

Fort Collins City Council Agenda

Regular Meeting

6:00 p.m., Tuesday, December 3, 2024

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

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

NOTICE:

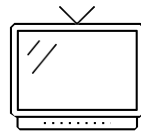
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

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

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/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

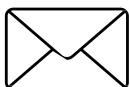
Meeting ID: 982 4141 6497

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 3, 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

Delynn Coldiron
City Clerk

PROCLAMATIONS & PRESENTATIONS 5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

- PP 1. **Declaring December 10, 2024 as Human Rights Day.**
- PP 2. **Declaring December 7, 2024 as CHSAA Championship Saturday.**

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

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 6, 2024 Special Meeting, November 19, 2024, Regular Meeting and November 26, 2024 Adjourned Meeting.**

The purpose of this item is to approve the minutes of the November 6, 2024 Special meeting, November 19, 2024, Regular meeting and November 26, 2024 Adjourned meeting.
 2. **Second Reading of Ordinance No. 169, 2024, Appropriating Unanticipated 2024 Revenue in the Recreation Fund to Support Increased Recreation Expenses.**

This Ordinance, unanimously adopted on First Reading on November 19, 2024, appropriates \$600,000 of unanticipated revenue in 2024 from the Recreation Fund to support expenses related to higher participation rates than anticipated during the 2023-2024 Budgeting for Outcomes cycle.

3. **Second Reading of Ordinance No. 170, 2024, Making a Supplemental Appropriation of Additional Revenue Received by the Forestry Division to be used for Various Programs and Services.**

This Ordinance, unanimously adopted on First Reading on November 19, 2024, appropriates \$73,902 in unanticipated revenue in 2024 received via various programs and services by the Forestry Division, Community Services.

4. **Second Reading of Ordinance No. 171, 2024, Authorizing the Extension of the Contract Term with Otak, Inc. for the Power Trail and Harmony Road Grade Separated Crossing Project for Not More Than Ten Years.**

This Ordinance, unanimously adopted on First Reading on November 19, 2024, extends the contract term with Otak, Inc. for the Power Trail and Harmony Road Grade Separated Crossing Project (the "Project") for a period greater than five years not to exceed a total of ten years.

5. **First Reading of Ordinance No. 175, 2024, Appropriating Philanthropic Revenue Received by City Give for the Lincoln Center's Various Programs and Services as Designated by the Donors.**

The purpose of this item is to request an appropriation of \$33,266.00 for the Lincoln Center in philanthropic revenue received by City Give. These charitable gifts 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.

6. **First Reading of Ordinance No. 176, 2024, Making a Supplemental Appropriation of Additional Revenue and Appropriating Prior Year Reserves in the Self Insurance Fund for Unanticipated Insurance Expenses.**

The purpose of this item is to request additional appropriation of \$462,711 in the City's Self Insurance Fund to be used for unanticipated increases in fourth quarter insurance premiums and various forecasted claim payments.

7. **First Reading of Ordinance No. 177, 2024, Making a Supplemental Appropriation of Additional Revenue Received in the Benefits Fund for the City's Medical, Dental, and Life Insurance Plans.**

The purpose of this item is to appropriate \$1,137,041 from unanticipated revenue collected in the Benefits Fund to cover Medical/Dental claims and various Life Insurance premium expenses that could potentially exceed 2024 budgeted appropriations.

The City's Benefits Plan is a self-funded health plan in which premiums collected from both employees and employers are recorded as revenue in the Benefits Fund to pay for plan administration, medical/dental claims, and insurance premiums. As such, this is a self-funded appropriation request requiring no use of reserves.

8. **First Reading of Ordinance No. 178, 2024, Making a Supplemental Appropriation of Funds Received from the Edward Byrne Memorial Justice Assistance Grant Program for Fort Collins Police Services.**

The purpose of this item is to support Fort Collins Police Services in work performed as a member of the Northern Colorado Drug Task Force.

The Northern Colorado Drug Task Force is managed by Larimer County Sheriff Department, with both Fort Collins Police Services and Loveland Police being members. These member agencies support a broad range of activities to prevent and control drug-related crimes.

In 2022, Larimer County applied for and was awarded \$53,616 through the Edward Byrne Memorial Justice Assistance Grant (JAG) program in support of operating the Northern Colorado Drug Task Force (Attachment 3). In 2024, the City of Fort Collins, City of Loveland and Larimer County entered an intergovernmental agreement (Attachment 2), demonstrating the allocation of the \$53,616 awarded under JAG in support of the Northern Colorado Drug Task Force. Fort Collins Police Services received \$16,313. to support personnel costs and other operating costs directly attributed to the Northern Colorado Drug Task Force.

9. **First Reading of Ordinance No. 179, 2024, Making Supplemental Appropriations of Prior Year Reserves and Unanticipated Revenue and Authorizing Transfers of Appropriations for the Licensing Permitting and Code Enforcement System.**

An appropriation ordinance is being brought for Council consideration by Planning, Development, and Transportation Services to implement and modernize a new licensing, permitting, and code enforcement system. The existing funding for this project was originally allocated as part of the 2023/2024 Budget Cycle's 'Digital Transformation' initiative.

After an almost two-year procurement process, the City has selected Tyler Technologies (Tyler) as the 'Vendor of Choice' (VOC) and is currently in contract negotiation. This appropriation request will provide the anticipated funding needed for software deployment, testing, training, temporary staffing backfill and organizational change management.

The total amount being requested is approximately \$4M. This includes:

- Software as a Service 19-month Implementation
- Software as a Service two-year Subscription Costs
- City Staff Backfill for two-year Implementation
- Third Party Professional Implementation Services
- Change Management

With this appropriation, the project implementation will begin during the first quarter of 2025 and is anticipated be fully operational by Fall of 2026.

The new system is expected to modernize current business processes, improve efficiency, reduce errors, enhance customer experience, and save staff and customer time.

10. Items Relating to Amending Chapter 17 of City Code to Align with State Statutes.

- A. First Reading of Ordinance No. 180, 2024, Amending Section 17-1 of the Code of the City of Fort Collins to Add Definitions of “Deadly Weapon” and “Firearm”.
- B. First Reading of Ordinance No. 181, 2024, Amending Section 17-124(3) of the Code of the City of Fort Collins to Comport with State Law Regarding Disorderly Conduct.
- C. First Reading of Ordinance No. 182, 2024, Amending Section 17-126(a)(4) of the Code of the City of Fort Collins to Remove the Phrase “Intended to Harass” and Amend “He or She” to “Them”.

The purpose of this item is to update the City Code in order to align with State statute and recent case law.

11. First Reading of Ordinance No. 183, 2024, Declaring a Portion of City-Owned Property at Schoolside Park as Public Right of Way.

The purpose of this item is to declare 0.141 acres (the “ROW Parcel”), more or less, being a portion of City property presently known as Schoolside Park as public right of way for South Timberline Road and related improvements, including public utilities, pedestrian, transit, and bicycle access and improvements, and landscaping.

The ROW Parcel was part of the Timberline Road Widening Project, which was completed earlier this year. It is now necessary to file formal documentation declaring the ROW Parcel as a public right of way because the approval of Schoolside Park, which is currently in the final phase of the Building Development Review process, requires that this right-of-way be declared.

12. First Reading of Ordinance No. 184, 2024, Authorizing the Conveyance of a Permanent Waterline Easement on Cathy Fromme Prairie Natural Area to the Fort Collins-Loveland Water District.

The purpose of this item is to seek authorization to approve the conveyance of a permanent waterline easement to Fort Collins-Loveland Water District (FCLWD) on 0.089 acres in the southwestern corner of Cathy Fromme Prairie Natural Area. FCLWD intends to construct a six million (6,000,000) gallon tank on Larimer County’s landfill property and a 30” feeder waterline to increase reliability and resilience of FCLWD’s existing facilities. The 30” waterline will run east from the new tank and connect in with an existing 36” waterline that runs north-south along Cathy Fromme’s western boundary. The project has been processed through Fort Collins’ 1041 permit procedures and was issued a Finding of No Significant Impact (FONSI).

13. First Reading of Ordinance No. 185, 2024, Adopting the 2025 Larimer County Regional Transportation Capital Expansion Fee Schedule.

The purpose of this item is to adopt the 2025 Larimer County Regional Transportation Capital Expansion Fee Schedule.

14. First Reading of Ordinance No. 186, 2024, Appropriating Prior Year Reserves in the Water Fund and the Wastewater Fund for the Transfer of Fleet Vehicles Between the Water and Wastewater Utilities.

The purpose of this item is to appropriate prior year reserves in the Water and Wastewater Funds to purchase fleet equipment at fair market value between Operational Divisions of the Water Field Operations Department.

15. Resolution 2024-138 Authorizing the Execution of Intergovernmental Agreements Between the City of Fort Collins and the Fort Collins-Loveland Water District for the Purchase of Water Service for the Future Schoolside Park Property.

The purpose of this item is to authorize the City Manager to sign agreements between the City and the Fort Collins-Loveland Water District (FCLWD) for the purchase of two water taps for the future Schoolside Park property. Appropriated funds from 2023 and 2024 BFO cycles have been budgeted for the purchase a 1 1/2" irrigation water tap and a 3/4" commercial water tap from the FCLWD for the future Schoolside Park Project on South Timberline Road. FCLWD is the only available water provider for this park site.

16. Resolution 2024-139 Appointing One Board Member to the Boxelder Basin Regional Stormwater Authority Board of Directors as the City and County Jointly Selected Board Director.

The purpose of this item is to consider making one joint appointment to the Board of Directors of the Boxelder Basin Regional Stormwater Authority.

17. Resolution 2024-140 Adopting Findings of Fact in Support of the City Council’s Decision Overturning the Historic Preservation Commission Denial of a Certificate of Appropriateness to Replace Upper Story Windows on the Fort Collins Landmark at 201 Linden Street.

The purpose of this item is to make findings of fact and conclusions regarding City Council’s decision at the November 19, 2024, 201 Linden Street appeal hearing overturning the Historic Preservation Commission (“Commission”) denial of a certificate of appropriateness to allow the replacement of the upper story windows on the historic landmark at 201 Linden Street (the "Property"). The City Council concluded the Commission failed to properly interpret and apply the U.S. Secretary of the Interior’s *Standards for the Treatment of Historic Properties* and the Old Town Historic District Design Standards and thereby overturned the Commission’s August 21, 2024, denial of a certificate of appropriateness.

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

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.

18. Items Related to Amending City Code to Adjust the Following Fees: Capital Expansion Fees; Transportation Expansion Fee; Electric Capacity Fee; and Stormwater Plant Investment Fee.

A. Second Reading of Ordinance No. 172, 2024, Amending Chapter 7.5 of the Code of the City of Fort Collins to revise the Capital Expansion Fees and Transportation Expansion Fee.

B. Second Reading of Ordinance No. 173, 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. Second Reading of Ordinance No. 174, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Plant Investment Fees.

Ordinance No. 172 was adopted by a 6-1 (Nay: Ohlson) vote on First Reading and Ordinances No. 173 and 174, 2024 were unanimously adopted on First Reading on November 19, 2024. The Ordinances make adjustments effective January 1, 2025, associated with the City's Capital Expansion Fees, Transportation Expansion Fees, Electric Capacity Fees and Stormwater Plant Investment Fees. Along with updating Electric Capacity Fee tables in City Code, staff is proposing language clarifications related to costs included in the fee calculation.

On First Reading, Council approved inflation-based increases (presented as Alternative #2) in Ordinance No. 172, and asked staff to present information at a future work session about exploration of ways to approach future Impact Fee calculations and the City's policies and programs regarding Impact Fees and housing affordability.

After First Reading of Ordinance No. 172, 2024, three typographical errors were discovered in Sections 7.5-28, Section 7.5-29 and Section 7.5-32 (Sections 3, 4, and 7 of the Ordinance). The corrections are shown on the Ordinance for Second Reading.

19. Resolution 2024-141, Approving a Three-Year Collective Bargaining Agreement with the Northern Colorado Lodge #3 of the Fraternal Order of Police.

The purpose of this item is to approve a bargaining agreement between the City and the Northern Colorado Lodge #3, Colorado Fraternal Order of Police (FOP), and authorize execution of such agreement. The City and the FOP, using an Interest Based Bargaining (IBB) approach, engaged in negotiations regarding the terms and conditions of a possible bargaining agreement for 2025, 2026, and 2027. City staff and the FOP have tentatively reached an agreement. Fraternal Order of Police members plan to vote to ratify the proposed contract on December 2, 2024, and staff will provide the Council with those results.

20. First Reading of Ordinance No. 187, 2024, 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 amend City Code to establish the 2025 salary of the City Manager. Council met in executive session on November 26, 2024, to conduct the performance review of Kelly DiMartino, City Manager, and to consider the salary market analysis for this position.

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

A. First Reading of Ordinance No. 188, 2024, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge.

B. Resolution 2024-142 Authorizing the Third Addendum to Chief Judge Jill Hueser's Employment Agreement and Appointing Her to a New Two-Year Term.

The purpose of these items is to amend City Code to establish the 2025 compensation of the Chief Judge and to create a new two-year term for her employment. Council met in executive session on November 26, 2024, to conduct the performance review of Jill Hueser, Chief Judge, and to consider the salary market analysis for this position.

22. First Reading of Ordinance No. 189, 2024, 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 amend City Code to establish the 2025 compensation of the City Attorney. Council met in executive session on November 26, 2024, to conduct the performance review of Carrie Daggett, City Attorney and to consider the salary market analysis for this position.

P) RESUMED PUBLIC COMMENT (if applicable)

Q) 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.)

R) 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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