

# Fort Collins City Council Agenda

## Regular Meeting

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

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

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

### NOTICE:

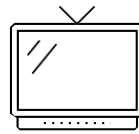
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

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

### How to view this Meeting:



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



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



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



Meetings are livestreamed on the City's website, [fcgov.com/fctv](https://fcgov.com/fctv)

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

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



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

### Comment in real time:

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



In person attendees can address the Council in the Chambers.

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



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

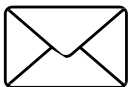
Meeting ID: 982 4141 6497

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

**December 19, 2023 at 6:00 PM**

Jeni Arndt, Mayor  
Emily Francis, District 6, Mayor Pro Tem  
Susan Gutowsky, District 1  
Julie Pignataro, District 2  
Tricia Canonico, District 3  
Shirley Peel, District 4  
Kelly Ohlson, District 5

City Council Chambers  
300 Laporte Avenue, Fort Collins  
& via Zoom at  
<https://zoom.us/j/98241416497>  
Cablecast on FCTV  
Channel 14 on Connexion  
Channel 14 and 881 on Xfinity

Carrie Daggett  
City Attorney

Kelly DiMartino  
City Manager

Anissa Hollingshead  
City Clerk

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

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

No proclamations scheduled.

## **REGULAR MEETING 6:00 PM**

### **B) CALL MEETING TO ORDER**

### **C) PLEDGE OF ALLEGIANCE**

### **D) ROLL CALL**

### **E) CITY MANAGER'S AGENDA REVIEW**

- City Manager Review of Agenda
- Consent Calendar Review, including removal of items from Consent Calendar for individual discussion.

### **F) COMMUNITY REPORTS - None.**

### **G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS** (Including requests for removal of items from Consent Calendar for individual discussion.)

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

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

## **H) PUBLIC COMMENT FOLLOW-UP**

## **I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION**

### **CONSENT CALENDAR**

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

- *Ordinances on First Reading that are routine;*
- *Ordinances on Second Reading that are routine;*
- *Those of no perceived controversy;*
- *Routine administrative actions.*

#### **1. Consideration and Approval of the Minutes of the November 21, 2023 Regular Meeting, the November 28, 2023 Adjourned Meeting, and the December 5, 2023 Regular Meeting.**

The purpose of this item is to approve the minutes of the November 21, 2023 regular meeting, the November 28, 2023 adjourned meeting, and the December 5, 2023 regular meeting.

#### **2. Second Reading of Ordinance No. 163, 2023, Appropriating Unanticipated Revenue in the Transportation Services Fund for "Work For Others" Program Expenses.**

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



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

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

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

This Ordinance, unanimously adopted on First Reading on December 5, 2023, requests an appropriation of \$11,968.53 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

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

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

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

Staff's recommendation includes the following Code changes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**END OF CONSENT CALENDAR**

**J) ADOPTION OF CONSENT CALENDAR**

**K) CONSENT CALENDAR FOLLOW-UP** *(This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.)*

**L) STAFF REPORTS - None.**

**M) COUNCILMEMBER REPORTS**

**N) CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION**

**O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION**

*The method of debate for discussion items is as follows:*

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

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

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

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

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

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

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

or

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

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

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

and, if desired,

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

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

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

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

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

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

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

**P) OTHER BUSINESS**

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

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

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

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



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

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

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

**City Manager:** 75 minutes

**Note:** Time is approximate with breaks, as necessary.

**Q) ADJOURNMENT**

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

*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.*



December 19, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Anissa N. Hollingshead, City Clerk

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### SUBJECT

**Consideration and Approval of the Minutes of the November 21, 2023 Regular Meeting, the November 28, 2023 Adjourned Meeting, and the December 5, 2023 Regular Meeting.**

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### EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the November 21, 2023 regular meeting, the November 28, 2023 adjourned meeting, and the December 5, 2023 regular meeting.

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### STAFF RECOMMENDATION

Staff recommends approval of the minutes.

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### ATTACHMENTS

1. Draft Minutes, November 21, 2023
2. Draft Minutes, November 28, 2023
3. Draft Minutes, December 5, 2023

**November 21, 2023**

**COUNCIL OF THE CITY OF FORT COLLINS, COLORADO**

**Council-Manager Form of Government**

**Regular Meeting – 6:00 PM**

**PROCLAMATIONS & PRESENTATIONS  
5:00 PM**

**A) PROCLAMATIONS AND PRESENTATIONS**

- PP 1. **Declaring November 4, 2023 as Fort Collins ARO Flag Football Teams State Competition Day (Special Olympics).**
- PP 2. **Declaring November 18, 2023 as National Injury Prevention Day.**
- PP 3. **Declaring November 23, 2023 as Transgender Day of Remembrance and Resiliency.**
- PP 4. **Declaring December 2, 2023 as CHSAA Championship Saturday.**
- PP 5. **Declaring November 2023 as Epilepsy Awareness Month.**

Mayor Jeni Arndt presented the above proclamations at 5:00 p.m.

**REGULAR MEETING  
6:00 PM**

**B) CALL MEETING TO ORDER**

Mayor Jeni Arndt called the regular meeting to order at 6:00 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado, with hybrid participation available via the City's Zoom platform.

**C) PLEDGE OF ALLEGIANCE**

Mayor Jeni Arndt led the Pledge of Allegiance to the American Flag.

**D) ROLL CALL**

**PRESENT**

Mayor Jeni Arndt  
Mayor Pro Tem Emily Francis  
Councilmember Susan Gutowsky  
Councilmember Julie Pignataro  
Councilmember Tricia Canonico  
Councilmember Shirley Peel  
Councilmember Kelly Ohlson

**STAFF PRESENT**

City Manager Kelly DiMartino  
City Attorney Carrie Daggett  
City Clerk Anissa Hollingshead  
Assistant City Clerk Ann Marie Sharratt

## **E) CITY MANAGER'S AGENDA REVIEW**

City Manager Kelly DiMartino provided an overview of the agenda, including:

- All items on the consent agenda were recommended for approval.
- The items on the discussion agenda were reviewed.

## **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.)*

Derrin Evans, Fort Collins resident, commented on over expansion and experience growing up in San Diego, asking what rate of expansion landfills and water sources can sustain.

Adam Eggleston, Fort Collins resident, took the opportunity in the spirit of Thanksgiving to express appreciation and gratitude for the work of the Council and City staff on behalf of the community, noting both the responsiveness of staff regardless of the issue or personal views and the commitment of Council to navigating challenges.

Patricia Babbitt, Fort Collins resident, expressed thanks to everyone who supported her write in candidacy in the mayoral election, offering an observation that too few Fort Collins residents feel like voting is important.

Kimberly Chambers, Fort Collins resident, offered thanks to the Council for issuing the Transgender awareness month proclamation, noting yesterday was the Transgender Day of Remembrance, this year memorializing the loss of 63 lives of transgender people over the last 12 months. Chambers also provided information about Splash Youth opening a teen center, serving individuals up to age 24, as a safe space for LGBTQ young people.

Dan McDonald, Fort Collins resident, spoke to make Council aware of a serious issue affecting disabled residents of the city as a result of reliable public transportation, both public and private. As someone confined to a wheelchair due to MS, McDonald shared transportation requires a handicap accessible van with no options available after 6 pm.

Public comment concluded at 6:21 p.m.

## **H) PUBLIC COMMENT FOLLOW-UP**

Councilmember Canonico spoke to the statements of Dan McDonald regarding the lack of availability of safe transit options. She spoke regarding seeing a community member and advocate today having trouble crossing a busy intersection on Harmony, as well as her efforts in meeting with Dial A Ride. City Manager DiMartino spoke to emerging discussions City teams will be engaged in around additional options in this realm, including exploring microtransit opportunities.

Councilmember Canonico also expressed thanks to all candidates who ran in this election and offered congratulations to all who won.

Mayor Arndt also offered her support for the importance of accessible public transit and thanked City Manager DiMartino for staff's focus on this.

## I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

Councilmember Ohlson pulled items 17 and 23 from the consent calendar.

## J) CONSENT CALENDAR

### 1. Consideration and Approval of the Minutes of the October 17, 2023 Regular Meeting.

*The purpose of this item is to approve the minutes of the October 17, 2023 regular meeting.*

**Approved.**

### 2. Second Reading of Ordinance No. 139, 2023, Approving the Fiscal Year 2024 Budget, and Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority, and Fixing the Mill Levy for the Downtown Development Authority for Property Taxes Payable Fiscal Year 2024.

*This Ordinance, unanimously adopted on First Reading on October 17, 2023, sets the Downtown Development Authority (DDA) Budget.*

*The following amounts will be appropriated:*

DDA Public/Private Investments & Programs	\$6,435,066
DDA Operations & Maintenance	\$1,477,626
Revolving Line of Credit Draws	\$9,000,000
DDA Debt Service Fund	\$9,431,611

*The Ordinance sets the 2024 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2024.*

**Adopted on Second Reading.**

### 3. Second Reading of Ordinance No. 140, 2023, Adopting the 2024 Budget and Appropriating the Fort Collins Share of the 2024 Fiscal Year Operating and Capital Improvements Funds for the Northern Colorado Regional Airport.

*This Ordinance, unanimously adopted on First Reading on October 17, 2023, adopts the 2024 budget for the Northern Colorado Regional Airport and appropriates Fort Collins's share of the 2024 fiscal year operating and capital funds for the Airport. Under the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport between Fort Collins and Loveland (the "IGA"), the Airport is operated as a joint venture with each city owning 50% of the assets and revenues and responsible for 50% of the operating and capital costs. The proposed budget does not include any financial contributions from the City's General Fund. Because each city has an ownership interest in 50% of the Airport revenues, each city must appropriate its 50% share of the annual operating and capital budget for the Airport under the IGA.*

**Adopted on Second Reading.**

### 4. Second Reading of Ordinance No. 141, 2023, Appropriating Philanthropic Revenue Received by City Give for the 2023 Parks Independence Day Celebration.

*This Ordinance, unanimously adopted on First Reading on October 17, 2023, appropriates philanthropic revenue designated for the 2023 Parks Independence Day Celebration.*

**Adopted on Second Reading.**

5. **Second Reading of Ordinance No. 142, 2023, Appropriating Philanthropic Revenue Received Through City Give for the Art in Public Places Program, Pianos About Town Project.**

*This Ordinance, unanimously adopted on First Reading on October 17, 2023, appropriates \$45,221 in philanthropic revenue received by City Give for the Art in Public Places (APP) program. This grant award was received from Bohemian Foundation for the designated purpose of Pianos About Town, a collaborative effort among the City's Art in Public Places program, the Fort Collins Downtown Development Authority (DDA), and the donor, Bohemian Foundation.*

**Adopted on Second Reading.**

6. **Second Reading of Ordinance No. 143, 2023, Making a Supplemental Appropriation, Appropriating Prior Year Reserves, Authorizing Transfers and Authorizing Intergovernmental Agreements for the Air Toxics Community Monitoring Project.**

*This Ordinance, unanimously adopted on First Reading on October 17, 2023, appropriates an award the City received in the amount of \$499,139 for an Air Toxics Community Monitoring Project Grant from the Environmental Protection Agency (EPA) to provide air toxic monitoring that responds to concerns of residents in underserved communities, builds a broader understanding of air quality issues through innovative approaches including storytelling and art and empowers residents to engage in policy and regulatory discussions. This three-year project will be conducted in partnership with Colorado State University and the Larimer County Department of Health and Environment, with support from the Colorado Department of Public Health and Environment and various community organizations.*

*The purpose of this item is to support the Air Toxics Community Monitoring project by:*

- *Appropriating \$499,139 of unanticipated grant revenue awarded by the EPA*
- *Appropriating \$70,178 from the General Fund reserves*
- *Utilizing matching funds in the amount of \$3,230 from existing 2023 appropriations into this new grant project*

*This item would authorize the City to accept the grant award and comply with the terms and conditions. This item would also authorize the City to enter into an agreement with Colorado State University to conduct the work contemplated by the grant agreement.*

**Adopted on Second Reading.**

7. **Second Reading of Ordinance No. 144, 2023, Appropriating Unanticipated Revenue From a CDOT Safe Routes to School Grant and Authorizing Transfers for the Zach Elementary School Crossings Project and Related Art in Public Places.**

*This Ordinance, unanimously adopted on First Reading on October 17, 2023, enables the City to receive and expend federal, Colorado Department of Transportation (CDOT), and local funds for the Zach Elementary School Crossings Project (the Project). The funds will be used to design and construct improvements at the intersection of Kechter Road and Jupiter Drive and at the intersection of Kechter Road and Cinquefoil Lane. These improvements will create safer conditions for bicyclists, pedestrians, and motorists traveling in this location. If approved, the item will: 1) authorize the Mayor to execute an intergovernmental agreement (IGA) for the Project with CDOT; 2) appropriate \$745,587 of Safe Routes to School (SRTS) grant funds for the Project; 3)*

appropriate matching funds from the SRTS School Transportation Safety Studies; 4) appropriate matching funds from the Bicycle Community Capital Improvement Program (Bicycle CCIP); 5) appropriate matching funds from the Pedestrian Community Capital Improvement Program (Pedestrian CCIP); 6) acknowledge anticipated funds contributed by the Poudre School District (PSD); and 7) appropriate funds to the Art in Public Places Program.

**Adopted on Second Reading.**

8. **Second Reading of Ordinance No. 145, 2023, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2024; Amending the Budget for the Fiscal Year Beginning January 1, 2024, and Ending December 31, 2024; and Fixing the Mill Levy for Property Taxes Payable Fiscal Year 2024.**

*This Ordinance, unanimously adopted on First Reading on October 17, 2023, amends the adopted 2024 Budget. This Ordinance sets the amount of \$802,507,950 to be appropriated for fiscal year 2024. This appropriated amount does not include what is also being appropriated by separate Council/Board of Director actions to adopt the 2024 budgets for the General Improvement District (GID) No. 1 of \$318,275, the 2024 budget for GID No. 15 (Skyview) of \$1,000, the Urban Renewal Authority (URA) 2024 budget of \$6,121,898 and the Downtown Development Authority 2024 budget of \$26,344,303. The sum of these ordinances results in City-related total appropriations of \$835,293,426 for 2024. This Ordinance also sets the 2024 City mill levy at 9.797 mills, unchanged since 1991.*

*On Second Reading, some minor additional edits have been made to the recitals and Section 4 of the Ordinance to identify that budgeted grant funds for Transfort are designated as a non-lapsing appropriation, and that other grants and donations will be separately appropriated when necessary.*

**Adopted on Second Reading.**

9. **Items Relating to 2024 Utility Rates, Fees, and Charges.**

*A. Second Reading of Ordinance No. 146, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees, and Charges and Updating the Related Income-Qualified Assistance Program.*

*B. Second Reading of Ordinance No. 147, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees, and Charges.*

*C. Second Reading of Ordinance No. 148, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees, and Charges.*

*D. Second Reading of Ordinance No. 149, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees, and Charges.*

*These Ordinances, unanimously adopted on First Reading on October 17, 2023, proposed the 2024 Utility Rates for Council consideration, which align with the 2024 City Manager's Recommended Budget. Monthly utility charges are proposed to increase 5% for electric customers, 4% for water customers, 4% for wastewater customers, and 3% for stormwater customers.*

**Adopted all Ordinances on Second Reading.**

**10. First Reading of Ordinance No. 150, 2023, Making a Supplemental Appropriation for the Oak Street Stormwater Improvements Project.**

*The purpose of this item is to request appropriation to cover the expenses related to the recent bond issuance for the Oak Street Stormwater Improvements Project.*

*The Stormwater Utility Enterprise Board unanimously adopted Ordinance No. 011 on October 3, 2023, authorizing a 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, the amount of \$40.4M have been paid into the Stormwater Fund on October 31, 2023.*

*This first appropriation request is being brought for your consideration to cover expenses for the recent bond issuance, including closing costs and underwriter's fees associated with closing of the bond. Payment for expenses will be made by the end of 2023.*

*The total amount being requested for appropriation is: \$375,931.*

*A second appropriation request will be brought forth once the construction contractor selection process is complete and the construction contract value has been finalized. The anticipated schedule is late December 2023 or January 2024.*

***Adopted on First Reading.***

**11. First Reading of Ordinance No. 151, 2023, Appropriating Prior Year Reserves in the General Fund and Transportation Services Fund for Snow Removal.**

*The purpose of this item is to appropriate prior year reserves to cover snow removal costs that have exceeded the 2023 budget. Overspend in the snow budget is driven by severe snowstorms that present cold temperatures, ice, and higher volumes of snow.*

***Adopted on First Reading.***

**12. First Reading of Ordinance No. 152, 2023, Appropriating Philanthropic Revenue Received by City Give for the 9/11 Memorial, Park Planning and Design for the Construction of the 9/11 Memorial at Spring Park.**

*The purpose of this item is to request appropriation of \$24,870.70 for the designated purpose toward the park planning and design for the construction of the 9/11 Memorial at Spring Park, 2100 Mathews Street, Fort Collins, Colorado.*

*A partnership between the City of Fort Collins and Poudre Fire Authority (PFA), the 9/11 Memorial will be located in midtown Fort Collins, and will honor firefighters, emergency medical technicians, law enforcement officers, and nearly 3,000 others who lost their lives on September 11, 2001.*

***Adopted on First Reading.***

**13. First Reading of Ordinance No. 153, 2023, Appropriating Philanthropic Revenue by City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit.**

*The purpose of this item is to request appropriation of \$5,850 in philanthropic revenue received by City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit as designated by the donor.*

*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.*

***Adopted on First Reading.***



14. **First Reading of Ordinance No. 154, 2023, Making Supplemental Appropriations of Unanticipated Grant Revenue and Authorizing Transfers for Transfort and Ebus Charging Equipment.**

*The purpose of this item is to appropriate unanticipated grant funding for Transfort operational and capital needs.*

***Adopted on First Reading.***

15. **First Reading of Ordinance No. 155, 2023, Appropriating Unanticipated Revenue and Authorizing Transfers for Replacement of Bicycle Racks in Downtown Fort Collins.**

*The purpose of this item is to support replacement of aged and corroded bike racks with new bike racks that provide improved accessibility along downtown sidewalks by:*

- *Appropriating \$15,050 of unanticipated grant revenue awarded by Colorado Department of Transportation (CDOT); and*
- *Utilizing matching funds in the amount of \$1,672 from existing 2023 appropriations for this new grant project.*

*Pursuant to the State of Colorado Small Dollar Grant Terms and Conditions (Attachment 3), and in accordance with Section 1-22 of the City Code, the City Manager has accepted this grant agreement.*

***Adopted on First Reading.***

16. **First Reading of Ordinance No. 156, 2023, Making a Supplemental Appropriation from the Colorado Division of Criminal Justice of Unanticipated Grant Revenue for Various Restorative Justice Services Programs.**

*The purpose of this item is to appropriate grant revenue to fund Restorative Justice Services within Community Development and Neighborhood Services.*

*Additional grant funds in the amount of \$12,000 have been awarded from the Colorado Division of Criminal Justice (DCJ) Juvenile Diversion fund for the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program (RJCP) and Reflect Program for all other offenses. The \$12,000 in grant funds are in addition to a grant awarded to Restorative Justice Services earlier this year from DCJ in the amount of \$57,356, bringing the total amount of the awarded grant to \$69,356. No match is required and the grant period is July 1, 2023, to June 30, 2024.*

***Adopted on First Reading.***

17. **First Reading of Ordinance No. 157, 2023, Making A Supplemental Appropriation, Appropriating Prior Year Reserves, Authorizing Transfers and Authorizing the City Manager to Enter into an Agreement for the Zero Carbon Performance Code Project.**

*The purpose of this item is to support the Zero Carbon Performance Code Project by:*

- *Appropriating \$693,595 of unanticipated revenue awarded by the Department of Energy (DOE);*
- *Appropriating \$152,127 from Light and Power Fund reserves;*

- Transferring \$7,600 matching funds from existing 2023 appropriations in the Light & Power Fund; and
- Appropriating \$46,842 from General Fund reserves.

In July 2023, the Department of Energy (DOE) awarded the City of Fort Collins (City) \$693,595 under the Bipartisan Infrastructure Law, Resilient and Efficient Codes Implementation (RECI) funding. The award supports development of a Zero Carbon Performance Energy Code framework by 2030 to meet energy use and carbon emissions reduction targets and replace prescriptive energy code models. This framework will be developed as a Code path to include successive code update cycles focused on an end goal of zero carbon new construction in the 2030 code cycle.

This project directly aligns with Our Climate Future's Big Move 6 "Efficient, Emissions Free Buildings." It also recognizes the importance of building energy codes as an effective strategy to improve health and safety, comfort, climate resilience and lower energy costs within community buildings.

While the DOE did not provide the final grant agreement before first reading of this Ordinance, staff is seeking approval to being spending resources toward the City's anticipated match. The City's \$206, 569 match will be met principally through Energy Services and Building Services staff personnel time. Upon presentation of its final grant agreement and DOE confirmation of its \$693,505 award (anticipated to occur before or contemporaneous with second reading), the DOE grant will be applied to reimburse project partners and the City. DOE funds and the City's match support total project costs of \$900,164.

***Pulled from Consent Calendar.***

**18. First Reading of Ordinance No. 158, 2023, Amending the City's Master Street Plan.**

The purpose of this item is to request approval by Council of proposed amendments to the Master Street Plan for the purposes of implementing recommendations from the North College MAX Plan, regular clean-up items, and a request from Montava.

***Adopted on First Reading.***

**19. First Reading of Ordinance No. 159, 2023, Authorizing the Purchasing Agent to Enter into a Contract for Services, Professional Services and/or Construction in Excess of Five Years for the Golf Professional and the Food and Beverage Concessionaire at City Park Nine Golf Course.**

The purpose of this item is to authorize the Purchasing Agent, pursuant to City Code Section 8-186(a), to enter into a contract greater than five years in length for the Golf Professional/Concessionaire at City Park Nine Golf Course. This contract was originally awarded by competitive purchasing processes in accordance with City Code Section 8-158, Competitive sealed proposals. The contract for the Golf Professional/Concessionaire includes a provision for the City to extend the contract for up to an additional five years, subject to Council approval. Extending the contract for the Golf Professional/Concessionaire at City Park Nine Golf Course is in the City's best interest.

***Adopted on First Reading.***

**20. First Reading of Ordinance No. 160, 2023, Approving the Vacation of a Drainage Easement Located on Tract A of the Old Town North, Fifth Filing Subdivision.**

*The purpose of this item is to approve an Ordinance that would vacate a 0.808 acre drainage easement (the "Easement") that was dedicated on Tract A of the Plat of the Old Town North Fifth Filing (the "Subdivision") for the benefit of the City because the Easement is no longer required by the City's Stormwater Utilities Department.*

***Adopted on First Reading.***

**21. First Reading of Ordinance No. 161, 2023, Authorizing the Conveyance of Three Permanent Easements and a License to Enter to Colorado State University for Installation of Fiber Optic Cables on City Property.**

*The purpose of this item is to approve an Ordinance that would permit the conveyance of three (3) permanent easements (the "Easements") and one (1) license to enter (the "License") to Colorado State University ("CSU") for the installation and operation of fiber optic cables on City property to connect the Powerhouse Energy Campus (the "Powerhouse Campus") located at 430 North College Avenue to the CSU main campus and allow for future CSU fiber optic connectivity to the Powerhouse 2 facilities.*

***Adopted on First Reading.***

**22. Resolution 2023-094 Approving an Exemption to the Competitive Purchasing Process to Procure Cornerstone OnDemand, Inc.'s Talent Management Software.**

*The purpose of this item is to request approval of an exception to the competitive purchasing process to continue to use Cornerstone as the City's Talent Management software. The City's existing five-year agreement with Cornerstone for the software will expire in December 2023 and the City seeks to enter into a new agreement with Cornerstone. Not continuing the City's contractual relationship with Cornerstone would substantially impede the City's administrative functions and would also harm the City's financial interests.*

***Adopted.***

**23. Resolution 2023-095 Adopting the City's 2024 Legislative Policy Agenda.**

*The purpose of this item is to consider and adopt the City's 2024 Legislative Policy Agenda. Each year the Legislative Review Committee develops a legislative agenda to assist in the formation, analysis, and advocacy of pending legislation and regulation. The Legislative Policy Agenda is used as a guide by Council and staff to determine positions on legislation and regulation under consideration at the state and federal levels and as a general reference for state legislators and the City's congressional delegation.*

*The Legislative Review Committee reviewed and made changes/updates at the October 3, 2023, meeting and reviewed and recommended adoption at the November 14, 2023, meeting.*

***Pulled from Consent Calendar.***

24. **Public Hearing and Resolution 2023-096 Approving \$1.2 Million in HOME Investment Partnership Act American Rescue Plan Act Funding to the Heartside Hill Affordable Housing Development.**

*The purpose of this item is to approve the funding recommendations of \$1.2 Million in HOME Investment Partnership Act-American Rescue Plan Act funding (HOME-ARP) to the Heartside Hill affordable housing development.*

**Adopted.**

25. **Resolution 2023-097 Approving the 2024 Operating Plan and Proposed Budget of the Fort Collins Midtown Business Improvement District.**

*The purpose of this item is to consider a Resolution approving the Fort Collins Midtown Business Improvement District's 2024 Annual Budget and 2024 Operating Plan, which are attached as Exhibits A and B, respectively, to the proposed Resolution.*

**Adopted.**

26. **Resolution 2023-098 Approving the 2024 Annual Plan and Proposed Budget of the Fort Collins Tourism Improvement District.**

*The purpose of this item is to consider a Resolution approving the Fort Collins Tourism Improvement District's 2024 Annual Budget and 2024 Annual Plan, which are attached as Exhibits A and B, respectively, to the proposed Resolution.*

**Adopted.**

27. **Resolution 2023-099 Making an Appointment to the Human Services and Housing Funding Board.**

*The purpose of this item is to appoint Michael Kulisheck to the Human Services and Housing Funding Board. Michael Kulisheck was originally appointed in 2020, however, his term has expired, creating a vacancy he has applied to fill.*

**Adopted.**

#### **END OF CONSENT CALENDAR**

**Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to approve the recommended actions on items 1-16, 18-22, and 24-27 on the Consent Calendar.**

***The motion carried 7-0.***

- K) CONSENT CALENDAR FOLLOW-UP** *(This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.)*

Councilmember Pignataro: asked on item 22, the exemption to the competitive purchasing process, if there will be a final process prior to second reading. City Manager DiMartino indicated she would check into that about not yet having a final price, and if we will have that price by second reading. DiMartino will follow up

On item 26, Councilmember Pignataro requested clarification on the Colorado Tourism District regarding why they have a contingency and reserves and what they see as the difference between those two. Josh Birks, Deputy Director, Sustainability Services, indicated he would need to follow up with that answer.

On item 27, Mayor Arndt commented and offered congratulations to Mike Kulisheck on his appointment to the Human Services and Housing Funding Board, noting confidence in his service.

Councilmember Ohlson commented on items 19 & 22 as similar items, both extending contracts beyond five years. He requested in the future long term contracts should be presented early enough to allow other considerations if needed in the event Council doesn't support extending it, rather than a month and a half before a 5-year contract expires. He shared he doesn't have any trouble with these two contracts but as a matter of good policy the role of Council should be respected with more timely consideration of options.

## **L) STAFF REPORTS**

None.

## **M) COUNCILMEMBER REPORTS**

Councilmember Shirley Peel gave a shout out to Natural Areas for work that was done on the parking lot at Cathy Fromme that was much needed.

Councilmember Susan Gutowsky shared appreciation for the impressive special event by the Air Force ROTC at Veterans Plaza on Veterans Day; and also noted the annual turning on of the holiday lights was also a very special event in partnership with the DDA that never loses its luster. She encouraged residents to spend time in our beautiful downtown and patronizing our small businesses.

Mayor Jeni Arndt noted the ongoing work of Don Butler for his commitment to guiding the North Fort Collins Business Association in running the Coats and Boots project, now in its 17<sup>th</sup> year, this year delivering new items, delivering 2,417 pieces of new outdoor wear to more than 1200 children in the PSD. Don has raised over \$100,000 for the program. Scheels Sporting Goods has also been a good partner in the program in helping supply discounted wear.

Councilmember Julie Pignataro shared about the recently concluded National League of Cities conference in Atlanta that she attended along with Councilmembers Gutowsky and Canonico. She will also be serving on the NLC's Women in Municipal Government board for the next two years. She concluded by noting sessions and conversations at NLC clearly demonstrated housing is an issue throughout the United States.

## **N) CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION**

### **17. First Reading of Ordinance No. 157, 2023, Making A Supplemental Appropriation, Appropriating Prior Year Reserves, Authorizing Transfers and Authorizing the City Manager to Enter into an Agreement for the Zero Carbon Performance Code Project.**

*The purpose of this item is to support the Zero Carbon Performance Code Project by:*

- *Appropriating \$693,595 of unanticipated revenue awarded by the Department of Energy (DOE);*
- *Appropriating \$152,127 from Light and Power Fund reserves;*

- *Transferring \$7,600 matching funds from existing 2023 appropriations in the Light & Power Fund; and*
- *Appropriating \$46,842 from General Fund reserves.*

*In July 2023, the Department of Energy (DOE) awarded the City of Fort Collins (City) \$693,595 under the Bipartisan Infrastructure Law, Resilient and Efficient Codes Implementation (RECI) funding. The award supports development of a Zero Carbon Performance Energy Code framework by 2030 to meet energy use and carbon emissions reduction targets and replace prescriptive energy code models. This framework will be developed as a Code path to include successive code update cycles focused on an end goal of zero carbon new construction in the 2030 code cycle.*

*This project directly aligns with Our Climate Future's Big Move 6 "Efficient, Emissions Free Buildings." It also recognizes the importance of building energy codes as an effective strategy to improve health and safety, comfort, climate resilience and lower energy costs within community buildings.*

*While the DOE did not provide the final grant agreement before first reading of this Ordinance, staff is seeking approval to begin spending resources toward the City's anticipated match. The City's \$206,569 match will be met principally through Energy Services and Building Services staff personnel time. Upon presentation of its final grant agreement and DOE confirmation of its \$693,595 award (anticipated to occur before or contemporaneous with second reading), the DOE grant will be applied to reimburse project partners and the City. DOE funds and the City's match support total project costs of \$900,164.*

There was not a staff presentation, however staff was available for questions.

There was no public comment on this item.

Councilmember Ohlson commented on a paragraph in the Agenda Item Summary that implied businesses and others with vested economic interests get a seat at the table to offer input on developing work product relating to environmental issues where members of the public do not have that same access through the working groups that are convened by the City, expressing his disappointment with what is being presented today and offering his dissent.

Mayor Pro Tem Francis noted her perceptions are different and requested clarification from staff on intent.

Staff member Brad Smith with Energy Services commented on the intent to deviate from the typical process used of a development code committee typically made up exclusively of those in the building industry. Instead, the objective is to convene a much more diverse group including a range of stakeholders, including environmental advocates, to participate in this process.

Councilmember Ohlson indicated language around vested interests does not demonstrate the type of approach he is looking to see.

Councilmember Canonico offered her interpretation vested interests can include a range of perspectives, including around environmental concerns, affordability and other issues.

Councilmember Pignataro asked if there will be follow up with the Council what kind of working group is formed. City Manager DiMartino noted the staff team has heard clearly from Council the importance of a diverse work group and are happy to share the makeup of this group as it comes together.

Councilmember Ohlson noted that historically 'vested interest' implies economic interests, and suggested more care on wording used is important.

**Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt on First Reading Ordinance No. 157, 2023, Making A Supplemental Appropriation, Appropriating Prior Year Reserves, Authorizing Transfers and Authorizing the City Manager to Enter into an Agreement for the Zero Carbon Performance Code Project.**

**The motion carried 6-1.**

**Ayes: Councilmembers Gutowsky, Peel, Canonico, and Pignataro, Mayor Pro Tem Francis, and Mayor Arndt.**

**Nays: Councilmember Ohlson.**

## **23. Resolution 2023-095 Adopting the City's 2024 Legislative Policy Agenda.**

*The purpose of this item is to consider and adopt the City's 2024 Legislative Policy Agenda. Each year the Legislative Review Committee develops a legislative agenda to assist in the formation, analysis, and advocacy of pending legislation and regulation. The Legislative Policy Agenda is used as a guide by Council and staff to determine positions on legislation and regulation under consideration at the state and federal levels and as a general reference for state legislators and the City's congressional delegation.*

*The Legislative Review Committee reviewed and made changes/updates at the October 3, 2023, meeting and reviewed and recommended adoption at the November 14, 2023, meeting.*

There was no staff presentation or public comment on this item.

Councilmember Ohlson asked if the language that was struck under the Recycling and Solid Waste Reduction section, that had been listed as item 6, regarding supporting extended producer responsibility initiatives that fund recycling programs was moved or if something was passed in the legislature. He shared his belief this is one of the most important things that can be done at the local level to reduce the need for recycling.

Mayor Arndt noted the producer responsibility bill was passed last year under the leadership of Senator Lisa Cutter. This is currently in rule making.

Councilmember Ohlson talked about Colorado having one of the worst rates of recycling in the country, as a recent story in the Denver Post documented, solidifying why this is so important to him and encouraging the City to remain involved in rule making.

In the Housing Section, Councilmember Ohlson noted he does not support item 8, regarding support for consideration of incentives and/or requirements to encourage land use reforms that will increase housing supply statewide, as that seems similar to what the State tried to do last year. He stated he views these issues as a matter of home rule and local control and something the City should do at the local level rather than asking the State to step into that space.

Lead Project Manager Ginny Sawyer noted there was conversation the recycling piece that was discussed. She noted the struck language has actually already been added back into the clean copy based on the interest in remaining engaged in rulemaking as was just requested.

**Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Resolution 2023-095, Adopting the City's 2024 Legislative Policy Agenda.**

**The motion carried 6-1.**



**Ayes: Councilmembers Peel, Canonico, Pignataro, and Gutowsky, Mayor Pro Tem Francis, and Mayor Arndt.**

**Nays: Councilmember Ohlson.**

## **O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION**

### **28. First Reading of Ordinance No. 162, 2023, Adopting the East Mulberry Plan as an Update of the 2002 East Mulberry Corridor Plan.**

*The purpose of this item is for Council to consider adoption of the draft East Mulberry Plan and potential annexation considerations related to the plan. Staff will share a potential approach to annexation for Council to consider based on a concept referred to as "Thresholds."*

Chief Financial Officer Travis Storin provided an introduction to this topic and the work done by staff in accordance with the guidance of Council to produce this plan in parallel with a robust public engagement effort. Storin also noted concerns heard from some community members about the predictability of actions under this plan, while also noting annexation is not the primary focus of the plan.

Senior Policy and Project Manager Sylvia Tatman-Burrus - noted tonight's presentation would include briefly reviewing information already provided at the recent work session, as well as the additional information provided to City Council today in read before packet materials, including information from the Planning and Zoning Commission hearing with that body's recommendations. Tatman-Burrus and Senior Long Range Planner Megan Keith presented as set forth in the slide deck in the agenda materials.

#### **PUBLIC COMMENT**

None.

#### **COUNCIL DISCUSSION**

Councilmember Pignataro asked staff to talk about the annexation transition committee and whether it is right-sized. Planner Keith noted the committee is a requirement of Colorado Revised Statutes based on parameters of 100 people and 50 acres, which a number of thresholds for annexation may meet, leading to the recommendation this committee be formed with the first threshold undertaken, with a primary purpose of ensuring adequate communication about the annexation.

Councilmember Gutowsky asked who does the selection of annexation transition committee members. Planner Keith noted leadership positions in each entity make selections for county and city members, with those initial members developing an application process to identify people who are interested in serving who are within the threshold area.

Councilmember Peel expressed appreciation to staff for the hard work on this plan and the approach used, including incorporating lessons learned from the South College Annexation. In responses to questions about ensuring we clearly know who is responsible for specific roads post-annexation, Planner Keith pointed to data between the County and the City about maintenance responsibilities. CFO Storin identified how the Mulberry Plan lays out the 46 miles of roads potentially involved, with clarity on which agency a given mile of roadway falls under. What may not be satisfactory is the level of standards for maintenance under each responsibility, but there are not similar areas in this plan area without clarity on who is responsible as occurred in some parts of the South College Plan.

Peel also asked about electric lines and that being dependent on budget, and how it can be assured this will not be put on hold indefinitely. CFO Storin spoke to how the thresholds model can reduce the predictability of when services are rolled out in different parts of the city, given there may not always be clear lines of sight for adding service with each threshold. The overall intent, however, is to ultimately ensure full underground electric service is provided throughout the enclave when annexed.

Peel asked how the City will prevent agricultural businesses being displaced due to annexation and zone changes. Planner Keith indicated the plan includes specific considerations for maintaining these businesses, including adding these types of businesses to the City's industrial zone classification. Regarding effects on small businesses, Peel spoke about the hardship of bringing businesses up to code as part of any redevelopment. She expressed concern about the level of discretion that seems to be given to whomever is conducting the development review. Planner Keith indicated there is some existing flexibility within the City's standards that can be applied in any part of the city, identifying where in this plan this flexibility can be used to support identified goals in the plan. Councilmember Peel commented that this is a concern as it may not do enough to protect small businesses. Peel also asked about the capacity of the Economic Health Office to support businesses in the area under the threshold approach. Planner Keith indicated that is something that will need to be looked at as each threshold moves forward, also noting smaller areas moving forward at a time may also help support staff capacity. Peel also asked when collaboration with Larimer County on development review would start. Tatman-Burruss indicated this is already happening when applications for property contiguous with city boundaries come in to Larimer County and this will continue.

Mayor Pro Tem Francis expressed thanks to staff on the work done, noting it is both a thoughtful plan and thoughtful approach. Francis also offered thanks to Councilmember Peel for her advocacy and determination to ensure the City has learned from issues that arose in prior annexations. Mayor Arndt reiterated those remarks and also expressed appreciation for the hard work of the Planning and Zoning Commission in considering these topics and making thoughtful recommendations.

Councilmember Gutowsky also expressed appreciation for the development of the thresholds approach that was able to get to this point from what had seemed like an overwhelming starting place. Gutowsky asked at point in the process do discussions about the money for moving forward with annexation. CFO Storin noted the financial analysis provides an overall look at this topic. As each threshold moves forward, the financial analysis will need to be looked at closely at that point as part of the determination of whether to annex or not. For utilities, dollars will come from capital sources, including bonding. On the government side, it would be through general fund, both for revenue and expenses. Gutowsky also asked about the expected timing for being able to remake the Mulberry corridor entrance view. Storin indicated the high-level answer is that is not known. He spoke specifically to the approach to interchanges in partnership with CDOT, generally with 50% participation by CDOT.

Councilmember Canonico added her gratitude to staff for their great work.

***Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 162, 2023, Adopting the East Mulberry Plan as an Update of the 2002 East Mulberry Corridor Plan, incorporating the staff recommendations from the Planning and Zoning Commission, on First Reading.***

***The motion carried 7-0.***

**29. Resolution 2023-100 Expressing Gratitude and Appreciation to Deputy City Attorney John Duval for his Contributions to the City and the Community.**

*The purpose of this item is to express gratitude and appreciation to John Duval for his contributions to the City and the community as Deputy City Attorney.*

**PUBLIC COMMENT**

None.

**COUNCIL DISCUSSION**

The members of Council each offered their individual appreciation to John Duval.

By unanimous consent, the rules of Council were suspended to allow a member of the public to address Council. John Duval offered remarks regarding his service and history in the community of Fort Collins.

***Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Resolution 2023-100 Expressing Gratitude and Appreciation to Deputy City Attorney John Duval for his Contributions to the City and the Community.***

***The motion carried 7-0.***

***Clerk's Note: Mayor Arndt called for a 10-minute break at 7:50 p.m. The meeting resumed at 8:01 p.m.***

**30. Resolution 2023-101 Appointing Two Councilmembers to a Joint Committee with Loveland Regarding Airport Governance for the Northern Colorado Regional Airport and Authorizing Release of a Related Confidential Legal Memorandum.**

*The purpose of this item is to designate two Councilmembers to represent Fort Collins as part of a joint committee with the Loveland City Council to discuss, evaluate and make recommendations regarding alternative models of governance at the Northern Colorado Regional Airport.*

City Manager Kelly DiMartino provided some background and context on this item, outlining recent actions associated with the Northern Colorado Regional Airport and the work that has been undertaken around the future of airport governance. DiMartino reviewed the two asks to Council tonight, including the identification of two members of Council to share on a governing board, and also to consider waiving attorney-client privilege to allow the release of a related confidential legal memo.

**PUBLIC COMMENT**

None.

**COUNCIL DISCUSSION**

Mayor Arndt shared her support for making the memorandum public and also stated her willingness to serve on this committee.

Councilmember Pignataro also stated support for releasing the memo and expressed willingness to serve as well.

**Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Resolution 2023-101 Appointing Two Councilmembers to a Joint Committee with Loveland Regarding Airport Governance for the Northern Colorado Regional Airport, appointing Mayor Arndt and Councilmember Pignataro and Authorizing Release of a Related Confidential Legal Memorandum.**

**The motion carried 7-0.**

**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**

**Consideration of a motion to adjourn to 6:00 p.m. on November 28, 2023, for the purpose of annual performance evaluations of Council's direct-report employees:**

**Mayor Pro Tem Francis moved, seconded by Councilmember Peel, that Council adjourn this meeting to 6:00 p.m. on Tuesday, November 28, 2023, in order to consider a motion to go into executive session to conduct annual performance reviews of the Council's direct report employees, and for such other business as may come before the Council.**

**The motion carried 7-0.**

At 8:08 p.m., the meeting was adjourned to 6:00 p.m. on November 28, 2023, in Council Chambers, at 300 Laporte Avenue, Fort Collins.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

November 28, 2023

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Adjourned Meeting – 6:00 PM

**Clerk's Note:** No remote participation or FCTV broadcast. Public comment could be made live in Council Chambers.

**A) CALL MEETING TO ORDER**

Mayor Jeni Arndt called the meeting to order at 6:00 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado.

**B) ROLL CALL**

**PRESENT**

Mayor Jeni Arndt  
Mayor Pro Tem Emily Francis  
Councilmember Julie Pignataro  
Councilmember Susan Gutowsky  
Councilmember Kelly Ohlson  
Councilmember Shirley Peel  
Councilmember Tricia Canonico

**STAFF PRESENT**

Assistant City Manager Denzel Maxwell  
City Attorney Carrie Daggett  
Deputy City Clerk Heather Walls

**C) ITEMS FOR DISCUSSION**

**1. Consideration of a motion to adjourn into executive session.**

*The meeting of November 21, 2023 was adjourned to this date to consider going into executive session to conduct the annual evaluations of the Chief Judge, City Manager, and City Attorney.*

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

<b>Chief Judge</b>	60 minutes
<b>City Manager</b>	75 minutes
<b>City Attorney</b>	60 minutes

**Note:** Times are approximate with breaks, as necessary.

No public comment or Council discussion.

Assistant City Manager Maxwell noted that due to the City Manager's unexpected absence, Council will partially complete the City Manager's performance review and the evaluation will be conducted at a later date.

***Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to go into executive session, as permitted under Article Two, Section Eleven of the City Charter, Section 2-31(a)(1) of the City Code and Colorado Revised Statutes Section 24-6-402(4)(f)(roman numeral one), for the purpose of conducting annual performance reviews of the Chief Municipal Judge, City Attorney and City Manager.***

***The motion carried 7-0.***

The meeting recessed and reconvened at 6:04 p.m. in the Council Conference Room.

The meeting was closed at 6:06 p.m.

Present at this executive session were:

Mayor Jeni Arndt  
Mayor Pro Tem Emily Francis  
Councilmember Julie Pignataro  
Councilmember Susan Gutowsky  
Councilmember Kelly Ohlson  
Councilmember Shirley Peel  
Councilmember Tricia Canonico  
Jennifer Volmer, Investigations Law Group  
Anne Rooney McCord, Investigations Law Group

City Attorney Carrie Daggett entered the executive session at 6:15 p.m. and left at 7:24 p.m. Chief Judge Jill Hueser entered at approximately 7:30 p.m. At 8:17 p.m., Volmer and McCord left the executive session and Human Resources Executive Teresa Roche entered.

The executive session concluded at 9:06 p.m. and Council returned to the open meeting in Council Chambers.

**C) OTHER BUSINESS**

None.

**D) ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 9:07 p.m.

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Mayor

ATTEST:

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City Clerk

December 5, 2023

**COUNCIL OF THE CITY OF FORT COLLINS, COLORADO**

**Council-Manager Form of Government**

**Regular Meeting – 6:00 PM**

**PROCLAMATIONS AND PRESENTATIONS  
5:00 PM**

**A) PROCLAMATIONS AND PRESENTATIONS**

PP 1. **Declaring December 10, 2023 as Human Rights Day.**

Mayor Pro Tem Emily Francis presented the above proclamation at 5:00 p.m.

**REGULAR MEETING  
6:00 PM**

**B) CALL MEETING TO ORDER**

Mayor Jeni Arndt called the regular meeting to order at 6:00 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado, with hybrid participation available via the City's Zoom platform.

**C) PLEDGE OF ALLEGIANCE**

Mayor Jeni Arndt led the Pledge of Allegiance to the American Flag.

**D) ROLL CALL**

**PRESENT**

Mayor Jeni Arndt  
Mayor Pro Tem Emily Francis  
Councilmember Susan Gutowsky  
Councilmember Julie Pignataro  
Councilmember Tricia Canonico  
Councilmember Shirley Peel  
Councilmember Kelly Ohlson

**STAFF PRESENT**

City Manager Kelly DiMartino  
City Attorney Carrie Daggett  
City Clerk Anissa Hollingshead

**E) CITY MANAGER'S AGENDA REVIEW**

City Manager Kelly DiMartino provided an overview of the agenda, including:

- Recommended adoption of the Consent Calendar as presented.
- Reviewed minor amendments made to three items on the agenda Monday as well as the addition of an Other Business item:

- Revision to Item 30 to reflect in both the Agenda Item Summary and Resolution that there is only one source for this software; and
  - Updates to the salary ordinances in items 32 and 33 to include the recommended salary amounts.
  - Noted an item was added under Other Business to provide an update on the referendum petition.
- Reviewed the four discussion items.

## 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.)

Erin Fussell, Fort Collins resident, indicated a desire to just listen to tonight's meeting and hold any comment.

Kevin Cross, Fort Collins resident, spoke to request Mayor Arndt, as a PRPA board member, support an All Source RFP for dispatchable power, noting the board's recent adoption of an All Source resolution.

Barbara Krupnik-Goldman, Fort Collins resident, spoke regarding the PRPA proposal noting the existence of a climate crisis and stating opposition to construction of a new gas plant without even considering other sources of energy and requested Council support for Mayor Arndt to insist all power sources be considered by PRPA.

Dolores Williams, Fort Collins resident, commented on PRPA plans to put out an RFP in the next year for dispatchable energy and generating capacity, indicating a desire to see this include sources beyond gas and asking for Mayor Arndt's support.

Sally Dowiatt, Fort Collins resident, spoke to request considering directing PRPA to include renewals in their RFP for dispatchable generating capacity, and referenced an article read in today's Washington Post about what gets people to change, noting it is the community and what we say and do and commit to.

Keith Ela, Fort Collins resident, thanked Council for their service to the community and asked that alternative energy sources be considered, such as purchasing power from renewable sources further from here to accommodate when no sun or wind is available locally and asking for investigation into how many days other regional communities also have no wind or sun on the same days as Fort Collins. The grid allows us to bring power to our area from other resources.

Joe Rowan, Fort Collins resident, spoke in appreciation for the tenor of conversations around what a policy does regarding the cost of housing. Rowan spoke in support of the diligence done by PRPA, board members, and City staff in investigating options and supporting an RFP for a gas powered turbine.

Fred Kirsch, Fort Collins resident, spoke representing themselves as their organization has not yet had a chance to meet and discuss this. Kirsch encouraged support for an All Source RFP.

John Border, a senior at CSU, spoke at the request of PRPA looking at all options for meeting peak demand through an All Source RFP.



Ed Behan, Fort Collins resident, spoke as a citizen and on behalf of Larimer Alliance in support of PRPA issuing an All Source RFP.

Jaiden Wade, Fort Collins resident, spoke as a student with a passion for the community pushing for support for PRPA's issuance of an All Source RFP.

Gayla Maxwell Martinez, Fort Collins resident, spoke to encourage Mayor Arndt to support an All Source RFP at the upcoming PRPA board meeting, noting we must stop burning fossil fuels.

Michael Stella, ASCSU member, came forward on behalf of ASCSU to present a thank you to Councilmember Shirley Peel for her work and service to CSU students.

Kevin Jones, resident of the Fort Collins Urban Growth Area and Business Advocacy Director of the Fort Collins Chamber, shared about monthly discussion forums conducted by the Chamber noting the topic of the November civic conversation was City Priorities. From that conversation came the following items: Housing Affordability, Reducing Homelessness, Improving Transit, Increasing Recycling Options, and getting the Land Use Code passed for good.

Mary Alice Grant, Fort Collins resident, asked Council to refer the Land Use Code to the ballot, stating the whole issue is so complicated and emotional for all City residents, while noting diversity comes in many forms and the current Land Use Code is not diverse.

Ross Cuniff, Fort Collins resident, spoke about the referendum petition and subsequent potential actions, noting Preserve Fort Collins strongly feels the Land Use Code should be referred to the ballot, noting it is an issue that is core to the future of the city.

Ciara Mylen spoke regarding the gas power plant, stating support for looking at all options for meeting future energy demand.

Eric Sutherland spoke about Connexion as the largest public policy failure in Colorado history, as an effort that will never be able to pay its own interest.

Rick Casey, Fort Collins resident, spoke for himself and on behalf of Larimer Alliance about the choice now to vigorously pursue renewable energy options, including through an RFP for All Source Power.

Charles Kopp, Fort Collins resident, spoke against the revised Land Use Code and noting the need to put the interest of those already living in Fort Collins first and look to other methods around increasing affordability.

Daisy Schaub, Fort Collins resident, requested prioritizing an All Source RFP for sustainable energy options.

Jared Ross, Fort Collins resident, encouraged the City to pursue an All Source RFP rather than continuing to support fossil fuels.

Owen Brinder, Fort Collins resident, requested prioritizing an All Source RFP for sustainable energy options.

Martha Hedrick, Fort Collins resident, requested prioritizing an All Source RFP for sustainable energy options and also noted that all Fort Collins voters should have the ability to have input on the land use code by putting it on the ballot.

Elizabeth Hudetz, Fort Collins resident, requested prioritizing an All Source RFP for sustainable energy options.

Renee Walkup, Fort Collins resident, requested prioritizing an All Source RFP for sustainable energy options.

Anya Kaplan-Hartnett and Hannah (no last name given), Straayer Center students, offered thanks on behalf of the organization to Councilmember Peel for her dedication and service to residents and students in Fort Collins.

Public comment concluded at 6:50 p.m.

## H) PUBLIC COMMENT FOLLOW-UP

Councilmember Shirley Peel expressed appreciation for the acknowledgements from CSU students as well as appreciation for the work of students.

Mayor Arndt spoke of her time in Dubai that just ended today at a local climate action conference, where youth engagement was a major focus. She also noted the availability of grants focused on youth engagement specifically for the 100 communities whose mayors participated in the summit, sharing she has already reached out to ASCSU members on this opportunity.

Mayor Arndt also requested Utilities Director Kendall Minor address PRPA's upcoming RFP. Minor expressed thanks to the community for coming out to share comments tonight, noting the concerns brought forward have been considered by PRPA and are included in the RFP submitted to the state which is still under consideration. This is a process that must be completed to see the level of renewables available. He also stated the shared goal remains moving to a solely renewable future. The initial decision made regarding the gas turbine has been for permitting only at this point and will remain under consideration until the current RFP process is complete at the end of 2024. City Manager Kelly DiMartino also noted PRPA staff has put together additional information about their perspective on the all source versus sequenced approach, and indicated there will be a follow up memo provided that also includes this information.

## I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

## J) CONSENT CALENDAR

### 1. **Second Reading of Ordinance No. 150, 2023, Making a Supplemental Appropriation for the Oak Street Stormwater Improvements Project.**

*This Ordinance, unanimously adopted on First Reading on November 21, 2023, appropriates the expenses related to the recent bond issuance for the Oak Street Stormwater Improvements Project.*

*The Stormwater Utility Enterprise Board unanimously adopted Ordinance No. 011 on October 3, 2023, authorizing a 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, the amount of \$40.4M have been paid into the Stormwater Fund on October 31, 2023.*

*This first appropriation request is being brought for your consideration to cover expenses for the recent bond issuance, including closing costs and underwriter's fees associated with closing of the bond. Payment for expenses will be made by the end of 2023.*

*The total amount being requested for appropriation is: \$375,931.*

A second appropriation request will be brought forth once the construction contractor selection process is complete and the construction contract value has been finalized. The anticipated schedule is late December 2023 or January 2024.

**Adopted on Second Reading.**

2. **Second Reading of Ordinance No. 151, 2023, Appropriating Prior Year Reserves in the General Fund and Transportation Services Fund for Snow Removal.**

*This Ordinance, unanimously adopted on First Reading on November 21, 2023, appropriates prior year reserves to cover snow removal costs that have exceeded the 2023 budget. Overspend in the snow budget is driven by severe snowstorms that present cold temperatures, ice, and higher volumes of snow.*

**Adopted on Second Reading.**

3. **Second Reading of Ordinance No. 152, 2023, Appropriating Philanthropic Revenue Received by City Give for the 9/11 Memorial, Park Planning and Design for the Construction of the 9/11 Memorial at Spring Park.**

*This Ordinance, unanimously adopted on First Reading on November 21, 2023, appropriates \$24,870.70 for the designated purpose toward the park planning and design for the construction of the 9/11 Memorial at Spring Park, 2100 Mathews Street, Fort Collins, Colorado.*

*A partnership between the City of Fort Collins and Poudre Fire Authority (PFA), the 9/11 Memorial will be located in midtown Fort Collins, and will honor firefighters, emergency medical technicians, law enforcement officers, and nearly 3,000 others who lost their lives on September 11, 2001.*

**Adopted on Second Reading.**

4. **Second Reading of Ordinance No. 153, 2023, Appropriating Philanthropic Revenue by City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit.**

*This Ordinance, unanimously adopted on First Reading on November 21, 2023, appropriates \$5,850 in philanthropic revenue received by City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit as designated by the donor.*

*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.*

**Adopted on Second Reading.**

5. **Second Reading of Ordinance No. 154, 2023, Making Supplemental Appropriations of Unanticipated Grant Revenue and Authorizing Transfers for Transport and Ebus Charging Equipment.**

*This Ordinance, unanimously adopted on First Reading on November 21, 2023, appropriates unanticipated grant funding for Transport operational and capital needs.*

**Adopted on Second Reading.**

6. **Second Reading of Ordinance No. 155, 2023, Appropriating Unanticipated Revenue and Authorizing Transfers for Replacement of Bicycle Racks in Downtown Fort Collins.**

*This Ordinance, unanimously adopted on First Reading on November 21, 2023, appropriates funds to support replacement of aged and corroded bike racks with new bike racks that provide improved accessibility along downtown sidewalks by:*

- Appropriating \$15,050 of unanticipated grant revenue awarded by Colorado Department of Transportation (CDOT); and
- Utilizing matching funds in the amount of \$1,672 from existing 2023 appropriations for this new grant project.

*Pursuant to the State of Colorado Small Dollar Grant Terms and Conditions, and in accordance with Section 1-22 of the City Code, the City Manager has accepted this grant agreement.*

**Adopted on Second Reading.**

**7. Second Reading of Ordinance No. 156, 2023, Making a Supplemental Appropriation from the Colorado Division of Criminal Justice of Unanticipated Grant Revenue for Various Restorative Justice Services Programs.**

*This Ordinance, unanimously adopted on First Reading on November 21, 2023, appropriates grant revenue to fund Restorative Justice Services within Community Development and Neighborhood Services.*

*Additional grant funds in the amount of \$12,000 have been awarded from the Colorado Division of Criminal Justice (DCJ) Juvenile Diversion fund for the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program (RJCP) and Reflect Program for all other offenses. The \$12,000 in grant funds are in addition to a grant awarded to Restorative Justice Services earlier this year from DCJ in the amount of \$57,356, bringing the total amount of the awarded grant to \$69,356. No match is required, and the grant period is July 1, 2023, to June 30, 2024.*

**Adopted on Second Reading.**

**8. Second Reading of Ordinance No. 158, 2023, Amending the City's Master Street Plan.**

*This Ordinance, unanimously adopted on First Reading on November 21, 2023, requests approval of proposed amendments to the Master Street Plan for the purposes of implementing recommendations from the North College MAX Plan, regular clean-up items, and a request from Montava.*

**Adopted on Second Reading.**

**9. Second Reading of Ordinance No. 159, 2023, Authorizing the Purchasing Agent to Enter into a Contract for Services, Professional Services and/or Construction in Excess of Five Years for the Golf Professional and the Food and Beverage Concessionaire at City Park Nine Golf Course.**

*This Ordinance, unanimously adopted on First Reading on November 21, 2023, authorizes the Purchasing Agent, pursuant to City Code Section 8-186(a), to enter into a contract greater than five years in length for the Golf Professional/Concessionaire at City Park Nine Golf Course. This contract was originally awarded by competitive purchasing processes in accordance with City Code Section 8-158, Competitive sealed proposals. The contract for the Golf Professional/Concessionaire includes a provision for the City to extend the contract for up to an additional five years, subject to Council approval. Extending the contract for the Golf Professional/Concessionaire at City Park Nine Golf Course is in the City's best interest.*

**Adopted on Second Reading.**

10. **Second Reading of Ordinance No. 160, 2023, Approving the Vacation of a Drainage Easement Located on Tract A of the Old Town North, Fifth Filing Subdivision.**

*This Ordinance, unanimously adopted on First Reading on November 21, 2023, vacates a 0.808 acre drainage easement (the "Easement") that was dedicated on Tract A of the Plat of the Old Town North Fifth Filing (the "Subdivision") for the benefit of the City because the Easement is no longer required by the City's Stormwater Utilities Department.*

***Adopted on Second Reading.***

11. **Second Reading of Ordinance No. 161, 2023, Authorizing the Conveyance of Three Permanent Easements and a License to Enter to Colorado State University for Installation of Fiber Optic Cables on City Property.**

*This Ordinance, unanimously adopted on First Reading on November 21, 2023, permits the conveyance of three (3) permanent easements (the "Easements") and one (1) license to enter (the "License") to Colorado State University ("CSU") for the installation and operation of fiber optic cables on City property to connect the Powerhouse Energy Campus (the "Powerhouse Campus") located at 430 North College Avenue to the CSU main campus and allow for future CSU fiber optic connectivity to the Powerhouse 2 facilities.*

***Adopted on Second Reading.***

12. **Second Reading of Ordinance No. 162, 2023, Adopting the East Mulberry Plan as an Update of the 2002 East Mulberry Corridor Plan.**

*This Ordinance, unanimously adopted on First Reading on November 21, 2023, adopts the draft East Mulberry Plan and potential annexation considerations related to the plan. Staff will share a potential approach to annexation for Council to consider based on a concept referred to as "Thresholds."*

*Exhibit A to the Ordinance has been revised with edits made on First Reading.*

***Adopted on Second Reading.***

13. **First Reading of Ordinance No. 163, 2023, Appropriating Unanticipated Revenue in the Transportation Services Fund for "Work For Others" Program Expenses.**

*The purpose of this item is to appropriate \$700,000 in unanticipated revenue in the Transportation Services Fund received for work to be completed through the Planning, Development, and Transportation's "Work for Others" program. This appropriation will be used for costs corresponding to the program and the generated revenue.*

***Adopted on First Reading.***

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

*The purpose of this item is to consider an appropriation of \$185,000 from golf reserves to the 2023 budget associated with the additional costs in golf related to higher revenues.*

***Adopted on First Reading.***

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

*The purpose of this item is to request an appropriation of \$11,968.53 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.*

*In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.*

**Adopted on First Reading.**

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

*The purpose of this item is to present Municipal Code updates related to the livability issues identified by residents, property managers, and owners of manufactured housing communities/mobile home parks in our community. This item also addresses analysis of unmet needs in the State of Colorado Mobile Home Park Oversight Program.*

*Staff's recommendation includes the following Code changes:*

- *Expansion of authorization to conduct inspections in mobile home parks to include not only the Building Official, but also Specially Commissioned Officers under the Chief of Police.*
- *Establishment of protection for use and installation of clotheslines by residents in mobile home parks in Section 18-6(g).*
- *Establishment of protection for use and installation of window-mounted air conditioning units or evaporative coolers on homes within mobile home parks in Section 18-6(h).*
- *Establishment of new water utility billing/rebilling transparency requirements for Fort Collins Utility mobile home park water customers including:*
  - *Require as a condition of mobile home park service from the City's water utility that a mobile home park customer directly provide a designated Specially Commissioned Officer, or authorize such Officer to obtain, a copy of any notice, correspondence, invoice, and water leak notice from the water utility within seven days of receipt in Section 18-7(c).*
  - *Require as a condition of mobile home park service from the City's water utility that a mobile home park customer participates in the continuous consumption water usage/leak notification system through Fort Collins Utilities in Section 18-7(c).*
  - *Authorize the City's water utility in serving a mobile home park to provide the designated Specially Commissioned Officer a copy of any notice, correspondence, invoice, and water leak notice sent to the mobile home park in Section 18-7(c). Add a cross-reference to these changes to Section 26-97 (water utility lines; general regulations).*
  - *Acknowledge, as a condition of service, the designated Specially Commissioned Officer may exercise the power to audit and collaborate with the City's water utility to verify and maintain accuracy of water rebilling by the mobile home park.*

**Adopted on First Reading.**

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

*The purpose of this item is to request approval of the proposed amendments to Chapter 3 (Alcohol Beverages) and Chapter 17 (Miscellaneous Offenses).*

**Adopted on First Reading.**

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

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

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

**Adopted on First Reading.**

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

*The purpose of this item is to consider an amendment to add an ex-officio seat for the Housing Catalyst to the Affordable Housing Board and to eliminate ex-officio members from the Art in Public Places Board and Water Commission.*

**Adopted on First Reading.**

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

*The purpose of this item is to authorize a permanent non-exclusive utility easement over a portion of the Northern Colorado Regional Airport property to allow for the installation and maintenance of a regional waterline to serve the Fort Collins-Loveland Water District's (the "District") public water system. This project will directly benefit the Airport by providing water infrastructure to areas that currently lack it and service connection points, which have been strategically located to serve future Airport development.*

**Adopted on First Reading.**

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

*The purpose of this item is to approve the vacation of a portion of public right-of-way that has never been used for street purposes. Once this right-of-way area is vacated, the property will be privately developed as a multifamily housing project, and new public right-of-way will be dedicated*

to support the housing project and provide public street connections to the adjacent Northfield subdivision.

**Adopted on First Reading.**

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

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

**Adopted on First Reading.**

**23. Resolution 2023-102 Adopting the 2023 Three-Mile Plan Update for the City of Fort Collins.**

*The purpose of this item is to adopt the annual update of the Three-Mile Plan for the City of Fort Collins. The Three-Mile Plan is a reference document of plans and policies coordinating the general location, character, utilities, infrastructure, and land uses for areas of potential annexation within three miles of the municipal boundary.*

*An annual update of the Three-Mile Plan is required by Colorado Revised Statutes and highlights applicable plans and policies adopted or amended by Council over the preceding year.*

**Adopted.**

**24. Resolution 2023-103 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the Colorado Department of Transportation for the FASTER Transit Program Grant for Fiscal Year 2023 to Fund Transfort's FLEX Service.**

*The purpose of this item is to receive and expend federal funds through the Colorado Department of Transportation (CDOT) for Transfort's commuter FLEX service. This agreement will result in the receipt of \$200,000 in grant funds through the Statewide Competitive Pool of the FASTER (Funding Advancement for Surface Transportation and Economic Recovery Act of 2009) Transit program for fiscal year (FY) 2023. Transfort will be required to match the \$200,000 in grant funds with a \$200,000 local match. Both the grant and local match were appropriated through the 2023 BFO (Budgeting for Outcomes) cycle and are accounted for in the approved 2023 Transfort budget. If approved, this agenda item will authorize the City Manager to execute an intergovernmental agreement for the FY 2023 FASTER funds from CDOT.*

**Adopted.**

**25. Resolution 2023-104 Authorizing the Mayor to Execute an Amendment to an Intergovernmental Agreement with Larimer County and the City of Loveland Regarding the Heaven's Door Ranch Conservation Project.**

*The purpose of this item is to seek authorization to amend an Intergovernmental Agreement (IGA) with Larimer County and the City of Loveland for the Heaven's Door Ranch Conservation Project. The amendment will extend the timeframe to complete a conservation easement conveyance.*

**Adopted.**



**26. Resolution 2023-105 Authorizing the City Manager to Enter Into an Agreement Between the City of Fort Collins and Numerous Stakeholders Regarding Operation and Maintenance of Boxelder Creek Watershed Dams (B Dams B-2, B-3, and B-4).**

*The purpose of this item is to authorize the City Manager to execute an intergovernmental agreement (IGA) between the City of Fort Collins and numerous stakeholders regarding the operation and maintenance of the Boxelder Creek Watershed Dams (B Dams B-2, B-3, and B-4). These flood control dams were built in the 1970s and 1980s to protect agricultural lands and rural properties from flooding and erosion damage. In 2014, the Colorado State Engineer's Office (SEO) elevated their hazard classification for the dams from "moderate" to "high" due to the increased urban and suburban development and resulting flood risk to properties and citizens downstream of the facilities.*

*Initial costs to design and construct improvements to the B Dams were in the range of \$70 million to meet dam safety requirements. Municipal stakeholders joined together to pursue a new approach that utilized a Risk and Consequence Analysis to demonstrate that the risk will be greatly mitigated if adequate warning of flooding could be provided for the dams in lieu of the costly improvements. The IGA allocates respective costs to fund the flood warning system as well as the operations and maintenance of the B Dams.*

*The IGA also establishes a Management Committee to provide technical and other recommendations related to the agreement. Each party will designate one person to represent and act on the party's behalf. When possible, appointees should have applicable technical knowledge and skills.*

**Adopted.**

**27. Resolution 2023-106 Authorizing an Intergovernmental Agreement with the Downtown Development Authority for Designated Financial Support of the Carnegie Center for Creativity.**

*The purpose of this item is to seek approval of an intergovernmental agreement (IGA) between the City and the Downtown Development Authority for the financial support of renovation of the Carnegie Center for Creativity.*

**Adopted.**

**28. Resolution 2023-107 Supporting a Grant Application for Gray and Black Market Marijuana Enforcement Funding for Fort Collins Police Services.**

*The purpose of this item is to obtain support for the City to apply for grant money to support enforcement of gray and black market marijuana activity for Fort Collins Police Services.*

**Adopted.**

**29. Items Relating to Gratitude and Appreciation to the Members of the Golf Board and Bicycle Advisory Committee.**

*A. Resolution 2023-108 Expressing Gratitude and Appreciation to the Members of the Golf Board for their Service and Contributions to the Community.*

*B. Resolution 2023-109 Expressing Gratitude and Appreciation to the Members of the Bicycle Advisory Committee for their Service and Contributions to the Community.*

*The purpose of these items is to acknowledge the work that has been done by the Golf Board as well as the Bicycle Advisory Committee. The attached Resolutions acknowledge the contributions that the board and committee have made individually.*

***Both Resolutions Adopted.***

**30. Resolution 2023-110 Approving an Exception to the Competitive Purchasing Process with SMART Mobility Office, Unit of Panasonic Corporation of North America for Equipment, Software, Consulting and Support Services for Execution of the USDOT SMART Grant.**

*This item was amended after initial publication to indicate there is only one source for the software.*

*The purpose of this item is to approve the sole source award of a contract with Panasonic Corporation of North America ("Panasonic") to complete the work set forth within the USDOT Strengthening Mobility and Revolutionizing Transportation (SMART) Grant Agreement.*

*This request for an exception to the competitive process was noted in the original request to the US DOT for this grant and that it is in accordance with the Code of Federal Regulations procurement process: "This item is available only from a single source." 2 CFR § 200.320(c)(2). Piloting the PEFSA software is fundamental to the SMART grant awarded the City. The US DOT has approved the exception because the PEFSA software is proprietary to Panasonic and only available from Panasonic. In addition, this project is being funded 100% by the SMART grant and is not utilizing local funds.*

*This exception to the competitive process will authorize the continuation of the relationship between Panasonic and the City through an agreement that will continue for a five (5) year term. This approval will be in line with federal procurement guidelines required by the grant.*

*This election will enable a timely completion of the work plan set forth within the signed SMART Grant Agreement.*

***Adopted.***

**END OF CONSENT CALENDAR**

***Mayor Pro Tem Francis moved, seconded by Councilmember Peel, to approve the recommended actions on items 1-30 on the Consent Calendar.***

***The motion carried 7-0.***

**K) CONSENT CALENDAR FOLLOW-UP** *(This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.)*

Councilmember Peel commented on item 16 on the mobile home code updates, sharing appreciation for the safeguards being put in place.

Councilmember Ohlson shared regarding the following items:

- On Item 13, requested a breakdown of the total number of where the monies went, as well as which funds were public, and which were private.
- On Item 19, noted he is not a fan of ex officio members on boards and commissions; however Housing Catalyst is the one commission that makes the most sense for an ex officio member.
- On Item 22, requested a printed hard copy on legal sized paper so the document can be read straight across rather than going onto two pages.

**STAFF REPORTS**

None.

**M) COUNCILMEMBER REPORTS**

Councilmember Susan Gutowsky

- Shared about serving on the Behavioral Health Policy Council and recently attending its first meeting at the new facility on Trilby, noting what a wonderful and beautiful environment it has. It opened Saturday, December 2, after getting its certificate of occupancy and welcomed its first client at 8:04 that morning.
- Attended the annual North Fort Collins Business Association Christmas event yesterday, noting the wonderful services for the community offered, including the Coats and Boots Program run by Don Butler for many years and Operation Smile providing dental care for students.

Councilmember Shirley Peel

- Noted it is small business season and she was able to visit All Star Cleaning, which provides free cleaning for many non-profits and community organizations and gave them a shout out for their contributions to the community.
- Shared about her visit to Washington, DC last week with Councilmembers Canonico and Pignataro to visit with legislators, stressing the value of these trips to connect with federal legislators and agencies around the needs of the city and community, also acknowledging Deputy City Manager Tyler Marr and his knowledgeable support for this work.

***Clerk's Note: Mayor Arndt called for a break at 7:15 p.m., noting the meeting would resume at 7:30 p.m.***

**N) CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION**

None.

**O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION**

- 31. Second Reading of Ordinance No. 157, 2023, Making A Supplemental Appropriation, Appropriating Prior Year Reserves, Authorizing Transfers and Authorizing the City Manager to Enter into an Agreement for the Zero Carbon Performance Code Project.**

*This Ordinance, adopted on First Reading by a vote of 6-1 (nay: Ohlson) on November 21, 2023, supports the appropriation of funds for the Zero Carbon Performance Code Project by:*

- *Appropriating \$693,595 of unanticipated revenue awarded by the Department of Energy (DOE);*
- *Appropriating \$152,127 from Light and Power Fund reserves;*
- *Transferring \$7,600 matching funds from existing 2023 appropriations in the Light & Power Fund; and*
- *Appropriating \$46,842 from General Fund reserves.*

*In July 2023, the Department of Energy (DOE) awarded the City of Fort Collins (City) \$693,595 under the Bipartisan Infrastructure Law, Resilient and Efficient Codes Implementation (RECI) funding. The award supports development of a Zero Carbon Performance Energy Code*

framework by 2030 to meet energy use and carbon emissions reduction targets and replace prescriptive energy code models. This framework will be developed as a Code path to include successive code update cycles focused on an end goal of zero carbon new construction in the 2030 code cycle.

*This project directly aligns with Our Climate Future's Big Move 6 "Efficient, Emissions Free Buildings." It also recognizes the importance of building energy codes as an effective strategy to improve health and safety, comfort, climate resilience and lower energy costs within community buildings.*

*While the DOE did not provide the final grant agreement before first reading of this Ordinance, staff is seeking approval to begin spending resources toward the City's anticipated match. The City's \$206,569 match will be met principally through Energy Services and Building Services staff personnel time. Upon presentation of its final grant agreement and DOE confirmation of its \$693,595 award (anticipated to occur before or contemporaneous with second reading), the DOE grant will be applied to reimburse project partners and the City. DOE funds and the City's match support total project costs of \$900,164.*

*Note: At the time of the December 5 agenda publication, the DOE was still processing the final grant agreement.*

#### PUBLIC COMMENT

Eric Sutherland spoke about energy use, including comparing Fort Collins to other communities and asking for the metrics and data that indicate Fort Collins is ahead of other communities. Sutherland also stated, based on several sources, that previous code amendments are not being followed and the results are immeasurable. There are no metrics to indicate that the City should continue down this road.

Glen Colton, Fort Collins resident, spoke about the need for real discussions about growth in this community when taking other climate action plan goals while looking to add 70,000 residents without regard for the impacts of this growth on the climate. Colton also stated Council should educate itself on population growth and suggested a community discussion with the Center for Public Deliberation about growth as it surfaced as a big issue while circulating referendum petitions.

#### COUNCIL DISCUSSION

Councilmember Ohlson asked when Council decided to move away from the existing code or if that decision was made at the staff level. Brad Smith, Energy Code Project Manager, noted the direction was set in the development of the Our Climate Future plan. Smith also noted that staff has analyzed residential building utility use per square foot and further explained that performance code models for energy performance. The focus is on reduction in utility use and greenhouse gas emissions so staff is looking to align the focus with the new building code. Each code update has indicated that energy used is reduced.

Mayor Pro Tem Francis clarified the item is funding to develop the framework and code updates will be presented to Council at a later date.

Councilmember Pignataro thanked Smith for the thorough answer.

***Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt on second reading Ordinance No. 157, 2023, Making A Supplemental Appropriation, Appropriating Prior Year Reserves, Authorizing Transfers and Authorizing the City Manager to Enter into an Agreement for the Zero Carbon Performance Code Project.***

***The motion carried 7-0.***

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

*This item was amended after agenda publication to include the proposed 2024 salary amount.*

*The purpose of this item is to amend City Code to establish the 2024 compensation of the Chief Judge. Council met in executive session on November 28, 2023, to conduct the performance review of Jill Hueser, Chief Judge and to consider the salary market analysis for this position.*

Teresa Roche, Human Resources Executive, offered thanks to Council for spending significant time looking at the market data, evaluating performance, and speaking individually with Roche to develop a salary level recommendation.

**PUBLIC COMMENT**

None.

**COUNCIL DISCUSSION**

None.

***Mayor Pro Tem Francis moved, seconded by Councilmember Peel, to adopt on First Reading Ordinance No. 173, 2023, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge.***

Councilmember Pignataro offered thanks to Judge Hueser and noted how impressed Council has been with the changes made since her appointment, including working in a challenging physical space.

Mayor Pro Tem Francis also spoke in support of the motion, noting the work done in diversion programs and other innovative efforts.

Mayor Arndt reiterated these remarks, also noting the collaboration with Police Services and efforts resulting in bringing crime rates down in Fort Collins.

***The motion carried 7-0.***

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

*This item was amended after agenda publication to include the proposed 2024 salary amount.*

*The purpose of this item is to amend City Code to establish the 2024 compensation of the City Attorney. Council met in executive session on November 28, 2023, to conduct the performance review of Carrie Daggett, City Attorney and to consider the salary market analysis for this position.*

Teresa Roche reiterated her comments and shared the recommended salary amount.

**PUBLIC COMMENT**

None.

**COUNCIL DISCUSSION**

None.

**Mayor Pro Tem Francis moved, seconded by Councilmember Ohlson, to adopt on First Reading Ordinance No. 174, 2023, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney.**

Councilmember Pignataro thanked City Attorney Daggett for all the work done in this last year, especially in addressing the challenges in getting the office fully staffed.

Councilmember Ohlson shared appreciation for how City Attorney Daggett serves the organization and community well and has done so consistently for many years.

Councilmember Peel expressed appreciation for City Attorney Daggett, noting the challenges that come with council turn over and how Daggett has risen to the challenge.

Mayor Arndt also showed appreciation to City Attorney Daggett for always keeping the City within the law while consistently doing good work, also offering congratulations on the Open suit as a major success.

***The motion carried 7-0.***

**34. Resolution 2023-111 Adopting an Update to the Economic Health Strategic Plan for the City of Fort Collins.**

*The purpose of this item is to consider adoption of the 2023 Economic Health Strategic Plan (EHSP) which includes the Circular Economy Work Plan. The EHSP does not take a one-size-fits-all approach to economic health but a people-centered, integrated economic, social, and environmental approach so Fort Collins is a healthy, equitable, and resilient community where people and businesses can thrive.*

Jacob Castillo, Chief Sustainability Officer, introduced the item and noted he was joined by Shannon Hein, Economic Health Manager and SeonAh Kendall, Economic Sustainability Director, for the presentation. Kendall presented as set forth in the slide deck in the agenda materials.

**PUBLIC COMMENT**

Joe Rowan, Fort Collins resident, spoke about the impacts of achieving social and environmental objectives and requested that this strategic plan really dive into looking at how we make sure economic health measures are equal partners with these other factors in the triple bottom line.

Glen Colton, Fort Collins resident, noted he was involved with the original economic health group as well as serving on the Economic Advisory Board when the 2015 plan was developed. This work focused on government supporting businesses, not on attracting businesses. Colton shared concerns about the plan being largely written by consultants, with no evidence of getting input from a range of stakeholders and focusing on growth.

**COUNCIL DISCUSSION**

Mayor Arndt commented on a desire to ensure the City looks broadly across departments to help make sure this plan comes to fruition and is successful.

Mayor Pro Tem Francis asked why the housing plan and climate plan were not called out in the goals of the plan. Kendall responded that staff discussed how to help and support these plans. It was noted there has been job growth but no significant wage growth. Staff then looked at what we are trying to achieve, which is good quality job growth so that residents can spend money as they choose to rather than on basic needs, such as housing and medical care. Efforts were made

to include those plans by mapping out and aligning strategically to areas where there was not a point by point alignment.

Councilmember Ohlson thanked staff for their hard work, noting that it is clear the efforts that have gone into this plan. He stated his philosophies and values are different and he will therefore not be supporting the plan, but that does not negate the hard work that has been done. He stated he views this plan as focused on growth and government in the role of spending resources to make that growth happen at a more rapid rate.

Councilmember Pignataro noted growth has been a constant whether desired or not. She asked CSO Castillo to speak to the equity focus of this plan. He noted the equity overlay present in the plan and efforts to support both small businesses and primary employers, and provided information on proactively attracting businesses that match the ethos of the community.

Councilmember Gutowsky asked Hein to share about the Multicultural Business and Entrepreneur Center. Hein provided an overview and noted that this program was considered in the reporting in the realm of the plan goals.

Councilmember Ohlson requested clarification on some points, noting he has not opposed or supported no growth policies, but rather has looked for discussions on what the role of government should be. He asked what the end game of growth was.

Councilmember Canonico asked for more background on the population forecast of 70,000 additional residents. Castillo noted Fort Collins has had a steady growth rate of 1.5% and that means the growth being experienced is neither off the charts nor unprecedented. These estimates come from the state demographer as well as a range of other sources looking at several factors. Councilmember Canonico noted the role of government is the need to be prepared for growth.

Mayor Pro Tem Francis asked for clarification on the sentence about not achieving social equity without economic growth in specific populations, noting she reads it as not speaking to general growth but rather growth in specific populations. Castillo concurred. Mayor Pro Tem Francis spoke to her support for this plan and the important work it supports.

Mayor Arndt noted she thought the population of Fort Collins went down a little bit last year.

***Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, adopting an Update to the Economic Health Strategic Plan for the City of Fort Collins.***

***The motion carried 6-1.***

***Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Gutowsky, Pignataro, Canonico, and Peel.***

***Nays: Councilmember Ohlson.***

## **P) OTHER BUSINESS**

### **OB 1. Update on Status of the Referendum Petition Process.**

City Clerk Anissa Hollingshead updated Council on the status of the current referendum petition noting the examination of signatures is complete and 5,776 signatures were determined to be valid. This exceeds the threshold of 4,228 signatures required for a petition to be determined sufficient. A statement of referendum petition sufficiency was issued today. Hollingshead explained the process to protest the determination of sufficiency, the protest hearing process and the next steps in the referendum process. A final certification of a finding of sufficiency cannot be made until either the expiration of the protest period or any protest process concludes.

Mayor Pro Tem Francis requested clarification on the number of options that would be presented if the petition is certified sufficient. Mayor Arndt noted that Council could repeal, amend, and repass at the same meeting. City Attorney Daggett clarified amendments to the Land Use Code are required by the Land Use Code to be heard by the Planning and Zoning Commission before they are presented to Council.

**OB 2. 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.)*

Councilmember Canonico requested that staff bring forward to Council the previously presented code amendment options at First Reading of Ordinance No. 136, 2023, as well as procedural options for Council to consider. Council supported this request.

**Q) ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 8:41 p.m.

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Mayor

ATTEST:

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City Clerk



December 19, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

James Reed, Transportation Operations Senior Manager  
Monica Martinez, FP&A Manager  
Heather N. Jarvis, Assistant City Attorney

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### SUBJECT

**Second Reading of Ordinance No. 163, 2023, Appropriating Unanticipated Revenue in the Transportation Services Fund for “Work For Others” Program Expenses.**

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### EXECUTIVE SUMMARY

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

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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### BACKGROUND / DISCUSSION

The Planning, Development and Transportation (PDT) Department “Work for Others” program is a self-supported program for all “Work for Others” activities within the Streets and Traffic Departments, where these Departments contract with other City departments and divisions and external entities to provide convenient and cost-effective services such as patching, sweeping, and minor capital construction. Project expenses are incurred by PDT and then billed out to customers including other City departments and external entities. The program’s original budget of \$3,822,819 for this year was estimated based on scheduled projects and historical project levels. Due to increased customer demand, the Streets and Traffic Departments are anticipating unprecedented levels of traffic control, patching, and traffic signal projects resulting in the need for an additional \$700,000 in appropriated expenses. These expenses will be billed out to customers and offset by the resulting revenue.

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### CITY FINANCIAL IMPACTS

This Ordinance appropriates \$700,000 of unanticipated Transportation Services Fund revenues for work to be completed for various City departments and outside entities.

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### BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

## **PUBLIC OUTREACH**

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None.

## **ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 163, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING UNANTICIPATED REVENUE IN THE TRANSPORTATION  
SERVICES FUND FOR “WORK FOR OTHERS” PROGRAM EXPENSES

WHEREAS, the Planning, Development and Transportation Department operates a “Work for Others” program, whereby the Streets and Traffic Departments provide convenient and cost-effective services for City departments and divisions and for external entities and agencies; and

WHEREAS, through the Work for Others program, which is a self-supported program, the Planning, Development and Transportation Department incurs project expenses and then bills customers; and

WHEREAS, the original fiscal year budget for the Work for Others program was \$3,822,819, which was estimated based on scheduled projects and historical project levels; and

WHEREAS, due to increased customer demand, the Streets and Traffic Departments are anticipating unprecedented levels of traffic control, patching, and traffic signal projects; and

WHEREAS, the Streets and Traffic Departments seek an appropriation of an additional \$700,000 from the Transportation Services Fund to cover expenses that will be billed to customers and offset by the resulting revenue; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the residents of Fort Collins by allowing the City to provide labor, material, and equipment for patching, sweeping, and minor capital construction, and this appropriation serves the public purpose of improving the condition of streets and minor capital construction infrastructure; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriations, in combination with all previous appropriations for that fiscal year, does not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Transportation Services Fund and will not cause the total amount appropriated in the Transportation Services Fund to exceed the current estimate of actual and anticipated revenues to be received in that fund during any fiscal year.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from unanticipated revenue or other funds in the Transportation Services Fund the sum of SEVEN HUNDRED THOUSAND DOLLARS (\$700,000) to be expended in the Transportation Services Fund for Work for Others Program expenses.

Introduced, considered favorably on first reading, and ordered published this 5th day of December, 2023, and to be presented for final passage on the 19th day of December, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 19th day of December, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

December 19, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Victoria Shaw, FP&A Manager, Community Services  
Mike Calhoon, Parks Director  
Dean Klingner, Community Services Director  
Sara Arfmann, Assistant City Attorney

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### SUBJECT

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

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### EXECUTIVE SUMMARY

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

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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### BACKGROUND / DISCUSSION

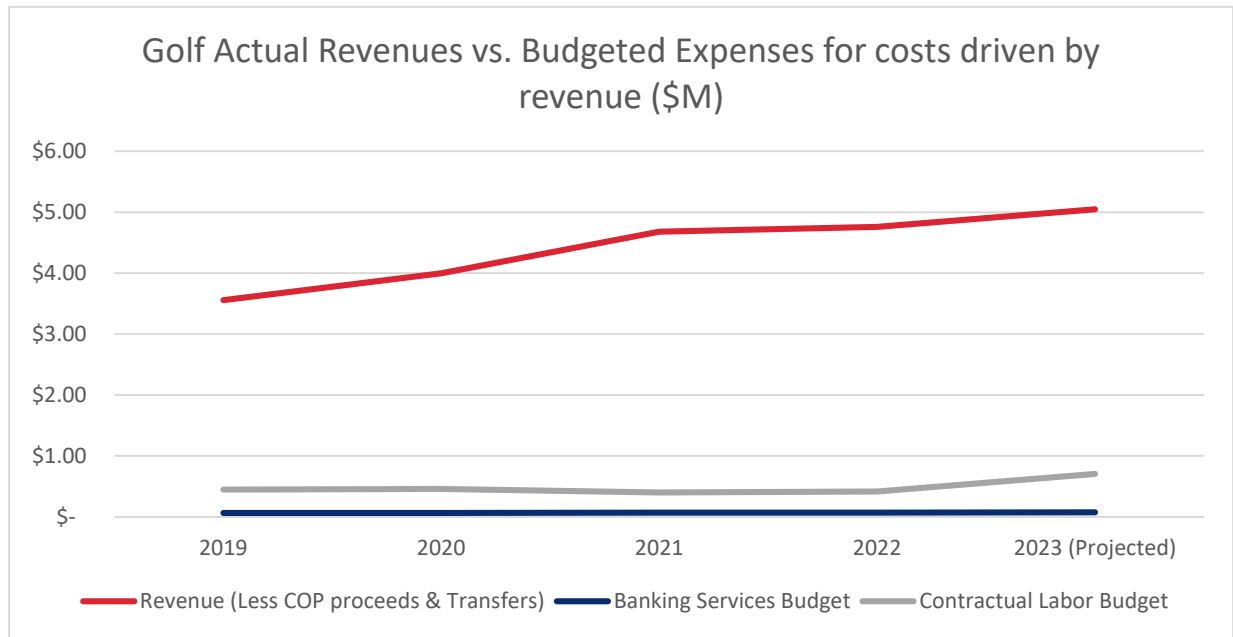
Since 2019, Golf revenues have been growing at an average compound growth rate of 9% per year, excluding transfers and proceeds from Certificates of Participation (COPs). The heightened revenue is driven by increased patronage and participation in golf-related activities, demonstrating a positive trend in community engagement. The Golf Division acts as an enterprise and does not receive any ongoing subsidy from other City Funds, including the General Fund.

With the rise in revenue, the Golf division is experiencing heightened expenses which are directly linked to the revenue growth rate exceeding standard ongoing budget increases. These increased expenses include expenses for banking services, which are driven by credit card processing fees, and expenses for contractual labor, which are the reimbursements to the contracted golf professionals who operate the pro shops at each course for their share of the revenue. These activities are expected to incur a \$185,000 shortfall in budget vs. expenses for 2023 without additional appropriation. The adopted 2023 Budget included the anticipated annual true-up payment to the contracted golf professionals for the finalized 2022 fiscal year revenue. However, the true amount for that true-up exceeded the anticipated amount. As a result of the higher than anticipated 2022 true-up and the unanticipated heightened expenses throughout the 2023 fiscal year, staff is recommending prior year reserves to fund the shortfall.

Golf revenues are highly weather dependent. If recent trends continue for the remainder of the 2023 fiscal year, golf will surpass its annual revenue forecast by \$400,000. However, poor conditions in Q4 would reduce that estimate. If there is an ending surplus for the 2023 fiscal year, that will be returned to reserves to replenish this appropriation.

Exhibit A shows the 5-year trend of Golf division revenue (excluding proceeds from COPs) alongside the 5-year trend in budget appropriated for revenue linked expenses. Approving this appropriation ordinance will correct the budget shortfall for 2023, and staff will monitor 2024 budgets for revisions throughout the year.

Exhibit A:



## CITY FINANCIAL IMPACTS

If adopted, this Ordinance will appropriate \$185,000 in Golf reserves for use within the Golf enterprise. Golf receives no ongoing subsidy from the General Fund.

## BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

## PUBLIC OUTREACH

None.

## ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 164, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PRIOR YEAR RESERVES FOR THE GOLF ENTERPRISE

WHEREAS, the City created a fund to account for Golf activities under Section 8-79 of the City Code (“Gold Fund”); and

WHEREAS, on November 15, 2022, City Council adopted Ordinance No. 126, 2022, which set the budget for the Golf Fund for the fiscal year beginning January 1, 2023, and ending December 31, 2023; and

WHEREAS, the Golf Fund is expected to incur a \$185,000 shortfall for the current fiscal year due to increased expenses related to banking services and contractual labor; and

WHEREAS, in order to maintain the current golf services available to the public at City golf courses, City staff recommends using prior year reserves to fund the shortfall; and

WHEREAS, this appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of maintaining all current golf services to the public; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Golf Fund and will not cause the total amount appropriated in the Golf Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this fund during this fiscal year.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from prior year reserves in the Golf Fund the sum of ONE HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$185,000) to be expended in the Golf Fund for the Golf Enterprise expenses.

Introduced, considered favorably on first reading and ordered published this 5th day of December, 2023, and to be presented for final passage on the 19th day of December, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 19th day of December, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



December 19, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Nina Bodenhamer, City Give Director  
Ryan Malarky, Assistant City Attorney

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### SUBJECT

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

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### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on December 5, 2023, requests an appropriation of \$11,968.53 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

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

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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### BACKGROUND / DISCUSSION

The City has long been the beneficiary of local generosity and has a valuable role in our community's philanthropic landscape. Generosity is demonstrated in both large and modest gifts, each appreciated for its investment in the mission and the range of services the City strives to deliver.

The City received several individual philanthropic donations supporting various departments totaling \$11,968.53 and these funds are currently unappropriated.

As acknowledged by Section 2.5 of the City's Fiscal Management Policy 2-Revenue approved by Council, the City Manager has adopted the City Give Financial Governance Policy to provide for the responsible and efficient management of charitable donations to the City.

These generous donations have been directed by the respective donors to be used by the City for designated uses within and for the benefit of City service areas and programs. These gifts represent a range of support for City programming and services: Open Streets, Art in Public Places Visual Arts, Forestry, Volunteers Services, and the Youth Golf Scholarship Fund.

## CITY FINANCIAL IMPACTS

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This Ordinance will appropriate \$11,969 in philanthropic revenue received through City Give for gifts to various City departments support a variety of programs and services. The donations shall be expended from the designated fund solely for the donor's directed intent:

From Prior Year Reserves:

<i>Recreation Fund</i>	\$ 150
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From New Philanthropic Revenue:

<i>Cultural Services and Facilities Fund</i>	\$ 1,500
<i>General Fund</i>	\$ 5,500
<i>Transportation Services Fund</i>	\$ 4,000
<i>Golf Fund</i>	\$ 819

The funds have been received and accepted per City Give Administrative and Financial Policy. The City Manager has also determined that these appropriations are available and previously unappropriated from the City funds in which they have been deposited and will not cause the total amount appropriated in those City funds to exceed the current estimate of actual and anticipated revenues and all other funds to be received in the General Fund during fiscal year 2023.

## BOARD / COMMISSION / COMMITTEE RECOMMENDATION

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None.

## PUBLIC OUTREACH

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None.

## ATTACHMENTS

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First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 165, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PRIOR YEAR RESERVES AND NEW PHILANTHROPIC  
REVENUE RECEIVED THROUGH CITY GIVE FOR VARIOUS PROGRAMS  
AND SERVICES AS DESIGNATED BY THE DONORS

WHEREAS, the City received in 2022 one donation of \$150 and in 2023 ten individual donations totaling \$11,819 to be used for various City programs and services, which donations are each \$5,000 or less; and

WHEREAS, the donors have directed these donations to be used solely by the City for certain designated uses; and

WHEREAS, as acknowledged by Section 2.5 of the City's Fiscal Management Policy 2 – Revenue approved by City Council, the City Manager has adopted the City Give Financial Governance Policy to provide for the responsible and efficient management of charitable donations to the City (the “City Give Policy”); and

WHEREAS, Section 52.2.C. of the City Give Policy authorizes the City Give Director to accept donations of \$5,000 or less for the City service area intended by the donor to be benefited and Section 52.2.D. of the City Give Policy similarly authorizes the City Manager to accept donations of more than \$5,000 up to \$100,000; and

WHEREAS, as so authorized, the City Give Director and City Manager have accepted for the benefited City service areas, as applicable, the donations to be appropriated in this Ordinance to be used solely as directed by each donor; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated; and

WHEREAS, the City Manager has recommended the appropriations described in Sections 2 and 3 of this Ordinance and determined that the amount of each of these appropriations is available and previously unappropriated from the funds named in Sections 2 and 3 and will not cause the total amount appropriated in each such fund to exceed the current estimate of actual and anticipated revenues to be received in those funds during this fiscal year; and

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or donation or the City's expenditure of all funds received from such grant or donation; and

WHEREAS, the City Council wishes to designate the appropriation herein for various City Give donations as an appropriation that shall lapse at the end of this fiscal year; and.

WHEREAS, these appropriations will serve the public purpose of providing additional revenue to each of the benefited service areas to aid them in accomplishing the public purposes for which each service area is established thereby benefiting the public's health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from the following funds these amounts of philanthropic revenue held in prior year reserves to be expended as designated by the donors:

Recreation Fund	\$ 150
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Section 3. That there is hereby appropriated from the following funds these amounts of philanthropic revenue received in 2023 to be expended as designated by the donors:

Cultural Services and Facilities Fund	\$ 1,500
General Fund	\$ 5,500
Transportation Services Fund	\$ 4,000
Golf Fund	\$ 819

Section 4. That the appropriations herein for various City Give donations are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall lapse at the end of this fiscal year.

Introduced, considered favorably on first reading, and ordered published this 5th day of December, 2023, and to be presented for final passage on the 19th day of December, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 19th day of December, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

December 19, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

JC Ward, Neighborhood Programs Manager  
Leo Escalante, Neighborhood Liaison  
Caryn Champine, PDT Director  
Brad Yatabe, Senior Assistant City Attorney

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### SUBJECT

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

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### EXECUTIVE SUMMARY

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

Staff's recommendation includes the following Code changes:

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

- Authorize the City's water utility in serving a mobile home park to provide the designated Specially Commissioned Officer a copy of any notice, correspondence, invoice, and water leak notice sent to the mobile home park in Section 18-7(c). Add a cross-reference to these changes to Section 26-97 (water utility lines; general regulations).
- Acknowledge, as a condition of service, the designated Specially Commissioned Officer may exercise the power to audit and collaborate with the City's water utility to verify and maintain accuracy of water rebilling by the mobile home park.

## **STAFF RECOMMENDATION**

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Staff recommends adoption of the Ordinance on Second Reading.

## **BACKGROUND / DISCUSSION**

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### **Purpose and Intent**

The goal of the amendments to Municipal Code regarding Mobile Home Management and Livability is to help create a safe and equitable environment for mobile home park ("MHP") residents in Fort Collins and advance Council and community priorities related to mobile home park residents' rights and neighborhood livability.

The City of Fort Collins is home to approximately 1,400 housing units in ten mobile home parks, also known in land use planning as "manufactured housing communities." One of the most affordable housing options in Fort Collins, mobile homes offer opportunities for purchasing or renting a single-family unit situated on privately-owned land. Because each housing unit is on property that is not usually owned by residents of the unit, these communities have a unique combination of neighborhood livability concerns and issues not addressed by the City's existing single-family or multi-family services. Livability standards enforced by City Code Compliance and Environmental Compliance have been handled differently in manufactured housing communities than in other neighborhoods throughout the City because of concerns with legal right-of-entry to inspect from private streets within the parks.

Residents of mobile home parks in Fort Collins may experience additional barriers to engagement with the City not seen with residents of other single-family neighborhoods. Mobile home parks in Fort Collins do not typically have Homeowners' Associations or Neighborhood Associations and are home to populations identified by the Communications & Public Involvement Office as "hard-to-reach" for public engagement, such as senior citizens, low English proficiency speakers, and low-income residents. The combined impact of unique issues associated with mobile home park livability and decreased efficacy of traditional public engagement strategies for residents creates a need for more diverse engagement opportunities to connect residents with City and community resources. Since 2019, a cross-departmental Residents' Rights Team began work to build relationships with mobile home park residents, owners, and managers; identify and address livability concerns; protect residents from retaliation and abuse; create consistent local investigation and enforcement processes for alleged Nuisance Code violations; promote the Colorado Mobile Home Park Oversight Program; and assist residents with community organizing.

MHP residents across Fort Collins and the Growth Management Area identified these specific priority livability issues to guide the Residents' Rights Team's work:

- Housing instability / fear of community closure
- Utility billing transparency (specifically water rebilling)
- Maintenance responsibilities (trees, amenity-upkeep, snow)
- Retaliation / harassment
- Frequent rent increases

- Evictions
  - Safety (vehicle speeds, lighting)
  - Restriction on home sales
  - Availability of management
  - Language equity
  - Frequent rule changes
  - Infrastructure conditions

Review of current Municipal Code, Nuisance and Building Code compliance processes, as well as public engagement activities revealed additional gaps in enforcement and a need to update and strengthen some Municipal Code provisions.

Additionally, Colorado Mobile Home Park Act Oversight legislation enacted in 2019 and updated in 2020 and 2022 combined with the 2020 Mobile Home Park Residents Opportunity to Purchase, create and strengthen resident protections statewide. Outreach to residents, managers, and MHP owners on changes at the state level and access to local resources is ongoing.

### City Policy Alignment

Enhancement of quality of life in neighborhoods and equitable access to City services and resources are well-supported by City core values, policies, and strategic outcomes. Additionally, City Council has identified manufactured housing preservation and protection of residents' rights as priorities. The Municipal Code amendments advance City efforts to enhance livability in manufactured housing communities as part of the moratorium on manufactured housing community redevelopment implemented in August 2019.

The following City Plan and Strategic Plan policies and objectives align with these proposed Code changes:

- *City Plan: Policy LIV 6.4 – Permanent Supply of Affordable Housing*  
Create and maintain an up-to-date inventory of affordable housing in the community. Pursue policy and regulatory changes that will encourage the rehabilitation and retention of affordable housing in perpetuity.
- *City Plan: Policy LIV 6.9 – Prevent Displacement*  
Build the capacity of homeowner groups, affordable housing providers and support organizations to enable the purchase, rehabilitation and long-term management of affordable housing. Particular emphasis should be given to mobile home parks located in infill and redevelopment areas.
- *City Plan: Policy LIV 7.4 – Equity Considerations*  
Include considerations for equity in decision-making processes across the City organization to ensure that the benefits and/or burdens of City actions or investments are shared fairly and do not disproportionately affect a particular group or geographic location over others.
- *Strategic Plan: Neighborhood Livability & Social Health Objective 1.1*  
Increase housing supply and choice and address inequities in housing to ensure that everyone has healthy, stable housing they can afford.
- *Strategic Plan: Neighborhood Livability & Social Health Objective 1.5*  
Enhance the quality of life and sense of belonging in neighborhoods by connecting neighbors to City services, building community, and fostering harmonious relationships.



*Strategic Plan: Neighborhood Livability & Social Health Objective 1.8*

Preserve and enhance mobile home parks as a source of affordable housing and create a safe and equitable environment for residents.

**Summary of Proposed Code Updates:**

The primary elements of the of proposed City Code changes (highlighted text) include:

1. Propose as an amendment to City Code Section 18-2 to harmonize the definition of “Building Official” to be consistent with that term’s appearance in other sections of the City Code; and to define “Specially commissioned officer” to refer to officers specially commissioned under City Code Section 2-503(b)(2) to enforce provision of the City Code.
  - This change updates the definition of “Building Official” and more clearly indicates the right to entry and proactive inspection for Nuisance Code compliance in mobile home parks by Code inspectors from all departments across the City who serve as specially commissioned officers under the Chief of Police. Previous Code language could be interpreted as restricting access and authorization for access to mobile home park property to the Chief Building Official or the Building Services team. This proposed change would decrease inconsistent application of inspection and enforcement standards across all neighborhood types in the city and include mobile home parks in proactive inspection rotations.
2. Propose as an amendment to City Code Section 18-4(c) Right of Entry from “Building Official” to “Building Official or specially commissioned officer” for all instances in this subsection.
  - The expansion of authority in right of entry onto mobile home park property to include “specially commissioned officer” as well as the “Building Official” more clearly indicates the right to entry and proactive inspection for Code compliance in mobile home parks by Code inspectors from all departments across the City who are specially commissioned by the Police Chief to enforce provisions of the City Code. This change aligns with the rationale stated above for changes to Sec. 18-2.
3. Propose as an addition to City Code Section 18-6(g)
 

“No person shall create, cause to be created, enforce or seek to enforce any provision contained in any restrictive covenant which has the effect of prohibiting the installation or use of clothes lines in mobile home parks.”

  - The proposed addition improves neighborhood livability and affordability in mobile home parks and supports City climate goals in this response to an identified issue with bans on clothes lines in some mobile home parks in Fort Collins. Current Code language (Sec. 12-122) that protects the installation and use of clothes lines in backyards excludes mobile home park lots from this protection, as they have no “backyard”.
4. Propose as an addition to City Code Section 18-6(h)
 

“No person shall create, cause to be created, enforce or seek to enforce any provision contained in any restrictive covenant which has the effect of prohibiting the installation or use of window-mounted air conditioning units or evaporative coolers in mobile home parks.”

  - The proposed addition improves affordability in mobile home parks and livability in individual units by protecting options for whole house cooling. This change supports City climate, energy efficiency, and indoor air quality goals in this response to an identified issue with bans on window-mounted air conditioning units and evaporative (“swamp”) coolers in some mobile home parks in Fort Collins. Energy usage for evaporative coolers is much lower than central air conditioning for mobile homes in this region. Window-mounted air conditioning units provide a lower cost way to cool homes or add a cooling option to homes without any air conditioning. These units also filter air entering the

home, making them excellent alternatives to opening windows for relief from high indoor temperatures during adverse air quality conditions.

5. Propose as an addition to City Code Section 18-7(c) a reference specially commissioned officers' authority to intervene in utility rebilling activities, based on access to information from the Fort Collins Utilities' water utility under administrative rules of service.

"Transparency in water use, billing, and leak mitigation efforts. Based on utility rebilling information obtained from the Fort Collins Utilities' water utility, a specially commissioned officer designated by the Community Development and Neighborhood Services Director may notify a mobile home park of any billing discrepancies and may provide thirty (30) days for the mobile home park to correct any overcharge or billing discrepancy. Any overcharge must be credited to the resident in the next billing cycle.

As a condition of water utility service from Fort Collins Utilities, every mobile home park shall provide the designated specially commissioned officer with or authorize such officer to obtain any notice, correspondence or invoice from the water utility that documents the total volume of water consumed by the mobile home park during the previous billing period, the cost billed by the water utility to the mobile home park during the previous billing period and any notice of potential leak in the water supply within the mobile home park.

(1) Mobile home parks shall disclose such notices, correspondence, or invoices from the water utility to the designated specially commissioned officer within fourteen (14) days of the date of the notices, correspondence, or invoices, or seven (7) days after receipt, whichever is earlier. When the mobile home park customer does not directly provide such information within this timeline, the water utility shall be authorized to share such information with the designated specially commissioned officer.

(2) Mobile home parks and the water utility may redact sensitive personal identifying information and financial institution account information from such notices, correspondence, or invoices prior to disclosure to the designated specially commissioned officer.

(3) As a condition of mobile home park service, mobile home parks that are water customers of Fort Collins Utilities are required to participate in any available continuous consumption water usage/leak notification system through Fort Collins Utilities.

(4) Fort Collins Utilities may provide the designated specially commissioned officer all notices, correspondence or invoices provided to a mobile home park upon request, excepting redaction under above subsection-(c)(2).

(5) The designated specially commissioned officer may notify the mobile home park of any billing discrepancies and may provide thirty (30) days for the mobile home park to correct any overcharge or billing discrepancy. Any overcharge must be credited to the resident in the next billing cycle."

- The addition of this Code subsection and administrative policy target is improved auditing and communication functions related to accuracy of rebilling for water by the mobile home park by allowing access to non-financial water billing data, leak notices, and correspondence from both the water utility provider and mobile home park owner by City staff outside of Fort Collins Utilities, limited to the Community Development and Neighborhood Services Director and/or their duly authorized representative.
- If, through the auditing process, a water rebilling discrepancy from the mobile home park to the residents or suspected failure of the mobile home park to notify residents of leaks in the park's private water infrastructure are discovered or suspected, enforcement would be turned over to the Colorado Mobile Home Park Oversight Program ("MHPOP"). Beginning July 1, 2024, local government entities and staff can file complaints related to the Colorado Mobile Home Park Oversight Act.
- The intent of this addition to the Code is to quickly review and resolve water rebilling and leak notification complaints at the local level where information and tools are already available. Faster resolution benefits residents, who may be overcharged for water for months before the state's

MHPOP begins investigation of their complaint, conservation of potable water by identifying and addressing leaks, and all mobile home parks in Fort Collins by filtering out unfounded complaints to MHPOP.

6. Propose as an addition to City Code Section 26-97, a reference to these additional water utility rules and regulations now found in Section 18-7(c).

### **Water Rebilling and Customer Service**

Because the mobile home park is the water utility customer, residents of MHPs and City staff outside of Fort Collins Utilities are not currently allowed to review water bills from water utility providers for the mobile home park due to customer privacy policies. Customer service staff for Utilities are also not allowed to discuss the mobile home park's bill with residents when they call with questions or concerns about the amount of their water bill (as it is rebilled from the MHP and not directly billed from the water utility provider). Due to the potential staff time, associated costs for the service, and lack of access to private water rebilling records, staff has determined that it is unduly burdensome for water utility providers to take on auditing functions of residents' rebilled water charges. Water utility providers also lack an enforcement mechanism in the event that a discrepancy was discovered in the MHP water rebilling. The Mobile Home Park Residents' Rights Team in CDNS has regular contact with residents, receives frequent documentation from residents of their water bills from the park owner, and closely follows changes to the state's mobile home park laws and administrative processes putting that team in a position to effectively carry out the auditing functions for water rebilling.

### **Leak Notices/Continuous Consumption of Water**

A similar issue exists with continuous consumption notices from water utility providers. Currently these notices, which indicate water leaks, are a voluntary opt-in program for mobile home parks. Because the residents are not the water utility customer, they do not receive these notices from the water utility although they ultimately pay the cost for excess water lost to leaks in the park's private water infrastructure.

Statute requires MHPs to notify all residents and homeowners of water leaks in the system within 24 hours of their receipt of a leak notice and bans MHPs from charging residents for the cost of water lost to leaks in their infrastructure. This resident protection can only be implemented upon notice from the water utility to the MHP. Because only the mobile home park receives leak notices, the residents currently have no practical way to know if there is a violation of this protection, which would trigger enforcement measures. The Utilities Water Conservation Team lacks enforcement mechanisms in the event that continuous consumption of water is occurring in a mobile home park for which residents are being rebilled.

Continuous consumption of water due to leaks in private MHP infrastructure impacts the City's water conservation goals and ultimately all Utilities rate payers. Mobile home park owners currently have no financial incentive to detect or repair leaks (and may actually be incentivized not to participate in water conservation programs like leak notices since notice of the issue shifts the cost from residents to the mobile home park owner).

### **Proposed Solution**

The City's Mobile Home Park Residents' Rights Team is familiar with the state-level protections and enforcement options related to inaccurate, retaliatory, and/or non-compliant water rebilling. This Team also has been working relationships with mobile home park managers and residents, an interest in the affordability impacts of inaccurate water rebilling and unrepaired leaks, and a commitment to serve as a central hub for local MHP resident issues, but currently lacks the tools to address one of the most common complaints from MHP residents by verifying the accuracy of water rebilling.

The proposed Code changes would require the City's water utility and mobile home park owner to disclose redacted invoices/bills, correspondence, and notices to a designated Specially Commissioned Officer, who participates in the Mobile Home Park Residents' Rights Team. Requiring these redacted disclosures still provides customer privacy protections for the water utility customer while also giving CDNS staff adequate information to investigate resident claims of inaccurate water rebilling and charges for water infrastructure leaks.

Currently, the only remedy available to residents with claims of water rebilling inaccuracy or unrepaired water infrastructure leaks is to file a complaint with the state's Mobile Home Park Oversight Program ("MHPOP"). Complaints filed with MHPOP typically take several months to a year to investigate and often require subpoenas for water utility communications to facilitate their investigation. During the MHPOP investigation, MHP residents continue to pay for water costs, even those ultimately determined to be inaccurate. Equipping the local MHP Residents' Rights Team with the tools to investigate water rebilling complaints will resolve the issues much faster and potentially cost residents less.

## **CITY FINANCIAL IMPACTS**

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Adoption of these Code changes will not have significant impact on City resources.

## **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

## **PUBLIC OUTREACH**

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Targeted outreach was conducted with managers, owners, and residents of the City's existing manufactured housing communities, as well as consultation with local partner organizations who provide information and services to manufactured housing residents. A survey was conducted and marketed to MHP residents and community partner organizations. Finally, proposed Code changes were posted to <https://www.fcgov.com/neighborhoodservices/mobile-home-park-communities> webpage in the months leading up to the First Reading and included options for stakeholders to submit comments, questions, and feedback.

## **ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 166, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTERS 18 AND 26 OF THE CODE OF THE  
CITY OF FORT COLLINS REGARDING MOBILE HOME PARK  
MANAGEMENT AND LIVABILITY

WHEREAS, there are ten mobile home parks containing approximately 1,400 housing units within the City; and

WHEREAS, mobile home parks are one of the most affordable housing options in the City and are an important source of housing; and

WHEREAS, Chapter 18 of the City Code sets forth standards for the continuing maintenance of mobile home parks in a healthy and safe manner; and

WHEREAS, to enhance the safety and livability of mobile home parks, Chapter 18 of the City Code is amended by the Ordinance to expand the authorization of City staff to conduct inspections, protect use of clotheslines and window mounted cooling devices, and increase transparency for water billing and rebilling; and

WHEREAS, the amendment to Chapter 26 of the City Code adds a reference to the changes to Chapter 18 regarding increased transparency for water billing and rebilling; and

WHEREAS, the amendments to Chapters 18 and 26 of the City Code are in furtherance of *City Plan* and the *Housing Strategic Plan* and are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 18-2 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 18-2. Definitions.**

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section:

*Building Official* shall mean the Building Official, appointed pursuant to Chapter 5 of this Code or their duly authorized representative.

...

*Specially commissioned officer* shall mean a specially commissioned officer of the City appointed by the Chief of Police pursuant to Section 2-503(b)(2) of this Code who is authorized by law to enforce provisions of this Code with regards to animal control, weed control, rubbish and debris, building safety, unsanitary conditions, inoperable vehicles, stormwater and wastewater runoff and any other condition that negatively impact the health, safety and welfare of mobile home park residents.

...

*Water utility*, under this chapter only, shall mean the City of Fort Collins water utility.

Section 3. That Section 18-4 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 18-4. Inspections.**

...

(c) *Compliance Inspections.* To the maximum extent permissible under law, the Building Official and any specially commissioned officers are hereby authorized, empowered and directed to make such other inspections as are necessary, from time to time, to determine satisfactory compliance with this Chapter and the regulations issued hereunder.

(d) *Right of Entry.* Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or specially commissioned officers have reasonable cause to believe that there exists in any mobile home, mobile home lot or mobile home park any condition or violation which makes such mobile home, lot or park unsafe, dangerous or hazardous, the Building Official or specially commissioned officers may, at their discretion and to the maximum extent permissible under law, enter such mobile home, lot or park at all reasonable times to perform any inspection or other duty imposed upon the Building Official or specially commissioned officers by this Code. If such mobile home or mobile home lot is occupied, the Building Official or specially commissioned officers shall first present proper credentials and request entry. If such mobile home or mobile home lot is unoccupied, the Building Official or specially commissioned officers shall first make a reasonable effort to locate the owner or other persons having charge or control of the mobile home or premises and request entry. If such entry is refused, the Building Official or specially commissioned officers shall have recourse to every remedy provided by law to secure entry.

...

Section 4. That Section 18-6 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 18-6. Mobile home park management**

...

(g) *Clothes Lines.* No person shall create, cause to be created, enforce or seek to enforce any provision contained in any restrictive covenant which has the effect of prohibiting the installation or use of clothes lines in mobile home parks.

(h) *Cooling Devices.* No person shall create, cause to be created, enforce or seek to enforce any provision contained in any restrictive covenant which has the effect of prohibiting the installation or use of window-unit air conditioners or evaporative coolers in mobile home parks.

Section 5. That Section 18-7 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 18-7. Park utilities and fire protection.**

...

(c) Transparency in water use, billing, and leak mitigation efforts. Based on utility rebilling information obtained from the Fort Collins Utilities' water utility, a specially commissioned officer designated by the Community Development and Neighborhood Services Director may notify a mobile home park of any billing discrepancies and may provide thirty (30) days for the mobile home park to correct any overcharge or billing discrepancy. Any overcharge must be credited to the resident in the next billing cycle.

As a condition of water utility service from Fort Collins Utilities, every mobile home park shall provide the designated specially commissioned officer with or authorize such Officer to obtain any notice, correspondence or invoice from the water utility that documents the total volume of water consumed by the mobile home park during the previous billing period, the cost billed by the water utility to the mobile home park during the previous billing period and any notice of potential leak in the water supply within the mobile home park.

(1) Mobile home parks shall disclose such notices, correspondence, or invoices from the water utility to the designated specially commissioned officer within fourteen (14) days of the date of the notices, correspondence, or invoices, or seven (7) days after receipt, whichever is earlier. When the mobile home park customer does not directly provide such information within this timeline, the water utility shall be authorized to share such information with the designated specially commissioned officer.

(2) Mobile home parks and the water utility may redact sensitive personal identifying information and financial institution account information from such notices, correspondence, or invoices prior to disclosure to the designated specially commissioned officer.

(3) As a condition of mobile home park service, mobile home parks that are water customers of Fort Collins Utilities are required to participate in any available continuous consumption water usage/leak notification system through Fort Collins Utilities.

(4) Fort Collins Utilities may provide the designated specially commissioned officer all notices, correspondence or invoices provided to a mobile home park upon request, subject to redaction under above Subsection (c)(2).

(5) The designated specially commissioned officer may notify the mobile home park of any billing discrepancies and may provide thirty (30) days for the mobile home park to correct any overcharge or billing discrepancy. Any overcharge must be credited to the resident in the next billing cycle.

Section 6. That Section 26-97 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-97. Water service lines; general regulations.**

...

(d) *Mobile Home Park Service.* Specific rules regarding mobile home park rebilling for water services are set forth in Section 18-7(c).

Introduced, considered favorably on first reading and ordered published this 5th day of December, 2023, and to be presented for final passage on the 19th day of December, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 19th day of December, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



December 19, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Anissa Hollingshead, City Clerk  
Aimee Jensen, Regulatory Licensing Specialist  
Holly Coulehan, Assistant City Attorney

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### SUBJECT

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

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### EXECUTIVE SUMMARY

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

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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### BACKGROUND / DISCUSSION

On January 1, 2019, full-strength beer replaced “3.2% beer” in grocery and convenience stores. Last November’s successful ballot measure, Proposition 125, allowed those types of stores to now sell wine as well as full-strength beer. Alcohol service has become a regular occurrence by unlicensed and unpermitted businesses, such as beauty salons, gyms, nail salons, furniture stores, etc. In response to this proliferation of illegal service, this last legislative session House Bill 23-1061 changed the art gallery permit to allow certain qualifying retail establishments to serve complimentary alcohol beverages for a limited number of days per year. These City Code changes will reflect this ballot measure and legislative changes.

Administrative application fees were historically included in Chapter 3 of the City Code because Council was the local liquor licensing authority until 1973, after which a separate board was created by Council. In 2000, Council designated the Municipal Judge as the local liquor licensing authority, however City Code was not modified to enable the new authority to set the administrative application fees. Staff is recommending that the administrative application fees be removed from City Code to allow the Municipal Judge, as the local liquor licensing authority, to set these fees and align with how cannabis fees are handled. This change will allow staff to quickly adjust fees as costs associated with administering liquor licensing increase and to respond quicker to modifications in State laws and regulations.

Throughout the years, liquor licensees have expressed concern that they bear the brunt of the liquor law violations due to their employees’ service of underage patrons, even though they have ensured that their employees have received appropriate training. Additionally, staff has seen an increase in crimes related to

the use of fake identification to obtain alcohol or for entry into liquor licensed establishment. However, the individuals committing these crimes are not sufficiently held accountable resulting in high rates of recidivism. In response to these concerns, City staff is recommending that these criminal offenses are written into City Code to encourage compliance and discourage others from violating these liquor related offenses.

Finally, the changes referenced above led to a comprehensive review of the City's Code with respect to liquor licensing. City staff identified several general housekeeping or ministerial-type changes to Chapters 3 and 17, that provide clarity and alignment with State laws and regulations.

#### **CITY FINANCIAL IMPACTS**

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Unknown.

#### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

#### **PUBLIC OUTREACH**

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None.

#### **ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 167, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTERS 3 AND 17 OF THE CODE OF THE CITY OF FORT COLLINS  
TO UPDATE AND ALIGN CITY CODE REGARDING ALCOHOL BEVERAGES  
WITH STATE LAW CHANGES AND ADDING MUNICIPAL CODE VIOLATIONS  
FOR CERTAIN ALCOHOL-RELATED OFFENSES

WHEREAS, the Local Licensing Authority for the City of Fort Collins is the Municipal Judge who, in this capacity, issues licenses and permits for the sale or service of alcohol beverages; conducts hearings and investigations; suspends or revokes such licenses and permits; sets certain fees as provided by law; as well as many other responsibilities and duties set forth in Colorado Revised Statutes (“C.R.S.”) Articles 3, 4 and 5 of Title 44; and

WHEREAS, as of March 1, 2023, state law, through the voter-approved passage of Proposition 125 on November 8, 2022, modified a fermented malt beverage off-premises retailer license to also allow the sale of wine products; and

WHEREAS, as of August 7, 2023, state law, through the enactment of House Bill 23-1061, renamed the previously existing art gallery permit to the retail establishment permit where qualifying retail establishments, including but not limited to art galleries, may serve complimentary alcohol on a limited number of days per year to their customers; and

WHEREAS, City staff recommends adding alcohol-related criminal offenses to City Code, including the prohibition against the use of fake identification, the sale of alcohol to minors, and the misrepresentation of age for the purchase of alcohol to prevent recidivism and in response to concerns shared with City staff from licensees; and

WHEREAS, City staff recommends the removal of certain administrative application fees from City Code, because they are frequently modified by the state enforcement division; and

WHEREAS, these administrative application fees were historically included in Chapter 3 of the City Code because City Council was the local licensing authority until 1973 when a separate board was created which City Council oversaw that board’s committee members; and

WHEREAS, in 2000, City Council designated the Municipal Judge as the Local Licensing Authority, however the City Code was not modified to enable the new authority to set these administrative application fees; and

WHEREAS, currently, the application fees set forth in City Code are out of date and below the allowable amount set by the state for local licensing authorities and these administrative application fees are essential to aid the City’s ability to recoup the administrative costs for the oversight and issuance of liquor licenses; and

WHEREAS, these statewide amendments and City staff recommended changes provide an opportunity for a comprehensive review of Chapter 3 of the City Code related to Alcohol

Beverages, and to address some general housekeeping or ministerial-type changes to Chapter 3 to provide clarity throughout the Chapter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Chapter 3 of the Code of the City of Fort Collins is hereby amended as follows:

### **CHAPTER 3 ALCOHOL BEVERAGES**

#### **ARTICLE I. IN GENERAL**

##### **Sec. 3-1. Definitions.**

(a) The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section:

*Alcohol beverage* or *alcohol* shall mean any fermented malt beverage or malt, vinous, or spirituous liquors; except that *alcohol beverage* shall not include confectionary containing alcohol within the limits prescribed by C.R.S. § 25-5-410(1)(i)(II).

*Applicant* shall mean any person, partnership, corporation or other legally constituted entity or affiliation who is applying for or has applied for a license or permit to sell, dispense or serve alcohol beverages, but is not yet licensed or permitted as a licensee.

*Bed and breakfast* shall mean an overnight lodging establishment that provides at least one (1) meal per day at no additional charge other than a charge for overnight lodging and does not sell alcohol beverages by the drink.

*City Clerk* shall mean the City Clerk of the City or designated representative.

*Employee* shall mean any employee of a licensee involved in the sale, dispensing or serving of alcohol beverages.

*Fermented malt beverage* shall have the same meaning as “fermented malt beverage” defined in C.R.S. §44-4-103(1); except that *fermented malt beverage* does not include confectionary containing alcohol within the limits prescribed by C.R.S. § 25-5-410(1)(i)(II).

*Licensed, Licensee and Licensed Premises* shall mean persons or premises issued a license or permit pursuant to C.R.S. Title 44, articles 3, 4 and 5.

*Local Licensing Authority or Authority* shall mean the Liquor Licensing Authority as established by the City Council and as defined in and relating to the licensing of the alcohol beverages as authorized by C.R.S. Title 44, articles 3, 4 and 5, the rules and regulations of the State licensing authority and this Code.

*Malt liquor* shall have the same meaning as “malt liquor” defined in C.R.S. § 44-3-103(30).

*Manager* shall mean and include those persons who manage, direct, supervise, oversee and administer the acts and transactions of the establishments governed by this Chapter and of their agents or employees.

*Party-in-interest* shall mean:

- (1) Any party-in-interest as defined in C.R.S. § 44-3-311(5)(b);
- (2) Any representative of a bona fide organized neighborhood group which encompasses part or all of the neighborhood under consideration; or
- (3) Any member of the City staff, including, but not limited to, the City Manager, the City Attorney or the Chief of Police or representative thereof.

*Premises* shall mean a distinct and definite location, which may include a building, a part of a building, a room, or any other definite area as approved by the Authority.

*Spirituuous liquors* shall have the same meaning as “spirituuous liquors” defined in C.R.S. § 44-3-103(54).

*Tastings* shall mean the sampling of alcohol beverages that may occur on the premises of a retail liquor store licensee, liquor-licensed drugstore licensee, or a fermented malt beverage and wine retailer licensee by adult patrons of the licensee pursuant to the provisions of C.R.S. § 44-3-301(10).

*Vinous liquors* shall have the same meaning as “vinous liquors” defined in C.R.S. § 44-3-103(59).

- (b) All other words and phrases used in this Chapter shall have the meanings described by C.R.S. (Colorado Liquor Code, Beer and Wine Code and Special Event Code) and the Code of Colorado Regulations (Colorado Liquor Rules) or if not otherwise defined by law, the words shall be as used in their common, ordinary and accepted sense and meaning.

### **Sec. 3-2. Conflicts.**

- (a) If any of the laws as established in this Chapter shall conflict with any provision of the laws of the State or the rules of the state licensing authority pertaining to the Colorado Liquor or

Beer and Wine Codes, the provisions of state law or the rules of the state licensing authority shall govern.

....

**Sec. 3-3. Violations; penalty.**

(a) Penalties for violations of this Chapter shall be as provided in § 1-15 and shall be in addition to any special penalty provided for in this Chapter or by the laws of the State.

(b) Notwithstanding any other penalty that may be levied, any licensee who violates, or any licensee whose employees violate, any of the terms of this Chapter or of C.R.S. Title 44, Articles 3, 4 and 5, or the rules and regulations related thereto, shall be subject to suspension or revocation of his or her license pursuant to the laws of the State, the imposition of a fine in lieu of suspension under the provisions of Section 44-3-601(3), C.R.S., written reprimand or such other penalty as the Authority deems appropriate. Monies received through the payment of fines in lieu of suspension shall be deposited into the general fund of the City.

**ARTICLE II.  
ADMINISTRATION**

*Division 1  
Generally*

**Sec. 3-16. City Clerk duties.**

(a) The City Clerk shall:

- (1) Issue all licenses granted by the Liquor Licensing Authority upon receipt of such license fees as are required by law;
- (2) Serve as the secretary of the Liquor Licensing Authority;
- (3) Establish a calendar of regular meetings for the Liquor Licensing Authority which calendar may be modified by the Authority;
- (4) Process all license renewal applications, including late renewal applications, on behalf of the Liquor Licensing Authority upon receipt of a completed application and such license fees as are required by law;
- (5) Process all applications for temporary bed and breakfast permits on behalf of the Liquor Licensing Authority pursuant to §§ 3-83 and 3-86, respectively, upon receipt of a completed form and such license fees as are required by law;

(6) Process all forms for changes in corporate structure, trade name changes and corporate name change reports on behalf of the Liquor Licensing Authority upon receipt of a completed form and such license fees as are required by law;

(7) Process all applications for transfer of ownership where no new principals are being added to the ownership, on behalf of the Liquor Licensing Authority upon receipt of a completed application and such license fees as are required by law;

(8) Process all applications for special event permits on behalf of the Liquor Licensing Authority pursuant to § 3-83.5, upon receipt of a completed form and such license fees as are required by law; and

(9) Process all applications for retail establishment permits on behalf of the Liquor Licensing Authority pursuant to § 3-90, upon receipt of a completed form and such license fees as are required by law.

*Division 2*  
*Liquor Licensing Authority*

...

**Sec. 3-33. Functions.**

...

(b) The Authority shall have all the powers of the Local Licensing Authority as set forth in C.R.S. Title 44, Articles 3, 4 and 5.

...

**Sec. 3-35. Minutes; annual report.**

The Authority shall take and file minutes in accordance with the requirements of § 2-75 of this Code. On or before January 31 of each year, the Authority shall file a report with the City Clerk setting forth the number of applications for licenses acted upon, the number of licenses granted and the number denied and any other actions taken by the Authority during the past year.

*Division 3*  
*Hearings*

...

**Sec. 3-52. Public notice of hearings.**

(a) The applicant shall cause to be posted the public notice required pursuant to C.R.S. § 44-3-311, for all hearings to be held on applications for the sale of alcohol beverages.

(b) The applicant shall provide to the City Clerk evidence of such posting, which shall consist of a photograph of the posted sign in place together with a signed statement evidencing posting.

**Sec. 3-53. Hearings on new license and change of location applications.**

...

(c) As applicable, the applicant may introduce evidence with regard to the following:

...

(5) The reasonable requirements of the neighborhood and the desires of its inhabitants for the type of license for which application has been made.

a. Petitions favoring or opposing the license applied for may be presented at the hearing.

b. Petitions may be circulated only within the neighborhood affected by the application.

c. Every person signing the petition shall sign only their own name, address and their age or otherwise indicate that such person is at least of legal age to purchase or consume the alcohol beverages which are the subject of the license applied for.

d. The date when the signature is affixed to the petition shall be put on the petition by the party signing the same.

e. No signatures will be considered which are dated prior to the date the application was received by the City Clerk.

f. Each petition shall contain a verified statement signed by the circulator of the petition indicating that the circulator personally witnessed each signature appearing on the petition and that, to the best of his or her knowledge, each signature is the signature of the person whose name it purports to be and that the address given opposite that person's name is the true business or residence address of the person signing the petition.

...

(d) Any party-in-interest may introduce evidence regarding any pertinent matter affecting the application.



...

**Sec. 3-54. Show cause hearings.**

- (a) When matters are brought to the attention of the Authority which, if substantiated, constitute a violation of this Chapter or of C.R.S. Title 44, Articles 3, 4 and 5, or the rules and regulations relating thereto, the Authority shall promptly notify the licensee, in writing, by mail or personal delivery, of the date and time established for a show cause hearing at which time the licensee will be required to show cause why a penalty should not be levied if a violation is found.

...

**Sec. 3-55. Aggravating and mitigating factors considered at show cause hearings.**

- (a) In all cases where a violation(s) of the applicable state or local laws is found at a show cause hearing, the Authority shall consider evidence and statements in mitigation and in aggravation of the violation(s) prior to determining the appropriate penalty. Such evidence and statements may relate to and include, but not be limited to, the following factors:

- (1) Seriousness of the violation;
- (2) Corrective action taken by the licensee after the violation;
- (3) Prior violations at the licensed premises by the licensee or the licensee's employees and the effectiveness of prior corrective action;
- (4) Prior violations at the licensed premises by a prior licensee or the prior licensee's employees, and the sanctions imposed for such violations, if the current licensee or any of the current licensee's owners, partners, shareholders, directors, officers or managers held an ownership interest of five (5) percent or more in the entity holding such prior license;

...

**Sec. 3-56. Appeals.**

The decisions of the Local Licensing Authority shall in all cases be final and conclusive. A decision of the Authority may only be reviewed by the District Court in accordance with the Colorado Rules of Civil Procedure. There shall be no stay of execution of the Authority's decision pending review by the District Court, except by court order.

**ARTICLE III.  
LICENSES, TAXES, REGULATIONS AND PROCEDURES**

**Sec. 3-71. License required.**

It shall be unlawful for any person within the City to manufacture, sell, offer, serve or possess for sale any alcohol beverages unless licensed or permitted to do so as provided by this Chapter and the applicable provisions of C.R.S. Title 44, Articles 3, 4 and 5.

...

### **Sec. 3-73. Applications.**

(a) All applications for alcohol beverage licenses shall be filed with the City Clerk. Any person applying for such license shall file the state license application form and the local license application forms, if any, all of which shall be filled out and completed in all material detail, including all exhibits that may be required to be attached in accordance with any local requirements. Incomplete or erroneous applications shall be rejected. All application forms shall be typewritten or printed in black or blue ink. All other information or exhibits submitted shall be typewritten or printed in black or blue ink except plans and specifications which may be required.

(b) The City Clerk shall establish application filing deadlines to allow sufficient time for completion of investigations, posting and publishing notice of hearings, if applicable, and taking such other action as is necessary prior to the Authority's consideration of the application.

### **Sec. 3-74. Application fees.**

(a) Application fees shall be set by the Authority as expressly allowed in C.R.S. Title 44, Articles 3, 4 and 5 payable to and collected by the City Clerk on behalf of the City. The Authority shall provide to the City Clerk a true and correct copy of all application fees set by the Authority in advance of implementing said fees.

(b) These fees shall be nonrefundable. These fees shall be in addition to any fees imposed by the State.

...

### **Sec. 3-76. Occupation tax.**

...

(b) The following annual occupation taxes are hereby established and shall be paid by the applicant or licensee to the City:

<i><b>License</b></i>	<i><b>Occupation Tax</b></i>
(1) Retail liquor store license	\$ 750.
(2) Liquor-licensed drugstore license	750.
(3) Beer and wine license	800.
(4) Hotel and restaurant license	1,600.
(5) Tavern license	1,600.
(6) Brew pub license	1,600.

(7) Club license	800.
(8) Arts license	150.
(9) All licenses to sell fermented malt beverages for consumption both on and off the premises	750.
(10) All licenses to sell only fermented malt beverages by the drink for consumption on the premises	750.
(11) All licenses to sell only fermented malt beverages and vinous products in their original containers for consumption off the premises	750.
(12) Optional premises license (not associated with a hotel and restaurant license)	1,600.
(13) Vintner's restaurant license	1,600.
(14) Lodging and entertainment license	1,600.
(15) Distillery pub license	1,600.

...

### **Sec. 3-78. Modification of premises.**

...

(b) Requests for changes, alterations or modifications of the licensed premises shall be on such forms as are provided by the state licensing authority and, in addition, on such forms as may be provided by the City, if any. The request shall be accompanied by plans and specifications, on pages not larger than eight and one-half (8½) inches by eleven (11) inches, which shall be sufficient to advise the Authority of the scope and nature of the proposed request and must include the identification of areas where alcohol will be served and stored.

### **Sec. 3-79. Change of location.**

No license issued by the Authority shall be transferred to another location howsoever proximate without the approval of the Authority. The policies and procedures for such transfer of location of licensed premises shall be the same as those for the issuance of new licenses, except information and investigation regarding the applicant shall not be required. An application fee as provided in § 3-74 shall be charged.

...

### **Sec. 3-81. Report of disturbances.**

...

(b) Each licensee and permit holder shall post and keep visible at all times to the public in a conspicuous place on the premises, a sign with a minimum height of fourteen (14) inches and a minimum width of eleven (11) inches with each letter to be a minimum of one-half (½) inch in height, which shall read as follows:

“WARNING: Fort Collins Police Services must be notified of all disorderly acts, conduct or disturbances and all unlawful activities which occur on or within the premises of this licensed establishment.”

...

### **Sec. 3-83. Temporary permit.**

...

(b) If the next regularly scheduled meeting of the Authority will not be held within five (5) working days of the receipt by the City Clerk of an application for a temporary permit under this Section, the City Clerk shall issue the temporary permit requested by such an application provided the Clerk first determines the following:

(1) That the applicant is in compliance with all applicable provisions of C.R.S. § 44-3-303; and

(2) That a preliminary background check conducted by Police Services of the applicant and its officers, directors and owners having a ten (10) -percent or more ownership interest indicates that such persons have not been convicted of a felony or an offense involving moral turpitude.

a. If either of these determinations cannot be made by the City Clerk with respect to any application that the Clerk has authority to consider under this Subsection (b), the Clerk shall not issue a temporary permit.

...

### **Sec. 3-84. Optional premises licenses.**

...

(e) When submitting a request for the approval of an optional premises license, an applicant shall also submit the following information:

...

(3) A description of the provisions which have been made for storing alcohol beverages in a secured area on or off the optional premises for the future use on the optional premises.

...

### **Sec. 3-85. Distance restrictions.**

The distance restrictions imposed by C.R.S. § 44-3-313(1)(d)(I), prohibiting the sale of alcohol beverages within five hundred (500) feet of the principal campus of any college or university, are eliminated for any class of retail license except the retail liquor store license and the liquor-licensed drugstore license, but only with respect to the distance between the proposed licensed premises and the properties owned by the State Board of Agriculture for the benefit and use of Colorado State University. Except as said distance restrictions are hereby eliminated with respect to properties of Colorado State University, said distance restrictions shall continue in full force and effect as they pertain to any other public or parochial school or the principal campus of any other college, university or seminary.

**Sec. 3-86. Bed and breakfast permit; exemptions.**

(a) A person operating a bed and breakfast with not more than twenty (20) sleeping rooms that offers complimentary alcohol beverages for consumption only on the premises and only by overnight guests may be issued a bed and breakfast permit. A bed and breakfast licensee shall not sell alcohol beverages by the drink and shall not serve alcohol beverages for more than four (4) hours in any one (1) day.

(b) An applicant for a bed and breakfast permit is exempt from the provisions of Paragraphs 3-53(c)(4) and (5), but is subject to all other requirements of this Chapter.

**Sec. 3-87. Tastings authorized; permit required.**

(a) Tastings are authorized on the licensed premises of a retail liquor store licensee, a liquor-licensed drugstore licensee or a fermented malt beverage and wine retailer licensee within the City in accordance with C.R.S. § 44-3-301(10), 1 CCR 203-2:47-313, and subject to the provisions of this Chapter.

...

(d) Retail liquor store licensees, liquor-licensed drugstore licensees and fermented malt beverage and wine retailer licensees desiring to conduct tastings shall submit a tastings permit application to the City.

(e) The Authority shall establish procedures for obtaining a tastings permit, which procedures shall include, without limitation, conducting a noticed public hearing before the Authority at which hearing the applicant must establish that the applicant is able to conduct tastings without violating the provisions of this Chapter. The Authority may deny the application and any renewal application if it finds that the applicant has violated any provision of the Colorado Liquor Code, Colorado Code of Regulations or this Code pertaining to alcohol sales and service in the previous two (2) years, if the applicant has not established the ability to conduct tastings in accordance with the provisions of this Chapter or if the Authority finds that the proposed tastings would create a public safety risk to the neighborhood. The notice required prior to the issuance of the permit shall be posted and published as required by C.R.S. § 44-3-311.

- (f) The forms for the tastings permit application, the renewal application and the tastings permit shall be prescribed by the Authority. These forms shall include, without limitation, a schedule of the dates and times of the tastings to be conducted on the licensed premises during the term of the permit. The licensee may deviate from the approved schedule, provided that:
  - (1) The licensee gives the City Clerk and the City's liquor enforcement officer seven (7) days' prior written notice of such deviation; and
  - (2) Such deviation does not violate any provision of this Chapter, the Colorado Liquor Code, Colorado Code of Regulations or any other state requirement or municipal ordinance or regulation. An applicant for a tastings permit must also include with the filing of the initial and any renewal application, and keep current with the City Clerk's office at all times, written proof that the licensee and each employee of the licensee who will be conducting the tastings have completed a server training program for tastings that meets the standards required by state law.
- (g) Renewal of a tastings permit shall be concurrent with the renewal of licenses for retail liquor stores, liquor-licensed drugstores and fermented malt beverage and wine retailers. A licensee's initial tastings permit shall expire on the same date as the date of the licensee's retail liquor store, liquor-licensed drugstore, or fermented malt beverage and wine retailer license expires. The initial tastings permit application fee shall not be prorated if the permit expires in less than a year. Tastings permit renewal forms shall be submitted to the City Clerk.
- (h) A tastings permit shall be conspicuously and prominently posted by the licensee on the licensed premises at all times during business hours.
- (i) A tastings permit shall only be issued to a retail liquor store, a liquor-licensed drugstore or a fermented malt beverage and wine retailer licensee whose license is valid, not subject to a current or pending enforcement action by the City or the State and in full force and effect.

**Sec. 3-88. Limitations on tastings.**

- (a) Tastings within the City shall be subject to the following limitations:
  - (1) Tastings shall be conducted only by a person who has completed a server training program that meets the standards established by the liquor enforcement division of the Colorado Department of Revenue and is a retail liquor store, a liquor-licensed drugstore, or fermented malt beverage and wine retailer licensee, or an employee of a retail liquor store, liquor-licensed drugstore, or fermented malt beverage and wine retailer licensee, or a representative, employee, or agent of the licensed wholesaler, brew pub, distillery pub, manufacturer, limited winery, importer, or vintner's restaurant promoting the alcohol beverages for the tasting only on a licensee's licensed premises, and only offering tastings of the type of alcohol which that particular type of licensee is authorized to sell;

...

(3) The size of an individual alcohol sample shall not exceed one (1) ounce of malt or vinous liquor or one-half (½) of an ounce of spirituous liquor;

...

(7) The licensee shall promptly remove all open and unconsumed alcohol beverage samples from the licensed premises, or shall destroy the samples immediately following the completion of the tastings, or store any open containers of unconsumed alcohol beverages in a secure area outside the sales area of the licensed premises for use at a tasting at a later time or date;

...

### **Sec. 3-89. Violations of tastings permit.**

- (a) A violation of a limitation specified in §§ 3-87 and 3-88 of this Article or a permit issued thereunder or in C.R.S. § 44-3-301(10), by a retail liquor store, or a liquor-licensed drugstore licensee, or fermented malt beverage and wine retailer licensee whether by the licensee's employees, agents or otherwise, shall be the responsibility of the retail liquor store, liquor-licensed drugstore, or fermented malt beverage and wine retailer licensee who is conducting the tasting.
- (b) Retail liquor store, liquor-licensed drugstore and fermented malt beverage and wine retailer licensees conducting a tasting shall be subject to the same revocation, suspension and enforcement provisions as otherwise apply to those licensees by the Authority. The Authority shall conduct a hearing with regard to any violation of § 3-87 and/or § 3-88 of this Article in accordance with this Code, the Authority's rules and regulations and C.R.S. § 44-3-601.
- (c) Nothing in this Chapter shall affect the ability of a Colorado winery licensed pursuant to C.R.S. §§ 44-3-402 or 44-3-403, to conduct a tasting pursuant to the authority of C.R.S. §§ 44-3-402(2) or 44-3-403.

### **Sec. 3-90. Retail Establishment Permit**

- (a) A person operating a qualified retail establishment within the City may be issued a retail establishment permit to serve complimentary alcohol beverages for consumption on their premises in accordance with and subject to the provisions in C.R.S. § 44-3-424, the Colorado Liquor Rules and this Chapter.
- (b) The Authority is authorized to issue retail establishment permits in accordance with the requirements of this Section.
- (c) It shall be unlawful for any retail establishment to conduct alcohol beverage service within the City without having first received a permit issued in accordance with this Section.

(d) Retail establishments desiring to conduct complimentary alcohol beverage service within the confines of this permit limitations shall submit a retail establishment permit application to the City.

(e) The Authority shall establish procedures for obtaining a retail establishment permit. The Authority may deny the application and any renewal application if it finds that the applicant fails to establish that it is able to offer complimentary alcohol beverages without violating C.R.S. § 44-3-424, or creating a public safety risk to the neighborhood of the applicant's retail establishment.

(f) The forms for the retail establishment permit application, the renewal application and the retail establishment permit shall be prescribed by the Authority. These forms shall include, without limitation, a schedule of the dates and times of the complimentary alcohol service to be conducted on the premises during the term of the permit.

## **ARTICLE IV. ENTERTAINMENT DISTRICT**

### *Division 1 General*

#### **Sec. 3-101. Purpose.**

The purpose of this Article is to recognize the City Council's authority to create entertainment districts in the City and to allow the Authority to approve and regulate promotional associations and common consumption areas within the entertainment districts.

...

#### **Sec. 3-103. Definitions.**

...

*Entertainment district* shall have the same meaning as "entertainment district" defined under C.R.S. § 44-3-103(15).

...

#### **Sec. 3-106. Application.**

All applications for a common consumption area, certification and recertification of a promotional association, and attachment by a liquor license to a common consumption area of a certified promotional association shall be filed with the City Clerk. All forms must be complete, including all requisite exhibits in accordance with local requirements. Incomplete or erroneous applications will be rejected.



...

*Division 2*  
*Approved Entertainment Districts*

**Sec. 3-120. Entertainment District No. 1.**

(a) There is hereby created Entertainment District No. 1, comprised of approximately 4.68 acres of property located east of College Avenue, northwest of Pine Street, northeast of Jefferson Street, northwest of Linden Street and southwest of the Union Pacific railroad tracks, Larimer County, State of Colorado. A map showing the location of Entertainment District No. 1 is on file in the office of the City Clerk and shall be made available for public inspection upon request.

(b) No promotional association, nor any agent, manager or employee thereof, may serve, sell or consume any alcohol beverage within Entertainment District No. 1 between the hours of 2:00 a.m. and 7:00 a.m.

Section 3. That Chapter 17, Article IV of the Code of the City of Fort Collins is hereby amended by the addition of a new Section 17-70 which reads in its entirety as follows:

**Sec. 17-70. Fraudulent Identification Documents Prohibited.**

(a) No person shall:

(1) Possess a lawfully issued driver's, minor driver's, or temporary driver's license or instruction permit, knowing that such license or permit has been falsely altered by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or any other means so that such license or permit in its thus altered form falsely appears or purports to be in all respects an authentic and lawfully issued license or permit.

(2) Display or represent as being such person's own any driver's, minor driver's, or temporary driver's license or any instruction permit which was lawfully issued to another person.

(3) Permit any unlawful use of a driver's license issued to such person.

(4) Display, cause or permit to be displayed, or have in that person's possession any surrendered, fictitious, fraudulently altered, or fraudulently obtained identification card.

(5) Lend that person's identification card to another person or knowingly permit the use thereof by another.

(6) Display or represent any identification card to another not issued to that person as being that person's card.

(7) Permit any unlawful use of an identification card issued to that person.

(8) Photograph, photostat, duplicate, or in any way reproduce any driver's license or identification card or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or have in that person's possession any such photograph, photostat, duplicate, reproduction, or facsimile unless authorized by law.

(b) For the purposes of this Section, the following words, terms and phrases, shall have the meanings ascribed to them:

(1) *Driver's license, minor driver's license, or temporary driver's license or instruction permit* shall mean a document issued by any national, state or local government permitting a person to drive a motor vehicle.

(2) *Identification card or Identification documents* shall mean documents that were issued for the purpose of identifying the person to whom the document was issued. Such documents include, without limitation, documents issued by governmental agencies that contain identifying data such as the date and place of birth of the person identified;; and official identification cards.

(3) An identification document, driver's license, minor driver's license, or temporary driver's license or instruction permit is *of another person* if it was validly issued, but for a person other than the possessor.

(c) A liquor licensee, or an employee of a liquor licensee, may seize and hold for evidence any identification referenced in this Section if acting in good faith and upon probable cause to believe that the identification is possessed or displayed or presented in violation of this Section.

(d) An offense under subsection (a)(5), (a)(6), (a)(7) or (a)(8) of this Section is a petty offense punishable in accordance with § 1-15(h).

Section 4. That Section 17-141 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 17-141. Carrying or drinking alcohol or fermented malt beverages in certain places.**

(a) No person shall carry or have any opened container of alcohol or fermented malt beverage on any street, sidewalk, alley or other public place, in any automobile or on the grounds or in the facilities of any public or private school, college or university except where authorized by the City Manager or their designee of such place or the governing authority of such institution.

...

(d) As used in this Section:

...

*Opened container* shall mean any container other than the original, closed container as sealed or closed for sale to the public by the manufacturer or the bottler of the alcohol, vinous liquor or fermented malt beverage. If an original container has been unsealed, undone or opened in any manner, it shall be considered an *opened container* for purposes of this Section, except, with regard to vinous liquors only, where the container has been opened and resealed in compliance with C.R.S. §44-3-423(1), and such resealed container remains sealed and is not present in the front driver or passenger compartment of an automobile. Also, if any alcohol or fermented malt beverage has been transferred from its original container into another container, whether that other container is closed or sealed in any way, the container into which the alcohol or fermented malt beverage has been transferred shall be deemed to be an *opened container* under this definition, unless otherwise authorized by law.

Section 5. That Chapter 17, Article IX of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 17-161. Definitions.**

For the purposes of this Article, the following words, terms and phrases shall have the meanings ascribed to them in this Section:

*Ethyl alcohol* shall mean any substance which is or contains ethyl alcohol and includes fermented malt beverage, malt liquor, vinous liquor and spirituous liquor as defined in the Colorado Liquor Code, Colorado Beer and Wine Code and the Colorado Liquor Rules.

*Marijuana* shall have the same definition as in § 17-190.

...

*Private place* shall have the same definition as in § 17-130.

...

**Sec. 17-167. Underage possession or consumption of alcohol prohibited.**

...

(3) The person was a student who tasted but did not imbibe an alcohol beverage only while under the direct supervision of an instructor. Such instructor must have been at least twenty-one (21) years of age and employed by a post-secondary school. Such student shall have been enrolled in a university or a post-secondary school accredited or certified by an agency recognized by the United States Department of Education, or a nationally recognized accrediting agency or association, or the "Private Occupational Education Act of 1981", C.R.S. Article 64 of Title 23. Such student must have participated in a culinary arts, food service, or restaurant management degree program, and must have tasted but not imbibed the alcohol beverage for instructional purposes as a part of a required course in

which the alcohol beverage, except the portion the student tasted, remained under the control of the instructor;

- (g) The Municipal Court shall report violations of this Section and the failure to complete an alcohol education program to the Colorado Department of Revenue pursuant to C.R.S., Part 1 in Title 42 of Article 2.

...

**Sec. 17-168. Social host for ethyl alcohol or marijuana possession or consumption by persons under twenty-one years of age.**

(3) A person who consumed ethyl alcohol was a student who tasted but did not imbibe an alcohol beverage only while under the direct supervision of an instructor. Such instructor must have been at least twenty-one (21) years of age and employed by a post-secondary school. Such student shall have been enrolled in a university or a post-secondary school accredited or certified by an agency recognized by the United States Department of Education, or a nationally recognized accrediting agency or association, or the "Private Occupational Education Act of 1981", C.R.S. Article 64 of Title 23. Such student must have participated in a culinary arts, food service, or restaurant management degree program, and must have tasted but not imbibed the alcohol beverage for instructional purposes as a part of a required course in which the alcohol beverage, except the portion the student tasted, remained under the control of the instructor;

...

**Sec. 17-169. Underage Sales Prohibited.**

No person may sell, serve, deliver, exchange, give away, or cause or permit the sale, serving, delivering, giving, or procuring of, any ethyl alcohol to a person under twenty-one (21) years of age.

**Sec. 17-170. Misrepresentation of Age Prohibited.**

(a) No person may obtain or attempt to obtain any ethyl alcohol by misrepresentation of their age or by any other method in any place where ethyl alcohol is sold when a person is under twenty-one (21) years of age.

(b) A liquor licensee, or an employee of a liquor licensee, may seize and hold for evidence any identification if acting in good faith and upon probable cause to believe that the identification is possessed or displayed or presented in violation of this section.

Introduced, considered favorably on first reading and ordered published this 5th day of December, 2023, and to be presented for final passage on the 19th day of December, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 19th day of December, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

December 19, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Jennifer Poznanovic, Senior Revenue Manager  
Ryan Malarky, Assistant City Attorney

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### SUBJECT

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

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### EXECUTIVE SUMMARY

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

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

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

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### BACKGROUND / DISCUSSION

On August 15, 2023, Council adopted Resolution 2023-074 to refer a ballot measure to the City's voters at the November 7, 2023, regular election. The ballot measure proposed to increase the rate of the City's sales and use tax rate by the addition of a 0.50% sales and use tax.

On November 7, 2023, Fort Collins's voters approved the 0.50% sales and use tax with the revenue pledged for specific purposes as set forth in the ballot measure. The tax is effective January 1, 2024, and will bring the City's cumulative sales and use tax rate to 4.35% (with the use tax rate for manufacturing equipment remaining at 3%). The tax expires at midnight on December 31, 2050. Below is the ballot language that more specifically sets out the limitations on use of the revenue:

### City-Initiated Ballot Issue No. 1

SHALL CITY OF FORT COLLINS TAXES BE INCREASED BY \$23,800,000 IN THE FIRST FULL FISCAL YEAR (2024), AND BY SUCH AMOUNTS COLLECTED ANNUALLY THEREAFTER, FROM A .50% SALES AND USE TAX BEGINNING JANUARY 1, 2024, AND ENDING AT MIDNIGHT ON DECEMBER 31, 2050, WITH THE TAX REVENUES SPENT ONLY FOR THE FOLLOWING:

- 50% FOR THE REPLACEMENT, UPGRADE, MAINTENANCE, AND ACCESSIBILITY OF PARKS FACILITIES AND FOR THE REPLACEMENT AND CONSTRUCTION OF INDOOR AND OUTDOOR RECREATION AND POOL FACILITIES,
- 25% FOR PROGRAMS AND PROJECTS ADVANCING GREENHOUSE GAS AND AIR POLLUTION REDUCTION, THE CITY’S 2030 GOAL OF 100% RENEWABLE ELECTRICITY, AND THE CITY’S 2050 GOAL OF COMMUNITY-WIDE CARBON NEUTRALITY, AND
- 25% FOR THE CITY’S TRANSIT SYSTEM, INCLUDING, WITHOUT LIMITATION, INFRASTRUCTURE IMPROVEMENTS, PURCHASE OF EQUIPMENT, AND UPGRADED AND EXPANDED SERVICES;

AND WHILE CITY COUNCIL MAY EXERCISE ITS DISCRETION IN DECIDING THE TIMING OF SPENDING FOR EACH CATEGORY, THAT SPENDING SHALL SUPPLEMENT AND NOT REPLACE THE CURRENT CITY FUNDING FOR THE SPECIFIED PURPOSES AND SHALL BE RECONCILED TO THE STATED PERCENTAGES BY THE END OF 2030, 2040, AND WHEN THE LAST REVENUES COLLECTED FROM THE TAX ARE SPENT, BUT THIS TAX SHALL NOT APPLY TO:

- ITEMS EXEMPT UNDER THE CITY CODE FROM CITY SALES AND USE TAX;
- FOOD FOR HOME CONSUMPTION; AND
- MANUFACTURING EQUIPMENT, BUT FOR THE USE TAX ONLY;

AND WITH ALL THE TAX REVENUES, AND INVESTMENT EARNINGS THEREON, TO BE COLLECTED, RETAINED, AND SPENT AS A VOTER-APPROVED REVENUE CHANGE NOTWITHSTANDING THE SPENDING AND REVENUE LIMITATIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

#### **CITY FINANCIAL IMPACTS**

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The 0.50% sales and use tax is estimated to generate \$23.8 million dollars in the first full fiscal year (2024).

#### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

#### **PUBLIC OUTREACH**

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None.

## ATTACHMENTS

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First Reading attachments not included.

1. Ordinance for Consideration



ORDINANCE NO. 168, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING ARTICLE III OF CHAPTER 25 OF THE CODE OF THE CITY  
OF FORT COLLINS FOR THE VOTER APPROVED ONE-HALF CENT  
SALES TAX RATE INCREASE EFFECTIVE JANUARY 1, 2024

WHEREAS, Article XX, Section 6.g. of the Colorado Constitution grants to the City of Fort Collins, as a home rule municipality, all powers necessary to levy and collect taxes for municipal purposes, subject to any limitations in the Colorado Constitution; and

WHEREAS, on November 16, 1967, the City Council in the exercise of its home rule taxing powers, adopted Ordinance No. 058, 1967, to levy, collect, and enforce beginning on January 1, 1968, a sales and use tax on the purchase of tangible personal property sold at retail in the City and on certain taxable services provided in the City (the “Sales and Use Tax Code”); and

WHEREAS, the Sales and Use Tax Code is currently found in Article III of City Code Chapter 25, which has been significantly amended many times since its adoption in 1967; and

WHEREAS, on August 15, 2023, the City Council adopted Resolution 2023-074 to refer to the City’s voters at the City’s November 7, 2023, regular election, a ballot measure to increase the rate of the City’s then existing sales and use tax by the addition of a fifty one-hundredths (0.50) percent sales and use tax beginning on January 1, 2024, and ending at midnight on December 31, 2050, which the City’s voters approved; and

WHEREAS, City staff is recommending the City Code be amended to include the new tax rate as a result of the voter approval of the ballot measure; and

WHEREAS, City staff is also recommending the City Code be amended to remove reference to an eighty-five one-hundredths (0.85) percent tax to be used in accordance with the terms and conditions of Ordinance No. 126, 2010, said tax having expired at midnight on December 31, 2020, and automatically replaced by an eighty-five one-hundredths tax approved by the voters at the City’s regular election held on April 2, 2019; and

WHEREAS, the City Council hereby finds that amending the Sales and Use Tax Code as proposed in this Ordinance is in the best interests of the City and its taxpayers and promotes the health, safety, and welfare of the community by providing for the accurate and efficient imposition, collection, and enforcement of the City’s sales and use taxes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 25-75 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 25-75. Rate of tax.**

(a) The amount of tax hereby levied is four and thirty-five hundredths (4.35) percent of the purchase price of tangible personal property and taxable services except that the amount of use tax levied on manufacturing equipment is three (3) percent of the purchase price. This tax is composed of a rate of two and twenty-five hundredths (2.25) percent that does not expire and is not restricted in the use of its proceeds and the remaining rate of two and ten hundredths (2.10) percent is comprised of the following voter-approved taxes:

- (1) A twenty-five one-hundredths (0.25) percent tax that expires at midnight on December 31, 2030, the proceeds of which are to be used for the purposes of acquiring, operating and maintaining open spaces, community separators, natural areas, wildlife habitat, riparian areas, wetlands and valued agricultural lands, and to provide for the appropriate use and enjoyment of these areas by the citizenry, pursuant to the provisions of the Citizen-Initiated Ordinance No. 1, 2002;
- (2) A twenty-five one-hundredths (0.25) percent tax that expires at midnight on December 31, 2025, the proceeds of which are to be used for the purpose of paying the costs of planning, design, right-of-way acquisition, incidental upgrades and other costs associated with the repair and renovation of City streets, including, but not limited to, curbs, gutters, bridges, sidewalks, parkways, shoulders and medians;
- (3) A twenty-five one-hundredths (0.25) percent tax that expires at midnight on December 31, 2025, the proceeds of which are to be used for the purpose of paying the costs of planning, design, real property acquisition, and construction, the capital projects specified in the "Community Capital Improvement Program" and five (5) years of operation and maintenance for those capital projects specified in Ordinance No. 013, 2015, all of which shall be subject to the terms and conditions of Ordinance No. 013, 2015; and
- (4) An eighty-five one-hundredths (0.85) percent tax, of which the rate of twenty-five one-hundredths (0.25) percent shall expire at midnight on December 31, 2030, and its revenues shall be used to fund municipal operations and maintenance and for any other public purposes. The remaining rate of sixty one-hundredths (0.60) shall not expire and its revenues shall be used to help sustain public safety service levels and fund municipal operations and maintenance, and to fund any other public purposes, except fifteen and sixty one-hundredths (15.60) percent of these revenues shall be used to fund the fire protection and emergency services being provided by the Poudre Fire Authority (PFA) under the City's existing agreement with the Poudre Valley Fire Protection District (District), or in such other amount as the City and the District may agree, but absent an agreement between them for PFA's services, these revenues may be used as determined by City Council.
- (5) A fifty one-hundredths (0.50) percent tax beginning January 1, 2024, and that expires at midnight on December 31, 2050, the proceeds of which are to be used generally for parks and recreation facilities, greenhouse gas and air pollution goals, and for transit system purposes, as more specifically set forth in the terms and conditions of Ordinance No. 168, 2023.

Section 3. That the revenues generated by the fifty one-hundredths percent (0.50%) sales and use tax imposed pursuant to this Ordinance (the “Tax”) shall be used only for the following purposes:

- (a) Fifty percent (50%) for the replacement, upgrade, maintenance, and accessibility of parks facilities and for the replacement and construction of indoor and outdoor recreation and pool facilities;
- (b) Twenty-five percent (25%) for programs and projects advancing greenhouse gas and air pollution reduction, the City’s 2030 goal of 100% renewable electricity, and the City’s 2050 goal of community-wide carbon neutrality; and
- (c) Twenty-five percent (25%) for the City’s transit system, including, without limitation, infrastructure improvements, purchase of equipment, and upgraded and expanded services.

And while the City Council may exercise its discretion in deciding the timing of spending for each category, that said spending shall supplement and not replace the current City funding for the specified purposes and shall be reconciled to the state percentages by the end of 2030, 2040, and when the last revenues collected from the tax are spent.

Section 4. That the Tax shall not apply to: (1) all items exempt from sales and use tax under the City Code, as may be amended; (2) food for home consumption as provided by City Code Section 25-73(b)(12); and (3) for the use tax only, manufacturing equipment.

Section 5. That the full amount of the revenues, and investment earnings thereon, derived from the Tax may be retained by the City, notwithstanding any state revenue or expenditure limitations including, but not limited to, those contained in Article X, Section 20 of the Colorado Constitution.

Section 6. That new Section 25-75(a)(5) of the City Code as set forth herein shall take effect at 12:01 a.m. on January 1, 2024.

Section 7. That except as provided herein, all other provisions of Chapter 25 of the City Code shall remain unchanged and in full force and effect unless otherwise rescinded or modified by action of the City Council.

Introduced, considered favorably on first reading and ordered published this 5th day of December, 2023, and to be presented for final passage on the 19th day of December, 2023.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 19th day of December, 2023.

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Mayor

ATTEST:

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City Clerk

December 19, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Rupa Venkatesh, Assistant City Manager  
Davina Lau, Public Engagement Specialist  
Jenny Lopez Filkins, Deputy City Attorney

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### SUBJECT

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

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### EXECUTIVE SUMMARY

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

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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### BACKGROUND / DISCUSSION

During the August 8, 2023, Council work session reviewing the recommendations from the Ad Hoc Council Committee on Boards and Commissions, there was discussion concerning the Housing Catalyst's request for ex-officio representation on the Affordable Housing Board (AHB). Council expressed interest in changing the City Code to allow an ex-officio representative from the Housing Catalyst to serve on the Affordable Housing Board. After the work session, direction was given for staff to craft criteria for Council to consider when a request is made to add an ex-officio, nonvoting member to a board or commission.

During the October 24, 2023, Council work session, general consensus was given for the following:

An ex-officio member is an individual who serves on a board by virtue of holding a position with a non-City organization and who represents that organization when serving as an ex-officio member to a City board or commission.

- Council will formally select the entity that serves as ex-officio to the board by a Code update and the entity will then appoint. No formal appointment by the Council of the individual ex-officio member is desired.
- Ex-officio members should be non-voting members of the board.
- The entity could lend a regional expertise that the City does not have through other partnerships.

For an organization to be considered for an ex-officio seat on a board or a commission the following must apply:

- The organization must be nonpartisan and a governmental or quasi-governmental entity.
- The organization includes members or employees who are experts in the field of work that falls within the functions of the board.
- The entity's expertise is needed on an ongoing basis.
- The work of the other entity aligns with the board's functions.

The following may apply:

- The City is a party to an intergovernmental agreement with the other organization.
- The City has a financial tie to the organization.
- A City Councilmember serves as a liaison or board member to that organization.

The request for a representative from Housing Catalyst to serve on AHB meets all the above criteria.

After the October 24, 2023, Council work session, staff determined that the new Active Modes Advisory Board should form and meet to discuss their ex-officio needs and provide a recommendation to Council. The new Board will start in April 2024.

During the October 24, 2023, Council work session, Councilmembers expressed interest in eliminating all current ex-officio members from City boards and commissions, except adding an ex-officio member to the Affordable Housing Board. On September 19, 2023, Council adopted Ordinance No. 118, 2023, which eliminated ex-officio members from the Women's Advisory Board effective January 1, 2024. Currently, City Code allows ex-officio membership on the Women's Advisory Board, the Art in Public Places Board and the Water Commission. With this Ordinance, the ex-officio memberships on the Art in Public Places Board and Water Commission will be eliminated.

Similarly, each board and commission is encouraged to include an ex-officio assessment, using the criteria above, in their work plans which are due in November of every year and bring forth a recommendation for Council consideration at a future date, if one is needed.

## **CITY FINANCIAL IMPACTS**

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None.

## **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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The Affordable Housing Board unanimously supported the recommendation during their July 6, 2023, meeting for the following reasons:

- In recognition of the contributions of expertise and local knowledge of a Housing Catalyst staff or board member.
- A non-voting seat avoids conflicts of interest so that quorum can be more easily attained.
- Residency limits would not apply to this seat.

Their recommendation was also supported by the Ad Hoc Council Committee on Boards and Commissions.

## **PUBLIC OUTREACH**

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All board and commissions were given the opportunity to provide feedback on the purpose and utilization of ex-officio members and are encouraged to discuss further during the 2024 year.

## **ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 169, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 2, ARTICLE III OF THE CODE OF THE  
CITY OF FORT COLLINS TO UPDATE EX-OFFICIO MEMBER  
PROVISIONS FOR VARIOUS BOARDS AND COMMISSIONS

WHEREAS, the City has numerous boards and commissions, created by the City Council by ordinances, that perform a wide range of functions, including advising City Council and City staff on areas of particular knowledge or expertise; and

WHEREAS, on November 15, 2022, the City Council adopted Resolution 2022-122 creating an ad hoc committee on boards and commissions (“Committee”) to consider and make recommendations to improve efficiency and consistency of board and commission processes and reduce barriers to participation; and

WHEREAS, on July 19, 2023, at its final meeting, the Committee recommended to City Council several changes to the composition and functions of several advisory boards, and eliminating most one-year board member terms; and

WHEREAS, the City Council’s discussion included ex-officio membership on City boards and commissions; and

WHEREAS, an ex-officio member is an individual who serves as a non-voting member on a board or commission because of a position they hold with a non-City organization; and

WHEREAS, the Committee recommended allowing an ex-officio representative from the Housing Catalyst to serve on the Affordable Housing Board; and

WHEREAS, during its August 8, 2023, work session, City Councilmembers expressed interest in adding an ex-officio Housing Catalyst staff member to the Affordable Housing Board because of their relevant knowledge and expertise; and

WHEREAS, current City Code provisions describing the membership of the Women’s Advisory Board include ex-officio members from Colorado State University and Larimer County; and

WHEREAS, on September 19, 2023, City Council adopted Ordinance No. 118, 2023, changing the name, functions and composition of what had been the Women’s Advisory Board to the Women and Gender Equity and Advisory Board, effective January 1, 2024; and

WHEREAS, effective January 1, 2024, the membership of the Women and Gender Equity and Advisory Board will not include ex-officio members; and

WHEREAS, during its October 24, 2023, work session, Councilmembers expressed interest in uniformity and consistency in determining which boards or commissions will be allowed to include ex-officio members; and



WHEREAS, the Council work session provided input to staff about criteria to considered in determining whether a board or commission's membership should include an ex-officio members or members; and

WHEREAS, City staff has developed assessment tools and indicators for the City Council to consider in deciding whether to allow ex-officio membership on a City board or commission; and

WHEREAS, the assessment tools and indicators include whether the non-City organization has and could lend relevant regional expertise, knowledge or experience to a City board or commission through an ex-officio member, whether the non-City organization is nonpartisan, governmental or a quasi-governmental entity; whether the organization includes members or employees who are experts in areas that fall within the functions of the relevant board or commission, whether the expertise or knowledge is needed on an ongoing basis, and whether the work of the other entity aligns with the board or commission's functions; and

WHEREAS, other factors that may apply include whether the City and the organization are parties to an intergovernmental agreement, whether the City has a financial tie to the organization and whether a City Councilmember serves as a liaison or board member of the organization; and

WHEREAS, during the October 24, 2023, work session, Councilmembers expressed interest in eliminating all current ex-officio members from City boards and commissions; and

WHEREAS, during the October 24, 2023, work session, Councilmembers encouraged City staff to work with boards and commissions to provide input to City Council about ex-officio membership through their annual work plan process and bring forth a recommendation for ex-officio membership if appropriate; and

WHEREAS, the Art in Public Places Board and the Water Commission membership currently includes ex-officio members and the City Council is interested in amending the Code to eliminate the ex-officio members until such time as the City Council may amend the Code to allow ex-officio membership on this board or commission using the process described above; and

WHEREAS, the City Council finds that the proposed changes to the City Code are in the best interests of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 2-102 of the Code of the City of Fort Collins is hereby amended to read as follows:

### **Sec. 2-102. - Affordable Housing Board.**

(a) The City shall have an Affordable Housing Board, hereafter referred to in this Section as the "Board." The Board shall consist of seven (7) members. In connection with the solicitation, consideration, and appointment of members to the Board, the City Council may give preference to and consider an applicant's experience or training in, or familiarity with, affordable housing issues, including, without limitation, issues pertaining to development, finance, lending, charitable and low-income services, and general community services. It is also desirable that at least one Board member be a current or former resident of affordable housing. In addition to the seven (7) Board members appointed by the City Council, the Housing Catalyst may appoint a representative to serve as an ex officio nonvoting member to the Board. Such Housing Catalyst appointee shall not be subject to any residency requirement, nor shall the ex-officio member be considered in determining whether a quorum is present.

(b) The duties and functions of the Board shall be:

(1) To advise the City Council and City staff on all matters pertaining to affordable housing issues of concern to the City;

(2) To advise and make recommendations to City staff, the Human Services and Housing Funding Board, and the City Council concerning the expenditure of City funds for affordable housing;

(3) To aid and guide the development of City-wide affordable housing programs to address currently existing and potential affordable housing issues;

(4) To promote citizen participation and public education on City-wide affordable housing issues; and

(5) To be aware of and coordinate with the various other City boards, commissions and authorities, City departments, and other organizations and entities whose actions may affect affordable housing in the community.

Section 3. That Section 2-143 of the Code of the City of Fort Collins is hereby amended to read as follows:

### **Sec. 2-143. - Art in Public Places Board.**

(a) The City shall have an Art in Public Places Board, hereafter referred to in this Section as the "Board." The Board shall consist of seven (7) members. Three (3) of the Board members shall be arts professionals. For the purpose of this Section, arts professional shall mean a person who has either a degree in a visual arts related field and/or extensive professional experience in the visual arts. Upon the request of the City Council, the Cultural Resources Board shall recommend to the City Council arts professionals for appointment to the Board.

(b) The Board shall have the following functions:

(1) To advise and make recommendations to the City Council regarding incorporation of works of art into construction projects and regarding expenditures from the art in public places reserve account for artists, works of art and sites for placement of works of art, following established and published guidelines;

(2) To advise and make recommendations to the City Council regarding the acceptance of offers to donate art to be placed in public areas and regarding the site for placement of such donated art; and

(3) To advise and make recommendations to the Director of Community Services and the City Council as to rules, regulations, guidelines, policy, administrative and budgetary matters pertaining to the art in public places program.

Section 4. That Section 2-178 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-178. - Water Commission.**

(a) The City shall have a Water Commission, hereafter referred to in this Section as the "Commission." The Commission shall consist of nine (9) members.

(b) The general purposes of the Commission shall be to advise the City Council in matters pertaining to water, wastewater and stormwater utility policy issues and to act as a quasi-judicial body relating to certain matters. The Commission shall have the following functions:

(1) To advise the City Council regarding water rights planning, acquisition and management; service and development fees; water rental rates; annual budgets; service area delineation; master planning; development and design criteria; water conservation; public information and education; drought emergency; regulatory issues; water quality issues; and local, state and federal legislation;

(2) To act as a quasi-judicial body relating to floodplain regulation variances, stormwater fee disputes, and storm drainage design criteria variances;

(3) To provide advice and citizen input regarding proposed policies and actions affecting the customers of the water, wastewater and stormwater utilities;

(4) To advise the City Council regarding other water-related policy issues pertaining to environmental and recreational uses of water, regional and state water issues and projects and obligations to Fort Collins citizens outside of the water utility service area;

(5) To make recommendations to the City Council concerning stormwater facilities in the City, including the appropriate division of the City into separate drainage basins. These basins shall separately fund the stormwater facilities to be installed to serve each basin. The Commission shall recommend the facilities needed for each basin to provide

adequate stormwater drainage in the basin. Such recommendations shall include the following for each drainage basin:

- a. The facilities to be installed;
- b. The time and schedule for installation of facilities;
- c. The method of assessing costs of facilities to be installed against property in the basin; and
- d. The portion of the cost of facilities to be funded by the property in the basin and the portion, if any, of such cost which should be paid by the City as a whole;

Before making a recommendation for any stormwater project, the Commission shall analyze the project and compare the total benefits to be achieved with the anticipated cost of the project. Projects shall be recommended if the analysis indicates that the total benefits are greater than the cost of the project;

(6) To review and make recommendations to the City Council on a master drainage plan to be developed for stormwater facilities by the City administration, with such recommendations to include proposed methods of funding any master drainage plan as finally approved;

(7) To consider all variances and appeals from the application of the provisions of the provisions of Chapter 10 of this Code, Flood Prevention and Protection;

(8) To hear the petition of any owner or owners of property in the City who dispute the amount of the stormwater utility fee or stormwater basin fee made against such owner's property or who dispute any determination made by or on behalf of the City pursuant to and by authority of Chapter 26, Article VII of this Code and shall make such revision or modification of such charge or determination as it shall deem appropriate in accordance with § 26-520;

(9) To make recommendations to City Council regarding policy or technical matters related to stormwater management. The Commission shall make comments on policy items prepared by other City departments; and

(10) To hear the petition of any owner or owners of property in the City who dispute or seek a variance in the City's "Storm Drainage Design Criteria and Construction Standards."

(c) Final decisions of the Commission under Subsections (b)(7), (b)(8) and (b)(10) shall be subject to the right of appeal to the City Council as set forth in § 2-46 et seq.

Section 5. That the revisions to the City Code set forth in this Ordinance will go into effect on January 1, 2024.

Introduced, considered favorably on first reading and ordered published this 5th day of December, 2023, and to be presented for final passage on the 19th day of December, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 19th day of December, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

December 19, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Aaron Ehle, Airport Planning & Development Specialist  
Ryan Malarky, Assistant City Attorney

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### SUBJECT

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

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### EXECUTIVE SUMMARY

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

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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### BACKGROUND / DISCUSSION

Northern Colorado Regional Airport is a public facility jointly owned and operated by the Cities of Fort Collins and Loveland. In 2015, the Cities entered into an intergovernmental agreement ("IGA") that formed the Northern Colorado Regional Airport Commission, which delegated certain powers and authority to operate and maintain the Airport. However, only the City Councils have the authority to grant easements as permanent property rights at the Airport.

In connection with the planned upgrades to the District's water system, an agreement for a permanent non-exclusive easement for a regional waterline (the "Easement") has been negotiated by staff from the Airport, both Cities, and the District. The Easement area consists of 6.233 acres along the north and east boundaries of the Airport.

Under City Code Section 23-111, the City Council may sell, convey, exchange, or otherwise dispose of any and all interests in City-owned real property if the City Council finds, by ordinance, that such sale or disposition is in the best interests of the City. City Code Section 23-114 requires that any sale, lease or other conveyance of property must be for an amount equal to or greater than the fair market value of such interest unless the City Council or City Manager, as applicable, determines that such sale or lease serves a bona fide public purpose by meeting certain criteria.

here, the conveyance of the Easement will result in the City, at a minimum, receiving fair market value, because the District has agreed to install certain water infrastructure improvements on Airport property that will benefit the Airport.

The Airport conducted an appraisal in conformance with the guidelines and recommendations set forth in the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA), the Uniform Standards of Professional Appraisal Practice (USPAP) and the Uniform Relocation Assistance and Real Property Acquisition Act. It also conforms to the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute. The appraisal concluded that the value to the Airport of the new infrastructure on its property was approximately \$854,141. The value of the land to be encumbered by the Easement is estimated at \$327,233, resulting in a net benefit of approximately \$526,908 to the Airport.

The conveyance of the Easement is in the best interests of the City because it will allow the District to create a more robust and reliable water system that serves, in part, much of south Fort Collins. The Easement will also encourage future private development at the Airport by providing water infrastructure to areas of Airport property where such infrastructure is lacking. This future development will be in alignment with the Airport Master Plan, which has been approved by City Council.

The Airport Commission considered the conveyance of the Easement at a public meeting and voted to recommend its approval by the City Councils.

#### **CITY FINANCIAL IMPACTS**

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The Easement does not have material financial impacts to the City but does result in a net benefit to the Airport of approximately \$526,908 in new water infrastructure.

#### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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The Northern Colorado Regional Airport Commission recommended that the City Councils approve the Easement with a 5-0 vote at their September 21, 2023, meeting.

#### **PUBLIC OUTREACH**

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The item was discussed at two Airport Planning & Development Subcommittee meetings and one Airport Commission meeting, all of which are public meetings.

#### **ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance for Consideration
2. Exhibit A to Ordinance

ORDINANCE NO. 170, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE CONVEYANCE OF A PERMANENT NON-EXCLUSIVE UTILITY  
EASEMENT ON PROPERTY JOINTLY OWNED BY THE CITY OF FORT COLLINS  
AND THE CITY OF LOVELAND AT THE NORTHERN COLORADO REGIONAL  
AIRPORT TO THE FORT COLLINS-LOVELAND WATER DISTRICT

WHEREAS, the City of Fort Collins (“City”) and the City of Loveland (“Loveland”) (collectively, the “Cities”) jointly own property located in Loveland (the “Property”) known as the Northern Colorado Regional Airport (the “Airport”); and

WHEREAS, the Cities currently operate and maintain the Airport pursuant to that certain Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Airport dated January 22, 2015, as amended (the “IGA”); and

WHEREAS, in connection with the expansion of its public water systems, the Fort Collins-Loveland Water District (the “District”) has requested the Cities grant it an easement (the “Easement”) over Airport property for the installation of a regional waterline that will, in part, service residents of southern Fort Collins; and

WHEREAS, as consideration to the Airport and the Cities, the District will install water service infrastructure in locations to be determined by Airport staff that will extend service to portions of Airport property anticipated for future development in accordance with the Airport Master Plan; and

WHEREAS, a professional appraiser valued the Easement to be conveyed and the new infrastructure to benefit the Airport, and has determined that the value of the infrastructure exceeds the value of the Easement; and

WHEREAS, the Cities desire to grant the Easement on the terms and conditions more fully set forth in the Easement Agreement attached hereto as Exhibit A and incorporated herein by this reference (the “Easement Agreement”); and

WHEREAS, City Code Section 23-111(a) authorizes the City Council to sell, convey, or otherwise dispose of any interest in real property owned by the City, provided that the City Council first finds, by ordinance, that such sale or disposition is in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby finds that the City’s conveyance of the Easement in exchange for the District’s installation of water infrastructure on the Airport results in the City receiving, at a minimum, fair market value for the Easement.



Section 3. That the City Council hereby authorizes the Mayor to execute the Easement Agreement substantially in the form attached hereto as Exhibit A with such modifications or additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or effectuate the purposes of this Ordinance.

Introduced, considered favorably on first reading and ordered published this 5th day of December, 2023, and to be presented for final passage on the 19th day of December, 2023.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 19th day of December, 2023.

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Mayor

ATTEST:

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City Clerk

EASEMENT AGREEMENT

THIS AGREEMENT, made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between the City of Fort Collins, Colorado, a municipal corporation, and the City of Loveland, Colorado, a municipal corporation, hereinafter referred to jointly as “the Grantors” and Fort Collins-Loveland Water District, a quasi-municipal corporation and a political subdivision of the state of Colorado, hereinafter referred to as “the District”.

WHEREAS, Grantors jointly own and operate the Northern Colorado Regional Airport (the “Airport”) located in Loveland, Colorado on a parcel of property legally described in “Exhibit A” attached hereto and incorporated herein (hereinafter the “Grantors’ Property”); and

WHEREAS, the District desires to install, and obtain an easement for, a regional waterline under and through Grantors’ Property for connection to the portion of the District’s public water system located east of the Grantors’ Property; and

WHEREAS, as consideration for this easement, the District has agreed to install such waterline in a manner that will benefit the Airport and Grantors by bringing water infrastructure to areas of the Grantors’ Property that may be developed in the future, as further described herein.

## WITNESSETH:

For and in consideration of the mutual promises and covenants herein contained, and other good and valuable consideration, the receipt and adequacy of which is hereby confessed and acknowledged, the Grantors have granted and conveyed and by these presents do grant and convey unto the District, its successors and assigns, a permanent non-exclusive easement (the “Easement”) for the installation, construction, maintenance, inspection, operation, replacement, enlargement, and/or removal of one (1) or more domestic waterlines of such size and capacity as the District determines and all underground and surface appurtenances thereto, including without limitation metering stations and other fixtures (collectively, the “Facilities”), in, through, over, across, and upon that portion of the Grantors’ Property described and depicted below (the “Easement Area”):

See “Exhibit B” – Legal Description of Easement Area.

See “Exhibit C” – Easement Area depiction.

In addition to the foregoing grant of easement by the Grantors to the District, the Grantors further grant and convey to the District the following rights and privileges:

A. The right to grade the full width of the Easement Area and to provide no less than five feet (5’) and no more than six feet (6’) of earth cover, measured vertically from the top of any part of the waterline; provided, however, that if the District determines that more than six feet (6’) of earth cover is necessary or appropriate, the District will coordinate with Airport staff to perform such grading at a time that does not unduly interfere with Airport operations. For purposes of this Agreement, the term “Airport staff” shall mean the individual(s) designated and authorized by Grantors to make the decisions and take the actions described and directed herein. The District may rely on the information and direction given by Airport staff pursuant to this Agreement and shall have no obligation to verify that any particular individual has been duly authorized by the Grantors to provide such information and/or direction.

B. Subject to Airport security requirements and prior written consent of Airport staff which shall not be unreasonably withheld, the right of ingress and egress in, to, through, over and across the Easement Area by means of existing roads (whether public or private) located on the Grantors’ Property.

C. The right to grade, construct, maintain, and use any access roads upon the Grantors’ Property within the Easement Area for such purposes of initial construction and ongoing maintenance with prior written consent of the Airport staff in the exercise of its right of ingress and egress to and from the Easement. For any construction or alteration on the Easement or Grantors’ Property, the District will be required to complete and submit to the Federal Aviation Administration a Form 7460-1 “Notice of Proposed Construction or Alteration.”

D. To mark the location of the Easement Area and/or the waterline with paint or markers set in the ground provided that any such markers remaining after the period of construction of the Facilities shall be placed in locations which will not interfere with any reasonable use of the Easement Area by the Grantors.

E. For all of the District's access needs to the Easement Area or any other portion of Grantors' Property, such access is subject to the prior written consent of Airport staff pursuant to the Northern Colorado Regional Airport's security requirements and other applicable laws, plans, policies, and rules and regulations. It is the parties' intent to provide the District with as much access as possible to the Easement Area while complying with the various rules and regulations associated with operating an Airport.

F. All other rights necessary and incident to the full and complete use and enjoyment of the Easement for the purposes herein granted.

G. Other public utilities such as sanitary sewer, storm sewer, gas, electric, and cable lines may be installed in the Easement as long as they do not interfere with the District's rights hereunder and meet the District's requirements for separation and crossing of utilities.

The Grantors hereby covenant and agree to and with the District, its successors and assigns that:

A. Except as otherwise provided in this subparagraph A, the Grantors, their heirs, personal representatives, administrators, successors, and assigns shall not erect or place any permanent building, structure, improvement, fence, tree, berm, or hard landscaping on the Easement Area, excluding the installation of permanent paved surfaces, including but not limited to roadways and taxiways needed for Airport purposes over the Easement Area by the Grantors. In the event of the placement of any such obstacles within the Easement Area contrary to the provisions of this subparagraph A, the District shall have the right to require the Grantors to remove such disallowed obstacles from the Easement Area and, in the event the Grantors fail to do so upon request, the District may remove such obstacles at the Grantors' expense and without any liability for repair or replacement thereof. Notwithstanding the foregoing, the Grantors, their heirs, personal representatives, administrators, successors, and assigns shall have the right, without the consent of the District, to plant grasses and other groundcover and small shrubs upon the Easement Area which are usual and customary for the full use and enjoyment of the Grantor's Property. The District shall be responsible at its sole cost and expense for repair and replacement of any permanent paved surfaces and associated landscaping damaged or removed by the District.

B. The Grantors do hereby covenant and agree to and with the District that the Grantors are lawfully seized of the Easement Area and the Grantors' Property, and that the Grantors have a good and lawful right to convey the Easement to the District.

C. The District shall have the right of subjacent and lateral support to whatever extent is necessary or desirable for the full, complete and undisturbed enjoyment of the rights described in this Agreement. The Grantors shall take no action that would impair the earth cover over, or the lateral or subjacent support for, any of the Facilities within the Easement.

The District does hereby covenant and agree to and with the Grantors as follows:

A. The District will install five (5) water main stubs each fitted with a valve and a fire hydrant assembly in locations to be determined by Airport staff in writing that provide the capability to extend water service into portions of the Grantors' Property anticipated to be subject to future development. For the avoidance of doubt, all fees associated with connecting to the District's water system shall be paid by the entity desiring to make such connection.

B. The District shall not fence or otherwise enclose the Easement Area, except during periods of construction and repair.

C. All trenches and excavations made in the laying or repairing of the Facilities shall be properly backfilled and as much of the original surface soil as reasonably possible shall be placed on top. All large gravel, stones, and clods will be removed from the finished backfill. The District will finish the backfill after normal settling of the soil so that the use and enjoyment of said Easement Area by the Grantors shall be suitable for the purpose now used, subject to the District's rights hereunder. The District will maintain the trench area and the Facilities at its own cost and expense.

D. The District may not use the Easement Area or any of Grantors' Property for any purpose other than to transport, serve and distribute potable water. If the Easement is used by the District for any purpose other than stated herein, the Easement may be terminated at the Grantors' sole discretion and all of the right, title and interest of District (and District's successors or assigns) in and to the Easement become null and void, and the

Easement shall absolutely revert to and revest in Grantors as fully and completely as if this instrument had not been executed, without the necessity for suit or re-entry and District shall remove improvements. No act or omission on the part of any beneficiary of this paragraph shall be a waiver of the operation or enforcement of this paragraph.

E. Grantors reserve the right to use the Easement Area and Grantors' Property for any purposes that will not interfere with District's full enjoyment of the rights granted herein.

F. To the extent allowed by law, District agrees to indemnify and hold harmless the Grantors, their officers, employees, and agents, from and against all liability, claims, and demands on account of any injury, loss, or damage arising out of or connected with District's use of the Easement, if such injury, loss, or damage, or any portion thereof, is caused by, or claimed to be caused by, the act, omission, or other fault of the District or any officer, employee, agent, or contractor of the District, or any other person for whom the District is responsible. The District shall notify Grantors and provide a copy of any and all written claims or demands within two business days of receipt. The District's indemnification obligation shall not be construed to extend to any injury, loss, or damage caused by the negligent act or omission of the Grantors.

Written notices shall be directed as follows and shall be deemed received when hand-delivered or emailed to the then-current email address for the addressee, or three days after being sent by certified mail, return receipt requested:

If to Grantors:

City of Fort Collins  
Attn: City Manager  
City Hall West  
300 LaPorte Avenue  
Fort Collins, CO 80521

With a copy to:

City Attorney  
City of Fort Collins  
City Hall West  
300 LaPorte Avenue  
Fort Collins, CO 80521

City of Loveland  
Attn: City Manager  
500 E. Third Street  
Loveland, CO 80537

With a copy to:

City Attorney  
City of Loveland  
500 E. Third Street  
Loveland, CO 80537

If to District:

District Engineer  
Fort Collins-Loveland Water District

5150 Snead Drive  
Fort Collins, CO 80525

It is mutually agreed between the parties hereto that:

A. Except to the extent that such rights may be inconsistent with or interfere with the rights and privileges herein granted to the District, the Grantors shall retain the right to use and enjoy the Easement Area.

B. The benefit and burdens of this Agreement shall inure to and be binding upon the respective heirs, personal representatives, successors, or assigns of the parties hereto.

C. Whenever used herein, the singular shall include the plural and the plural the singular and the use of any gender shall apply to all genders.

D. This Easement is and shall be subordinate to the provision of existing and future agreements between the Grantors and the United States relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the obtaining or expenditure of federal funds for the benefit of the Airport. Grantors shall give the District adequate written notice of any future agreements that may impair any grant contained in this Agreement.

E. This Agreement contains the entire agreement of the parties relating to the subject matter hereof and, except as provided herein, may not be modified or amended except by written agreement of the parties. In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Easement. This Agreement shall be governed by the laws of the State of Colorado, and venue shall be in the County of Larimer, State of Colorado.

F. This Agreement may be executed in separate counterparts, and the counterparts taken together shall constitute the whole of this Agreement. Facsimile, scanned and other electronic signatures permitted by law, for purposes of this Agreement, shall be deemed as original signatures.

G. This Agreement shall be recorded in the real property records of the Clerk and Recorder of Larimer County, Colorado.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

## GRANTORS:

City of Fort Collins, Colorado  
A municipal corporation,

By: \_\_\_\_\_

## ATTEST:

\_\_\_\_\_  
City Clerk Date

## APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney

City of Loveland, Colorado  
A municipal corporation,

By: \_\_\_\_\_

## ATTEST:

\_\_\_\_\_  
City Clerk Date

## APPROVED AS TO FORM:

\_\_\_\_\_  
Senior Assistant City Attorney

## GRANTEE:

FORT COLLINS LOVELAND – WATER DISTRICT,  
a quasi-municipal corporation and political subdivision of the State of  
Colorado

By: Janet Butlie 11/22/2023  
District Engineer

STATE OF COLORADO )  
                                  ) ss.  
COUNTY OF LARIMER )

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of November 2023 by  
Sandra Bratlie.

Witness my hand and official seal.

My Commission Expires:

February 21, 2027

Gail Elaine Perkins  
Notary Public

GAIL ELAINE PERKINS  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20194007001  
MY COMMISSION EXPIRES FEBRUARY 21, 2027

**EXHIBIT A**  
**(Legal Description of Airport)**

Section 1:

Tract A, Barnstorm 2<sup>nd</sup> Addition, City of Loveland, County of Larimer, State of Colorado

Section 2:

Tract B, Barnstorm 2<sup>nd</sup> Addition, City of Loveland, County of Larimer, State of Colorado, Less Barnstorm 1<sup>st</sup> Subdivision, Less FNL Condominiums, a leasehold condominium, less 20090028294 (Fort-Love Hangar Condos), Less ROW 20050071130-031, Less ROW 20190050171

Section 3:

Lots 1 and 2, Barnstorm 1<sup>st</sup> Subdivision, City of Loveland, County of Larimer, State of Colorado

Section 4:

That portion of the N 1/2 of Section 28, Township 6 North, Range 68 West of the 6th P.M., more particularly described as follows: Considering the North line of the NW 1/4 of said Section 28 as bearing East and West and with all bearings contained herein relative thereto: BEGINNING at the Northwest corner of said Section 28; thence along the North line of said Section 28 East 820.14 feet to the TRUE POINT OF BEGINNING; thence S28° 47'E 164.69 feet; thence S41°55'E 152.85 feet; thence S0°09'E 157.83 feet; thence East 231.41 feet to a point on the centerline of the Loudon Ditch as it now exists; thence along said centerline through the following courses and distances; S19°30'E 131.00 feet; thence S14°30'E 150 feet to the beginning of a tangent curve concave to the Northeast having a central angle of 39°44' and a radius of 217.0 feet; thence Southeasterly along the arc of said curve 150.48 feet to the end of said curve; thence tangent from said curve S54°14'E 115.00 feet to the beginning of a tangent curve concave to the North having a central angle of 43°06' and a radius of 91.0 feet; thence Southeasterly along the arc of said curve 68.45 feet to the end of said curve; thence Northerly 889.68 feet to a point on the North line of said Section 28, said point being 1525.26 feet East of the Northwest corner of said Section 28; thence West along North line of said Section 28, 705.12 feet to POINT OF BEGINNING, subject to easement and right-of-way for the Loudon Ditch; subject to easement and right of way for County Road No. 30; and subject to easement and right of way granted to Poudre Valley Rural Electric Association in Book 2065 at Page 628; in the County of Larimer, State of Colorado.



**EXHIBIT B**

**Legal Description of Easement Area**

**[Attached]**

B1 – North Half

B2 – South Half

EXHIBIT "B-1"

EXHIBIT DESCRIPTION

PARCEL ONE

Being a portion of Tract B of Barnstorm Second Addition to the City of Loveland, Colorado, as recorded August 12, 1986 at Reception No. 86044345 in the Larimer County Clerk and Recorder's Office, located in Section 28, Township 6 North, Range 68 West of the Sixth Principal Meridian, City of Loveland, County of Larimer, State of Colorado, being more particularly described as follows:

COMMENCING at the West Quarter Corner of said Section 28, as monumented by a 2-1/2" aluminum cap on 3/4" rebar, LS5028, 2005, which bears South 00° 05' 42" West, a distance of 2692.36 feet from the Northwest Corner of said Section 28, as monumented by a 3/4" rebar with 2-1/2" aluminum cap, LS29407, 2009, with all bearings herein relative thereto;

Thence North 04°57'17" East a distance of 1056.16 feet to a point on the South Line of that easement recorded at Book 2183 Page 570 in the Larimer County Clerk and Recorder's Office, the POINT OF BEGINNING;

Thence on the South, East, and North lines of said easement the following three (3) courses and distances:

- 1. Thence South 89°54'18" East a distance of 79.53 feet;
- 2. Thence North 00°05'42" East a distance of 80.00 feet;
- 3. Thence North 89°54'17" West a distance of 99.00 feet;

Thence departing the North Line of said easement, North 00°05'42" East a distance of 1330.95 feet, parallel with and 20.00 feet east of the East Right-of-Way of Larimer County Road No. 9 as described at said Reception No. 86044345;

Thence South 89°42'48" West a distance of 20.00 feet to said East Right-of-Way of County Road No. 9;

Thence on said East Right-of-Way, North 00°05'42" East a distance of 20.00 feet;

Thence departing said East Right-of-Way, North 89°42'48" East a distance of 20.00 feet;

Thence North 00°05'42" East a distance of 60.09 feet, parallel with and 20.00 feet east of said East Right-of-Way;

Thence parallel with and 10' south of the Southerly Line of that easement described at Book 1846 Page 99 in the Larimer County Clerk and Recorder's Office the following two (2) courses and distances:

- 1. Thence South 87°05'52" East a distance of 425.83;
- 2. Thence South 63°38'22" East a distance of 282.17 feet;

Thence South 41°38'14" East a distance of 885.57 feet;

Thence South 64°54'17" East a distance of 3.76 feet to said Southerly Line;

Thence on said Southerly Line, South 64°54'17" East a distance of 305.33 feet;

Thence departing said Southerly Line, South 38°02'34" East 824.65 feet;

Thence South 28°31'44" East a distance of 12.46 feet;

Thence South 35°01'46" East a distance of 43.02 feet;

Thence South 41°31'48" East a distance of 697.12 feet to said Southerly Line;

Thence on said Southerly Line, South 00°24'44" West a distance of 517.90 feet;

Thence departing said Southerly Line, South 44°35'16" East a distance of 36.87 feet;

Thence South 87°33'33" East a distance of 1871.67 feet, parallel with and 25.13 feet south of said Southerly Line of that easement described at Book 1846 Page 99 in the Larimer County Clerk and Recorder's Office;

Thence South 42°46'34" East a distance of 25.05 feet;

Thence North 47°13'26" East a distance of 36.44 feet;

Thence South 88°08'59" East a distance of 18.24 feet to the West Line of that Public Right-of-Way described at Reception No. 20190050171 in the Larimer County Clerk and Recorder's Office;

Thence on said West Line, South 02°26'27" West a distance of 20.00 feet;

Thence departing said West Line, North 88°08'59" West a distance of 9.82 feet;

Thence South 47°13'26" West a distance of 28.23 feet;

Thence South 42°46'34" East a distance of 178.18 feet;

Thence South 00°00'13" West a distance of 317.19 feet;

EXHIBIT "B-1"

EXHIBIT DESCRIPTION

PARCEL ONE

Thence South 44°59'47" East a distance of 27.85 feet;

Thence North 89°57'29" East a distance of 483.62 feet;

Thence South 44°58'36" East a distance of 47.74 feet;

Thence South 00°07'53" West a distance of 2065.53 feet to the North Right-of-Way of Earhart Road as described in Barnstorm First Subdivision to the City of Loveland, recorded at Reception No. 97053492 in the Larimer County Clerk and Recorder's Office;

Thence on said North Right-of-Way of Earhart Road, South 86°23'36" West a distance of 30.06 feet;

Thence departing said North Right-of-Way, North 00°07'53" East a distance of 17.90 feet;

Thence South 89°52'07" East a distance of 10.00 feet;

Thence North 00°07'53" West a distance of 1007.96 feet;

Thence North 89°52'07" West a distance of 10.00 feet;

Thence North 00°07'53" East a distance of 20.00 feet;

Thence South 89°52'07" East a distance of 10.00 feet;

Thence North 00°07'53" East a distance of 1013.33 feet;

Thence North 44°58'36" West a distance of 31.14 feet;

Thence South 89°57'29" West a distance of 483.62 feet;

Thence North 44°59'47" West a distance of 44.43 feet;

Thence North 00°00'13" East a distance of 243.22 feet;

Thence North 21°23'11" West a distance of 138.59 feet;

Thence North 42°46'34" West a distance of 54.45 feet;

Thence North 65°10'04" West a distance of 144.75 feet;

Thence North 87°33'33" West a distance of 207.95 feet, parallel with and 45.13 feet south of the Southerly Line of that easement described at Book 1846 Page 99 in the Larimer County Clerk and Recorder's Office;

Thence South 02°26'27" West a distance of 10.00 feet;

Thence North 87°33'33" West a distance of 20.00 feet;

Thence North 02°26'27" East a distance of 10.00 feet;

Thence North 87°33'33" West a distance of 729.82 feet, parallel with and 45.13 feet south of said Southerly Line;

Thence South 02°26'27" West a distance of 10.00 feet;

Thence North 87°33'33" West a distance of 20.00 feet;

Thence North 02°26'27" East a distance of 10.00 feet;

Thence North 87°33'33" West a distance of 316.78 feet, parallel with and 45.13 feet south of said Southerly Line;

Thence South 02°26'27" West a distance of 10.00 feet;

Thence North 87°33'33" West a distance of 20.00 feet;

Thence North 02°26'27" East a distance of 10.00 feet;

Thence North 87°33'33" West a distance of 516.00 feet, parallel with and 45.13 feet south of said Southerly Line;

Thence North 00°24'44" East a distance of 481.87 feet;

Thence North 20°33'32" West a distance of 136.00 feet;

Thence North 41°31'48" West a distance of 640.56 feet;

Thence North 28°31'44" West a distance of 18.91 feet;

Thence North 33°17'09" West a distance of 31.51 feet;

Thence North 38°02'34" West a distance of 757.03 feet;

EXHIBIT "B-1"

EXHIBIT DESCRIPTION

PARCEL ONE

Thence North 51°28'26" West a distance of 88.26 feet;

Thence North 64°54'17" West a distance of 263.06 feet, parallel with and 30.00 feet south of the Southerly Line of that easement described at Book 1846 Page 99 in the Larimer County Clerk and Recorder's Office;

Thence North 41°38'14" West a distance of 848.86 feet;

Thence North 52°38'18" West a distance of 72.51 feet;

Thence parallel with and 30.00 feet south of said Southerly Line, North 63°38'22" West a distance of 197.74 feet;

Thence North 75°22'07" West a distance of 77.25 feet;

Thence parallel with and 30.00 feet south of said Southerly Line, North 87°05'52" West a distance of 339.65 feet;

Thence South 45°02'09" West a distance of 16.36 feet;

Thence South 00°05'42" West a distance of 1357.40 feet, parallel with and 50.00 feet east of said East Right-of-Way of Larimer County Road 9;

Thence parallel with and 20.00 feet easterly of the North, East, and South lines of said easement recorded at Book 2183 Page 570 in the Larimer County Clerk and Recorder's Office, the following three (3) courses and distances:

1. Thence South 89°54'17" East for a distance of 89.00 feet;
2. Thence South 00°05'42" West for a distance of 120.00 feet;
3. Thence North 89°54'18" West for a distance of 99.53 feet;

Thence North 00°05'42" East for a distance of 20.00 feet to the POINT OF BEGINNING.

The above-described parcel contains 238,171 square feet or 5.468 acres, more or less, and is subject to any rights-of-way or other easements of record now existing on said described parcel of land.

Basis of Bearings: The West line of the Northwest Quarter of Section 28, Township 6 North, Range 68 West, of the 6th/ Principal Meridian bears North 00°05'42" East 2692.36 feet from the West Quarter Corner, being marked by a 2 1/2" Aluminum Cap on 3/4" rebar, LS5028, 2005, to the Northwest Corner, being marked by a 3/4" rebar with 3 1/4" Aluminum Cap, LS29407, 2009, based upon G.P.S. observations and modified Colorado North Zone State Plane Coordinates with a combined scale factor of 1.00027973, with all bearings herein relative thereto.

SURVEYOR'S CERTIFICATION STATEMENT

I, Peter E. Paulus, a Professional Licensed Land Surveyor in the State of Colorado, do hereby certify that this Property Description was prepared by me or under my direct personal supervision and that it is correct based upon my knowledge, information, and belief.

EXHIBIT "B-2"

EXHIBIT DESCRIPTION  
PARCEL TWO

PROPERTY DESCRIPTION

Being a portion of Barnstorm First Addition to the City of Loveland, as recorded August 18, 1997 at Reception No. 97053492 in the Larimer County Clerk and Recorder's Office, and a portion of Tract B, Barnstorm Second Addition to the City of Loveland, Colorado, as recorded August 12, 1986 at Reception No. 86044345 in the Larimer County Clerk and Recorder's Office, located in the Northeast Quarter of Section 33, Township 6 North, Range 68 West of the Sixth Principal Meridian, City of Loveland, County of Larimer, State of Colorado, being more particularly described as follows:

COMMENCING at the Northeast Corner of said Section 33, as monumented by a 3" brass cap on 2" pipe, LS13446, which bears North 00° 24' 37" West, a distance of 2599.37 feet from the East Quarter Corner of said Section 28, as monumented by a 3/4" rebar with 2" aluminum cap, LS11989, 1997, with all bearings herein relative thereto;

Thence South 52°14'37" West a distance of 95.88 feet to a point on the South Right-of-Way of Earhart Road as described in Barnstorm First Subdivision to the City of Loveland, recorded at Reception No. 97053492 in the Larimer County Clerk and Recorder's Office; the POINT OF BEGINNING;

Thence departing said South Right-of-Way, South 00°07'53" West a distance of 20.60 feet;

Thence South 47°01'19" East a distance of 43.23 feet to the West Line of that easement described at Book 2151 Page 382 in the Larimer County Clerk and Recorder's Office;

Thence on said West Line, South 00°24'37" East a distance of 1404.87 feet to the South Line of said Barnstorm First Subdivision to the City of Loveland;

Thence continuing on said West line, South 00°24'37" East a distance of 64.94 feet;

Thence departing said West line, South 45°22'06" East a distance of 63.69 feet to the East Line of said Northeast Quarter of Section 33;

Thence on said East Line of the Northeast Quarter of Section 33, South 00°24'37" East a distance of 28.31 feet;

Thence departing said East line, North 45°22'06" West a distance of 91.99 feet;

Thence North 00°24'37" West a distance of 65.96 feet, parallel with and 20.00 feet west of said West Line of that easement described at Book 2151 Page 382 in the Larimer County Clerk and Recorder's Office;

Thence South 89°35'23" West a distance of 50.00 feet;

Thence North 00°24'37" West a distance of 20.00 feet;

Thence North 89°35'23" East a distance of 20.49 feet to the West Line of said Barnstorm First Subdivision to the City of Loveland;

Thence continuing North 89°35'23" East a distance of 29.51 feet;

Thence North 00°24'37" West a distance of 1383.51 feet, parallel with and 20.00 feet west of said West Line of that easement described at Book 2151 Page 382 in the Larimer County Clerk and Recorder's Office;

Thence North 47°01'19" West a distance of 43.34 feet;

Thence North 00°07'53" West a distance of 29.62 feet to said South Right-of-Way of Earhart Road;

Thence on said South Right-of-Way, North 89°01'46" West a distance of 20.00 feet to the POINT OF BEGINNING.

The above-described parcel contains 33,317 square feet or 0.765 acres, more or less, and is subject to any rights-of-way or other easements of record now existing on said described parcel of land.

Basis of Bearings: The East line of the Northeast Quarter of Section 33, Township 6 North, Range 68 West, of the 6th Principal Meridian bears North 00°24'37" West 2599.37 feet from the East Quarter Corner, being marked by a 2" aluminum cap on 3/4" rebar, LS11989, 1997, to the Northeast Corner, being marked by a 3" aluminum cap on 2" pipe, LS13446, based upon G.P.S. observations and modified Colorado North Zone State Plane Coordinates with a combined scale factor of 1.00027973, with all bearings herein relative thereto.

SURVEYOR'S CERTIFICATION STATEMENT

I, Peter E. Paulus, a Professional Licensed Land Surveyor in the State of Colorado, do hereby certify that this Property Description was prepared by me or under my direct personal supervision and that it is correct based upon my knowledge, information, and belief.

**EXHIBIT C**

**Depiction of Easement Area**

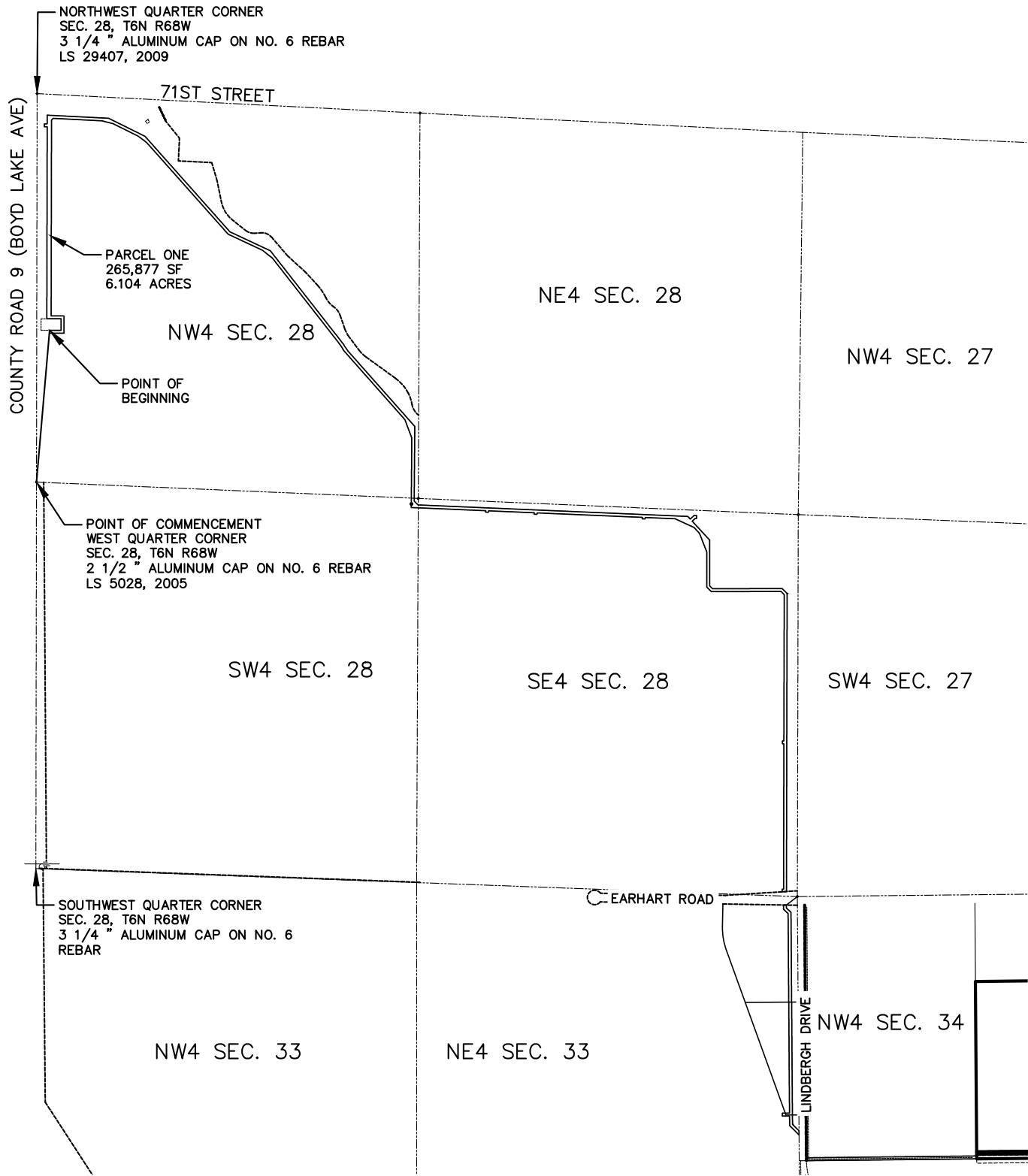
**[Attached]**

C1 – North Half

C2 – South Half

EXHIBIT "C-1"

EXHIBIT DESCRIPTION  
PARCEL ONE



NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON. (13-80-105 C.R.S. 2012)

NOTE: THIS EXHIBIT DRAWING IS NOT INTENDED TO BE A MONUMENTED LAND SURVEY. ITS SOLE PURPOSE IS AS A GRAPHIC REPRESENTATION TO AID IN THE VISUALIZATION OF THE WRITTEN PROPERTY DESCRIPTION WHICH IT ACCOMPANIES. THE WRITTEN PROPERTY DESCRIPTION SUPERSEDES THE EXHIBIT DRAWING.

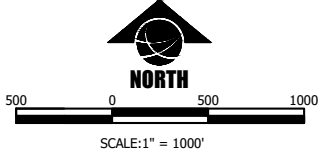
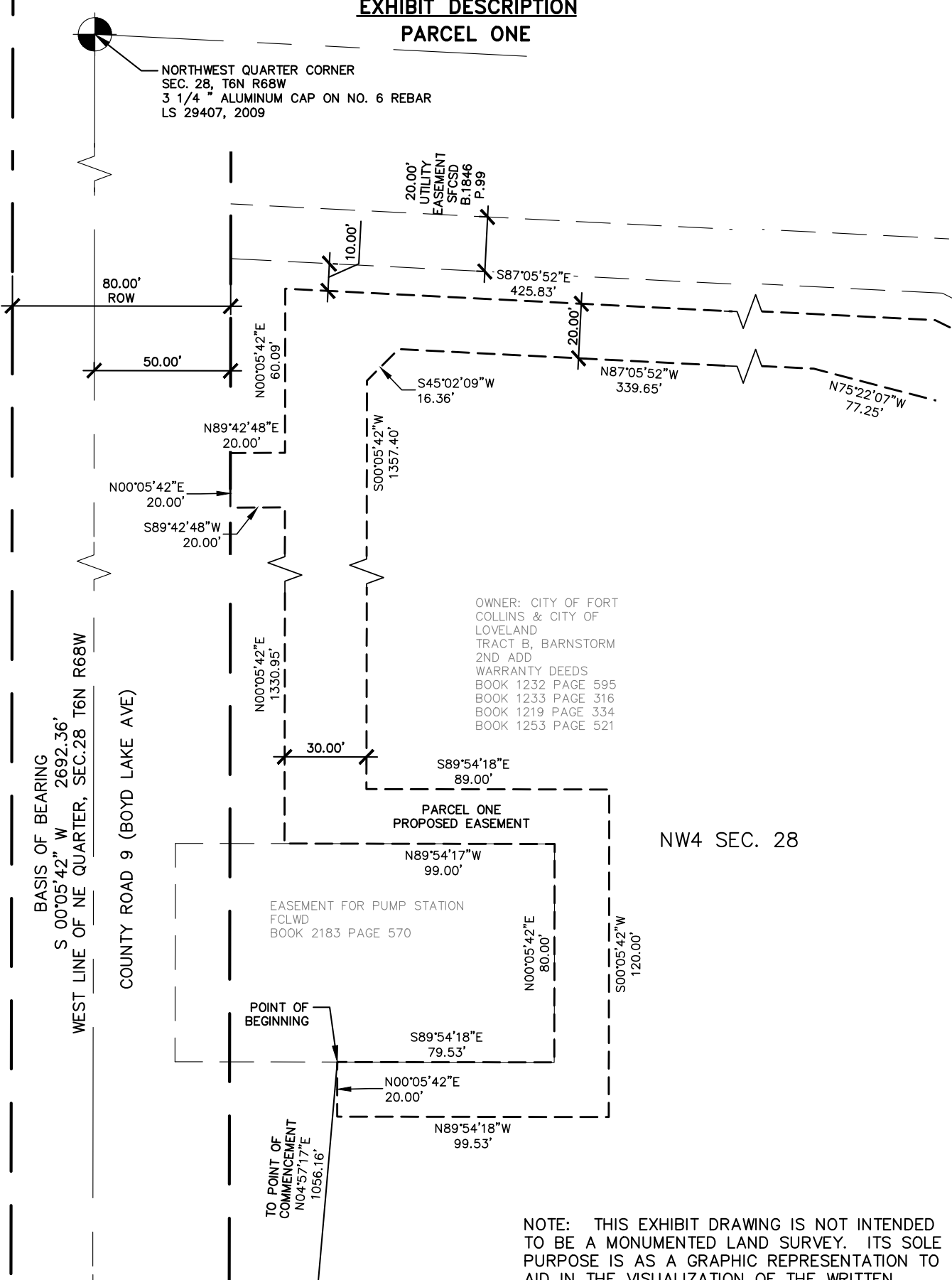


EXHIBIT "C-1"

EXHIBIT DESCRIPTION  
PARCEL ONE



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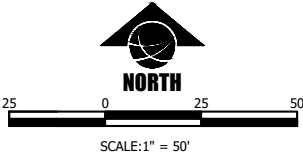
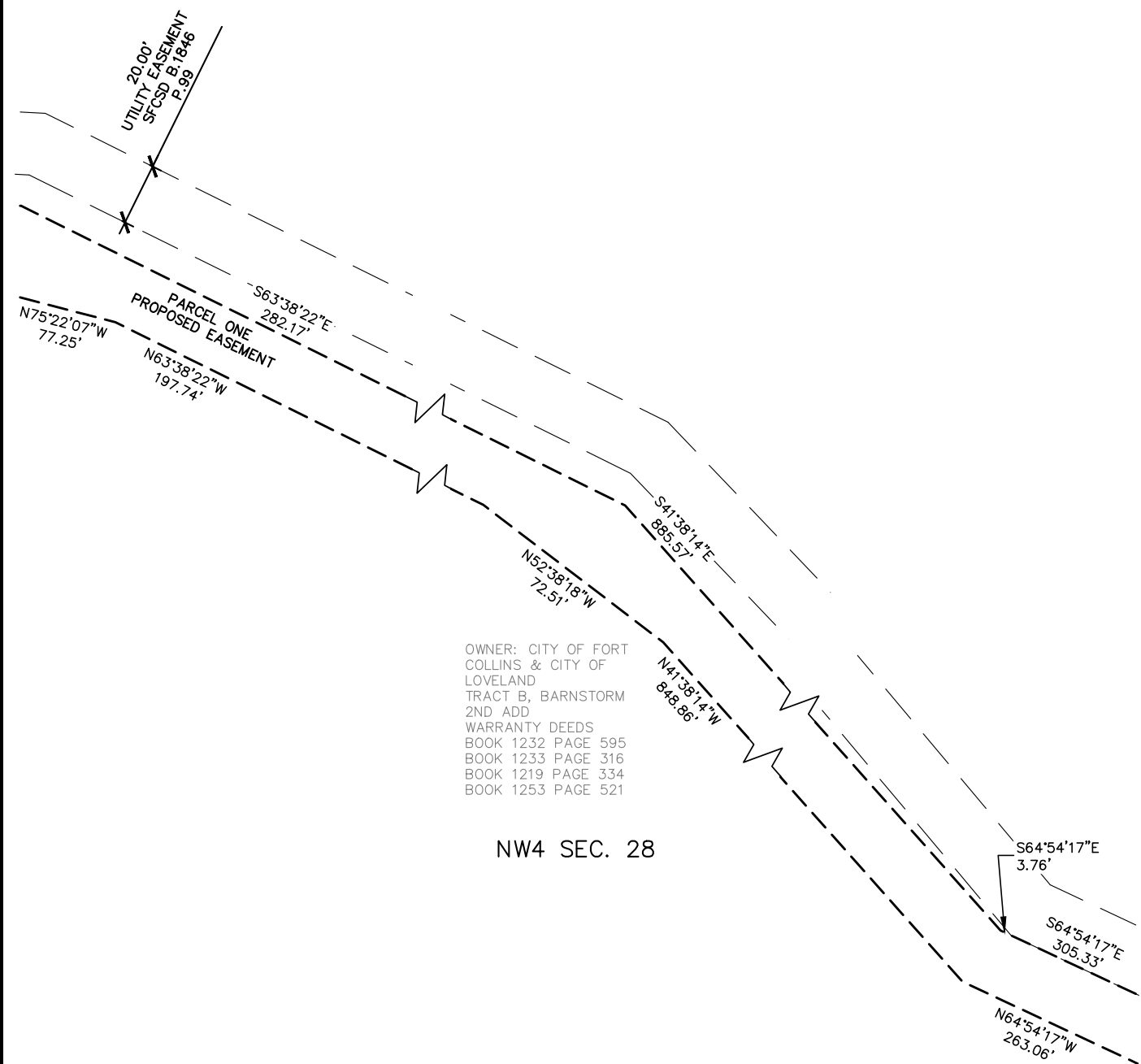




EXHIBIT "C-1"

EXHIBIT DESCRIPTION  
PARCEL ONE



OWNER: CITY OF FORT  
COLLINS & CITY OF  
LOVELAND  
TRACT B, BARNSTORM  
2ND ADD  
WARRANTY DEEDS  
BOOK 1232 PAGE 595  
BOOK 1233 PAGE 316  
BOOK 1219 PAGE 334  
BOOK 1253 PAGE 521

NW4 SEC. 28

NOTE: THIS EXHIBIT DRAWING IS NOT INTENDED TO BE A MONUMENTED LAND SURVEY. ITS SOLE PURPOSE IS AS A GRAPHIC REPRESENTATION TO AID IN THE VISUALIZATION OF THE WRITTEN PROPERTY DESCRIPTION WHICH IT ACCOMPANIES. THE WRITTEN PROPERTY DESCRIPTION SUPERSEDES THE EXHIBIT DRAWING.

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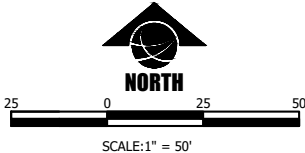
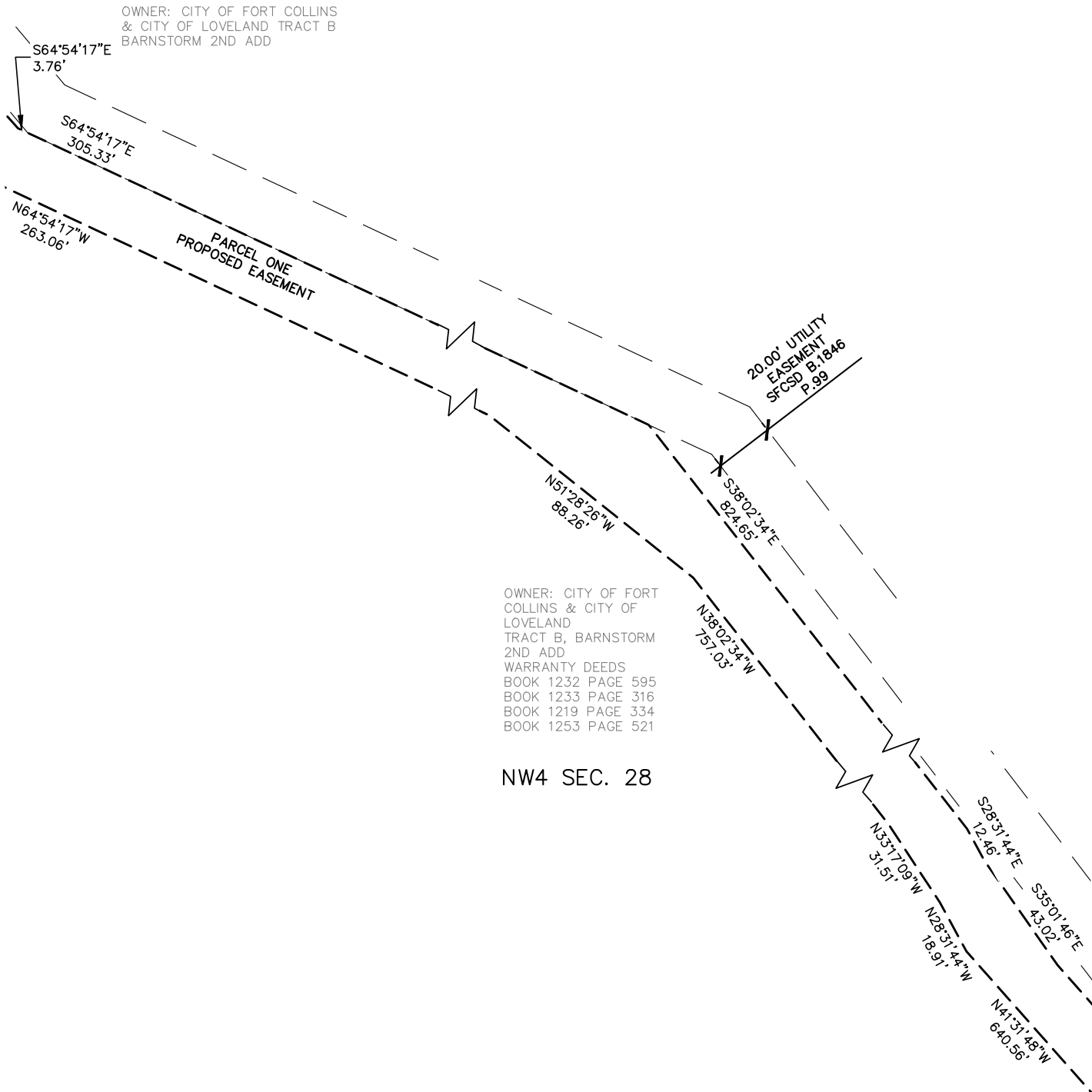
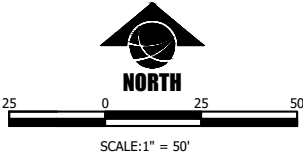


EXHIBIT "C-1"  
EXHIBIT DESCRIPTION  
PARCEL ONE



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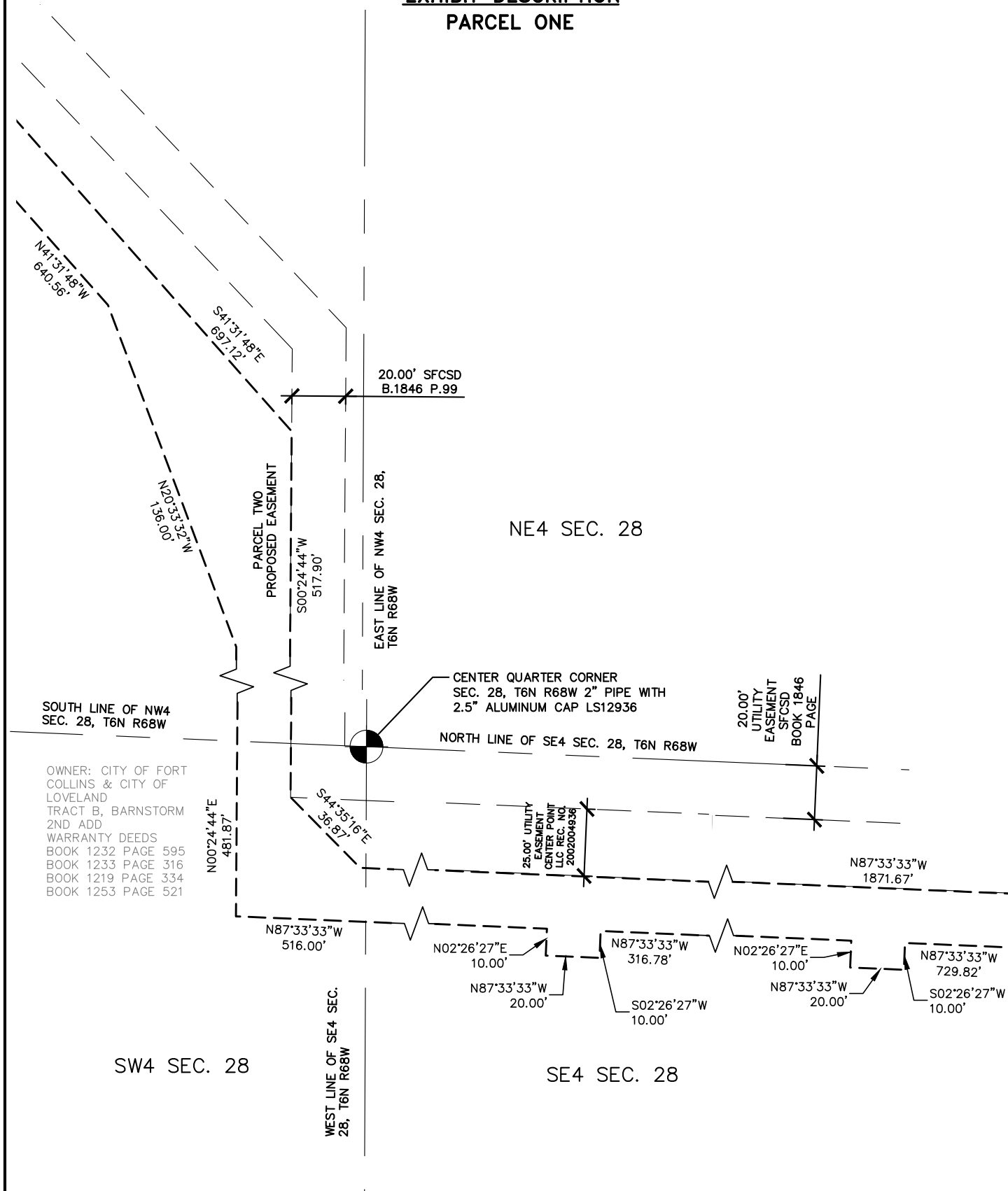
NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON. (13-80-105 C.R.S. 2012)



**EXHIBIT "C-1"**

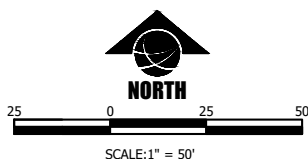
### EXHIBIT DESCRIPTION

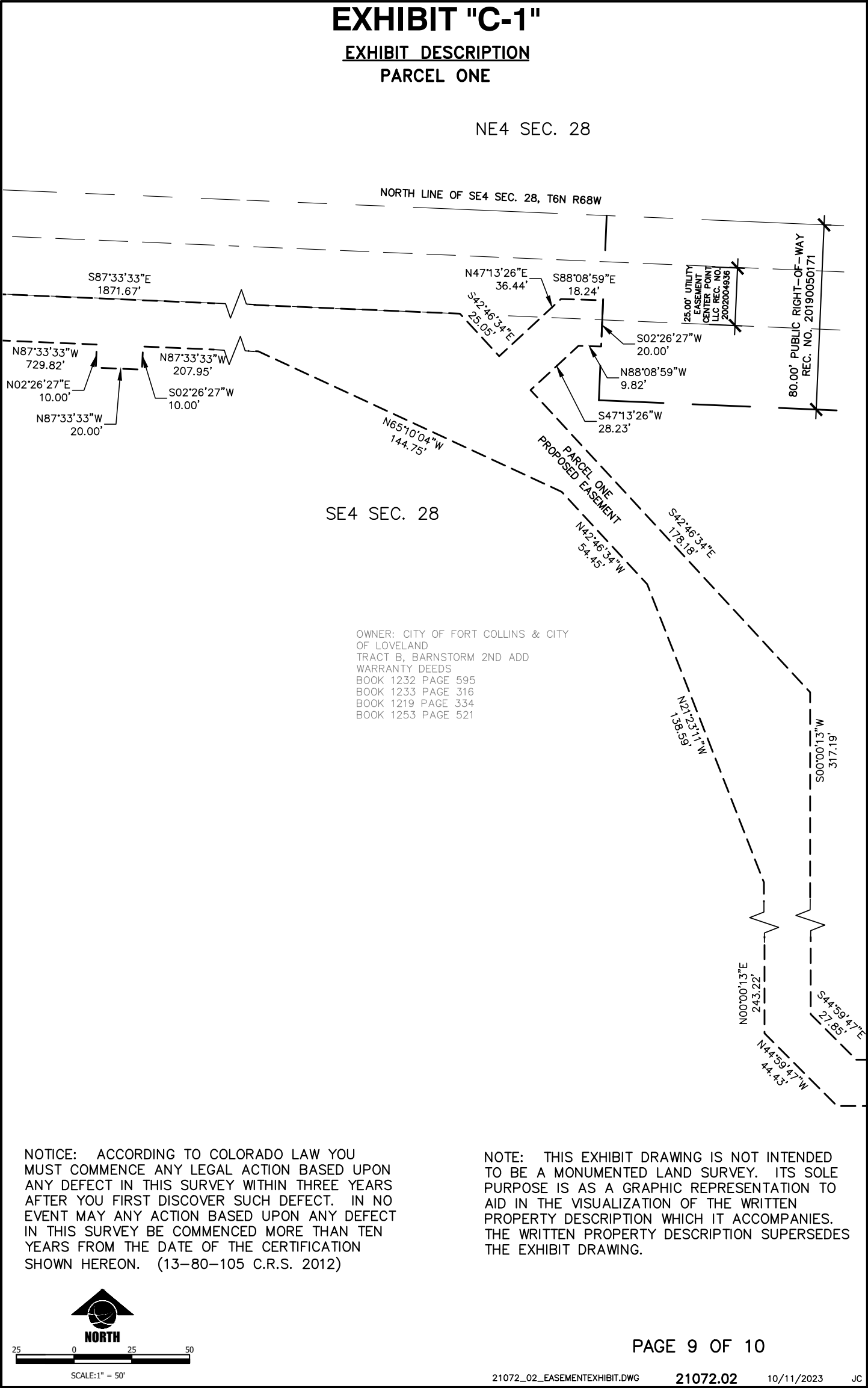
**PARCEL ONE**



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PAGE 9 OF 10

21072\_02\_EASEMENTEXHIBIT.DWG 21072.02 10/11/2023 JC

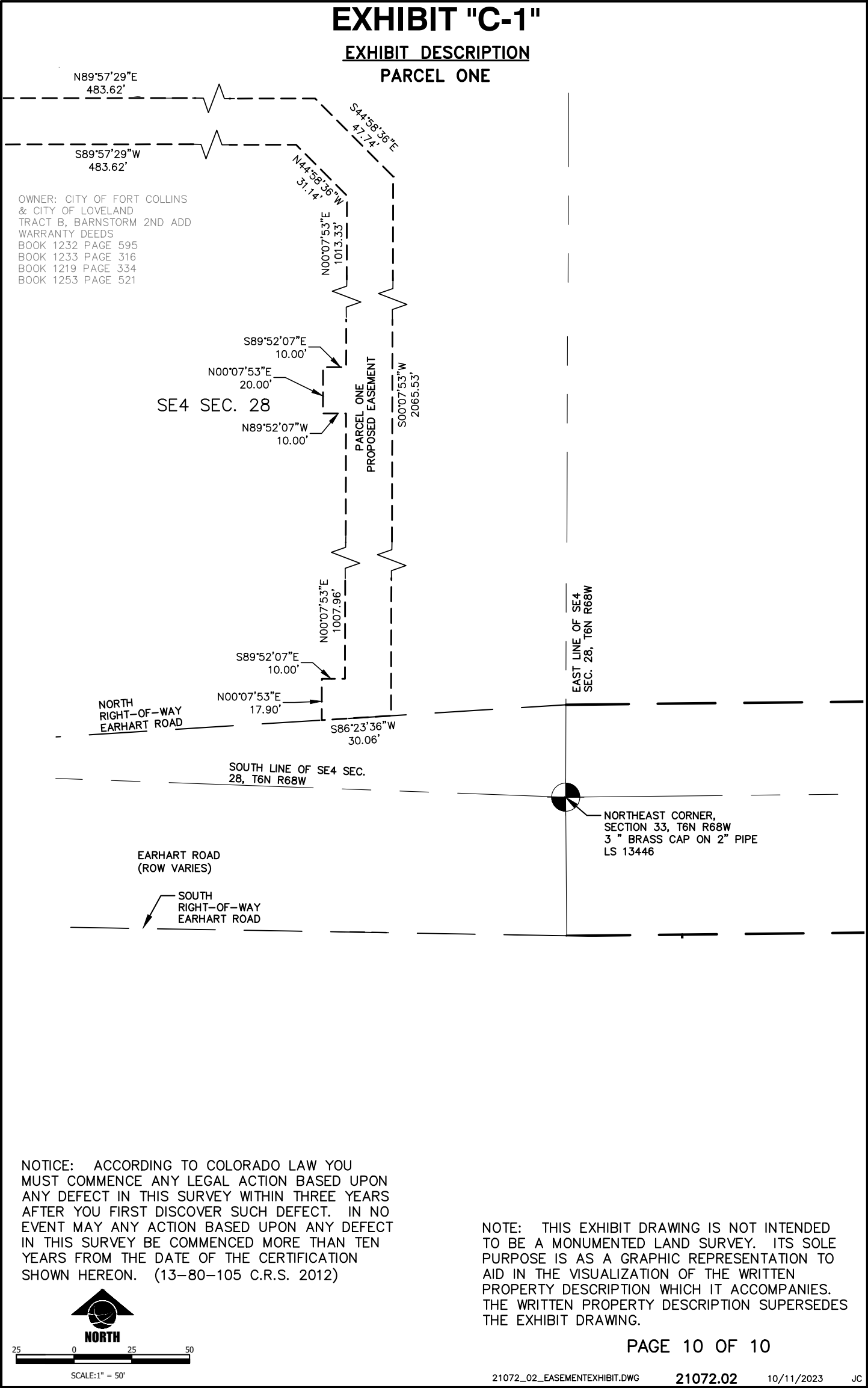
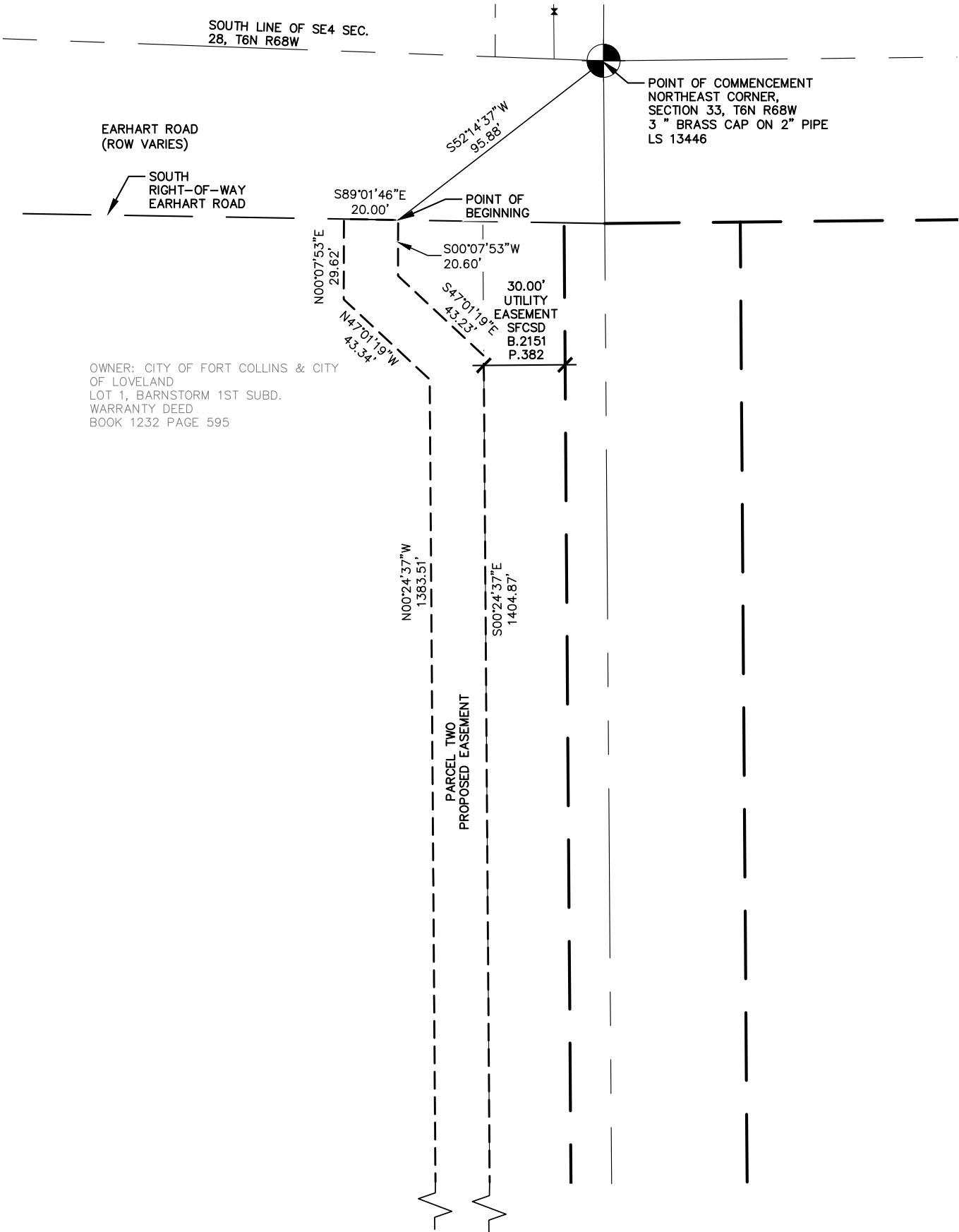


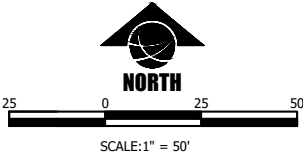
EXHIBIT "C-2"  
EXHIBIT DESCRIPTION  
PARCEL ONE

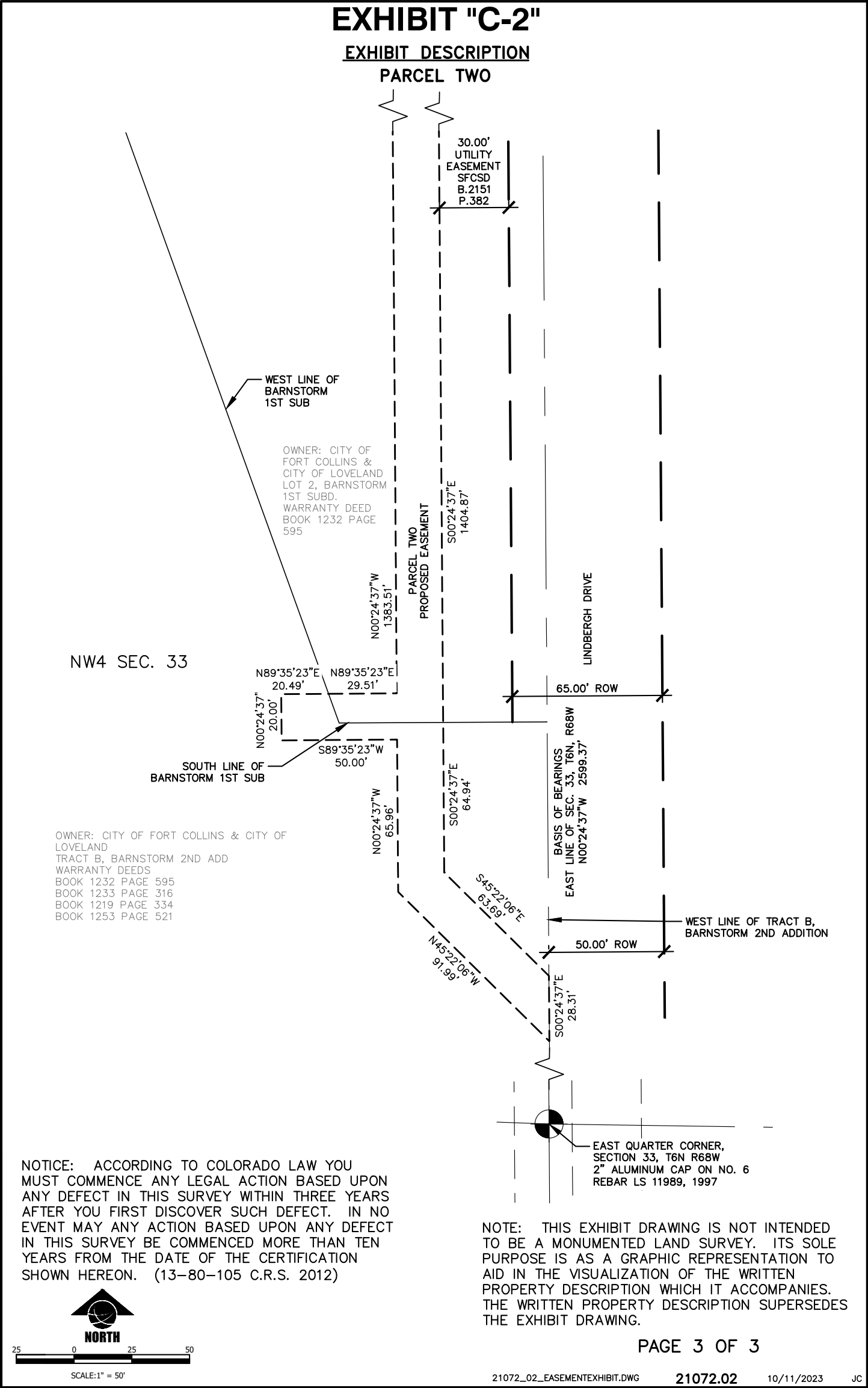


OWNER: CITY OF FORT COLLINS & CITY  
OF LOVELAND  
LOT 1, BARNSTORM 1ST SUBD.  
WARRANTY DEED  
BOOK 1232 PAGE 595

NOTICE: ACCORDING TO COLORADO LAW YOU  
MUST COMMENCE ANY LEGAL ACTION BASED UPON  
ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS  
AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO  
EVENT MAY ANY ACTION BASED UPON ANY DEFECT  
IN THIS SURVEY BE COMMENCED MORE THAN TEN  
YEARS FROM THE DATE OF THE CERTIFICATION  
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NOTE: THIS EXHIBIT DRAWING IS NOT INTENDED  
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AID IN THE VISUALIZATION OF THE WRITTEN  
PROPERTY DESCRIPTION WHICH IT ACCOMPANIES.  
THE WRITTEN PROPERTY DESCRIPTION SUPERSEDES  
THE EXHIBIT DRAWING.





## AGENDA ITEM SUMMARY

City Council



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### STAFF

Sophie Buckingham, Civil Engineer II  
Heather N. Jarvis, Assistant City Attorney

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### SUBJECT

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

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### EXECUTIVE SUMMARY

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

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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### BACKGROUND / DISCUSSION

The plat of Redwood Village PUD Phase II dedicated public right-of-way for several local streets, including Bellflower Drive, Mullein Drive, Sundrop Circle, and Ginseng Circle. After the plat was filed, the property was never developed, and the vested right for the development plan expired. The undeveloped right-of-way is no longer compatible with the surrounding streets and neighborhoods. For example, due to the alignment of Suniga Road through the property, the existing right-of-way for Bellflower Drive intersects the right-of-way for Suniga Road at an angle that is not permitted by the Larimer County Urban Area Street Standards. See Figure 1. Additionally, when the Northfield property directly to the east was developed, the Northfield project dedicated right-of-way for two public streets to continue into the property that had been proposed as Redwood Village PUD Phase II. Per Section 3.6.3(F) of the Land Use Code, development of the property that had been proposed as Redwood Village PUD Phase II is required to continue the street stubs dedicated by the Northfield development, which requires vacation of the existing right-of-way and dedication of new right-of-way to align with these street stubs. The property that had been proposed as Redwood Village PUD Phase II is now proposed to be developed as a multifamily housing project called Enclave at Redwood. The plat of Enclave at Redwood will dedicate new right-of-way to continue the street stubs from the Northfield property and provide other connections to the existing public street network. See Figure 2. The Enclave at Redwood site plan was approved by the Planning and Zoning Commission, and the final development plans are currently under review. The Enclave at Redwood plat cannot be recorded until the existing right-of-way is vacated.



Figure 1. Right-of-Way Dedicated by Redwood Village PUD Phase II Plat

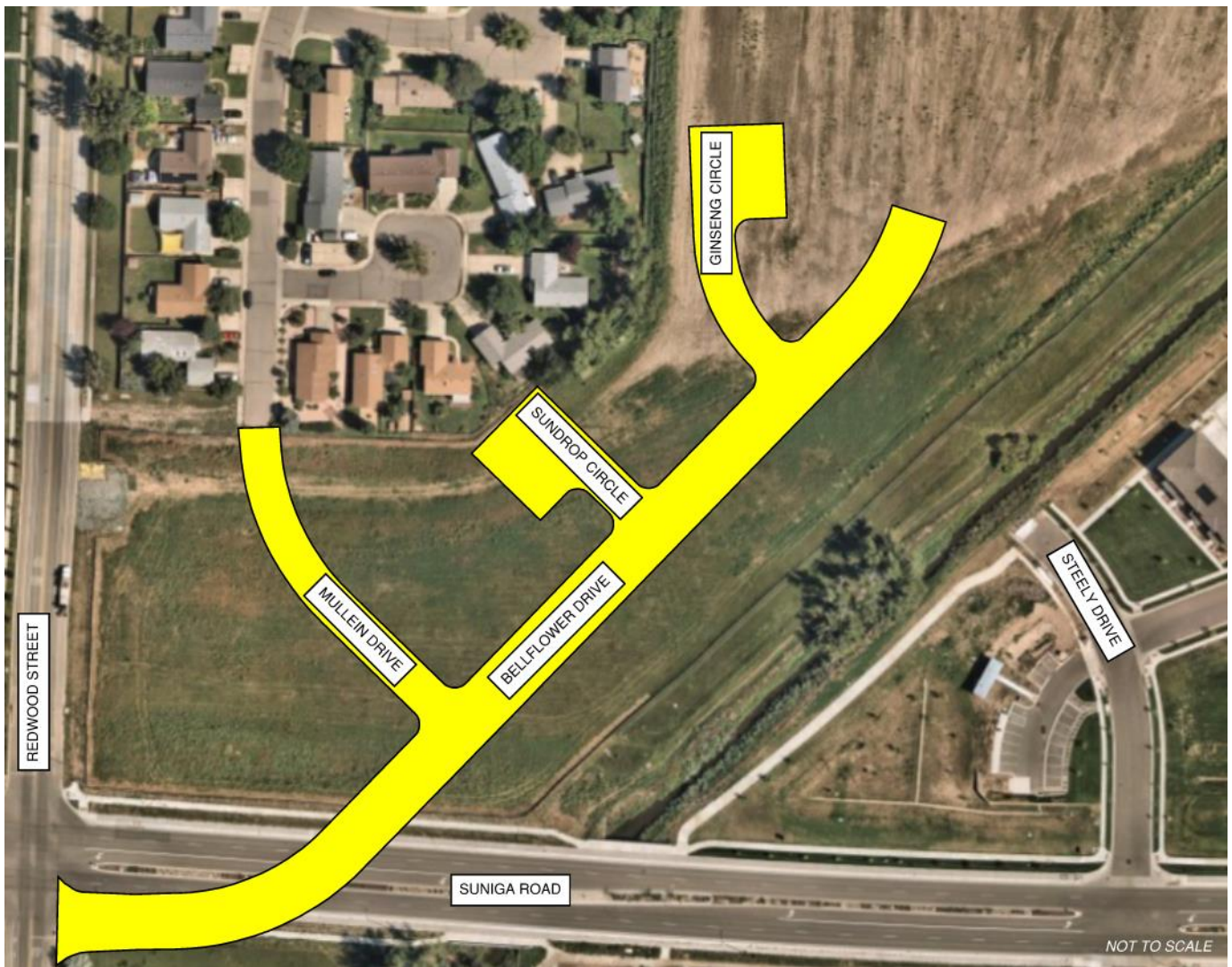
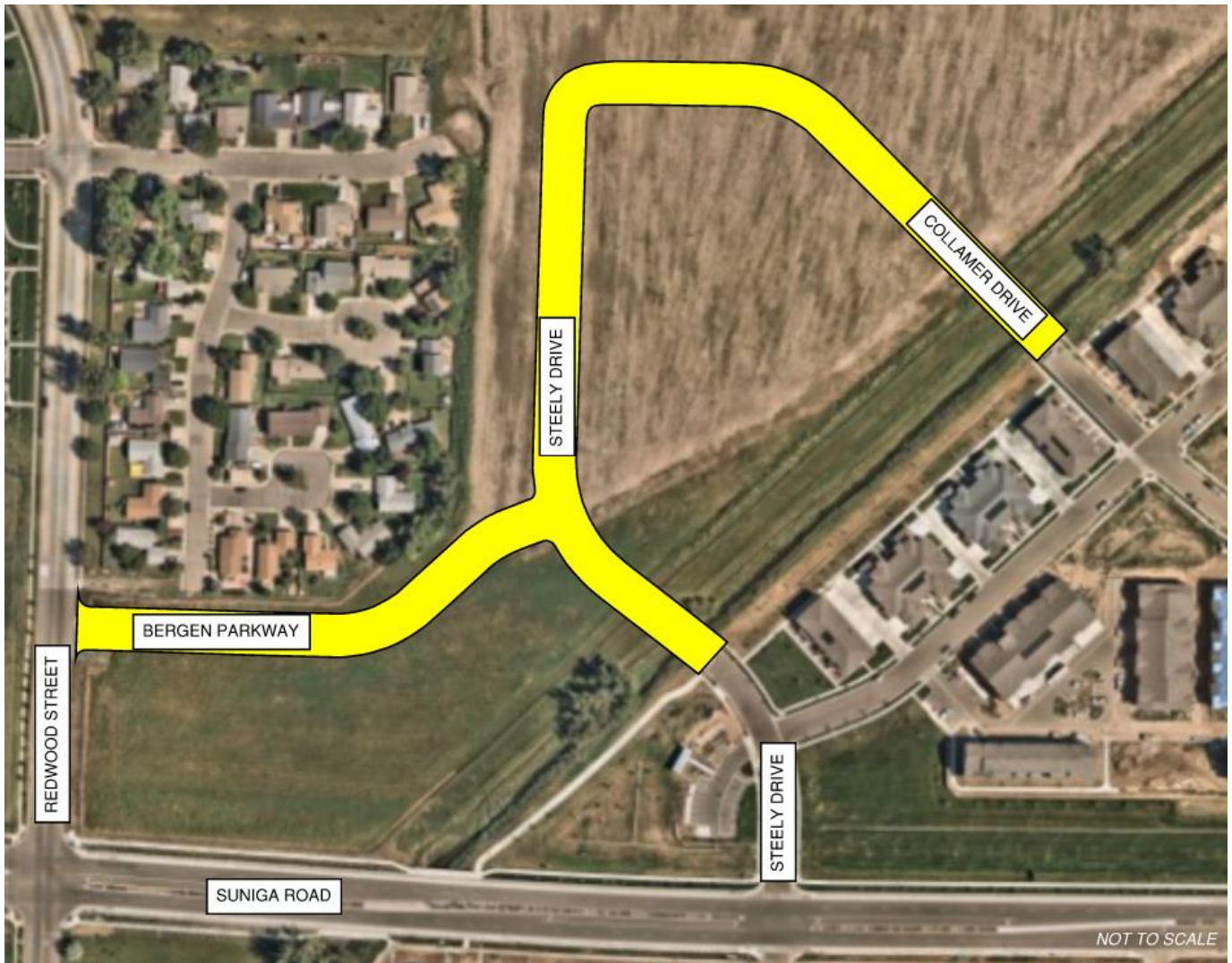


Figure 2. Right-of-Way Proposed to be Dedicated by Enclave at Redwood Plat



### **CITY FINANCIAL IMPACTS**

There will be no financial impacts to the City.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

The Enclave at Redwood project, which requires vacation of the portion of Redwood Village PUD Phase II right-of-way, first went to the Planning and Zoning Commission as PDP210004 and was approved on June 16, 2022. After that approval, an amendment went to the Planning and Zoning Commission as MJA220003 and was approved on April 20, 2023.

### **PUBLIC OUTREACH**

In accordance with City Code Section 23-115(d), potentially affected utility agencies, City staff, emergency service providers, and affected property owners in the vicinity have been notified of the request for right-of-way vacation. Property owners in the surrounding neighborhoods (Northfield and Meadows at Redwood

POD Phase I Replat) were notified of the proposed Enclave at Redwood development and invited to the neighborhood meetings and public hearings for the project.

## **ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance for Consideration
2. Exhibit A to Ordinance

ORDINANCE NO. 171, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
VACATING A PORTION OF PUBLIC RIGHT-OF-WAY DEDICATED BY THE  
REDWOOD VILLAGE PUD PHASE II PLAT

WHEREAS, the plat of the Redwood Village PUD Phase II project (the “Former Redwood Project”), recorded on August 17, 1984, at Larimer County Records Reception No. 581682, Book 2285 Page 1285, included dedication to the public a right-of-way for several local streets, including Bellflower Drive, Mullein Drive, Sundrop Circle, and Ginseng Circle; and

WHEREAS, after the Former Redwood Project plat was filed, the property was never developed, and the vested right for the development plan expired; and

WHEREAS, the undeveloped right-of-way dedicated in the Former Redwood Project plat is no longer compatible with the surrounding streets and neighborhoods and is not compliant with the Larimer County Urban Area Street Standards; and

WHEREAS, when the Northfield project developed the property directly to the east of the former Redwood project property, the Northfield project dedicated right-of-way and installed street stubs for two public streets, Steely Drive and Collamer Drive, to continue into the former Redwood project property, which streets differ from the streets in the Former Redwood Project plat; and

WHEREAS, under Land Use Code Section 3.6.3(F), any new development of the Former Redwood Project property is required to continue the street stubs dedicated by the Northfield project; and

WHEREAS, continuation of the street stubs dedicated by the Northfield project requires vacation of the existing right-of-way from the Former Redwood Project and dedication of new right-of-way to align with the new street stubs; and

WHEREAS, the Enclave at Redwood project intends to develop the Former Redwood Project property, and the Enclave at Redwood has requested that the City vacate the portion of the Former Redwood Project right-of-way described on Exhibit “A”, attached hereto and incorporated herein by this reference; and

WHEREAS, the Enclave at Redwood plat will dedicate new right-of-way to continue the street stubs from the Northfield property and provide other connections to the existing public street network; and

WHEREAS, in accordance with City Code Section 23-115(d), pertinent City staff, potentially affected utility companies, emergency service providers, and affected property owners in the vicinity of the right-of-way have been notified of the proposed right-of-way vacation, and no objection has been reported to the proposed vacation; and

WHEREAS, the City Engineer recommends approval of the right-of-way vacation; and



WHEREAS, in accordance with City Code Section 23-115(e), the Planning Development and Transportation Director recommends that the Former Redwood Project right-of-way be vacated, which will facilitate thoughtful and effective adjustments to the street network in this area; and

WHEREAS, the rights of the residents of Fort Collins will not be prejudiced or injured by the vacation of the portion of the Former Redwood Project right-of-way; and

WHEREAS, the portion of Former Redwood Project right-of-way is no longer necessary or desirable to retain for right-of-way purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby finds and determines that the portion of right-of-way dedicated via the Former Redwood Project plat, more particularly described on Exhibit "A", is no longer needed for right-of-way purposes and that it is in the public interest to vacate the same.

Section 3. That the portion of right-of-way dedicated via the Former Redwood Project plat is hereby vacated, abated, and abolished, provided that this vacation shall not take effect until this Ordinance is recorded with the Larimer County Clerk and Recorder.

Section 4. In accordance with City Code Section 23-115(f), title to that portion of the former Redwood project right-of-way vacated by this ordinance shall vest in accordance with Colorado Revised Statutes Section 43-2-302.

Introduced and considered favorably on first reading and ordered published this 5th day of December, 2023, and to be presented for final passage on the 19th day of December, 2023.

---

Mayor

ATTEST:

---

City Clerk

Passed and adopted on final reading this 19th day of December, 2023.

---

Mayor

ATTEST:

---

City Clerk

## LEGAL DESCRIPTION

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 7 NORTH,  
RANGE 69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO.

A PARCEL OF LAND BEING A PART OF REDWOOD VILLAGE PUD PHASE II, A SUBDIVISION SITUATED IN THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M., CITY OF FORT COLLINS, COUNTY OF LARIMER ACCORDING TO THE PLAT RECORDED AUGUST 17, 1984, AS RECEPTION NO. 581682 OF THE RECORDS OF LARIMER COUNTY, COLORADO;

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN. AS MONUMENTED AT THE CENTER QUARTER CORNER BY A FOUND 3.25" ALUMINUM CAP IN A RANGE BOX DOWN 0.6' BELOW THE ROAD SURFACE AND STAMPED "C1/4 S1 LUND LS 34995 2015", AND AT THE SOUTH QUARTER CORNER WITH A FOUND 3.25" BRASS CAP IN A RANGE BOX DOWN 0.9' BELOW THE ROAD SURFACE, SMASHED AND ILLEGIBLE, AS BEARING SOUTH 00°35'36" WEST, WITH ALL BEARINGS HEREIN RELATIVE;

**COMMENCING** AT THE SOUTH 1/4 CORNER OF SAID SECTION 1 FROM WHICH THE CENTER 1/4 CORNER OF SAID SECTION 1 BEARS NORTH 00°35'36" EAST, 2,644.48 FEET (BASIS OF BEARING), THENCE NORTH 00°35'36" EAST, 1,054.43 FEET ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 1.

THENCE SOUTH 89°24'24" EAST, A DISTANCE OF 19.70 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF REDWOOD STREET ALSO BEING THE WESTERLY LINE OF SAID REDWOOD VILLAGE PUD PHASE II AND THE **POINT OF BEGINNING A.**

THENCE SOUTH 01°44'25" WEST, A DISTANCE OF 69.95 FEET ALONG THE WESTERLY LINE OF SAID REDWOOD VILLAGE PUD PHASE II TO SOUTHERLY RIGHT-OF-WAY LINE OF BELLFLOWER DRIVE ALSO BEING A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BELLFLOWER DRIVE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 23.56 FEET TO A POINT TANGENT, SAID CURVE HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND A CHORD WHICH BEARS SOUTH 46°44'25" WEST A CHORD DISTANCE OF 21.21 FEET;

THENCE SOUTH 88°15'35" EAST, A DISTANCE OF 36.23 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BELLFLOWER DRIVE TO A POINT OF CURVATURE;

(CONTINUED ON SHEET 2)



Plotted: WED 11/08/23 3:23:40P By: Shawn Clarke Filepath: k:\201013\survey\esmt\_201013\_row vacation.dwg Layout: legal-1



### LEGAL DESCRIPTION

ENCLAVE ROW VACATION  
CITY OF FORT COLLINS, COLORADO

PROJECT #: 201013

CHECKED BY: SDC

DRAWN BY: JRF

SHEET NUMBER

1

1 OF 11

## LEGAL DESCRIPTION

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 7 NORTH,  
RANGE 69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO.

(CONTINUED FROM SHEET 1)

THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BELLFLOWER DRIVE AND ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 160.09 FEET TO THE SOUTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO THE CITY OF FORT COLLINS BY INSTRUMENT RECORDED SEPTEMBER 15, 2017 AS RECEPTION NO. 20170061770 OF THE RECORDS OF LARIMER COUNTY, COLORADO, SAID CURVE HAVING A RADIUS OF 267.00 FEET, A CENTRAL ANGLE OF 34°21'11", AND A CHORD WHICH BEARS SOUTH 74°33'50" WEST A CHORD DISTANCE OF 157.70 FEET;

THENCE ALONG THE SOUTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED BY SAID RECEPTION NO. 20170061770 AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID BELLFLOWER DRIVE NORTH 85°52'58" WEST, A DISTANCE OF 202.07 FEET TO THE **POINT OF BEGINNING A**,

SAID PARCEL CONTAINS 8,046 SQUARE FEET OR 0.185 ACRES, MORE OR LESS.

### PARCEL B

**COMMENCING** AT THE SOUTH 1/4 CORNER OF SAID SECTION 1, THENCE NORTH 00°35'36" EAST, 1170.86 FEET ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 1;

THENCE SOUTH 85°52'58" EAST, A DISTANCE OF 22.05 FEET ALONG THE NORTHERLY LINE EXTENDED WESTERLY, OF THAT TRACT OF LAND, CONVEYED TO THE CITY OF FORT COLLINS BY INSTRUMENT RECORDED SEPTEMBER 15, 2017 AS RECEPTION NO. 20170061770 OF THE RECORDS OF LARIMER COUNTY, COLORADO, TO THE EASTERLY RIGHT-OF-WAY LINE OF REDWOOD STREET ALSO BEING THE WESTERLY LINE OF SAID REDWOOD VILLAGE PUD PHASE II;

THENCE SOUTH 85°52'58" EAST, A DISTANCE OF 246.99 FEET TO A POINT ON THE SAID NORTH RIGHT-OF-WAY OF BELLFLOWER DRIVE AND THE **POINT OF BEGINNING B**;

THENCE NORTH 47°41'42" EAST, A DISTANCE OF 126.59 FEET ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF BELLFLOWER DRIVE TO THE WESTERLY RIGHT-OF-WAY LINE OF MULLEIN DRIVE AND A POINT OF CURVATURE;

THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID MULLEIN DRIVE AND ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 23.56 FEET TO A POINT TANGENT, SAID CURVE HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND A CHORD WHICH BEARS NORTH 02°41'42" EAST A CHORD DISTANCE OF 21.21 FEET;

(CONTINUED ON SHEET 3)



Plotted: WED 11/08/23 3:23:41P By: Shawn Clarke Filepath: k:\201013\survey\esmt\_201013\_row vacation.dwg Layout: legal-2



## LEGAL DESCRIPTION

ENCLAVE ROW VACATION  
CITY OF FORT COLLINS, COLORADO

PROJECT #: 201013

CHECKED BY: SDC

DRAWN BY: JRF

SHEET NUMBER

2

2 OF 11



## LEGAL DESCRIPTION

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 7 NORTH,  
RANGE 69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO.

(CONTINUED FROM SHEET 2)

THENCE NORTH 42°18'18" WEST, A DISTANCE OF 125.38 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID MULLEIN DRIVE TO A POINT OF CURVATURE;

THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID MULLEIN DRIVE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 199.87 FEET TO A POINT TANGENT, SAID CURVE HAVING A RADIUS OF 260.00 FEET, A CENTRAL ANGLE OF 44°02'43", AND A CHORD WHICH BEARS NORTH 20°16'56" WEST A CHORD DISTANCE OF 194.99 FEET;

THENCE NORTH 01°44'25" EAST, A DISTANCE OF 10.00 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID MULLEIN DRIVE TO THE NORTHERLY LINE OF SAID REDWOOD VILLAGE PUD PHASE II;

THENCE SOUTH 88°15'35" EAST, A DISTANCE OF 40.00 FEET ALONG THE NORTHERLY LINE OF SAID REDWOOD VILLAGE PUD PHASE II TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID MULLEIN DRIVE;

THENCE SOUTH 01°44'25" WEST, A DISTANCE OF 10.00 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID MULLEIN DRIVE TO A POINT OF CURVATURE;

THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID MULLEIN DRIVE AND ALONG ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 169.12 FEET TO A POINT TANGENT, SAID CURVE HAVING A RADIUS OF 220.00 FEET, A CENTRAL ANGLE OF 44°02'43", AND A CHORD WHICH BEARS SOUTH 20°16'56" EAST A CHORD DISTANCE OF 164.99 FEET;

THENCE SOUTH 42°18'18" EAST, A DISTANCE OF 125.38 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID MULLEIN DRIVE TO A POINT OF CURVATURE;

THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID MULLEIN DRIVE AND ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 23.56 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE SAID BELLFLOWER DRIVE AND A POINT TANGENT, SAID CURVE HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND A CHORD WHICH BEARS SOUTH 87°18'18" EAST A CHORD DISTANCE OF 21.21 FEET;

(CONTINUED ON SHEET 4)



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Page 144

11th Street, Suite 1000  
Colorado 80203  
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F: 303.623.6311  
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LEGAL DESCRIPTION

ENCLAVE ROW VACATION  
CITY OF FORT COLLINS, COLORADO

PROJECT #: 201013

CHECKED BY: SDC

DRAWN BY: JRF

SHEET NUMBER

3

3 OF 11

## LEGAL DESCRIPTION

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 7 NORTH,  
RANGE 69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO.

(CONTINUED FROM SHEET 3)

THENCE NORTH 01°44'25" EAST, A DISTANCE OF 10.00 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID MULLEIN DRIVE TO THE NORTHERLY LINE OF SAID REDWOOD VILLAGE PUD PHASE II;

THENCE SOUTH 88°15'35" EAST, A DISTANCE OF 40.00 FEET ALONG THE NORTHERLY LINE OF SAID REDWOOD VILLAGE PUD PHASE II TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID MULLEIN DRIVE;

THENCE SOUTH 01°44'25" WEST, A DISTANCE OF 10.00 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID MULLEIN DRIVE TO A POINT OF CURVATURE;

THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID MULLEIN DRIVE AND ALONG ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 169.12 FEET TO A POINT TANGENT, SAID CURVE HAVING A RADIUS OF 220.00 FEET, A CENTRAL ANGLE OF 44°02'43", AND A CHORD WHICH BEARS SOUTH 20°16'56" EAST A CHORD DISTANCE OF 164.99 FEET;

THENCE SOUTH 42°18'18" EAST, A DISTANCE OF 125.38 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID MULLEIN DRIVE TO A POINT OF CURVATURE;

THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID MULLEIN DRIVE AND ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 23.56 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE SAID BELLFLOWER DRIVE AND A POINT TANGENT, SAID CURVE HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND A CHORD WHICH BEARS SOUTH 87°18'18" EAST A CHORD DISTANCE OF 21.21 FEET;

THENCE NORTH 47°41'42" EAST, A DISTANCE OF 202.67 FEET ALONG THE NORTHERLY RIGHT-OF-WAY LINE SAID BELLFLOWER DRIVE TO THE WESTERLY RIGHT-OF-WAY LINE OF SUNDROP CIRCLE AND A POINT OF CURVATURE;

THENCE ALONG WESTERLY RIGHT-OF-WAY LINE OF SAID SUNDROP CIRCLE AND ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 23.56 FEET TO A POINT TANGENT, SAID CURVE HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND A CHORD WHICH BEARS NORTH 02°41'42" EAST A CHORD DISTANCE OF 21.21 FEET;

(CONTINUED ON SHEET 5)



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### LEGAL DESCRIPTION

ENCLAVE ROW VACATION  
CITY OF FORT COLLINS, COLORADO

PROJECT #: 201013

CHECKED BY: SDC

DRAWN BY: JRF

SHEET NUMBER

4

4 OF 11

## LEGAL DESCRIPTION

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 7 NORTH,  
RANGE 69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO.

(CONTINUED FROM SHEET 4)

THENCE NORTH 42°18'18" WEST, A DISTANCE OF 28.00 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SUNDROP CIRCLE TO A POINT OF CURVATURE;

THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SUNDROP CIRCLE AND ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 23.56 FEET TO A POINT TANGENT, SAID CURVE HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND A CHORD WHICH BEARS NORTH 87°18'18" WEST A CHORD DISTANCE OF 21.21 FEET;

THENCE SOUTH 47°41'42" WEST, A DISTANCE OF 37.00 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SUNDROP CIRCLE TO AN ANGLE POINT THEREOF;

THENCE NORTH 42°18'18" WEST, A DISTANCE OF 92.00 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SUNDROP CIRCLE TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID SUNDROP CIRCLE;

THENCE NORTH 47°41'42" EAST, A DISTANCE OF 92.00 FEET ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID SUNDROP CIRCLE TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID SUNDROP CIRCLE;

THENCE SOUTH 42°18'18" EAST, A DISTANCE OF 135.00 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID SUNDROP CIRCLE TO A POINT OF CURVATURE;

THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID SUNDROP CIRCLE AND ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 23.56 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID BELLFLOWER DRIVE, SAID CURVE HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND A CHORD WHICH BEARS SOUTH 87°18'18" EAST A CHORD DISTANCE OF 21.21 FEET;

THENCE NORTH 47°41'42" EAST, A DISTANCE OF 130.00 FEET ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID BELLFLOWER DRIVE TO THE WESTERLY RIGHT-OF-WAY LINE OF GINSENG CIRCLE AND A POINT OF CURVATURE;

THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID GINSENG CIRCLE AND ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 23.56 FEET TO A POINT OF REVERSE CURVATURE SAID CURVE HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND A CHORD WHICH BEARS NORTH 02°41'42" EAST A CHORD DISTANCE OF 21.21 FEET;

(CONTINUED ON SHEET 6)



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Page 146

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### LEGAL DESCRIPTION

ENCLAVE ROW VACATION  
CITY OF FORT COLLINS, COLORADO

PROJECT #: 201013

CHECKED BY: SDC

DRAWN BY: JRF

SHEET NUMBER

5

5 OF 11

## LEGAL DESCRIPTION

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 7 NORTH,  
RANGE 69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO.

(CONTINUED FROM SHEET 5)

THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID GINSENG CIRCLE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 142.22 FEET TO A POINT TANGENT, SAID CURVE HAVING A RADIUS OF 185.00 FEET, A CENTRAL ANGLE OF 44°02'43", AND A CHORD WHICH BEARS NORTH 20°16'56" WEST A CHORD DISTANCE OF 138.74 FEET;

THENCE NORTH 01°44'25" EAST, A DISTANCE OF 107.00 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID GINSENG CIRCLE TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID GINSENG CIRCLE;

THENCE SOUTH 88°15'35" EAST, A DISTANCE OF 92.00 FEET ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID GINSENG CIRCLE TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID GINSENG CIRCLE;

THENCE SOUTH 01°44'25" WEST, A DISTANCE OF 92.00 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID GINSENG CIRCLE TO AN ANGLE POINT THEREOF;

THENCE NORTH 88°15'35" WEST, A DISTANCE OF 37.00 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID GINSENG CIRCLE TO A POINT OF CURVATURE;

THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID GINSENG CIRCLE AND ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 23.56 FEET TO A POINT OF COMPOUND CURVATURE, SAID CURVE HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND A CHORD WHICH BEARS SOUTH 46°44'25" WEST A CHORD DISTANCE OF 21.21 FEET;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 111.47 FEET, SAID CURVE HAVING A RADIUS OF 145.00 FEET, A CENTRAL ANGLE OF 44°02'43", AND A CHORD WHICH BEARS SOUTH 20°16'56" EAST A CHORD DISTANCE OF 108.74 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID GINSENG CIRCLE AND ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 23.56 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID BELLFLOWER DRIVE AND A POINT TANGENT, SAID CURVE HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND A CHORD WHICH BEARS SOUTH 87°18'18" EAST A CHORD DISTANCE OF 21.21 FEET;

(CONTINUED ON SHEET 7)



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Page 147

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LEGAL DESCRIPTION

ENCLAVE ROW VACATION  
CITY OF FORT COLLINS, COLORADO

PROJECT #: 201013

CHECKED BY: SDC

DRAWN BY: JRF

SHEET NUMBER

6

6 OF 11

## LEGAL DESCRIPTION

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 7 NORTH,  
RANGE 69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO.

(CONTINUED FROM SHEET 6)

THENCE NORTH 47°41'42" EAST, A DISTANCE OF 36.83 FEET ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID BELLFLOWER DRIVE TO A POINT OF CURVATURE;

THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID BELLFLOWER DRIVE AND ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 122.73 FEET TO AN EASTERLY LINE OF SAID REDWOOD VILLAGE PUD PHASE II, SAID CURVE HAVING A RADIUS OF 263.00 FEET, A CENTRAL ANGLE OF 26°44'11", AND A CHORD WHICH BEARS NORTH 34°19'37" EAST A CHORD DISTANCE OF 121.62 FEET;

THENCE ALONG A LINE NON-TANGENT TO SAID CURVE AND ALONG AN EASTERLY LINE OF SAID REDWOOD VILLAGE PUD PHASE II, SOUTH 69°02'29" EAST, A DISTANCE OF 54.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BELLFLOWER DRIVE ALSO BEING A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID BELLFLOWER DRIVE AND ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 122.73 FEET TO AN EASTERLY LINE OF SAID REDWOOD VILLAGE PUD PHASE II, SAID CURVE HAVING A RADIUS OF 263.00 FEET, A CENTRAL ANGLE OF 26°44'11", AND A CHORD WHICH BEARS NORTH 34°19'37" EAST A CHORD DISTANCE OF 121.62 FEET;

THENCE ALONG A LINE NON-TANGENT TO SAID CURVE AND ALONG AN EASTERLY LINE OF SAID REDWOOD VILLAGE PUD PHASE II, SOUTH 69°02'29" EAST, A DISTANCE OF 54.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BELLFLOWER DRIVE ALSO BEING A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BELLFLOWER DRIVE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 147.92 FEET TO A POINT TANGENT, SAID CURVE HAVING A RADIUS OF 317.00 FEET, A CENTRAL ANGLE OF 26°44'11", AND A CHORD WHICH BEARS SOUTH 34°19'37" WEST A CHORD DISTANCE OF 146.59 FEET;

(CONTINUED ON SHEET 8)



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Page 148

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LEGAL DESCRIPTION

ENCLAVE ROW VACATION  
CITY OF FORT COLLINS, COLORADO

PROJECT #: 201013

CHECKED BY: SDC

DRAWN BY: JRF

SHEET NUMBER

7

7 OF 11

## LEGAL DESCRIPTION

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 7 NORTH,  
RANGE 69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO.

(CONTINUED FROM SHEET 7)

THENCE SOUTH 47°41'42" WEST, A DISTANCE OF 588.67 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BELLFLOWER DRIVE TO THE NORTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED BY SAID RECEPTION NO. 20170061770;

THENCE NORTH 85°52'58" WEST, A DISTANCE OF 74.54 FEET ALONG THE NORTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED BY SAID RECEPTION NO. 20170061770 TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID BELLFLOWER DRIVE AND THE **POINT OF BEGINNING B**;

SAID PARCEL CONTAINS 79,786 SQUARE FEET OR 1.832 ACRES, MORE OR LESS;

BOTH PARCELS A & B TOGETHER CONTAIN 87,832 SQUARE FEET OR 2.017 ACRES MORE OR LESS.

PREPARED BY: SHAWN D. CLARKE, PLS  
COLORADO #38061

ON BEHALF OF: HARRIS KOCHER SMITH  
1120 LINCOLN STREET, SUITE 1000  
DENVER, CO 80203, 303.623.6300



NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THIS CERTIFICATE SHOWN HEREON.



### LEGAL DESCRIPTION

ENCLAVE ROW VACATION  
CITY OF FORT COLLINS, COLORADO

PROJECT #: 201013

CHECKED BY: SDC

DRAWN BY: JRF

SHEET NUMBER

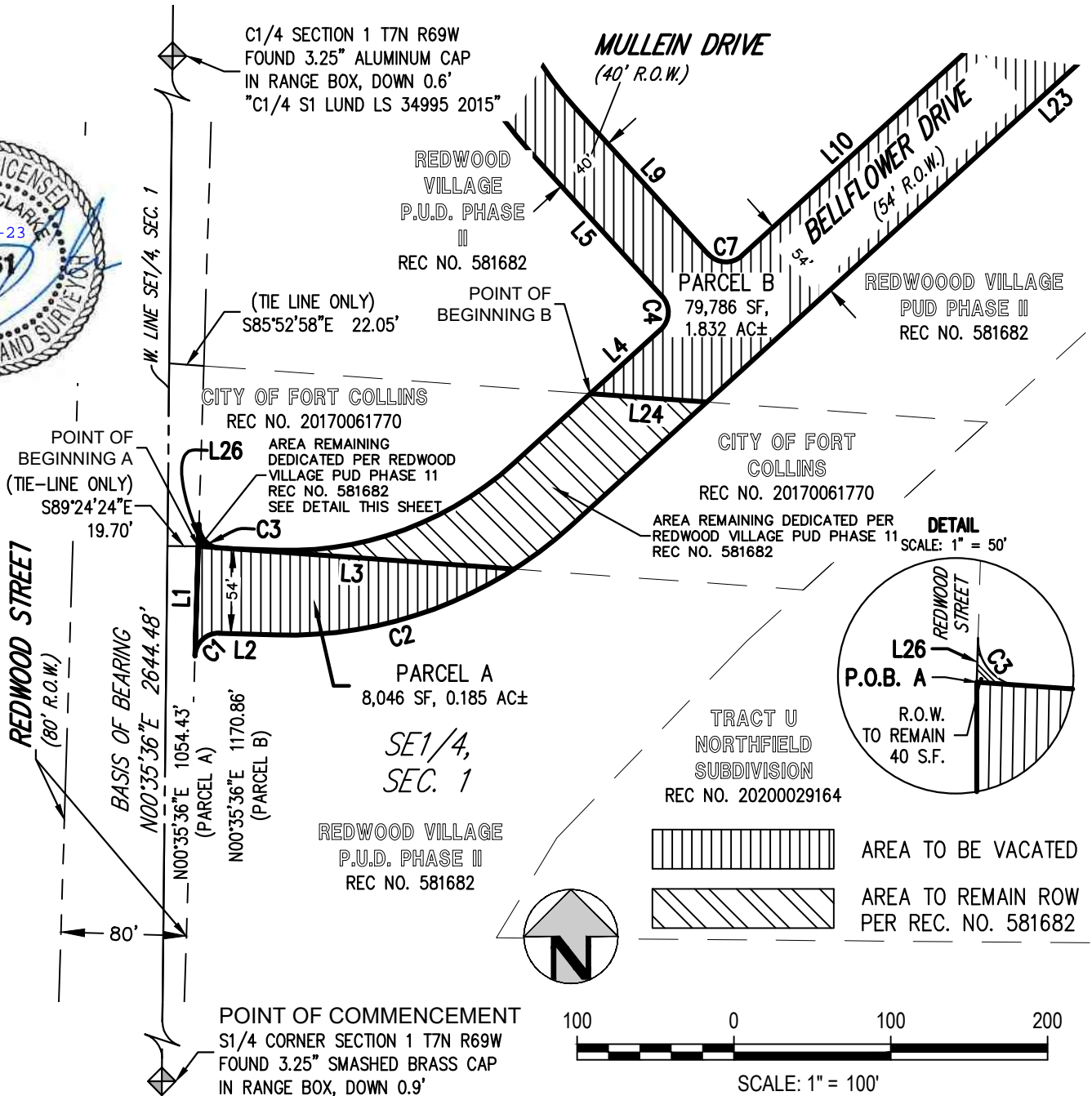
8

8 OF 11



## EXHIBIT

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 7 NORTH,  
RANGE 69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO.



## NOTE:

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.  
IT IS INTENDED TO DEPICT ONLY THE ATTACHED DESCRIPTION.

ILLUSTRATION - PARCEL A

ENCLAVE ROW VACATION  
CITY OF FORT COLLINS, COLORADO

PROJECT #: 201013

CHECKED BY: SDC

DRAWN BY: JRF

SHEET NUMBER

9

9 OF 11

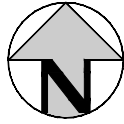
**HKS**  
**HARRIS KOCHER SMITH**

Page 150

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# EXHIBIT

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 7 NORTH,  
RANGE 69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO.



SCALE: 1" = 100'

SE1/4,  
SEC. 1

GINSENG CIRCLE  
(40' R.O.W.)

REDWOOD VILLAGE PUD  
PHASE II  
REC NO. 581682

parcel b  
Area : 79786.03

SE1/4,  
SEC. 1

MULLEIN DRIVE  
(40' R.O.W.)

REDWOOD  
VILLAGE  
P.U.D. PHASE  
II  
REC NO. 581682

POINT OF  
BEGINNING B

PARCEL B  
79,786 SF,  
1.832 AC±

REDWOOD VILLAGE  
PUD PHASE II  
REC NO. 581682

SUNDROP CIRCLE  
(40' R.O.W.)

CITY OF FORT  
COLLINS

REC NO. 20170061770

AREA REMAINING DEDICATED PER  
REDWOOD VILLAGE PUD PHASE II

TRACT U  
NORTHFIELD SUBDIVISION  
REC NO. 20200029164



## NOTE:

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS INTENDED TO DEPICT ONLY THE ATTACHED DESCRIPTION.

ILLUSTRATION - PARCEL B

ENCLAVE ROW VACATION  
CITY OF FORT COLLINS, COLORADO

PROJECT #: 201013

CHECKED BY: SDC

DRAWN BY: JRF

SHEET NUMBER

10

10 OF 11

**HKS**  
**HARRIS  
KOCHER  
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Page 151

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**EXHIBIT**

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 7 NORTH,  
RANGE 69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N01°44'25"E	69.95'
L2	S88°15'35"E	36.23'
L3	N85°52'58"W	202.07'
L4	N47°41'42"E	126.59'
L5	N42°18'18"W	125.38'
L6	N01°44'25"E	10.00'
L7	S88°15'35"E	40.00'
L8	S01°44'25"W	10.00'
L9	S42°18'18"E	125.38'
L10	N47°41'42"E	202.67'
L11	N42°18'18"W	28.00'
L12	S47°41'42"W	37.00'
L13	N42°18'18"W	92.00'
L14	N47°41'42"E	92.00'
L15	S42°18'18"E	135.00'
L16	N47°41'42"E	130.00'
L17	N01°44'25"E	107.00'
L18	S88°15'35"E	92.00'
L19	S01°44'25"W	92.00'
L20	N88°15'35"W	37.00'
L21	N47°41'42"E	36.83'
L22	S69°02'29"E	54.00'
L23	S47°41'42"W	588.67'
L24	N85°52'58"W	74.54'
L26	N01°44'25"E	14.05'

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
C1	15.00'	90°00'00"	23.56'	N46°44'25"E	21.21'
C2	267.00'	34°21'11"	160.09'	N74°33'50"E	157.70'
C3	15.00'	75°22'06"	19.73'	N35°56'38"W	18.34'
C4	15.00'	90°00'00"	23.56'	N02°41'42"E	21.21'
C5	260.00'	44°02'43"	199.87'	N20°16'56"W	194.99'
C6	220.00'	44°02'43"	169.12'	S20°16'56"E	164.99'
C7	15.00'	90°00'00"	23.56'	S87°18'18"E	21.21'
C8	15.00'	90°00'00"	23.56'	N02°41'42"E	21.21'
C9	15.00'	90°00'00"	23.56'	N87°18'18"W	21.21'
C10	15.00'	90°00'00"	23.56'	S87°18'18"E	21.21'
C11	15.00'	90°00'00"	23.56'	N02°41'42"E	21.21'
C12	185.00'	44°02'43"	142.22'	N20°16'56"W	138.74'
C13	15.00'	90°00'00"	23.56'	S46°44'25"W	21.21'
C14	145.00'	44°02'43"	111.47'	S20°16'56"E	108.74'
C15	15.00'	90°00'00"	23.56'	S87°18'18"E	21.21'
C16	263.00'	26°44'11"	122.73'	N34°19'37"E	121.62'
C17	317.00'	26°44'11"	147.92'	S34°19'37"W	146.59'



Plotted: WED 11/08/23 3:24:25P By: Shawn Clarke Filepath: k:\201013\survey\esmt\_201013\_row vacation.dwg Layout: line tables

December 19, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Teresa Roche, Human Resources Executive  
Kelley Vodden, Compensation, Benefits, and Wellness Director  
Aaron Guin, Senior Assistant City Attorney

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### SUBJECT

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

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### EXECUTIVE SUMMARY

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

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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### BACKGROUND / DISCUSSION

#### OPEN PAY RANGES

The City utilizes a common compensation methodology to assess jobs, combine them into job functions and establish pay range structures. The result of this work sets the minimum, midpoint, and maximum pay ranges for the levels within each career group and function.

Pay ranges are reviewed annually as part of a comprehensive market pricing analysis. Pay ranges are grouped and driven by job functions that are based upon the findings of a recruiting analysis conducted to determine where positions are typically sourced. Pay range midpoints are determined by looking at aggregate market data for positions or groups of positions and rolled up to a median of the market for functional groupings, with high and low outliers removed.

Jobs for which there is no external benchmark are evaluated and placed in the Pay Plan using a job evaluation system that is calibrated against benchmark jobs.

Individual salary placement in a pay range is based on an employee's knowledge, skills, abilities, performance, and experience, paired with internal equity considerations and budget availability to ensure horizontal alignment across the City.

### **Market Data Sources**

- Employers Council - Colorado Benchmark Compensation Survey
- Employers Council - Public Employers Compensation Survey
- Willis Towers Watson - General Industry Compensation Survey
- Payfactors – Peer Global Network Survey

### **Recommended Open Pay Range Structure Adjustments**

As a result of the market analysis, Human Resources (HR) Compensation staff recommends a 2.5% increase for all open pay ranges, excluding Legal Services & Executive Tables. Actual employee salary increases are determined administratively within the Council-adopted employee pay increase budget.

### **STEP PLAN**

The City has 13 jobs that are part of the Step Plan pay structure. Step level jobs are designed to compensate employees whose jobs require mastery in a range of skills that are complex and/or technical in nature or also require attainment of predefined licenses and/or certifications. Pay progression is directly linked to skills and certification acquisition. Employees in Step Plan jobs may receive labor market adjustments as determined by the annual market analysis.

### **Market Data Sources**

- Employers Council - Colorado Benchmark Compensation Survey
- Employers Council - Public Employers Compensation Survey
- Employers Council - Rural Electric Association Survey
- Payfactors – Peer Global Network Survey

### **Recommended Step Plan Adjustments**

As a result of the market analysis, HR Compensation staff recommends changes to Step Plan jobs, varying from 2.5% to 8.0% increases. Employees in Step Plan jobs will receive a market adjustment consistent with the analysis.

### **COLLECTIVE BARGAINING UNIT**

Police collective bargaining unit (CBU) positions are included in the Pay Plan to establish pay for such positions until market data is collected and pay is established according to the Council-approved collective bargaining agreement. The pay plan for classified positions not in the CBU is taken to Council for consideration and adoption by ordinance in late December and before the new payroll year. Terms of the collective bargaining agreement between the City and the police employee organization call for market data to be collected close to the end of the calendar year, so there is a delay in gathering market data for the CBU positions. This results in City staff bringing an amended Pay Plan back to Council for consideration early in the first quarter of the year.

### **CITY FINANCIAL IMPACTS**

The estimated net cost for the adjustments to the Step Plan jobs is approximately \$243,000 and will be absorbed within the 2024 operating budgets approved by Council.

#### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

#### **PUBLIC OUTREACH**

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None.

#### **ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance for Consideration
2. Exhibit A to Ordinance

ORDINANCE NO. 172, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
ADOPTING THE 2024 CLASSIFIED EMPLOYEE PAY PLAN

WHEREAS, Section 2-566 of the City Code requires that the pay plan for all classified employees of the City shall be established by ordinance of the City Council; and

WHEREAS, the City is committed to compensating employees in a manner that is fair, competitive and understandable; and

WHEREAS, the annual market analysis conducted by the Human Resources Department includes public and private employer salary survey information, including Colorado public employers and national general industry compensation, providing clear benchmark information for approximately 464 benchmark positions; and

WHEREAS, the 2024 City of Fort Collins Classified Employee Pay Plan (the “Pay Plan”) recommended by the City Manager is consistent with City Council objectives and the Council-approved budget for 2024; and

WHEREAS, the City Council believes that the adoption of the recommended pay plan is in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby adopts the Pay Plan a copy of which is attached hereto as Exhibit “A” and incorporated herein by this reference.

Section 3. That the Pay Plan shall be effective as of January 8, 2024, the first pay period of 2024.

Section 4. That the City Manager shall fix the compensation levels of all classified employees within the pay levels established in the Pay Plan except to the extent that the City Manager determines, due to performance or other extraordinary circumstances, that the pay level of a particular employee should remain below the minimum or be fixed above the maximum for that employee’s job title.

Section 5. That the City Manager shall fix the salary for newly created positions or positions that are modified due to changes in job duties within the approved pay structure based on results of an objective job analysis.

Introduced, considered favorably on first reading and ordered published this 5th day of December, 2023, and to be presented for final passage on the 19th day of December, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 19th day of December, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



## CITY OF FORT COLLINS 2024 PAY PLAN INDEX

<u>JOB TITLE</u>	<u>JOB TYPE</u>	<u>LEVEL</u>	<u>JOB FUNCTION</u>	<u>JOB FAMILY</u>	<u>JOB SUB FAMILY</u>	<u>TABLE</u>
Accountant II	P049	P2	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTING	4
Administrator I, Systems	P003	P1	TECHNOLOGY	SYSTEMS	SYSTEMS ADMINISTRATION	3
Analyst I, Apps Software	P005	P1	TECHNOLOGY	APPLICATIONS SOFTWARE	APPLICATIONS SOFTWARE	3
Analyst I, Benefits	P016	P1	HUMAN RESOURCES	BENEFITS	BENEFITS	4
Analyst I, Bus Sys & Elections	P179	P1	ADMINISTRATION	MUNICIPAL ADMINISTRATION	CITY CLERK	4
Analyst I, Data	P122	P1	TECHNOLOGY	DATA SCIENCE	DATA ANALYSIS	3
Analyst I, Finance	P020	P1	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Analyst I, GIS	P002	P1	TECHNOLOGY	GIS	GIS	3
Analyst I, Grant Administrator	P170	P1	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Analyst I, HRIS	P023	P1	HUMAN RESOURCES	HRIS	HRIS	4
Analyst II, Apps Software	P028	P2	TECHNOLOGY	APPLICATIONS SOFTWARE	APPLICATIONS SOFTWARE	3
Analyst II, Apps Software Dev	P123	P2	TECHNOLOGY	APPLICATIONS SOFTWARE	APPS SOFTWARE DEVELOPMENT	3
Analyst II, Benefits	P124	P2	HUMAN RESOURCES	BENEFITS	BENEFITS	4
Analyst II, Budget	P136	P2	FINANCE & ACCOUNTING	BUDGET	BUDGET	4
Analyst II, Bus Intelligence	P133	P2	TECHNOLOGY	DATA SCIENCE	BUSINESS INTELLIGENCE	3
Analyst II, Finance	P050	P2	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Analyst II, GIS	P031	P2	TECHNOLOGY	GIS	GIS	3
Analyst II, HRIS	P183	P2	HUMAN RESOURCES	HRIS	HRIS	4
Architect, IT Security	P101	P4	TECHNOLOGY	INFORMATION SECURITY	INFORMATION SECURITY	3
Architect, Landscape	P032	P2	PLANNING	PARK PLANNING	LANDSCAPE	1
Architect, Portfolio Mgmt	P145	P4	TECHNOLOGY	TECHNOLOGY	PORTFOLIO MANAGEMENT	3
Architect, Technology	P109	P4	TECHNOLOGY	DATA SCIENCE	DATA SCIENCE	3
Asst Superintendent, Parks	O019	O6	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Auditor II, Sales Tax & Revenue	P060	P2	FINANCE & ACCOUNTING	REVENUE	SALES TAX AUDIT & REVENUE	4
Bailiff	A001	A2	LEGAL	JUDICIAL	CUSTOMER SERVICE	4
Business Support I	A002	A2	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Business Support II	A008	A3	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Business Support III	A020	A4	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Buyer II	P043	P2	FINANCE & ACCOUNTING	PURCHASING	PURCHASING	4
Chemist	P008	P1	SCIENCES & ENGINEERING	SCIENCES	CHEMISTRY	3
Chief Building Official	M042	M2	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Chief Deputy City Clerk	P158	P3	ADMINISTRATION	MUNICIPAL ADMINISTRATION	CITY CLERK	4
Chief Deputy City Clerk	P051	P2	ADMINISTRATION	MUNICIPAL ADMINISTRATION	CITY CLERK	4
City Clerk	M072	M3	ADMINISTRATION	MUNICIPAL ADMINISTRATION	CITY CLERK	4
City Engineer	M079	M3	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
City Traffic Engineer	M064	M3	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3
Civil Engineer I	P009	P1	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Civil Engineer II	P037	P2	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Civil Engineer III	P078	P3	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Comm & Pub Relations Manager	P202	P4	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Coord, Sales Tax & Audit Rev	A097	A4	FINANCE & ACCOUNTING	REVENUE	SALES TAX AUDIT & REVENUE	4
Coordinator, AR / Billing	A021	A4	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTS RECEIVABLE / BILLING	4
Coordinator, Accounts Payable	A015	A4	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTS PAYABLE	4

## EXHIBIT A TO ORDINANCE NO. 172, 2023

Coordinator, Active Modes	A093	A4	PLANNING	TRANSPORTATION PLANNING	ACTIVE MODES	1
Coordinator, Benefits	A102	A4	HUMAN RESOURCES	BENEFITS	BENEFITS	4
Coordinator, Bldg & Dev Review	A071	A4	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Coordinator, Communications	A028	A4	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Coordinator, Cultural Services	A031	A4	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Coordinator, Customer Support	A074	A4	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Coordinator, Finance	A022	A4	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Coordinator, HRIS	A017	A4	HUMAN RESOURCES	HRIS	HRIS	4
Coordinator, Outreach	A036	A4	PROTECTIVE SERVICES	INVESTIGATION	OUTREACH	5
Coordinator, Payroll	A018	A4	FINANCE & ACCOUNTING	ACCOUNTING	PAYROLL	4
Coordinator, Public Engagement	A023	A4	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Coordinator, Talent Acquisitio	A098	A4	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT ACQUISITION	4
Coordinator, Theatre Prod	A096	A4	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Coordinator, Youth Education	A103	A4	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Court Security Officer	O036	O4	PROTECTIVE SERVICES	OPERATIONS	ENFORCEMENT	5
Crew Chief, Electric Dist	S013	S1	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - HIGH VOLTAGE	2
Crew Chief, Facilities	S006	S1	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Crew Chief, Forestry	S012	S1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Crew Chief, Natural Areas	S059	S1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Crew Chief, Parks	S010	S1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Crew Chief, Parks Facilities	S074	S1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Crew Chief, Transportation Ops	S052	S1	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Crew Chief, Water Field Ops	S053	S1	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2
Crime Analyst	A062	A5	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Crime Analyst	A090	A6	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Criminalist	A069	A6	PROTECTIVE SERVICES	INVESTIGATION	INVESTIGATION	5
Criminalist, Serology	A105	A6	PROTECTIVE SERVICES	INVESTIGATION	INVESTIGATION	5
Curator	P014	P1	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Deputy City Clerk	A060	A5	ADMINISTRATION	MUNICIPAL ADMINISTRATION	CITY CLERK	4
Deputy Court Administrator	S002	S1	LEGAL	JUDICIAL	ADMINISTRATION	4
Deputy Court Clerk I	A005	A3	LEGAL	JUDICIAL	CUSTOMER SERVICE	4
Deputy Court Clerk II	A013	A4	LEGAL	JUDICIAL	CUSTOMER SERVICE	4
Dir, Economic Sustainability	M081	M3	SUSTAINABILITY	ECONOMIC SUSTAINABILITY	ECONOMIC SUSTAINABILITY	1
Dir, Electric Distribution	M073	M3	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - HIGH VOLTAGE	2
Dir, Environ Sustainability	M069	M3	SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	1
Dir, Social Sustainability	M066	M3	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Dir, Transportation Operations	M074	M3	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Director, Accounting	M082	M3	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTING	4
Director, Broadband	M120	M3	OPERATIONS	BROADBAND	BROADBAND	2
Director, Budget	M067	M3	FINANCE & ACCOUNTING	BUDGET	BUDGET	4
Director, Civil Engineering	M086	M3	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Director, Civil Engineering	M089	M3	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Director, Communications	M065	M3	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Director, Cultural Services	M075	M3	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Director, Elec Engineering	M114	M3	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Director, FP&A	M078	M3	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Director, Facilities & Fleet	M083	M3	OPERATIONS	FACILITIES & FLEET	FACILITIES & FLEET	2
Director, Human Resources	M088	M3	HUMAN RESOURCES	TALENT MANAGEMENT	HUMAN RESOURCES	4
Director, Information Services	M040	M3	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Director, Natural Areas	M127	M3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Director, Park Planning	M068	M3	PLANNING	PARK PLANNING	LANDSCAPE	1
Director, Parks	M071	M3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Director, Plant Operations	M084	M3	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2
Director, Plant Operations	M139	M3	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2



## EXHIBIT A TO ORDINANCE NO. 172, 2023

Director, Purchasing	M077	M3	FINANCE & ACCOUNTING	PURCHASING	PURCHASING	4
Director, Recreation	M070	M3	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Director, Sciences	M085	M3	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Director, Tech Grid Ops & Engr	M159	M3	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Director, Technology	M121	M3	TECHNOLOGY	TECHNOLOGY	TECHNOLOGY	3
Director, Total Compensation	M123	M3	HUMAN RESOURCES	COMPENSATION/BENEFITS/WELLNES	TOTAL COMPENSATION	4
Director, Transit	M076	M3	OPERATIONS	TRANSPORTATION	TRANSIT	2
Director, Water Field Ops	M108	M3	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2
Early Childhood Teacher	A106	A4	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Elec Engr II OT & Protect Sys	P199	P2	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Elec Engr II, Automation	P201	P2	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Elec Engr III OT & Protect Sys	P198	P3	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Elec Engr III, Automation	P200	P3	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Elec Engr IV, Automation	P195	P4	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Elec Engr IV, OT & Protect Sys	P196	P4	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Electrical Engineer I	P012	P1	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Electrical Engineer II	P143	P2	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Electrical Engineer II	P039	P2	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Electrical Engineer III	P077	P3	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Electrician	O038	O4	OPERATIONS	FACILITIES & FLEET	ELECTRICIAN	2
Engineer I, Fiber	P112	P1	TECHNOLOGY	FIBER	FIBER	3
Engineer I, Network	P004	P1	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Engineer II, Fiber	P138	P2	TECHNOLOGY	FIBER	FIBER	3
Engineer II, Network	P029	P2	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Engineer II, Systems	P030	P2	TECHNOLOGY	SYSTEMS	SYSTEMS ENGINEERING	3
Exec Assistant To The City Mgr	P001	P1	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Executive Admin Assistant	A043	A5	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Executive Assist, City Council	P160	P1	FINANCE & ACCOUNTING	ADMINISTRATION	ADMINISTRATION	4
HR Comm & Project Manager	P185	P2	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Halligan Project Manager	P173	P4	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Inspector, Code Compliance	O023	O3	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CODE COMPLIANCE	1
Investigative Aide	A061	A5	PROTECTIVE SERVICES	INVESTIGATION	INVESTIGATION	5
Lab Assistant	O001	O1	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Lead Analyst, Utility Rate	P102	P4	FINANCE & ACCOUNTING	UTILITY	UTILITY RATE ANALYSIS	4
Lead Auditor, Sales Tax & Rev	P150	P3	FINANCE & ACCOUNTING	REVENUE	SALES TAX AUDIT & REVENUE	4
Lead Coord, Communications	A086	A6	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Lead Coord, Utility Rate/Fee	A066	A6	FINANCE & ACCOUNTING	UTILITY	UTILITY RATE / FEE	4
Lead EO Compliance Specialist	P194	P3	ADMINISTRATION	ADMINISTRATION	EQUAL OPPORTUNITY	4
Lead EO Investigator	P099	P3	HUMAN RESOURCES	TALENT MANAGEMENT	EMPLOYEE RELATIONS	4
Lead Inspector Code Compliance	O064	O6	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CODE COMPLIANCE	1
Lead Inspector, Construction	O052	O6	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CONSTRUCTION INSPECTION	1
Lead Inspector, Rental Housing	O087	O6	DEVELOPMENT & COMPLIANCE	COMPLIANCE	RENTAL HOUSING	1
Lead Inspector, Zoning	O073	O6	DEVELOPMENT & COMPLIANCE	COMPLIANCE	ZONING	1
Lead L&P Safety Specialist	P197	P3	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	SAFETY	4
Lead Park Ranger	S011	S1	PROTECTIVE SERVICES	OPERATIONS	RESOURCE MANAGEMENT	5
Lead Project Manager	P193	P4	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Lead Rep, Customer Support	A040	A5	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Lead Spc, Cultural Services	P081	P3	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Lead Spc, Econ Sustainability	P159	P3	SUSTAINABILITY	ECONOMIC SUSTAINABILITY	ECONOMIC SUSTAINABILITY	1
Lead Spc, Env Sustainability	P092	P3	SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	1
Lead Spc, Homelessness	P135	P3	SUSTAINABILITY	SOCIAL SUSTAINABILITY	HOMELESSNESS	1
Lead Spc, Process Improvement	P065	P3	ADMINISTRATION	PROJECT MANAGEMENT	PROCESS IMPROVEMENT	4
Lead Spc, Soc Sustainability	P097	P3	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Lead Spc, Special Events	P084	P3	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	SPECIAL EVENTS	1

## EXHIBIT A TO ORDINANCE NO. 172, 2023

Lead Spec, Emergency Mgmt	P154	P3	ADMINISTRATION	PROJECT MANAGEMENT	EMERGENCY MANAGEMENT	4
Lead Spec, Equity & Inclusion	P191	P3	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Lead Specialist, Communication	P155	P3	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Lead Specialist, Forestry	P085	P3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Lead Specialist, Marketing	P047	P3	MARKETING & CREATIVE SERVICES	MARKETING	MARKETING	4
Lead Specialist, Natural Areas	P104	P3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Lead Specialist, Occpntl Hlth	P115	P3	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	OCCUPATIONAL HEALTH	4
Lead Specialist, Parks	P165	P3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Lead Specialist, Public Engage	P141	P3	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Lead Specialist, Safety	P093	P3	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	SAFETY	4
Lead Specialist, Sciences	P072	P3	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Lead Specialist, Security	P091	P3	ADMINISTRATION	SAFETY & RISK MANAGEMENT	SECURITY	4
Lead Sr Facilities Project Mgr	M111	M1	ADMINISTRATION	PROJECT MANAGEMENT	FACILITIES PROJECT MANAGEMENT	4
Lead Tech, Graphic Design	A068	A6	MARKETING & CREATIVE SERVICES	MEDIA	GRAPHIC DESIGN	4
Lead Tech, Transportation Ops	O065	O6	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Lead Technician, Network Engr	A108	A6	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Lead Technician, Sciences	A065	A6	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Lead Technician, Video Prod	A067	A6	MARKETING & CREATIVE SERVICES	MEDIA	VIDEO PRODUCTION	4
Legal Assistant	A009	A3	LEGAL	LEGAL	LEGAL SUPPORT	4
Locator, Elec Dist - Field OpS	O092	O4	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - FIELD OPS	2
Locator, Elec Dist - Field OpS	O006	O3	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - FIELD OPS	2
Manager, Active Modes	M023	M1	PLANNING	TRANSPORTATION PLANNING	ACTIVE MODES	1
Manager, Administration	M116	M1	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Manager, Applications Software	M001	M1	TECHNOLOGY	APPLICATIONS SOFTWARE	APPLICATIONS SOFTWARE	3
Manager, Apps Software Dev	M002	M1	TECHNOLOGY	APPLICATIONS SOFTWARE	APPS SOFTWARE DEVELOPMENT	3
Manager, Benefits	M125	M1	HUMAN RESOURCES	BENEFITS	BENEFITS	4
Manager, Bldg & Dev Review	M034	M1	PLANNING	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Manager, Broadband	M105	M1	OPERATIONS	BROADBAND	BROADBAND OPERATIONS	2
Manager, Broadband Operations	M143	M1	OPERATIONS	BROADBAND	BROADBAND OPERATIONS	2
Manager, Civil Engineering	M008	M1	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Manager, Compliance	M115	M1	DEVELOPMENT & COMPLIANCE	COMPLIANCE	COMPLIANCE	1
Manager, Construction Inspect	M005	M1	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CONSTRUCTION INSPECTION	1
Manager, Cultural Services	M016	M1	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Manager, Customer Support	M021	M1	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Manager, Econ Sustainability	M033	M1	SUSTAINABILITY	ECONOMIC SUSTAINABILITY	ECONOMIC SUSTAINABILITY	1
Manager, Elec Distr Hi Voltage	M103	M1	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - HIGH VOLTAGE	2
Manager, Env Sustainability	M100	M1	SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	1
Manager, Environ Planning	M032	M1	PLANNING	ENVIRONMENTAL PLANNING	ENVIRONMENTAL PLANNING	1
Manager, FP&A	M026	M1	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Manager, Forestry	M128	M1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Manager, GIS	M004	M1	TECHNOLOGY	GIS	GIS	3
Manager, Graphic Design	M020	M1	MARKETING & CREATIVE SERVICES	MEDIA	GRAPHIC DESIGN	4
Manager, HR Business Partner	M144	M1	HUMAN RESOURCES	TALENT MANAGEMENT	EMPLOYEE RELATIONS	4
Manager, HR Operations	M102	M1	HUMAN RESOURCES	ADMINISTRATION	ADMINISTRATION	4
Manager, HRIS	M151	M1	HUMAN RESOURCES	HRIS	HRIS	4
Manager, Historic Preservation	M022	M1	PLANNING	CITY PLANNING	HISTORIC PRESERVATION	1
Manager, Marketing	M018	M1	MARKETING & CREATIVE SERVICES	MARKETING	MARKETING	4
Manager, Neighborhood Svcs	M153	M1	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	NEIGHBORHOOD SERVICES	1
Manager, Payroll	M029	M1	FINANCE & ACCOUNTING	ACCOUNTING	PAYROLL	4
Manager, Plant Operations	M012	M1	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2
Manager, Project Management	M129	M1	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Manager, Public Engagement	M017	M1	CUSTOMER SERVICE	COMMUNICATIONS	COMMUNICATIONS	4
Manager, Purchasing	M130	M1	FINANCE & ACCOUNTING	PURCHASING	PURCHASING	4
Manager, Real Estate	M027	M1	OPERATIONS	FACILITIES & FLEET	REAL ESTATE	2

## EXHIBIT A TO ORDINANCE NO. 172, 2023

Manager, Recreation	M024	M1	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Manager, Rental Housing	M152	M1	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	NEIGHBORHOOD SERVICES	1
Manager, Sales	M138	M1	MARKETING & CREATIVE SERVICES	SALES	SALES	4
Manager, Sciences	M019	M1	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Manager, Service Delivery	M131	M1	TECHNOLOGY	CLIENT SERVICES	CLIENT SERVICES	3
Manager, Social Sustainability	M119	M1	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Manager, Stormwater MP&FA	M145	M1	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Manager, Systems Admin	M009	M1	TECHNOLOGY	SYSTEMS	SYSTEMS ADMINISTRATION	3
Manager, Systems Engineering	M003	M1	TECHNOLOGY	SYSTEMS	SYSTEMS ENGINEERING	3
Manager, Talent Acquisition	M015	M1	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT ACQUISITION	4
Manager, Talent Development	M030	M1	HUMAN RESOURCES	ADMINISTRATION	ADMINISTRATION	4
Manager, Technical Proj Mgmt	M106	M1	ADMINISTRATION	PROJECT MANAGEMENT	TECHNICAL PROJECT MANAGEMENT	4
Manager, Traffic Engineering	M007	M1	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3
Manager, Traffic Ops	M156	M1	OPERATIONS	TRANSPORTATION	TRAFFIC OPERATIONS	2
Manager, Transportation Ops	M013	M1	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Manager, Transportation Plng	M112	M1	PLANNING	TRANSPORTATION PLANNING	TRANSPORTATION PLANNING	1
Manager, Video Production	M031	M1	MARKETING & CREATIVE SERVICES	MEDIA	VIDEO PRODUCTION	4
Manager, Water Field Ops	M006	M1	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2
Manager, Water Util Dev Review	M122	M1	SCIENCES & ENGINEERING	ENGINEERING	DEVELOPMENT REVIEW	3
Manager, Wellness	M014	M1	HUMAN RESOURCES	BENEFITS	WELLNESS	4
Master Electrician	O051	O6	OPERATIONS	FACILITIES & FLEET	ELECTRICIAN	2
Mechanical Engineer I	P011	P1	SCIENCES & ENGINEERING	ENGINEERING	MECHANICAL ENGINEERING	3
Mechanical Engineer II	P134	P2	SCIENCES & ENGINEERING	ENGINEERING	MECHANICAL ENGINEERING	3
Mechanical Engineer III	P075	P3	SCIENCES & ENGINEERING	ENGINEERING	MECHANICAL ENGINEERING	3
Mgr, Mediation & Res Justice	M154	M1	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	NEIGHBORHOOD SERVICES	1
Mgr, Network Ops & Info Sec	M150	M1	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Mgr, Principal City Planner	M146	M1	PLANNING	CITY PLANNING	CITY PLANNING	1
Municipal Court Administrator	M148	M1	LEGAL	JUDICIAL	ADMINISTRATION	4
Municipal Court Administrator	S019	S2	LEGAL	JUDICIAL	ADMINISTRATION	4
Natural Areas Trail Ranger	O058	O4	PROTECTIVE SERVICES	OPERATIONS	RESOURCE MANAGEMENT	5
Officer I, Transportation Ops	O013	O2	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Officer II, Enforcement	O026	O3	PROTECTIVE SERVICES	OPERATIONS	ENFORCEMENT	5
Officer III, Enforcement	O076	O4	PROTECTIVE SERVICES	OPERATIONS	ENFORCEMENT	5
Operator I, Transit	O011	O2	OPERATIONS	TRANSPORTATION	TRANSIT	2
Operator I, Transportation Ops	O009	O2	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Operator II, Broadband	O069	O3	OPERATIONS	BROADBAND	BROADBAND OPERATIONS	2
Operator II, Transit	O021	O3	OPERATIONS	TRANSPORTATION	TRANSIT	2
Operator II, Transportation Op	O022	O3	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Paralegal	A064	A6	LEGAL	LEGAL	LEGAL SUPPORT	4
Park Ranger	O037	O4	PROTECTIVE SERVICES	OPERATIONS	RESOURCE MANAGEMENT	5
Parking Enforcement Officer I	O010	O2	DEVELOPMENT & COMPLIANCE	COMPLIANCE	PARKING	1
Parking Enforcement Officer II	O066	O3	DEVELOPMENT & COMPLIANCE	COMPLIANCE	PARKING	1
Partner, Human Resources	P062	P2	HUMAN RESOURCES	TALENT MANAGEMENT	HUMAN RESOURCES	4
Planner, City	P052	P2	PLANNING	CITY PLANNING	CITY PLANNING	1
Planner, Environmental	P048	P2	PLANNING	ENVIRONMENTAL PLANNING	ENVIRONMENTAL PLANNING	1
Planner, Transit	P046	P2	PLANNING	TRANSPORTATION PLANNING	TRANSIT PLANNING	1
Planner, Transit Service	P187	P1	PLANNING	TRANSPORTATION PLANNING	TRANSIT PLANNING	1
Planner, Transportation	P113	P2	PLANNING	TRANSPORTATION PLANNING	TRANSPORTATION PLANNING	1
Plans Examiner	A073	A6	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Police Assistant Chief	M090	M3	PROTECTIVE SERVICES	POLICE ADMINISTRATION	POLICE ADMINISTRATION	5
Police Psychologist	P103	P4	PROTECTIVE SERVICES	INVESTIGATION	OUTREACH	5
Probation Officer	A087	A5	LEGAL	JUDICIAL	CUSTOMER SERVICE	4
Process Engineer I	P139	P1	SCIENCES & ENGINEERING	ENGINEERING	PROCESS ENGINEERING	3
Program Manager, Volunteer Svc	P186	P3	HUMAN RESOURCES	OUTREACH	PUBLIC ENGAGEMENT	4

## EXHIBIT A TO ORDINANCE NO. 172, 2023

Project Analyst	P026	P1	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Project Coordinator	A083	A5	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Project Manager	P041	P2	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Project Manager, Construction	P190	P2	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Reliability Engr II, Utilities	P152	P2	SCIENCES & ENGINEERING	ENGINEERING	RELIABILITY ENGINEERING	3
Reliability Engr III, Utilities	P130	P3	SCIENCES & ENGINEERING	ENGINEERING	RELIABILITY ENGINEERING	3
Rep I, Cultural Svcs	A107	A2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Rep I, Customer Support	A003	A2	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Rep II, Customer Support	A006	A3	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Rep II, Police Records	A011	A3	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Spec, Historic Preservation	P180	P1	PLANNING	CITY PLANNING	HISTORIC PRESERVATION	1
Spec, Regulatory Licensing	P174	P1	ADMINISTRATION	MUNICIPAL ADMINISTRATION	CITY CLERK	4
Specialist, Active Modes	P013	P1	PLANNING	TRANSPORTATION PLANNING	ACTIVE MODES	1
Specialist, Active Modes Data	P189	P1	PLANNING	TRANSPORTATION PLANNING	ACTIVE MODES	1
Specialist, City Planning	P121	P1	PLANNING	CITY PLANNING	CITY PLANNING	1
Specialist, Communications	P021	P1	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Specialist, Compliance	P127	P1	DEVELOPMENT & COMPLIANCE	COMPLIANCE	COMPLIANCE	1
Specialist, Customer Support	P034	P1	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Specialist, DOT	P157	P1	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	SAFETY	4
Specialist, Econ Sustainability	P119	P1	SUSTAINABILITY	ECONOMIC SUSTAINABILITY	ECONOMIC SUSTAINABILITY	1
Specialist, Env Sustainability	P120	P1	SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	1
Specialist, Facilities	P007	P1	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Specialist, Natural Areas	P140	P1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Specialist, Neighborhood Svcs	P184	P1	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	NEIGHBORHOOD SERVICES	1
Specialist, Public Engagement	P015	P1	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Specialist, Recruiting	P175	P1	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT ACQUISITION	4
Specialist, Regulatory Svcs	P163	P1	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Specialist, Risk Claims	P188	P1	FINANCE & ACCOUNTING	RISK MANAGEMENT	RISK MANAGEMENT	4
Specialist, Safety	P111	P1	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	SAFETY	4
Specialist, Sales	P116	P1	MARKETING & CREATIVE SERVICES	SALES	SALES	4
Specialist, Sciences	P010	P1	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Specialist, Security	P181	P1	ADMINISTRATION	SAFETY & RISK MANAGEMENT	SECURITY	4
Specialist, Soc Sustainability	P168	P1	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Specialist, Social Sustain	P019	P1	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Specialist, Talent Acquisition	P117	P1	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT ACQUISITION	4
Specialist, Talent Development	P017	P1	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT DEVELOPMENT	4
Specialist, Travel Demand Mgmt	P178	P2	PLANNING	TRANSPORTATION PLANNING	TRANSPORTATION PLANNING	1
Specialist, Wellness	P018	P1	HUMAN RESOURCES	BENEFITS	WELLNESS	4
Specialist, Sales Tax & Revenue	P149	P1	FINANCE & ACCOUNTING	REVENUE	SALES TAX AUDIT & REVENUE	4
Sr Accountant	P083	P3	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTING	4
Sr Administrator, Database	P069	P3	TECHNOLOGY	DATABASE	DATABASE	3
Sr Administrator, Systems	P067	P3	TECHNOLOGY	SYSTEMS	SYSTEMS ADMINISTRATION	3
Sr Adminstrtr, SCADA PLC Prgr	P148	P3	TECHNOLOGY	SYSTEMS	SYSTEMS ADMINISTRATION	3
Sr Analyst, Administration	P129	P3	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Sr Analyst, Apps Software	P066	P3	TECHNOLOGY	APPLICATIONS SOFTWARE	APPLICATIONS SOFTWARE	3
Sr Analyst, Apps Software Dev	P070	P3	TECHNOLOGY	APPLICATIONS SOFTWARE	APPS SOFTWARE DEVELOPMENT	3
Sr Analyst, Budget	P080	P3	FINANCE & ACCOUNTING	BUDGET	BUDGET	4
Sr Analyst, Business	P131	P3	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	BUSINESS ANALYSIS	4
Sr Analyst, Compensation	P082	P3	HUMAN RESOURCES	COMPENSATION	COMPENSATION	4
Sr Analyst, Data	P164	P3	TECHNOLOGY	DATA SCIENCE	DATA ANALYSIS	3
Sr Analyst, Finance	P094	P3	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Sr Analyst, GIS	P126	P3	TECHNOLOGY	GIS	GIS	3
Sr Analyst, Grants Admin	P162	P3	FINANCE & ACCOUNTING	FINANCIAL PLANNING & ANALYSIS	FINANCIAL PLANNING & ANALYSIS	4
Sr Analyst, HRIS	P096	P3	HUMAN RESOURCES	HRIS	HRIS	4

## EXHIBIT A TO ORDINANCE NO. 172, 2023

Sr Analyst, IT Security	P114	P3	TECHNOLOGY	INFORMATION SECURITY	INFORMATION SECURITY	3
Sr Analyst, Systems	P071	P3	TECHNOLOGY	SYSTEMS	SYSTEMS ADMINISTRATION	3
Sr Analyst, Treasury	P090	P3	FINANCE & ACCOUNTING	TREASURY / INVESTMENT	TREASURY / INVESTMENT	4
Sr Architect, Landscape	P074	P3	PLANNING	PARK PLANNING	LANDSCAPE	1
Sr Buyer	P089	P3	FINANCE & ACCOUNTING	PURCHASING	PURCHASING	4
Sr Coord, Sales Tax & Revenue	A056	A5	FINANCE & ACCOUNTING	REVENUE	SALES TAX AUDIT & REVENUE	4
Sr Coord, Onboarding & Training	A104	A5	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT ACQUISITION	4
Sr Coordinator, AP	A039	A5	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTS PAYABLE	4
Sr Coordinator, Accounting	A088	A5	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTING	4
Sr Coordinator, Active Modes	A076	A5	PLANNING	TRANSPORTATION PLANNING	ACTIVE MODES	1
Sr Coordinator, Benefits-Inact	A082	A5	HUMAN RESOURCES	BENEFITS	BENEFITS	4
Sr Coordinator, Camera Radar	A101	A5	PROTECTIVE SERVICES	PROCESSING SUPPORT	TECHNICAL	5
Sr Coordinator, Communications	A037	A5	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Sr Coordinator, Creative Svcs	A095	A5	MARKETING & CREATIVE SERVICES	MEDIA	GRAPHIC DESIGN	4
Sr Coordinator, Cultural Svcs	A049	A5	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Coordinator, Forestry	A048	A5	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Sr Coordinator, HRIS	A044	A5	HUMAN RESOURCES	HRIS	HRIS	4
Sr Coordinator, Marketing	A055	A5	MARKETING & CREATIVE SERVICES	MARKETING	MARKETING	4
Sr Coordinator, Payroll	A042	A5	FINANCE & ACCOUNTING	ACCOUNTING	PAYROLL	4
Sr Coordinator, Public Engage	A041	A5	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Sr Coordinator, Recreation	A054	A5	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Sr Coordinator, Rental Housing	A109	A5	DEVELOPMENT & COMPLIANCE	COMPLIANCE	RENTAL HOUSING	1
Sr Coordinator, Risk Mgmt	A038	A5	FINANCE & ACCOUNTING	RISK MANAGEMENT	RISK MANAGEMENT	4
Sr Coordinator, Safety	A052	A5	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	SAFETY	4
Sr Engineer, Network	P068	P3	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Sr Engineer, Systems	P064	P3	TECHNOLOGY	SYSTEMS	SYSTEMS ENGINEERING	3
Sr Engineer, Video Prod	P156	P3	MARKETING & CREATIVE SERVICES	SYSTEMS	VIDEO PRODUCTION	3
Sr Facilities Project Manager	P073	P3	ADMINISTRATION	PROJECT MANAGEMENT	FACILITIES PROJECT MANAGEMENT	4
Sr Inspector, Compliance	O056	O5	DEVELOPMENT & COMPLIANCE	COMPLIANCE	COMPLIANCE	1
Sr Inspector, Construction	O045	O5	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CONSTRUCTION INSPECTION	1
Sr Inspector, Forestry Zoning	O079	O5	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CODE COMPLIANCE	1
Sr Inspector, Nat Res Zoning	O094	O5	DEVELOPMENT & COMPLIANCE	COMPLIANCE	ZONING	1
Sr Inspector, Stormwater	O090	O6	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CONSTRUCTION INSPECTION	1
Sr Inspector, Zoning	O048	O5	DEVELOPMENT & COMPLIANCE	COMPLIANCE	ZONING	1
Sr Key Accounts Rep	P171	P3	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Sr Legal Assistant	A026	A4	LEGAL	LEGAL	LEGAL SUPPORT	4
Sr Locator, Elec Dist Field Op	O093	O5	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - FIELD OPS	2
Sr Locator, Elec Dist Field Op	O012	O4	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - FIELD OPS	2
Sr Manager, Accounting	M052	M2	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTING	4
Sr Manager, Apps Software	M038	M2	TECHNOLOGY	APPLICATIONS SOFTWARE	APPLICATIONS SOFTWARE	3
Sr Manager, Broadband	M155	M2	OPERATIONS	BROADBAND	BROADBAND OPERATIONS	2
Sr Manager, City Planning	M126	M2	PLANNING	CITY PLANNING	CITY PLANNING	1
Sr Manager, Civil Engineering	M043	M2	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Sr Manager, Creative Services	M132	M2	MARKETING & CREATIVE SERVICES	MEDIA	GRAPHIC DESIGN	4
Sr Manager, Cultural Services	M054	M2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Manager, Cultural Services	M050	M2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Manager, Customer Support	M051	M2	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Sr Manager, Econ Sustainability	M110	M2	SUSTAINABILITY	ECONOMIC SUSTAINABILITY	ECONOMIC SUSTAINABILITY	1
Sr Manager, Elec Dist Ctrl Cen	M158	M2	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - LOW VOLTAGE	2
Sr Manager, Elec Engr	M060	M2	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3
Sr Manager, Env Sustain	M056	M2	SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	1
Sr Manager, Facilities & Fleet	M044	M2	OPERATIONS	FACILITIES & FLEET	FACILITIES & FLEET	2
Sr Manager, Forestry	M035	M2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Sr Manager, Grid Technologies	M157	M2	SCIENCES & ENGINEERING	ENGINEERING	ELECTRICAL ENGINEERING	3

## EXHIBIT A TO ORDINANCE NO. 172, 2023

Sr Manager, HRIS	M124	M2	HUMAN RESOURCES	HRIS	HRIS	4
Sr Manager, Horticulture	M142	M2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Manager, Information Svcs	M062	M2	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Sr Manager, Mechanical Engr	M045	M2	SCIENCES & ENGINEERING	ENGINEERING	MECHANICAL ENGINEERING	3
Sr Manager, Neighborhood Svcs	M058	M2	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	NEIGHBORHOOD SERVICES	1
Sr Manager, Network Engineering	M104	M2	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Sr Manager, Parks	M057	M2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Sr Manager, Public Engagement	M133	M2	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Sr Manager, Recreation	M134	M2	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Sr Manager, Sciences	M046	M2	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Sr Manager, Social Sustainblty	M118	M2	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Sr Manager, Technology	M039	M2	TECHNOLOGY	TECHNOLOGY	TECHNOLOGY	3
Sr Manager, Traffic Engr	M041	M2	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3
Sr Manager, Transit	M049	M2	OPERATIONS	TRANSPORTATION	TRANSIT	2
Sr Manager, Transportation Ops	M137	M2	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Sr Manager, Transportation Pln	M037	M2	PLANNING	TRANSPORTATION PLANNING	TRANSPORTATION PLANNING	1
Sr Manager, Water Engineering	M047	M2	SCIENCES & ENGINEERING	ENGINEERING	WATER ENGINEERING	3
Sr Manager, Sales Tax & Revenue	M036	M2	FINANCE & ACCOUNTING	REVENUE	SALES TAX AUDIT & REVENUE	4
Sr Mgr, Elec Dist-High Voltage	M160	M2	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - HIGH VOLTAGE	2
Sr Mgr, Park Planning & Dev	M149	M2	PLANNING	PARK PLANNING	LANDSCAPE	1
Sr Mgr, Safety & Risk Mgmt	M117	M2	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	SAFETY	4
Sr Operator, Transport Ops	O081	O4	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Sr Partner, Human Resources	P142	P3	HUMAN RESOURCES	TALENT MANAGEMENT	HUMAN RESOURCES	4
Sr Planner, City	P098	P3	PLANNING	CITY PLANNING	CITY PLANNING	1
Sr Planner, Environmental	P086	P3	PLANNING	ENVIRONMENTAL PLANNING	ENVIRONMENTAL PLANNING	1
Sr Planner, Trails	P137	P3	PLANNING	PARK PLANNING	LANDSCAPE	1
Sr Planner, Transportation	P087	P3	PLANNING	TRANSPORTATION PLANNING	TRANSPORTATION PLANNING	1
Sr Project Manager	P095	P3	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Sr Project Manager, Talent Mgmt	P166	P3	HUMAN RESOURCES	TALENT MANAGEMENT	HUMAN RESOURCES	4
Sr Rep, Cultural Svcs	A025	A4	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Spc, Neighborhood Svcs	P044	P2	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	NEIGHBORHOOD SERVICES	1
Sr Spc, Process Improvement	P053	P2	ADMINISTRATION	PROJECT MANAGEMENT	PROCESS IMPROVEMENT	4
Sr Spec, Talent Development	P161	P2	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT DEVELOPMENT	4
Sr Specialist, Communications	P058	P2	MARKETING & CREATIVE SERVICES	COMMUNICATIONS	COMMUNICATIONS	4
Sr Specialist, Compliance	P146	P2	DEVELOPMENT & COMPLIANCE	COMPLIANCE	COMPLIANCE	1
Sr Specialist, Cultural Svcs	P153	P2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Specialist, Cust Support	P027	P2	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Sr Specialist, DAR Program Mgr	P167	P3	PLANNING	TRANSPORTATION PLANNING	TRANSIT PLANNING	1
Sr Specialist, Digital Incls	P203	P2	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Sr Specialist, Econ Sustain	P056	P2	SUSTAINABILITY	ECONOMIC SUSTAINABILITY	ECONOMIC SUSTAINABILITY	1
Sr Specialist, Env Compliance	P125	P2	SUSTAINABILITY	COMPLIANCE	COMPLIANCE	1
Sr Specialist, Enviro Sustain	P061	P2	SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	ENVIRONMENTAL SUSTAINABILITY	1
Sr Specialist, Equity	P144	P2	SUSTAINABILITY	SOCIAL SUSTAINABILITY	EQUITY, DIVERSITY & INCLUSION	1
Sr Specialist, Floodplain Mgmt	P169	P2	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Sr Specialist, Forestry	P151	P2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Sr Specialist, OEM	P128	P2	ADMINISTRATION	PROJECT MANAGEMENT	EMERGENCY MANAGEMENT	4
Sr Specialist, Outreach	P107	P2	PROTECTIVE SERVICES	INVESTIGATION	OUTREACH	5
Sr Specialist, Parks	P033	P2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Sr Specialist, Public Engage	P054	P2	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Sr Specialist, Real Estate	P055	P2	OPERATIONS	FACILITIES & FLEET	REAL ESTATE	2
Sr Specialist, Recreation	P045	P2	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Sr Specialist, Recruiter	P172	P2	HUMAN RESOURCES	TALENT MANAGEMENT	TALENT DEVELOPMENT	4
Sr Specialist, Safety	P192	P2	HUMAN RESOURCES	SAFETY & RISK MANAGEMENT	SAFETY	4
Sr Specialist, Sciences	P035	P2	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3

## EXHIBIT A TO ORDINANCE NO. 172, 2023

Sr Specialist, Security	P182	P2	ADMINISTRATION	SAFETY & RISK MANAGEMENT	SECURITY	4
Sr Specialist, Social Sustain	P132	P2	SUSTAINABILITY	SOCIAL SUSTAINABILITY	SOCIAL SUSTAINABILITY	1
Sr Specialist, Workers Comp	P147	P2	ADMINISTRATION	SAFETY & RISK MANAGEMENT	WORKERS COMPENSATION	4
Sr Supervisor, AR / Billing	S045	S2	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTS RECEIVABLE / BILLING	4
Sr Supervisor, Apps Software	S078	S2	TECHNOLOGY	APPLICATIONS SOFTWARE	APPLICATIONS SOFTWARE	3
Sr Supervisor, Code Compliance	S075	S2	DEVELOPMENT & COMPLIANCE	COMPLIANCE	CODE COMPLIANCE	1
Sr Supervisor, Cultural Svcs	S037	S2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Sr Supervisor, Cust Support	S018	S2	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Sr Supervisor, Electric Dist	S034	S2	OPERATIONS	ELECTRIC UTILITIES	ELECTRIC DIST - LOW VOLTAGE	2
Sr Supervisor, Enforcement	S070	S2	PROTECTIVE SERVICES	OPERATIONS	ENFORCEMENT	5
Sr Supervisor, Facilities	S026	S2	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Sr Supervisor, Fleet	S024	S2	OPERATIONS	FACILITIES & FLEET	FLEET	2
Sr Supervisor, Forestry	S025	S2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Sr Supervisor, HRIS	S041	S2	HUMAN RESOURCES	HRIS	HRIS	4
Sr Supervisor, Information Svc	S047	S2	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Sr Supervisor, Land Surveying	S068	S2	SCIENCES & ENGINEERING	ENGINEERING	SURVEYING	3
Sr Supervisor, Maintenance	S032	S2	OPERATIONS	PLANT OPERATIONS	MAINTENANCE	2
Sr Supervisor, Marketing	S038	S2	MARKETING & CREATIVE SERVICES	MARKETING	MARKETING	4
Sr Supervisor, Mechanical Engr	S022	S2	SCIENCES & ENGINEERING	ENGINEERING	MECHANICAL ENGINEERING	3
Sr Supervisor, Natural Areas	S058	S2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Sr Supervisor, Neighborhood Svc	S055	S2	DEVELOPMENT & COMPLIANCE	NEIGHBORHOOD SERVICES	NEIGHBORHOOD SERVICES	1
Sr Supervisor, Netwk Engineer	S065	S2	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Sr Supervisor, Outreach	S079	S2	PROTECTIVE SERVICES	INVESTIGATION	OUTREACH	5
Sr Supervisor, Parks	S031	S2	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Sr Supervisor, Plant Ops	S023	S2	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2
Sr Supervisor, Plant Ops	S030	S2	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2
Sr Supervisor, Process Support	S048	S2	PROTECTIVE SERVICES	PROCESSING SUPPORT	TECHNICAL	5
Sr Supervisor, Project Mgmt	S043	S2	ADMINISTRATION	PROJECT MANAGEMENT	PROJECT MANAGEMENT	4
Sr Supervisor, Public Engage	S039	S2	CUSTOMER SERVICE	OUTREACH	PUBLIC ENGAGEMENT	4
Sr Supervisor, Recreation	S044	S2	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	1
Sr Supervisor, Safety&Security	S077	S2	PROTECTIVE SERVICES	OPERATIONS	ENFORCEMENT	5
Sr Supervisor, Sciences	S020	S2	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Sr Supervisor, Transit	S042	S2	OPERATIONS	TRANSPORTATION	TRANSIT	2
Sr Supervisor, Transportn Ops	S060	S2	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Sr Supervisor, Video Productn	S066	S2	MARKETING & CREATIVE SERVICES	MEDIA	VIDEO PRODUCTION	4
Sr Tech, Floodplain Admin	A099	A5	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Sr Tech, Police Records	A092	A5	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Sr Tech, Police Technology	A063	A5	PROTECTIVE SERVICES	PROCESSING SUPPORT	POLICE TECHNOLOGY	5
Sr Tech, Processing Support	A091	A5	PROTECTIVE SERVICES	PROCESSING SUPPORT	TECHNICAL	5
Sr Tech, Signal Construction	O084	O5	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Sr Tech, Transportation Ops	O046	O5	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Sr Technical Project Manager	P076	P3	ADMINISTRATION	PROJECT MANAGEMENT	TECHNICAL PROJECT MANAGEMENT	4
Sr Technician, Broadband Ops	O088	O5	TECHNOLOGY	FIBER	FIBER	3
Sr Technician, Client Services	A047	A5	TECHNOLOGY	CLIENT SERVICES	CLIENT SERVICES	3
Sr Technician, Facilities	O049	O5	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Sr Technician, Fiber	O089	O5	TECHNOLOGY	FIBER	FIBER	3
Sr Technician, Fiber	O057	O5	TECHNOLOGY	FIBER	FIBER	3
Sr Technician, Graphic Design	A100	A5	MARKETING & CREATIVE SERVICES	MEDIA	GRAPHIC DESIGN	4
Sr Technician, Maintenance	O050	O5	OPERATIONS	PLANT OPERATIONS	MAINTENANCE	2
Sr Technician, Network Engr	A080	A5	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Sr Technician, Police Admin	A081	A5	PROTECTIVE SERVICES	POLICE ADMINISTRATION	POLICE ADMINISTRATION	5
Sr Technician, Sciences	A110	A5	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Sr Technician, Traffic Engr	O055	O5	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3
Sr Technician, Traffic Signals	O086	O5	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3

## EXHIBIT A TO ORDINANCE NO. 172, 2023

Sr Technician, Video Prod	A084	A5	MARKETING & CREATIVE SERVICES	MEDIA	VIDEO PRODUCTION	4
Sr Technician, Water Field Ops	O053	O5	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2
Supervisor I, Sign Shop	S072	S1	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Supervisor, Accounts Payable	S067	S1	FINANCE & ACCOUNTING	ACCOUNTING	ACCOUNTS PAYABLE	4
Supervisor, Administration	S003	S1	ADMINISTRATION	ADMINISTRATION	ADMINISTRATION	4
Supervisor, Bldg & Dev Rev	S057	S1	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Supervisor, Client Services	S004	S1	TECHNOLOGY	CLIENT SERVICES	CLIENT SERVICES	3
Supervisor, Cultural Services	S062	S1	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Supervisor, Customer Support	S001	S1	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Supervisor, Energy Services	S028	S1	OPERATIONS	FACILITIES & FLEET	ENERGY SERVICES	2
Supervisor, Enforcement	S009	S1	PROTECTIVE SERVICES	OPERATIONS	ENFORCEMENT	5
Supervisor, Facilities	S008	S1	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Supervisor, Fiber	S063	S1	TECHNOLOGY	FIBER	FIBER	3
Supervisor, Fleet	S021	S1	OPERATIONS	FACILITIES & FLEET	FLEET	2
Supervisor, Land Surveying	S005	S1	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Supervisor, Legal Support	S069	S1	LEGAL	LEGAL	LEGAL SUPPORT	4
Supervisor, NA Enforcement	S076	S1	PROTECTIVE SERVICES	OPERATIONS	ENFORCEMENT	5
Supervisor, Network Engr	S061	S1	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Supervisor, Plans Examiner	S064	S1	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Supervisor, Plant Operations	S014	S1	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2
Supervisor, Plant Operations	S054	S1	OPERATIONS	PLANT OPERATIONS	PLANT OPERATIONS	2
Supervisor, Traffic Markings	S071	S1	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Supervisor, Traffic Signals	S073	S1	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3
Supervisor, Transit	S007	S1	OPERATIONS	TRANSPORTATION	TRANSIT	2
Tech I, Material Handling	O070	O3	OPERATIONS	FACILITIES & FLEET	MATERIAL HANDLING	2
Tech II, Investigative Support	A094	A4	PROTECTIVE SERVICES	INVESTIGATION	INVESTIGATION	5
Tech II, Police Technology	A089	A4	PROTECTIVE SERVICES	PROCESSING SUPPORT	POLICE TECHNOLOGY	5
Tech II, Processing Support	A033	A4	PROTECTIVE SERVICES	PROCESSING SUPPORT	TECHNICAL	5
Tech II, Transportation Ops	O031	O4	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Technical Project Manager	P036	P2	ADMINISTRATION	PROJECT MANAGEMENT	TECHNICAL PROJECT MANAGEMENT	4
Technical Svcs Mgr, Police Svc	P176	P3	ADMINISTRATION	PROCESSING SUPPORT	INFORMATION SERVICES	5
Technician I, Bldg Dev Review	A010	A3	DEVELOPMENT & COMPLIANCE	BUILDING & DEVELOPMENT REVIEW	BUILDING & DEVELOPMENT REVIEW	1
Technician I, CCT Ops	O071	O3	OPERATIONS	CUSTOMER CONNECTIONS	CUSTOMER CARE & TECH OPS	2
Technician I, Civil Engr	O014	O3	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3
Technician I, Customer Support	O016	O3	CUSTOMER SERVICE	CUSTOMER SERVICE	CUSTOMER SUPPORT	4
Technician I, Facilities	O020	O3	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Technician I, Fiber	O062	O3	OPERATIONS	FIBER	FIBER	2
Technician I, Fleet	O017	O3	OPERATIONS	FACILITIES & FLEET	FLEET	2
Technician I, Forestry	O018	O3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Technician I, Horticulture	O075	O3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Technician I, Natural Areas	O060	O3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Technician I, Parks	O024	O3	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Technician I, Police Admin	A012	A3	PROTECTIVE SERVICES	POLICE ADMINISTRATION	POLICE ADMINISTRATION	5
Technician I, Traffic Control	O068	O3	OPERATIONS	TRANSPORTATION	TRAFFIC CONTROL	2
Technician I, Water Field Util	O027	O3	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2
Technician II, Client Services	A019	A4	TECHNOLOGY	CLIENT SERVICES	CLIENT SERVICES	3
Technician II, Energy Services	O040	O4	OPERATIONS	FACILITIES & FLEET	ENERGY SERVICES	2
Technician II, Facilities	O032	O4	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Technician II, Fiber	O061	O4	TECHNOLOGY	FIBER	FIBER	3
Technician II, Fleet	O054	O4	OPERATIONS	FACILITIES & FLEET	FLEET	2
Technician II, Forestry	O033	O4	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	FORESTRY	1
Technician II, GIS	A027	A4	TECHNOLOGY	GIS	GIS	3
Technician II, Graphic Design	A085	A4	MARKETING & CREATIVE SERVICES	MEDIA	GRAPHIC DESIGN	4
Technician II, Land Surveying	O028	O4	SCIENCES & ENGINEERING	ENGINEERING	CIVIL ENGINEERING	3



Technician II, Maintenance	O041	O4	OPERATIONS	PLANT OPERATIONS	MAINTENANCE	2
Technician II, Natural Areas	O034	O4	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	NATURAL AREAS	1
Technician II, Network Engr	A079	A4	TECHNOLOGY	NETWORK	NETWORK ENGINEERING	3
Technician II, Police Records	A035	A4	PROTECTIVE SERVICES	PROCESSING SUPPORT	INFORMATION SERVICES	5
Technician II, Sciences	A078	A4	SCIENCES & ENGINEERING	SCIENCES	SCIENCES	3
Technician II, Traffic Control	O074	O4	OPERATIONS	TRANSPORTATION	TRAFFIC CONTROL	2
Technician II, Traffic Engr	O030	O4	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3
Technician II, Traffic Ops	O091	O4	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Technician II, Traffic Signals	O085	O4	SCIENCES & ENGINEERING	ENGINEERING	TRAFFIC ENGINEERING	3
Technician II, Video Prod	A029	A4	MARKETING & CREATIVE SERVICES	MEDIA	VIDEO PRODUCTION	4
Technician II, Water Engr	O029	O4	SCIENCES & ENGINEERING	ENGINEERING	WATER ENGINEERING	3
Technician II, Wtr Field Util	O039	O4	OPERATIONS	WATER UTILITIES	WATER FIELD OPERATIONS	2
Victim Advocate	A034	A4	PROTECTIVE SERVICES	INVESTIGATION	OUTREACH	5
Water Engineer II	P038	P2	SCIENCES & ENGINEERING	ENGINEERING	WATER ENGINEERING	3
Worker I, Facilities	O003	O1	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Worker I, Fleet	O067	O1	OPERATIONS	FACILITIES & FLEET	FLEET	2
Worker I, Parks	O004	O1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Worker I, Parks Shop Attendant	O072	O1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	PARKS	1
Worker I, Rec Fac Attendant	O078	O1	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	4
Worker I, Rec Ice Attendant	O077	O1	CULTURE, PARKS & RECREATION	RECREATION	RECREATION	4
Worker I, Recreation	O059	O1	CULTURE, PARKS & RECREATION	OUTDOOR SERVICES	RECREATION	1
Worker I, Transit	O002	O1	OPERATIONS	TRANSPORTATION	TRANSIT	2
Worker I, Transportation Ops	O005	O1	OPERATIONS	TRANSPORTATION	TRANSPORTATION OPERATIONS	2
Worker II, Cultural Services	O063	O2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Worker II, Facilities	O008	O2	OPERATIONS	FACILITIES & FLEET	FACILITIES	2
Worker II, Fleet	O007	O2	OPERATIONS	FACILITIES & FLEET	FLEET	2
Worker II, Theatre Audio Engr	O082	O2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Worker II, Theatre Lighting	O083	O2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1
Worker II, Theatre Production	O080	O2	CULTURE, PARKS & RECREATION	CULTURAL SERVICES	CULTURAL SERVICES	1

TABLE: 1

## SUSTAINABILITY, PLANNING, CULTURE, PARKS &amp; RECREATION, DEVELOPMENT &amp; COMPLIANCE

MANAGERIAL				
		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
M3	<u>BIWEEKLY</u>	\$3,695.38	\$4,928.62	\$6,160.73
	<u>MONTHLY</u>	\$8,006.67	\$10,678.67	\$13,348.25
	<u>ANNUAL</u>	\$96,080.00	\$128,144.00	\$160,179.00
M2	<u>BIWEEKLY</u>	\$3,300.58	\$4,400.54	\$5,500.42
	<u>MONTHLY</u>	\$7,151.25	\$9,534.50	\$11,917.58
	<u>ANNUAL</u>	\$85,815.00	\$114,414.00	\$143,011.00
M1	<u>BIWEEKLY</u>	\$2,946.77	\$3,929.04	\$4,911.27
	<u>MONTHLY</u>	\$6,384.67	\$8,512.92	\$10,641.08
	<u>ANNUAL</u>	\$76,616.00	\$102,155.00	\$127,693.00
S2	<u>BIWEEKLY</u>	\$2,511.81	\$3,349.08	\$4,186.35
	<u>MONTHLY</u>	\$5,442.25	\$7,256.33	\$9,070.42
	<u>ANNUAL</u>	\$65,307.00	\$87,076.00	\$108,845.00
S1	<u>BIWEEKLY</u>	\$2,242.69	\$2,990.23	\$3,737.81
	<u>MONTHLY</u>	\$4,859.17	\$6,478.83	\$8,098.58
	<u>ANNUAL</u>	\$58,310.00	\$77,746.00	\$97,183.00
PROFESSIONAL				
		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
P3	<u>BIWEEKLY</u>	\$2,516.35	\$3,355.15	\$4,193.92
	<u>MONTHLY</u>	\$5,452.08	\$7,269.50	\$9,086.83
	<u>ANNUAL</u>	\$65,425.00	\$87,234.00	\$109,042.00
P2	<u>BIWEEKLY</u>	\$2,214.38	\$2,952.50	\$3,690.62
	<u>MONTHLY</u>	\$4,797.83	\$6,397.08	\$7,996.33
	<u>ANNUAL</u>	\$57,574.00	\$76,765.00	\$95,956.00
P1	<u>BIWEEKLY</u>	\$1,948.69	\$2,598.19	\$3,247.77
	<u>MONTHLY</u>	\$4,222.17	\$5,629.42	\$7,036.83
	<u>ANNUAL</u>	\$50,666.00	\$67,553.00	\$84,442.00
ADMINISTRATIVE				
		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
A6	<u>BIWEEKLY</u>	\$2,194.85	\$2,743.54	\$3,292.31
	<u>MONTHLY</u>	\$4,755.50	\$5,944.33	\$7,133.33
	<u>ANNUAL</u>	\$57,066.00	\$71,332.00	\$85,600.00
A5	<u>BIWEEKLY</u>	\$1,995.31	\$2,494.15	\$2,993.00
	<u>MONTHLY</u>	\$4,323.17	\$5,404.00	\$6,484.83
	<u>ANNUAL</u>	\$51,878.00	\$64,848.00	\$77,818.00
A4	<u>BIWEEKLY</u>	\$1,813.92	\$2,267.42	\$2,720.88
	<u>MONTHLY</u>	\$3,930.17	\$4,912.75	\$5,895.25
	<u>ANNUAL</u>	\$47,162.00	\$58,953.00	\$70,743.00
A3	<u>BIWEEKLY</u>	\$1,632.54	\$2,040.69	\$2,448.81

	<u>MONTHLY</u>	\$3,537.17	\$4,421.50	\$5,305.75
	<u>ANNUAL</u>	\$42,446.00	\$53,058.00	\$63,669.00
<b>A2</b>	<u>BIWEEKLY</u>	\$1,469.27	\$1,836.62	\$2,204.00
	<u>MONTHLY</u>	\$3,183.42	\$3,979.33	\$4,775.33
	<u>ANNUAL</u>	\$38,201.00	\$47,752.00	\$57,304.00
<b>OPERATIONS &amp; SKILLED TRADE</b>				
		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
<b>O6</b>	<u>BIWEEKLY</u>	\$2,266.12	\$2,832.65	\$3,399.19
	<u>MONTHLY</u>	\$4,909.92	\$6,137.42	\$7,364.92
	<u>ANNUAL</u>	\$58,919.00	\$73,649.00	\$88,379.00
<b>O5</b>	<u>BIWEEKLY</u>	\$2,039.50	\$2,549.38	\$3,059.27
	<u>MONTHLY</u>	\$4,418.92	\$5,523.67	\$6,628.42
	<u>ANNUAL</u>	\$53,027.00	\$66,284.00	\$79,541.00
<b>O4</b>	<u>BIWEEKLY</u>	\$1,835.58	\$2,294.46	\$2,753.31
	<u>MONTHLY</u>	\$3,977.08	\$4,971.33	\$5,965.50
	<u>ANNUAL</u>	\$47,725.00	\$59,656.00	\$71,586.00
<b>O3</b>	<u>BIWEEKLY</u>	\$1,652.00	\$2,065.04	\$2,477.96
	<u>MONTHLY</u>	\$3,579.33	\$4,474.25	\$5,368.92
	<u>ANNUAL</u>	\$42,952.00	\$53,691.00	\$64,427.00
<b>O2</b>	<u>BIWEEKLY</u>	\$1,486.81	\$1,858.54	\$2,230.19
	<u>MONTHLY</u>	\$3,221.42	\$4,026.83	\$4,832.08
	<u>ANNUAL</u>	\$38,657.00	\$48,322.00	\$57,985.00
<b>O1</b>	<u>BIWEEKLY</u>	\$1,338.15	\$1,672.65	\$2,007.19
	<u>MONTHLY</u>	\$2,899.33	\$3,624.08	\$4,348.92
	<u>ANNUAL</u>	\$34,792.00	\$43,489.00	\$52,187.00
<b>TABLE: 2 OPERATIONS</b>				
<b>MANAGERIAL</b>				
		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
<b>M3</b>	<u>BIWEEKLY</u>	\$4,398.08	\$5,863.88	\$7,329.73
	<u>MONTHLY</u>	\$9,529.17	\$12,705.08	\$15,881.08
	<u>ANNUAL</u>	\$114,350.00	\$152,461.00	\$190,573.00
<b>M2</b>	<u>BIWEEKLY</u>	\$3,738.23	\$4,984.31	\$6,230.23
	<u>MONTHLY</u>	\$8,099.50	\$10,799.33	\$13,498.83
	<u>ANNUAL</u>	\$97,194.00	\$129,592.00	\$161,986.00
<b>M1</b>	<u>BIWEEKLY</u>	\$3,177.35	\$4,236.65	\$5,295.96
	<u>MONTHLY</u>	\$6,884.25	\$9,179.42	\$11,474.58
	<u>ANNUAL</u>	\$82,611.00	\$110,153.00	\$137,695.00
<b>S2</b>	<u>BIWEEKLY</u>	\$2,661.35	\$3,548.46	\$4,435.65
	<u>MONTHLY</u>	\$5,766.25	\$7,688.33	\$9,610.58
	<u>ANNUAL</u>	\$69,195.00	\$92,260.00	\$115,327.00

S1	<u>BIWEEKLY</u>	\$2,339.38	\$3,119.19	\$3,898.96
	<u>MONTHLY</u>	\$5,068.67	\$6,758.25	\$8,447.75
	<u>ANNUAL</u>	\$60,824.00	\$81,099.00	\$101,373.00
<b>PROFESSIONAL</b>				
P2		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
	<u>BIWEEKLY</u>	\$2,106.62	\$2,808.81	\$3,511.04
	<u>MONTHLY</u>	\$4,564.33	\$6,085.75	\$7,607.25
P1	<u>ANNUAL</u>	\$54,772.00	\$73,029.00	\$91,287.00
	<u>BIWEEKLY</u>	\$1,853.85	\$2,471.73	\$3,089.69
	<u>MONTHLY</u>	\$4,016.67	\$5,355.42	\$6,694.33
	<u>ANNUAL</u>	\$48,200.00	\$64,265.00	\$80,332.00
<b>OPERATIONS &amp; SKILLED TRADE</b>				
O6		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
	<u>BIWEEKLY</u>	\$2,405.31	\$3,006.62	\$3,607.96
	<u>MONTHLY</u>	\$5,211.50	\$6,514.33	\$7,817.25
O5	<u>ANNUAL</u>	\$62,538.00	\$78,172.00	\$93,807.00
	<u>BIWEEKLY</u>	\$2,186.65	\$2,733.27	\$3,279.92
	<u>MONTHLY</u>	\$4,737.75	\$5,922.08	\$7,106.50
O4	<u>ANNUAL</u>	\$56,853.00	\$71,065.00	\$85,278.00
	<u>BIWEEKLY</u>	\$1,987.88	\$2,484.81	\$2,981.81
	<u>MONTHLY</u>	\$4,307.08	\$5,383.75	\$6,460.58
O3	<u>ANNUAL</u>	\$51,685.00	\$64,605.00	\$77,527.00
	<u>BIWEEKLY</u>	\$1,807.15	\$2,258.96	\$2,710.69
	<u>MONTHLY</u>	\$3,915.50	\$4,894.42	\$5,873.17
O2	<u>ANNUAL</u>	\$46,986.00	\$58,733.00	\$70,478.00
	<u>BIWEEKLY</u>	\$1,642.85	\$2,053.58	\$2,464.31
	<u>MONTHLY</u>	\$3,559.50	\$4,449.42	\$5,339.33
O1	<u>ANNUAL</u>	\$42,714.00	\$53,393.00	\$64,072.00
	<u>BIWEEKLY</u>	\$1,493.50	\$1,866.88	\$2,240.27
	<u>MONTHLY</u>	\$3,235.92	\$4,044.92	\$4,853.92
	<u>ANNUAL</u>	\$38,831.00	\$48,539.00	\$58,247.00
<b>TABLE: 3 SCIENCES &amp; ENGINEERING, TECHNOLOGY</b>				
<b>MANAGERIAL</b>				
M3		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
	<u>BIWEEKLY</u>	\$4,486.81	\$5,982.42	\$7,478.04
	<u>MONTHLY</u>	\$9,721.42	\$12,961.92	\$16,202.42
M2	<u>ANNUAL</u>	\$116,657.00	\$155,543.00	\$194,429.00
	<u>BIWEEKLY</u>	\$3,901.62	\$5,202.08	\$6,502.65
	<u>MONTHLY</u>	\$8,453.50	\$11,271.17	\$14,089.08

	<u>ANNUAL</u>	\$101,442.00	\$135,254.00	\$169,069.00
<b>M1</b>	<u>BIWEEKLY</u>	\$3,392.65	\$4,523.62	\$5,654.46
	<u>MONTHLY</u>	\$7,350.75	\$9,801.17	\$12,251.33
	<u>ANNUAL</u>	\$88,209.00	\$117,614.00	\$147,016.00
<b>S2</b>	<u>BIWEEKLY</u>	\$2,950.15	\$3,933.54	\$4,916.92
	<u>MONTHLY</u>	\$6,392.00	\$8,522.67	\$10,653.33
	<u>ANNUAL</u>	\$76,704.00	\$102,272.00	\$127,840.00
<b>S1</b>	<u>BIWEEKLY</u>	\$2,596.12	\$3,461.54	\$4,326.88
	<u>MONTHLY</u>	\$5,624.92	\$7,500.00	\$9,374.92
	<u>ANNUAL</u>	\$67,499.00	\$90,000.00	\$112,499.00
<b>PROFESSIONAL</b>				
		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
<b>P4</b>	<u>BIWEEKLY</u>	\$3,645.77	\$4,861.00	\$6,076.19
	<u>MONTHLY</u>	\$7,899.17	\$10,532.17	\$13,165.08
	<u>ANNUAL</u>	\$94,790.00	\$126,386.00	\$157,981.00
<b>P3</b>	<u>BIWEEKLY</u>	\$3,208.31	\$4,277.73	\$5,347.08
	<u>MONTHLY</u>	\$6,951.33	\$9,268.42	\$11,585.33
	<u>ANNUAL</u>	\$83,416.00	\$111,221.00	\$139,024.00
<b>P2</b>	<u>BIWEEKLY</u>	\$2,823.27	\$3,764.35	\$4,705.42
	<u>MONTHLY</u>	\$6,117.08	\$8,156.08	\$10,195.08
	<u>ANNUAL</u>	\$73,405.00	\$97,873.00	\$122,341.00
<b>P1</b>	<u>BIWEEKLY</u>	\$2,484.50	\$3,312.62	\$4,140.81
	<u>MONTHLY</u>	\$5,383.08	\$7,177.33	\$8,971.75
	<u>ANNUAL</u>	\$64,597.00	\$86,128.00	\$107,661.00
<b>ADMINISTRATIVE</b>				
		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
<b>A6</b>	<u>BIWEEKLY</u>	\$2,248.12	\$2,810.19	\$3,372.19
	<u>MONTHLY</u>	\$4,870.92	\$6,088.75	\$7,306.42
	<u>ANNUAL</u>	\$58,451.00	\$73,065.00	\$87,677.00
<b>A5</b>	<u>BIWEEKLY</u>	\$2,043.73	\$2,554.69	\$3,065.65
	<u>MONTHLY</u>	\$4,428.08	\$5,535.17	\$6,642.25
	<u>ANNUAL</u>	\$53,137.00	\$66,422.00	\$79,707.00
<b>A4</b>	<u>BIWEEKLY</u>	\$1,857.92	\$2,322.46	\$2,786.92
	<u>MONTHLY</u>	\$4,025.50	\$5,032.00	\$6,038.33
	<u>ANNUAL</u>	\$48,306.00	\$60,384.00	\$72,460.00
<b>OPERATIONS &amp; SKILLED TRADE</b>				
		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
<b>O5</b>	<u>BIWEEKLY</u>	\$2,329.85	\$2,907.42	\$3,489.31
	<u>MONTHLY</u>	\$5,048.00	\$6,299.42	\$7,560.17
	<u>ANNUAL</u>	\$60,576.00	\$75,593.00	\$90,722.00
<b>O4</b>	<u>BIWEEKLY</u>	\$2,093.15	\$2,617.00	\$3,140.15

	<u>MONTHLY</u>	\$4,535.17	\$5,670.17	\$6,803.67
	<u>ANNUAL</u>	\$54,422.00	\$68,042.00	\$81,644.00
<b>O3</b>	<u>BIWEEKLY</u>	\$1,884.27	\$2,355.35	\$2,826.58
	<u>MONTHLY</u>	\$4,082.58	\$5,103.25	\$6,124.25
	<u>ANNUAL</u>	\$48,991.00	\$61,239.00	\$73,491.00
<b>O2</b>	<u>BIWEEKLY</u>	\$1,662.42	\$2,078.23	\$2,494.04
	<u>MONTHLY</u>	\$3,601.92	\$4,502.83	\$5,403.75
	<u>ANNUAL</u>	\$43,223.00	\$54,034.00	\$64,845.00
<b>O1</b>	<u>BIWEEKLY</u>	\$1,496.35	\$1,870.38	\$2,244.31
	<u>MONTHLY</u>	\$3,242.08	\$4,052.50	\$4,862.67
	<u>ANNUAL</u>	\$38,905.00	\$48,630.00	\$58,352.00

TABLE: 4 HUMAN RESOURCES, FINANCE &amp; ACCTG, CUSTOMER SERVICE, ADMINISTRATION, MARKETING, LEGAL

## MANAGERIAL

		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
<b>M3</b>	<u>BIWEEKLY</u>	\$4,037.42	\$5,383.31	\$6,729.08
	<u>MONTHLY</u>	\$8,747.75	\$11,663.83	\$14,579.67
	<u>ANNUAL</u>	\$104,973.00	\$139,966.00	\$174,956.00
<b>M2</b>	<u>BIWEEKLY</u>	\$3,510.85	\$4,681.12	\$5,851.42
	<u>MONTHLY</u>	\$7,606.83	\$10,142.42	\$12,678.08
	<u>ANNUAL</u>	\$91,282.00	\$121,709.00	\$152,137.00
<b>M1</b>	<u>BIWEEKLY</u>	\$3,052.92	\$4,070.50	\$5,088.19
	<u>MONTHLY</u>	\$6,614.67	\$8,819.42	\$11,024.42
	<u>ANNUAL</u>	\$79,376.00	\$105,833.00	\$132,293.00
<b>S2</b>	<u>BIWEEKLY</u>	\$2,405.50	\$3,246.00	\$4,009.38
	<u>MONTHLY</u>	\$5,211.92	\$7,033.00	\$8,687.00
	<u>ANNUAL</u>	\$62,543.00	\$84,396.00	\$104,244.00

S1	<u>BIWEEKLY</u>	\$2,117.04	\$2,822.54	\$3,528.08
	<u>MONTHLY</u>	\$4,586.92	\$6,115.50	\$7,644.17
	<u>ANNUAL</u>	\$55,043.00	\$73,386.00	\$91,730.00
<b>PROFESSIONAL</b>				
P4		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
	<u>BIWEEKLY</u>	\$3,010.04	\$4,013.77	\$5,017.15
	<u>MONTHLY</u>	\$6,521.75	\$8,696.50	\$10,870.50
P3	<u>ANNUAL</u>	\$78,261.00	\$104,358.00	\$130,446.00
	<u>BIWEEKLY</u>	\$2,649.19	\$3,532.12	\$4,415.08
	<u>MONTHLY</u>	\$5,739.92	\$7,652.92	\$9,566.00
P2	<u>ANNUAL</u>	\$68,879.00	\$91,835.00	\$114,792.00
	<u>BIWEEKLY</u>	\$2,331.19	\$3,108.23	\$3,885.35
	<u>MONTHLY</u>	\$5,050.92	\$6,734.50	\$8,418.25
P1	<u>ANNUAL</u>	\$60,611.00	\$80,814.00	\$101,019.00
	<u>BIWEEKLY</u>	\$2,051.46	\$2,735.27	\$3,419.08
	<u>MONTHLY</u>	\$4,444.83	\$5,926.42	\$7,408.00
	<u>ANNUAL</u>	\$53,338.00	\$71,117.00	\$88,896.00
<b>ADMINISTRATIVE</b>				
A6		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
	<u>BIWEEKLY</u>	\$2,062.96	\$2,578.65	\$3,094.42
	<u>MONTHLY</u>	\$4,469.75	\$5,587.08	\$6,704.58
A5	<u>ANNUAL</u>	\$53,637.00	\$67,045.00	\$80,455.00
	<u>BIWEEKLY</u>	\$1,875.38	\$2,344.31	\$2,813.12
	<u>MONTHLY</u>	\$4,063.33	\$5,079.33	\$6,095.08
A4	<u>ANNUAL</u>	\$48,760.00	\$60,952.00	\$73,141.00
	<u>BIWEEKLY</u>	\$1,704.92	\$2,131.15	\$2,557.38
	<u>MONTHLY</u>	\$3,694.00	\$4,617.50	\$5,541.00
A3	<u>ANNUAL</u>	\$44,328.00	\$55,410.00	\$66,492.00
	<u>BIWEEKLY</u>	\$1,534.42	\$1,918.04	\$2,301.65
	<u>MONTHLY</u>	\$3,324.58	\$4,155.75	\$4,986.92
A2	<u>ANNUAL</u>	\$39,895.00	\$49,869.00	\$59,843.00
	<u>BIWEEKLY</u>	\$1,381.00	\$1,726.27	\$2,071.50
	<u>MONTHLY</u>	\$2,992.17	\$3,740.25	\$4,488.25
	<u>ANNUAL</u>	\$35,906.00	\$44,883.00	\$53,859.00
<b>OPERATIONS &amp; SKILLED TRADE</b>				
A3		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
	<u>BIWEEKLY</u>	\$1,690.69	\$2,113.38	\$2,536.04
	<u>MONTHLY</u>	\$3,663.17	\$4,579.00	\$5,494.75
A2	<u>ANNUAL</u>	\$43,958.00	\$54,948.00	\$65,937.00
	<u>BIWEEKLY</u>	\$1,521.62	\$1,902.04	\$2,282.42
	<u>MONTHLY</u>	\$3,296.83	\$4,121.08	\$4,945.25

	<u>ANNUAL</u>	\$39,562.00	\$49,453.00	\$59,343.00
<b>TABLE: 5 PROTECTIVE SERVICES (non-CBU)</b>				
<b>MANAGERIAL</b>				
		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
<b>M3</b>	<u>BIWEEKLY</u>	\$3,953.58	\$5,271.31	\$6,589.04
	<u>MONTHLY</u>	\$8,566.08	\$11,421.17	\$14,276.25
	<u>ANNUAL</u>	\$102,793.00	\$137,054.00	\$171,315.00
<b>M2</b>	<u>BIWEEKLY</u>	\$3,294.58	\$4,392.81	\$5,490.96
	<u>MONTHLY</u>	\$7,138.25	\$9,517.75	\$11,897.08
	<u>ANNUAL</u>	\$85,659.00	\$114,213.00	\$142,765.00
<b>M1</b>	<u>BIWEEKLY</u>	\$2,800.42	\$3,733.88	\$4,667.35
	<u>MONTHLY</u>	\$6,067.58	\$8,090.08	\$10,112.58
	<u>ANNUAL</u>	\$72,811.00	\$97,081.00	\$121,351.00
<b>S2</b>	<u>BIWEEKLY</u>	\$2,257.04	\$3,009.38	\$3,761.81
	<u>MONTHLY</u>	\$4,890.25	\$6,520.33	\$8,150.58
	<u>ANNUAL</u>	\$58,683.00	\$78,244.00	\$97,807.00
<b>S1</b>	<u>BIWEEKLY</u>	\$1,986.27	\$2,648.27	\$3,310.35
	<u>MONTHLY</u>	\$4,303.58	\$5,737.92	\$7,172.42
	<u>ANNUAL</u>	\$51,643.00	\$68,855.00	\$86,069.00
<b>PROFESSIONAL</b>				
		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
<b>P4</b>	<u>BIWEEKLY</u>	\$3,855.27	\$5,139.65	\$6,425.08
	<u>MONTHLY</u>	\$8,353.08	\$11,135.92	\$13,921.00
	<u>ANNUAL</u>	\$100,237.00	\$133,631.00	\$167,052.00
<b>P3</b>	<u>BIWEEKLY</u>	\$2,553.85	\$3,405.27	\$4,256.65
	<u>MONTHLY</u>	\$5,533.33	\$7,378.08	\$9,222.75
	<u>ANNUAL</u>	\$66,400.00	\$88,537.00	\$110,673.00
<b>P2</b>	<u>BIWEEKLY</u>	\$2,280.27	\$3,040.42	\$3,800.42
	<u>MONTHLY</u>	\$4,940.58	\$6,587.58	\$8,234.25
	<u>ANNUAL</u>	\$59,287.00	\$79,051.00	\$98,811.00
<b>P1</b>	<u>BIWEEKLY</u>	\$2,036.19	\$2,714.69	\$3,393.54
	<u>MONTHLY</u>	\$4,411.75	\$5,881.83	\$7,352.67
	<u>ANNUAL</u>	\$52,941.00	\$70,582.00	\$88,232.00
<b>ADMINISTRATIVE</b>				
		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
<b>A6</b>	<u>BIWEEKLY</u>	\$2,544.12	\$3,179.73	\$3,815.81
	<u>MONTHLY</u>	\$5,512.25	\$6,889.42	\$8,267.58
	<u>ANNUAL</u>	\$66,147.00	\$82,673.00	\$99,211.00
<b>A5</b>	<u>BIWEEKLY</u>	\$2,312.62	\$2,890.65	\$3,468.69
	<u>MONTHLY</u>	\$5,010.67	\$6,263.08	\$7,515.50



	<u>ANNUAL</u>	\$60,128.00	\$75,157.00	\$90,186.00
<b>A4</b>	<u>BIWEEKLY</u>	\$2,023.65	\$2,529.62	\$3,035.50
	<u>MONTHLY</u>	\$4,384.58	\$5,480.83	\$6,576.92
	<u>ANNUAL</u>	\$52,615.00	\$65,770.00	\$78,923.00
<b>A3</b>	<u>BIWEEKLY</u>	\$1,839.81	\$2,299.69	\$2,759.50
	<u>MONTHLY</u>	\$3,986.25	\$4,982.67	\$5,978.92
	<u>ANNUAL</u>	\$47,835.00	\$59,792.00	\$71,747.00
<b>A2</b>	<u>BIWEEKLY</u>	\$1,655.96	\$2,069.65	\$2,483.92
	<u>MONTHLY</u>	\$3,587.92	\$4,484.25	\$5,381.83
	<u>ANNUAL</u>	\$43,055.00	\$53,811.00	\$64,582.00
<b>OPERATIONS &amp; SKILLED TRADE</b>				
		<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
<b>O4</b>	<u>BIWEEKLY</u>	\$1,839.08	\$2,298.85	\$2,758.62
	<u>MONTHLY</u>	\$3,984.67	\$4,980.83	\$5,977.00
	<u>ANNUAL</u>	\$47,816.00	\$59,770.00	\$71,724.00
<b>O3</b>	<u>BIWEEKLY</u>	\$1,655.15	\$2,068.96	\$2,482.73
	<u>MONTHLY</u>	\$3,586.17	\$4,482.75	\$5,379.25
	<u>ANNUAL</u>	\$43,034.00	\$53,793.00	\$64,551.00
<b>O2</b>	<u>BIWEEKLY</u>	\$1,489.65	\$1,862.08	\$2,234.50
	<u>MONTHLY</u>	\$3,227.58	\$4,034.50	\$4,841.42
	<u>ANNUAL</u>	\$38,731.00	\$48,414.00	\$58,097.00



## CITY OF FORT COLLINS

## 2024 PAY PLAN

## Step Ladders

Job Title	Step									
	1	2	3	4	5	6	7	8	9	10
LINE GROUNDWORKER	\$61,221	\$64,158	\$67,239	\$70,466	\$73,850	\$77,395	\$81,186	\$81,186		
ELECTRIC LINEWORKER	\$85,352	\$90,173	\$92,858	\$95,630	\$98,531	\$101,476	\$104,509	\$108,276	\$112,282	\$119,084
LINE CREW CHIEF	\$124,443	\$129,875								
ELECTRIC METER SYSTEM TECH	\$66,574	\$73,223	\$78,199	\$83,136	\$88,035	\$92,884	\$96,830	\$100,802	\$104,760	\$108,719
SUBSTATION SPECIALIST	\$85,419	\$95,489	\$103,420	\$111,266	\$119,177					
SUBSTATION ELEC/COMM SPEC	\$97,151	\$107,114	\$116,651	\$125,787	\$135,545					
ELECTRIC SYSTEMS OPERATOR	\$82,598	\$88,039	\$93,479	\$98,920	\$104,361	\$109,801	\$115,242			
PLANT OPERATOR	\$63,347	\$68,884	\$73,001	\$77,392	\$82,053	\$88,382				
LEAD PLANT OPERATOR	\$63,347	\$68,884	\$73,001	\$77,392	\$82,053	\$88,382	\$92,801	\$97,221		
WATER UTILITY MAINT OPERATOR	\$53,302	\$57,950	\$61,431	\$65,110	\$69,026	\$74,366				
FLEET MAINTENANCE TECHNICIAN	\$56,246	\$62,346	\$64,812	\$67,430	\$70,124	\$72,932	\$75,853	\$78,476		
BUILDING INSPECTOR	\$67,163	\$73,732	\$76,698	\$80,116	\$83,247	\$86,582	\$90,042	\$93,705		
LEAD BUILDING INSPECTOR	\$73,878	\$81,123	\$84,370	\$88,144	\$91,634	\$95,287	\$99,061	\$103,076		

December 19, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Teresa Roche, Human Resources Executive  
Aaron Guin, Senior Assistant City Attorney

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### SUBJECT

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

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### EXECUTIVE SUMMARY

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

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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### BACKGROUND / DISCUSSION

Council is committed to compensating employees in a manner which is market-based, competitive, and tied to performance. The goal as an employer is to attract, retain, engage, develop, and reward a diverse and competitive workforce to meet the needs of the community now and in the future. To accomplish this goal, Council and the Chief Judge meet twice a year to discuss performance and set goals for the coming year.

The 2023 salary of the Chief Judge is \$185,000.

Based on the market analysis for this position and guided by the City's compensation principles and Council's discussion during recent performance review, staff has recommended the 2024 salary for this position.

Resolution 2019-099 establishes the process for evaluating the performance of the City Manager, City Attorney, and Chief Judge. It states that any change in compensation for these employees will be adopted by Council by Ordinance. This Ordinance will amend City Code to establish the 2024 compensation for the Chief Judge.

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### CITY FINANCIAL IMPACTS

The City financial impact will be the new base salary for the Chief Judge as approved by Council.

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

**PUBLIC OUTREACH**

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None.

**ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 173, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS AMENDING  
SECTION 2-606 OF THE CODE OF THE CITY OF FORT COLLINS  
AND SETTING THE SALARY OF THE CHIEF JUDGE

WHEREAS, pursuant to Article VII, Section 1 of the City Charter, the City Council is responsible for fixing the compensation of the Chief Judge; and

WHEREAS, the City is committed to compensating its employees in a manner which is fair, competitive and understandable; and

WHEREAS, the City's pay philosophy is based on total compensation, which includes not only base salary but also deferred compensation payments, vacation and holiday leave, and amounts paid by the City for medical, dental, life and long-term disability insurance; and

WHEREAS, members of the City Council, with the assistance of City staff, and the Chief Judge have discussed terms and conditions of the presumed Chief Judge's employment, including the base salary to be paid to the Chief Judge; and

WHEREAS, the City Council supports a compensation philosophy of paying employees a competitive salary and is setting the salary of the Chief Judge based on established market data; and

WHEREAS, the City Council met with the Chief Judge to conduct a review and establish goals for her performance; and

WHEREAS, the City Council believes the annual base salary of the Chief Judge for 2024 should be established at the amount of \$200,130 effective January 8, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 2-606 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-606. - Salary of the Chief Judge.**

The base salary to be paid to the Chief Judge shall be two hundred thousand one hundred thirty dollars (\$200,130) per annum, payable in biweekly installments, which sum shall be charged to general government expense.

Section 3. That the effective date of the salary adjustment shall be January 8, 2024.

Introduced, considered favorably on first reading and ordered published this 5th day of December, 2023, and to be presented for final passage on the 19th day of December, 2023.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 19th day of December, 2023.

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Mayor

ATTEST:

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City Clerk

December 19, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Teresa Roche, Human Resources Executive  
Aaron Guin, Senior Assistant City Attorney

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### SUBJECT

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

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### EXECUTIVE SUMMARY

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

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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### BACKGROUND / DISCUSSION

Council is committed to compensating employees in a manner which is market-based, competitive, and tied to performance. The goal as an employer is to attract, retain, engage, develop, and reward a diverse and competitive workforce to meet the needs of the community now and in the future. To accomplish this goal, Council and the City Attorney meet twice a year to discuss performance and set goals for the coming year.

The 2023 salary of the City Attorney is \$222,244.

Based on the market analysis for this position and guided by the City's compensation principles and Council's discussion during recent performance review, staff has recommended the 2024 salary for this position.

Resolution 2019-099 establishes the process for evaluating the performance of the City Manager, City Attorney, and Chief Judge. It states that any change in compensation for these employees will be adopted by Council by Ordinance. This Ordinance will amend City Code to establish the 2024 compensation for the City Attorney.

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### CITY FINANCIAL IMPACTS

The City financial impact will be the new base salary of the City Attorney as approved by Council.

## **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

## **PUBLIC OUTREACH**

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None.

## **ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance for Consideration



ORDINANCE NO. 174, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING SECTION 2-581 OF THE CODE OF THE CITY OF  
FORT COLLINS AND SETTING THE SALARY OF THE CITY ATTORNEY

WHEREAS, pursuant to Article VI, Section 1 of the City Charter, the City Council is responsible for fixing the compensation of the City Attorney; and

WHEREAS, the City is committed to compensating its employees in a manner that is fair, competitive and understandable; and

WHEREAS, the City Council supports a compensation philosophy of paying employees a competitive salary based on established market data and performance, and may adjust the salary of the City Attorney to bring that salary more in line with the approved market data; and

WHEREAS, the City Council met with the City Attorney to conduct a review and establish goals for her performance; and

WHEREAS, the City Council believes the base salary of the City Attorney for 2024 should be established at the amount of \$240,702 effective January 8, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 2-581 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-581. Salary of the City Attorney.**

The base salary to be paid the City Attorney shall be two hundred forty thousand seven hundred two dollars (\$240,702) per annum, payable in biweekly installments. Sixty (60) percent of such sum shall be charged to general government expense, twenty (20) percent to the City water utility and twenty (20) percent to the City electric utility.

Section 3. That the effective date of the salary adjustment shall be January 8, 2024.

Introduced, considered favorably on first reading and ordered published this 5th day of December, 2023, and to be presented for final passage on the 19th day of December, 2023.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 19th day of December, 2023.

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Mayor

ATTEST:

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City Clerk

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Travis Storin, Chief Financial Officer  
LeAnn Williams, Recreation Director  
Ralph Campano, Real Estate Services Manager  
Ingrid Decker, Senior Assistant City Attorney

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### SUBJECT

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

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### EXECUTIVE SUMMARY

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

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

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

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

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

## STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

## BACKGROUND / DISCUSSION

In April 2015, voters approved Ordinance No. 013, 2015, extending for ten years a quarter-cent sales tax to be dedicated to the “Community Capital Improvement Program” capital projects and related operation and maintenance (“CCIP”). Ordinance No. 013, 2015 includes a requirement that the City construct a Community Center in southeast Fort Collins focused on innovation, technology, art, recreation, and the creative process, including a “large outdoor leisure pool with water slides, sprays and jets, decks, a lazy river and open swimming area,” as well as meeting spaces dedicated to innovation and creativity (the “SCC”).

PSD uses swim lanes at existing City recreation facilities for practices and meets for its high school swim teams. Access to lanes for both PSD and public at large is constrained within the recreation system based on current capacity. Moreover, PSD is likely to add an additional swim team soon.

PSD has approximately 10 acres of land available adjacent to Fossil Ridge High School (the “Land”) that, based on preliminary information, represents a suitable site for the construction of the SCC to include all of the facility requirements contained in the CCIP ballot language in addition to an expanded library branch, and the construction of an indoor aquatics facility that would serve the recreation needs of the community and allow PSD access to indoor lanes for its swim programs (the “Aquatics Facility”).

On August 15, 2023, the Council adopted resolution 2023-074, which stated the “City Council’s intent that access for [PSD] students is conditional on the District’s and City’s agreement on the District’s share in the full cost of those swimming lanes,” and PSD has agreed to fund 15% of the capital costs for the Aquatics Facility, as well as contributing to the operating, maintenance, and replacement costs of the Aquatics Facility.

On November 7, 2023, voters passed a ballot measure approving a .50% sales tax, with 50% of the revenues to be spent on replacement, upgrade, maintenance, and accessibility of parks facilities and for the replacement and construction of indoor and outdoor recreation and pool facilities. These revenues will provide an estimated \$30.0-34.0 million of capital costs funding for the Aquatics Facility through an anticipated Certificate of Participation debt offering in late 2024 or early 2025.

### KEY PROVISIONS OF THE IGA:

#### 1. Land Acquisition

PSD intends to convey the Land to the City. The IGA is conditioned on the City and PSD negotiating and executing a Purchase and Sale Agreement (“PSA”) for the Land, including any necessary approvals by the City and PSD’s respective governing bodies, by April 30, 2024.

The City and PSD have agreed on a value for the Land of \$3,180,000, based on a recent professional appraisal.

The value of the Land represents part of PSD’s overall capital commitment to the cost of constructing the Aquatics Facility. If the Land value is not sufficient to cover PSD’s 15% share of the cost of constructing the Aquatics Facility, PSD will pay the City the difference, contingent on a 2024 ballot measure that PSD intends to run. If the Land value exceeds PSD’s 15% share, the City will pay PSD the difference.

The City plans to close on the Land after PSD’s 2024 election. If PSD does not secure additional funding through a 2024 ballot measure, then at closing the City will place the purchase price of \$3.18 million into an escrow account. If PSD can secure funding for the remaining portion of its 15% share by January 31,

2025, the escrowed funds will be returned to the City as part of PSD's 15% share of costs for the Aquatics Facility. If PSD cannot secure funding, the funds will be released to PSD as payment for the Land, and the City will have no obligation to build the indoor swim lanes or, if they are built, to allow PSD to use them.

## 2. Construction of the SCC/Aquatics Facility

The City will do all contracting for design and construction of the SCC. The City and Library will jointly design and construct the Library Branch portion of the Project and the Library will have input on common amenities, as set forth in a separate Intergovernmental Agreement between the Library and the City to be negotiated later. The City will consult with PSD, but will have final decision-making authority, on-site planning for the SCC, and on the designs for the Aquatics Facility at the 50% design stage.

## 3. Ownership, Maintenance and Use of the Aquatics Facility

The Aquatics Facility will be solely owned and maintained by the City. PSD's use of City pool facilities, including the Aquatics Facility, will be governed by a separate Facility Use Agreement between the City and PSD to be executed following the outcome of the November 2024 election.

As further consideration for its use of the Aquatics Facility, once the facility is open PSD shall pay the City \$150,000 annually, which the City will use for the operation and maintenance of the Aquatics Facility. The City shall establish a long-term equipment replacement fund associated with the Aquatics Facility and PSD agrees to also pay the City \$45,000 annually as its contribution to this fund. The amount of both payments is estimated and shall be reevaluated and subject to annual inflation after the initial 7-year term, once the City has several years of data on actual costs. The City and PSD intend that these annual payments will continue so long as PSD continues to use the Aquatics Facility, but after the initial seven-year term of the IGA these amounts may be adjusted as agreed to by the City and PSD.

## 4. The Library Branch

The Library is under no obligation to participate in this project. If the Library participates in the project, it will share in design and construction costs and will equip and operate a library branch consisting of at least 30,000 square feet including meeting rooms and programming spaces to foster research, reading, lifelong learning innovation and creativity.

The Library and the City intend to negotiate and enter into a separate IGA memorializing their partnership in this project, which will include:

- a. The form of the Library's interest in the real property;
- b. Whether the library branch will be a stand-alone structure or part of a larger facility;
- c. Cost sharing of land acquisition, design, and construction costs; and
- d. Ongoing maintenance and operations of the real property and facilities.

## **CITY FINANCIAL IMPACTS**

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### **1. Capital Construction**

The originally envisioned outdoor pool and community center is slated to receive \$17.7M from the 2015 CCIP ¼-cent sales tax.

In expanding the facility's scope and adding the indoor aquatics facility, the City will incur an estimated \$30.0-\$35.0M in additional capital cost based on 2022 dollars. This estimate is net of the cost-sharing obligations of PSD and PRPLD under the agreement.

The anticipated funding for these added costs are CCIP reserves for the 2015-2024 ballot period (estimated to be up to \$10.0M) alongside a future debt issuance from the newly approved ½-cent sales tax for Parks, Recreation, Climate, and Transit.

## **2. Operations, Maintenance, and Equipment Replacement**

Groundbreaking is likely to occur in early 2025, for a two-year construction project. As such, the facility will not have operations and maintenance (O&M) costs proposed for the 2025-2026 budget cycle.

The earliest timing for O&M costs associated with the facility would be Q4 2026 to hire in advance of facility opening. In this case a revision offer, or supplemental appropriation would be brought to Council for consideration. The ongoing O&M costs will be included in the operating budget starting with the 2027-2028 budget cycle.

The IGA for consideration under this Resolution stipulates that PSD will pay the City \$150,000 annually for aquatics access and \$45,000 to assist with funding equipment replacement over time.

Cost recovery for similar facilities is generally 70%, based on fees charged to the Community, with the remainder of the O&M budget typically funded from the General Fund's ongoing revenues.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

### **PUBLIC OUTREACH**

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Engagement and outreach were done as part of the 2022 Aquatics Study and the 2023 ½-cent Sales Tax Initiative.

### **ATTACHMENTS**

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1. Resolution for Consideration
2. Exhibit A to Resolution

RESOLUTION 2023-112  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH  
POUDRE SCHOOL DISTRICT AND POUDRE RIVER PUBLIC LIBRARY DISTRICT  
TO ACQUIRE LAND AND CONSTRUCT THE SOUTHEAST COMMUNITY CENTER

WHEREAS, in April 2015 Fort Collins voters approved Ordinance No. 013, 2015, extending for ten years a quarter-cent sales tax to be dedicated to the “Community Capital Improvement Program” capital projects and related operation and maintenance (“CCIP”); and

WHEREAS, Ordinance No. 013, 2015 includes a requirement that the City construct a Community Center in southeast Fort Collins focused on innovation, technology, art, recreation and the creative process, including a large outdoor leisure pool and meeting spaces dedicated to innovation and creativity (the “SECC”); and

WHEREAS, Poudre School District (“PSD”) uses swim lanes at existing City recreation facilities for high school swim team practices and meets, but access to lanes for both PSD and the general public is constrained by the current capacity of the City’s recreation system; and

WHEREAS, PSD has approximately 10 acres of land available next to Fossil Ridge High School (the “Land”) that, based on preliminary information, is a suitable site for the SECC, including all the facility requirements contained in the CCIP ballot language as well as an indoor aquatics facility that would serve the recreation needs of the Fort Collins community and allow PSD access to indoor lanes for its swim programs (the “Aquatics Facility”); and

WHEREAS, on August 15, 2023, the City Council adopted resolution 2023-074, which stated the Council’s intent that access for PSD students to the new Aquatics Facility be conditional on PSD and the City agreeing on PSD’s share of the cost for such a facility; and

WHEREAS, PSD has agreed to fund 15% of the capital costs for the Aquatics Facility, and contribute to the operating, maintenance, and replacement costs of the Aquatics Facility, if it can obtain additional funding through a ballot measure in November, 2024; and

WHEREAS, on November 7, 2023, Fort Collins voters passed a ballot measure approving a .50% sales tax, with 50% of the revenues to be spent on replacement, upgrade, maintenance, and accessibility of parks facilities and for the replacement and construction of indoor and outdoor recreation and pool facilities, and these revenues will provide an estimated \$30-34 million of capital costs funding for the Aquatics Facility; and

WHEREAS, the Poudre River Public Library District (“Library”) is interested in co-locating a new southeast branch library with the SECC, and has agreed that if it participates it will pay its share of design and construction costs and will equip and operate the branch library at its expense; and

WHEREAS, the City, PSD and the Library have negotiated an intergovernmental agreement governing the City’s acquisition of the Land from PSD for the SECC, the construction

of the SECC (including the Aquatics Facility) and the ownership, maintenance and use of the Aquatics Facility (the “SECC IGA”); and

WHEREAS, a copy of the proposed SECC IGA is attached and incorporated herein as Exhibit “A”; and

WHEREAS, key provisions of the SECC IGA include the following:

- The IGA is for a term of seven years, at which point the parties can reassess its terms;
- The City and PSD have agreed to value the Land at \$3.18 million;
- The Land’s value is part of PSD’s consideration for the City’s agreeing to build indoor swim lanes as part of the SECC;
- PSD intends to convey the Land to the City at no cost, so long as PSD can obtain full funding for its 15% share of the costs to build the Aquatics Facility;
- If PSD cannot secure funds for 15% of the cost, the City will pay PSD for the land but will have no obligation to build indoor swim lanes for PSD use;
- Details about the Land transfer will be covered in a separate Purchase and Sale Agreement to be drafted by the City and PSD and presented to the City Council for consideration in early 2024;
- PSD has also agreed to pay the City \$150,000 per year, after the indoor pool opens, for operation and maintenance of the indoor swim lanes, and \$45,000 per year towards a long-term equipment fund;
- The Aquatics Facility will be solely owned and maintained by the City;
- PSD’s use of City pool facilities, including the Aquatics Facility, will be governed by a separate Facility Use Agreement between the City and PSD to be executed following the outcome of PSD’s November 2024 election, subject to City Manager approval;
- The City and Library will jointly design and construct the Library Branch portion of the Project and the Library will have input on common amenities, but the City will do all contracting for design and construction of the SECC; and
- The Library’s participation in the SECC project will be governed by a separate intergovernmental agreement to be negotiated between the City and the Library and presented to the City Council for consideration in 2024; and

WHEREAS, Article XIV, Section 18(2) of the Colorado Constitution, and Section 29-1-201 *et seq.* of the Colorado Revised Statutes authorize governmental entities to enter into intergovernmental agreements, and to cooperate or contract with one another to provide any



function, service, or facility lawfully authorized to each of the cooperating or contracting units;  
and

WHEREAS, Section 1-22 of the City Code requires that, with some exceptions, intergovernmental agreements or cooperative activities between the City and other governmental entities be submitted to the City Council for review and approval by ordinance or resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby authorizes the Mayor to execute the SECC IGA in substantially the form attached hereto as Exhibit "A", with such additional terms and conditions as the City Manager, in consultation with the City Attorney determines to be necessary and appropriate to protect the interest of the City or effectuate the purpose of this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 19th day of December, 2023.

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Mayor

ATTEST:

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City Clerk

## INTERGOVERNMENTAL AGREEMENT

## RELATED TO THE SOUTHEAST COMMUNITY CENTER

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") dated \_\_\_\_\_, 2023, is entered into by and between THE CITY OF FORT COLLINS, COLORADO, a municipal corporation ("City"), POUDRE SCHOOL DISTRICT R-1, a statutory Colorado school district ("School District") and the POUDRE RIVER PUBLIC LIBRARY DISTRICT, a political subdivision of the State of Colorado ("Library"). The City, School District, and Library are referred to herein individually as a "Party" and collectively as the "Parties."

## RECITALS

- A. The City is a home-rule municipality that was settled by non-native homesteaders in the mid-1800's, was originally platted as a town site in 1866, and became the seat of Larimer County government in 1868. In 1873 the town of Fort Collins was incorporated. Fort Collins has a current population of more than 174,000, having grown steadily over the last 60 plus years from a 1960 population of 25,000.
- B. The School District is a duly organized and validly existing school district, political subdivision and body corporate of the State of Colorado under the Constitution and laws of the State of Colorado.
- C. The Library is a Colorado Library District established by a citizen initiative in 2006 pursuant to the Colorado Library Law, Sections 24-90-101 et seq. C.R.S.
- D. The Colorado Constitution, Article XIV, Section §18, and §29-1-201, C.R.S., et seq. provide for and encourage political subdivisions of the State of Colorado to make the most efficient and effective use of their powers and responsibilities by cooperating and contracting with each other; and
- E. Section 29-1-203, C.R.S., as amended, authorizes any political subdivisions or agencies of the State of Colorado to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each of the cooperating or contracting entities, including the sharing of costs, imposition of taxes, or incurring of debt; and
- F. The Parties have a lengthy history of working together to provide park, recreation and library facilities to the Fort Collins community.
- G. In April 2015 the voters of Fort Collins overwhelmingly approved Ordinance No. 013, 2015, extending for ten years a quarter-cent sales tax to be dedicated to the "Community Capital Improvement Program" capital projects and related operation and maintenance ("CCIP"). Ordinance No. 013, 2015 includes a requirement that the City construct a Community Center in southeast Fort Collins focused on innovation, technology, art, recreation and the creative process, including a "large outdoor leisure pool with water slides, sprays and jets, decks, a lazy

river and open swimming area,” as well as meeting spaces dedicated to innovation and creativity.

- H. The School District utilizes swim lanes within existing City recreation facilities for practices and meets of its multiple high school swim teams. Access to lanes for both the School District and public at large is constrained within the recreation system based on current capacity. Moreover, the School District is likely to add an additional swim team in the near future.
- I. The School District currently has approximately 10 acres of land (the “Land”, as defined below) available that, based on preliminary information, represents a suitable site for the construction of a new Community Center that includes all of the facility requirements contained in the 2015 ballot language in addition to an expanded library branch, and the construction of an indoor aquatics facility that would both serve the recreation needs of the Fort Collins community and allow the School District access to indoor lanes for its swim programs.
- J. Since the CCIP tax measure was approved by the voters, the Parties have participated in extensive discussions focused on planning, developing and establishing the Community Center to meet the needs and desires of the Fort Collins community.
- K. The City has secured funding for a currently estimated \$30-34 million of capital costs for the indoor Aquatics Facility. The Parties acknowledge that the School District plans to secure funding for the School District’s share of the indoor Aquatics Facility, and also contribute to the operation, maintenance, and replacement costs of the Aquatics Facility.
- L. On August 15, 2023, the Fort Collins City Council adopted resolution 2023-074, which stated the “City Council’s intent that access for [School District] students is conditional on the District’s and City’s agreement on the District’s share in the full cost of those swimming lanes,” and the School District has agreed to fund 15% of such costs.
- M. The Library is interested in constructing a southeast branch library as part of the Community Center.
- N. In the spirit of these stated objectives, the Parties seek by this Agreement to memorialize the terms on which they have agreed, in a collaborative manner and as partners, to develop and operate the Community Center, with the intent that their collaborative partnership shall continue for many years to come.
- O. This Agreement is conditional on the execution of a Purchase and Sale Agreement (“PSA”) for the Land, including any necessary approvals by the City and School District’s respective governing bodies. This Agreement will automatically terminate if the City and School District are unable to execute the PSA by April 30, 2024.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained in this Agreement, the Parties agree as follows:

## I. GENERAL TERMS

1. Definitions.

- a. Appraised Price: the agreed upon fair market value of the Land, as further described below in Section II.1(b).
- b. Aquatics Base: the total capital cost of designing and constructing the Aquatics Facility, including but not limited to the cost of constructing indoor lap lanes and deck, aquatic support (office space, pumping and filtration equipment and fixtures, lockers, and storage), Common Amenities, and Site Costs.
- c. Aquatics Facility: the indoor lap pool facility the City plans to construct as part of the Community Center, this facility does not include any indoor elements of the Leisure Pool.
- d. Common Amenities: means common areas of the Community Center that serve the Aquatics Facility or Library Branch as well as the City's other facilities, based on the 100% design of the Community Center.
- e. Community Center: the Southeast Community Center, to potentially include the Aquatics Facility, Library Branch, Leisure Pool, and other facilities to serve a community purpose.
- f. Effective Date: the date the Agreement is fully executed by all Parties.
- g. Land: Approximately 10 acres of the larger parcel, as depicted in Exhibit A attached, currently owned by the School District identified as Larimer County Assessor's Parcel No. 8604000904 that the City intends to acquire as part of this Agreement subject to the terms and conditions of a separate Purchase and Sale Agreement. The Parties agree that Exhibit A will be updated with additional information pertaining to the Land, including the legal description.
- h. Leisure Pool: all elements of an outdoor/indoor leisure pool with water slides, sprays and jets, decks, a lazy river and open swimming area specified in the CCIP ballot measure.
- i. Library Branch: a facility to serve as a public library meeting the definitions promulgated by the Office of Colorado State Librarian and providing community meeting spaces with access to information of all kinds and programming that fosters reading, lifelong learning, innovation and creativity.
- j. Purchase and Sale Agreement or PSA: the agreement to be entered into by the City and School District outlining the sale of the Land, as described above.

- k. Project: the acquisition of land, planning, design, construction and furnishing of the facilities encompassing the Community Center.

- 2. Term and Termination. The term of this Agreement will begin on the Effective Date and shall continue for 7 years. The Parties have agreed to review and update this Agreement as needed and to engage in good faith negotiations regarding the need for potential term extensions. This Agreement is subject to early termination only as described herein.

## II. COMMUNITY CENTER AND AQUATICS FACILITY

### 1. Land Acquisition

- a. Land. The City intends to acquire the Land from the School District, and both Parties will engage in good faith negotiations to reach agreement on and execute a Purchase and Sale Agreement on terms and conditions satisfactory to both Parties.
- b. Appraisal. The City and the School District agree that the Appraised Price of the Land is \$3,180,000. This is the amount at which the Land was appraised on July 26, 2023, by Jon Vaughan of CBRE.
- c. City Land Acquisition and Aquatics Facility Construction Funding. The School District intends to convey the Land to the City as an in-kind consideration as part of an overall capital commitment of 15% towards the Aquatics Base, in exchange for the City agreeing to build the Aquatics Facility and coordinate the School District's shared use of it for School District swim programs.
- d. The School District agrees that the City is under no obligation to build the Aquatics Facility unless the City and District secure sufficient funding as stated below. The City and District have identified the following potential funding sources for their respective shares of the Aquatics Facility construction costs:
  - i. On November 7, 2023, Fort Collins voters passed a ballot measure approving a .50% sales tax, with 50% of the revenues to be spent on replacement, upgrade, maintenance, and accessibility of parks facilities and for the replacement and construction of indoor and outdoor recreation and pool facilities. These revenues will provide funding for the Aquatics Facility. The City and the School District intend to sign a PSA for the Land by April 30, 2024, if not sooner, and close on the Land by November 30, 2024.
  - ii. The School District intends to seek voter approval of a November 2024 ballot measure to fund the School District's share of the Aquatics Facility.

- iii. The City and School District agree that they intend to close on the Land following the November 2024 election. If the School District's November 2024 ballot measure is approved by the voters, then at closing the School District will convey the Land to the City at no cost as part of the School District's share of funding for the Aquatics Facility.
- iv. If the School District's November 2024 ballot measure is not approved by the voters, at closing the City will deposit the Appraised Price of the Land into an interest-bearing escrow account. The escrow agreement shall be in substantially the form attached as Exhibit B to this Agreement. This funding will remain in the escrow account until the expiration of the reimbursement obligation described below.
- v. If the School District's November 2024 ballot is not approved but the School District secures a new source of funding after the execution of the PSA and conveyance of the Land to the City but before January 31, 2025, the escrowed funds and any accrued interest shall be released to the City as part of the School District's share of funding for the Aquatics Facility.
- vi. If the School District's November 2024 ballot measure is not approved and the School District is not able to secure a new source of funding by January 31, 2025, the escrowed funds and any accrued interest shall be released to the School District, unless the City and School District mutually agree to extend the funding deadline. The City and School District agree that if funding cannot be secured by February 1, 2025, they intend to enter into good-faith negotiations in the future regarding an aquatics facility on the Land and the School District's use thereof.
- e. As of the execution of this Agreement the Parties do not have knowledge of any restrictions on the Land or title commitments.
- f. The City will coordinate with the School District to arrange any site access required by the City or its contractors prior to closing on the Land.

## 2. Funding and Construction of the Community Center

- a. Construction and Design. The City will design and construct the Community Center. The City and Library will jointly design and construct the Library Branch portion of the Project and the Library will have input on Common Amenities, as set forth in a separate Intergovernmental Agreement between the Library and the City described in Section III below. The City will consult with the School District, but will have final decision-making authority, on site planning for the

Community Center, and on the designs for the Aquatics Facility at the 50% design stage.

- b. Contracting. Contracting for the Project and related products and services shall be done by the City through its purchasing processes, and subject to applicable requirements of the City Code and City Purchasing Policies. The Parties acknowledge that, pursuant to the City's Charter, the City may not expend funds or enter into any contract for materials or services related to the Project unless the full amount of the funds necessary for such expenditure or contract has been appropriated to the Project by the City Council. The City and the Library will each designate a respective project manager through their standard processes, or may agree to hire a joint agent or project manager for the design process. The Parties understand that the construction of the Project is subject to approval through the City's development review process. The Project is expected to be designed to a LEED gold level.
- c. School District Cost Sharing.
  - i. The Parties agree that all cost sharing for the Project will be expressed as a percentage share of the cost categories, as established in Exhibit C. The cost sharing percentages will apply to the final design and construction costs rather than the current 2022/2023 cost estimates.
  - ii. The School District shall fund 15% of the total of the Aquatics Base upon the City's presentation to the School District of a pay application detailing the City's estimated costs at the time of groundbreaking on the Aquatics Facility, subject to a reconciliation of actual construction costs upon issuance to the City of a Certificate of Occupancy covering the Aquatics Facility. Upon reasonable notice, the School District shall have the right to audit the records of the City as they relate to the Aquatics Facility. School District payments to the City shall be due thirty (30) days from the date of the City's invoice to the School District.
  - iii. The Aquatics Base will include any change orders agreed to by the City and School District that relate to the total cost of the Aquatics Facility. The School District will pay 15% of any such change orders.
  - iv. The School District's 15% obligation is based on the current occupancy of the School District's swim teams in existing City aquatics facilities compared to the total annual lane-hour availability at such facilities, as established in Exhibit D. Per Section II.1c. above, if the School District gives the Land to the City as an in-kind contribution, the Appraised Price of the Land will count towards this 15% share. The remainder of the

School District's 15% share will be paid in cash as described in subparagraph ii above. Should the School District fail to make the required payment(s), the City may terminate this Agreement with respect to the obligations between the City and the School District. Such termination under this subsection will not affect the relationship and obligations between the Library and the City under this Agreement.

- v. Should the Appraised Price exceed the School District's 15% share of the Aquatics Base, upon completion of the Aquatics Facility the City will make a cash contribution to the School District equal to the difference between the Appraised Price and the 15% share. Upon receipt of this payment by the School District, the School District's cost share of the Aquatics Base will be considered fully satisfied.
3. Aquatics Facility Operation. The Aquatics Facility will be solely owned and maintained by the City. The School District's use of City pool facilities, including this Aquatics Facility, shall be governed by a separate Facility Use Agreement between the City and School District to be executed within 120 days after the School District's 2024 election.
  4. School District Consideration for Use of Aquatics Facility. As further consideration for its use of the Aquatics Facility, subject to the successful execution of the Facility Use Agreement but separate and apart from the rights and obligations contained within the Facility Use Agreement, the School District shall pay the City \$150,000 annually, which the City will use for the operation and maintenance of the Aquatics Facility. The City shall establish a long-term equipment replacement fund associated with the Aquatics Facility and the School District agrees to also pay the City \$45,000 annually as its contribution to this fund. These payments shall be due to the City no later than January 31 of each year starting the first January following the public opening of the Aquatics Facility. The City and the School District intend that these annual payments will continue so long as the School District continues to use the Aquatics Facility. Following completion of the initial term of this Agreement the amounts are subject to adjustment as agreed to by the City and the School District.

### III. COMMUNITY CENTER AND LIBRARY BRANCH

1. The Library is under no obligation to participate in the Project. If the Library participates in the Project, it will share in design and construction costs; and will equip and operate a Library Branch consisting of at least 30,000 square feet including meeting rooms and programming spaces to foster research, reading, lifelong learning innovation and creativity.
2. The Library and the City intend to negotiate and enter into a separate Intergovernmental Agreement memorializing their partnership in the Project before the commencement of any land and building design. The Intergovernmental Agreement will include but not be limited to:



- a. The form of the Library's interest in the real property;
- b. Designation of the Parties Project Managers;
- c. Whether the Library Branch will be a stand-alone structure or part of a larger facility;
- d. Cost sharing of land acquisition, design, and construction costs; and
- e. Ongoing maintenance and operations of the real property and facilities.

#### IV. ADDITIONAL TERMS AND CONDITIONS

1. Obligations Subject to Appropriations. The obligations of the Parties to commit or expend funds in any subsequent fiscal year are subject to and conditioned upon the annual appropriation of funds sufficient and intended to carry out said obligations by each Party's respective governing body in its sole discretion. If any Party's governing body does not appropriate funds necessary to carry out any such obligations, such Party will notify the other Parties promptly of such non-appropriation. If such non-appropriation results in a material impairment of any of the Parties' rights hereunder, such Party may terminate the Agreement, with no further recourse against the other Parties, by providing thirty (30) days written notice.
2. Liability. Only to the extent permitted by applicable law, each Party will be responsible for its own negligent acts or omissions and that of its officers, employees, agents and contractors. Any liability of the City, School District, Library, or their officers and employees is subject to all the defenses, immunities, and limitations of the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended (the "CGIA"), and to any other defenses, immunities, and limitations to liability available under the law. It is expressly understood and agreed that nothing contained in this Agreement shall be construed as an express or implied waiver by the City, School District, or Library of its governmental and sovereign immunities, as an express or implied acceptance by the City, School District, or Library of liabilities arising as a result of actions which lie in tort or could lie in tort in excess of the liabilities allowable under the CGIA, as a pledge of the full faith and credit of the State of Colorado, or as the assumption by any of the Parties of a debt, contract or liability or each other in violation of Article XI, Section 1 of the Constitution of Colorado.
3. Existing Rights and Agreements. Nothing in this Agreement shall act to amend, modify, or supersede any related agreements or any other agreements, rights, or legal positions by and between the City, School District, and the Library external to this Agreement, or to alter in any way their recourse under the same, unless specifically agreed upon herein.
4. Default; Dispute Resolution. If any Party defaults in its obligations under the terms of this Agreement, a non-defaulting Party may give the defaulting Party written notice specifying the nature of the default. If the defaulting Party has not cured the default within thirty (30) days, or, for a default reasonably requiring more than thirty (30) days to effect a cure, has not commenced a cure within thirty (30) days and pursued it with diligence, the non-defaulting Party may terminate this Agreement—provided that, if there is any dispute, controversy or claim arising out of or relating to this Agreement or the breach, termination

or invalidity thereof, the Parties agree to attempt to resolve the dispute informally before terminating the Agreement. Accordingly, the Parties will first elevate the disputed issues to senior administration, and if the matters are not resolved, the Parties may then engage in mediation or other non-binding dispute resolution methods. The Parties agree that in the event of a breach of this Agreement by any Party, that is not resolved through the means described in this section, the non-breaching Party or Parties shall be entitled to pursue any available legal or equitable remedies, including but not limited to injunctive relief or specific performance. In any dispute between the Parties, each Party will bear its own attorney's fees and costs.

5. **Notices.** Any notice or other communication given by any Party to another relating to this Agreement must be e-mailed, hand-delivered, or sent by registered or certified mail, return receipt requested, or by overnight commercial courier, addressed to such other Party at its respective addresses set forth below. A Party may update its address(es) for giving notice at any time by notifying the other Parties in writing. Any notice or other communication provided under this Section will be deemed given when so e-mailed or hand-delivered, or three (3) business days after so mailed, or the next business day after being deposited with an overnight commercial courier:

**If to the City:**

City Manager  
City of Fort Collins  
P.O. Box 580  
Fort Collins, CO 80522

**With a copy to:**

City Attorney's Office  
City of Fort Collins  
P.O. Box 580  
Fort Collins, CO 80522

**If to the School District:**

Finance Department  
2407 Laporte Avenue  
Fort Collins, CO 80521

**With a copy to:** General

Counsel 2407 Laporte  
Avenue Fort Collins, CO  
80521

If to the Library:

V. MISCELLANEOUS PROVISIONS

1. Words in the singular include the plural and vice-versa.
2. This Agreement is to be construed according to its fair meaning and as if prepared by all Parties and is deemed to be and contain the entire understanding and agreement between the Parties. There shall be deemed to be no other terms, conditions, promises, understandings, statements, or representations, expressed or implied, concerning this Agreement unless set forth in writing and signed by the Parties.
3. Except as otherwise described herein, this Agreement cannot be modified or assigned except in writing signed by all Parties.
4. Subject to the provisions hereof, the benefits of this Agreement and the burdens hereunder inure to and are binding upon the Parties and their respective, administrators, successors, agents and permitted assigns.
5. This Agreement will be governed by and its terms construed under the laws of the State of Colorado. Any judicial proceedings commenced by a party to enforce any of the obligations, covenants, and agreements contained herein, must be commenced in the Larimer County District Court located in Fort Collins, Colorado.
6. Nothing contained herein is deemed or should be construed by the Parties nor by any third party as creating the relationship of principal and agent, a partnership or a joint venture between the Parties, or any employment relationship between the Parties.
7. This Agreement is made for the sole and exclusive benefit of the Parties, and it is not made for the benefit of any third party.
8. If any term or condition of this Agreement is held to be invalid by final judgment of any court of competent jurisdiction, the invalidity of such a term or condition, will not in any way affect any of the other terms or conditions of this Agreement, provided that the invalidity of any such term or condition does not materially prejudice any party in their respective rights and obligations under the valid terms and conditions of this Agreement.
9. No Party will be deemed in violation of this Agreement if prevented from performing any of its respective obligations hereunder by reason of strikes, boycotts, labor disputes, embargoes, shortage of energy or materials, acts of God, acts of public enemies, acts of superior governmental authorities, weather conditions, rights, rebellions, sabotage, or any other circumstances for which it is not responsible or that are not within its control.
10. The Parties agree that this Agreement and related documents may be subject to disclosure under the Colorado Open Records Act ("CORA").

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the date of the most recent signatory.

**THE CITY OF FORT COLLINS, COLORADO**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Jeni Arndt, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Sr. Assistant City Attorney

**POUDRE SCHOOL DISTRICT R-1**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Chair of the Board

**ATTEST:**

\_\_\_\_\_  
Board Secretary

**POUDRE RIVER PUBLIC LIBRARY DISTRICT  
Board of Trustees**

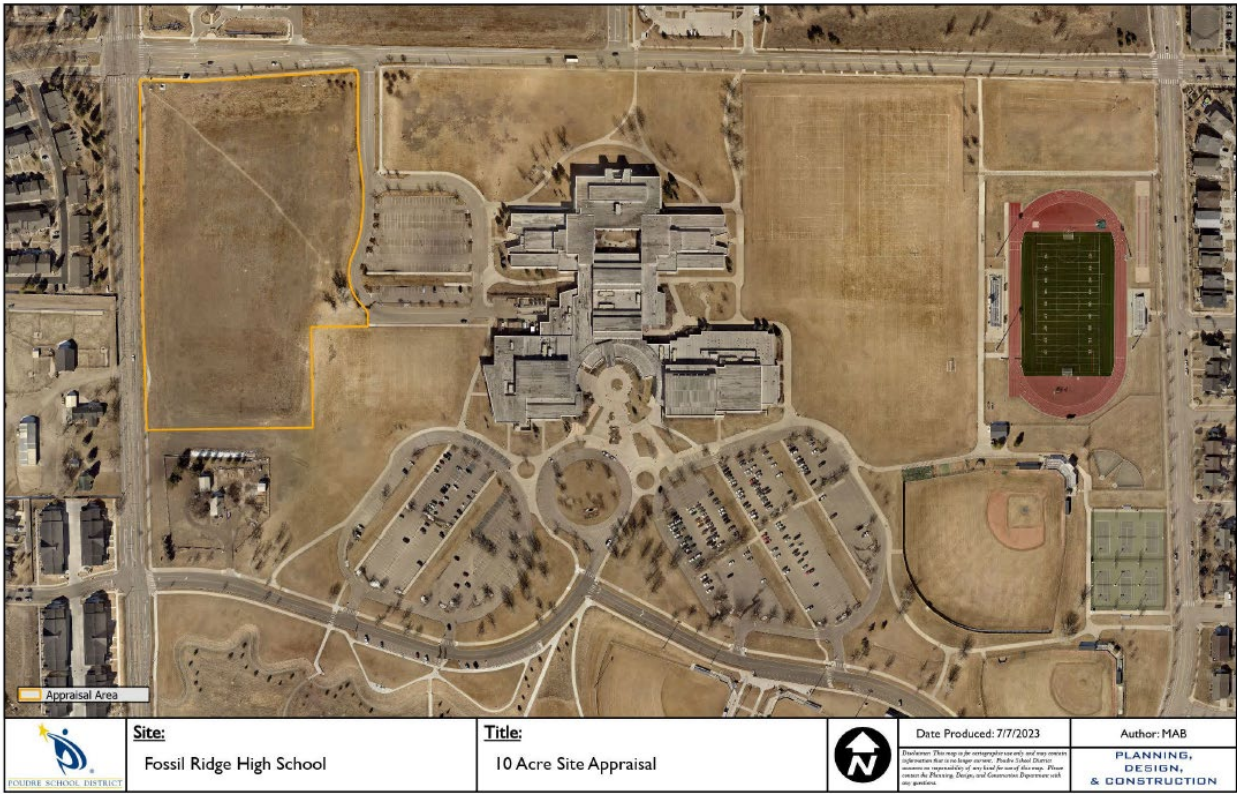
Date: \_\_\_\_\_

By: \_\_\_\_\_  
President

**ATTEST:**

\_\_\_\_\_  
Secretary

Exhibit A – Land Depiction



**ESCROW AGREEMENT [DRAFT]**

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of Fort Collins, Colorado, a Colorado home rule municipality (“City”) and Poudre School District R-1, a statutory Colorado school district (“School District”), and \_\_\_\_\_ (“Escrow Holder”). City and School District may be referred to hereafter as a “Party” or “Parties.”

City shall deposit with Escrow Holder on or before \_\_\_\_\_, 20\_\_\_\_, cash in the amount of \$ \_\_\_\_\_ .00 (the “Escrow Deposit Funds”), to be held and distributed by Escrow Holder subject to the general terms and conditions hereof and the Special Instructions set forth below.

**GENERAL PROVISIONS**

1. Amendments. These instructions may not be altered, amended, modified, or revoked except by a writing signed by the parties hereto and approved by the Escrow Holder.
2. Form of Notice. Any notice, instruction or demand required or desired to be given to the Escrow Holder or by the Escrow Holder to any other party must be in writing and may be delivered personally, by U.S. or private mail or courier to the addresses listed below, or by telefax or telegram.

If to City:

If to School District:

3. Reliance on Notice. Escrow Holder may act in reliance upon any writing or instrument or signature which it, in good faith, believes to be genuine, and may assume the validity and accuracy of any statement or assertion contained in such a writing or instrument, and may assume that any person purporting to give any writing, notice, advice or instruction in connection with the provisions hereof has been duly authorized to do so.
4. Disbursement Time Requirements. Any notice to Escrow Holder hereunder shall be given not later than 24 hours prior to the date and time for action by Escrow Holder. Escrow Holder agrees to act upon all notices given to it that are fully approved by all appropriate parties and are not conditioned upon any event other than Escrow Holder’s actions, not later than 5:00 p.m. on the business day next following the date upon which such notice was received.
5. Laws of Escheat. All Parties are hereby advised that unclaimed funds may be payable to the State of Colorado at some future date pursuant to the laws of escheat, and should Escrow Holder so pay any such funds held in the Escrow, Escrow Holder shall be released from all further responsibility under this Agreement and shall not be liable to

any Party so long as such payment was made pursuant to the statutes of Colorado or regulations of the Colorado Department of Revenue.

6. Interest Earned on Escrow Deposit Funds. Deposits of less than \$1,000 shall not bear interest. Deposits of \$1,000 to \$100,000 shall bear interest at the rate paid by the financial institution (the "Institution") where deposited. Deposits of \$100,000 or more may be directed by the Parties to other types of investments. Under no circumstances shall Escrow Holder be liable for loss of funds due to bank, savings and loan association or other Institution failure, or for acts or omissions of the employees or agents of such Institution, suspension or cessation of business, or any action or inaction on the part of the bank, savings and loan association or other Institution, or any delivery service transporting funds to and from such Institution.
7. Receipt and Deposit of Proceeds. The Escrow Deposit Funds will be deposited in a federally insured banking institution. If the Escrow Deposit Funds exceed \$100,000, Escrow Holder may invest the Escrow Deposit Funds in Government Repurchase Agreements for U.S. Treasury obligations. Escrow Holder shall not be responsible for maximizing the yield on the Escrow Deposit Funds. All Parties shall execute and deliver to Escrow Holder all forms required by Federal, state, or other governmental agencies relative to taxation matters and Escrow Holder will file appropriate 1099 or other required forms.
8. Fees and Expenses of Escrow Holder. The Escrow Holder shall be entitled to reimbursement in full, or may demand payment in advance, for all costs, expenses, charges, fees or other payments made or to be made by Escrow Holder in the performance of Escrow Holder's duties and obligations under this Agreement.  
\_\_\_\_\_ shall be liable for the payment to Escrow Holder of all Fees and Expenses. Escrow Holder is authorized and directed to disburse up to 50% of the Fees to itself in payment of Fees or Expenses from the Escrow Deposit Funds whether from principal or interest or both, at any time and from time to time.
9. Non-Liability of Escrow Holder. Escrow Holder shall not be liable for any mistakes of fact, or errors of judgment, or for any acts or omissions of any kind unless caused by the willful misconduct or gross negligence of Escrow Holder. Escrow Holder shall not be liable for any taxes, assessments, or other governmental charges which may be levied or assessed upon the Escrow Deposit Funds or any part thereof, or upon the income therefrom. Escrow Holder may rely upon the advice of counsel and upon statements of accountants, brokers or other person reasonably believed by it in good faith to be expert in the matters upon which they are consulted, and for any reasonable action taken or suffered in good faith based upon such advice or statements. Escrow Holder shall not be liable to anyone, except as set forth in the above and foregoing.
10. Compliance with Orders. Except as provided in section 3 above, the Escrow Holder is hereby expressly authorized and directed to disregard any and all notices or warning given by any of the parties hereto, or by any other person or corporation, excepting only orders or process of court, and is hereby expressly authorized to comply with and obey

any and all orders, judgments, or decrees of any court, and in case Escrow Holder obeys or complies with any such order, judgment, or decrees of any court, it shall not be liable to any of the parties hereto or to any other persons, firm or corporation by reason of such compliance.

11. Indemnity of Escrow Holder. The Parties, severally, on a 50%-50% basis and to the extent permitted by law, agree to release and indemnify Escrow Holder as to any liability by reason of this Escrow Agreement, or in connection herewith and to reimburse Escrow Holder for all its expenses, including, but not necessarily limited to, attorney's fees and court costs incurred in connection herewith, except for Escrow Holder's own misconduct or negligence. However, with respect to any third-party claims against the Parties, nothing herein shall be deemed a waiver of the notice requirements, defenses, immunities and limitations to the liability available to the Parties and their respective officers and employees under the Colorado Governmental Immunity Act (C.R.S. 24-10-101 et. seq.) or under any other law.
12. Disputes. In the event of any dispute between the Parties as to either law or fact as to any such demand or other matter, such dispute shall be between the Parties and Escrow Holder shall be excused from further responsibility and the Parties hereby agree, to the extent permitted by law, to hold Escrow Holder harmless from any and all damages, liability, costs and fees in connection therewith.
13. Request for Written Instructions. Escrow Holder may at any time, and from time to time, request the Parties to provide written instructions concerning the propriety of a proposed payment of funds on deposit, distribution of documents, or other action or refusal to act by Escrow Holder. Should the Parties fail to provide such written instructions within a reasonable time, Escrow Holder may take such action, or refuse to act, as it may deem appropriate and shall not be liable to anyone for such action or refusal to act. Notwithstanding the foregoing, should the terms of the Escrow Agreement be complied with, in the judgment of the Escrow Holder, then the Escrow Holder may disburse any funds, distribute any documents, or take such action without specific further written instructions from any Party.
14. Resignation of Escrow Holder. Escrow Holder may resign under this Agreement by giving written notice to all of the Parties, effective 30 days after the date of the notice. Upon the appointment by the Parties of a new escrow holder or custodian, or upon written instructions to Escrow Holder for other disposition of the Escrow Deposit, Escrow Holder shall, after retention of its accrued escrow fees and expenses, if any, deliver the Escrow Deposit within a reasonable period of time as so directed, and shall be relieved of any and all liability.
15. Applicable Law. This Agreement shall be governed by the laws of the State of Colorado.
16. Obligations Subject to Appropriation. The obligations of the Parties to commit or expend funds in any subsequent fiscal year are subject to and conditioned upon the annual appropriation of funds sufficient and intended to carry out said obligations by each



Party's respective governing body in its sole discretion. If such non-appropriation results in a material impairment of the Escrow Holder's rights hereunder, the Escrow Holder may terminate the Agreement, with no further recourse against the Parties, by providing 30 days written notice to the Parties.

#### SPECIAL INSTRUCTIONS

1. The purpose of this Escrow is to ensure payment by the City to the School District for real property conveyed by the School District to the City simultaneously with this Escrow for the "Project", which is defined as the planning, design, construction and furnishing of a new Southeast Community Center (the "Facility"), as required by the language of the Community Capital Improvement Program ballot measure approved by Fort Collins voters in April, 2015, if the School District is not able to secure funding by January 31, 2025, to add to the Project an indoor aquatics facility including swim lanes that the School District would be able to use (the "Aquatics Facility").
2. If the City, on or before January 31, 2025, notifies the Escrow Holder in writing that it is satisfied the School District has secured funds sufficient and intended for design and construction of the Aquatics Facility, the Escrow Holder shall release the Escrow to the City.
3. If the City does not notify the Escrow Holder in writing before the close of business on January 31, 2025, that it is satisfied the School District has secured funds sufficient and intended for design and construction of the Aquatics Facility, and the Parties have not negotiated an extension to this Agreement, the Escrow Holder shall release the Escrow to the School District.

CITY OF FORT COLLINS  
A Colorado municipal corporation

By: \_\_\_\_\_  
Kelly DiMartino,  
City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Assistant City Attorney

POUDRE SCHOOL DISTRICT R-1  
A statutory Colorado school district

By: \_\_\_\_\_  
Chair of the Board

ATTEST:

\_\_\_\_\_  
Board Secretary

Accepted:

\_\_\_\_\_  
Escrow Agent

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## Exhibit C– School District Cost Share

Capital Cost Category	PSD
Common areas as determined @ 100% Design -- anticipated to be Entry, Offices, Lounge, Gymnasium	5%* (15% of 33.33%)
Community Center -- Creation Space / Art Studio / Library Branch	0%
Outdoor Leisure Pool	0%
Indoor 10-Lane Lap Pool	15%*
Indoor Leisure Pool	0%
Indoor Aquatic Support (Offices, Lockers, Storage, Mechanical)	7.5%* (15% of 50%)
Site Costs as determined at 100% design	5%* (15% of 33.33%)
Land (contributed capital)	100%*

\*PSD overall capital contribution is limited to 15% of the attributable Aquatics Base, including any change orders agreed upon by the City and School District. Cash contributions over and above the Land would be billed according to Exhibit E.

## Exhibit D – School District Lane Usage

<b>PSD Utilization*</b>		
Number of teams utilizing facility	3	teams
Lanes used	5	lanes
Hours used per team	2	hours
Lane hours utilized at facility per day	30	
Overall Community + PSD Pool Utilization - Peak	70.0%	<b>A</b>
Overall Community + PSD Pool Utilization - Off-peak	30.0%	
PSD usage of gross available lane-hours	20.0%	
PSD usage per day of available peak lane-hours	42.9%	<b>B</b>
PSD overall utilization during swim season	30%	<b>A x B</b>
6-month swim season	50%	Calendar year
PSD weighted average utilization of annual lane-hours	15.0%	To be applied to capital share

\*Information current as of the Effective Date of the IGA

December 19, 2023

## AGENDA ITEM SUMMARY

City Council



### STAFF

Davina Lau, Public Engagement Specialist  
Carrie Daggett, City Attorney

### SUBJECT

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

### EXECUTIVE SUMMARY

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

### STAFF RECOMMENDATION

Staff recommends adoption of this Resolution.

### BACKGROUND / DISCUSSION

This Resolution appoints Sheri Emerick and Conner Horak-Flood to fill the vacancies left by Jean McGinnis and Timothy Vavra. Candidates were interviewed by Councilmembers Gutowsky and Ohlson on November 29, 2023. These appointments will begin and expire as noted next to the recommended names shown below and, in the Resolution.

#### Cultural Resources Board

Appointments	Term Effective Date	Expiration of Term
Sheri Emerick (Seat D)	Immediately upon adoption of this Resolution	March 31, 2028
Conner Horak-Flood (Seat G)	Immediately upon adoption of this Resolution	March 31, 2026

### CITY FINANCIAL IMPACTS

None.

## **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

## **PUBLIC OUTREACH**

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Public outreach to seek applicants for boards and commissions included a spotlight press release on the City website, media releases for earned coverage in local media sources, and social media promotion of opportunities.

## **ATTACHMENTS**

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1. Resolution for Consideration
2. Volunteer Applications (Redacted)

RESOLUTION 2023-113  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING APPOINTMENTS TO THE CULTURAL RESOURCES BOARD

WHEREAS, the Cultural Resources Board has vacancies due to the resignation of Jean McGinnis and the termination of the term of Timothy Vavra; and

WHEREAS, Councilmembers interviewed candidates for these appointments on November 29, 2023; and

WHEREAS, the City Council desires to make appointments to fill these vacancies on the Cultural Resources Board.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the following named persons are hereby appointed to fill the open vacancies on the Cultural Resources Board with a term to begin and expire as noted below next to each appointee's name:

**Cultural Resources Board**

<b>Appointments</b>	<b>Term Effective Date</b>	<b>Expiration of Term</b>
Sheri Emerick (Seat D)	Immediately upon adoption of this Resolution	March 31, 2028
Conner Horak-Flood (Seat G)	Immediately upon adoption of this Resolution	March 31, 2026

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 19th day of December, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

# VOLUNTEER APPLICATION

Sheri Emerick

11/18/2023 2:08 PM

Application: **CuRB - Cultural Resources Board**

## Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Bachelors degree

Address: [REDACTED] [REDACTED] [REDACTED] <<

## Volunteer Groups Applied For

Cultural Resources Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle. YES

If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission. n/a

I acknowledge I am available when the Cultural Resources Board meets: 4th Thursday of each month at 5:30 p.m. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 20

Which Council District do you live in? Please refer to the map at: <https://gisweb.fcgov.com/HTML5Viewer/Index.html?Viewer=FCMaps&layerTheme=Council%20Districts> 2

Current Occupation: Retired

Current Employer: Retired

Prior work experience (please include dates): 2008-2021 - Development Director for the Art Museum of South Texas, affiliated with Texas A&M University, Corpus Christi  
Prior to 2000 employment included Field Coordinator March of Dimes and Marketing Manager Trinity Towers Retirement Community

Volunteer experience (please include dates): 9/2022 to present - Docent at the Gregory Allicar Museum of Art  
7/2022 to present - Hospitality committee for American Association of University Women  
1999-2021 - Various Board positions with Executive Women International, Corpus Christi, TX  
Additional volunteer experience includes Board President of CASA of Coastal Bend



(Texas)  
and volunteer positions with YWCA,  
Corpus Christi, TX and South Texas Public  
Broadcasting, Corpus Christi, TX

Have you applied for this board before? If yes, please explain.

No

Are you currently serving on a City board or Commission? If so, which one?

No

Specify any activities which might create a serious conflict of interest if you are appointed.

Only Docent activities with GAMA, which I would recuse myself from that application.

How have you been active in the arts, culture or creative sector in our community or other communities and how would your experience benefit the Cultural Resources Board?

In addition to being a docent at GAMA, I am the co-Coordinator for Art Excursions Interest Group with the Fort Collins Newcomers Club. We meet four monthly at various art museums, galleries and other art related venues in the Ft. Collins Loveland vicinity.  
Prior to moving to Ft. Collins in 2022, I was employed at the Art Museum of South Texas in Corpus Christi, Tx. In addition to development duties, I was liaison to the Art Collectors Club guiding groups to various art venues in other cities including Philadelphia, Atlanta, Tulsa, Kansas City, Dallas, Houston and San Antonio.  
I believe my experience with art communities, as well as vast experience in Arts Grants applications and reporting, on local, state and national levels makes me uniquely qualified to serve on this board. I served with the Texas Commission on the Arts as an application reviewer for visual art. I know the intricacies of the art funding and resource process, as well as the importance of face to face relationship building between the funder and the recipient.

The City of Fort Collins has a strong history of supporting arts and culture in our community, through our own facilities and programs and the Fort Fund Grant Program, what opportunities do you see in strengthening that commitment?

Though I have lived in Fort Collins a fairly short time I am sincerely amazed at the number of quality artistic offerings available to its citizens and visitors. Any outreach into the community, especially for children and youth as well as underserved citizens can strengthen and enrich the community. I can envision outreach to seniors, veterans, and the unsheltered through cooperative efforts between arts groups and the City. Combining expertise and burden sharing can make for a successful programs. Opportunities to partner with private businesses can also strengthen community ties. As an example many businesses have funds available for community outreach and matching programs which may be used in cooperation with the City.

How did you learn of a vacancy on this board or commission?

Other (please specify)

Board member.

# VOLUNTEER APPLICATION

Conner Horak-Flood

11/25/2023 1:31 PM

Application: **CuRB - Cultural Resources Board**

## Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Bachelors degree  
 Address: [REDACTED] Phone: [REDACTED] <<

## Volunteer Groups Applied For

Cultural Resources Board

## Job Description

☒ I have read the job description

## Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission.	NA
I acknowledge I am available when the Cultural Resources Board meets: 4th Thursday of each month at 5:30 p.m.	YES
How many hours per month are you willing to put in (including research, work, and meeting time) as a board member?	10
Which Council District do you live in? Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5Viewer/Index.html?Viewer=FCMaps&amp;layerTheme=Council%20Districts">https://gisweb.fcgov.com/HTML5Viewer/Index.html?Viewer=FCMaps&amp;layerTheme=Council%20Districts</a>	1
Current Occupation:	Artistic Associate (dancer)
Current Employer:	Canyon Concert Ballet (May 2022-Present)
Prior work experience (please include dates):	Impact Dance Company(Fall 2022-Present), Reformations (August 2021-December 2021), Boulder Ballet ( 2019-2020), Wonderbound (2015-2018), James Sewell Ballet (2018-2019), David Taylor's Zikr Dance Ensemble (2015, 2019, 2023)
Volunteer experience (please include dates):	Community outreach to people who are homeless (2015-2018), seniors (2018-present), and students of Title 1 schools in DPS and the surrounding areas, where we would visit over forty schools a year (2015-2018)
Have you applied for this board before? If yes, please explain.	No
Are you currently serving on a City board or Commission? If so, which	No

one

Specify any activities which might create a serious conflict of interest if you are appointed

Company Dance (Artistic Associate) at Canyon Concert Ballet, Company Dancer at IMPACT Dance

How have you been active in the arts, culture or creative sector in our community or other communities and how would your experience benefit the Cultural Resources Board

I was born and raised in Ft. Collins where I studied martial arts (at still kickin' Karate West on S. Mason!) and musical theater which synthesized into a passion for dance. I received my training in town at Canyon Concert Ballet and, post high school, went on to pursue my arts education at Butler University where I graduated cum laude with a BFA in dance performance with departmental honors. I immediately moved back to Colorado where I've since been a part of many professional Coloradan dance companies including Wonderbound, ikr Dance Ensemble, and Boulder Ballet as well as performed at the Vail Dance Festival. Having grown up in Fort Collins, left to pursue an education and professional dance career where I was exposed to all different forms of creativity, collaboration, and imagination, I feel I am capable of understanding where the arts in Fort Collins have been in recent history, where its strengths and weaknesses are, and therefore have a better understanding of where it is currently heading. I look at the inertia building in Fort Collins and I am so optimistic and so excited to be a part of its future.

The City of Fort Collins has a strong history of supporting arts and culture in our community, through our own facilities and programs and the Fort Fund Grant Program, what opportunities do you see in strengthening that commitment

I believe to be an artist is to be in a family with other artists, regardless of the discipline, and that collaboration and cross-pollination create better art as well as a healthier creative ecosystem. Here in Fort Collins, we have the opportunity to expand and strengthen this ecosystem as our city evolves and grows. I firmly believe that Colorado is on its way to becoming the mecca for arts as New York and California once were and Fort Collins deserves a place at the table. The quality of art and an audience for that art is only increasing and I wish to help cultivate and strengthen this growth.

How did you learn of a vacancy on this board or commission

Other (please specify)  
Michael Pappalardo (Artistic Director of CCB) forwarded email inquiring of general interest from Solara Clark

# Garner Horak-Flood

Fort Collins, CO 80525

## Producer/ Choreographer

Canyon Concert Ballet

*Not a Clue* (Choreographed and Performed)

Starry Night Productions

*A Night of Love and Murder* (Choreographed, Produced, and Performed)

Front Range Contemporary Ballet Company

*Memoirs of a Coffee Table* (Choreographed and Performed)

## PERFORMANCE EXPERIENCE

Canyon Concert Ballet (May 2022- Present)

*Dracula*, Dracula (Michael Pappalardo (created))

*The Wizard of Oz*, Scarecrow (Michael Pappalardo)

*1984*, Winston (Michael Pappalardo (created))

*Beer, Ballet, and Strawberry Fields* (Michael Pappalardo (created))

*One Fine Day* (Michael Pappalardo (created))

Impact Dance Company (Fall 2022- Present)

*Picasso* (Judy Bejarano (created))

*From the Circus to the Sea* (created))

Dominic Walsh's *Cinderella* (With Colorado Conservatory of Dance) (May 2022)

Reformations (August 2021- December 2021)

*Dracula*

Boulder Ballet ( 2019-2020)

*AIRES* (Paul Taylor, Staged by Richard Chen-See)

James Sewell Ballet (2018-2019)

*Thaw* (Gabrielle Lamb (created))

*Nutcracker (Not So Suite)* (Myron Johnson (created))

*Moving Works* (James Sewell)

*Appalachian Waltz* (James Sewell)

*I See You* (Darrius Strong (created))

Wonderbound (2015-2018)

*Madness, Rack, and Honey* (Garrett Ammon)

*I Didn't Hear You, I Was Away With the Fairies* (Sarah Tallman (created))

*Aphrodite's Switchboard*, Adonis (Garrett Ammon (created))

*Celestial Navigations* (Garrett Ammon)

*Divisions* (Garrett Ammon) \*Included in Vail Dance Festival

*In Between Seams* (Sarah Tallman)

*For Pity's Sake, My Love* (Garrett Ammon)

*Snow* (Garrett Ammon (created))

*Reveries* (Garrett Ammon (created))

*Peering Through Cracks Knotholes* (Sarah Tallman (created))

*A Gothic Folktale*, The Strong Man (Garrett Ammon)

*Dust*, Werner (Garrett Ammon and Dee Covington (created)) (With Curious Theatre)

*Serenade for Strings* (Garrett Ammon)

*For the Love of Pete* (Garrett Ammon)

*Love of My Life*, The Son (Garrett Ammon)

*An Occasional Dream*, Adam (Garrett Ammon)

*Winter* (Garrett Ammon)

*Memories and Well-Founded Hopes* (Garrett Ammon)

Item 15. *Hidden Constellation* (Garrett Ammon (created))  
*The Seven Deadly Sins*, *The Best Man* (Garrett Ammon (created))

David Taylor's Zikr Dance Ensemble (2015, 2019, 2023)

*Oracle* (Created)

*In Your Eyes*

*Alter*

*Runes*

*Invocation*

*Cathedral of Light*

*Zikr (Whirling Dervishes)*

*Lady of the Lake* (Created)

*Sadhu* (Created)

Numerous "Gurdjieff Sacred Movements"

## Instructor

Just for Kix- Windsor, CO (December 2021- 2023)

Ballet Master, Jazz Instructor (Luigi based technique), Musical Theater Instructor

Front Range Classical Ballet (Summer 2021- 2023)

Ballet, Men's Technique, Pas de Deux, Contemporary Modern

Canyon Concert Ballet (2009- Present)

Ballet, Modern (Cunningham based technique, Taylor style)), Jazz (Luigi based technique), Pas de Deux

## TRAINING

### Butler University (2011-2015)

*Slaughter on Tenth Avenue* The Hooper (George Balanchine) (Staged Patrick Hinson)

*The Sleeping Beauty* The Bluebird (Derek Reid)

*Viva Vivaldi* Soloist (Gerald Arpino) (Staged Charthel Arthur)

*Le Sacre Du Printemps (The Rehearsal)* (Paul Taylor) (Staged Susan McGuire)

Master Classes:

Christopher Roman (Artistic Advisor for William Forsythe)

David Hochoy (Previous Artistic Director of Dance Kaleidoscope)

Kevin Irving setting Nacho Duato's *Por Vos Muero*

Gustavo Ramirez Sansano

Pascal Rioult (Artistic Director of Rioult Dance New York)

### SUMMER INTENSIVES

#### **Boston Ballet Summer Dance Program** (2010)

Ballet Teachers: Margaret Tracy, Christopher Hird, Andre Reyes, Arch Higgins

#### **Pittsburgh Ballet Summer Dance Intensive** (2011)

Ballet: Marjorie Grundvig, Dennis Marshall, Robert Moore, Aleksandr Zankin, Terrence Orr, Li Chou Cheng

Classes in the Pilobolus technique

#### **Next Generation Ballet** (2013)

Ballet: Peter Stark, Ivonne Lemus, Andrew Carroll, Jeffery Cirio, Bruce Marx, Julio Montano, Richard Sias

Modern: Eran Bugge (Paul Taylor style)

## Awards

Butler University:

Attended with Academic and Dance Performance Scholarships

Dean's List (Spring 2012-2013, Fall and Spring 2013-2015)

Highest GPA of the 2015 Dance Class (2012-2015)

Leadership Award

Performance Award

Lynnette Jordan Schisla Dance Scholarship

Eileen Poston Dance Scholarship

Most Outstanding Freshman Dancer

## Other Qualifications

- Black Belt (1st Degree) in Karate with an emphasis in Tae-Kwon-Do.
- Training in Stage Combat (2008-2010)
- Completed Carol Roderick's *The Dance Teacher's Institute* at Colorado State University

December 19, 2023

## AGENDA ITEM SUMMARY

City Council



### STAFF

Davina Lau, Public Engagement Specialist  
Carrie Daggett, City Attorney

### SUBJECT

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

### EXECUTIVE SUMMARY

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

### STAFF RECOMMENDATION

Staff recommends adoption of this Resolution.

### BACKGROUND / DISCUSSION

This Resolution appoints Patrick Dawson to the Parks and Recreation Board. The ad hoc committee on boards and commissions recommended combining one of the Golf Board functions with the Parks and Recreation Board functions and dissolving the Golf Board effective January 1, 2024. City staff asked current Golf Board members whether they are interested in serving the remainder of their term on the Parks and Recreation Board. The only member who expressed interest is Patrick Dawson. In September, Council adopted Ordinance No. 118, 2023, dissolving the Golf Board effective January 1, 2024. This Resolution appoints Patrick Dawson to the Parks and Recreation Board to serve the remainder of his term. The term begins and ends as outlined below.

#### Parks and Recreation Board

Appointments	Term Effective Date	Expiration of Term
Patrick Dawson (Seat H)	January 1, 2024	March 31, 2025

### CITY FINANCIAL IMPACTS

None.

## **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

## **PUBLIC OUTREACH**

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Public outreach to seek applicants for boards and commissions included a spotlight press release on the City website, media releases for earned coverage in local media sources, and social media promotion of opportunities.

## **ATTACHMENTS**

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1. Resolution for Consideration
2. Volunteer Application (Redacted)



RESOLUTION 2023-114  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING AN APPOINTMENT TO THE PARKS AND RECREATION BOARD

WHEREAS, the Parks and Recreation Board has vacancies due to the expiration of terms of certain members; and

WHEREAS, Councilmembers adopted Ordinance No. 118, 2023, on September 19, 2023, which dissolved the Golf Board; and

WHEREAS, Patrick Dawson is a Golf Board member who expressed a desire to serve the remainder of his term on the Parks and Recreation Board; and

WHEREAS, the City Council desires to make an appointment to fill a vacancy on the Parks and Recreation Board.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the following named person is hereby appointed to fill the open vacancy on the Parks and Recreation Board with a term to begin and expire as noted below next to the appointee's name:

**Parks and Recreation Board**

<b>Appointments</b>	<b>Term Effective Date</b>	<b>Expiration of Term</b>
Patrick Dawson (Seat H)	January 1, 2024	March 31, 2025

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 19th day of December, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

# VOLUNTEER APPLICATION

**Patrick Dawson**

12/1/2023 1:50 PM

Application: **PRB - Parks and Recreation Board****Applicant Information**

Birthday: [REDACTED] Gender: Male Education Level: College degree

Address: [REDACTED] Phone: [REDACTED] «

**Volunteer Groups Applied For**

Parks &amp; Recreation Board

**Skills & Interests**

Additional Skills / Interests: Thai

**Job Description**☒ I have read the job description**Questions**

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle. YES

If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission. Golf

I acknowledge I am available when the Parks & Recreation Board meets: 4th Wednesday of each month January - October at 5:30 p.m. and 1st Wednesday of December YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 4

Which Council District do you live in? Please refer to the map at: <https://gisweb.fcgov.com/HTML5Viewer/Index.html?Viewer=FCMaps&layerTheme=Council%20Districts> 4

Current Occupation: Director of Sales

Current Employer: Printshop

Prior work experience (please include dates): City of Fort Collins

Volunteer experience (please include dates): Golf Board member from 2020

Have you applied for this board before? If yes, please explain. NO

Are you currently serving on a City board or Commission? If so, which one? Yes; Golf

Why do you want to become a member of this particular board or commission

To continue my commitment to the Golf Board

Please describe the community benefits of highly functioning Parks and Recreation Departments.

Health

How have you engaged in the benefits of the current Parks and Recreation systems

Multiple touches with the golfing community

Specify any activities which might create a serious conflict of interest if you are appointed

Work

Are you willing to complete the required training if appointed

YES

How did you learn of a vacancy on this board or commission

Newspaper

December 19, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Anissa Hollingshead, City Clerk  
Carrie Daggett, City Attorney  
Caryn Champine, Director of Planning, Development & Transportation  
Sylvia Tatman-Burruss, Senior Project Officer

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### SUBJECT

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

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### EXECUTIVE SUMMARY

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

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

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

- This option includes language repealing the associated Ordinance Nos. 137, 2023, and 138, 2023, that respectively made updates to City Code to align with the revised Land Use Code and renamed the Neighborhood Conservation zone districts to the Old Town zone district in alignment with the revised Land Use Code.

- If this option is approved, Council may choose to discuss next steps regarding a revised version of the repealed Land Use Code.

or

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

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

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

and, if desired,

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

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

## **BACKGROUND / DISCUSSION**

On November 28, 2023, a referendum petition was filed with the City Clerk seeking to repeal Ordinance No. 136, 2023, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Revised Land Use Code and Separately Codifying the 1997 Land Use Code as the “Pre-2024 Transitional Land Use Regulations”.

On November 28, 2023, a protest was filed regarding the signatures of the petition. A hearing was held on December 13, 2023, to consider the protest and the hearing officer issued a decision denying the protest on December 14, 2023 (attached to this Agenda Item Summary for reference).

On December 14, 2023, following the completion of the protest process, the City Clerk presented the Council with her certification of the determination that the referendum petition contains a sufficient number of signatures (more than the required 4,228) to require further action by the Council. This certification is also attached to this Agenda Item Summary for reference.

Upon presentation to the Council of the petition certified as sufficient for referendum on December 14, 2023, the operation of Ordinance No. 136, 2023, was automatically suspended pending repeal by the Council or final determination by the voters. If the Ordinance is not repealed, Council must refer the ordinance to a vote of the registered electors of the City at the next regular election or special election scheduled for any other purpose. Council may call a special election for this specific purpose. Because of existing election events in 2024, there is a limited range of possible dates for a special election. This includes between April 9 and May 21, and then again between July 30 and August 6. It is also possible to call a special election that would be conducted as a coordinated election with Larimer County on November 5, 2024, if no other special election is held before that time.

Two main options available to the Council are presented here as Option 1 and Option 2. If Council chooses to call a special election now for this purpose, Council will also need to adopt the ordinance provided as Option 2A and will need to insert the date of the special election into the body of the Ordinance calling a special election. Without adopting this ordinance, the referendum on Ordinance No. 136, 2023, would need to occur whenever the next City election is, whether that is the regular election in November of 2025 or any special election called before that time for another purpose.

### **OPTION 1 – REPEAL THE ORDINANCE**

If Council chooses to repeal the protested Ordinance, it can do so by adopting on First Reading Ordinance No. 175, 2023, Repealing Ordinance No. 136, 2023, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Revised Land Use Code and Separately Codifying the 1997 Land Use Code as the “Pre-2024 Transitional Land Use Regulations”. When the revised Land Use Code was adopted, Ordinance No. 137, 2023, Updating City Code References to Align with the Adoption of the Revised Land Use Code, and Ordinance No. 138, 2023, Amending the Zoning Map of the City of Fort

Collins to Rename All Neighborhood Conservation Low Density, Neighborhood Conservation Medium Density, and Neighborhood Conservation Buffer zone districts to the Old Town Zone District In Conjunction with the Adoption of the Revised Land Use Code, were concurrently adopted. Adoption of the ordinance repealing the revised Land Use Code includes language also repealing Ordinance Nos. 137 and 138, 2023.

If this option is approved, Council may choose to discuss next steps regarding a revised version of the repealed Land Use Code. Staff has attached information to assist with any discussion.

#### OPTION 2 – REFER THE ORDINANCE TO FORT COLLINS VOTERS AT THE NEXT ELECTION

If Council chooses not to repeal the protested Ordinance, it must refer it to the voters of Fort Collins by resolution. Council would refer the protested Ordinance to the voters by adopting Resolution 2023-115 Referring Ordinance No. 136, 2023, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Revised Land Use Code and Separately Codifying the 1997 Land Use Code as the “Pre-2024 Transitional Land Use Regulations” to a Vote of the Registered Electors of the City at the Next Municipal Election. The Resolution directs that staff present at the next regular Council meeting a resolution to set the ballot title for this question to voters.

#### AND IF DESIRED, OPTION 2A – CALL A SPECIAL ELECTION

If it is desired to call a special election at this time, that is done by ordinance in addition to the resolution referring the Ordinance to the voters. If Council intends to call a special election, the process would be done by adopting Ordinance No. 176, 2023, Calling a Special Election for the Purpose of Submitting to the Registered Electors a Citizen Referendum of Ordinance No. 136, 2023, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Revised Land Use Code and Separately Codifying the 1997 Land Use Code as the “Pre-2024 Transitional Land Use Regulations”. At the time of second reading of this Ordinance a resolution would also be provided to set the ballot title for this question to voters.

#### **CITY FINANCIAL IMPACTS**

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There will be what are likely negligible costs associated with referring Ordinance No. 136, 2023, to the next regular municipal election on November 4, 2025 or a potential special election called for another purpose to be conducted as part of the coordinated election on November 5, 2024.

A special election called for the purpose of submitting a referendum of Ordinance No. 136, 2023, is estimated to cost in the likely range of \$300,000-\$400,000.

#### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

#### **PUBLIC OUTREACH**

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None.

#### **ATTACHMENTS**

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1. Ordinance for Consideration - Repeal Ordinance No. 136, 2023
2. Resolution for Consideration - Refer Ordinance No. 136, 2023
3. Ordinance for Consideration - Calling a Special Election
4. Order of Hearing Officer Dismissing Protest
5. Transmittal of Certification of Referendum Petition
6. Memo on Options for New Land Use Code
7. Presentation

ORDINANCE NO. 175, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
REPEALING ORDINANCE NO. 136, 2023, REPEALING AND REENACTING  
SECTION 29-1 OF THE CODE OF THE CITY OF FORT COLLINS TO ADOPT THE  
REVISED LAND USE CODE AND SEPARATELY CODIFYING THE 1997 LAND  
USE CODE AS THE “PRE-2024 TRANSITIONAL LAND USE REGULATIONS,”  
ORDINANCE NO. 137, 2023, UPDATING CITY CODE REFERENCES TO ALIGN  
WITH THE ADOPTION OF THE REVISED LAND USE CODE AND ORDINANCE NO. 138,  
2023, AMENDING THE ZONING MAP OF THE CITY OF FORT COLLINS TO RENAME  
ALL NEIGHBORHOOD CONSERVATION LOW DENSITY, NEIGHBORHOOD  
CONSERVATION MEDIUM DENSITY, AND NEIGHBORHOOD CONSERVATION  
BUFFER ZONE DISTRICTS TO THE OLD TOWN ZONE DISTRICT IN CONJUNCTION  
WITH THE ADOPTION OF THE REVISED LAND USE CODE

WHEREAS, on October 17, 2023, the City Council adopted on second reading Ordinance No. 136, 2023, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Revised Land Use Code and Separately Codifying the 1997 Land Use Code as the “Pre-2024 Transitional Land Use Regulations” (the “Ordinance”); and

WHEREAS, on October 27, 2023, a registered elector commenced referendum proceedings by filing with the City Clerk a notice of protest against the Ordinance; and

WHEREAS, on November 8, 2023, the City Clerk approved the form of the referendum petition relating to the Ordinance (the “Referendum Petition”); and

WHEREAS, on November 28, 2023, the petition representatives filed the Referendum Petition with the City Clerk; and

WHEREAS, on December 14, 2023, the City Clerk issued and provided to the City Council her certification that the Referendum Petition contained the requisite number of signatures (at least 4,228) to require further action by the City Council; and

WHEREAS, under Article X, Section 2(e) of the City Charter, the presentation to the City Council of a petition certified by the City Clerk as sufficient for referendum automatically suspends the operation of the Ordinance pending repeal by the Council or final determination by the electors; and

WHEREAS, under Article X, Section 2(e) of the City Charter, if the Ordinance is not repealed, the Council must refer the same to a vote of the registered electors at the next regular or special city election, or, in the alternative, call a special election for that purpose; and

WHEREAS, Council has determined that the Ordinance should be repealed; and

WHEREAS, Council has also determined that Ordinance 137, 2023, and Ordinance 138, 2023, both adopted concurrent with Ordinance 136, 2023, and respectively making conforming changes to City Code. in light of the adoption of the revised Land Use Code and rezoning the

Neighborhood Conservation zone districts to rename them as the Old Town zone district in alignment with the revised Land Use Code, should also be repealed.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Ordinance No. 136, 2023, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Revised Land Use Code and Separately Codifying the 1997 Land Use Code as the “Pre-2024 Transitional Land Use Regulations”, is hereby repealed in its entirety.

Section 3. That Ordinance No. 137, 2023, Updating City Code References to Align with the Adoption of the Revised Land Use Code, is hereby repealed in its entirety.

Section 4. That Ordinance No. 138, 2023, Amending the Zoning Map of the City of Fort Collins to Rename All Neighborhood Conservation Low Density, Neighborhood Conservation Medium Density, and Neighborhood Conservation Buffer Zone Districts to the Old Town Zone District in Conjunction with the Adoption of the Revised Land Use Code, is hereby repealed in its entirety.

Introduced, considered favorably on first reading, and ordered published this 19th day of December, 2023, and to be presented for final passage on the 16th day of January, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 16th day of January, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



RESOLUTION 2023-115  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
REFERRING ORDINANCE NO. 136, 2023, REPEALING AND REENACTING  
SECTION 29-1 OF THE CODE OF THE CITY OF FORT COLLINS TO ADOPT THE  
REVISED LAND USE CODE AND SEPARATELY CODIFYING THE 1997 LAND USE  
CODE AS THE “PRE-2024 TRANSITIONAL LAND USE REGULATIONS” TO A VOTE OF  
THE REGISTERED ELECTORS OF THE CITY AT THE NEXT MUNICIPAL ELECTION

WHEREAS, on October 17, 2023, the City Council adopted on second reading Ordinance No. 136, 2023, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Revised Land Use Code and Separately Codifying the 1997 Land Use Code as the “Pre-2024 Transitional Land Use Regulations” (the “Ordinance”); and

WHEREAS, on October 27, 2023, a registered elector commenced referendum proceedings by filing with the City Clerk a notice of protest against the Ordinance; and

WHEREAS, on November 8, 2023, the City Clerk approved the form of the referendum petition relating to the Ordinance (the “Referendum Petition”); and

WHEREAS, on November 28, 2023, the petition representatives filed the Referendum Petition with the City Clerk; and

WHEREAS, on December 14, 2023, the City Clerk issued and provided to the City Council her certification that the Referendum Petition contained the requisite number of signatures (at least 4,228) to require further action by the City Council; and

WHEREAS, under Article X, Section 2(e) of the City Charter, the presentation to the City Council of a petition certified by the City Clerk as sufficient for referendum automatically suspends the operation of the Ordinance pending repeal by the Council or final determination by the electors; and

WHEREAS, under Article X, Section 2(e) of the City Charter, if the Ordinance is not repealed, the Council must refer the same to a vote of the registered electors at the next regular or special city election, or, in the alternative, call a special election for that purpose; and

WHEREAS, the City Council has determined that the Ordinance should not be repealed by the Council but should instead be referred to the registered electors at the next City election.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the Council hereby directs the City Manager and City Attorney to present for Council consideration on January 16, 2024, a resolution setting the ballot title and

submission clause to refer Ordinance No. 136, 2023, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Revised Land Use Code and Separately Codifying the 1997 Land Use Code as the “Pre-2024 Transitional Land Use Regulations”, to the registered electors of the City of Fort Collins at the next city election, in light of the Referendum Petition described above.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 19th day of December, 2023.

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Mayor

ATTEST:

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City Clerk

ORDINANCE NO. 176, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
CALLING A SPECIAL MUNICIPAL ELECTION FOR THE PURPOSE OF  
SUBMITTING TO THE REGISTERED ELECTORS A CITIZEN REFERENDUM  
OF ORDINANCE NO. 136, 2023, REPEALING AND REENACTING  
SECTION 29-1 OF THE CODE OF THE CITY OF FORT COLLINS TO ADOPT  
THE REVISED LAND USE CODE AND SEPARATELY CODIFYING THE 1997  
LAND USE CODE AS THE “PRE-2024 TRANSITIONAL LAND USE REGULATIONS”

WHEREAS, on October 17, 2023, the City Council adopted on second reading Ordinance No. 136, 2023, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Revised Land Use Code and Separately Codifying the 1997 Land Use Code as the “Pre-2024 Transitional Land Use Regulations” (the “Ordinance”); and

WHEREAS, on October 27, 2023, a registered elector commenced referendum proceedings by filing with the City Clerk a notice of protest against the Ordinance; and

WHEREAS, on November 8, 2023, the City Clerk approved the form of the referendum petition relating to the Ordinance (the “Referendum Petition”); and

WHEREAS, on November 28, 2023, the petition representatives filed the Referendum Petition with the City Clerk; and

WHEREAS, on December 14, 2023, the City Clerk issued and provided to the City Council her certification that the Referendum Petition contained the requisite number of signatures (at least 4,228) to require further action by the City Council; and

WHEREAS, under Article X, Section 2(e) of the City Charter, the presentation to the City Council of a petition certified by the City Clerk as sufficient for referendum automatically suspends the operation of the Ordinance pending repeal by the Council or final determination by the electors; and

WHEREAS, under Article X, Section 2(e) of the City Charter, if the Ordinance is not repealed, the Council must refer the same to a vote of the registered electors at the next regular or special city election, or, in the alternative, call a special election for that purpose; and

WHEREAS, the Council has, this same date, determined that the Ordinance should not be repealed by the Council but should instead be referred to the registered electors; and

WHEREAS, the Council has further determined that it would be in the best interest of the City to call a special municipal election on the date specified below in order to submit the Ordinance to a vote of the registered electors of the City at such special election.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That a Special Municipal Election in the City is hereby called for Tuesday, \_\_\_\_\_.

Section 3. That the use of an electronic system to record the votes at said election is hereby authorized.

Section 4. That in the event a special municipal election is called for a date prior to the date specified herein, the Ordinance shall instead be submitted to the registered electors of the City at such earlier special election.

Introduced, considered favorably on first reading, and ordered published this 19th day of December, 2023, and to be presented for final passage on the 16th day of January, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 16th day of January, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



WILSON WILLIAMS LLP

**To:** Annisa Hollingshead, City Clerk; Lisa Cunningham, Protester

**CC:** Carrie Daggett, City Attorney; Sara Afrmann, Assistant City Attorney

**From:** Geoff Wilson, Hearing Officer

**Date:** December 14, 2023

**Re:** ORDER on Protest filed 12/06/2023

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**ORDER DISMISSING PROTEST**

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1. On December 6, 2023 Lisa Cunningham (“Protester”) filed a Protest with the City Clerk pursuant to Art. X, Section 5(f)(3) of the Fort Collins City Charter (“Sec. 5(f)(3)”).
2. A copy of the Protest is attached. *See Appendix A.*
3. I now issue this **ORDER** dismissing the Protest.
4. Sec. 5(f)(3) sets forth a process for protesting the City Clerk’s initial determination of whether the signatures on a referendum petition are “sufficient” (as was the case here) or “insufficient.” Thus, the focus of a protest is likewise on the sufficiency of the signatures. In general, protests focus either on the information provided (or not provided) on the signature lines of the petition itself, or upon the manner in which a given signature or group of signatures was obtained (that is, the conduct of petition circulators).
5. Pursuant to the Charter, a hearing on the Protest was set for 9:30 am on December 13, 2023, in the City Council Chambers and notice was provided to the Protester. I was appointed Hearing Officer in the matter.
6. On December 10, 2023, I provided, *inter alia*, notice to the Protester and the City Clerk that, insofar as Section 2 of the Protest did not concern the sufficiency of signatures on the petition, I could not address it in this proceeding and would be dismissing that portion of the Protest. A copy of my notice to the Protester and the City Clerk is attached. *See Appendix B.*
7. In my December 10 notice I also informed Protester that her Protest was deficient in that it did not “set forth *with particularity* the grounds of protest and *the names* and defects in form *protested*,” as required in Sec.5(f)(3). I informed Protester that I was going to look past this defect (that is, not dismiss the Protest out of hand), but would



## WILSON WILLIAMS LLP

- be expecting the Protester to identify “with particularity” which signatures she was protesting at our hearing.
8. On December 13 at 9:30 am in the Fort Collins City Council Chambers, the Hearing was convened. I explained the limited nature of the proceedings (i.e., the sufficiency of signatures only), and the Protester was sworn in.
  9. Protester then delivered a well-crafted and articulate statement in which she described situations that she, as well as she and her husband, had observed during the petition circulation process where signatures were apparently being gathered without the required “Big Book,” which included the printed land use code, being “available,” as was required by the City for lawful circulation of the referendum petitions. A copy of the City’s circulator instructions is attached. *See Appendix C.*
  10. Petitioner complained about the apparent widespread violation of this requirement by circulators. In response to my questions, Protester acknowledged that she had not signed the petition (thus her protest does not seek to invalidate *her* signature, but rather those of others), nor had she asked any petition circulators whether the Big Book was “available.”
  11. Protester said that under the process set forth in the Charter, she would have to locate scores of witnesses who had signed the petition and who could testify that the Big Book was not “available” when they affixed their signatures. Protester stated that this was a virtually impossible task and that she had not been able to identify any signatures “with particularity” in this Protest.
  12. Protester produced a witness, who was sworn and testified that he had observed signature gathering outside the library without the Big Book being visible. The witness testified that he had not seen anybody actually sign a petition, nor had he asked the circulators whether the Big Book was actually “available.” The witness also acknowledged that he had not signed the petition himself.
  13. Because the Protester did not identify any signatures on the petition with particularity in her Protest or at the Hearing, and thus did not establish by a preponderance of her evidence that the Clerk’s determination of sufficiency as to such signature(s) ought to be changed, this Protest is **DISMISSED**.

**ISSUED THIS 14<sup>th</sup> DAY OF DECEMBER, 2023.**

Hearing Officer Geoff Wilson

## APPENDIX A

## LISA CUNNINGHAM

612 Smith Street • Fort Collins, CO 80524  
lisa.m.cunningham@protonmail.com • (970) 221-7141

Anissa Hollingshead, City Clerk  
City of Fort Collins  
300 Laporte Avenue  
Fort Collins, CO 80522

REC'D BY CITY CLERK  
DEC 6 '23 PM 2:05

Dear Ms. Hollingshead,

I'm am writing to protest the validity of the petition submitted on November 28, 2023 to prevent Ordinance No. 136, 2023 (The Land Use Code) from going into effect next month. I am filing this protest on two grounds: 1) the petitioners did not follow the City's rules to provide a physical, bound copy of the Ordinance to the public at all signing events, and 2) this petition process duplicates an earlier petition that was already publicly vetted and decided upon by City Council, and is an abuse of the petition process in itself.

### 1. Bound Copy Requirement

Per the City Clerk's *Protest and Referendum Process Memo* dated October 27, 2023, the petitioners were required to exhibit a bound document of the Land Use Code whenever they solicit signatures for all potential signers to review for themselves. I was not given this opportunity the week before Thanksgiving, when a female Fort Collins Preserve petitioner came to my door at 612 Smith Street bearing only the petition on a clipboard for me to sign, with no bound Land Use Code document in hand. In addition, on Sunday November 26<sup>th</sup>, I was outside of the Old Town library where the Preserve Fort Collins solicitors had set up a petition table, with no copies of the Land Use Code ordinance available for me to review. I am also attaching several photos posted by Preserve Fort Collins on their own Facebook page showing similar tables around town with no ordinance copies visible. The absence of this document violates the rules of the petition process, as well as the spirit of providing accurate information and facts to citizens about the ordinance.

### 2. Duplication of a Previous, Almost Identical Petition

The petition made against the current Land Use Code, is a repeat of the one submitted a year ago by the same group on this very topic in November 2022.

After the City Council repealed the Land Use Code in January 2023 in response to the last petition, City staff spent over six months of time, resources, and money to solicit input from the community. Through this extensive process, City staff made concessions and incorporated changes that were raised from citizens via surveys, workshops, public meetings, and walking tours. On October 17, when the City Council re-adopted the Land Use Code with these changes, this petition process reached its natural conclusion

APPENDIX A

Item 17.

from a fully publicly vetted process. The City Council chose to adopt the Land Use Code, and it should stand.

As a citizen of Fort Collins, I am concerned that in this case the petition process is being used as a tactic to stonewall our City Council's decisions. The current petition is a manipulation of the City's democratic referendum process.

Certifying a petition which simply recycles identical grievances from a year ago, sets a dangerous precedent with dire implications for how our City can conduct its business in the future.

For these two reasons, I ask that you reject this petition.

Sincerely,

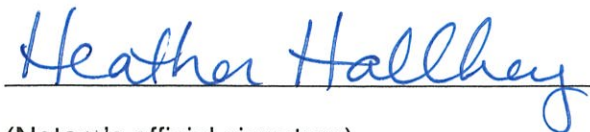
  
Lisa Cunningham



State of Colorado

County of LARIMER

Signed and sworn to [or affirmed] before me on DECEMBER 6, 20 23  
by LISA MARIE CUNNINGHAM (name(s) of individual(s) making statement).



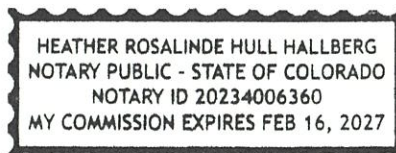
(Notary's official signature)

PUBLIC NOTARY

(Title of office)

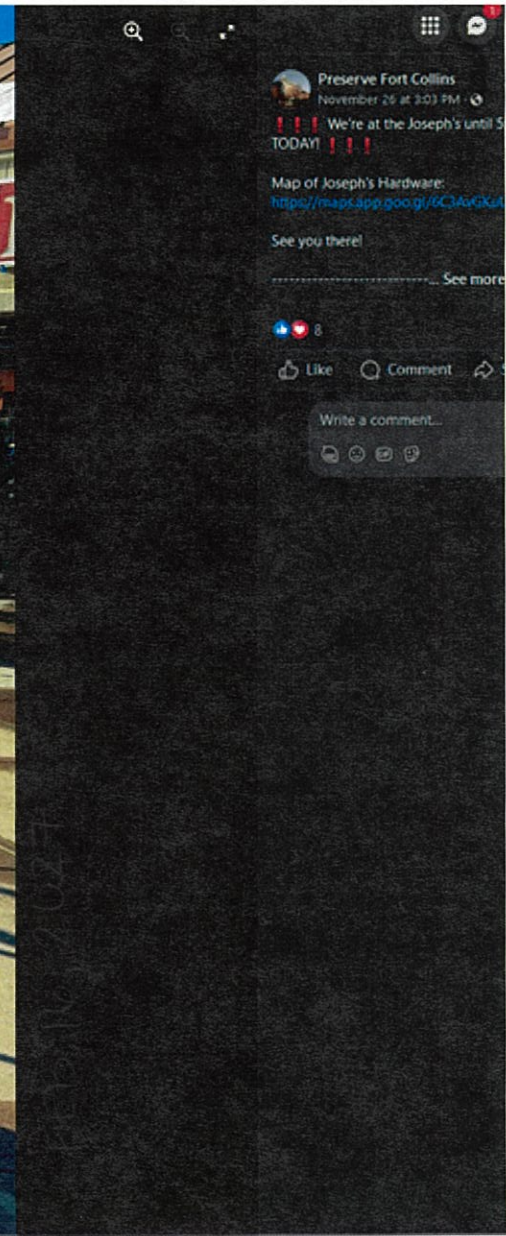
FEB. 16, 2027

(Commission Expiration)





## APPENDIX A





## APPENDIX A





## APPENDIX A





## APPENDIX A





**Geoff Wilson**

---

**From:** Geoff Wilson  
**Sent:** Sunday, December 10, 2023 4:07 PM  
**To:** Anissa Hollingshead; lisa.m.cunningham@protonmail.com  
**Cc:** Sara Arfmann; Carrie Daggett  
**Subject:** RE: Notice of Protest Filed and Protest Hearing Scheduled

Good afternoon:

I am the hearing officer for the Protest filed by Ms. Cunningham ( the Protester) in the office of the Fort Collins City Clerk on December 6, 2023, pursuant to Art. X, Section 5(f)(3) of the City Charter. The hearing on this Protest will be at 9:30 am on Wednesday, Dec. 13 in the City Council Chambers ( the Protester should have already received a notice to this effect).

As set forth in Art. X, Sec.5(f)(3) of the City Charter, Protester here objects to “a determination by the City Clerk that a petition is...sufficient.”

The City Clerk’s determination of petition sufficiency involves primarily a review of the signatures on the petitions. Specifically, Art. X, Section 5(f)(1) of the Charter directs that the City Clerk “ascertain...whether the petition is signed by the requisite number of registered electors and contains the required particulars and affidavits.” The reference to “particulars” is to the other items on the signature line of a petition, besides the signature itself. Thus, the process to protest this determination by the City Clerk is *also* focused on the adequacy of the signatures on the petition. That is why Art. X, Sec.5(f)(3) directs that a protest brought pursuant to that section “shall set forth *with particularity* the grounds of protest and *the names and defects in form protested.*” (emphasis added).

In **Section 1** of her Protest, Protester fails to identify specifically which names on the petition she is seeking to invalidate, beyond her own. Protester implies that she means to protest other signatures, but does not identify them with particularity. I am overlooking this defect in the Protest as to these additional signatures, but I will be looking for the Protester, at the outset of our hearing, to cure this defect by identifying with particularity which signatures she is protesting, should she wish to protest any signatures other than her own.

In **Section 2** of her Protest, Protester raises an objection to the petition that does not concern the determination of the sufficiency of signatures that is the lawful scope of this Protest, pursuant to Art. X, Section 5(f)(3) of the Fort Collins City Charter. Whatever merit Protester’s objections may have ( and I express no opinion here), this Protest hearing is not the lawful forum. Accordingly, I will not be taking testimony or receiving other evidence in connection with Section 2 of the Protest on Wednesday morning, and I will be dismissing this portion of the Protest.

**Pre-hearing Requests of the Protester.**

The following will greatly assist me, as your Hearing Officer, as well as expediting our hearing.

1. Exhibits: Should Protester wish to submit any documentary (written/graphic/pictorial) materials for consideration at the hearing in connection with Section 1 of the Protest, please letter these materials individually ( a, b, c, etc) for your use as exhibits, and provide them to the City Clerk by the *close of business on Monday*. The Clerk will make copies of the exhibits for me.
2. Witnesses: Should the Protester wish to provide testimony of any witnesses, please provide the City Clerk with a list of these witnesses and a brief statement of their intended testimony by the *close of business on Monday*. The Clerk will forward to me this list.

**Order of the Hearing.**

The hearing on Wednesday morning will begin at 9:30 am and proceed as follows:

1. Introduction of Hearing Officer and opening remarks of the Hearing Officer.
2. Protester is administered oath.
3. Protester presents her case and answers questions from the Hearing Officer. Protester's witnesses, if any, are sworn in and may be examined by the Protester and the Hearing Officer.  
The Protester's burden of proof in this proceeding is a "preponderance of the evidence," meaning that Protester must show that it is more likely than not that the signature protested is invalid.
4. Protester concludes her case; may make closing statement.
5. Hearing is closed; Hearing Officer takes case under advisement.
6. Hearing Officer will issue decision within ten days following the hearing.

This will be a public hearing, and the public is welcome to attend. However no public comment or testimony will be taken.

I will expect polite decorum by the public observing this proceeding.

Should I have omitted some detail or can answer any questions about our hearing on Wednesday morning, please send me an e-mail.

Best Regards.

Geoff Wilson  
Partner  
Wilson Williams LLP  
317 W South Boulder Road, Suite 6  
Louisville, CO 80027  
P: (303) 330-8905  
E: [geoff@wilsonwilliamsllp.com](mailto:geoff@wilsonwilliamsllp.com)  
[wilsonwilliamsllp.com](http://wilsonwilliamsllp.com)

---

**From:** Anissa Hollingshead <ahollingshead@fcgov.com>  
**Sent:** Friday, December 8, 2023 9:17 AM  
**To:** lisa.m.cunningham@protonmail.com  
**Cc:** elections <elections@fcgov.com>  
**Subject:** Notice of Protest Filed and Protest Hearing Scheduled

Attached please find a notice of a protest hearing for the protest you have filed that has been scheduled to begin Wednesday, December 13, at 9:30 a.m. Also attached is a copy of your protest as received.

The hearing will be held in Council Chambers at City Hall and will be before a neutral hearing officer appointed by the City Manager. Remote participation via Zoom is possible. Please let us know if you would like remote participation arrangements.

The timeframe for scheduling this hearing is tightly constrained by the City Charter. Wednesday, December 13 is the only possible day to schedule a hearing that meets the requirements both for when a hearing must start after the filing of a protest and the window required to provide notice:

#### **City Charter Article Section 5. Petitions.**

- (f) Sufficiency of petition.
- (3) Protests. Registered electors desiring to protest a determination by the City Clerk that a petition is either sufficient or insufficient may file a written protest, under oath, in the office of the City Clerk within ten (10) days of the filing of the petition. The protest shall set forth with particularity the grounds of protest and the names and defects in form protested. **Upon the filing of a protest, the City Clerk shall set a time for hearing such protest, which shall be no more than seven (7) days thereafter. At least five (5) days prior to the hearing, the City Clerk shall mail a copy of the protest**

## APPENDIX B

Item 17.

**to all of the designated petition representatives together with a notice of the time for hearing.** All hearings shall be before a hearing officer appointed by the City Manager who shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents. All records and hearings shall be public, and all testimony shall be under oath. The hearing shall be summary in nature and concluded within thirty (30) days after the petition was filed. Said hearing officer shall decide and certify the results of the hearing within ten (10) days after the hearing is concluded. The City Clerk shall make any final determination regarding the sufficiency or insufficiency of a petition and shall base such determination on the protest hearing results certified by the hearing officer. A petition for referendum which has been deemed insufficient after protest may not be amended or circulated further.

.....  
**ANISSA HOLLINGSHEAD**

Pronouns: she/her/hers

City Clerk

[City of Fort Collins](#)

300 Laporte Ave, Bldg A

970-416-2995 office

612-720-8751 mobile

[ahollingshead@fcgov.com](mailto:ahollingshead@fcgov.com)

## INSTRUCTIONS REGARDING THE REFERENDUM PETITION CIRCULATION PROCESS RELATING TO ORDINANCE NO. 136, 2023

*The purpose of this document is to provide information to the petition representatives that can also be shared with petition circulators to ensure an understanding of the expectations of the City Clerk's Office regarding the circulation and potential submission of a complete petition in the protest of Ordinance No. 136, 2023. This information is believed to be accurate and in compliance with the City Charter and Code. It is not intended to serve as legal advice. In all matters, the City Charter and the City Code are the authority on all aspects of the referendum petition process.*

The petition form approval for the current referendum petition effort regarding Ordinance No. 136, 2023, is being issued today, Wednesday, November 8, 2023. This approval marks the start of the 20-day circulation period for the petition, which must conclude with the full submission of the petition by 5 p.m. on Tuesday, November 28, 2023.

As part of this referendum petition process, there are two parts of the petition for circulation that must be kept together at all times during the solicitation and collection of any signatures on each petition section.

### 1. Petition Sections:

Each section consists of

- Page 1, addressing the petition for referendum to the City Council of the City of Fort Collins, and including a general statement of purpose as provided by the petition representatives, the warning required in the City Charter, and the names and addresses of the three petition representatives.
- Pages 2-5, the full text of Ordinance No. 136, 2023, excluding any exhibits.
- Page 6, containing a notice that the circulator of the section has a bound copy of Exhibits A through G of the ordinance for review by those being asked to sign.
- Pages 7-9 for petition sections printed for 30 signatures, Pages 7-11 for sections printed for 50 signatures, and Pages 7-16 for sections printed for 100 signatures, containing signature pages for those wishing to sign the petition.
- Page 10 (or 12, or 17), containing space for the notarized affidavit of the petition circulator that must be completed by the individual who circulates that section.

### 2. Exhibit Books

Each exhibit book is spiral bound, with a clear plastic front cover and black vinyl back cover. Each book contains:

- 539 numbered color-printed pages containing exhibits A-G to Ordinance No. 136, 2023, comprising the Land Use Code adopted on October 17, 2023.
- A label assigning the book a sequential 3-digit number, starting with Book #001, along with a notice the book must remain in the custody of the circulator and returned to the petition representatives with completed petition(s).



The petition form approval records every petition section approved and provided to the petition representatives for circulation, along with the numbers of the exhibit books provided to the representatives.

**REQUIREMENTS EACH CIRCULATOR MUST FOLLOW FOR EVERY PETITION SECTION THEY CIRCULATE FOR SIGNATURES:**

- Be at least 18 years of age or older
- Personally circulate the petition section
- Ensure each signature is the signature of the person whose name it purports to be
- Ensure to the best of their knowledge and belief each person signing the petition is a registered elector (voter) in Fort Collins when they sign
- Ensure each signer has an opportunity before signing to read the full text of the entire petition, including both the petition section AND the exhibit book
- Any time they are circulating a petition section for signatures, always carry their assigned exhibit book and have it available for review
- Not pay or agree to pay in the future, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing the person to sign the petition

Every petition section includes an affidavit on its final page that must be completed by the person who circulated that section, attesting to adherence to each of the above requirements affirmed by the circulator's notarized signature. This affidavit must remain attached to the rest of the petition section.

The petition sections and exhibit books should be treated as two equal parts of the petition for circulation by the petition representatives and circulators. The only differentiation between the two is that one exhibit book should be provided to each circulator, while a circulator may be provided and may return multiple petition sections.

- All approved petition sections should be returned to the City Clerk's Office as part of the final complete petition submitted.
- All exhibit books provided to the petition representatives should also be returned to the City Clerk's Office at the time the final complete petition is submitted.
- It is the responsibility of the petition representatives to:
  - assign an exhibit book to each circulator who is provided petition sections for circulation, and to track which number exhibit book has been assigned to each circulator;
  - ensure all circulators clearly understand they must maintain both all petition sections they are provided and the exhibit book in the condition it was provided, without removing or adding any pages to either document, and without making extraneous markings or notes on either document;
  - ensure all circulators clearly understand the exhibit book must be carried and available to those being asked to sign at all times a petition section is being circulated.
- Please note any modification of a petition section or an accompanying exhibit book could result in invalidation of signatures.



**City Clerk**  
300 Laporte Avenue  
PO Box 580  
Fort Collins, CO 80522  
**970.221.6515**  
970.221-6295 - fax  
[fcgov.com/cityclerk](http://fcgov.com/cityclerk)

## MEMORANDUM

**DATE:** December 14, 2023

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Anissa Hollingshead, City Clerk

**RE:** **Presentation to the City Council of the Certification of Sufficiency of the Petition Effort Against Ordinance No. 136, 2023**

---

Attached to this memo is my certification of the sufficiency of the petition for referendum submitted against the going into effect of Ordinance No. 136, 2023.

## BOTTOM LINE

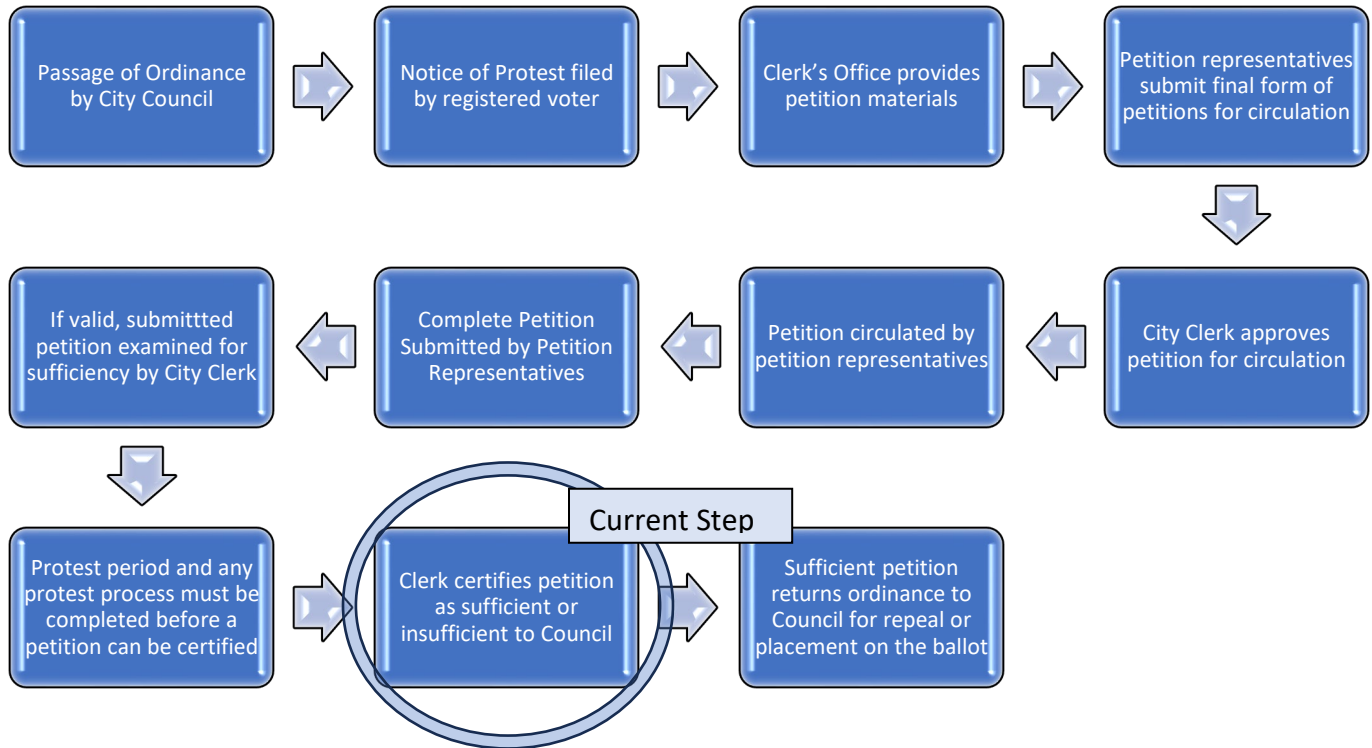
**Examination of the Petition was completed and a finding of sufficiency made on December 5, 2023.** That finding was subject to a protest period, during which a protest of the finding was filed and subsequently heard before a hearing officer on December 13, 2023.

**The Protest of the Finding of Sufficiency has been heard and a decision issued with no change to any signatures as examined.** Therefore, the petition must be certified by the City Clerk according to the findings made upon the Clerk's examination and the hearing officer's decision. The petition is being certified and presented to the Council as sufficient. The attached certificate is the final determination as to the sufficiency of the petition.

**The operation of Ordinance No. 136, 2023 is now automatically suspended.** Once the City Clerk certifies the petition as sufficient for referendum, this occurs automatically pursuant to Article X, Section 2(e) of the City Charter.

**The certified petition will be presented to Council at its next meeting on December 19 for further action.** Council must reconsider Ordinance No. 136, 2023 at the December 19, 2023 Regular Council Meeting, and may either repeal the ordinance or refer it to a vote of the registered electors at the next regular or special municipal election held for any other purpose. If Council chooses to refer the ordinance to the voters, it may also choose to call a special election for that specific purpose. However, in the event a special municipal election is called for on a date prior to the date Council originally sets this matter for, the Ordinance must instead be submitted to the voters at such earlier special election.

### OVERVIEW OF REFERENDUM PROCESS



#### Current Step of Referendum Process

##### Determination of Sufficiency

By the conclusion of the examination period, which ended Tuesday, December 5, 2023, at 5 p.m., the City Clerk must make an initial determination of the sufficiency of the petition. To have been deemed sufficient, the petition must have included at least 4,228 verified signatures of registered Fort Collins voters.

The City Clerk issued a Statement of Referendum Petition Sufficiency on December 5, 2023, finding after examination the petition included 5,776 valid signatures. This initial determination of whether a petition is sufficient or insufficient is subject to protest and cannot be certified until the expiration of the protest period or the end of any protest process.

##### Protest Process

##### *Filing a Protest*

Registered electors who want to protest a determination by the City Clerk that a petition is either sufficient or insufficient may file a written protest, under oath, in the office of the City Clerk within ten (10) days of the filing of the petition. The City Charter provides a protest shall set forth with particularity the grounds of protest and the names and defects in form protested. A protest was filed on Wednesday, December 6, 2023, by Fort Collins registered voter Lisa Cunningham.

### *Conducting a Protest Hearing*

Upon the filing of a protest, the City Clerk is required to set a time for hearing the protest to be held within seven days. Notice requirements include mailing a copy of the protest with a notice of the time for the hearing to all designated petition representatives at least five days prior to the hearing.

- All hearings are before a hearing officer appointed by the City Manager.
- The hearing officer has the power to issue subpoenas to compel the attendance of witnesses and the production of documents.
- All records and hearings are public, and all testimony must be under oath.
- A protest hearing is summary in nature.
- The hearing process must be completed within 30 days after the petition is filed.
- Results must be decided and certified by the hearing officer within 10 days after the conclusion of the hearing.

The protest hearing was set for Wednesday, December 13, 2023, at 9:30 a.m. in Council Chambers at City Hall. Geoff Wilson, attorney with Wilson Williams LLP, was appointed to be the hearing officer. The hearing was held at this time as a public hearing the public was welcome to attend, however no public comment or testimony was taken. At the conclusion of the hearing, the hearing officer took the matter of the protest under advisement.

### *Issuance of Decision by Hearing Officer*

Hearing Officer Wilson issued a decision on December 14, 2023, dismissing the protest and finding no changes to the signatures as verified by the City Clerk.

### *Certifying Sufficiency Following a Protest*

The City Clerk must make a final determination regarding the sufficiency or insufficiency of a petition based upon the determination of the protest hearing results certified by the hearing officer. On this basis, this final determination is being made at this time that the petition is sufficient, and this finding is being certified and presented to City Council. This results in the following steps:

1. Automatically suspending the operation of the ordinance subject to the petition.
2. The Council must reconsider the ordinance at its next regular or special meeting, which will be the December 19, 2023 Regular Meeting. If Council does not repeal the ordinance, it must refer the ordinance to the voters at the next regular or special municipal election scheduled for any other purpose. If a decision is made to refer the ordinance to the voters, Council may choose to call a special municipal election for that purpose.

### Communications and Updated Information on the Referendum Process

As has been the case throughout the referendum petition process, updates on significant process steps are being provided to City Council as well as being posted on the referendum page of the City website, [fcgov.com/elections/referendums](http://fcgov.com/elections/referendums). The protest hearing that occurred on December 13 was recorded, and the video for that recording is available for viewing from a link on that page as well.

### Attachment being provided with this memo:

1. Certification of Sufficient Referendum Petition

**cc:**           **City Manager Kelly DiMartino**  
                  **City Attorney Carrie Daggett**  
                  **Deputy City Manager Tyler Marr**  
                  **Assistant City Manager Rupa Venkatesh**  
                  **Assistant City Manager Denzel Maxwell**



## FINAL CERTIFICATION OF REFERENDUM PETITION SUFFICIENCY

I, Anissa N. Hollingshead, City Clerk, do hereby certify that:

1. On November 28, 2023, petition representatives Ross Cunniff, Dawn Cramer and Melissa Abrams submitted a petition requesting that Council repeal Ordinance No. 136, 2023, or refer such ordinance to the registered electors of the city; and
2. A referendum petition must be signed by registered electors of the city equal in number to at least ten (10) percent of the total ballots cast in the last regular city election; and
3. The number of signatures of registered voters who live within the Fort Collins city limits required for said petition to be sufficient is 4,228; and
4. Upon examination of the petition, I have determined that the petition contains 5,776 valid signatures, and the petition is therefore sufficient to require further action by the Council; and
5. This determination of sufficiency was subject to protest within ten (10) days of the filing of the petition, which deadline was 5:00 p.m. on December 8, 2023; and
6. A protest was filed on Wednesday, December 6, 2023, by Fort Collins registered voter Lisa Cunningham of the finding of sufficiency; and
7. A protest hearing was scheduled and held on Wednesday, December 13, 2023, before Geoff Wilson, hearing officer appointed by City Manager Kelly DiMartino, at the conclusion of which Hearing Officer Wilson took the matter of the protest under advisement; and
8. Hearing Officer Wilson decided and certified the results of the hearing on Thursday, December 14, 2023, determining the protest hearing did not result in any changes to the signatures as examined by the City Clerk; and
9. The results of the hearing therefore do not change the determination of sufficiency made on December 5, 2023, and I have made a final determination the petition is therefore sufficient to require further action by the Council

Signed this 14<sup>th</sup> day of December, 2023.



A handwritten signature in cursive script, reading "Anissa N. Hollingshead".

Anissa N. Hollingshead, City Clerk



## MEMORANDUM

**DATE:** December 11, 2023

**TO:** Mayor and City Councilmembers

**FROM:** Meaghan Overton, Housing Manager  
Noah Beals, Development Review Manager  
Clay Frickey, Planning Manager  
Paul Sizemore, Director of Community Development & Neighborhood Services  
Sylvia Tatman-Burruss, Senior Project Manager, City Manager's Office

**RE:** **Options to Revise the Repealed Land Use Code**

### Purpose

The purpose of this memorandum was at the request of Councilmembers at their Regular Meeting on December 5. This is informational and outlines a range of possible Land Use Code (LUC) revisions Councilmembers may wish to consider if Council chooses to repeal the adopted LUC. The list of potential revisions are derived from the alternatives explored during our series of Summer Work Sessions with City Council on the draft LUC).

### Potential Revisions

If Council chooses *Option 1: Repealing the Ordinance subject to the referendum petition*, Council may also choose to discuss next steps regarding a revised version of the repealed Land Use Code. This memorandum is intended to support Council dialogue by providing a summary of potential revisions. For each potential revision, information has also been included about what is currently permitted under the existing Land Use Code and what was changed in the LUC as adopted October 2023. Council may also choose to make revisions that have not been outlined in this memorandum.

Residential, Low-Density (RL): The Residential, Low Density (RL) Zone District is the largest residential zone district in Fort Collins. Most neighborhoods within the RL zone district are comprised primarily of single-unit, detached homes. Over 50% of existing housing was built between 1960 and 1997.

Currently allowed under the existing Land Use Code in RL:

- *Housing Types:* Single-unit detached house
- *Max Density:* 1 dwelling unit per lot
- *Lot Size:* 6,000 sq feet minimum *AND* 3 times the total floor area, whichever is greater
- *Maximum Height:* 28 feet for residential buildings

Changes adopted in October 2023:

- *Housing Types:* Add Accessory Dwelling Unit (ADU)
- *Max Density:* Increase to 2 dwelling units per lot (detached house + ADU only)
- *Other:*
  - ADU height limited to 15 feet where there is no alley

- Allow an ADU with single-unit dwelling only
- Require ADU properties to have a resident manager
- Prohibit Short-Term Rentals (STR) in ADUs

**Potential revisions for RL:**

1. Remove Accessory Dwelling Unit (ADU) as a permitted housing type (this revision would also decrease maximum density permitted on a lot)

Neighborhood Conservation, Low Density (NCL) / Old Town-A (OT-A): The Neighborhood Conservation, Low Density Zone District is similar to the RL Zone District in that it permits primarily single-unit, detached houses; however, the NCL Zone also permits “Carriage Houses” on lots over 12,000 square feet (about 10% of all NCL lots). The NCL Zone District areas are generally west and southeast of Downtown. These neighborhoods were mostly built before 1959 and comprise single-family homes on blocks with alleys. Some blocks in the NCL Zone also include duplexes built prior to the current LUC, and some larger lots include Carriage Houses.

A carriage house is a detached single unit dwelling that is behind another detached single unit dwelling. It is limited in size to a maximum 1,000 sf of floor area and requires an additional parking space.

Currently allowed under the existing Land Use Code:

- *Housing Types:* Single-unit detached house; carriage house
- *Max Density:* 1 unit or 2 units for lots >12,000 sf
- *Lot Size:* 6,000 sf minimum; 12,000 sf minimum for carriage house (10% of NCL lots)
- *Maximum Height:* 2 stories; 24 feet for carriage house or building at the rear of the lot

Changes adopted in October 2023:

- *Housing Types:* Add duplex; expand where ADUs are permitted; permit 3-unit apartment, rowhouse, and cottage court for affordable housing only
- *Max Density:* 3 units per lot
- *Lot Size:* 4,500 sf; 6,000 sf for 3-unit apartment/rowhouse, 9,000 sf for 3-unit cottage court
- *Maximum Height:* 28 ft; 24 feet for ADU; 15 ft for detached ADU with no alley
- *Other:*
  - Affordable housing allows 3-unit apartment, rowhouse, and cottage court
  - Requirements to integrate existing structure
  - HOA may limit to internal ADU only
  - ADU height limited to 15 feet where there is no alley
  - Require ADU properties to have a resident manager
  - Prohibit Short-Term Rentals (STR) in ADUs

**Potential revisions for NCL/OT-A:**

1. Remove duplex as a permitted housing type
2. Require larger minimum lot size (e.g., 12,000 sf) for an ADU
3. Increase minimum lot size for all lots (e.g., 6,000 sf)
4. Remove affordable housing incentive of additional housing types (apartment, rowhouse, cottage court)



NCM (OT-B) – Neighborhood Conservation, Medium Density Zone District: The Neighborhood Conservation, Medium Density Zone District comprises neighborhoods that are adjacent to Downtown and includes a diverse mix of single-unit detached, duplex, and multi-unit residential buildings often integrated on the same block with commercial uses and services within walking distance.

Currently allowed under the existing Land Use Code:

- *Housing Types:* Single-unit detached house; carriage house; multi-unit up to 4 units (e.g. duplex, triplex, fourplex)
- *Lot Size:* 5,000 sf for single-unit detached house; 6,000 sf for multi-unit buildings up to 4 units; 10,000 sf for carriage house
- *Maximum Height:* 2 stories, 24 ft for carriage house or building at the rear of the lot

Changes adopted in October 2023:

- *Housing Types:* Allow up to 5 units in multi-unit buildings
- *Max Density:* 6 units per lot
- *Lot Size:* 4,500 sf; 6,000 sf for 4-unit apartment/rowhouse, 9,000 sf for 3-6 unit cottage court
- *Maximum Height:* 28 ft; 24 feet for ADU; 15 ft for detached ADU with no alley
- *Other:*
  - Affordable housing allows 6-unit apartment, 5-unit rowhouse, and 3-6 unit cottage court
  - Requirements to integrate existing structure
  - HOA may limit to internal ADU only
  - ADU height limited to 15 feet where there is no alley
  - Require ADU properties to have a resident manager
  - Prohibit Short-Term Rentals (STR) in ADUs

***Potential revisions for NCM/OT-B:***

1. Limit number of units in multi-unit buildings to what is currently allowed (e.g., 4 units per building)
2. Decrease maximum density (e.g., 4 units per lot)
3. Require larger minimum lot size (e.g., 10,000 sf) for an ADU
4. Increase minimum lot size for all lots (e.g., 5,000 sf)
5. Remove affordable housing incentive of additional density (+1 unit)

Private Covenants/Homeowners Associations (HOAs): There are currently over 200 HOAs registered in Fort Collins. They vary based on neighborhood size, housing type and the types of things their covenants address.

Current Land Use Code regulations for HOAs:

- *Can not prohibit or limit:* xeric landscaping, solar/photovoltaic collectors on roofs, clothes lines in back yards, odor controlled compost bins
- *Can not require:* turf grass yards/lots

Changes adopted in October 2023:

- *Can not prohibit or limit:* the number and/or type of dwelling units permitted on a lot when that number and/or type of dwelling unit(s) would otherwise be permitted; the ability to subdivide property when that subdivision would otherwise be permitted

- *Can regulate:* external aesthetics including (but not limited to) site placement/ setbacks, color, window placement, height, and materials; if ADU is internal or detached

**Potential revisions for HOAs:**

1. Remove language prohibiting HOAs from regulating the number and/or type of dwelling units permitted on a lot
2. Remove language prohibiting HOAs from regulating the ability to subdivide property

**Additional Housing-Related LUC Changes**

The potential revisions discussed above comprise only a portion of the complete Land Use Code Housing Update. Other changes to the LUC not discussed above include:

- Accessory Dwelling Units permitted in mixed-use zones (e.g., LMN, MMN) and residential zones (UE, RUL, RF)
- Increase maximum density in the LMN Zone from 9 to 12 dwelling units per acre
- The creation of building types to describe the form of permitted housing options
- Expansion of affordable housing incentives (density, height, parking) to all commercial and mixed-use zones
- Refinement of affordable housing definitions
- Permitting affordable housing development to be reviewed administratively
- Parking reductions for studio, one-, and two-bedroom units in multi-unit buildings
- Design requirements (bulk plane, façade articulation, etc.) and rear-lot requirements in NCL/OT-A, NCM/OT-B and NCB/OT-C
- A maximum limit of 2,400 sf floor area for a single unit dwelling in the NCL/OT-A, NCM/OT-B and NCB/OT-C
- Maximum height of 28 feet for a single unit dwelling in the NCL/OT-A and NCM/OT-B
- Code reorganization
- Clarification of definitions/measurements
- Simplify and rename the NCL, NCM, NCB to OT-A, -B, -C
- Graphic and form-based representation of code standards (example illustrated below)



## Timeline Considerations

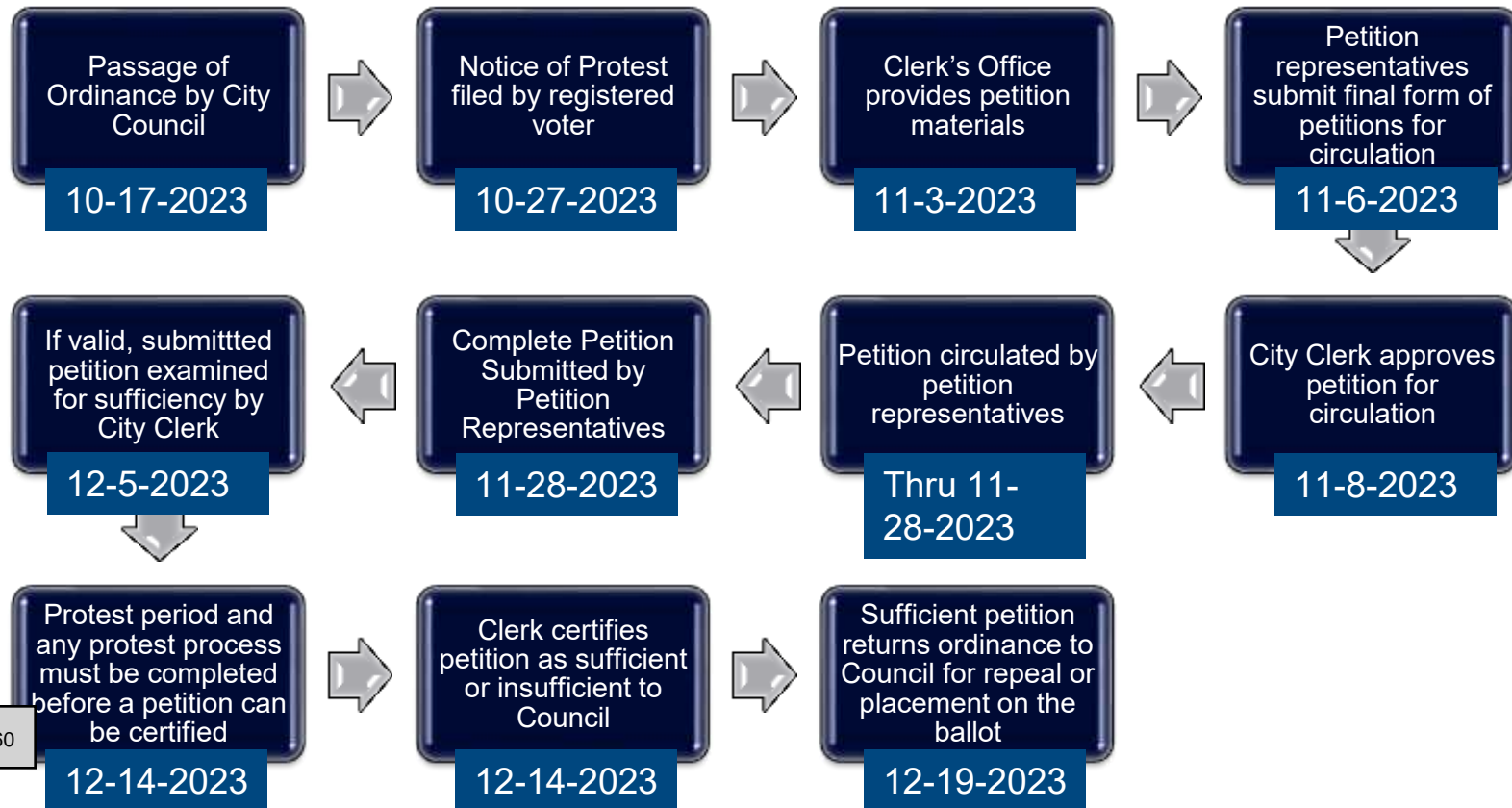
Should City Council decide to repeal the Land Use Code, the following options have been explored based on Council feedback:

- **Bring Land Use Code for Council Consideration on January 16, 2024:** This option is the earliest possible date for consideration of the Land Use Code with edits if clear Council direction is received on December 19<sup>th</sup>. This option would allow for Planning and Zoning Commission consideration between First and Second readings of the new Ordinance.
- **Bring Land Use Code for Council Feedback at a Work Session in January:** This option would allow for at least one Work Session ahead of potential Ordinance consideration, which could occur as soon as February. This option would allow for Planning and Zoning Commission consideration of any Land Use Code changes after the work session and ahead of First or Second reading.

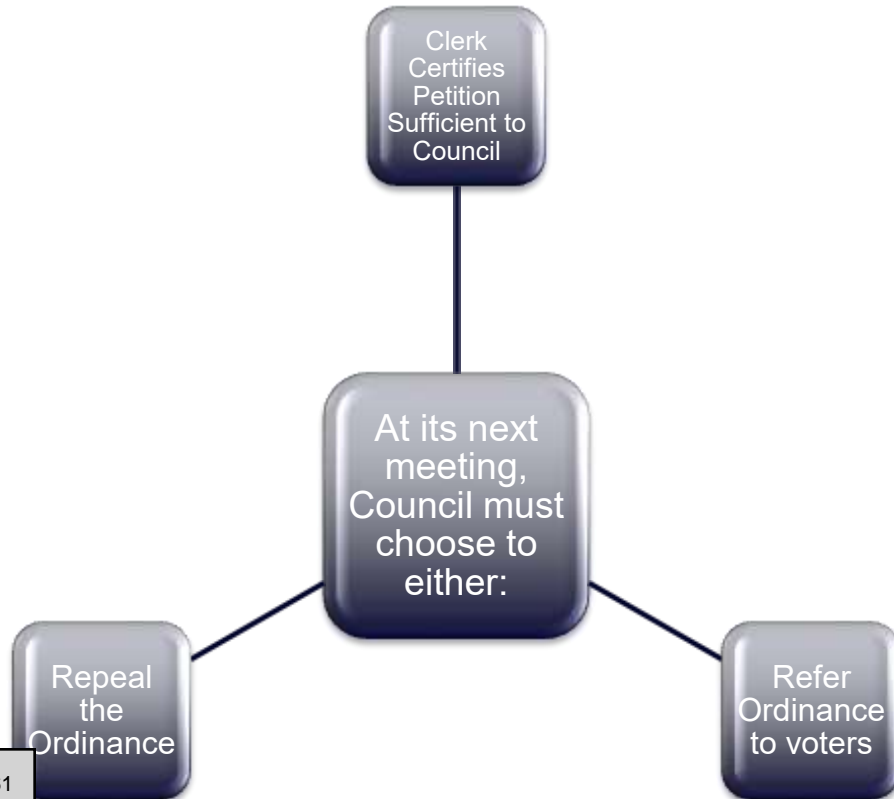


## Presentation of Certified Referendum Petition

For Council Action on Ordinance No. 136, 2023







## Option 1-Repeal

- Repeal Ordinance No. 136, 2023
- *Information prepared by staff about possible revisions to the Land Use Code that could be part of a future ordinance*

## Option 2-Refer to voters

- Refer Ordinance No. 136, 2023 to voters at the next regular or special election

## Option 2A-Call a special election

- Council may choose to call a special election if desired
  - April 9 – May 21, 2024
  - July 30 – August 6, 2024
  - November 5, 2024

Item 17.



## Land Use Code: Possible Revisions

Caryn Champine | Director, Planning, Development, & Transportation  
Sylvia Tatman-Burruss | Senior Policy & Project Manager

December 19, 2023



## Items for Council Discussion

### ***Potential revisions for RL:***

1. Remove Accessory Dwelling Unit (ADU) as a permitted housing type

### ***Potential revisions for NCL/OT-A:***

1. Remove duplex as a permitted housing type
2. Require larger minimum lot size (e.g., 12,000 sf) for an ADU
3. Increase minimum lot size for all lots (e.g., 6,000 sf)
4. Remove affordable housing incentive of additional housing types (apartment, rowhouse, cottage court)

### ***Potential revisions for NCM/OT-B:***

1. Limit number of units in multi-unit buildings to what is currently allowed (e.g., 4 units per building)
2. Decrease maximum density (e.g., 4 units per lot)
3. Require larger minimum lot size (e.g., 10,000 sf) for an ADU
4. Increase minimum lot size for all lots (e.g., 5,000 sf)
5. Remove affordable housing incentive of additional density (+1 unit)

### ***Potential revisions for HOAs:***

1. Remove language prohibiting HOAs from regulating the number and/or type of dwelling units permitted on a lot
2. Remove language prohibiting HOAs from regulating the ability to subdivide property

## Other changes:

- Accessory Dwelling Units permitted in mixed-use zones and residential zones
- Increase maximum density in the LMN Zone from 9 to 12 dwelling units per acre
- The creation of building types to describe the form of permitted housing options
- Expansion of affordable housing incentives (density, height, parking) to all commercial and mixed-use zones
- Refinement of affordable housing definitions
- Permitting affordable housing development to be reviewed administratively
- Parking reductions for studio, one-, and two-bedroom units in multi-unit buildings
- Design requirements (bulk plane, façade articulation, etc.) and rear-lot requirements in Old Town Zones
- A maximum limit of 2,400 sf floor area for a single unit dwelling in Old Town Zones
- Maximum height of 28 feet for a single unit dwelling in the NCL/OT-A and NCM/OT-B
- Code reorganization & clarification of definitions/measurements
- Simplify and rename the NCL, NCM, NCB to OT-A, -B, -C
- Graphic and form-based representation of code standards (example illustrated below)

## No LUC Changes To:

- Basic Development Review (BDR)
- Type 1 Review (Hearing Officer)
- Type 2 Review (Planning and Zoning Commission)
- Site Plan Advisory Review (SPAR)
- Existing 12-step review process
- Level of review required for residential development (except Affordable Housing)
- Non-residential uses
- Historic Preservation requirements
- Environmental/Natural Resources requirements
- Landscaping requirements
- Street design requirements
- Engineering requirements
- Planned Unit Development (PUD) requirements
- Addition of Permitted Use (APU) requirements
- Modification and Variance standards
- Adequate Public Facilities
- Occupancy Regulations (i.e., U+2)

## **Bring Land Use Code for Council Consideration on January 16, 2024**

- Earliest possible date for consideration of the Land Use Code
- Would allow for Planning and Zoning Commission consideration between First and Second readings

## **Bring Land Use Code for Council Feedback at a Work Session in January**

- Would allow for at least one Work Session ahead of potential Ordinance consideration in February
- Would allow for Planning and Zoning Commission consideration of any Land Use Code changes after the work session and ahead of First or Second reading

## **Pause Further Action until Council Retreat/Priority Setting**

ould allow for further discussion regarding next steps on the Land Use Code for the newly-formed Council during their January priority-setting process

Item 17.



December 19, 2023



## AGENDA ITEM SUMMARY

City Council

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### STAFF

David Ruppel, Northern Colorado Regional Airport Interim Director  
Francis Robbins, Northern Colorado Regional Airport Operations & Maintenance Manager  
Ryan Malarky, Assistant City Attorney

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### SUBJECT

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

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### EXECUTIVE SUMMARY

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

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

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### STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

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### BACKGROUND / DISCUSSION

The FAA, the CDOT Division of Aeronautics, the Airport, and Searidge Technologies entered into a collaborative effort in the Colorado Remote Tower Project which began construction in August 2018 and construction was completed in November 2019. The project goal was to make ATC Services available to a wider number of airports by leveraging technology to reduce infrastructure costs of a traditional ATC Tower. Searidge Technologies was the second of three companies in the United States to approach the FAA with a system to be evaluated for approval for use in the National Airspace System. CDOT contributed \$8 million to the Remote Tower Pilot Project and FNL contributed use of an existing building for use by the project. No Airport funds were used in the construction or testing of the project.

In March of 2020, as part of the project, the Mobile Air Traffic Control Tower began operations in preparation for structured testing of the remote tower. Pandemic-era travel and operational policies resulted in significant delays to project testing that began in 2022. As is common with developing technologies, system design specifications were changed by the FAA after the project started, including changing redundancy and visibility requirements in 2022. The changes applied retroactively to the system proposed by Searidge in 2018. The FAA then issued a stop work order on the project until Searidge addressed the changed standards.

In October 2023, Searidge withdrew from the Remote Tower Project. The FAA funding for the Remote Tower Pilot Project expires December 31, 2023, leaving a funding question for continued ATC Services at the Airport. Because FNL has had an ATC solution in place for 34 months as a result of the Project and because the National Airspace System would be adversely affected without a transitional measure, the FAA established a pathway for FNL to join the FCT Program through an exception to FAA Joint Order 7210.78. Typically, an airport must construct a conventional ATC facility prior to the airport applying to be a federally funded ATC service. The exception will allow the Airport to join the FCT Program before building a permanent facility and continued use of the existing mobile tower infrastructure for a period of up to 5 years while a permanent ATC facility is developed. To take advantage of this exception, the Cities and the FAA must execute a FAA Contract Tower Operating Agreement (FCT Agreement)

Acceptance into the FCT Program results in funding from FAA's Air Traffic Office and provides an avenue for continued funding of ATC Services in the near term and also once a permanent facility is established. Currently there are 262 airports in the FCT Program including three in Colorado: Colorado Air and Space Port, Eagle County Regional Airport, and Grand Junction Regional Airport. Operations at the Airport during the last 34 months have identified the standard staffing level of 5 full-time controllers is optimal for the established ATC operating hours of 10 hours per day, 7 days per week. The value of continued funding through the FCT Program supplying 5 full-time controllers is estimated at \$600,000 annually.

In the FCT Program, the Airport is required to provide certain equipment and facility maintenance, the costs of which are not outlined in the FCT Agreement. There will be a separate agreement with Aegis for the lease of the Mobile Tower facility, and a separate agreement with the FAA for the maintenance of required equipment.. Controller equipment maintained by the Airport will include: Voice Switch communication, Controller headsets, VHF aviation radios for Primary and Secondary/backup use, Digital voice recorder, telephone with long distance, high speed internet communication, Alert System communication, and Limited Aviation Weather Reporting Station. It is intended for the Airport's ATC Services to use mainly existing equipment from the Mobile Tower and the Remote Tower Project. The cost of maintenance, repair, or replacement due to equipment failure will be the Airport's responsibility. The cost of maintaining the existing facilities is estimated at \$170,000 annually with most of the expense (\$136,332) coming from a rental and maintenance agreement with Aegis for the existing Mobile Tower facility, as outlined below:

<b>Estimated Cost of Maintenance and Upkeep*</b>			
<b>Year</b>	<b>Monthly Rate</b>	<b>Annual Rate</b>	<b>Total</b>
2024	\$11,361	\$136,332	\$136,332
2025	\$11,758	\$141,096	\$277,428
2026	\$12,169	\$146,028	\$423,456
2027	\$12,594	\$151,128	\$574,584
2028	\$13,035	\$156,420	\$731,004
<b>Additional Costs</b>			
<b>Site Survey</b>	<b>Setup</b>	<b>Training</b>	<b>Teardown</b>
Complete	Complete	Complete	\$22,000

\*Cost is programmed with a 3.5% inflation each year.

In return for the continuing funding for ATC Services, the FCT Agreement requires the Airport to complete all necessary actions to construct a brick-and-mortar ATC tower along certain milestones starting upon the effective date of the Agreement:

- Complete the FAA ATC Tower Siting Process within two years.
- Commence construction of the permanent tower within thirty months.
- Complete construction of the permanent tower within five years.

Airport staff are developing and quantifying future capital projects for permanent ATC facilities. Digital/remote tower options may become available prior to the construction deadline outlined in the FCT Agreement. Both traditional and digital tower solutions require a new siting study through the FAA Virtual Immersive Siting Tower Assessment (VISTA) program, and Airport staff are developing a scope of work for that siting study. It should be noted, the FCT Agreement may be terminated by the parties at any time with ninety days prior written notice.

### **CITY FINANCIAL IMPACTS**

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Neutral – The FCT Agreement has no direct financial impact on the City. The Airport is financially sustainable with revenue from land leases and user fees covering the Airport's operational costs. The Airport budget is sufficient to cover the \$170,000 annual cost for providing and maintaining the Mobile Tower facility and equipment.

With respect to the Cities' commitment under the FCT Agreement to design and construct a brick-and-mortar tower, those costs are not currently known. Airport staff are working to quantify those costs. The earliest financial impact will be the tower siting process, and Airport staff anticipate that will involve an agreement with the FAA that will include some financial reimbursement to the Airport. The FAA has also communicated to Airport staff that grant funds may be available for the design and construction of a brick-and-mortar tower. Airport staff also currently intend to continue to explore a remote tower option, and if it is feasible, that will result in substantially lower costs for design and construction. Airport staff anticipates knowing whether a remote tower is feasible approximately two years after the execution of the FCT Agreement.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Airport staff will present the FCT Agreement to the Northern Colorado Regional Airport Commission at its meeting on Thursday, December 14, 2023, for the Commission to vote whether to recommend the Cities execute the Agreement.

### **PUBLIC OUTREACH**

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FNL airport holds regular public outreach meetings to discuss current topics including the Air Traffic Control Services with the FNL Pilots Association, Northern Colorado Regional Airport Working Group, and Runway Safety Action Team Meetings which include at least four meetings per year. The pilot community at these meetings and the monthly Airport Commission meetings have been vocal requesting the continuation and improvement of Air Traffic Control Services. This agreement was only recently requested by FAA and has not been directly addressed in those meetings.

### **ATTACHMENTS**

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1. Resolution for Consideration
2. Exhibit A to Resolution
3. Presentation



RESOLUTION 2023-116  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL  
AGREEMENT BETWEEN THE CITY OF FORT COLLINS, THE CITY  
OF LOVELAND, AND THE FEDERAL AVIATION ADMINISTRATION FOR  
CONTINUED FEDERAL FUNDING OF AIR TRAFFIC CONTROL SERVICES  
AT THE NORTHERN COLORADO REGIONAL AIRPORT

WHEREAS, the Cities of Loveland and Fort Collins (collectively, the “Cities,” and “Loveland” or “Fort Collins” individually) jointly own and operate the public airport known as the Northern Colorado Regional Airport (the “Airport”) pursuant to an Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport entered into on January 22, 2015, and amended on June 7, 2016; and

WHEREAS, the Federal Aviation Administration (“FAA”) currently provides funding to the Airport through the FAA’s NextGen initiative for air traffic control services as part of the remote tower technology project at the Airport; and

WHEREAS, those air traffic control services are provided using a mobile air traffic control tower; and

WHEREAS, the FAA’s funding for the remote tower pilot project expires December 31, 2023, which creates the potential for a gap in air traffic control services at the Airport; and

WHEREAS, to bridge the potential gap in air traffic control services, the FAA has established a pathway for the Airport to join the FAA Contract Tower (“FCT”) Program through an exception to FAA Joint Order 7210.78, which requires that an airport construct a permanent air traffic control facility prior to applying to the FAA for federal funding for air traffic control services; and

WHEREAS, to take advantage of this exception, the FAA requires the Cities to execute a FAA Contract Tower Operations Agreement, in substantially the form attached hereto as Exhibit “A” and incorporated herein (the “FCT Agreement”); and

WHEREAS, under the FCT Agreement in general, the FAA will fund air traffic control services and the Airport will fund the mobile tower infrastructure and equipment needed for such services; and

WHEREAS, in return for the FAA providing said funding, the FCT Agreement requires the Cities, acting through the Airport, to pursue design and construction of a brick-and-mortar air traffic control tower with the goal of completing construction within five years of the execution of the FCT Agreement; and

WHEREAS, provided the Airport makes satisfactory progress under the FCT Agreement, the FAA will continue to fund air traffic control services that use the mobile tower infrastructure for that five-year period; and

WHEREAS, the FCT Agreement has an initial term of one year and may be renewed annually if the FAA determines the Airport is making satisfactory progress towards designing and constructing a brick-and-mortar tower within the milestones set forth in the FCT Agreement; and

WHEREAS, the FCT Agreement may be terminated by either City or the FAA with or without cause by giving the other parties a minimum of ninety days written notice, and termination will not prejudice the Cities' ability to later construct a brick-and-mortar tower under the FCT Program; and

WHEREAS, the City Council desires to authorize the City Manager, in consultation with the City Attorney, to execute on behalf of Fort Collins the FCT Agreement in substantially similar form to "Exhibit A;" and

WHEREAS, the FCT Agreement will allow the continued provision of air traffic control services funded in part by the FAA, which is in the best interests of the City and beneficial to the users of the Airport and the northern Colorado region at large.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT COLLINS, COLORADO:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That the City Manager is hereby authorized, following consultation with the City Attorney, to execute the FCT Agreement in substantially similar form to "Exhibit A" subject to modifications as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City of Fort Collins.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 19th day of December, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**FAA CONTRACT TOWER OPERATIONS AGREEMENT (TOA) BETWEEN**

**FEDERAL AVIATION ADMINISTRATION (FAA)**

**AND**

**The City of Loveland and the City of Fort Collins**

**I. PARTIES**

This FAA Contract Tower Operations Agreement (TOA) (hereinafter "Agreement") is hereby made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the Federal Aviation Administration ("FAA") and the City of Loveland and the City of Fort Collins (jointly, "Airport Sponsor") (collectively known as the "Parties").

**II. SCOPE**

The purpose of this Memorandum of Understanding (MOU) between the FAA and the Airport Sponsor is to set forth the terms under which Northern Colorado Regional Airport (FNL) will participate in the FAA Contract Tower (FCT) program temporarily using a Mobile Airport Traffic Control Tower (MATCT). This Agreement replaces and supersedes any prior Tower Operations Agreement signed by the parties. This Agreement is not intended to reduce or limit the Airport's rights under the FCT Program except as expressly set forth herein regarding the use of the MATCT.

**III. ROLES AND RESPONSIBILITIES OF THE PARTIES**

**A. Roles and responsibilities of the FAA.**

The FAA shall fund air traffic control services at the Airport using the MATCT, by way of a contractual agreement between the FAA and an air traffic control (ATC) services provider of the FAA's choice, in accordance with standards established by the FAA until the new brick and mortar tower is commissioned, subject to the availability of funds.

The MATCT hours of operation will be 0800-1800 Local. The FAA reserves the right to adjust those hours in accordance with applicable FAA standards, regulations, and policy.

The ATC services provider will collect hourly and daily traffic count data during tower operating hours.

The FAA will maintain all FAA-owned equipment installed in MATCT and at FNL.

The FAA will conduct annual occupational safety and health inspections, for any FCT that is an FAA employee's duty station.

The FAA will conduct periodic security inspections based upon the criteria identified in FAA Order 1600.69C, as may be amended. Relevant portions of the Order will be provided to Airport Sponsors. (A Signed Non-Disclosure Agreement (NDA) will be required to receive a copy of the Order.)

## **B. Roles and responsibilities of the Airport Sponsor.**

The Airport Sponsor shall provide and maintain, at no expense to the FAA, a temporary MATCT that meets all applicable Federal, state, and local codes, standards and regulations.

The Airport Sponsor shall provide, maintain, and replace for the temporary MATCT, at no expense to the FAA, all non-FAA-owned tower equipment required by the Minimum Equipment and Facilities List (MEL) attached hereto as Appendix A (*FAA Order JO 7210.78*), with the following modification to Section 1 (*Communications Equipment*) paragraph (g):

(g) Telecommunication requirements to sustain high speed internet communication, to include the following:

- 1) FTI Mission Support connection and Router;
- 2) Local Area Network consisting of a network switch, an Uninterruptible Power Supply (UPS), a rack with patch panel, and network cabling to the wall jacks.

is replaced by:

(g) Telecommunication requirements to sustain high speed internet communication available to the controller workforce in (locations to be determined).

*Note:* This adjustment to the MEL is only applicable to the MATCT, and the upcoming brick-and-mortar tower will be required to fulfill the requirements of FAA Order JO 7210.78.

The Airport Sponsor shall provide and continually maintain all utilities and services, including but not limited to: heating, air conditioning, electrical, water, gas and sewer, to the temporary MATCT.

The Airport Sponsor shall maintain janitorial services (to include washing tower cab windows and shades, interior and exterior, when necessary) at no expense to the FAA for the temporary MATCT.

The Airport Sponsor shall be responsible for the proper and continued

functioning of all equipment that the FAA determines is necessary for temporary MATCT operations, including that which cannot be placed in operation or otherwise controlled from the MATCT building or that is not otherwise within the control of the FAA, its agents, representatives, or contractors. Examples include, but are not limited to airport lighting, windsock, obstruction lights, rotating beacon, etc.

The Airport Sponsor is responsible for establishing and maintaining security and controlled access to the temporary MATCT in accordance with FAA Order 1600.69C, as may be amended. Relevant portions of the Order will be provided to the Airport Sponsor. (A Signed NDA will be required to receive a copy of the Order).

The Airport Sponsor agrees to enter into a Letter of Agreement (LOA) with the ATC service provider's local representative specifically for the purpose of providing an airport point of contact and procedures to follow to ensure a timely response to requests concerning equipment, security or building problems.

In accordance with FAA Order JO 7210.3, as revised, other Letters of Agreement may be necessary to comply with other requirements such as airport emergency service, control of vehicular traffic on airport movement areas, operation of airport lighting, local procedures and reporting airport conditions. However, the terms and conditions set forth in this Agreement or the FCT contract cannot be waived or superseded by such local agreements.

The Airport Sponsor shall, at no cost to the FAA, complete all necessary actions to construct a brick-and-mortar Airport Traffic Control Tower (ATCT) that meets FAA requirements in FAA Order 7210.78. Except as agreed between the parties or as otherwise permitted under the FCT Program, the Airport Sponsor must meet the following milestones to remain in the FCT program:

- Complete the FAA Airport Traffic Control Tower Siting Process for the permanent tower no later than two years from the date of signature of this Agreement.
- Commence construction of the permanent tower no later than 30 months from the date of signature of this Agreement.
- Complete construction of the brick-and-mortar tower no later than 5 years from the date of signature of this Agreement.

The Airport Sponsor shall sign a new/modified Tower Operations Agreement for the permanent brick-and-mortar ATCT no later than 60 days before the anticipated commissioning of the permanent tower.

#### **IV. BENEFIT/COST RATIOS CONSIDERATION**

Statute dictates how often and under what conditions FAA recalculates benefit/cost ratios to determine the percentage of funds for which the FAA and the airport are responsible. The FAA currently provides full funding for sites with a benefit/cost ratio of 1.0 or greater. Fully funded sites at which the FAA has determined that the benefit/cost ratio decreases to less than 1.0 will be offered the opportunity to participate in the FCT Cost Share Program.

#### **V. SUPPLEMENTAL HOURS**

If the Airport Sponsor requests MATCT services outside of FAA approved tower hours of operation, the provision of such additional services shall be at the expense of the Airport Sponsor, unless otherwise agreed to. These supplemental hours of operation may be achieved through an agreement with the air traffic control services provider, supplemental agreement with the FAA, or by other authorized means.

#### **VI. POINTS OF CONTACT**

##### **Airport Sponsor**

David Ruppel  
Airport Director  
Northern Colorado Regional Airport  
(970) 962-2852

##### **FAA Implementation Manager**

Dan Sherren  
Terminal Program Implementation Team, AJV-W37  
Western Service Area  
206 231-2765

##### **FAA Program Manager**

Lisa Bush-Caudle  
FAA Contract Tower (FCT), Program Manager  
Program Management Office, Enterprise Services, AJM-3  
800 Independence Ave., SW, Washington, DC 20591  
(202) 267-0849

#### **VII. CHANGES AND/OR MODIFICATIONS**

Changes and/or modifications to this Agreement shall be in writing and signed by both parties. The modification shall cite the subject Agreement and shall state the exact nature of the modification. No oral statement by any person shall be interpreted as modifying or otherwise affecting the terms of this Agreement.

## **VIII. TERMINATION**

In addition to any other termination rights provided by this Agreement, either party may terminate this Agreement at any time prior to its expiration date, with or without cause, and without incurring any liability or obligation to the terminated party by giving the other party at least Ninety (90) days prior written notice of termination. Upon receipt of a notice of termination, the receiving party shall take immediate steps to stop the accrual of any additional obligations, which might require payment. Termination of this Agreement is without prejudice to the airport sponsor's ability to continue to construct a brick-and-mortar tower as part of the FCT Program if it is otherwise in compliance with its obligations under the FCT Program.

## **IX. TERM OF THE AGREEMENT**

This Agreement is applicable for one year from the date of signature and may be renewed annually based on the FAA's assessment of Airport Sponsor's progress in building a permanent brick-and-mortar ATCT and meeting the milestones described in Section III. B above, unless terminated by either of the parties in writing, as provided herein.

## **X. DISPUTES**

Where possible, disputes will be resolved by informal discussion between the parties. In the event the parties are unable to resolve any disagreement through good faith negotiations, the Director of Operations- Headquarters (AJT-2) will resolve the dispute after direct consultation with Airport Director. The decision of the Director of Operations- Headquarters is not subject to further administrative review and, to the extent permitted by law, is final and binding.

## **XI. INSURANCE**

The Airport Sponsor shall arrange by insurance or otherwise for the full protection of the Airport Sponsor from and against all liability to third parties arising out of, or related to, the performance of this Agreement to the extent permitted by law. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the notices, requirements, immunities, rights, benefits, protections, limitations of liability, and other provisions of the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq., and under any other applicable law.

## **XII. LIABILITY**

The FAA assumes no liability under this Agreement for any losses arising out of any action or inaction by the Airport Sponsor, its employees or contractors, or any third party acting on its behalf. The Airport Sponsor agrees to hold the FAA harmless against any claim by third persons for injury, death, or property damage arising out of or in connection with the Airport Sponsor's performance under this Agreement.

**XIII. LEGAL AUTHORITY**

This “other transaction” MOU is entered into under the authority of 49 U.S.C. §§ 106 (f)(2)(A) and 106(l) and (m), which authorizes agreements and other transactions on such terms and conditions as the Administrator determines necessary. This MOU is not a Memorandum of Agreement, procurement contract, grant or cooperative agreement. Nothing in this Agreement shall be construed as incorporating by reference or implication any provision of Federal acquisition law or regulation.

**XIV. CIVIL RIGHTS ACT**

The Airport Sponsor shall comply with Title VI of the Civil Rights Act of 1964 relating to nondiscrimination in federally assisted programs and, if requested, provide a certification to that effect.

**XV. PROTECTION OF INFORMATION**

The parties agree that they shall take appropriate measures to protect proprietary, privileged, or otherwise confidential information that may come into their possession as a result of this MOU. The Airport Sponsor’s obligations under this paragraph are expressly subject to all requirements of the Colorado Open Records Act.

**XVI. FUNDING**

No funds are obligated under this MOU. Each party shall bear the full cost it incurs in performing, managing, and administering its responsibilities under this MOU.

With respect to the City of Fort Collins, to the extent this Agreement or any provision in it constitutes a multiple fiscal year debt or financial obligation of the City, it shall be subject to annual appropriation by City Council as required in Article V, Section 8(b) of the City Charter, City Code Section 8-186, and Article X, Section 20 of the Colorado Constitution. The City of Fort Collins shall have no obligation to continue this Agreement in any fiscal year for which no supporting appropriation has been made.

With respect to the City of Loveland, to the extent this Agreement constitutes a multiple fiscal year debt or financial obligation of the City of Loveland, it shall be subject to annual appropriation pursuant to the City of Loveland Municipal Charter Section 11-6 and Article X, Section 20 of the Colorado Constitution. The City of Loveland shall have no obligation to continue this Agreement in any fiscal year in which no such appropriation is made.

**XVII. CONSTRUCTION**

Parties agree to exercise good faith in achieving the goals of this MOU; this means that the Government will adopt and perform the above delineated roles and responsibilities and will provide MATCT services to the above designated Airport Sponsor at the designated location. The Airport Sponsor also agrees to adopt and perform the above delineated roles and responsibilities. Neither party is authorized or empowered to act on



Item 18.

behalf of the other with regard to any matter, and neither party shall be bound by the acts or conduct of the other in connection with any activity under this MOU. This provision shall survive termination of this MOU. The undersigned Agreement holder affirms that this MOU is entered knowingly and voluntarily.

Item 18.

The FAA reserves the right to withdraw the MATCT services from the Airport Sponsor if it does not comply with the terms of this agreement.

AGREED:

Airport Sponsor – City of Loveland

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

Federal Aviation Administration

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Senior Assistant City Attorney

Federal Aviation Administration

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

Airport Sponsor – City of Fort Collins

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney

# FAA Contract Tower Operating Agreement

Northern Colorado Regional Airport  
Air Traffic Control Agreement

# Air Traffic Safety Need

- ✈ Air Traffic Control Services Established March 2020
- ✈ Flight separation needed for over 100,000 Flight Operations annually
- ✈ Remote Tower Pilot Program funding ends December 31, 2023
- ✈ Federal Contract Tower Program with FAA provides funding for controllers to continue service starting January 1, 2024

# Path Established by Tower Operation Agreement





\$600,000

Federally Funded Controllers



\$170,000

Annual Maintenance Cost by Airport



60 months

Transition to permanent solution

# Recommended Action

- ✈️ Adopt the Resolution and enter the Federal Contract Tower Program
- ✈️ Direct Northern Colorado Regional Airport Commission to move forward with the Tower Siting Study.

December 19, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Davina Lau, Public Engagement Specialist  
Anissa Hollingshead, City Clerk  
Carrie Daggett, City Attorney

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### SUBJECT

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

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### EXECUTIVE SUMMARY

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

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### STAFF RECOMMENDATION

Staff recommends adoption of this Resolution.

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### BACKGROUND / DISCUSSION

Shirley Peel was elected to the office of City Council on April 6, 2021, to serve as Councilmember representing District 4. Since then, she has served as the Council Liaison to various boards and commissions, as well as on various Council committees. This Resolution provides an overview of the work Councilmember Peel has accomplished during her tenure.

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### CITY FINANCIAL IMPACTS

None.

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### BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

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### PUBLIC OUTREACH

None.

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### ATTACHMENTS

1. Resolution for Consideration



RESOLUTION 2023-117  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
EXPRESSING GRATITUDE AND APPRECIATION TO SHIRLEY PEEL FOR HER  
SERVICE AND CONTRIBUTIONS TO THE COMMUNITY AS CITY COUNCILMEMBER

WHEREAS, Shirley Peel was elected as a City Councilmember for District 4 on April 6, 2021, and has served on City Council since being sworn in after that election; and

WHEREAS, Councilmember Peel has served as the Council Liaison to the Building Review Commission, Citizen Review Board, Economic Advisory Board, and the Land Use Review Commission; and

WHEREAS, during her tenure Councilmember Peel served on the Ad Hoc City Manager Selection Process Committee, Legislative Review Committee, Colorado Municipal League (CML) Policy Committee, Regional Water Collaboration Steering Committee, and the Compensation Policy Committee; and

WHEREAS, Councilmember Peel has also served on the board of the Urban Renewal Authority and was appointed to serve on the National League of Cities Council on Youth, Education, and Families; and

WHEREAS, Councilmember Peel has been a strong proponent of collaboration and problem solving through many complex issues including mobile home park and affordable housing advocacy, homelessness solutions, support and advocacy for small and local businesses, in particular South College businesses; and

WHEREAS, Councilmember Peel worked to understand all sides of an issue and has been available to her constituents through listening sessions and one on one meetings including advocating for the Colorado State University student body; and

WHEREAS, Councilmember Peel has been publicly acknowledged and thanked by ASCSU, students from the Strayer Center, and members of the public for her thoughtful and thorough approach to policy discussions and decisions; and

WHEREAS, Councilmember Peel has shown her strong and continued commitment to our community by serving from April 2021 until January 9, 2024, as City Councilmember for District 4.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council expresses for itself and on behalf of the City organization and the community sincere appreciation and gratitude to Shirley Peel for her service and contributions to the community as District 4 Councilmember, and in the many roles she has served in during her time on the City Council.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 19th day of December, 2023.

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Mayor

ATTEST:

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City Clerk