

# Fort Collins City Council Agenda

Regular Meeting

6:00 p.m. Tuesday, April 4, 2023

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

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

## NOTICE:

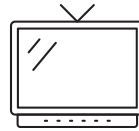
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

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](http://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

**April 4, 2023 at 6:00 PM**

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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

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## **PROCLAMATIONS & PRESENTATIONS 5:00 PM**

### **A) PROCLAMATIONS AND PRESENTATIONS**

- PP 1. **Proclaiming April 2023 as Donate Life Month.**
- PP 2. **Proclaiming April 2023 as Fair Housing Month.**
- PP 3. **Proclaiming April 2023 as Sexual Assault Awareness Month.**
- PP 4. **Proclaiming April 2023 as Southwest Asian North African Heritage Month (SWANA).**
- PP 5. **Proclaiming April 22, 2023 as Earth Day.**

## **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/](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 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 March 21, 2023 Regular Meeting.**

The purpose of this item is to approve the minutes of the March 21, 2023 Regular meeting.

2. **Second Reading of Ordinance No. 032, 2023, Authorizing the Release of Restrictive Covenants on Property at 1947 Phia Way Developed by Fort Collins Habitat for Humanity.**

This Ordinance, unanimously adopted on First Reading on March 7, 2023, obtains authorization from Council to release the Agreement of Restrictive Covenants Affecting Real Property on the single-family home located at 1947 Phia Way, which was developed by Fort Collins Habitat for Humanity. The development of this home was initially assisted with funding from the Department of Housing and Urban Development (HUD). At the time of completion, the project no longer met the HUD requirements, triggering a HUD mandated repayment of the funds and cancellation of the project.

3. **Second Reading of Ordinance No. 033, 2023, Extending the Moratorium on Certain Activities of State Interest Designated in Ordinance No. 122, 2021.**

This Ordinance, unanimously adopted on First Reading on March 7, 2023, extends the length of a moratorium previously imposed through Ordinance No. 122, 2021, and further extended with Ordinance No. 139, 2022, on two designated activities of state interest. The proposed Ordinance extends the length of the existing moratorium for three months beyond March 31, 2022, or until City Council adopts guidelines for the administration of the two designated activities. Extending the moratorium allows staff to reengage with stakeholders and develop policy decision points for Council's consideration along with first reading of the version-three 1041 regulations, May 2, 2023.

4. **Second Reading of Ordinance No. 034, 2023, Making Supplemental Appropriations from the Colorado Water Conservation Board Grant and Water Fund Reserves and Authorizing Transfers of Appropriations for the Water Efficiency Plan Update.**

This Ordinance, unanimously adopted on First Reading on March 7, 2023, updates the City's Water Efficiency Plan by end of 2024 by:

- Appropriating \$160,000 of unanticipated grant revenue, awarded by the Colorado Water Conservation Board, to the Water Fund
- Appropriating \$65,795 from the Water Fund reserves
- Utilizing matching funds in the amount of \$126,705 from existing 2023 appropriations into this new grant project

5. **Second Reading of Ordinance No. 035, 2023, Authorizing the City Manager to Execute Agreements, Conveyances, and Other Documents to Incorporate the Spring Cañon Waste Way Ditch.**

This Ordinance, unanimously adopted on First Reading on March 7, 2023, approves the City's conveyance of its 2/12ths fractional ownership of the Spring Cañon Waste Way Ditch (Ditch) to a newly formed and incorporated Spring Cañon Wasteway Ditch Company (Ditch Company), and thereby receive 2/12ths share of the Ditch Company. This item would also authorize the City Manager to execute related agreements needed to form the Ditch Company. This administrative restructuring of the Ditch and water right ownership will allow for a variety of efficiencies including

easier shareholder transfers, providing a single point of contact, and improving coordination of Ditch maintenance.

**6. Second Reading of Ordinance No. 036, 2023, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations in Multiple Utility Funds for the Purchase of Vendor Services to Support a Major Upgrade to the Utilities Billing System.**

This Ordinance, unanimously adopted on First Reading on March 21, 2023, appropriates from reserves in the Light & Power, Water, Wastewater and Stormwater enterprise funds. The use of these reserves is necessary to implement a modern Utility Customer Information System – Customer Self Service Portal (CIS-CX) Solution. These funds are being requested to maintain project momentum as the City completes the selection of a solution partner and prepares to contract for professional services. This proposed appropriation will allow the City to secure CIS-CX project management and solution quality assurance services through go-live, provide legal review of professional services contracts, and provide funding to hire contractual staff throughout the implementation.

The total amount being recommended for appropriation is \$4,250,000 as detailed in the background section.

Implementation Project Management and Quality Assurance	\$1,500,000
Contract Review and Counsel	\$100,000
Contractual Implementation Staffing	<u>\$2,650,000</u>
Total	<u>\$4,250,000</u>

Once the full solution scope with the City’s preferred vendor is negotiated, another appropriation will be requested for the direct solution costs including licensing and hardware.

**7. Second Reading of Ordinance No. 037, 2023, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and Convention and Visitor Program Services.**

This Ordinance, unanimously adopted on First Reading on March 21, 2023, appropriates \$598,668 of which \$261,527 is proposed for Cultural Development and Programming Activities (Fort Fund), \$169,624 is proposed for Tourism Programming (Fort Fund), and \$167,517 is proposed for Convention and Visitors Bureau from a combination of 2022 Lodging Tax collections and Prior Year Reserves (unspent appropriations) in the General Fund Lodging Tax Reserves.

Lodging taxes are annually collected by the City of Fort Collins for Cultural Development and Tourism programming activities. Anticipated revenue is projected through each Budgeting for Outcomes (BFO) cycle and then adjusted annually as needed based on final actual collections. For 2022, total Lodging Tax revenues collected came in \$239,310 above projected collections.

**8. Second Reading of Ordinance No. 038, 2023, Authorizing the City Manager to Accept a Grant Award and Comply with the Terms of the Grant and Making Supplemental Appropriations and Authorizing Transfers for the Xeriscape Incentive Program.**

This Ordinance, unanimously adopted on First Reading on March 21, 2023, supports businesses, homeowner associations (“HOAs”) and other commercial properties pursuing costly landscape projects that reduce water use long-term through the Xeriscape Incentive Program by utilizing (1) \$75,000 in grant funds from the Bureau of Reclamation and (2) \$75,000 in matching funds from existing 2023 appropriations. This item would also authorize the City Manager or their designee to accept the grant award and comply with the terms of the grant application and award.

9. **Second Reading of Ordinance No. 039, 2023, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Timberline Mulberry Lincoln Intersection Project and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on March 21, 2023, enables the City to receive and expend Colorado Department of Transportation (CDOT) funds and to appropriate development payment-in-lieu funds for the Timberline Mulberry Lincoln Intersection Project (the Project). The funds will be used for design, right-of-way acquisition, and construction of improvements at the intersection of Timberline Road, Mulberry Street, and Lincoln Avenue. If approved, the item will: (1) authorize the Mayor to execute an Intergovernmental Agreement for the Project with CDOT; (2) appropriate \$1,523,915 of Highway Safety Improvement Program (HSIP) grant funds for the Project; (3) appropriate \$23,651 from the Capital Funds Reserve received in 2020 as a development payment-in-lieu contributed to this Project by an adjacent development; and (4) appropriate \$237 (1% of the development payment-in-lieu amount) to the Art in Public Places Program.

10. **Second Reading of Ordinance No. 040, 2023, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Childcare Space Modifications at the Northside Aztlan Community Center and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on March 21, 2023, appropriates \$260,000 from the Recreation Reserve to close the funding gap on the Childcare Space Modifications at Northside Aztlan Community Center and transfer 1% of the applicable construction costs to Art in Public Places.

11. **Second Reading of Ordinance No. 041, 2023, Reappropriating Funds Previously Appropriated in 2022 But Not Expended and Not Encumbered in 2022.**

This Ordinance, unanimously adopted on First Reading on March 21, 2023, reappropriates monies in 2023 that were previously authorized by City Council for expenditure in 2022 for various purposes. The authorized expenditures were not spent or could not be encumbered in 2022 because:

- There was not sufficient time to complete bidding in 2022 and therefore, there was no known vendor or binding contract as required to expend or encumber the monies; or
- The project for which the dollars were originally appropriated by Council could not be completed during 2022 and reappropriation of those dollars is necessary for completion of the project in 2023.

Additionally, there may have been sufficient unspent dollars previously appropriated in 2022 to carry on programs, services, and facility improvements in 2023 for those specific purposes.

In the above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2022 and reflect no change in Council policies.

12. **Second Reading of Ordinance No. 042, 2023, Making Supplemental Appropriations from Lease Financing Proceeds and Appropriating Prior Year Reserves for the Purchase of Vacant Land at the Former Hughes Stadium Site.**

This Ordinance, unanimously adopted on First Reading on March 21, 2023, is an appropriation to purchase the land of the former Hughes Stadium.

**13. Second Reading of Ordinance No. 043, 2023, Adopting the Vision Zero Action Plan as a Component of City Plan.**

This Ordinance, unanimously adopted on First Reading on March 21, 2023, adopts the Vision Zero Action Plan.

**14. Items Related to Election Code Changes.**

A. Second Reading of Ordinance No. 044, 2023, Amending Chapter 7 of the Code of the City of Fort Collins Relating to the Conduct of the City’s Regular Municipal Election.

B. Second Reading of Ordinance No. 045, 2023, Amending Chapter 7 of the Code of the City of Fort Collins Relating to Candidacy in a Municipal Election.

C. Second Reading of Ordinance No. 046, 2023, Amending Chapter 7 of the Code of the City of Fort Collins Relating to Financial Disclosure Requirements.

These Ordinances, unanimously adopted on First Reading on March 21, 2023, adopt changes to City Code required by the approval of Fort Collins voters to move the City’s regular municipal election from April to November in odd-numbered years.

Specific changes proposed include: clarifying election administration provisions applying to City run elections and the applicability of State law to coordinated elections, establishing that regular municipal elections will be coordinated with the County unless the Council provides otherwise, adapting deadlines for filing for office to align with the requirements of the Uniform Election Code, and updating the timing for filing financial disclosures to align with the timing of regular municipal elections.

**15. First Reading of Ordinance No. 047, 2023, Authorizing Transfers of Appropriations for the Renovation of the Carnegie Center for Creativity.**

The purpose of this item is to transfer \$2,400,000 appropriated in the Cultural Services & Facilities Fund to the Capital Projects Fund.

**16. First Reading of Ordinance No. 048, 2023, Authorizing the City Manager to Accept a Grant Award and Comply with the Terms of a Grant From the Colorado Water Conservation Board, Making Supplemental Appropriations in the Water Fund and Authorizing Transfers from the Water Fund, for the Xeriscape Incentive Program.**

The purpose of this item is to support businesses, homeowner associations, other commercial properties, and residential properties pursuing costly landscape projects that reduce water use long-term through the Xeriscape Incentive Program by:

- Appropriating \$100,000 of unanticipated grant revenue, awarded by the Colorado Water Conservation Board, to the Water Fund;
- Appropriating \$65,890 from the Water Fund reserves; and
- Utilizing matching funds in the amount of \$57,220 from existing 2023 appropriations into this new grant project.

This item would also authorize the City Manager or their designee to accept the grant award and comply with the terms of the grant application and award.



**17. Items Relating to the Thompson Thrift Spaulding Addition Annexation.**

A. Resolution 2023-031 Setting Forth Findings of Fact and Determinations Regarding the Thompson Thrift Spaulding Addition Annexation.

B. Public Hearing and First Reading of Ordinance No. 049, 2023, Annexing the Property Known as the Thompson Thrift Spaulding Addition Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex a 3.743-acre property located off Terry Lake Road/Highway 1 on Spaulding Lane, closest to the Spaulding Lane and Valley View Lane intersection. A specific project development plan proposal is not included with the annexation application. The Initiating Resolution was adopted by City Council on February 21, 2023. A separate related item to amend the Zoning Map and classify for zoning purposes the annexed property is presented as the next item on this Agenda.

*This annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins City Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreement Regarding Growth Management.*

**18. Public Hearing and First Reading of Ordinance No. 050, 2023, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Thompson Thrift Spaulding Addition Annexation to the City of Fort Collins and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and Lighting Context Area Map.**

The purpose of this item is to zone the property included in the Thompson Thrift Spaulding Addition Annexation into the Low Density Mixed-Use (L-M-N) zone district and place the property into the LC1 Lighting Context Area.

*This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2015-091.*

**19. Items Relating to the Carpenter and Timberline Intersection Project.**

A. Resolution 2023-032 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the State of Colorado Department of Transportation for the Carpenter and Timberline Intersection Project.

B. First Reading of Ordinance No. 051, 2023, Making Supplemental Appropriations for the Carpenter and Timberline Intersection Project.

The purpose of this item is to enable the City to receive and expend Federal and Colorado Department of Transportation (CDOT) funds for the Carpenter and Timberline Intersection Project (the Project). The funds will be used for design and construction of improvements at the intersection of Carpenter Road and Timberline Road. If approved, the item will: 1) authorize the Mayor to execute an Intergovernmental Agreement (IGA) for the Project with CDOT; and 2) appropriate \$696,285 of Highway Safety Improvement Program (HSIP) grant funds for the Project. This Project will not appropriate any money to Art in Public Places Program as the Project is 100% federally funded.

**20. Items Relating to the Repeal and Reenactment of Certain Ordinances.**

A. First Reading of Ordinance No. 052, 2023, Repealing Ordinance No. 024, 2023, and Appropriating Philanthropic Revenue Received by City Give for Fort Collins Police Services for the Safe Futures Initiative.

B. First Reading of Ordinance No. 053, 2023, Repealing Ordinance No. 025, 2023, and Appropriating Prior Year Reserves and Unanticipated Revenue from Philanthropic Donations Received Through City Give for Various Programs and Services as Designated by the Donors.

C. First Reading of Ordinance No. 054, 2023, Repealing Ordinance No. 027, 2023, and Amending Chapter 12, Article II and Chapter 15, Article XV of the Code of the City of Fort Collins to Allow for the Establishment of a City Waste Collection Program and Generally Updating Provisions of the Code Governing Waste Collection Within the City.

D. First Reading of Ordinance No. 055, 2023, Repealing Ordinance No. 028, 2023, and Authorizing the City Manager to Enter Into a Contract for the Provision of Residential Waste Collection Services.

E. First Reading of Ordinance No. 056, 2023, Repealing Ordinance No. 029, 2023, and Appropriating Prior Year Reserves for Start-up Costs to Create a Contracted Residential Waste Collection Program.

F. First Reading of Ordinance No. 057, 2023, Repealing Ordinance No. 030, 2023, and Adopting the North College MAX BRT Plan as a Component of City Plan.

Due to a publication error, staff requests Council repeal and reenact each Ordinance as they were adopted on March 7, 2023.

**21. Resolution 2023-033 Terminating the Oil and Gas Operator Agreement between the City of Fort Collins and Prospect Energy.**

The purpose of this item is to consider termination of the Oil and Gas Operator Agreement between the City and Prospect Energy, which was originally executed in 2013 and is eligible for termination in May 2023. This is recommended as the Operator Agreement is outdated and indicates that the operator is not required to go through the City's Development Review Process for approvals prior to modifications to existing sites.

**22. Items Relating to FLEX Route Regional Transit Services Intergovernmental Agreements.**

A. Resolution 2023-034 Authorizing the Execution of an Intergovernmental Agreement between the City of Fort Collins, Colorado and the City of Loveland for FLEX Route Regional Transit Services.

B. Resolution 2023-035 Authorizing the Execution of an Intergovernmental Agreement between the City of Fort Collins, Colorado and the Town of Berthoud for FLEX Route Regional Transit Services.

C. Resolution 2023-036 Authorizing the Execution of an Intergovernmental Agreement between the City of Fort Collins, Colorado and the County of Boulder for FLEX Route Regional Transit Services.

D. Resolutions 2023-037 Authorizing the Execution of an Intergovernmental Agreement between the City of Fort Collins, Colorado and the City of Boulder for FLEX Route Regional Transit Services.

E. Resolution 2023-038 Authorizing the Execution of an Intergovernmental Agreement between the City of Fort Collins, Colorado and the City of Longmont for FLEX Route Regional Transit Services.

The purpose of these items is to authorize the City Manager to sign separate Intergovernmental Agreements (“IGAs”) with the City of Loveland, the Town of Berthoud, the City of Boulder, the County of Boulder, and the City of Longmont (collectively, the “FLEX Partners”) by which the FLEX Partners will contribute funds toward the operating cost of the FLEX Route Regional Transit Service bus route to further the goals of regional connectivity through transit.

**23. Resolution 2023-039 Making an Appointment to the General Employees Retirement Committee.**

The purpose of this item is to fill a vacancy on the General Employee’s Retirement Committee.

**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.*

**24. Second Reading of Ordinance No. 151, 2022, Amending the Land Use Code to Regulate Oil and Gas Facilities and Pipelines.**

This Ordinance, unanimously adopted on First Reading on December 20, 2022, updates the Land Use Code (LUC) to regulate new oil and gas facilities and pipelines within City limits. These regulations include zoning, setbacks, development standards and a process for development review which limits new Oil and Gas facilities to less than 1% of available land. Per new authority granted through Senate Bill 19-181, these local regulations exceed Colorado Oil and Gas Conservation Commission (COGCC) requirements related to surface oil and gas activities and are designed to ensure the protection of public health, safety, welfare, the environment, and wildlife resources.

**25. Items Relating to Rental Housing Program.**

A. First Reading of Ordinance No. 058, 2023, Adopting a Rental Housing Program as an Implementation Action of the Housing Strategic Plan and the Our Climate Future Plan.

B. First Reading of Ordinance No. 059, 2023, Appropriating Prior Year Reserves in the General Fund for the Start Up Phase of the Rental Housing Program.

The purpose of this item is to consider the adoption of a Rental Housing Program that begins with registration and adds proactive rental inspections after one year of full implementation and to consider an off-cycle general fund appropriation in the amount of \$1.1 million over a 2-year period (\$421,583 in 2023 and \$669,500 in 2024) to support the start-up phase of the proposed program. The development of a Rental Housing Program implements policy direction in both the Housing Strategic Plan (2021) and the Our Climate Future Plan (2021):

- Housing Strategic Plan, Strategy 20 – Explore the option of a mandated rental license/registry program for long-term rentals and pair with best practice rental regulations.
- Our Climate Future Plan, Strategy HAH6 – Explore the option of mandated rental licensing/rental registry with minimum standards for health, safety, stability, and efficiency.

If adopted by Council, staff recommends that the proposed Rental Housing Program commence the start-up phase by Q1 2024. The period between adoption and start-up will be used to hire and train staff, implement new software, and conduct education and outreach with landlords, tenants, property managers, and others impacted by the Rental Housing Program.

**26. Items Relating to the Repeal and Reenactment of Certain Ordinances.**

A. First Reading of Ordinance No. 060, 2023, Repealing Ordinance No. 026, 2023, and Appropriating Philanthropic Revenue Received Through City Give for The Gardens on Spring Creek for General Operations as Designated by the Donor.

B. First Reading of Ordinance No. 061, 2023, Repealing Ordinance No. 031, 2023, and Appropriating Prior Year Reserves for a Capital Contribution of \$1,000,000 for Construction of a New Public Terminal Facility at the Northern Colorado Regional Airport.

Due to a publication error, staff requests Council repeal and reenact each Ordinance as they were adopted on March 7, 2023. These Ordinances were placed on discussion because the votes adopting these items originally were not unanimous.

**27. Items Relating to a City-Initiated Charter Amendment Regarding Making Candidate Qualifications Comport with the State Constitution.**

A. Possible Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.

B. First Reading of Ordinance No. 062, 2023, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article II of the City Charter Conforming the Limits on Holding Council Office to the Limits in the Colorado Constitution Applicable to Those With Disqualifying Felony Convictions.

The purpose of this item is to set the ballot language regarding making candidate qualifications comport with the Colorado Constitution.

Any protest of the proposed ballot language must be received no later than Monday, April 3, 2023, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.

**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.*