

# Fort Collins City Council Agenda

## Regular Meeting

6:00 p.m., Tuesday, February 6, 2024

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

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

### NOTICE:

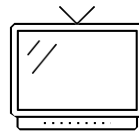
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

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

### How to view this Meeting:



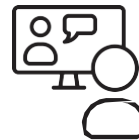
Meetings are open to the public and can be attended in person by anyone.



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](https://fcgov.com/fctv)

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*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](http://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](http://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

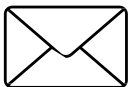
Meeting ID: 982 4141 6497

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](mailto: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

February 6, 2024 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  
Melanie Potyondy, 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

Heather Walls  
Interim City Clerk

## PROCLAMATIONS & PRESENTATIONS 5:00 PM

### A) PROCLAMATIONS AND PRESENTATIONS

None 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) 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/](http://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.]*

**G) COMMUNITY REPORTS - None.**

**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 January 16, 2024 Regular Meeting.**

The purpose of this item is to approve the minutes of the January 16, 2024 regular meeting.

**2. Second Reading of Ordinance No. 001, 2024, Appropriating Prior Year Reserves in the Transportation Capital Expansion Fee Fund for Eligible Reimbursement to the Waterfield Fourth Filing Developer for Construction of Suniga Road, Vine Drive, and Merganser Street Improvements as Part of Waterfield Fourth Filing Phases 1 through 4; and for the Dedication of Suniga Road Right-of-Way.**

This Ordinance, unanimously adopted on First Reading on January 16, 2024, appropriates \$1,413,645 of Transportation Capital Expansion Fee (TCEF) Funds for expenditure from the Transportation Capital Expansion Fee Program Budget to reimburse the Waterfield Fourth Filing developer, DFC Waterfield, LLC (Developer), for its oversizing construction of Suniga Road, Vine Drive, and Merganser Drive. As part of Phases 1 through 4 of the Waterfield Fourth Filing, the

Developer has constructed Suniga Road as a four-lane arterial, Vine Drive as a collector, and Merganser Drive to City standards as part of its development requirements. Per Section 24-112 of the City Code, the Developer is eligible for reimbursement from TCEF funds for the oversized, non-local portion of Suniga Road, Vine Drive, and Merganser Drive not attributed to the local portion obligation. Additionally, the Developer has dedicated Suniga Road right-of-way as a four-lane arterial from its western boundary to Timberline Road and is also eligible for reimbursement from TCEF funds for the oversized, non-local portion of Suniga Road right-of-way.

3. **Second Reading of Ordinance No. 002, 2024, Appropriating Funds for Change Management Resources to Support Legislative Management Software Implementation Funds.**

This Ordinance, unanimously adopted on First Reading on January 16, 2024, appropriates \$375,000 of general fund reserves to contract with Prosci, Inc., to provide change management support for the Legislative Management Software project throughout its implementation in 2024. Council Finance Committee recommended this move forward to Council at their December 19 meeting.

4. **Second Reading of Ordinance No. 003, 2024, Authorizing Transfers and Reappropriation of Funds Previously Appropriated for the Utilities' Grid Flexibility Programs.**

This Ordinance, unanimously adopted on First Reading on January 16, 2024, approves the funding of grid flexibility programs through the appropriation of prior year reserves and reappropriation of previously approved Light and Power funds. The ordinance does not appropriate any new funding, but rather optimizes previously appropriated funds to accelerate progress toward Our Climate Future (OCF) goals.

5. **Second Reading of Ordinance No. 004, 2024, Authorizing Transfers of Appropriations and Appropriating Related Funds for the Environmental Services Radon Program.**

This Ordinance, unanimously adopted on First Reading on January 16, 2024, supports the City's Environmental Services Radon program by:

- Appropriating \$9,000 of unanticipated grant revenue awarded by the Colorado Department of Public Health and Environment (CDPHE); and
- Utilizing matching funds in the amount of \$6,000 from existing 2024 appropriations for this grant project.

In December 2023, CDPHE awarded the City \$9,000 under the CDPHE Indoor Radon grant program. The City will provide an additional \$6,000 in required matching funds. The award funds and City's matching funds will support radon testing and mitigation programs to protect public health for the Fort Collins community.

Pursuant to the State of Colorado Purchase Order Terms and Conditions, and in accordance with Section 1-22 of the City Code, the City Manager has accepted the grant agreement. The \$9,000 are federal funds from the Environmental Protection Agency being passed through to the City by CDPHE.

6. **Second Reading of Ordinance No. 005, 2024, Authorizing Transfers of Appropriations and Appropriating Related Funds for the Timberline Recycling Center Infrastructure and Efficiency Improvements.**

This Ordinance, unanimously adopted on First Reading on January 16, 2024, supports Timberline Recycling Center (TRC) infrastructure and efficiency improvements by:

- Appropriating \$294,853 of unanticipated revenue awarded by the Colorado Departments of Public Health and Environment's Front Range Waste Diversion Enterprise (FRWD); and
- Transfer \$28,393 matching funds from existing appropriations in the Capital Projects Business Unit for the project.

The grant funds and matching funds will support replacement of equipment that has exceeded its useful life, as well as incorporation of new infrastructure to provide a safe, accessible and functional recycling facility. Contribution to the Art in Public Places (APP) Program is not required due to grant restrictions.

7. **Second Reading of Ordinance No. 006, 2024, Authorizing Transfers and Appropriating Related Funds for the Oak Street Stormwater Improvements Project.**

This Ordinance, unanimously adopted on First Reading on January 16, 2024, appropriates funding for the construction of the Oak Street Stormwater Improvements Project. It will fund the construction contract with the general contractor; contracts for resident engineering and construction management services, permitting and internal project support and management; construction contingency (~4%) and funding for the Art in Public Places (APP) program. The construction contingency included herein is less than the typical amount that would normally be associated with this size of contract (10-15% is typical). If additional contingency funds are needed in the future, those funds would be requested to be appropriated from the Stormwater Reserve Fund.

The total amount being requested for appropriation is \$39,962,815:

- Construction Contract \$36,645,015
- Construction Support (Resident Engineer, Construction Manager, Permitting and Internal Support) \$1,720,000
- Construction Contingency \$1,550,000
- APP Program \$47,800

The Stormwater Utility Enterprise Board adopted Ordinance No. 011, 2023 (First Reading on September 19, 2023, and Second Reading on October 3, 2023) authorizing bond issuance in the Stormwater Fund for the construction of the Oak Street Stormwater Improvements project. Following the sale and closing of the bonds, gross proceeds in the amount of \$40.4M were deposited into the Stormwater Fund reserves on October 31, 2023.

8. **Second Reading of Ordinance No. 007, 2024, Amending Article II of Chapter 5 of the Code of the City of Fort Collins to Exempt Plumbing Fixtures from Permits and Inspections.**

This Ordinance, unanimously adopted on First Reading on January 16, 2024, amends City Code to exempt plumbing fixture replacements, such as sinks, faucets, drains, showers, tubs, and toilets from the permit requirements under Chapter 5 of the City Code, for the following reasons: Colorado State does not require permits for this type of work, very few fixture replacements are currently done with a permit, there are no concerns with life or safety, and requiring permits creates additional barriers and cost impacts to improving indoor water efficiency.

9. **Second Reading of Ordinance No. 008, 2024, 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 for the New Airport Terminal Facility.**

This Ordinance, unanimously adopted on First Reading on January 16, 2024, authorizes a permanent non-exclusive utility easement over a portion of the Northern Colorado Regional Airport property owned jointly by the City of Fort Collins and the City of Loveland to allow for the installation and maintenance of electrical infrastructure for the new Airport terminal facility.

10. **Second Reading of Ordinance No. 009, 2024, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager.**

This Ordinance, unanimously adopted on First Reading on January 16, 2024, amends City Code to establish the 2024 salary of the City Manager. Council met in executive session on December 19, 2023, to conduct the performance review of Kelly DiMartino, City Manager, and to consider the salary market analysis for this position.

11. **Items Relating to the Fort Collins Police Services Victim Services Unit.**

A. First Reading of Ordinance No. 010, 2024, Making a Supplemental Appropriation from the Eighth Judicial District Victim Assistance and Law Enforcement Board in the General Fund for the Fort Collins Police Services Victim Services Unit.

B. First Reading of Ordinance No. 011, 2024, Making a Supplemental Appropriation from the Colorado Division of Criminal Justice Under the Federal Victim of Crime Act in the General Fund for the Fort Collins Police Services Victim Services Unit.

The purpose of these items is to provide funding for the Victim Services Unit of Fort Collins Police Services for victim advocacy services which are required under the Colorado Victim Rights Amendment for victims and witnesses of crime and their supporting family members.

The Victim Services Unit has been awarded a \$70,000 Victim Assistance and Law Enforcement (VALE) grant for the period from January 1, 2024 to December 31, 2024. The VALE grant is awarded through the Eighth Judicial District Board to help fund services provided by the Victim Services team. This grant will fund one part-time victim advocate, as well as 65% of the salary for a contractual 40-hour per week victim advocate.

The Victim Services Unit has also been awarded a 24-month grant in the amount of \$47,959 for the period from January 1, 2023 to December 31, 2024, by the Colorado Division of Criminal Justice under the Federal Victim of Crime Act (VOCA). This grant will help fund services provided by the Victim Services Unit. These funds will be used to pay 35% of the salary for a contractual victim advocate who provides crisis intervention services for sexual assault victims between the school ages of kindergarten through 12th grade.



12. **First Reading of Ordinance No. 012, 2024, Making a Supplemental Appropriation from the Colorado Division of Criminal Justice Synthetic Opiate Poisoning Investigation and Distribution Interdiction Grant for the Fort Collins Police Services Forensic Services Unit.**

The purpose of this item is to support Fort Collins Police Services' Forensic Services Unit work in the prevention and investigation of serious injuries and deaths caused by illegal synthetic opiate poisoning and for disrupting synthetic opiate distribution by appropriating \$40,000 of unanticipated grant revenue from the Colorado Department of Public Safety, Division of Criminal Justice (DCJ).

13. **First Reading of Ordinance No. 013, 2024, Appropriating Philanthropic Revenue Received by City Give for the Renovation of the Historic Carnegie Library.**

The purpose of this item is to request an appropriation of \$214,000 in philanthropic revenue received by City Give for the renovation of the historic Carnegie Library as designated by the donor.

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

14. **First Reading of Ordinance No. 014, 2024, Appropriating Philanthropic Revenue Received Through City Give for Youth Sports Programming and Services.**

The purpose of this item is to request an appropriation of \$15,550 in philanthropic revenue received through City Give for Recreation to benefit income-qualified youth sports programming and services.

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

15. **First Reading of Ordinance No. 015, 2024, Appropriating Philanthropic Revenue Received Through City Give for Park Planning and Development to Fund Pickleball Site Feasibility and Community Engagement.**

The purpose of this item is to request an appropriation of \$40,000 in philanthropic revenue received by City Give for Park Planning & Development, for site feasibility and community engagement toward a future City-owned pickleball complex.

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

16. **First Reading of Ordinance No. 016, 2024, Appropriating Prior Year Reserves in the Recreation Fund for the Mulberry Pool Replacement Feasibility Study.**

The purpose of this item is to appropriate \$78,000 from Recreation Reserves to fund the Mulberry Replacement Feasibility Study. This study is in partnership with Colorado State University Athletics (CSU), who will be funding 50% of the study.

17. **First Reading of Ordinance No. 017, 2024, Appropriating Prior Year Reserves in the Recreation Fund for the Purchase of Ponies and Sheds at Lee Martinez Farm.**

The purpose of this item is to appropriate \$72,000 from Recreation Reserves to purchase ponies and replace sheds at the Lee Martinez Farm.



**18. First Reading of Ordinance No. 018, 2024, Appropriating Prior Year Reserves for Compensation of the Mayor, Mayor Pro Tem and Councilmembers.**

The purpose of this item is for a General Fund supplemental appropriation to fund 2023-2024 Budget Offer 28.12 - City Council Voter Approved Pay Increase for fiscal year 2024. This budget request was not funded in the 2023-2024 Adopted Budget since the election results of the 2022 City-Initiated Charter Amendment No. 1 (Council Compensation) ballot initiative would not be known until after first reading of the City's annual appropriation ordinance for 2023. The initiative was approved by Fort Collins voters and this action is to appropriate the increased spending in the General Fund to implement the ballot initiative for the salary increases in 2024.

**19. First Reading of Ordinance No. 019, 2024, Amending Article III of Chapter 19 of the Code of the City of Fort Collins Regarding Municipal Court Referees.**

The purpose of this item is to amend the City Code to clarify that municipal court referees may hear cases involving camera radar and red light photo citations. Defendants in this type of case would have a choice to have a hearing with a referee in a more informal setting or a hearing in front of a municipal judge. The proposed Code changes would also allow the Chief Judge in the future to authorize referees to hear cases involving other zero-point infractions.

**20. Items Relating to Amending City Code to Adjust for Inflation the Following Fees: Capital Expansion Fees; Transportation Expansion Fee; Electric Capacity Fee; Water Plant Investment Fee; Sewer Plant Investment Fee; and Stormwater Plant Investment Fee.**

A. First Reading of Ordinance No. 020, 2024, Amending Chapter 7.5 of the Code of the City of Fort Collins to Increase for Inflation the Capital Expansion Fees and Transportation Expansion Fee.

B. First Reading of Ordinance No. 021, 2024, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections.

C. First Reading of Ordinance No. 022, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Plant Investment Fees.

D. First Reading of Ordinance No. 023, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Sewer Plant Investment Fee.

E. First Reading of Ordinance No. 024, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Plant Investment Fees.

The purpose of this item is to make annual inflation adjustments effective March 1, 2024, associated with the City's Capital Expansion Fees, Transportation Expansion Fee, Utility Plant Investment Fees, and Electric Capacity Charge.

**21. First Reading of Ordinance No. 025, 2024, Adopting the 2024 Larimer County Regional Transportation Capital Expansion Fee Schedule.**

The purpose of this item is to adopt the 2024 Larimer County Regional Transportation Capital Expansion Fee Schedule.

**22. First Reading of Ordinance No. 026, 2024, Authorizing the Purchasing Agent to Enter into a Contract for Professional Services in Excess of Five Years for the Proposed Oak Street Stormwater Improvements Project.**

The purpose of this item is to authorize the City's purchasing agent, pursuant to City Code Section 8-186(a), to enter into contracts greater than five years in length, for professional services for the proposed Oak Street Stormwater Improvements Project. The contract authorized under the proposed ordinance could be extended up to the life of the project. Design for the project began in 2020, construction is anticipated to begin in 2024 with a 2-year duration, and project close-out may take several months, making the overall duration of the project seven (7) years or more. Under this scenario and without this proposed ordinance, the design contract would expire while the project is under construction, a situation that would result in logistical and cost ramifications for the City and the project.

**23. First Reading of Ordinance No. 027, 2024, Authorizing the Mayor to Execute an Easement Agreement with Larimer County, the City of Loveland and South Fort Collins Sanitation District Regarding an Existing Sewer Line on Long View Farm Open Space.**

The purpose of this item is to seek authorization to approve conveyance of a sewer line easement to South Fort Collins Sanitation District (SFCSD) across Long View Farm Open Space. This easement is intended to formally document an existing sewer line that was installed in 1981 prior to the purchase of Long View Farm Open Space.

**24. First Reading of Ordinance No. 028, 2024, Approving and Authorizing the Execution of an Amendment to a Reciprocal Stormwater Drainage Easement Agreement with Sun Foothills Fort Collins, LLC, and Ratifying the Original Conveyance.**

The purpose of this item is to authorize the amendment of that certain Reciprocal Stormwater Drainage Easement Agreement (the "Original Easement") dated September 7, 2022, recorded at Reception No. 20220061510, Clerk and Recorder's Records, Larimer County, Colorado, by and between the City and Sun Foothills Fort Collins, LLC (the "Owner"), which originally conveyed a stormwater drainage easement to the Owner on City property in exchange for the City's right to retain stormwater on the Owner's property. The Amendment to the Original Easement (the "Amended Easement") will modify the legal description and revise language pertaining to access rights. Approval of the Ordinance would also ratify the Council's prior action in 2022 approving the easement exchange, the ordinance for which was missing its intended exhibits.

**25. First Reading of Ordinance No. 029, 2024, Approving the Conveyance of a Temporary Construction Easement, Dedication of a Permanent, Nonexclusive Water Line Easement, and Dedication of a Permanent, Nonexclusive Sewer Line Easement, all on City Property, for the Benefit of the Sun Foothills Fort Collins Development.**

The purpose of this item is to approve an Ordinance that would authorize the conveyance of the following:

1. One (1) temporary construction easement (TCE) to Sun Foothills Fort Collins LLC (the "Owner") for the modification of existing grades and current stormwater drainage facilities;
2. One (1) permanent, nonexclusive water line easement to the Fort Collins-Loveland Water District (the "Waterline Easement"); and
3. One (1) permanent, nonexclusive sewer line easement to the Fort Collins-Loveland Sanitation District (the "Sewer Easement").

The easements are located on 17 acres of City property located in the North West 1/4 of Section 13, Township 6 North, Range 69 West, Larimer County, Colorado, being currently held as a City of Fort Collins Land Bank property (the "City Property").

Construction pursuant to the TCE will modify existing stormwater facilities. The Waterline Easement and the Sewer Easement are entitlements required by the City so that the Owner may proceed with the development of the adjoining lands.

The easements will include the extension of stubbed water, sewer, and drainage improvements directly onto the City Property resulting in a significant benefit to the City Property.

**26. Items Relating to the 2024 City Classified Employee Pay Plan as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.**

A. First Reading of Ordinance No. 030, 2024, Adopting the 2024 Amended Classified Employees Pay Plan to Update Classified Positions as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

B. First Reading of Ordinance No. 031, 2024, Appropriating Prior Year Reserves in the General Fund for the Cost of Police Services Salary and Benefit Increases as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

The purpose of these items is to recommend changes to the 2024 City Classified Employee Pay Plan based on an annual market analysis conducted as agreed upon through the 2022-2024 Collective Bargaining Agreement (Agreement) with the Northern Colorado Lodge #3 of the Fraternal Order of Police (FOP). The Agreement was approved by Council by Resolution on December 7, 2021. The Agreement specifies a salary data collection method and evaluation process that includes market data as of early January each year. This data has been collected and analyzed, resulting in the revised 2024 Amended City Classified Employee Pay Plan.

**27. Resolution 2024-006 Supporting Grant Application for Local Match Funding in Support of the Midtown Central Corridor Project.**

The purpose of this item is to obtain support for the City to apply for the non-federal match requirement included in the Department of Transportation's FY2024 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program.

**28. Resolution 2024-007 Approving the Appointment of Heather Walls as Interim City Clerk Effective February 4, 2024.**

The purpose of this item is to appoint Heather Walls as Interim City Clerk.

**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.*

### 29. **Resolution 2024-008 Making Board and Commission Liaison and Council Committee Assignments and Making Appointments to Various External Boards and Authorities.**

The purpose of this item is to make Councilmember liaison assignments to City boards and commissions and Council committees as well as make appointments to external boards and authorities on behalf of the City.

### 30. **Polestar Village Project Development Plan Appeal.**

The purpose of this quasi-judicial item is to consider an appeal of the Planning and Zoning Commission's decision on November 17, 2023, approving the Polestar Village Project Development Plan (#PDP220010). The Appellants filed a Notice of Appeal on December 1, 2023, with supplemental new evidence filed on December 8, 2023, alleging:

- That the Planning and Zoning Commission (P&Z) failed to conduct a fair hearing in that they **considered evidence relevant to their findings which was substantially false or grossly misleading**. The Appellants assert that; 1) Polestar used persuasive language during the hearing and presented misleading information as well as non-confirmable statements; and 2) Hearing attendees and council members also did not get to hear all the details of the proposal. The Appellants offer seven points in support of their assertion.
- That P&Z failed to conduct a fair hearing in that two members were **biased against the appellant by reason of a conflict of interest** or close relationship that interfered with their independence of judgement.
- That P&Z **failed to properly interpret and apply relevant provisions of the Land Use Code** including subsections:
  - 3.6.2 (A) and (I) regarding layout and design of streets and drives;
  - 4.5(A), the Purpose statement of the Low Density Mixed Use Neighborhood (LMN) zone district; and
  - 4.(B) and (C), permitted and prohibited uses in the Low Density Residential zone district.

## **P) OTHER BUSINESS**

### **OB 1. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers.**

*(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)*

## **Q) ADJOURNMENT**

*Every regular Council meeting will end no later than midnight, except that: (1) any item of business commenced before midnight may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting beyond midnight for the purpose of considering additional items of business. Any matter that has been commenced and is still pending at the conclusion of the Council meeting, and all matters for consideration at the meeting that have not yet been considered by the Council, will be deemed continued to the next regular Council meeting, unless Council determines otherwise.*

*Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide advance notice. Requests for interpretation at a meeting should be made by noon the day before.*

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