includes a few language revisions to clarify certain aspects of the program.

11. Resolution 2022-123 Making Appointments to the Commission Governing Housing Catalyst.

The purpose of this item is to fill vacancies on the Housing Catalyst Commission.

12. Items Relating to Appointments to Various Boards and Commissions.

- A. Resolution 2022-124 Making Appointments to the Affordable Housing Board.
- B. Resolution 2022-125 Making Appointments to the Air Quality Advisory Board.
- C. Resolution 2022-126 Making an Appointment to the Building Review Commission.
- D. Resolution 2022-127 Making Appointments to the Citizen Review Board.
- E. Resolution 2022-128 Making Appointments to the Cultural Resources Board.
- F. Resolution 2022-129 Making Appointments to the Disability Advisory Board.
- G. Resolution 2022-130 Making an Appointment to the Economic Advisory Board.
- H. Resolution 2022-131 Making an Appointment to the Golf Board.
- I. Resolution 2022-132 Making Appointments to the Land Conservation and Stewardship Board.
- J. Resolution 2022-133 Making Appointments to the Land Use Review Commission.
- K. Resolution 2022-134 Making Appointments to the Parks and Recreation Board.
- L. Resolution 2022-135 Making Appointments to the Senior Advisory Board.
- M. Resolution 2022-136 Making Appointments to the Transportation Board.
- N. Resolution 2022-137 Making an Appointment to the Youth Advisory Board.

The purpose of this item is to fill vacancies on various boards and commissions.

13. Resolution 2022-138 Updating Council Committee and Various External Boards and Authority Assignments.

The purpose of this item is to update Council Committee and various external boards and authority assignments.

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. **If attending in person, please register online at <https://www.fcgov.com/cityclerk/agendas> or at the table in the lobby of City Hall.** 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.*

14. Consider a motion to go into Executive Session to discuss performance and compensation of Council's direct report employees.

"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 discussing performance and compensation of the Chief Municipal Judge, City Manager and City Attorney."

15. First Reading of Ordinance No. 146, 2022, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager.

The purpose of this item is to establish the 2023 salary of the City Manager. Council met in executive session on November 22, 2022, to conduct the performance review of Kelly DiMartino, City Manager. This Ordinance sets the 2023 salary of the City Manager.

16. Items Relating to the Salary and Employment Agreement of the Chief Judge.

A. First Reading of Ordinance No. 147, 2022, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge.

B. Resolution 2022-139 Authorizing the Second Addendum to Chief Judge Jill Hueser's Employment Agreement and Appointing Her to a New Two-Year Term.

The purpose of this item is to establish the 2023 compensation of the Chief Judge and to create a new two-year term for her employment. Council met in executive session on November 22, 2022, to conduct the performance review of Chief Judge Jill Hueser.

17. First Reading of Ordinance No. 148, 2022, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney.

The purpose of this item is to establish the 2023 compensation of the City Attorney. Council met in executive session on November 22, 2022, to conduct the performance review of Carrie Daggett, City Attorney.

18. First Reading of Ordinance No. 149, 2022, Adopting the Active Modes Plan as a Component of City Plan.

The purpose of this item is to consider adoption of the Active Modes Plan.

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. Consider a motion to go into Executive Session to discuss Connexion.

"I move that City Council go into executive session to consider matters pertaining to issues of competition in providing telecommunication facilities and services including matters subject to negotiation, strategic plan, price, sales and marketing, development phasing and any other related matter allowed under Colorado Law, as permitted under Article Roman Numeral Twelve, Section 7(d) of the City Charter and Section 2-31(a)(5) of the City Code.

OB 3. Consider a motion to go into Executive Session to discuss certain Charter requirements for Council Candidacy.

"I move 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 manner in which the particular policies, practices or regulations of the City related to eligibility to run for or serve on City Council may be affected by existing or proposed provisions of federal, state or local law and specific legal questions about the related potential for litigation."

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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