# Fort Collins City Council Agenda

Regular Meeting 6:00 p.m., Tuesday, December 17, 2024 City Council Chambers at City Hall, 300 Laporte Avenue, Fort Collins, CO 80521

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

### NOTICE:

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

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

### How to view this Meeting:

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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.

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Meetings are livestreamed on the City's website, fcgov.com/fctv

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

### Comment in real time:

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



In person attendees can address the Council in the Chambers. The public can join the Zoom webinar and comment from the remote meeting, joining online or via phone.



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

Staff is also available outside of Chambers prior to meetings to assist with the sign up process for in person attendees.

Full instructions for online participation are available at fcgov.com/councilcomments.

Join the online meeting using the link in this agenda to log in on an internet-enabled smartphone, laptop or computer with a speaker and microphone. Using earphones with a microphone will greatly improve audio experience.

To be recognized to speak during public participation portions of the meeting, click the 'Raise Hand' button.

Participate via phone using this call in number and meeting ID: Call in number: 720 928 9299 Meeting ID: 982 4141 6497 During public participation opportunities in the meeting, press \*9 to indicate a desire to speak.

### Submit written comments:



Email comments about any item on the agenda to cityleaders@fcgov.com

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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 17, 2024 at 6:00 PM

Jeni Arndt, Mayor Emily Francis, District 6, Mayor Pro Tem Susan Gutowsky, District 1 Julie Pignataro, District 2 Tricia Canonico, District 3 Melanie Potyondy, District 4 Kelly Ohlson, District 5 City Council Chambers 300 Laporte Avenue, Fort Collins & via Zoom at https://zoom.us/j/98241416497 Cablecast on FCTV Channel 14 on Connexion Channel 14 and 881 on Xfinity

Carrie Daggett City Attorney

Kelly DiMartino City Manager Delynn Coldiron City Clerk

#### PROCLAMATIONS & PRESENTATIONS 5:00 PM

#### A) PROCLAMATIONS AND PRESENTATIONS

None scheduled.

#### REGULAR MEETING 6:00 PM

- B) CALL MEETING TO ORDER
- C) PLEDGE OF ALLEGIANCE
- D) ROLL CALL
- E) CITY MANAGER'S AGENDA REVIEW
  - City Manager Review of Agenda
  - Consent Calendar Review, including removal of items from Consent Calendar for individual discussion.
- F) 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/

• 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.

#### **<u>1.</u>** Consideration and Approval of the Minutes of the December 3, 2024 Regular meeting.

The purpose of this item is to approve the minutes of the December 3, 2024 Regular meeting.

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

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates \$33,266.00 for the Lincoln Center in philanthropic revenue received by City Give. These charitable gifts are aligned with both the City's strategic priorities and the respective donors' designation.

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

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

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates \$462,711 in the City's Self Insurance Fund to be used for unanticipated increases in fourth quarter insurance premiums and various forecasted claim payments.

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

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates \$1,137,041 from unanticipated revenue collected in the Benefits Fund to cover Medical/Dental claims and various Life Insurance premium expenses that could potentially exceed 2024 budgeted appropriations.

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

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

This Ordinance, unanimously adopted on First Reading on December 3, 2024, supports Fort Collins Police Services in work performed as a member of the Northern Colorado Drug Task Force.

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

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

## <u>6.</u> Second Reading of Ordinance No. 179, 2024, Making Supplemental Appropriations of Prior Year Reserves and Unanticipated Revenue and Authorizing Transfers of Appropriations for the Licensing Permitting and Code Enforcement System.

This Ordinance, unanimously adopted on First Reading on December 3, 2024, implements and modernizes a new licensing, permitting, and code enforcement system. The existing funding for this project was originally allocated as part of the 2023/2024 Budget Cycle's 'Digital Transformation' initiative.

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

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

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

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

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

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

A. Second Reading of Ordinance No. 180, 2024, Amending Section 17-1 of the Code of the City of Fort Collins to Add Definitions of "Deadly Weapon" and "Firearm".

B. Second Reading of Ordinance No. 181, 2024, Amending Section 17-124(3) of the Code of the City of Fort Collins to Comport with State Law Regarding Disorderly Conduct.

C. Second Reading of Ordinance No. 182, 2024, Amending Section 17-126(a)(4) of the Code of the City of Fort Collins to Remove the Phrase "Intended to Harass" and Amend "He or She" to "Them".

This Ordinance, unanimously adopted on First Reading on December 3, 2024, updates the City Code in order to align with State statute and recent case law.

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

This Ordinance, unanimously adopted on First Reading on December 3, 2024, declares 0.141 acres (the "ROW Parcel"), more or less, being a portion of City property presently known as Schoolside Park as public right of way for South Timberline Road and related improvements, including public utilities, pedestrian, transit, and bicycle access and improvements, and landscaping.

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

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

This Ordinance, unanimously adopted on First Reading on December 3, 2024, seeks authorization to approve the conveyance of a permanent waterline easement to Fort Collins-

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

### <u>10.</u> Second Reading of Ordinance No. 185, 2024, Adopting the 2025 Larimer County Regional Transportation Capital Expansion Fee Schedule.

This Ordinance, unanimously adopted on First Reading on December 3, 2024, adopts the 2025 Larimer County Regional Transportation Capital Expansion Fee Schedule.

## <u>11.</u> Second Reading of Ordinance No. 186, 2024, Appropriating Prior Year Reserves in the Water Fund and the Wastewater Fund for the Transfer of Fleet Vehicles Between the Water and Wastewater Utilities.

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates prior year reserves in the Water and Wastewater Funds to purchase fleet equipment at fair market value between Operational Divisions of the Water Field Operations Department.

### 12. Second Reading of Ordinance No. 187, 2024, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager.

This Ordinance, unanimously adopted on First Reading on December 3, 2024, amends City Code to establish the 2025 salary of the City Manager. Council met in executive session on November 26, 2024, to conduct the performance review of Kelly DiMartino, City Manager, and to consider the salary market analysis for this position.

### **<u>13.</u>** Second Reading of Ordinance No. 188, 2024, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge.

This Ordinance, unanimously adopted on First Reading on December 3, 2024, amends City Code to establish the 2025 compensation of the Chief Judge. A new two-year agreement for her employment was also adopted by Resolution 2024-142. Council met in executive session on November 26, 2024, to conduct the performance review of Jill Hueser, Chief Judge, and to consider the salary market analysis for this position.

### 14. Second Reading of Ordinance No. 189, 2024, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney.

This Ordinance, unanimously adopted on First Reading on December 3, 2024, amends City Code to establish the 2025 compensation of the City Attorney. Council met in executive session on November 26, 2024, to conduct the performance review of Carrie Daggett, City Attorney and to consider the salary market analysis for this position.

#### **15.** Resolution 2024-143 Approving the Design, Creation and Installation of Public Art at the I-25 and Prospect Interchange.

The purpose of this item is to approve expenditures from the Art in Public Places (APP) Reserve Account to commission an artist to create art for the I-25 and Prospect Interchange Project. The expenditure of \$64,500 will be for design, engineering, materials, signage, fabrication, delivery,

installation, and contingency for Stephen Shachtman to create the artworks for the I-25 and Prospect Interchange Project.

### **16.** Resolution 2024-144 Approving the Design, Creation and Installation of Public Art at the Power Trail and Harmony Road Crossing.

The purpose of this item is to approve expenditures from the Art in Public Places (APP) Reserve Account to commission an artist to create art for the Power Trail and Harmony Road Crossing Project. The expenditure of \$50,000 will be for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for Todd Kundla to create the artworks for the Power Trail and Harmony Road Crossing Project.

### <u>17.</u> Resolution 2024-145 Approving Expenditures from the Art in Public Places Stormwater and Water Utility Accounts to Commission an Artist to Create Art for the City's Utilities.

The purpose of this item is to approve expenditures from the Art in Public Places Stormwater Utility and Water Accounts to commission an artist to create art for the Oak Street Stormwater Improvements Project. The expenditure of \$155,000 will be for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for Mark Aeling to create the artworks for the Oak Street Stormwater Improvements Project.

## 18. Resolution 2024-146 Concerning Implementation of Standards Created by Amendments to the Public Utility Regulatory Policies Act of 1978 by the Infrastructure Investment and Jobs Act ("IIJA").

The purpose of this item is to present for Council consideration the recommendation from the City electric utility and the Energy Board, not to adopt the new revisions to the Public Utility Regulatory Policies Act of 1978 (PURPA) into the electric utility polices. Light & Power (L&P) is a "nonregulated utility" under PURPA, and can make a determination whether or not to implement the amended PURPA standards or establish a rule that differs from the standards. A complete review and evaluation of amended PUPRA standards has been completed and the findings support the recommendation not to adopt the amended PURPA standards. Staff is recommending Council adopt the written determinations made by Utility staff establishing local standards that differ from the amended PURPA standards.

#### <u>19.</u> Resolution 2024-147 Adopting the 2024 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, 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.

### 20. Resolution 2024-148 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

The purpose of this item is to consider an update to the Council Meeting Rules of Procedure.

### 21. Resolution 2024-149 Supporting Grant Application for Local Match Funding in Support of the Midtown Central Corridor Project.

The purpose of this item is to obtain support for the City to apply for the non-federal match requirement included in the Department of Transportation's FY2025 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program.

### 22. Resolution 2024-150 Approving an Exemption to the Competitive Purchasing Process to Procure Professional Services from Park Consulting Group.

The purpose of this item is to request an exception to the use of a competitive purchasing process to enter into a professional services agreement with Park Consulting Group to support the implementation of the new Licensing, Permitting, and Code Enforcement (LPCE) system. The Park Consulting Group is uniquely qualified to provide the services.

Exception to the Competitive Bid or Proposal Rationale:

Code Section 8-161(d)(1)(a). There exists only one (1) responsible source.

## 23. Resolution 2024-151 Making an Appointment to the Board of the Downtown Development Authority.

The purpose of this item is to fill a vacancy that currently exists as of October 15, 2024.

#### 24. Resolution 2024-152 Making an Appointment to the Board of Directors of Housing Catalyst.

The purpose of this item is to fill one of two vacancies that will exist as of December 31, 2024.

#### 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

None scheduled.

- P) RESUMED PUBLIC COMMENT (if applicable)
- Q) OTHER BUSINESS

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

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

#### OB 2. "I move that the City Council go into executive session pursuant to:

- City Charter Article Roman Numeral Two, Section 11(2)
- City Code Section 2-31(a)(2) and
- Colorado Revised Statutes Section 24-6-402(4)(b)

for the purpose of discussing with the City's attorneys and appropriate management staff the following:

1. specific legal questions related to the police liability litigation; and

2. the manner in which the provisions of the City Charter may be affected by existing or proposed provisions of federal, state or local law."

#### R) ADJOURNMENT

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

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#### File Attachments for Item:

#### 1. Consideration and Approval of the Minutes of the December 3, 2024 Regular meeting.

The purpose of this item is to approve the minutes of the December 3, 2024 Regular meeting.

## AGENDA ITEM SUMMARY

City Council



#### STAFF

Delynn Coldiron, City Clerk

#### SUBJECT

Consideration and Approval of the Minutes of the December 3, 2024 Regular meeting.

#### **EXECUTIVE SUMMARY**

The purpose of this item is to approve the minutes of the December 3, 2024 Regular meeting.

#### **STAFF RECOMMENDATION**

Staff recommends approval of the minutes.

#### **ATTACHMENTS**

1. Draft Minutes, December 3, 2024

December 3, 2024

#### **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, 2024 as Human Rights Day.

#### PP 2. Declaring December 7, 2024 as CHSAA Championship Saturday.

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 6:01 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 Melanie Potyondy Councilmember Kelly Ohlson Councilmember Julie Pignataro

STAFF PRESENT City Manager Kelly DiMartino City Attorney Carrie Daggett City Clerk Delynn Coldiron

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

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

- No changes to the published agenda.
- Recommending approval of the Consent Agenda as presented.
- Five items on Discussion Agenda.

#### 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.)

Jonah Salehi, DSA Fort Collins, spoke in support of the City Manager recognizing the Connexion Workers Coalition and spoke about a related petition which has gathered 300 signatures. Salehi read quotes from community members in support of the union.

Christina Swope, DSA Fort Collins, spoke in support of the City Manager recognizing the Connexion Workers Coalition and shared frustration about the City Manager not doing this despite the wage that she receives. Swope stated small, local governments must remain trustworthy and democracy must be strengthened through worker empowerment.

Trevor Rothanzl, CSU union steward, spoke in support of the City Manager recognizing the Connexion Workers Coalition and shared the benefits of being part of a union.

Nicholas Sahwin, Connexion worker and organizer of the Connexion Workers Coalition, read from the City's mission and vision, and stated Connexion Managers are not operating according to City values. Sahwin shared frustration about the lack of a work-life balance and requested Council consider the demands in the union petition and to agree to them so Connexion can continue to provide exceptional service to the community.

Alex Scott spoke in favor of a ceasefire related to the Gaza conflict. He shared information from various sources related to the mistreatment of detainees.

Kimberly Conner shared support for the Connexion Workers Coalition. Conner urged Council to adopt a ceasefire resolution related to the Gaza conflict and provided information about a recent court ruling related to war crimes. Conner provided a video from a special committee report related to an investigation of Israeli practices.

Casey Johns spoke in support of the Connexion Workers Coalition and expressed frustration that the City would not recognize it stating that goes against the City's values of partnership and integrity.

Donnie Buchanan, CSU student, urged Council to require the City Manager to recognize the Connexion Workers Coalition. Buchanan referred to City priorities related to improving the employee experience at the City.

Evan Stafford stated the City owns and operates a diversion dam near Gateway Park and stated it is dangerous and has blocked aquatic connectivity and water recreation. Stafford stated the City is currently involved in a project that would allow for fish passage at the diversion dam as a mitigation for the Halligan Reservoir expansion and encouraged the City to increase the scope of this project to enable boat passage.

Kaori Keyser noted she is a Connexion customer and is disappointed that the City Manager would not recognize the Workers Coalition which does not fit with the City's goals of attracting diverse and top

talent. Keyser spoke about Connexion employees not being empowered and stated they want to hat their voices heard. She questioned why the City recognizes the Police union but not this union.

Kyle Johnson, owner of a local rafting company, spoke about the Gateway Diversion Dam project and encouraged increasing the project's scope to include recreational bypass as part of the mitigation plan for the Halligan project. Johnson requested Council and staff follow up on work that has already been done and urged Council to move forward with a policy decision related to this.

Jeremiah (no last name given) spoke in support of recognizing the Connexion Workers Coalition stating it is important for the City to lead the way when it comes to labor, which is even more important now given the uncertainty that exists at the federal level.

Michael May expressed frustration with the City Manager's choice not to recognize the Connexion Workers Coalition. May discussed consultant fees spent by the City related to providing an alternative to unions and suggested the funds could have been better spent on addressing worker concerns.

Greg Zoda, DSA Fort Collins, stated working class voters are dropping out of the political process and stated there are robust statistics that unions strengthen the likelihood of workers to believe in important democratic institutions. Zoda urged Council to approve the Connexion Workers Union.

Beth (no last name given) commented on the importance of having City-owned internet and stated that recognizing the Workers Coalition provides an opportunity for the City to support these workers. Beth commented on the disparity between the City Manager's compensation and that of Connexion employees and spoke about the importance of integrity, respect, and transparency.

Hillary Ping thanked Council for all it does and urged the City to approve the Connexion Workers Coalition. Ping commented on funds being spent on anti-union legal counsel and commented on studies showing unionized workplaces are more efficient, safer, and experience lower turnover. Ping urged the City to recognize the union and be better stewards of taxpayer dollars.

Adam Hirschhorn provided a video of a federal press conference in Berlin related to the Gaza conflict and urged Council to adopt a ceasefire resolution.

Richard Viktorin noted he was before Council a couple of months ago related to his assault case and stated he has since received information from the Police Department. Viktorin stated the person who assaulted him was not charged and was hardly investigated. He stated he was not trespassing, and his daughter should be interviewed to verify that. He expressed frustration about biases in the Police report and stated he has been issued a summons for trespassing.

Kevin Caffrey spoke in support of the Connexion Workers Coalition and commented on the importance of paying livable wages to workers who do excellent work. Caffrey commented on the Police union which he stated shows the City understands unions.

August-Carter Nelson, DSA Fort Collins, expressed frustration with the City's failure to recognize the Connexion Workers Coalition and commented on the City believing in investing in Connexion.

Julie Hartung expressed frustration with the City not supporting the Connexion Workers Coalition and urged Council to work with the City Manager to recognize the union.

Public comment concluded at 6:58 p.m.

#### H) PUBLIC COMMENT FOLLOW-UP

Councilmember Potyondy thanked those who spoke and stated she is looking forward to receiving additional information regarding the Gateway recreational bypass. She noted she is a public educator and has always been a union member. She stated she is taking in good faith that the City is not engaging in explicit union busting activities but is rather navigating the newly adopted PROPWA law. She stated she would like to see the referenced petition and requested information on how union efforts have evolved in other municipalities.

Councilmember Pignataro noted she had discussed the Gateway project with Deputy City Manager Marr and stated the City sees the value in the recreational bypass; however, there are concerns that changing the structure of the diversion dam could compromise the forward momentum of the Halligan project.

Deputy City Manager Marr confirmed Councilmember Pignataro's statement and noted the fish passage is part of the state-approved fish and wildlife mitigation and enhancement plan and modifying that to include boat passage places some uncertainty into the Halligan schedule, in part because there is not fully identified funding. He stated it is not currently staff's recommendation to pursue a modification to the mitigation plan but noted staff could confirm whether a recreation bypass modification would compromise the project schedule.

Councilmember Pignataro suggested it could be helpful for staff to put together a memo that addresses the questions regarding the Connexion Workers Coalition. She noted the topic is still being discussed.

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

None.

#### J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the November 6, 2024 Special Meeting, November 19, 2024, Regular Meeting and November 26, 2024 Adjourned Meeting.

The purpose of this item is to approve the minutes of the November 6, 2024 Special meeting, November 19, 2024, Regular meeting and November 26, 2024 Adjourned meeting.

#### Approved.

### 2. Second Reading of Ordinance No. 169, 2024, Appropriating Unanticipated 2024 Revenue in the Recreation Fund to Support Increased Recreation Expenses.

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

#### Adopted on Second Reading.

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

#### Adopted on Second Reading.

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

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

#### Adopted on Second Reading.

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

The purpose of this item is to request an appropriation of \$33,266.00 for the Lincoln Center in philanthropic revenue received by City Give. These charitable gifts are aligned with both the City's strategic priorities and the respective donors' designation.

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

#### Adopted on First Reading.

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

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

#### Adopted on First Reading.

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

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

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

#### Adopted on First Reading.

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

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

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

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

#### Adopted on First Reading.

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

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

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

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

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

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

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

#### Adopted on First Reading.

A. First Reading of Ordinance No. 180, 2024, Amending Section 17-1 of the Code of the City of Fort Collins to Add Definitions of "Deadly Weapon" and "Firearm".

B. First Reading of Ordinance No. 181, 2024, Amending Section 17-124(3) of the Code of the City of Fort Colins to Comport with State Law Regarding Disorderly Conduct.

C. First Reading of Ordinance No. 182, 2024, Amending Section 17-126(a)(4) of the Code of the City of Fort Collins to Remove the Phrase "Intended to Harass" and Amend "He or She" to "Them".

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

#### Adopted on First Reading.

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

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

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

#### Adopted on First Reading.

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

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

#### Adopted on First Reading.

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

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

#### Adopted on First Reading.

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

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

#### Adopted on First Reading.

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

The purpose of this item is to authorize the City Manager to sign agreements between the City and the Fort Collins-Loveland Water District (FCLWD) for the purchase of two water taps for the future Schoolside Park property. Appropriated funds from 2023 and 2024 BFO cycles have been budgeted for the purchase a 1 ½" irrigation water tap and a ¾" commercial water tap from the FCLWD for the future Schoolside Park Project on South Timberline Road. FCLWD is the only available water provider for this park site.

#### Adopted.

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

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

#### Adopted.

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

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

#### Adopted.

#### END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to approve the recommended actions on items 1-17 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 Ohlson commended the staff report for Item No. 12, *First Reading of Ordinance* 184, 2024, *Authorizing the Conveyance of a Permanent Waterline Easement on Cathy Fromme Prairie* Natural Area to the Fort Collins-Loveland Water District, but noted the environmental impacts section omitted the fact that many prairie dogs will be killed.

Councilmember Ohlson noted the number of vehicles purchased by the City during each budget session always adds up to be a large dollar amount. He commended the operational planning and efficiency related to Item No. 14, *First Reading of Ordinance No. 186, 2024, Appropriating Prior Year Reserves in the Water Fund and the Wastewater Fund for the Transfer of Fleet Vehicles Between the Water and Wastewater Utilities.* 

#### L) STAFF REPORTS

None.

#### M) COUNCILMEMBER REPORTS

Councilmember Susan Gutowsky

- Clarified that she supports water fluoridation despite not commenting at the last business meeting.
- Council meeting with ASCSU members for roundtable discussions on a variety of issues of interest to the student population.

Mayor Jeni Arndt

• Commended the annual Thanksgiving Day Run event.

## Clerk's Note: Mayor Arndt called for a break at 7:12 p.m., noting the meeting would resume at 7:28 p.m.

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

None.

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

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

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

B. Second Reading of Ordinance No. 173, 2024, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections.

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

Ordinance No. 172 was adopted by a 6-1 (Nay: Ohlson) vote on First Reading and Ordinances No. 173 and 174, 2024 were unanimously adopted on First Reading on November 19, 2024. The Ordinances make adjustments effective January 1, 2025, associated with the City's Capital Expansion Fees, Transportation Expansion Fees, Electric Capacity Fees and Stormwater Plant

Investment Fees. Along with updating Electric Capacity Fee tables in City Code, staff is propos language clarifications related to costs included in the fee calculation.

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

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

#### PUBLIC COMMENT

None.

#### COUNCIL DISCUSSION

Councilmember Ohlson noted he was the one who opposed Ordinance No. 172 and stated he would have preferred to keep the standard agreed upon way of doing things until it was decided when to make changes. However, he fully supported Council's right to do things differently.

Regarding Item No. 13, *First Reading of Ordinance No. 185, 2024, Adopting the 2025 Larimer County Regional Transportation Capital Expansion Fee Schedule*, Councilmember Ohlson noted the calculated increase to the regional transportation fee considered by Larimer County was 17.2% and they ended up at 10%. He asked what percentage the City utilized. Travis Storin, Chief Financial Officer, replied that the City's transportation capital expansion fee inflation number was 1.9% and noted the County uses a 2-year rolling window. He noted the two entities will eventually become more aligned on values and that the City had already captured some of the higher inflation figures from 2021 and 2022. Councilmember Ohlson requested the City consider also using a 2-year rolling window.

Councilmember Ohlson asked approximately how much money the City lost last year by raising fees by inflation rather than by the formula passed by previous Councils, and how much will not be captured next year. Storin replied the inflation only option will result in about a \$1 million loss annually across the six fee categories.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Ordinance No. 172, 2024, Amending Chapter 7.5 of the Code of the City of Fort Collins to revise the Capital Expansion Fees and Transportation Expansion Fee, on Second Reading.

The motion carried 6-1. Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Canonico, Gutowsky, Pignataro, and Potyondy. Nays: Councilmember Ohlson.

Mayor Pro Tem Francis moved, seconded by Councilmember Ohlson, to adopt Ordinance No. 173, 2024, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections, on Second Reading.

#### The motion carried 7-0.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Canonico, Gutowsky, Pignataro, Ohlson, and Potyondy. Nays: None. Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to ad Item 1. Ordinance No. 174, 2024, Amending Chapter 26 of the Code of the City of Fort Collins Revise Stormwater Plant Investment Fees, on Second Reading.

#### The motion carried 7-0.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Canonico, Gutowsky, Pignataro, Ohlson, and Potyondy. Nays: None.

City Manager DiMartino recognized Travis Storin and this being his last meeting. The Mayor suspended the rules to allow for applause.

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

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

Tyler Marr, Deputy City Manager, noted voters approved collective bargaining with the bargaining unit from Police Services in 2004 and the current three-year agreement expires at the end of the year. Marr noted a tentative agreement has been reached on a contract for an additional three years, which is the maximum allowed by the voter-approved ordinance. He noted the FOP has approved the agreement with 89% approval and discussed the considerations used for developing the agreement and contract. He noted the biggest change in the contract involves market-competitive increases to the City's retirement contribution for officers and stated the overall increase for the City is \$710,000 over the three years of the contract.

PUBLIC COMMENT

None.

COUNCIL DISCUSSION

Councilmember Pignataro thanked all who were involved in the negotiations.

Mayor Arndt concurred and commended the work of Police Services in the community.

Mayor Pro Tem Francis moved, seconded by Councilmember Ohlson, to adopt Resolution 2024-141, Approving a Three-Year Collective Bargaining Agreement with the Northern Colorado Lodge #3 of the Fraternal Order of Police.

*The motion carried 7-0. Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Canonico, Gutowsky, Pignataro, Ohlson, and Potyondy. Nays: None.* 

### 20. First Reading of Ordinance No. 187, 2024, Amending Section 2-596 of the Code of the O Item 1.

The purpose of this item is to amend City Code to establish the 2025 salary of the City Manager. Council met in executive session on November 26, 2024, to conduct the performance review of Kelly DiMartino, City Manager, and to consider the salary market analysis for this position.

Teresa Roche, Human Resources Executive, commented on competitive movement regionally and discussed the newly emerging practice of offering retention bonuses. Roche provided a recommendation of a 5% salary increase for the City Manager.

PUBLIC COMMENT

None.

COUNCIL DISCUSSION

Mayor Pro Tem Francis thanked all the direct reports for their efforts in running the City. She thanked each for their partnership in making the organization what it is.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Ordinance No. 187, 2024, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager to \$330,736, on First Reading.

Councilmember Pignataro thanked the direct reports as well and commented on the importance of these positions in keeping the City running. She thanked the City Manager for her experience and continued commitment to growth.

Councilmember Ohlson commended the direct reports and noted the evaluations involve real discussions. He stated hiring DiMartino as City Manager was one of the best decisions he has been a part of.

Councilmember Canonico noted Fort Collins is always held in high esteem, partly due to the caliber of the direct reports.

Mayor Arndt thanked the direct reports for the work they do and the way they do it. She expressed appreciation to City Manager DiMartino for her humility and the remarkable job she does.

Councilmember Gutowsky complimented the evaluation process.

Councilmember Potyondy thanked the direct reports and stated the City is fortunate to have them.

The motion carried 7-0.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Canonico, Gutowsky, Pignataro, Ohlson, and Potyondy. Nays: None.

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

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

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

Teresa Roche, Human Resources Executive, provided a recommendation of a 9% salary increase for the Chief Judge.

PUBLIC COMMENT

None.

COUNCIL DISCUSSION

None.

# Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to adopt Ordinance No. 188, 2024, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge to \$218,141, on First Reading.

Councilmember Potyondy stated the City is fortunate to have a Chief Judge who is focused on innovative alternative sentencing options and restorative practices.

Councilmember Pignataro also commended the changes that the Chief Judge has brought over the past few years.

Mayor Arndt thanked the Chief Judge for living out the values of the City through innovative municipal court practices and taking a leadership role in the organization.

#### The motion carried 7-0.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Canonico, Gutowsky, Pignataro, Ohlson, and Potyondy. Nays: None.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Resolution 2024-142 Authorizing the Third Addendum to Chief Judge Jill Hueser's Employment Agreement and Appointing Her to a New Two-Year Term.

Councilmember Pignataro asked why this resolution is only necessary for the Chief Judge. City Attorney Daggett replied the requirement is in the Charter.

#### The motion carried 7-0.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Canonico, Gutowsky, Pignataro, Ohlson, and Potyondy. Nays: None.

### 22. First Reading of Ordinance No. 189, 2024, Amending Section 2-581 of the Code of the O Item 1.

The purpose of this item is to amend City Code to establish the 2025 compensation of the City Attorney. Council met in executive session on November 26, 2024, to conduct the performance review of Carrie Daggett, City Attorney and to consider the salary market analysis for this position.

(Secretary's Note: Councilmember Potyondy recused herself from this item due to a conflict of interest.)

Teresa Roche, Human Resources Executive, provided a recommendation of a 10.3% salary increase for the City Attorney.

PUBLIC COMMENT

None.

COUNCIL DISCUSSION

Councilmember Pignataro thanked City Attorney Daggett for her service and commended her growth over the years.

Councilmember Ohlson commended City Attorney Daggett's performance and stated the community is fortunate to have her as the City Attorney given her passion for municipal government.

Councilmember Gutowsky commended City Attorney Daggett on her work.

Mayor Arndt thanked City Attorney Daggett for her longstanding commitment to the City of Fort Collins.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 189, 2024, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge to \$265,369, on First Reading.

The motion carried 6-0. Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Canonico, Gutowsky, Pignataro, Ohlson. Nays: None.

#### 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

There being no further business before the Council, the meeting was adjourned at 7:59 p.m.

	Mayor
ATTEST:	
City Clerk	

File Attachments for Item:

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

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates \$33,266.00 for the Lincoln Center in philanthropic revenue received by City Give. These charitable gifts are aligned with both the City's strategic priorities and the respective donors' designation.

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

### AGENDA ITEM SUMMARY City Council



#### STAFF

Nina Bodenhamer, City Give Director

#### SUBJECT

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

#### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates \$33,266.00 for the Lincoln Center in philanthropic revenue received by City Give. These charitable gifts are aligned with both the City's strategic priorities and the respective donors' designation.

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

#### **STAFF RECOMMENDATION**

Staff recommends the adoption of the Ordinance on Second Reading.

#### FIRST READING 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.

This item requests an appropriation of donations totaling \$33,266.00 to support Lincoln Center programs, and these funds are currently unappropriated. 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 Philanthropic Governance Policy to provide for the responsible and efficient management of charitable donations to the City.

The respective donors have directed the City to apply these amounts for the purposes designated in the donation and with the general intent to benefit City service areas and programs.

#### **CITY FINANCIAL IMPACTS**

This Ordinance will appropriate in current fiscal year into Cultural Services and Facilities Fund new philanthropic revenue received by City Give in 2024 in the amount of \$33,266 and authorize expenditures against those revenues for the Lincoln Center's various programs and services.

The donations shall be expended from the designated fund solely for the donors' directed intent. The fundhave 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 their designated City Fund and will not cause the total amount appropriated in those Funds to exceed the current estimate of actual and anticipated revenues.

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

None.

#### **PUBLIC OUTREACH**

None.

#### ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

#### ORDINANCE NO. 175, 2024 OF THE COUNCIL OF THE CITY OF FORT COLLINS APPROPRIATING PHILANTHROPIC REVENUE RECEIVED BY CITY GIVE FOR THE LINCOLN CENTER'S VARIOUS PROGRAMS AND SERVICES AS DESIGNATED BY THE DONORS

A. The City has received generous donations in 2024 through its City Give program, both large and modest, as philanthropic gifts to the public and the City programs and activities to serve the community.

B. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting cultural programs and services at a City performing arts venue.

C. 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.

D. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Cultural Services and Facilities Fund and will not cause the total amount appropriated in the Cultural Services and Facilities 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.

E. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for 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.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from new philanthropic revenue in the Cultural Services and Facilities Fund the sum of THIRTY-THREE THOUSAND TWO HUNDRED SIXTY-SIX DOLLARS (\$33,266) to be expended in the Cultural Services and Facilities Fund for the Lincoln Center's various programs and services.

Introduced, considered favorably on first reading on December 3, 2024, and approved on second reading for final passage on December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 27, 2024 Approving Attorney: Dianne Criswell File Attachments for Item:

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

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates \$462,711 in the City's Self Insurance Fund to be used for unanticipated increases in fourth quarter insurance premiums and various forecasted claim payments.

## AGENDA ITEM SUMMARY

City Council



#### STAFF

Joe Wimmer, Senior Financial Analyst Jim Byrne, Director Emergency Preparedness & Security Travis Storin, Chief Financial Officer

#### SUBJECT

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

#### **EXECUTIVE SUMMARY**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates \$462,711 in the City's Self Insurance Fund to be used for unanticipated increases in fourth quarter insurance premiums and various forecasted claim payments.

#### **STAFF RECOMMENDATION**

Staff recommends adoption of the Ordinance on Second Reading.

#### FIRST READING BACKGROUND / DISCUSSION

City insurance premiums and claim settlements are projected to exceed the 2024 budget within the Self Insurance Fund. 2024 Fund revenues in the amount of \$307,152, and prior year reserves of \$155,559 are available for appropriation to cover excess insurance expenses. Self Insurance Fund reserves exceed the City's target reserve level, and surplus revenues are not needed to contribute to fund balance at year end.

#### **CITY FINANCIAL IMPACTS**

This Ordinance will appropriate \$462,711 for Self Insurance Fund expenses in 2024, including \$307,152 in unanticipated current year revenues and \$155,559 in prior year reserves.

Fund reserves are projected to end the year above the City's fund reserve target.

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

None.

#### PUBLIC OUTREACH

None.

First Reading attachments not included.

1. Ordinance for Consideration

#### ORDINANCE NO. 176, 2024 OF THE COUNCIL OF THE CITY OF FORT COLLINS MAKING A SUPPLEMENTAL APPROPRIATION OF ADDITIONAL REVENUE AND APPROPRIATING PRIOR YEAR RESERVES IN THE SELF INSURANCE FUND FOR UNANTICIPATED INSURANCE EXPENSES

A. Chapter 8, Division 3 of the City Code authorizes and establishes a selfinsurance program and fund for the City.

B. The City's Self Insurance Fund is used to pay the City's uninsured portion of various types of "covered expenses," as set forth in Section 8-106 of the City Code, including settlement of claims against the City and insurance premiums for policies purchased by the City.

C. City insurance premiums and claim settlements are projected to exceed the 2024 budget within the Self Insurance Fund.

D. 2024 Fund revenues in the amount of \$307,152, and prior year reserves of \$155,559 are available for appropriation to cover these excess insurance expenses.

E. Self Insurance Fund reserves exceed the City's target reserve level, and surplus revenues are not needed to contribute to fund balance at year end.

F. 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.

G. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Self Insurance Fund and will not cause the total amount appropriated in the Self Insurance 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.

H. 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.

I. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Self Insurance Fund and will not cause the total amount appropriated in the Self Insurance 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.

J. The City Council believes that the appropriation recommended by the City Manager is in the best interests of the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds in the Self Insurance Fund the sum of THREE HUNDRED SEVEN THOUSAND ONE HUNDRED FIFTY-TWO DOLLARS (\$307,152) to be expended in the Self Insurance Fund for unanticipated insurance expenses.

Section 2. There is hereby appropriated from prior year reserves in the Self Insurance Fund the sum of ONE HUNDRED FIFTY-FIVE THOUSAND FIVE HUNDRED FIFTY-NINE DOLLARS (\$155,559) to be expended in the Self Insurance Fund for unanticipated insurance expenses.

Introduced, considered favorably on first reading on December 3, 2024, and approved on second reading for final passage on December 17, 2024.

ATTEST:

Mayor

City Clerk

Effective Date: December 27, 2024 Approving Attorney: Aaron Guin

#### File Attachments for Item:

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

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates \$1,137,041 from unanticipated revenue collected in the Benefits Fund to cover Medical/Dental claims and various Life Insurance premium expenses that could potentially exceed 2024 budgeted appropriations.

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

#### December 17, 2024

# AGENDA ITEM SUMMARY





#### STAFF

Teresa Roche, Human Resources Executive Kelley Vodden, Director of Compensation, Benefits, and Wellbeing Chris Martinez, IES Financial Planning and Analysis Manager

#### SUBJECT

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

#### **EXECUTIVE SUMMARY**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates \$1,137,041 from unanticipated revenue collected in the Benefits Fund to cover Medical/Dental claims and various Life Insurance premium expenses that could potentially exceed 2024 budgeted appropriations.

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

#### **STAFF RECOMMENDATION**

Staff recommends adoption of the Ordinance on Second Reading.

#### FIRST READING BACKGROUND / DISCUSSION

As the City operates under a self-funded health plan, the Benefits team must project and budget for all benefit plan expenditures based on market trends in medical, dental, and pharmaceutical expenses, insurance premiums, and the projected number of plan subscribers. Forecasting these variables is required to calculate the revenue the City will need to collect from the employer and employees to meet the budgeted plan expenditures. This is accomplished during the Budgeting for Outcomes (BFO) process.

For the 2023-2024 BFO, these projections took place in Q1 of 2022, where the variables and data used to project out anticipated '23-'24 enrollees and cost growth were influenced by the COVID pandemic. During that time, claims activity and costs were still below what would be considered normal in 2021. At the advisement of the City's benefits consultant, the Benefits team applied a level of increases based on industry recommendations, anticipating a bounce back in medical, dental, and insurance costs and subscribers. Those budget projections were enough to cover 2023 plan performance. However, higher subscribers and activity levels in 2024 are driving the potential for inadequate expenditure authority to cover 2024 costs even though the City has collected adequate premium revenues from employees, the organization, and the Poudre Fire Authority (PFA). Please see the breakdown below of the identified plan overages this request is addressing:

	Unanticipated	
Benefit Plan Component	Expen	ses above Budget
Medical Claims	\$	822,020
Dental Claims & Dental Plan Administration	\$	166,000
Life, FPPA AD&D, and FAMLI	\$	149,021
Total YTD Benefit Expenses Above Budget	\$	1,137,041

The higher claims activity and premiums have a direct correlation to the number of subscribers in the benefits plan, which has increased by approximately 6% (140 subscribers) over the last 1.5 years as compared to a budgeted 2-3% subscriber growth as what was originally projected by the Benefits team. When this happens, the plan collects enough premium revenue to cover the number of subscribers; however, the plan is bound by the original expenditure appropriation based on 2-3% subscriber growth.

In evaluating both Medical and Dental plan performance through October 2024, the City is experiencing higher claims activity than projected for the 2024 Benefits budget. The Medical Plan is experiencing a 100% increase in the number of high-dollar claimants (>\$100k) with 23 active claimants when, in a typical year, the plan budgets for 10-13 high-dollar claimants. This has had a YTD impact of approximately \$822,020 in unanticipated medical claims expenses that is continuing through Q4 of 2024. On the Dental side of the plan, the plan saw a 9% increase in overall expenses, where dental administrative expenses are over by \$6,000, and claims are over by approximately \$160,000, attributed to higher claims activity driven by enrollment increases of 4.5% and the natural variability of plan utilization. Historically, both medical and dental plans experience higher claim expenses in Q4, resulting from participants reaching plan deductibles and scheduling procedures before year-end. The benefits team's budgets for this seasonal activity increase in the final quarter of each year.

The City carries ten (10) lines of Life Insurance and Accidental Death and Dismemberment (AD&D) on the insurance side. Each line has variabilities, considerations, and levels of insurance coverage based on what an employee may select during enrollment that the benefits team must evaluate when projecting out potential enrollees and premium costs growth. Below is a breakdown of each insurance line:

#### **City Paid Benefit**

- Basic Life Insurance
- Accidental Death & Dismemberment (AD&D)

#### Employee Paid Benefit

- Spouse Life Insurance
- Child Life Insurance
- Supplemental Life Insurance

#### PFA Paid Benefit

• Fire & Police Pension AD&D (PFA Only)

The employee paid Voluntary AD&D lines' costs, and the Child Life Insurance was relatively flat and had no material effect on YTD 2024 overages, so the focus will be on the rest of the lines of coverage. Below is a table that reflects enrollee and cost changes from 2023 to 2024:

- Fire & Police Pension AD&D
   (Police Only
- Voluntary AD&D
- Voluntary AD&D Spouse
- Voluntary AD&D Chil

Insurance Line	2023	2024	Enrollee	Cost %	`	YTD Over
	Enrollees	Enrollees	Growth	Increase		Budget
AD&D *	2054	2188	7%	10%	\$	5,352
Basic Life *	2054	2188	7%	11%	\$	10,596
Dependent Life: Spouse	540	542	0%	10%	\$	5,175
Supplemental Life	1059	1079	2%	6%	\$	27,476
FPPA D&D - Police *	257	264	3%	8%	\$	47,722
FPPA D&D - PFA	211	206	-2%	8%	\$	51,699
* City Doid	Total YT	DInsuranc	e Costs ove	r Budget	\$	148,021

\* City Paid

The majority of the overages on the Basic Life and AD&D are attributed to higher enrollee growth than what was originally projected in the forecast cost model. Employee paid Dependent Life and Supplemental Life insurance line cost changes can be a result of employees selecting higher levels of coverage to which the employee pays those higher premiums to the City on their behalf. The FPPA D&D cost differential was also the delta between what industry standard was advising for budgeted increases compared to what has transpired through 2024. Insurance lines, in general, saw increases, which is consistent with inflation pressures. Insurance premium increases are being felt by all insurers, whether it's automobile, life, or home in both the private and public sectors. Again, the premium revenues for all these lines have already been collected throughout the year and are held in the Benefits revenue account.

Lastly, the City chose to participate in the Colorado Family and Medical Leave Insurance Program (FAMLI), which was not budgeted and has added over \$1,000 in unbudgeted administrative costs.

For the remainder of 2024, cost projections show the plan will still come very close to hitting initial budget projections; however, there is a very thin margin of error, and is also dependent upon the variability of claims activity. The YTD overages, as explained, represent just a 2% variance to the 2024 Benefits budget. Given the impact of the number of high-dollar claimants, growth of enrollees, and inflationary cost pressures, the Benefits team recommends appropriation of the excess \$1,137,041 in Benefit revenue as a protection provision to cover any potential expenditure overages and to avoid violating Article V, Section 8 of the City Charter.

#### **CITY FINANCIAL IMPACTS**

Through September 2024, the City has collected excess Benefits Fund revenue of \$1,137,041, broken down as follows:

	YTD 2	024 Unanticipated
Benefit Plan Contributions		Revenue
Contributions to PPO/HDHP Plans	\$	854,480
Contributions to Dental Plans	\$	112,705
Contributions to Life Insurance & FPPA	\$	169,856
Total Unanticipated Benefit Plan Revenue	\$	1,137,041

This is a self-funded appropriation request requiring no use of reserves.

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

None.

#### PUBLIC OUTREACH

None.

First Reading attachments not included.

1. Ordinance for Consideration

#### ORDINANCE NO. 177, 2024 OF THE COUNCIL OF THE CITY OF FORT COLLINS MAKING A SUPPLEMENTAL APPROPRIATION OF ADDITIONAL REVENUE RECEIVED IN THE BENEFITS FUND FOR THE CITY'S MEDICAL, DENTAL, AND LIFE INSURANCE PLANS

A. The City's Benefits Plan is a self-funded health plan in which collection of premiums from both the employer and employees are recorded as revenue in the Benefits Fund to pay for plan administration, medical/dental claims, and insurance premiums. Accordingly, the Benefits team makes efforts to project out and budget for all benefit plan expenditures based on market cost trends of medical, dental, and pharmaceutical expenses, insurance premiums, and the projected number of subscribers to the plan. Forecasting these variables is required to calculate the amount of revenue the City will need to collect from both the employer and employees to meet the budgeted plan expenditures. This is accomplished during the Budgeting for Outcomes (BFO) process.

B. Evaluation of Medical and Dental plan performance through September 2024 demonstrates that the City has experienced higher claims activity than what was projected for the 2024 Benefits budget, resulting in a year-to-date overage in Dental claims of roughly \$170,000 and Life Insurance and Fire & Police Pension Association Insurance premiums of roughly \$296,000.

C. In addition, the Medical Plan has experienced a 100% increase in the number of high-dollar claimants (>\$100,000), with 23 active claimants. In a typical year, the plan would have only 10-13 high-dollar claimants. For this reason, there has been a year-to-date impact of over \$700,000 in unanticipated medical claims expenses.

D. The higher claims activity and insurance premiums have a direct correlation to the number of subscribers in the Benefits Plan, which has increased by approximately 6% (140 subscribers) over the last 1.5 years, as compared to a budgeted 2-3% subscriber growth. When this happens, the Plan collects enough premium revenue to cover the number of subscribers. The Plan is bound, however, by the original expenditure appropriation based on 2-3% subscriber growth, as was projected back in the first quarter of 2022 during the 2023-24 BFO process. As a result, the Benefits Fund has collected year-to-date unanticipated revenue of \$1,137,041 for Medical, Dental, and Life Insurance premiums.

E. Historically, both Medical and Dental plans experience higher claim expenses in Q4 resulting from participants reaching plan deductibles and scheduling procedures before year-end. The Benefits team budgets for this seasonal increase, and our projections are showing the plan will come very close to hitting budget. Given the impact of the number of high-dollar claimants and growth of subscribers, however, it is recommended that the excess \$1,137,041 in unanticipated Benefits Fund revenue be appropriated to cover any potential expenditure overages in the City's Medical, Dental and Life Insurance Plans. This appropriation would be a "self-funded" appropriation requiring no use of reserves.

F. 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.

G. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Benefits Fund and will not cause the total amount appropriated in the Benefits 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.

H. The City Council believes that the appropriation recommended by the City Manager is in the best interests of the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from new revenue or other funds in the Benefits Fund the sum of ONE MILLION ONE HUNDRED THIRTY-SEVEN THOUSAND FORTY-ONE DOLLARS (\$1,137,041) to be expended in the Benefits Fund for the City's Medical, Dental, and Life Insurance Plans.

Introduced, considered favorably on first reading on December 3, 2024, and approved on second reading for final passage on December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 27, 2024 Approving Attorney: Aaron Guin File Attachments for Item:

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

This Ordinance, unanimously adopted on First Reading on December 3, 2024, supports Fort Collins Police Services in work performed as a member of the Northern Colorado Drug Task Force.

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

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

## AGENDA ITEM SUMMARY City Council



#### STAFF

Adam Ruehlen, Lieutenant, Police Services Kerri Ishmael, Senior Analyst, Grants Administration

#### SUBJECT

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

#### **EXECUTIVE SUMMARY**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, supports Fort Collins Police Services in work performed as a member of the Northern Colorado Drug Task Force.

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

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

#### **STAFF RECOMMENDATION**

Staff recommends adoption of the Ordinance on First Reading.

#### FIRST READING BACKGROUND / DISCUSSION

The Northern Colorado Drug Task Force comprises of members from Larimer County Sheriff Office, Fort Collins Police Services and Loveland Police Department support safer Northern Colorado communities through work to prevent and control drug-related crimes. Sworn officers with each member agency serve on the drug task force, which requires overtime pay and other operating costs. The \$16,313 in JAG grant funds supports Fort Collins Police Services covering some of the operational costs incurred as a member of the Northern Colorado Drug Task Force.

#### **CITY FINANCIAL IMPACTS**

This item appropriates \$16,313 in unanticipated revenue from the JAG program in support of work performed by Police Services as a member of the Northern Colorado Drug Task Force.

There is no match requirement by the City under this grant. Larimer County, the direct recipient of these federal funds, is passing the \$16,313 to Police Services. Therefore, the City is deemed a subrecipient of federal funds under the JAG program.

This grant is a reimbursement type grant, meaning General Fund expenses will be reimbursed up to \$16,313.

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

None.

#### **PUBLIC OUTREACH**

None.

#### **ATTACHMENTS**

First Reading attachments not included.

1. Ordinance for Consideration

#### ORDINANCE NO. 178, 2024 OF THE COUNCIL OF THE CITY OF FORT COLLINS MAKING A SUPPLEMENTAL APPROPRIATION OF FUNDS RECEIVED FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FOR FORT COLLINS POLICE SERVICES

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

B. Larimer County applied for and was awarded \$53,616 through the Edward Byrne Memorial Justice Assistance Grant ("JAG") program in support of operating the Drug Task Force.

C. The City of Fort Collins, City of Loveland, and Larimer County have entered into an intergovernmental agreement demonstrating the allocation of the \$53,616 awarded under JAG in support of the Drug Task Force. Fort Collins Police Services received \$16,313 to support personnel costs and other operating costs directly attributed to the Drug Task Force.

D. The \$16,313 in JAG grant funds supports Fort Collins Police Services covering some of the operational costs incurred as a member of the Drug Task Force.

E. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of keeping Northern Colorado communities safer through work to prevent and control drug-related crimes.

F. 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.

G. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General 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.

H. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for 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 the City's expenditure of all funds received from such grant.

I. The City Council wishes to designate the appropriation herein for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds in the General Fund the sum of SIXTEEN THOUSAND THREE HUNDRED THIRTEEN DOLLARS (\$16,313) to be expended in the General Fund for the Fort Collins Police Services Property Crimes Unit.

Section 2. The appropriation herein for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on December 3, 2024, and approved on second reading for final passage on December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 27, 2024 Approving Attorney: Dawn Downs

#### File Attachments for Item:

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

This Ordinance, unanimously adopted on First Reading on December 3, 2024, implements and modernizes a new licensing, permitting, and code enforcement system. The existing funding for this project was originally allocated as part of the 2023/2024 Budget Cycle's 'Digital Transformation' initiative.

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

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

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

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

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

### December 17, 2024

Item 6.

## AGENDA ITEM SUMMARY City Council



#### STAFF

Monica Martinez, Sr. Financial Planning & Analysis Manager PDT Kevin Wilkins, Chief Information Officer

#### SUBJECT

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

#### **EXECUTIVE SUMMARY**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, implements and modernizes a new licensing, permitting, and code enforcement system. The existing funding for this project was originally allocated as part of the 2023/2024 Budget Cycle's 'Digital Transformation' initiative.

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

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

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

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

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

#### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

#### FIRST READING BACKGROUND / DISCUSSION

#### Summary of Original Budget Offer

In FY2023/2024, Council approved a \$2.1 million enhancement offer to initiate the transformation of current permitting, licensing, and development review processes and software. The City's legacy platform, Accela, will reach end-of-life service of the on-premises system December 2025 and requires either a significant upgrade to a cloud-based version of their system or conversion to a new system.

The consequences of not modernizing include IT security risks, falling behind increasing demands from businesses and residents, inability to integrate new business processes, and increased operational inefficiencies. This initiative aims to modernize business processes and adopt a more sustainable software ecosystem through simplification, standardization, and a customer self-service approach.

This is envisioned as a transformational project that will set the stage for the next 10-20 years on how the City provides services to our business and development community. Key outcomes cited from the 2023/2024 Budget, InfoTech Strategy Roadmap (Attachment A), and the Discovery Phase of Change Management (Attachment B) include:

- **Streamlined, Standardized Processes**: Simplify, consolidate, and automate licenses and permits to eliminate redundancies and improve staff efficiency.
- **Self-Service for All**: Empower residents and businesses with low-touch, self-service options, advancing community digital equity.
- **Smart Digital Workflows**: Transition from paper to digital, ensuring accessible, sustainable, and simplified services.
- Scalability & Speed: Accelerate processing times to meet rising demands consistently across all service areas.
- **Unified, Cohesive Platform**: Implement a citywide, integrated system that enhances collaboration and responsiveness.
- **Modernized Legacy Systems**: Shift to a future-ready solution that supports a more accessible, equitable, and efficient digital government, adopting leading industry solutions.

#### **Actions Since BFO Approval**

Following the Council's support of the FY2023/2024 enhancement offer, City staff initiated the procurement process by conducting a three-day Development Review, Licensing, Permitting, and Inspections Digital Strategy Workshop which was facilitated by Info-Tech Research Group. The workshop results were used to create a business model, identify current challenges, document the rationale for issuing an RFP, and provide key recommendations (Attachment A).

Based on this work, TMG Consulting and City staff developed and issued an RFP in January 2024. During the first half of 2024, City staff evaluated eleven RFP respondents, narrowing respondents down to three finalists. These finalists were invited to demonstrate their products over a three-week period.

After product demonstrations, staff scored each vendor and selected an initial Vendor of Choice (Accela). However, after a subsequent week-long workshop, months of scope of work development, and clarifications regarding staffing and implementation timelines, the costs of the original proposal escalated significantly while the modernization objectives embodied by the vision and goals of the project were greatly reduced. These changes virtually eliminated Accela's competitive advantage around pricing and ease of implementation causing the City to re-engage in conversation with the second place Vendor of Choice (Tyler Technologies).

Discussions with the second-place Vendor of Choice (Tyler Technologies) were conducted under an abbreviated 60-day methodology facilitated by TMG Consulting, where a core team of City staff worked with Tyler to clarify costs for implementation, scope of work, subscriptions, optional products, and refine

staffing needs for the project. The result of these conversations resulted in a competitive package that provided full alignment with the City's requirements of a future system.

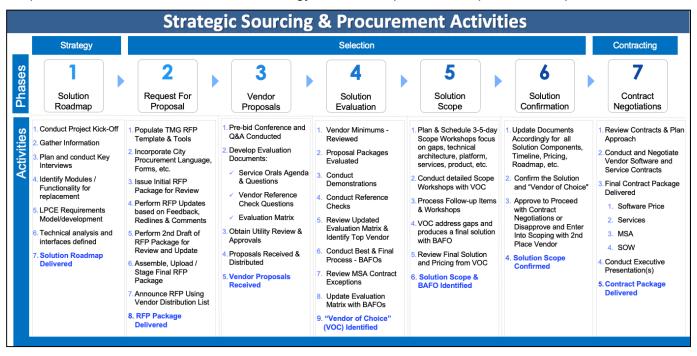
Today, staff have been able to reach a firm estimation of all costs associated with the full scope of the solution, including data migration, software interfaces, business process mapping and modernization, organizational change management, staff backfill, a preliminary estimate of implementation professional services, as well as the direct implementation of the selected product. The funds being requested for this appropriation are described in greater detail below and are summarized in table format at the end of this section.

#### FY23/24 Enhancement Funding and Original Assumptions (\$2.1M)

The original budget development of this offer was based on feedback from the industry solution providers who examined the scope of the City's vision for change and provided rough cost estimates as guidance for writing the offer. Although the original \$2.1 million could adequately cover implementation costs, the original budget offer lacked considering other components that would need funding to mitigate project risks. These components can be characterized as lessons learned from initial unsuccessful procurement and implementation of the CIS Utilities project as well as risk and mitigation strategies that were also highlighted by the July 2023 Info-Tech Research Group Report (Attachment A). These additional cost considerations are meant to ensure project success by pairing the implementation with organizational change management, adequate internal staff backfill, and Tyler specific third-party professional services.

#### Strategy Roadmap & Procurement Process (\$475K)

The City of Fort Collins contracted with TMG who conducted six of seven phases of the procurement process. The following diagram illustrates the three distinct parts (strategy, selection, and contracting) of the process and describes TMG's methodology within each phase of the procurement process:



Staff have worked with TMG to complete 6 of 7 phases of the project with the final phase being conducted internally, utilizing Tyler-specific implementation specialists to review the final contract package. This approach is intended to get vendor specific resources to evaluate the project for risks during the implementation phase of the project.

Today, Phase 7 is largely complete and hinges on the project's ability to secure additional funds as requested from Council.

#### Vendor of Choice Software as a Service Implementation (\$2M)

Tyler's implementation services include approximately 9,200 hours of professional services for an estimated period of 19- months. Primary resources allocated to the project include the following roles and responsibilities:

- Project Manager: Oversees the project, manages budget and schedule, coordinates resources, and is the primary point of contact.
- Consultant: A team of 4-6 resources that will develop and configure the product. This team completes all Tyler related tasks assigned by the project manager, provides support during go-live, and facilitates training.
- Change Management Lead: The Vendor's change management expert will work to integrate with the City's organizational change management resources. The City is operating under the following assumptions:
  - The City will continue contracting with Prosci who will lead and develop a multi-phased plan to implement changes successfully.
  - The City will need to resource an internal Change Management Lead (.50 FTE) who will execute the plan and act as a liaison between Prosci, City, and Tyler's team.

#### Software Licensing (\$1.34M or \$670K annually)

Tyler's software offer includes the configuration and go-live of the following components:

- Enterprise Permitting & Licensing Core Software
  - *Enterprise Permitting & Licensing Foundation*: Acts as a central hub to the different suites GIS, civic access, dashboards, cashiering, all configuration tools, report toolkit, and standard reports.
  - Business Management Suite: Provides functionality such as electronic license requests, automated routing, and responses. The suite manages licensing types, including business contractors, environmental, alcohol, and marijuana. It provides tools for revenue collection, business tax management, and regulated services. The suite will be able to provide GIS capabilities to track business locations and visualize business distribution within the city.
  - Community Development Suite: Platform that manages all aspects of the City's planning, permitting, and development processes. Integrates with the Business Management Suite for streamlined operation i.e., centralized property information, centralized contacts, and centralized Dashboards across the suites.
  - Rental Management Module: The rental management module is a part of the business management suite. The rental management module allows management and tracking of landlords, license properties for operations, track and monitor life safety components such as fire inspections, health, or code enforcement related activities against the landlord or the property. In addition, the rental management module can track multiple units to one landlord. Or multiple units in the same dwelling. The module has its own Hub feeds, integrates with GIS, civic access, mobile apps, and other central components.
- Enterprise Permitting & Licensing Extensions (extensions that add functionality to core software)
  - *eReviews:* This is required to facilitate the City's electronic plan review process. This component
    of the system manages the routing, distribution, versioning, and integration into either DigEplan or
    Bluebeam.
  - **Decision Engine:** A digital permit guide that seamlessly integrates with Tyler's Enterprise Permitting & Licensing software to navigate applicants through the development entitlement,

permitting, and licensing application and approval processes. Through a simple interface, applicants can navigate through a series of questions or selections to arrive at the appropriate permitting or licensing task, whether it's applying, renewing, paying, requesting a meeting or inspection, or just providing more information.

- Enterprise Permitting & Licensing Civic Access Payment Toolkit: This allows the City to take online payments through Civic Access.
- **Enterprise Permitting & Licensing Document Management API Connector:** This allows the City to plug our existing Laserfiche application into the overall solution so that documents can be passed into our permanent records when completed.
- *Enterprise API Connector w/ Selectron:* Allows contractors to call in and schedule appointments from an automated system.
- SSRS Reporting Access: This is access to the Vendor's data dictionary + data redundancy for inhouse reporting needs.

#### **Selected Optional Components**

- Enterprise Permitting & Licensing Extension
  - Citizen Connect Community Development: Allows the community to monitor development locations and trends through an interactive map and set up notifications if a project is created within a customizable search area. This tool is intended to enhance transparency into the development review and permitting process for everyone in the community.
- Integrated Plan Review
  - DigEplan Pro: Allows all reviewers to use a centralized toolset for the collaboration, review, and markup of plans. This tool is seen as a 'game changer' by City Building Services staff due to the system's ability to allow slip-sheeting, overlay from previous rounds of review, and ability to select multiple sheets from separate rounds of review to create one final 'approval' plan set that can be stamped and signed by the plan review department.
  - These tools will streamline communication between staff and applicants, enable customers to independently update their project plans without having to reprocess entire plan sets, and significantly reduce the review process and project backlogs for building permit plan review and development review staff.

#### **Organizational Change Management (\$386K)**

The City has not made organizational change management (OCM) standard practice in project implementation and therefore was not reflected in the original appropriation request for this project. Through the challenges of the Utilities Customer Information System project and additional work during strategy development for this project, the City recognizes the importance of this methodology in ensuring successful outcomes

OCM is a structured approach to helping individuals, teams, and organizations adopt change successfully. It involves planning, communicating, engaging stakeholders, providing training, and monitoring progress to minimize disruption and maximize benefits. The goals of OCM are to understand the impacts and scope of change, ensure adoption and usage, and increase employee understanding and engagement throughout the project. OCM increases the likelihood of successful outcomes.

Enterprise OCM is being proposed as part of the baseline offering from the Vendor, however, it does not provide the level of support and resourcing that is anticipated for this project. As part of this agenda item,

staff are recommending a .5 FTE Change Management Lead (internal City resource), and services provided by Prosci for a Change Advisor and team.

Below is a diagram of how OCM will be resourced and anticipated responsibilities of each party.

Prosci Change Management Advisor	<ul> <li>Will train City of Fort Collins staff on change management.</li> <li>Develop toolsets for sponsor messaging, process change tracking, resistance management, and after-action review.</li> </ul>
Vendor Change Management Lead	<ul> <li>Provide toolsets</li> <li>Provide project support for 3-days during project kick-off</li> <li>1-day a week check-in with project team</li> <li>Provide support for 3-days during project 'go-live'</li> </ul>
City of Fort Collins Change Management Lead	•Act as a liasion between the vendor change management lead and City.

#### Third Party Professional Services (\$864K)

Hiring a third party project implementer with specific expertise with migrations from Accela to Tyler Technologies will backfill gaps in system knowledge that City staff does not currently possess, ensure that the project stays on schedule and within scope, configuration, follow's industry best practices, and hold the Tyler Technologies accountable with the technical deliverables of the project, with the project's configuration, hold the Tyler Technologies responsible, mitigate risks, prevent scope creep, and ensure timely delivery of the system.

Staff assume a 20% contingency on this item bringing the requested total to \$864k and is noted in the table below.

#### City Staff Backfill for 19-month Implementation Period (\$721K)

A key finding of the Info-Tech Report highlights the importance of resourcing and staff bandwidth. Insufficiently addressing this aspect of the project poses a significant risk to its success.

The proposed backfill strategy aims to provide departments with the necessary resources to support their anticipated project involvement. A contractual entry-level position is suggested to help alleviate the day-today workload of functional team members from Code Compliance, Permitting, Development Review, and other departments as assigned. Several other leadership positions will be needed from internal City Staff which include a part time project manager, communications lead and change management lead.

In addition, Human Resources has estimated "Supplement Pay" for departments that will have short-term involvement in the project beyond their regular duties. As part of internal backfill, staff is also requesting funding for 24-months as a contingency should timelines slip during implementation.

#### **Summarized Estimated Costs**

Item	Implementation Cost
Strategy Roadmap & Procurement Process	\$475,106
Tyler Technologies SaaS Implementation Professional Services	\$2,522,040*
Software Licensing through Implementation	\$1,342,912
City backfill for the two-year implementation period (4 FTE) <ul> <li>Business Support I</li> <li>Business Support I</li> <li>Building Technician I</li> <li>Development Review Coordinator I</li> </ul>	\$539,532*
City, Change Management Lead .50 FTE	\$67,500 *
City, Communications Lead .25 FTE	\$47,000*
City, Project Manager .50 FTE	\$67,000*
<ul> <li>Third Party Implementation Professional Services</li> <li>Project Manager</li> <li>Integration Developer</li> <li>Training Manager</li> <li>Test Manager</li> <li>Business Process Analyst</li> </ul>	\$864,000*
<ul> <li>Prosci Change Management Professional Services</li> <li>Phase 1 - \$110,200</li> <li>Phase 2 - \$106,000</li> <li>Phase 3 - \$106,000</li> </ul>	\$386,640*
Total Estimated Project Cost	\$6,311,730
Previously Appropriated Funds (including ARPA funds)	\$2,269,419
Supplemental Appropriation Request:	\$4,042,311

\*Items assume a 20% contingency. For FTE items, contingency is represented by assuming a 24month implementation period as compared to the estimated 19- month planned implementation period.

#### **CITY FINANCIAL IMPACTS**

The financial impact of implementing a new software system involves both upfront costs over the estimated 19-month implementation period and subsequent ongoing expenses. Initial investments include the software license, professional services, and internal staffing backfill/support. After the first two years, there will be fixed annual subscription costs for a 3-year period which will then increase at an anticipated 3% rate annually starting year 6.

This supplemental appropriation will transfer all previously appropriated 2024 revenue and expense budgets and their corresponding actuals from a lapsing business unit into the new, non-lapsing business unit.

Previously Appropriated Funds	Amount
Data & Communications Fund Reserve – 2023/2024 BFO (reserve generated by prior system fee)	\$700,000
General Fund Reserves – 2023/2024 BFO	\$1,395,206
Change Management Funds	\$40,000
Total Previously Appropriated Funds (to be transferred)	\$2,135,206
Suggested Funds to be Appropriated	Amount
General Fund Reserves	\$1,400,000
Light and Power Fund Unanticipated Revenue	\$559,148
Water Fund Unanticipated Revenue	\$120,012
Wastewater Fund Unanticipated Revenue	\$369,392
Stormwater Unanticipated Revenue	\$251,448
Transportation Fund Reserves	\$942,311
Capital Expansion Fees Unanticipated Revenue (CEF Administrative Allowance)	\$400,000
Total Funds to be Appropriated With this Action	\$4,042,311
ARPA Funds (previously appropriated, now dedicated to this project)	\$129,419
General Fund Reserves (previously appropriated & spent in 2023)	\$4,794
Total Estimated Project Cost	\$6,311,730

\*These sources are comprised of multiple funding streams that fall within the category. The exact breakdown within categories is still to be decided.

Tyler Technologies also offers managed professional services for on-going system support that will require additional consideration from City IT Leadership. This is an optional cost and could mitigate the need for hiring additional personnel for ongoing maintenance and servicing of the software.

#### System Funding for Ongoing Subscription Costs

The system will require a yearly subscription cost which is estimated to be approximately \$700k for the first five years. At the conclusion of five years, a yearly inflationary rate of 3% will be applied. At this time, subscription cost is estimated to \$700K as there are Tyler support add-ons that could increase prices by approximately \$200k. The necessity of these add-ons continues to be evaluated. The ongoing subscription cost is anticipated to be managed in one or two ways:

- Reinstatement of a 1.5% fee on all eligible transactions for system payment. There is historical precedence for this fee as it has been previously assessed to pay for the existing legacy system. The exact percentage of the fee could be adjusted to meet and not exceed cost recovery. Certain items such as capital expansion fees would not be subject to the fee due to concerns surrounding the legality of capital expansion fee usage.
- 2. A model that assigns cost based on system usage. The two implementation years will allow for further development of a suggested methodology.

In both scenarios, it is anticipated that at a minimum the General Fund, Utilities Funds, & the Transportation Fund would contribute to ongoing subscription costs.

As part of the scope of the project, the system is anticipated to fold in departments who have had a limited use case under the existing legacy system. The scope identified providing functionality to the following user groups:

- Environmental Services
- Community Development and Neighborhood Services
- Poudre Fire Authority
- Engineering
- Utilities
- City Clerk's Office

Item 6.

- City Manager's Office
- Natural Areas
- Parks
- Information Technology
- External Agencies

Tyler Technologies will bring expertise and experience to the project. The documented business processes will serve as the basis for testing, training, and future process improvements.

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

At Council Finance Committee's November 6, 2024, regular meeting, this item was discussed and was recommended to proceed to Council for appropriation.

#### PUBLIC OUTREACH

Over the years, the City has conducted numerous surveys centered around external customer experience with the development review process and most recently, the evaluation of our Current State of Customer Service that is being led by the City Manager's Office.

#### **Development Review Public Outreach**

The Development Review Group has conducted numerous surveys that have consistently identified pain points in our development review process. These surveys revealed that staff struggled to keep pace with the administrative demands of reviewing development projects, and inefficient tools further contributed to lower-than-expected satisfaction within the development community.

Since the introduction of Development Review Coordinators in 2018, a significant administrative gap has been filled. However, several key pain points exist, which include:

- Excessive Review Cycles and Subjective Reviews Respondents frequently cited too many rounds of review, overly lengthy processes.
- Ineffective Meetings: Poorly organized and unproductive meetings wasted valuable time and resources.
- Need for a Simplified Process for Small Projects: Respondents suggested streamlining the review process for smaller projects to reduce administrative burdens.
- Limited Electronic Options: A lack of robust online tools hindered efficiency and user experience.

This project is anticipated to help re-engineer processes, streamline tasks, and introduce more automated workflows to significantly reduce the administrative burden on staff, and free up time to focus on critical discussions with our community. We also anticipate greater emphasis on self-serve workflows and tools for customers which will save time, walk customers through the process, and identify the status of their project without exchanging emails or calls with staff. Below is a high-level summary of the most recent surveys and studies completed.

2016: Development Review Survey	2017: Cumbo Report and Development Review Study	2022: Development Review Focus Areas, Goals, and Performance Measurements	2023: Development Review Process Survey
Key Results – General satisfaction – Developers more satisfied than community members	Challenges – Volume and Complexity of Developments – Shortage of staff – Conflicting codes	Focus Areas: Culture & Leadership, Organizational Structure & Staff, Process Improvement, Technology, Standards & Code	Goals – Evaluate the state of and improvements in the Development Review process since 2017
<ul> <li>Developers perceive process as too slow</li> </ul>	Strengths – Excellent, hard-working staff Key Issues for Improvement – Technical Processes – Organizational culture	<b>Goals:</b> Efficiency, Effectiveness, User Experience, Alignment, and Importance	<ul> <li>Develop materials to communicate the state of and improvements in the state of Fort Collins' development review process</li> </ul>

#### **Current State of Customer Service**

The current state of customer service report gathered information from 43 participants from departments such as finance, utilities, community services, police services, planning, development, and transportation. The implementation of this project aims to align the City's objectives by modernizing our technology, providing a standardized level of service to customers, unifying the customer experience, and breaking down departmental silos that impede collaboration.

#### **Future Communications Plan**

As part of this appropriation request, staff proposes to fund a communication lead who will develop a communications plan that will include a public outreach component. A significant shift in how customers interact with the City is anticipated, requiring a clear and concise communication strategy to inform residents and businesses about these changes. This strategy will include a variety of channels, such as the City's website, social media, email newsletters, and traditional media outlets. Additionally, public meetings and training workshops may be held to provide opportunities for direct feedback and input from the community.

#### **ATTACHMENTS**

First Reading attachments not included.

1. Ordinance for Consideration

#### ORDINANCE NO. 179, 2024 OF THE COUNCIL OF THE CITY OF FORT COLLINS MAKING SUPPLEMENTAL APPROPRIATIONS OF PRIOR YEAR RESERVES AND UNANTICIPATED REVENUE AND AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE LICENSING PERMITTING AND CODE ENFORCEMENT SYSTEM

A. City Council authorized expenditures in the 2023/2024 City Budget for the implementation and modernization of a new licensing, permitting, and code enforcement (LPCE) system. This authorization and funding were part of the 'Digital Transformation' initiative.

B. The City's Digital Transformation initiative seeks to leverage new technologies to enable new or modify existing business processes, culture, and customer experiences to meet changing market and business requirements.

C. The City's current on-premise LPCE system will reach end-of-life at the end of 2025. This existing system requires either a significant upgrade to a cloud-based version of the system or conversion to a new system.

D. The City envisions this new LPCE system as a transformational project that will set the stage for the next 10-20 years on how the City provides services to its business and development community.

E. This appropriation request will provide the anticipated funding needed for software deployment, testing, training, temporary staffing backfill and organizational change management.

F. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of modernizing current business practices, improving efficiency, reducing errors, enhancing the customer experience, and saving both staff and customer time.

G. 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.

H. The City Manager has recommended the appropriation described herein and determined that these appropriations are available and previously unappropriated from the Light and Power Fund and the Water Fund and the Wastewater Fund, and the Stormwater Fund and the Capital Expansion Fee Fund as applicable, and will not cause the total amount appropriated in the Light and Power Fund, the Water Fund or the Wastewater Fund, the Stormwater Fund, the Capital Expansion Fee Fund as applicable, to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during this fiscal year.

I. 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.

J. The City Manager has recommended the appropriations described herein and determined that these appropriations are available and previously unappropriated from the General Fund and the Transportation Services Fund as applicable, and will not cause the total amount appropriated in the General Fund, the Transportation Services Fund as applicable, to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during this fiscal year.

K. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

L. The City Manager has recommended the transfer of \$559,148 from the Light and Power Fund; \$120,012 from Water Fund; \$369,392 from the Wastewater Fund; \$251,448 from the Stormwater Fund; \$942,311 From the Transportation Fund; \$400,000 From the Capital Expansion Fee Fund to the General Fund and \$2,135,206 from General Fund Operating Budget to General Fund Project Budget and determined that the purpose for which the transferred funds are to be expended remains unchanged.

M. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for ta capital project, so that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the completion of the Licensing Permitting and Code Enforcement System Project. The City's Financial Officer has determined that the Licensing Permitting and Code Enforcement System Project is a capital project to which the non-lapsing exception under Article V, Section 11 of the City Charter applies

N. The City Council wishes to designate the appropriation herein for Licensing Permitting and Code Enforcement System Project as an appropriation that shall not lapse until the completion of the Licensing Permitting and Code Enforcement System Project. In light of the foregoing Recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds in the Light and Power Fund the sum of FIVE HUNDRED FIFTY-NINE THOUSAND ONE HUNDRED FORTY-EIGHT DOLLARS (\$559,148) to be expended in the Light and Power Fund for transfer to the General Fund for the Licensing Permitting and Code Enforcement System Project.

Section 2. There is hereby appropriated from new revenue or other funds in the Water Fund the sum of ONE HUNDRED TWENTY THOUSAND TWELVE DOLLARS (\$120,012) to be expended in the Water Fund for transfer to the General Fund for the Licensing Permitting and Code Enforcement System Project.

Section 3. There is hereby appropriated from new revenue or other funds in the Wastewater Fund the sum of THREE HUNDRED SIXTY-NINE THREE HUNDRED NINETY-TWO DOLLARS (\$369,392) to be expended in the Wastewater Fund for transfer to the General Fund for the Licensing Permitting and Code Enforcement System Project.

Section 4. There is hereby appropriated from new revenue or other funds in the Stormwater Fund the sum of TWO HUNDRED FIFTY-ONE THOUSAND FOUR HUNDRED FORTY-EIGHT DOLLARS (\$251,448) to be expended in the Stormwater Fund for transfer to the General Fund for the Licensing Permitting and Code Enforcement System Project.

Section 5. There is hereby appropriated from new revenue or other funds in the Capital Expansion Fee Fund the sum of FOUR HUNDRED THOUSAND DOLLARS (\$400,000)] to be expended in the Capital Expansion Fee Fund for transfer to the General Fund for the Licensing Permitting and Code Enforcement System Project.

Section 6. There is hereby appropriated from prior year reserves in the General Fund the sum of ONE MILLION FOUR HUNDRED THOUSAND DOLLARS: (\$1,400,000) to be expended in the General Fund for the Licensing Permitting and Code Enforcement System Project.

Section 7. There is hereby appropriated from prior year reserves in the Transportation Services Fund the sum of NINE HUNDRED FORTY-TWO THOUSAND THREE HUNDRED ELEVEN (\$942,311)] to be expended in the Transportation Services Fund for transfer to the General Fund for the Licensing Permitting and Code Enforcement System Project.

Section 8. The unexpended and unencumbered appropriated amount of TWO MILLION ONE HUNDRED THIRTY-FIVE THOUSAND TWO HUNDRED SIX DOLLARS (\$2,135,206) is authorized for transfer from the General Fund Operating Budget to the General Fund Licensing Permitting and Code Enforcement System Project Budget and

appropriated therein to be expended for Licensing Permitting and Code Enforcement System Project.

Section 9. The appropriation herein for Licensing Permitting and Code Enforcement System Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the project.

Introduced, considered favorably on first reading on December 3, 2024, and approved on second reading for final passage on December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 27, 2024 Approving Attorney: Sara Arfmann

#### File Attachments for Item:

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

A. Second Reading of Ordinance No. 180, 2024, Amending Section 17-1 of the Code of the City of Fort Collins to Add Definitions of "Deadly Weapon" and "Firearm".

B. Second Reading of Ordinance No. 181, 2024, Amending Section 17-124(3) of the Code of the City of Fort Collins to Comport with State Law Regarding Disorderly Conduct.

C. Second Reading of Ordinance No. 182, 2024, Amending Section 17-126(a)(4) of the Code of the City of Fort Collins to Remove the Phrase "Intended to Harass" and Amend "He or She" to "Them".

This Ordinance, unanimously adopted on First Reading on December 3, 2024, updates the City Code in order to align with State statute and recent case law.

## AGENDA ITEM SUMMARY City Council



#### STAFF

Jeremy Yonce, Lieutenant, Police Services Professional Standards

#### SUBJECT

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

#### **EXECUTIVE SUMMARY**

A. Second Reading of Ordinance No. 180, 2024, Amending Section 17-1 of the Code of the City of Fort Collins to Add Definitions of "Deadly Weapon" and "Firearm".

B. Second Reading of Ordinance No. 181, 2024, Amending Section 17-124(3) of the Code of the City of Fort Collins to Comport with State Law Regarding Disorderly Conduct.

C. Second Reading of Ordinance No. 182, 2024, Amending Section 17-126(a)(4) of the Code of the City of Fort Collins to Remove the Phrase "Intended to Harass" and Amend "He or She" to "Them".

This Ordinance, unanimously adopted on First Reading on December 3, 2024, updates the City Code in order to align with State statute and recent case law.

#### **STAFF RECOMMENDATION**

Staff recommends adoption of these Ordinances on the Second Reading.

#### FIRST READING BACKGROUND / DISCUSSION

The purpose of the proposed City Code amendments is to update outdate Code provisions involving criminal violations. These updates are based on state statutory changes and case law related rulings.

#### **Deadly Weapon and Firearm Definitions**

Current City Code does not define "deadly weapon" or "firearm", although both "deadly weapon" and "firearm" are used in various places throughout the Code such as Assault contained in City Code Section 17-21 and Disorderly Conduct contained in Section 17-124. State statutes define both "deadly weapon" and "firearm". The proposed Code amendment would adopt the state definition of "deadly weapon" and "firearm" which will provide clarity and allow for a more fair and equitable application of the law in Municipal Court.

#### **Disorderly Conduct and Simulated Firearm**

The state statute of Disorderly Conduct, Colorado Revised Statutes Section18-9-106(1)(f), was amended to in 2021, effective March 1, 2022. The state law now defines disorderly conduct as conduct to include the use of a simulated firearm. Currently the analogous City Code Section 17-124(3) does not contain the simulated firearm language. This Code update would adopt the same language to comport with state law for Disorderly Conduct offenses. There have been incidents that occurred in the City where a party was not held accountable under City Code Section 17-124(3) because the weapon used involved a simulated firearm not an actual firearm.

#### **Harassment**

On March 28, 2022, the Colorado Supreme Court issued an opinion in *People v. Moreno*, 506 P.3d 849 (Colo. 2022), that found the phrase "intended to harass" in Colorado Revised Statutes Section 18-9-111(1)(e), was overbroad and unconstitutional. Currently City Code Section 17-126(a)(4) includes the phrase "intended to harass". This change would remove the phrase "intended to harass". Additionally, the current Code provision also uses "he or she". To be inclusive, it is proposed to change the language to "them".

#### **CITY FINANCIAL IMPACTS**

None.

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

None.

#### PUBLIC OUTREACH

None.

#### **ATTACHMENTS**

- 1. Ordinance A for Consideration
- 2. Ordinance B for Consideration
- 3. Ordinance C for Consideration

#### ORDINANCE NO. 180, 2024 OF THE COUNCIL OF THE CITY OF FORT COLLINS AMENDING SECTION 17-1 OF THE CODE OF THE CITY OF FORT COLLINS TO ADD DEFINITIONS OF "DEADLY WEAPON" AND "FIREARM"

A. The purpose of the proposed City Code Section 1-17 amendment is to add additional definitions that pertain to various criminal code violations. This update is based on state statutory definitions and will help provide clarity and allow for a more fair and equitable application of the law in Municipal Court.

B. The current City Code does not define "deadly weapon" or "firearm", although both "deadly weapon" and "firearm" are used in various places throughout the Code such as Assault contained in City Code Section 17-21 and Disorderly Conduct contained in City Code Section 17-124.

C. State statutes define both "deadly weapon" and "firearm". The proposed Code amendment would adopt the state definition of "deadly weapon" and "firearm" and add those definitions to City Code Section 1-17.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 17-1 of the Code of the City of Fort Collins is hereby amended to add definitions of "deadly weapon" and "firearm", to read as follows:

#### Sec. 17-1. - Definitions.

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

*"Deadly weapon"* shall mean:

(1) A firearm, whether loaded or unloaded; or

(2) A knife, bludgeon, or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.

• • •

*"Firearm"* shall mean any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges.

Introduced, considered favorably on first reading on December 3, 2024, and approved on second reading for final passage on the December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 27, 2024 Approving Attorney: Alyssa Bamonti

#### ORDINANCE NO. 181, 2024 OF THE COUNCIL OF THE CITY OF FORT COLLINS AMENDING SECTION 17-124(3) OF THE CODE OF THE CITY OF FORT COLLINS TO COMPORT WITH STATE LAW REGARDING DISORDERLY CONDUCT

A. In 2021, the state statute for the offense of Disorderly Conduct, Colorado Revised Statute Section 18-9-106(1)(f), was amended to update the language and include reference to the use of a simulated firearm, effective March 1, 2022.

B. Currently the analogous City Code Section 17-124(3) does not contain the simulated firearm language. This Code update would adopt the same language to comport with state law for Disorderly Conduct offenses.

C. There have been factual situations in the City where a party was not held accountable under City Code Section 17-124(3) Disorderly Conduct because the firearm used was simulated firearm instead of a real firearm, however it caused the same alarm to the victim as a real firearm.

D. Amending this Code section to track state law will help provide clarity and allow for a more fair and equitable application of the law in Municipal Court.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 17-124(3) of the Code of the City of Fort Collins is hereby amended to read as follows.

#### Sec. 17-124. - Disorderly conduct.

It is unlawful for any person to intentionally, knowingly or recklessly:

. . .

(3) Not being a peace officer, displays a real or simulated firearm, displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a firearm, or represents verbally or otherwise that they are armed with a firearm in a public place in a manner calculated to alarm and does alarm another person;

Introduced, considered favorably on first reading on December 3, 2024, and approved on second reading for final passage on the December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 27, 2024 Approving Attorney: Alyssa Bamonti

#### ORDINANCE NO. 182, 2024 OF THE COUNCIL OF THE CITY OF FORT COLLINS AMENDING SECTION 17-126 OF THE CODE OF THE CITY OF FORT COLLINS TO REMOVE THE PHRASE "INTENDED TO HARASS" AND TO AMEND "HE OR SHE" TO "THEM"

A. On March 28, 2022, the Colorado Supreme Court issued an opinion in *People v. Moreno*, 506 P.3d 849 (Colo. 2022), that found that the phrase "intended to harass" in Colorado Revised Statutes Section 18-9-111(1)(e), was overbroad and unconstitutional.

B. Currently the analogous City Code Section 17-126(a)(4) includes the same phrase "intended to harass" which is identical language to the portion of the state statute deemed unconstitutional.

C. This Code amendment is only necessary for the crime of harassment contained in City Code Section 17-126(a)(4); therefore no other subsections of Section 17-126 or other sections of City Code are impacted.

D. Additionally, the current Code section uses "he or she". To be inclusive, it is proposed to change the language to "them" or "they".

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 17-126 of the Code of the City of Fort Collins is hereby amended to read as follows:

#### Sec. 17-126. - Harassment.

(a) A person commits harassment if, with intent to harass, annoy or alarm another person, they:

(1) Strike, shove, kick or otherwise touch a person or subject them to physical contact; or

(2) In a public place direct obscene language or make an obscene gesture to or at another person; or

(3) Follow a person in or about a public place; or

(4) Initiate communication with a person, anonymously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network or computer system in a manner intended to threaten bodily injury or property damage, or make any comment, request, suggestion or

proposal by telephone, computer, computer network or computer system which is obscene; or

(5) Make a telephone call or cause a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or

(6) Make repeated communications at inconvenient hours that invade the privacy or another and interfere in the use and enjoyment of another's home or private residence or other private property; or

(7) Repeatedly insult, taunt or challenge another in a manner likely to provoke a violent or disorderly response.

. . .

Introduced, considered favorably on first reading on December 3, 2024, and approved on second reading for final passage on the December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 27, 2024 Approving Attorney: Alyssa Bamonti File Attachments for Item:

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

This Ordinance, unanimously adopted on First Reading on December 3, 2024, declares 0.141 acres (the "ROW Parcel"), more or less, being a portion of City property presently known as Schoolside Park as public right of way for South Timberline Road and related improvements, including public utilities, pedestrian, transit, and bicycle access and improvements, and landscaping.

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

#### December 17, 2024

# AGENDA ITEM SUMMARY





#### STAFF

Jonathan Piefer, Senior Real Estate Specialist Jennifer Torrey, Park Planning and Development Lead Specialist Mark Laken, Civil Engineer II

#### SUBJECT

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

#### **EXECUTIVE SUMMARY**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, declares 0.141 acres (the "ROW Parcel"), more or less, being a portion of City property presently known as Schoolside Park as public right of way for South Timberline Road and related improvements, including public utilities, pedestrian, transit, and bicycle access and improvements, and landscaping.

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

#### **STAFF RECOMMENDATION**

Staff recommends adoption of the Ordinance on Second Reading.

#### FIRST READING BACKGROUND / DISCUSSION

Schoolside Park is comprised of 5.438 acres, more or less, being all of Lot 1 of the Lehman-Timberline Minor Land Division, as depicted in that certain Plat recorded June 19, 2013, at Reception No. 20130046276, Clerk and Recorder's Records, Larimer County, Colorado. The land was originally conveyed to the City by Lehman Farm, LLC, in that certain General Warranty Deed dated November 4, 2013, recorded at Reception No. 20130083813, Clerk and Recorder's Records, Larimer County, Colorado. The land is currently managed by the City's Parks Department.

The City plans to start construction for Schoolside Park in the Spring of 2025, and planned park features include seating, passive and active recreational spaces, walking paths, natural spaces, a playground, a basketball court, a rectangular field, picnic areas, and an outdoor event space.

During the Development Review process, it was discovered that the ROW Parcel was part of the Timberline Road Widening Project (the "Project") and should be declared as public right of way because construction of a sidewalk and related improvements on the ROW Parcel has already been completed by the City.

The project team worked closely with the Parks Department during the design and construction of Une Project. Accordingly, no trees were impacted or replaced during the Project, and any damaged surface areas have been restored in accordance with City plans, specifications, and requirements.

City Staff intends to record the Ordinance associated with this agenda item pursuant to Section 23-111(a) of the City Code because converting a piece of property owned by the City in fee simple to right of way is tantamount to a conveyance of an interest in the property, which requires City Council action.

There was no compensation required from Parks for the Project because the Parks Department and/or the Engineering Department have covered the costs associated with improvements installed along Timberline Road. This funding supports enhancements to public access, landscaping, and overall usability, aligning with Parks' commitment to community-focused improvements and infrastructure development.

#### **CITY FINANCIAL IMPACTS**

There are no material financial impacts to the City.

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

Approval or review by the Parks and Recreation Board is not required. Council adopted the 2021 Parks and Recreation Master Plan, which identifies the development of Schoolside Park.

#### PUBLIC OUTREACH

The 2021 Parks and Recreation Master Plan included numerous public meetings and significant outreach efforts.

#### ATTACHMENTS

First Reading attachments not included.

- 1. Ordinance for Consideration
- 2. Exhibit A to Ordinance

#### ORDINANCE NO. 183, 2024 OF THE COUNCIL OF THE CITY OF FORT COLLINS DECLARING A PORTION OF CITY-OWNED PROPERTY AT SCHOOLSIDE PARK AS PUBLIC RIGHT-OF-WAY

A. The City owns a parcel of property near Bacon Elementary School known as Schoolside Park (the "Property"). The Property is approximately 5.438 acres in size.

B. The City plans to start construction of Schoolside Park in 2025.

C. During the Development Review process for Schoolside Park, the City discovered that a 0.141 acre portion of the Property (the "ROW Parcel") was part of the Timberline Road Widening Project and should be declared as public right-of-way because construction of a sidewalk and related improvements on the ROW Parcel have already been completed by the City. The ROW Parcel is more specifically described on Exhibit "A", which is attached hereto and incorporated herein by this reference.

D. In order to establish a public record that the ROW Parcel is intended for use by the City as right-of-way for a public roadway and related improvements, including public utilities, pedestrian, transit and bicycle access and improvements, landscaping, and such other related purposes as may now or in the future be determined appropriate, staff recommends that the City Council declare the ROW Parcel to be right-of-way.

E. Converting a piece of property owned by the City in fee simple to right-ofway constitutes a conveyance of an interest in the property, as doing so creates certain public rights in the property that would not otherwise exist on City-owned property.

F. Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interests in real property owned by the City, provided the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby declares that the real property described on Exhibit "A" shall constitute right-of-way for South Timberline Road and related improvements, including for public utilities, pedestrian, transit and bicycle access and improvements, landscaping, and such other related purposes as may now or in the future be determined appropriate, and hereby finds that such declaration is in the best interests of the City.

Section 2. The City Clerk shall cause this Ordinance to be recorded in the real property records of the Larimer County Clerk and Recorder's office once the Ordinance becomes effective.

Introduced, considered favorably on first reading on December 3, 2024, and approved on second reading for final passage on December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 27, 2024 Approving Attorney: Ted Hewitt

#### EXHIBIT A TO ORDINANCE NO. 183, 2024

#### Legal Description and Depiction (Page 1 of 2) DESCRIPTION OF PROPERTY OWNED BY THE CITY OF FORT COLLINS TO BE DECLARED AS RIGHT OF WAY

A TRACT OF LAND TO BE DECLARED AS RIGHT OF WAY, LOCATED IN THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE SIXTH P.M.; CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO; BEING A PORTION OF LOT 1, LEHMAN-TIMBERLINE MINOR LAND DIVISION AS SHOWN ON THE PLAT THEREOF, RECORDED JUNE 19, 2013 AT RECEPTION NO. 20130046276 IN THE OFFICE OF THE LARIMER COUNTY CLERK AND RECORDER; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/16TH CORNER OF SECTIONS 7 AND 8, AND CONSIDERING THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 8 TO BEAR S0°00'47"E, SAID LINE BEING MONUMENTED ON BOTH ENDS BY A 3-1/4" ALUMINUM CAP STAMPED LS 34995, BASED UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 8, N89°38'45"E, A DISTANCE OF 49.91 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, ALSO BEING THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID NORTH LINE, N89°38'45"E, A DISTANCE OF 10.00 FEET;

THENCE S00°00'47"E, A DISTANCE OF 432.01 FEET;

THENCE S07°59'57"E, A DISTANCE OF 105.04 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID LOT 1;

THENCE ALONG SAID SOUTHERLY BOUNDARY, S89°43'35"W, A DISTANCE OF 24.59 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE ALONG THE WESTERLY BOUNDARY OF SAID LOT 1, N00°00'47"W, A DISTANCE OF 536.08 FEET TO THE **POINT OF BEGINNING**.

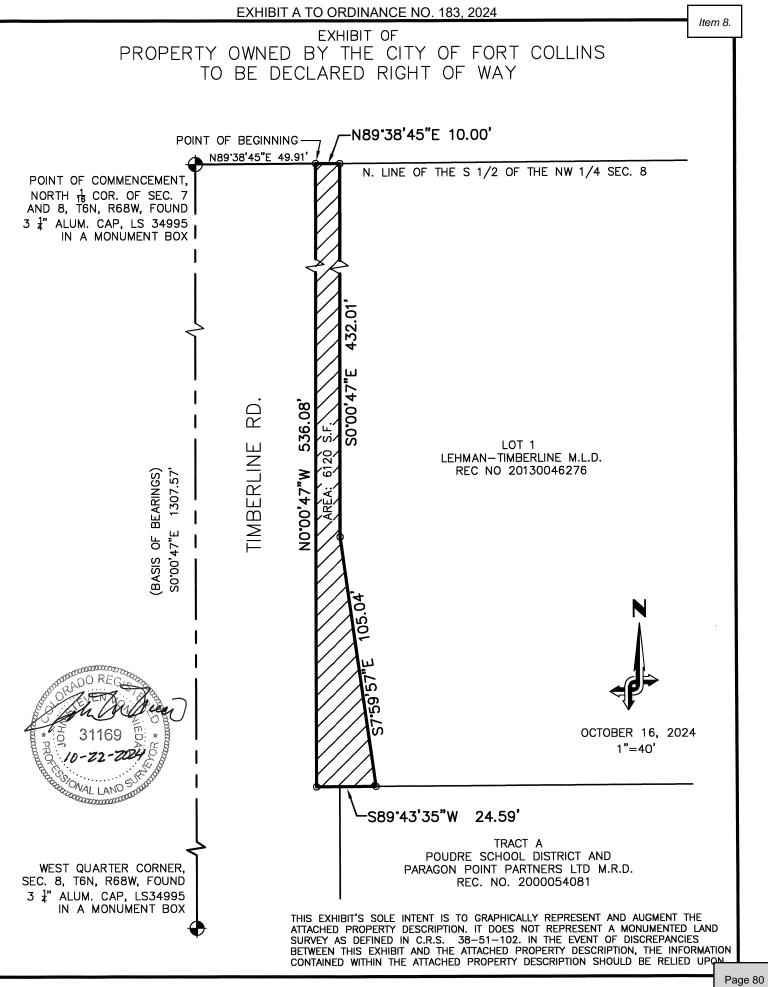
CONTAINING 6,120 SQUARE FEET (0.141 ACRES), MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD OR THAT NOW EXIST ON THE GROUND.

I HEREBY STATE THAT THE ABOVE DESCRIPTION WAS PREPARED BY ME AND IS TRUE AND CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, BELIEF, AND OPINION.

JOHN STEVEN VON NIEDA, COLORADO P.L.S. 31169 FOR AND ON BEHALF OF THE CITY OF FORT COLLINS P.O. BOX 580, FORT COLLINS, CO 80522

S:\Parks & Recreation\Bacon Park\Legals\Bacon Pk ROW.docx





File Attachments for Item:

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

This Ordinance, unanimously adopted on First Reading on December 3, 2024, seeks authorization to approve the conveyance of a permanent waterline easement to Fort Collins-Loveland Water District (FCLWD) on 0.089 acres in the southwestern corner of Cathy Fromme Prairie Natural Area. FCLWD intends to construct a six million (6,000,000) gallon tank on Larimer County's landfill property and a 30" feeder waterline to increase reliability and resilience of FCLWD's existing facilities. The 30" waterline will run east from the new tank and connect in with an existing 36" waterline that runs north-south along Cathy Fromme's western boundary. The project has been processed through Fort Collins' 1041 permit procedures and was issued a Finding of No Significant Impact (FONSI).

# AGENDA ITEM SUMMARY City Council



#### STAFF

Katie Donahue, Natural Areas Director Julia Feder, Environmental Program Manager Tawnya Ernst, Land Conservation Lead Specialist Jonathan Piefer, Senior Real Estate Specialist

#### SUBJECT

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

#### **EXECUTIVE SUMMARY**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, seeks authorization to approve the conveyance of a permanent waterline easement to Fort Collins-Loveland Water District (FCLWD) on 0.089 acres in the southwestern corner of Cathy Fromme Prairie Natural Area. FCLWD intends to construct a six million (6,000,000) gallon tank on Larimer County's landfill property and a 30" feeder waterline to increase reliability and resilience of FCLWD's existing facilities. The 30" waterline will run east from the new tank and connect in with an existing 36" waterline that runs north-south along Cathy Fromme's western boundary. The project has been processed through Fort Collins' 1041 permit procedures and was issued a Finding of No Significant Impact (FONSI).

#### **STAFF RECOMMENDATION**

Staff recommends adoption of the Ordinance on Second Reading.

#### FIRST READING BACKGROUND / DISCUSSION

The 1,154-acre Cathy Fromme Prairie Natural Area is located south of Harmony Road and spans from Shields Street on the east to a half mile west of Taft Hill Road. The grassland habitat at Cathy Fromme supports a variety of plants and animals including horned lizards, ground-nesting songbirds, butterflies, rabbits, coyotes and rattlesnakes. The natural area was acquired in 12 transactions between 1993 and 2019. The proposed easement would cross the southwest corner of Cathy Fromme Prairie at the juncture of Taft Hill and Trilby Roads.

FCLWD (formed in 1961) serves 60,000+ residents in parts of Fort Collins, Loveland, Timnath, Windsor and unincorporated Larimer County. FCLWD obtains its water from North Poudre Irrigation Company, the Colorado-Big Thompson (C-BT) project, Josh Ames, Divide Canal and Reservoir Company and Windsor Reservoir Company.

Natural Areas staff were contacted in late 2023 about the potential request for a waterline easement. FCLWD informed staff of their need to construct a new treated water storage tank, just north of the existing

FCLWD Trilby 4-million (4,000,000) gallon water tank and an associated waterline. The proposed new tankwill be located on the County's landfill property, near the County's proposed Solid Waste Transfer Station, being approximately 0.9 miles northwest of the intersection of W Trilby Road and S Taft Hill Road. A 30" feeder waterline is proposed to be constructed from the new water tank and run south-eastward to connect with FCLWD's existing 36" waterline on Cathy Fromme Prairie (See Alternative B discussion below). The project will increase the reliability of FCLWD's existing facilities. Without this increased storage and waterline connectedness, FCLWD customers could experience reductions in their potable water reliability during unplanned events and emergencies.

FCLWD was issued a letter from Larimer County stating they were exempted from the County's 1041 process. However, since the project involves a significant extension of existing domestic water systems and impacts City-owned property, it triggered the City's new 1041 permit process. NAD staff reviewed documents submitted during the 1041 process and participated in an initial conversation with the applicant. In mid-September, the project was issued a FONSI.

FCLWD submitted the following alternative designs for consideration in both the Community Development and Neighborhood Services led 1041 process and the NAD easement application.

#### Alternative A

This alternative would occur within the road right-of-way. Due to the depth of the existing 36" waterline to which the proposed 30" waterline must connect, this excavation would likely exceed 15' in depth. In addition, groundwater is known to exist at this depth, further complicating the excavation and stabilization plans. This would result in a significant excavation footprint that would significantly impact the Trilby roadway, east of the Taft Hill intersection. This alternative also has significantly increased potential complications due to the congested nature of below-grade facilities (pipes, traffic signal communication and sensing loops, gas lines, fiber optic lines) at this intersection. Lastly, the complicated nature of this alternative would extend the construction window, and therefore extend and increase the risks and traffic control frustrations associated with the project. Deeper excavation and longer windows of construction in groundwater increase the risks associated with this alternative. This is compounded by any groundwater treatment that is required through CDPHE groundwater-dewatering and discharge permits if naturally occurring or landfill contaminants are encountered. Future repairs or replacement will replicate these impacts to residents and vehicular traffic. This will become increasingly important as area population grows, and roadway templates and traffic loads correspondingly increase.

#### Alternative B (Preferred)

Alternative B is preferred by City Staff and will be incorporated into the proposed Ordinance. This alternative would cross Cathy Fromme in the extreme southwest corner of the natural area at the Taft Hill and Trilby Road intersection. In this alternative, the new waterline would run east under Taft Hill Road, below a 60'-wide parcel owned by Larimer County and tie into the existing 30'-wide FCLWD waterline on Cathy Fromme. The existing waterline runs parallel to Taft Hill Road for approximately 2 miles. The proposed easement area would encompass 0.089 acres and would sandwich the existing FCLWD waterline with two nearly identical rectangle parcels (0.052 acres and 0.037 acres). Construction would be limited to connecting to the existing 36" waterline and digging a compact "trench box" for the drilling and boring equipment. The bore pit will be located entirely on County property and a trench (roughly 10' deep) will extend east to the existing waterline on Cathy Fromme.

#### Were other options analyzed/considered?

One alternative that was not submitted as a part of the final 1041 application would have crossed on the south side of Trilby Road impacting almost a half mile of Coyote Ridge Natural Area. This alternative was ruled out by FCLWD.

#### **Environmental Impact**

An ecological characteristics study was conducted (April-May 2024) within a 500' buffer of the Trilby and Taft Hill intersection. No federally listed or state-listed threatened or endangered species or their habitat were observed. Vegetative species are typical of previously disturbed and overgrazed areas and include introduced and native grass and herbaceous species, such as common mullein, field bindweed, cheatgrass, musk thistle, Canada thistle, aster, prickly poppy and smooth brome. No trees exist in the study area.

Black-tailed prairie dogs were observed. Since the affected prairie dog colony is less than one acre, no City permit or Colorado Parks and Wildlife permit would be required for prairie dog removal. Given the small size of the impact area (0.28 acre (including a portion of County-owned property) with a portion of that unsuitable for prairie dogs), the method of prairie dog removal for this alternative is fumigation. Approximately 3 burrows would be impacted.

The Colorado State Historical Preservation Office was consulted, and no recorded cultural resource sites or areas were identified within 0.5-mile of the study area.

Considering the preferred alternative (Alternative B), the overall impact to Cathy Fromme would be relatively minimal. Construction is anticipated to last approximately 6 weeks and is anticipated to be completed before March 31 to avoid impacts to foraging migratory birds. Temporary impacts are anticipated to be minor and limited to construction and revegetation activities. These impacts include surface water runoff during precipitation events, potential groundwater discharge during construction, prairie dog and avian habitat disruption, and revegetation of the area to ensure restoration of Cathy Fromme to its preconstruction condition. Staff have worked closely with FCLWD to draft a restoration plan. Ongoing impacts other than infrequent maintenance are not anticipated.

#### **CITY FINANCIAL IMPACTS**

Application fee	\$5,000
Mitigation Fee- \$3,000/ac. @ 0.089 acres (\$3,000 min.)	\$3,000
Easement fee - \$89,734/ac. x 0.089/ac. @ 50% of fair market value	\$4,000 (rounded)

The application fee and mitigation fee will be paid to the Natural Areas Department to support administrative costs and land conservation efforts. The mitigation fee is set in the easement policy and provides a cost per acre for mitigation with a minimum of one acre. FCLWD submitted an offer letter based on comparable sales with a value of \$4,000 for the permanent easement. Real Estate Services staff also completed a Comparative Market Analysis that supports FCLWD's offer and indicates that it is at the high end of the range.

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

At its November 13, 2024 meeting, the Land Conservation and Stewardship Board voted (6-1) to recommend that City Council approve the granting of a permanent water line easement to Fort Collins-Loveland Water District on Cathy Fromme Prairie Natural Area.

#### PUBLIC OUTREACH

Public outreach occurred during the City's 1041 process. As a part of this effort, Community Development and Neighborhood Services sent public notifications to 1,041 residents located within 1,000 feet of the disturbance area. Five public comments were received in response to the notifications. Additionally, the Planning Department posted a yellow sign in front of the development area to notify the general public. First Reading attachments not included.

- 1. Ordinance for Consideration
- 2. Exhibit A to Ordinance
- 3. Exhibit B to Ordinance

#### ORDINANCE NO. 184, 2024 OF THE COUNCIL OF THE CITY OF FORT COLLINS AUTHORIZING THE CONVEYANCE OF A PERMANENT WATERLINE EASEMENT ON CATHY FROMME PRAIRIE NATURAL AREA TO THE FORT COLLINS-LOVELAND WATER DISTRICT

A. The City owns Cathy Fromme Prairie Natural Area ("Cathy Fromme Prairie"), which is located south of Harmony Road and spans from Shields Street on the east to a half mile west of Taft Hill Road.

B. Fort Collins-Loveland Water District ("FCLWD") provides water to more than 60,000 residents in parts of Fort Collins, Loveland, Timnath, Windsor and unincorporated Larimer County. FCLWD seeks to construct a new treated water storage tank (the "Tank") south of Fort Collins to provide improved system reliability. To serve the Tank and connect it to an existing thirty-six inch waterline on Cathy Fromme Prairie, FCLWD proposes to construct a thirty-inch feeder waterline (the "Waterline") on Cathy Fromme Prairie. This would require the City to grant FCLWD an easement (the "Easement") over .089 acres of Cathy Fromme Prairie.

C. In accordance with the City's Natural Areas Easement policy, the City will charge FCLWD an application fee of \$5,000 and a mitigation fee of \$3,000. Additionally, the City will charge FCLWD an easement fee representing the fair market value for the right to the Easement, which is approximately \$4,000. A legal description of the Easement is attached hereto as Exhibit "A" and incorporated herein by this reference. The Easement will include standard City terms and conditions for a waterline easement, including a requirement for FCLWD to minimize disturbance to the natural features of Cathy Fromme Prairie.

D. Because the Waterline involves a significant extension of existing domestic water systems and impacts City-owned property, it triggered the City's 1041 permit process. After review of FCLWD's 1041 application, the City issued the Waterline project a Finding of No Significant Impact ("FONSI"), which is attached hereto as Exhibit "B" and incorporated herein by this reference. The FONSI contains several planning and financial-security conditions for FCLWD to meet prior to beginning construction of the Waterline.

E. Section 23-111(a) of the City Code authorizes the City Council to dispose of interests in real property owned in the name of the City provided that the City Council first finds, by ordinance, that such disposition is in the best interests of the City. Per Section 23-114 of the City Code, any such disposition must be for an amount equal to or greater than the fair market value, subject to a certain exception.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby finds that the conveyance of the Easement is in the best interests of the City.

Section 2. The conveyance of the Easement is contingent upon FCLWD meeting the pre-construction conditions contained in the FONSI.

Section 3. The City Council hereby authorizes the Mayor to execute such documents as are necessary to convey the Easement on terms and conditions consistent with this Ordinance, together with such 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, including any necessary changes to the legal description of the Easement that do not materially increase the size or impacts of the Easement.

Introduced, considered favorably on first reading on December 3, 2024, and approved on second reading for final passage on December 17, 2024

Mayor

ATTEST:

City Clerk

Effective Date: December 27, 2024 Approving Attorney: Ted Hewitt

#### PERMANENT EASEMENT DESCRIPTION Exhibit-A (1 of 3)

A portion of City of Fort Collins Property, recorded December 11, 2001 under Reception No. 2001112633 of the Records of Larimer County, situate in the Southwest Quarter (SW1/4) of Section Ten (10), Township Six North (T.6N), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), Larimer County, State of Colorado and being more particularly described as follows:

#### **Permanent Easement Parcel 1:**

**COMMENCING** at the Southwest corner of said Section 10 and assuming the West line of the (SW1/4), as bearing North 02°02'30" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2672.88 feet with all other bearings contained herein relative thereto;

THENCE North 71°33'55" East a distance of 96.07 feet to the intersection of the Northerly Right of Way of West Trilby Road and the East line of Larimer County Property as deed October 27, 1980 under Reception No 385173 of the Records of Larimer County, and to the **Parcel 1 POINT OF BEGINNING**;

THENCE North 02°02'30" East along the East line of said Larimer County Property, a distance of 92.03 feet;

THENCE North 90°00'00" East a distance of 24.59 feet to a Point of Curvature (PC) along the Westerly edge of an existing 30.00-foot waterline easement recorded at Reception No. 2001120740 of the Records of Larimer County Clerk and Recorder;

The following Two courses and distances are along said Westerly edge of waterline easement.

THENCE along a non-tangent curve concave to the West a distance of 24.79 feet, said curve has a radius of 2485.00 feet, a Delta of 00°34'18", and is subtended by a Chord bearing of South 01°45'21" West a distance of 24.79 feet to a Point of Tangency (PT);

THENCE South 02°02'30" West a distance of 67.13 feet to the Northerly Right of Way of West Trilby Road and to a point hereinafter referred to as **POINT "A"**;

THENCE South 89°45'42" West along said Northerly Right of Way a distance of 24.72 feet to the **Parcel 1 POINT OF BEGINNING**;

Said easement contains 2,271 sq. ft. / 0.052 acres more or less (+/-), and is subject to any rightsof-way or other easements of record as now existing on said described parcel of land.

#### **Together With Permanent Easement Parcel 2:**

#### COMMENCING at the aforesaid POINT "A";

THENCE North 89°45'42" East along the Northerly Right of Way of West Trilby Road a distance of 30.02 feet to the Easterly edge of an existing 30.00-foot waterline easement recorded at Reception No. 2001120740 of the Records of Larimer County Clerk and Recorder, and to the **Parcel 2 POINT OF BEGINNING**;

The following Two courses and distances are along said Easterly edge of waterline easement.

THENCE North 02°02'30" East a distance of 65.93 feet to a PC;

THENCE along the arc of a curve concave to the West a distance of 25.86 feet, said curve has a Radius of 2515.00 feet, a Delta of 00°35'21" and is subtended by a Chord bearing North 01°44'49" East a distance of 25.86 feet to a PT;

THENCE North 90°00'00" East a distance of 16.80 feet;



THENCE South 01°01'03" West a distance of 91.68 feet to the Northerly Right of Way of West Trilby Road;

THENCE South 89°45'42" West along said Northerly Right of Way a distance of 18.31 feet to the **Parcel 2 POINT OF BEGINNING**.

/ 0.037 acres more or less (+/-), and is subject to any rightsof-way or other easements of record as now existing on said described parcel of land Said easement contains 1,605 sq. ft.

# SURVEYORS CERTIFICATE

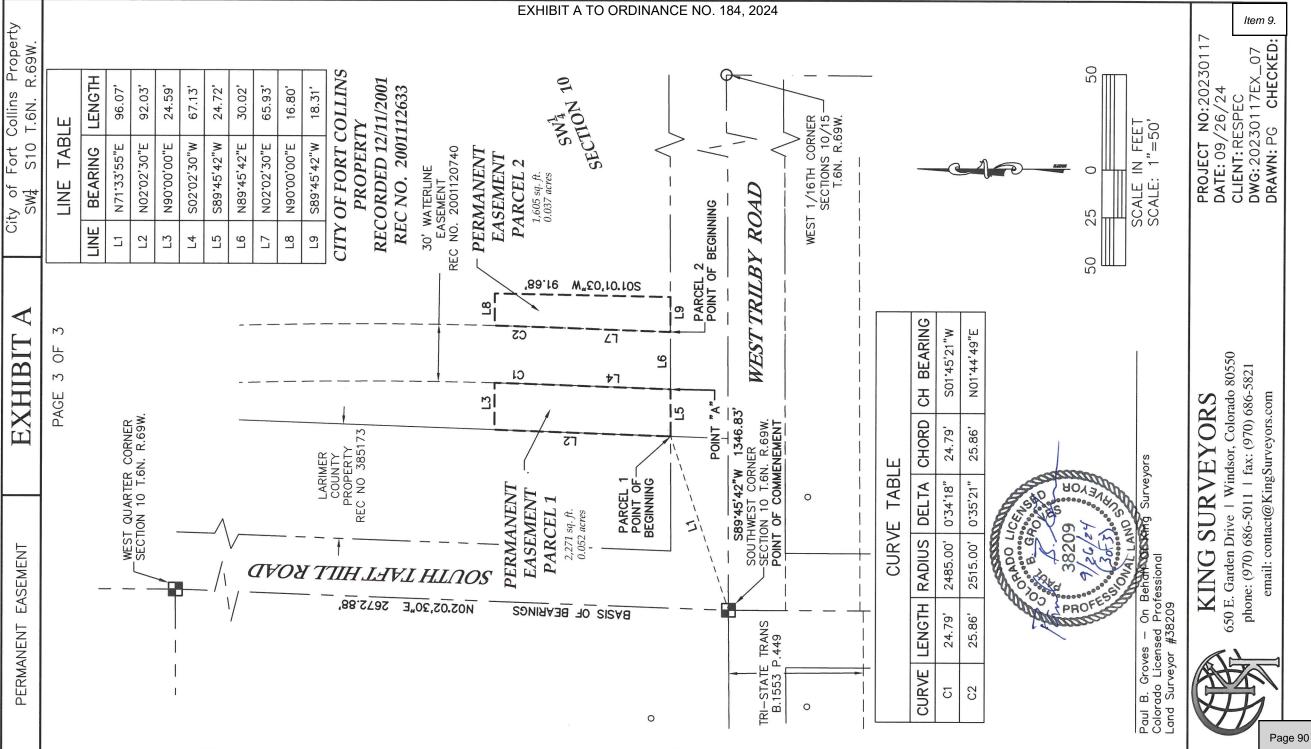
Groves, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is my knowledge and belief. true and correct to the best of I, Paul B.



Paul B. Groves - on behalf of Kang Surveyors, Inc. Colorado Registered Professional Land Surveyor #38209

KING SURVEYORS, INC. 650 Garden Drive Windsor, Colorado 80550 (970) 686-5011

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Development Review Center 281 North College Avenue PO Box 580 Fort Collins, CO 80522-0580 970-221-6689 Icgov.com/DevelopmentReview

September 19, 2024

Carlos Medina Fort Collins Loveland Water District 5150 Snead Dr, Fort Collins, CO 80525

#### **RE: DETERMINATION OF APPLICABILITY OF 1041 REGULATIONS - FONSI**

**Dear Applicant:** 

On August 12, 2024, the City of Fort Collins Development Review Division received a complete submittal and processed a pre-application to determine if a 1041 permit is required for the proposed development plan. Fort Collins Loveland Water District (FCLWD) is proposing to install a new 30-inch water line that connects to their existing 36-inch water line at the corner of S. Taft Hill Road and Trilby Road in Fort Collins. Approximately 100-feet of new 30-inch water main will be installed within City limits and the Cathy Fromme Natural Area. This new water line and permanent easement meets the threshold criteria established by the City for 1041 review for projects of statewide significance. This request has been reviewed in accordance with 6.27.6.3 –Pre-Application Area or Activity Review, of the City of Fort Collins Land Use Code and pursuant to the review criteria within Section 6.27.6.5 - Determination of Applicability of Regulations– FONSI.

The Director hereby makes the following findings of fact:

- 1. The Trilby Water Tank Feeder Line, SPA240001, meets the following criteria of Section 6.27.6.5(A)(1-8) for review.
  - a. Is located wholly or partly on, under, over or within an existing or planned future City natural area or park, whether developed or undeveloped;
  - b. Has potential to significantly impact a natural feature as defined by the Land Use Code.
- 2. The **Trilby Water Tank Feeder Line**, SPA240001, has provided mitigation including a prairie dog management plan, and revegetation plan for the areas of disturbance within the City-owned Natural Areas.
- 3. Pursuant to Section 6.27.6.4, a public notice was mailed to the property owners and occupants within one thousand feet (1,000) in all directions of the location of the proposed development plan. Five public comments were received and provided to the Director to make a final decision.

Based on these findings of fact, the Director makes the following decision:

The **Trilby Water Tank Feeder Line**, SPA240001, has been issued a Finding of No Significant Impact (FONSI). The Director's decision includes consideration of proposed mitigation, and so the applicant must provide the City with a guarantee to ensure the completion of all mitigation to be constructed as shown on the approved 1041 Development Plan (herein known as the Plan). Fort Collins Loveland Water District (herein known as the Applicant) must provide a City-approved means to guarantee the completion of all mitigation prior to receiving final approval of a Natural Areas Easement. If the Applicant subsequently makes material changes to the Development Plan, the Applicant is required to schedule another pre-application area or activity review pursuant to Section 6.27.6.3 to discuss the changes. Based on the new information and whether the revised development could result in significant impacts, the Director may rescind the FONSI by issuing a written determination.

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#### The Final 1041 Development Plan

Upon issuance of the FONSI, the applicant must contact the Natural Areas Department to begin the easement approval process which requires staff and Land Conservation Stewardship Board review and Council approval as well as the additional costs outlined in the Natural Areas' Easement Policy and Easement Application Packet.

The Applicant must submit a City-approved Plan prior to receiving final approval of a Natural Areas Easement. This Plan must consist, at minimum, of the following sections and specifications to ensure the successful revegetation and management of the project site after construction and until final closeout based on the success criteria established by the common review standards for all 1041 applicants.

- A. The Applicant shall provide a Revegetation and Weed Management Plan that encompasses revegetation techniques, monitoring methodology and timeline, and weed management before, during, and after construction. It should also include a discussion of how adaptive management techniques will be utilized as the site progresses over time. This document shall be prepared by a qualified natural resource professional and reviewed and approved by the City of Fort Collins.
- B. The Applicant shall ensure that all revegetation activities within the Limits of Disturbance (LOD) in City limits are properly maintained for a three (3) year-minimum period following construction thereof to ensure that the vegetation is fully established and maintained in accordance with the Plan. The restoration efforts will ensure that the goals and requirements of the Plan are accomplished. Total vegetative ground cover will be determined using a reference area approach, where the reference area is representative of the target vegetative community(ies) found within the Cathy Frome Prairie Natural Area.

The success criteria prior to release of the city-guarantee includes the following:

The total vegetative ground cover shall be analogous to the adjacent Cathy Frome Prairie Natural Area and will be measured annually at the end of the growing season (late summer to early fall) to the point of demonstrating sample adequacy using a line-point intercept methodology. The survival rate of any planted shrubs and trees must be equal to or greater than eighty percent (80%). No more than five percent (5%) of the species noted on the site may be weedy or noxious species as defined by City Code Section §20-41.

- C. The submitted Prairie Dog Mitigation Plan must be updated to include the completion of a Burrowing Owl Survey, performed by a qualified wildlife biologist, immediately prior to prairie dog fumigation at the site. The qualified professional must submit a report to the City stating the that no threatened or endangered species were harmed by prairie dog removal activities.
- D. Temporary Limits of Disturbance: Construction activities within the limits of disturbance may only take place between September 1 and March 31 to avoid impacts to foraging migratory birds within the adjacent natural areas.
- E. The City shall periodically inspect the limits of disturbance to ensure compliance with the requirements established in the Plan.



Development Review Center 281 North College Avenue PO Box 580 Fort Collins, CO 80522-0580 970-221-6689 fcgov.com/DevelopmentReview

#### A City-Approved Security or Guarantee

Prior to the issuance of a Natural Areas Easement, the Applicant must provide the City an acceptable form of security (escrow, bond, or letter of credit) or guarantee to ensure completion of the revegetation improvements and prairie dog mitigation that meet City standards for acceptability. The Applicant may select one option from the accepted forms of security listed herein:

#### Option 1: The Applicant may select their own contractor to complete and implement the Plan

The Applicant shall provide the City an acceptable form of security (escrow, bond, or letter of credit) to guarantee completion of the Plan improvements that meets City standards for acceptability. The security must match the cost of mitigation, restoration, and landscape improvement efforts, which shall include plant material and irrigation system improvements, weed management, and a minimum of three years of monitoring and annual reporting equal to 125% of the cost to be held until said improvements are constructed and accepted by the City. The City shall return the security to the Applicant upon the Applicant's installations of the landscape improvements and the City's Environmental Planner acceptance thereof. If the seeded areas have not been established in accordance with the Plan Documents, then the Applicant shall promptly provide the City's Environmental Planner acceptance thereof. If the areas into conformance with such Documents for the City's approval and, after receipt of approval shall promptly take such steps as are necessary to implement the approved plan and bring the areas into conformance. If the Applicant does not take action to bring any and all areas and plantings into conformance with the approved Plan documents, the City shall use the security provided by the Applicant to install said LOD landscape improvements and the Applicant forfeits any right to the security.

#### Option 2: Hire a Natural Areas Department-approved Contractor to complete and implement the Plan

The Applicant may choose to subcontract with a contractor who is already pre-approved with the Natural Areas Department, and who has proven experience drafting and implementing 1041 Development Plans. If this option is selected, the City will work directly with the approved contractor to ensure the Plan is designed and implemented appropriately. The act of securing the approved contractor is the guarantee and the City will not require any additional security for the project. The City will work with the approved Contractor to ensure that the Plan and its implementation are in conformance.

No Permit is Required - FONSI	9/18/2024	
Decision	Date	
Eim Meyer		

Kim Meyer, City of Fort Collins, Interim Community Development and Neighborhood Services Director

The Director's determination whether to issue or not issue a FONSI is subject to appeal to the Planning and Zoning Commission pursuant to Land Use Code Section 6.3.12(D). The Planning and Zoning Commission decision on the appeal is further subject to appeal to City Council pursuant to the Code of the City of Fort Collins Ch. 2, Art. 2, Div. 3. The filing of a timely notice of appeal shall reset any time period set forth in 6.27.6.8 and 6.27.6.12 and such time period shall begin from the date the appeal is decided as previously described.

EXHIBIT B TO ORDINANCE NO. 184, 2024

ltem 9.

File Attachments for Item:

# 10. Second Reading of Ordinance No. 185, 2024, Adopting the 2025 Larimer County Regional Transportation Capital Expansion Fee Schedule.

This Ordinance, unanimously adopted on First Reading on December 3, 2024, adopts the 2025 Larimer County Regional Transportation Capital Expansion Fee Schedule.

December 17, 2024

# AGENDA ITEM SUMMARY City Council



#### STAFF

Marc Virata, Civil Engineer Dana Hornkohl, Capital Projects Manager

#### SUBJECT

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

#### **EXECUTIVE SUMMARY**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, adopts the 2025 Larimer County Regional Transportation Capital Expansion Fee Schedule.

#### **STAFF RECOMMENDATION**

Staff recommends adoption of the Ordinance on Second Reading.

#### FIRST READING BACKGROUND / DISCUSSION

In 2000, the City and Larimer County (the "County") entered into an intergovernmental agreement (the "IGA") authorizing the City to collect Larimer County Regional Transportation Capital Expansion Fees ("Regional TCEFs") on behalf of the County. The Regional TCEFs generate revenue for capacity-related improvements to regionally significant roadways that are necessitated by new development. The regional TCEFs are used only for improvements that mutually benefit both the City and the County. Regional TCEFs are collected at the time of issuance of a building permit.

Per the IGA, the County serves as the Regional TCEF administrator and is responsible to develop project recommendations for fee utilization. The County's recommendations typically are based on the County's Transportation Master Plan, a document that identifies regionally significant roadways. Once a project has been identified, City and County staff work together to determine Regional TCEF funding allocations. Regional TCEFs frequently are leveraged with other funds to support larger scale capital projects and can fully support small scale capacity-related improvements.

The City and County have previously partnered to design and construct several projects along regionally significant roadways using Regional TCEFs, including improvements to Taft Hill Road, Shields Street, and the Shields Street/Vine Drive intersection. City and County staff continue to collaborate on efficient and effective uses for the Regional TCEF funds; most recently agreeing to use these funds to improve a section of Taft Hill Road between Horsetooth Road and Harmony Road.

The calculated increase to the 2025 Regional TCEF, considered by the Larimer County Board of County Commissioners (the "BCC"), was 17.2%. This increase was calculated based on the Colorado Construction

Cost Index reported by the Colorado Department of Transportation (eight-quarter moving average). A copyof the May 20, 2024, "Transportation Capital Expansion Fee Adjustments for 2024" memorandum to the BCC and the final BCC approval memo for administrative matters from their May 20, 2024, work session is attached as Exhibit A to the Ordinance.

The Larimer County Land Use Code directs that the Regional TCEF must be updated annually to reflect changes in road construction costs during the previous year. However, the County's Land Use Code further directs that an annual change in the Regional TCEF of less than 5% shall become effective without further action by the BCC, while an annual change more than 5% shall be determined by the BCC. Based on the Commissioner's input at the BCC May 20, 2024, work session, a 10% increase to the 2025 Regional TCEF was proposed. On June 4, 2024, the BCC adopted a 10% increase on consent.

The revised (2025) Regional TCEFs, along with a comparison to the 2024 Regional TCEFs, are as follows:

Development Type	2024 Regional Road TCEF	2025 Regional Road TCEF	Increase or Decrease			
Residential (per Dwelling) by Square Feet of Finished Living Space						
900 or less	\$233	\$256	\$23			
901 to 1300	\$327	\$360	\$33			
1301 to 1800	\$396	\$437	\$41			
1801 to 2400	\$464	\$511	\$47			
2401 to 3000	\$520	\$572	\$52			
3001 to 3600	\$564	\$621	\$57			
3601 or more	\$605	\$666	\$61			
Nonresidential (per 1,000 Square Feet of Floor Area)						
Commercial	\$610	\$672	\$62			
Office & Other Services	\$360	\$396	\$36			
Industrial	\$144	\$158	\$14			

The 2025 Regional Road TCEF fee increase became effective within the County on July 1, 2024. Under the IGA, revisions to the Regional TCEFs do not take effect in the City until Council approves a new fee schedule.

#### **CITY FINANCIAL IMPACTS**

The fees are collected on behalf of Larimer County and the Regional TCEF program. Revenues from the fees will pass through City accounts and will not affect City revenue limits under Article X, Section 20 of the Constitution of the State of Colorado. The City retains a 2% administrative fee. Adoption of the Regional TCEF Schedule will result in an increase to development fee payers.

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

City staff did not present this item to any Boards and Commissions as the fees are being adjusted based on inflation.

As these fees are managed and administered by Larimer County, City staff did not participate in scheduled public outreach.

#### **ATTACHMENTS**

First Reading attachments not included.

- 1. Ordinance for Consideration
- 2. Exhibit A to Ordinance

#### ORDINANCE NO. 185, 2024 OF THE COUNCIL OF THE CITY OF FORT COLLINS ADOPTING THE 2025 LARIMER COUNTY REGIONAL TRANSPORTATION CAPITAL EXPANSION FEE SCHEDULE

A. The City and Larimer County (the "County") previously entered into an intergovernmental agreement (the "IGA"), as amended from time to time, whereby the City collects a Regional Transportation Capital Expansion Fee (also known as a "regional road impact" fee) on behalf of Larimer County at the time of issuance of building permits, which fee raises revenue for road improvements on regionally significant roadways that are necessitated by new development.

B. The City and the County have established a procedure pursuant to City Code Section 7.5-82 for the City Council to consider and approve any County-proposed changes to the Regional Transportation Capital Expansion Fee schedule (the "Regional TCEF Schedule") to reflect changes in construction costs, or other relevant factors.

C. The last changes to the Regional TCEF Schedule were accomplished by City Council's adoption of Ordinance No. 025, 2024.

D. On June 4, 2024, after reviewing calculations and data analyzing increases in road construction costs based on an eight-quarter moving average calculated from the Colorado Construction Cost Index data compiled by the Colorado Department of Transportation, the County approved a 10% increase to the 2025 Regional Transportation Capital Expansion Fee.

E. Under the terms of the IGA, revisions to the Regional TCEF Schedule do not take effect in the City until the City Council approves the new fee schedule.

F. The City Council has determined that it is in the best interests of the City that the County's proposed changes to the Regional TCEF Schedule be adopted to further the public interest of adequately funding road improvements that are necessitated by new developments along regionally significant roadways that impact the City

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the 2025 Larimer County Regional Transportation Capital Expansion Fee Schedule attached hereto as Exhibit "A" and incorporated herein by reference is hereby adopted and approved and shall go into effect in Fort Collins upon the effective date of this Ordinance.

Introduced, considered favorably on first reading on December 3, 2024, and approved on second reading for final passage on December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 27, 2024 Approving Attorney: Diane Criswell

# LARIMER COUNTY DOCUMENT REVIEW

#### SUBMISSION DEADLINE: 12:00 noon on the Thursday preceding the requested meeting date

#### Document(s) for signature REQUIRE the following:

- Required # of copies needed for your records
- Complete signature block with title only see example at larimer.org/bboard/bcc
- Flag ALL pages to be initialed and/or signed
- County Attorney's review and approval stamp on the signature page(s), per Policy 100.2N,
   ~ OR ~
- Standard Service Agreement, no changes to template
- Previously approved by County Attorney, no changes to template
- Amendments to existing expenditure/revenue commitments which modify only the term (i.e., duration), scope of work, and/or adjustments to the contract price not exceeding 15% of the original contract price

#### Please Mark One

Will approval of this document lead to additional, increased, or new commitments/programs/FTE's for the County?	Yes	х	No	N/A	
Is the document of a sufficiently technical or otherwise complex nature that a briefing for the Commissioners is recommended? If yes, schedule Work session or Discussion item instead.	Yes	х	No	N/A	

# PLEASE FILL IN ALL FIELDS COMPLETELY - replace <Enter Text Here> with your text and delete brackets < >. If not applicable, enter N/A

#### Document Type: Miscellaneous

#### DOCUMENT TITLE: 2024 Transportation Capital Expansion Fees Increase

Submitted By: Traci Shambo, Engineering Department

DESCRIPTION: The Engineering Department presented the annual reporting on Construction Costs affecting the Transportation Capital Expansion Fees at a regularly scheduled work session on May 20, 2024, to the Board of County Commissioners.

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Based on the Commissioner's input at the work session, Engineering staff is now seeking approval for a 10% fee increase to be effective on July 1, 2024, for all Transportation Capital Expansion Fees. The resultant TCEF Schedule based on a 10% increase is attached.

REQUESTED DATE OF MEETING: June 4, 2024

SPECIAL INSTRUCTIONS FOR BCC STAFF: <Enter Text Here (will not be published)>

Mul

Item 10.

#### LARIMER COUNTY | ENGINEERING DEPARTMENT

P.O. Box 1190, Fort Collins, Colorado 80522-1190, 970.498.5700, Larimer.org

### **Transportation Capital Expansion Fee Schedule**

Land Use Type	County Road TCEF	Regional Road TCEF	Total Per Unit		
Residential (per Dwelling) by Square Feet of Finished Living Space					
900 or less (Square Feet)	\$3,094	\$256	\$3,350		
901-1300 (Square Feet)	\$4,340	\$360	\$4,700		
1301-1800 (Square Feet)	\$5,225	\$437	\$5,662		
1801-2400 (Square Feet)	\$6,117	\$511	\$6,628		
2401-3000 (Square Feet)	\$6,864	\$572	\$7,436		
3001-3600 (Square Feet)	\$7,473	\$621	\$8,094		
3601 or more (square Feet)	\$7,987	\$666	\$8,653		
Nonresidential (per 1,000 Square Feet of Floor Area)					
Industrial	\$1,901	\$158	\$2,059		
Commercial	\$8,011	\$672	\$8,683		
Office and other Services	\$4,714	\$396	\$5,110		

Effective July 1st, 2024

- The fee is based on the current Larimer County Transportation Capital Expansion Fee (TCEF) Study. The TCEF Study and TCEF Sections of the Larimer County Land Use Code are at www.larimer.org/engineering/development-review.
- The "Residential" tiered fee schedule based on square footage applies to building permits for new residential structures with an application date after June 30, 2018. For new residences constructed after this date, the TCEF will be applied to any new or additional finished living space square footage, including permits for additions, basement finishes & detached buildings. In such cases, the total fee due is based on the incremental difference between the existing & proposed finished living square footage. Finished living square footage excludes unfinished basements, attics, and garage floor area. The "Residential" tiered fee structure will not be applied to additions or finishes of existing living space IF the original residential building permit was initiated before July 1, 2018.
- The "Nonresidential" fee schedule is based on building use and total square feet. The TCEF
  applies to new square footage and to changes of use of existing square footage of three general
  nonresidential categories that are further defined below:
  - "<u>Industrial</u>" includes the processing or production of goods, along warehousing, transportation, communications, and utilities.
  - "<u>Commercia</u>l" includes retail development and eating/drinking places, along with entertainment uses often located in a shopping center (e.g. movie theater).
  - "<u>Office & Other Services</u>" includes offices, health care and personal services, business services (e.g. banks) and lodging. Public and quasi-public buildings that provide educational, social assistance, or religious services are also included in this category.



## LARIMER COUNTY | ENGINEERING DEPARTMENT

P.O. Box 1190, Fort Collins, Colorado 80522-1190, 970.498.5700, Larimer.org

# MEMORANDUM

**TO:** Board of County Commissioners

FROM: Mark Peterson, County Engineer

DATE: May 20, 2024

**RE:** Transportation Capital Expansion Fee Adjustments for 2024

Since 1998, under the terms of the Land Use Code, Larimer County has been collecting Transportation Capital Expansion Fees (TCEF) from new traffic generating development. The TCEF can only be used for capacity related improvements to Larimer County's roadway system. Fees are based on maintaining an adequate Level of Service (LOS) on the mainline County Road system.

TCEF's were last studied in 2018 and annual adjustments based on construction cost inflation factors have been applied since that time. Specifically, the Land Use Code stipulates that "*The fees in the road fee schedule shall be updated annually by the Fee Administrator to reflect changes in road construction costs during the previous year.*" The fee update methodology used to calculate the annual TCEF adjustment is specified in the Land Use Code and is intended to reflect changes in road construction costs. The current method uses is an <u>8-quarter moving average</u> of the quarterly Construction Cost Index (CCI) data compiled and reported by the Colorado Department of Transportation (CDOT).

Engineering Staff reviews the TCEF schedule annually and notifies the Board of County Commissioners (BCC) of the results. For 2024, the TCEF change was calculated as an **increase of 17.2%** from the 2023 values. As an example of what a 17.2% increase would mean, the TCEF on a new single-family home (between 1,801 SF – 2,400 sf) would increase by \$1,036, from \$6,026 to \$7,062.

The procedure spelled out in the Land Use Code states that, "*if the change in fees is less than or equal to 5%, the new fees become effective without further action by the BCC. If the change in fees is greater than 5%, the BCC shall determine the percentage to be used to update the fees.*" Since the calculated percentage change of 17.2% is greater than 5%, we are seeking input from the BCC on the percentage to be used for the TCEF schedule for the upcoming year. We have provided fee adjustment options for the BCC to consider below.

Additional factors influencing our recommendation for the magnitude of a fee adjustment for 2024 are:

• Last year's CCI adjustment was 22.4%.



May 20, 2024 Transportation Capital Expansion Fee Adjustments Page 2



• The TCEF fee structure is being re-analyzed using updated traffic predictions and cost data as part of the Larimer County Transportation Master Plan update. Staff will bring the updated Transportation Master Plan and TCEF Fee Study to the BCC for consideration in 2025.

#### Fee Adjustment Options for consideration:

#### OPTION 1: (17.2%)

Option 1 is to set the 2024 TCEF Scheduled based on the calculated percentage change (17.2%). Table 1 (Attached) provides the existing 2023 Fee Schedule, the 2024 Schedule that would be effective based on a 17.2% increase, and the net change in Fee amounts between the 2023 and 2024 Schedules.

#### OPTION 2: (5.0%)

Option 2 is to adjust the 2024 Fee Schedule based on the maximum adjustment amount allowed without BCC approval (5.0%). This fee adjustment recognizes that some level of fee increase is warranted, however it defers further action until the updated TCEF study results become available. Table 2 (Attached) below provides the existing 2023 Fee Schedule, the 2024 Schedule that would be effective based on a 5.0% increase, and the net change in Fee amounts between the 2023 and 2024 Schedules.

#### OPTION 3: (TBD)

Option 3 is to adjust the 2024 Fee Schedule based on another amount recommended by the Board. Staff can provide a Fee Schedule if an amount other than those presented in Option 1 or Option 2 is recommended by the Board.

#### Staff Recommendation and Request for Direction:

Since the TCEF program is being reevaluated in conjunction with the Transportation master plan update, staff recommends that the Commissioners consider Option 2 for the 2024 TCEF adjustment. Any new TCEF's established by the updated TCEF Study that is underway will be presented to the Board of County Commissioners for consideration in 2025.

Based on the input given, staff will provide a 2024 TCEF Schedule for adoption at an upcoming Administrative Matters Meeting. The adopted fee schedule is to be made effective on July 1, 2024. This is consistent with the specified annual effective date listed in the Land Use Code and with the annual cost-of-living adjustments for other Community Development services and/or impact fees.

May 20, 2024 Transportation Capital Expansion Fee Adjustments Page 3



#### Table 1:Option 1 - 17.2% Adjustment

Residential TCEF			
Finished Living Space per Dwelling (Square Feet)	2023 TCEF (Current) (\$)	2024 TCEF (with 17.2% Increase) (\$)	Increase (\$)
900 or less	\$3,047	\$3,571	\$524
901-1300	\$4,273	\$5,008	\$735
1301-1800	\$5,147	\$6,032	\$885
1801-2400	\$6,026	\$7,062	\$1,036
2401-3000	\$6,761	\$7,924	\$1,163
3001-3600	\$7,359	\$8,625	\$1,266
3601 or more	\$7,867	\$9,220	\$1,353
Non-Residential TCEF			
Non-Residential Use (per 1,000 SF of Floor Area)	2023 TCEF (Current) (\$)	2024 TCEF (with 17.2% Increase) (\$)	Increase (\$)
Industrial	\$1,874	\$2,194	\$322
Commercial	\$7,895	\$9,252	\$1,358
Office & Other Services	\$4,646	\$5,444	\$799

#### May 20, 2024 Transportation Capital Expansion Fee Adjustments Page 4



#### Table 2: Option 2 - 5.0% Adjustment

Residential TCEF			
Finished Living Space per Dwelling (Square Feet)	2023 TCEF (Current) (\$)	2024 TCEF (with 5.0% Increase) (\$)	Increase (\$)
900 or less	\$3,047	\$3,200	\$153
901-1300	\$4,273	\$4,486	\$213
1301-1800	\$5,147	\$5,405	\$258
1801-2400	\$6,026	\$6,327	\$301
2401-3000	\$6,761	\$7,099	\$338
3001-3600	\$7,359	\$7,727	\$368
3601 or more	\$7,867	\$8,260	\$393
Non-Residential TCEF			
Non-Residential Use (per 1,000 SF of Floor Area)	2023 TCEF (Current) (\$)	2024 TCEF (with 5.0% Increase) (\$)	Increase (\$)
Industrial	\$1,874	\$1,965	\$93
Commercial	\$7,895	\$8,289	\$395
Office & Other Services	\$4,646	\$4,877	\$232

May 20, 2024 Transportation Capital Expansion Fee Adjustments Page 5

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## Table 3: Comparison of 2024 Adjustment Options (Current, Option 1, and Option 2)

Residential TCEF			
Finished Living Space per Dwelling (Square Feet)	2023 TCEF (Current) (\$)	Option 2: 2024 TCEF (with 5.0% Increase) (\$)	Option 1: 2024 TCEF (with 17.2% Increase) (\$)
900 or less	\$3,047	\$3,200	\$3,571
901-1300	\$4,273	\$4,486	\$5,008
1301-1800	\$5,147	\$5,405	\$6,032
1801-2400	\$6,026	\$6,327	\$7,062
2401-3000	\$6,761	\$7,099	\$7,924
3001-3600	\$7,359	\$7,727	\$8,625
3601 or more	\$7,867	\$8,260	\$9,220
Non-Residential TCEF			
Non-Residential Use (per 1,000 SF of Floor Area)	2023 TCEF (Current) (\$)	Option 2: 2024 TCEF (with 5.0% Increase) (\$)	Option 1: 2024 TCEF (with 17.2% Increase) (\$)
Industrial	\$1,874	\$1,965	\$2,194
Commercial	\$7,895	\$8,289	\$9,252
Office & Other Services	\$4,646	\$4,877	\$5,444

File Attachments for Item:

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

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates prior year reserves in the Water and Wastewater Funds to purchase fleet equipment at fair market value between Operational Divisions of the Water Field Operations Department.

December 17, 2024

# AGENDA ITEM SUMMARY

**City Council** 



### STAFF

Andrew S. Gingerich, P.E., Director of Water Field Operations Phil Ladd, Manager of Utility Financial Operations

### SUBJECT

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

### **EXECUTIVE SUMMARY**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates prior year reserves in the Water and Wastewater Funds to purchase fleet equipment at fair market value between Operational Divisions of the Water Field Operations Department.

### **STAFF RECOMMENDATION**

Staff recommends adoption on Second Reading.

### **FIRST READING BACKGROUND / DISCUSSION**

The Department of Water Field Operations within Fort Collins Utilities is comprised of four operational Divisions: (1) Water Distribution, (2) Wastewater Collection, (3) Stormwater Collection, and (4) Water Meters. These four Divisions are funded by three funding sources: Water Fund, Wastewater Fund, and Stormwater Fund. In lieu of purchasing a new and budgeted Combo Vac Truck for \$650,000, the Water Distribution Division took ownership of the Wastewater Collection Division's used Combo Vac Truck for the fair market value of \$61.800. In exchange the Wastewater Collection Division took ownership of the Water Division's new Jet Wash Truck for the fair market value of \$361,478. These equipment purchases between these two Water Field Operation Divisions were completed due to business need changes and improved operational work planning and efficiency. After the appropriations are completed from both the Water and Wastewater Funds for these purchases, the net difference will result in \$299,678 from the Wastewater Fund to the Water Fund.

### **CITY FINANCIAL IMPACTS**

This Ordinance will appropriate \$61,800 from the Water Fund Prior Year Reserves for the purchase of the Combo Vac Truck at fair market value. This Ordinance will also appropriate \$361,478 from the Wastewater Fund Prior Year Reserves for the purchase of the Jet Wash Truck at fair market value.

As of the end of 2023, the Water Enterprise Fund had \$17.7M and the Wastewater Enterprise Fund 1.3.5M unappropriated in excess of the minimum required reserves. It is expected that reserves in both funds will increase by the end of 2024.

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

None.

### PUBLIC OUTREACH

None.

### **ATTACHMENTS**

First Reading attachments not included.

1. Ordinance for Consideration

## ORDINANCE NO. 186, 2024 OF THE COUNCIL OF THE CITY OF FORT COLLINS APPROPRIATING PRIOR YEAR RESERVES IN THE WATER FUND AND THE WASTEWATER FUND FOR THE TRANSFER OF FLEET VEHICLES BETWEEN THE WATER AND WASTEWATER UTILITIES

A. The City owns and operates Fort Collins Utilities, which includes a Water Utility, Wastewater Utility, and Stormwater Utility.

B. Fort Collins Utilities' Department of Water Field Operations is comprised of four operational Divisions: (1) Water Distribution, (2) Wastewater Collection, (3) Stormwater Collection, and (4) Water Meters. These four Divisions are funded by three funding sources: Water Fund, Wastewater Fund, and Stormwater Fund.

C. Instead of purchasing a new Combo Vac Truck for \$650,000, the Water Distribution Division has taken ownership of the Wastewater Collection Division's used Combo Vac Truck for the fair market value of \$61,800. In exchange the Wastewater Division has taken ownership of the Water Division's new Jet Wash Truck from the Water Division for the fair market value of \$361,478.

D. This transfer of ownership between the Divisions requires: an appropriation of \$61,800 from the Water Fund Prior Year Reserves; and an appropriation of \$361,478 from the Wastewater Fund Prior Year Reserves.

E. These appropriations benefit the public health, safety, and welfare of the residents of Fort Collins and serve the public purpose of addressing the business needs of the Water Distribution Division and the Wastewater Collection Division, and to improve their operational work planning and efficiency, such that the Water Utility and Wastewater Utility can better provide services to their customers and ratepayers.

F. 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.

G. The City Manager has recommended the appropriations described herein and determined that these appropriations are available and previously unappropriated from the Water Fund and the Wastewater Fund and will not cause the total amount appropriated in the Water Fund or the Wastewater Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in the respective Funds during this fiscal year. In light of the foregoing Recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from prior year reserves in the Water Fund the sum of SIXTY-ONE THOUSAND EIGHT HUNDRED DOLLARS (\$61,800) to be expended in the Water Fund for the purchase of a Combo Vac Truck.

Section 2. There is hereby appropriated from prior year reserves in the Wastewater Fund the sum of THREE HUNDRED SIXTY-ONE THOUSAND FOUR HUNDRED SEVENTY-EITGHT DOLLARS: (\$361,478) to be expended in the Wastewater Fund for the purchase of a Jet Wash Truck

Introduced, considered favorably on first reading on December 3, 2024, and approved on second reading for final passage on December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 27, 2024 Approving Attorney: Eric Potyondy File Attachments for Item:

# 12. Second Reading of Ordinance No. 187, 2024, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager.

This Ordinance, unanimously adopted on First Reading on December 3, 2024, amends City Code to establish the 2025 salary of the City Manager. Council met in executive session on November 26, 2024, to conduct the performance review of Kelly DiMartino, City Manager, and to consider the salary market analysis for this position.

December 17, 2024

# AGENDA ITEM SUMMARY City Council



### STAFF

Teresa Roche, Human Resources Executive

### SUBJECT

Second Reading of Ordinance No. 187, 2024, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager.

### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on December 3, 2024, amends City Code to establish the 2025 salary of the City Manager. Council met in executive session on November 26, 2024, to conduct the performance review of Kelly DiMartino, City Manager, and to consider the salary market analysis for this position.

### **STAFF RECOMMENDATION**

Staff recommends adoption of the Ordinance on Second Reading.

### FIRST READING BACKGROUND / DISCUSSION

Council is committed to compensating employees in a manner which is market based, competitive and based on 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.

The 2024 salary for the City Manager was \$314,987.

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 2025 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 2025 compensation for the City Manager.

### **CITY FINANCIAL IMPACTS**

The City financial impact will be the new base salary for the City Manager as approved by Council.

None.

# **PUBLIC OUTREACH**

None.

# ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

## ORDINANCE NO. 187, 2024 OF THE COUNCIL OF THE CITY OF FORT COLLINS AMENDING SECTION 2-596 OF THE CODE OF THE CITY OF FORT COLLINS AND SETTING THE SALARY OF THE CITY MANAGER

A. Pursuant to Article III, Section 1 of the City Charter, the City Council is responsible for fixing the compensation of the City Manager.

B. The City is committed to compensating its employees in a manner that is fair, competitive and understandable.

C. 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 Manager to bring that salary more in line with the approved market data.

D. The City Council met with the City Manager on November 26, 2024, to conduct a review and establish next year's goals.

E. The City Council believes that the base salary of the City Manager should be established at the amount of \$330,736 effective January 6, 2025.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 2-596 of the Code of the City of Fort Collins is hereby amended to read as follows:

# Sec. 2-596. - Salary of the City Manager.

The base salary to be paid the City Manager shall be three hundred thirty thousand seven hundred thirty-six dollars (\$330,736) per annum, payable in biweekly installments. Forty (40) percent of such sum shall be charged to the city electric utility, twenty (20) percent to the city water utility and forty (40) percent to general government expense.

Section 2. The effective date of the salary adjustment shall be January 6, 2025.

Introduced, considered favorably on first reading on December 3, 2024, and approved on second reading for final passage on December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 27, 2024 Approving Attorney: Aaron Guin File Attachments for Item:

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

This Ordinance, unanimously adopted on First Reading on December 3, 2024, amends City Code to establish the 2025 compensation of the Chief Judge. A new two-year agreement for her employment was also adopted by Resolution 2024-142. Council met in executive session on November 26, 2024, to conduct the performance review of Jill Hueser, Chief Judge, and to consider the salary market analysis for this position.

December 17, 2024

# AGENDA ITEM SUMMARY City Council



### STAFF

Teresa Roche, Human Resources Executive

### SUBJECT

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

### **EXECUTIVE SUMMARY**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, amends City Code to establish the 2025 compensation of the Chief Judge. A new two-year agreement for her employment was also adopted by Resolution 2024-142. Council met in executive session on November 26, 2024, to conduct the performance review of Jill Hueser, Chief Judge, and to consider the salary market analysis for this position.

### **STAFF RECOMMENDATION**

Staff recommends adoption of the Ordinance on Second Reading.

### FIRST READING 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 2024 salary of the Chief Judge is \$200,130.

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 2025 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 2025 compensation for the Chief Judge.

In addition, Resolution 2024-142 will authorize the Third Addendum to appoint Chief Judge Hueser to another two-year term in her employment agreement. By Charter, contracts for municipal judges have a two-year term. The current term established by the approval of Resolution 2022-139 expires January 1,

2025. City staff is recommending Council extend Chief Judge Hueser's appointment and employnment agreement until January 1, 2027.

### **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**

None.

### **PUBLIC OUTREACH**

None.

### ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

## ORDINANCE NO. 188, 2024 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

A. Pursuant to Article VII, Section 1 of the City Charter, the City Council is responsible for fixing the compensation of the Chief Judge.

B. The City is committed to compensating its employees in a manner which is fair, competitive and understandable.

C. 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.

D. 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.

E. 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.

F. The City Council met with the Chief Judge on November 26, 2024, to conduct a review and establish goals for her performance.

G. The City Council believes the annual base salary of the Chief Judge for 2025 should be established at the amount of \$218,141 effective January 6, 2025

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. 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 eighteen thousand one hundred forty one dollars (\$218,141) per annum, payable in biweekly installments, which sum shall be charged to general government expense.

Section 2. The effective date of the salary adjustment shall be January 6, 2025.

Introduced, considered favorably on first reading on December 3, 2024, and approved on second reading for final passage on December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 27, 2024 Approving Attorney: Aaron Guin File Attachments for Item:

# 14. Second Reading of Ordinance No. 189, 2024, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney.

This Ordinance, unanimously adopted on First Reading on December 3, 2024, amends City Code to establish the 2025 compensation of the City Attorney. Council met in executive session on November 26, 2024, to conduct the performance review of Carrie Daggett, City Attorney and to consider the salary market analysis for this position.

December 17, 2024

# AGENDA ITEM SUMMARY City Council



### STAFF

Teresa Roche, Human Resources Executive

### SUBJECT

Second Reading of Ordinance No. 189, 2024, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney.

### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on December 3, 2024, amends City Code to establish the 2025 compensation of the City Attorney. Council met in executive session on November 26, 2024, to conduct the performance review of Carrie Daggett, City Attorney and to consider the salary market analysis for this position.

### **STAFF RECOMMENDATION**

Staff recommends adoption of the Ordinance on Second Reading.

### FIRST READING 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 2024 salary of the City Attorney is \$240,702.

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 2025 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 2025 compensation for the City Attorney.

### **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**

None.

# PUBLIC OUTREACH

None.

### ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

## ORDINANCE NO. 189, 2024 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

A. Pursuant to Article VI, Section 1 of the City Charter, the City Council is responsible for fixing the compensation of the City Attorney.

B. The City is committed to compensating its employees in a manner that is fair, competitive and understandable.

C. 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.

D. The City Council met with the City Attorney on November 26, 2024, to conduct a review and establish goals for her performance.

E. The City Council believes the base salary of the City Attorney for 2025 should be established at the amount of \$265,369 effective January 6, 2025.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. 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 sixty five thousand three hundred sixty nine dollars (\$265,369) 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 2. The effective date of the salary adjustment shall be January 6, 2025.

Introduced, considered favorably on first reading on December 3, 2024, and approved on second reading for final passage on December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 27, 2024 Approving Attorney: Aaron Guin File Attachments for Item:

# 15. Resolution 2024-143 Approving the Design, Creation and Installation of Public Art at the I-25 and Prospect Interchange.

The purpose of this item is to approve expenditures from the Art in Public Places (APP) Reserve Account to commission an artist to create art for the I-25 and Prospect Interchange Project. The expenditure of \$64,500 will be for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for Stephen Shachtman to create the artworks for the I-25 and Prospect Interchange Project.

# December 17, 2024

# AGENDA ITEM SUMMARY City Council



## STAFF

Ellen Martin, Visual Arts Administrator

### SUBJECT

Resolution 2024-143 Approving the Design, Creation and Installation of Public Art at the I-25 and Prospect Interchange.

### **EXECUTIVE SUMMARY**

The purpose of this item is to approve expenditures from the Art in Public Places (APP) Reserve Account to commission an artist to create art for the I-25 and Prospect Interchange Project. The expenditure of \$64,500 will be for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for Stephen Shachtman to create the artworks for the I-25 and Prospect Interchange Project.

### **STAFF RECOMMENDATION**

Staff recommends adoption of the Resolution.

### **BACKGROUND / DISCUSSION**

Section 23-303 of the Code, which was added in 1995, established the Art in Public Places (APP) Reserve Account, and designated it for use in acquiring or leasing works of art, maintenance, repair or display of works of art, and administrative expenses related to the APP Program, in accordance with the APP Guidelines adopted by the Council in Ordinance No. 20, 1995. In 2012, City Council permanently adopted the APP Program, and reenacted City Code Chapter 23, Article IX, with certain modifications.

APP artist Stephen Shachtman, of Fort Collins, was selected through an RFQ process and collaborated with the Project Team to develop artwork for this site.

The I-25 and Prospect interchange has been identified as a gateway into Fort Collins. Emphasis is placed on the west side of the highway to create a strong sense of arrival into Fort Collins. The overall interchange design is inspired by rock formations found around Horsetooth Reservoir. The project team worked with local APP artist Stephen Shachtman to create artwork for a site-specific installation to further enhance the west side of the highway.

The goal of the artwork is to reflect the identity of Fort Collins, welcome both visitors and residents and integrate seamlessly with the surrounding landscape architecture to form a cohesive vision. The work, *Forest Stand*, has eighteen stylized tree sculptures in three different heights: 22', 13', and 12'. Nine sculptures will be placed on the top plateaus of each the north and south sides of Prospect Rd., just east of the on- and off-ramps connecting to I-25. The sculptures will be crafted from Corten weathering steel and will develop a rich warm orange-brown patina. The artist is working with the Project Team to integrate the sculptures into the landscape design.

### **CITY FINANCIAL IMPACTS**

The funds for this item have been appropriated in the Reserve Account. The APP program also has available appropriated maintenance funds for the long-term care of the subject artwork and the rest of the APP art collection.

I-25 and Prospect Interchange Project art budget is \$64,500 to be used for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for this artwork.

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

The design concept and budget for the art project was reviewed and recommended for Council approval by the APP Board at the September 18, 2024, regular board meeting.

### PUBLIC OUTREACH

The selected artist collaborates with the project team to develop concepts for the artwork based on the goals of the project and input from the team. The final design and budget are reviewed and approved by the project team and then the APP Board, who then recommends the project to City Council for approval.

The APP Program promotes the project in development, fabrication, installation, and completion of the artwork on social media, website, and newsletters.

### **ATTACHMENTS**

- 1. Resolution for Consideration
- 2. Proposed Artwork
- 3. Art in Public Places Board Minutes, September 18, 2024

## RESOLUTION 2024-143 OF THE COUNCIL OF THE CITY OF FORT COLLINS APPROVING THE DESIGN, CREATION AND INSTALLATION OF PUBLIC ART AT THE I-25 AND PROSPECT INTERCHANGE

A. The City has selected Stephen Shachtman to design, create and install eighteen stylized tree sculptures at the I-25 and Prospect interchange (the "Sculptures"). The Sculptures will be crafted from Corten weathering steel and will over time develop a rich warm orange-brown patina.

B. The total cost of designing, creating and installing the Sculptures is \$64,500. The funds for this item have been appropriated in the Art in Public Places ("APP") Reserve Account. The APP program also has available appropriated maintenance funds for the long-term care of the Sculptures and the rest of the APP art collection.

C. Section 23-308 of the City Code requires the APP Board to make recommendations to the City Council concerning the use of funds in excess of \$30,000 for the acquisition, installation and maintenance of works of art. At its September 18, 2024, meeting, the APP Board recommended acquiring and installing the Sculptures.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council hereby approves of the Sculptures project described herein, the conceptual design of which was reviewed and approved by the Art in Public Places Board at its September 18, 2024, meeting.

Passed and adopted on December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 17, 2024 Approving Attorney: Ted Hewitt



# I-25 and Prospect Interchange Improvements

# **ARTIST: Stephen Shachtman**



Proposed "Forest Stand" by Stephen Shachtman - shown here, the southwest side of the I-25/Prospect interchange and looking east.

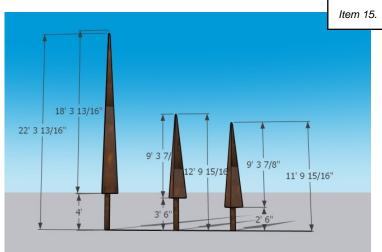
The I-25 and Prospect interchange has been identified as a gateway into Fort Collins. Emphasis is placed on the west side of the highway to create a strong sense of arrival into Fort Collins. The overall design is inspired by rock formations found around Horsetooth Reservoir. Fort Collins APP artist Stephen Shachtman was selected through an RFQ process and collaborated with the Project Team to develop artwork for this site. The proposed site-specific installation will further enhance the west side of the highway.

A forest stand is defined as a contiguous community of trees that is sufficiently uniform in its composition, structure, age, size, spatial arrangement. This concept, titled *Forest Stand*, serves as the inspiration for the proposed sculptural installation for the gateway to Fort Collins at the I-25 Prospect interchange. The goal of the artwork is to reflect the identity of Fort Collins, welcome both visitors and residents, and integrate seamlessly with the surrounding landscape architecture to form a cohesive vision.

*Forest Stand* includes eighteen stylized tree sculptures in three different heights: 22', 13', and 12'. Nine sculptures will be placed on the top plateaus of each the north and south sides of Prospect Rd., just east of the on- and off-ramps connecting to I-25. The sculptures will be crafted from Corten weathering steel and will develop a rich warm orange-brown patina. The artist is working with the Project Team to integrate the sculptures into the landscape design.



Proposed artwork locations: west of I25 adjacent to both the northbound and southbound ramps.



Proposed dimensions of "Forest Stand" elements.

**APPROX. DIMENSIONS:** 22", 13", 12". (18 sculptures, 6 of each size).

**MATERIALS**: CORTEN STEEL - the Artwork will be fabricated from this steel alloy material developed to eliminate the need for painting by forming a stable rust-like appearance when exposed to weather for several years as a weathering steel. This material is a corrosion resistant steel, that left uncoated develops an outer layer patina. This patina protects the steel from additional corrosion and is a sound material for the elements in Colorado.

**MAINTENANCE:** Minimal care and maintenance is required on the work proposed here as durable materials will be used. An annual cleaning is recommended to keep the artwork looking its best. A rich warm orange- brown patina will naturally occur on the CorTen steel.



On Prospect, Just west of the interchange and looking southeast.



Aerial view of south trees

ALL.

Proposed location of south trees



Aerial view of north trees

# **MINUTES**

CITY OF FORT COLLINS . BOARDS AND COMMISSIONS



# ART IN PUBLIC PLACES REGULAR MEETING

Wednesday, September 18, 2024 - 3:30 PM

The Lincoln Center, Founders Room

# 1. CALL TO ORDER: 3:36 PM

# 2. ROLL CALL

- a) Board Members Present Natalie Barnes, Kathy Bauer, Myra Powers, Renee Sherman, Heidi Shuff, Christopher Staten, and Nancy Zola
- b) Board Members Absent –
- c) Staff Members Present Ellen Martin, Liz Good, Libby Colbert, and Spencer Smith
- d) Cultural Resources Board Liaison Not present
- e) Guests Stephen Shachtman

# 3. AGENDA REVIEW

# 4. PUBLIC PARTICIPATION

# 5. APPROVAL OF MINUTES, August 28, 2024

Ms. Barnes moved to approve the Minutes. Ms. Powers seconded. Unanimously approved. Ms, Shuff Abstained because she wasn't present.

# 6. NEW BUSINESS

# a) I-25 AND PROSPECT INTERCHANGE PROJECT DESIGN REVIEW

Spencer Smith (Engineering Project Manager), Stephen Shachtman (Artist), Libby Colbert (APP Project Manager) were in attendance to present the project. This project is part of a larger CDOT expansion project and the city is creating this interchange as a gateway. The artwork consists of a "stand" of 18 Corten steel tree inspired sculptures in three heights: 22', 13', 12'. Sculptures will be strategically placed on the top plateaus on both the north and south sides of East Prospect Road, just east of the on- and off-ramps connecting to I-25. They will be visible from the highway but mostly viewed by cars entering and exiting the highway. The artist will work with the landscape architect on placement of the sculptures in the landscape.

Ms. Zola moved we approve the I-25 and Prospect interchange project Ms. Shuff seconded. Unanimously approved.



CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



# **ART IN PUBLIC PLACES**

### **REGULAR MEETING**

### b) TRANSFORMER CABINET MURAL UPDATES

Libby Colbert APP Project Manager presented an update on the status of the 15 Transformer Cabinet Murals being painted in 2024 by 13 artists. The murals were at various stages. She shared additional details about the Community Transformer Cabinet Murals being painted at Fossil Ridge High School and Kinard Core Knowledge Middle School.

# c) 215 N. MASON ST. LOBBY RENOVATION

Ms. Martin presented the upcoming project. The lobby at 215 N. Mason St. building will be redesigned for use by the Municipal Court and this will affect the location of the existing APP artwork, *Municipal Axis* by Rafe Ropek.

Staff discussed options to address the need to remove and perhaps relocate the artwork including the option to involve the artist that created the sculpture. The Board discussed the options and agreed that there is value in leveraging the existing work, if possible. The artwork is valuable and there will be a small APP budget with the new project. If the artist isn't interested in being involved in the project, the artwork will return to the board to deaccession.

Ms. Powers moved that with the understanding that the lobby of 215 will undergo a remodel to recommend the artist Rafe Ropek be consulted for the project Ms. Shuff seconded

Unanimously approved.

#### STAFF REPORT 7.

Ms. Martin shared highlights and updates; the report will be emailed to the Board. Staff will share the date of the Water Treatment Facility Artwork Celebration with the Board.

#### **OTHER BUSINESS** 8.

The Board asked for updates on the ArtWear event. Staff shared about the upcoming Studio Tour and the ArtWear exhibit in The Lincoln Center Art Gallery and shared that APP artist Andy Dufford created the accordion piece on display.

#### **ADJOURNMENT 4:49 PM** 9.

Minutes approved by the chair and a vote of the Board/Commission on 11/6/2024

File Attachments for Item:

# 16. Resolution 2024-144 Approving the Design, Creation and Installation of Public Art at the Power Trail and Harmony Road Crossing.

The purpose of this item is to approve expenditures from the Art in Public Places (APP) Reserve Account to commission an artist to create art for the Power Trail and Harmony Road Crossing Project. The expenditure of \$50,000 will be for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for Todd Kundla to create the artworks for the Power Trail and Harmony Road Crossing Project.

# December 17, 2024

# AGENDA ITEM SUMMARY City Council



### STAFF

Ellen Martin, Visual Arts Administrator

### SUBJECT

Resolution 2024-144 Approving the Design, Creation and Installation of Public Art at the Power Trail and Harmony Road Crossing.

### **EXECUTIVE SUMMARY**

The purpose of this item is to approve expenditures from the Art in Public Places (APP) Reserve Account to commission an artist to create art for the Power Trail and Harmony Road Crossing Project. The expenditure of \$50,000 will be for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for Todd Kundla to create the artworks for the Power Trail and Harmony Road Crossing Project.

### **STAFF RECOMMENDATION**

Staff recommends adoption of the Resolution.

### **BACKGROUND / DISCUSSION**

Section 23-303 of the Code, which was added in 1995, established the Art in Public Places (APP) Reserve Account, and designated it for use in acquiring or leasing works of art, maintenance, repair or display of works of art, and administrative expenses related to the APP Program, in accordance with the APP Guidelines adopted by the Council in Ordinance No. 20, 1995. In 2012, City Council permanently adopted the APP Program, and reenacted City Code Chapter 23, Article IX, with certain modifications.

APP Artist Todd Kundla, of Fort Collins, was selected through an RFQ process and collaborated with the Project Team to develop artwork for this site.

Located at the north and south entrances to the new pedestrian underpass at the Power Trail and Harmony Rd. crossing, the sculptures will serve as wayfinding landmarks. The two series of sculptures, titled *Custodes Solis (Guardians of the Sun)* and *Motus Aquae (Movement of Water)*, will be visible from Harmony Road and the Power Trail.

The themes of the sculptures are inspired by the Power Trail. Three sculptures on the south side of the roadway, *Custodes Solis (Guardians of the Sun)*, are created out of steel and warm toned geometric polycarbonate-colored panels honoring the sun as provider of energy. On the north side of the roadway, two sculptures, *Motus Aquae (Movement of Water)*, will incorporate elegant curves of steel and cooler tones of polycarbonate to symbolize the fluidity water and its power in the West. The artist is working with the Project Team to place these sculptures into the landscape.

#### **CITY FINANCIAL IMPACTS**

The funds for this item have been appropriated in the Reserve Account. The APP program also has available appropriated maintenance funds for the long-term care of the subject artwork and the rest of the APP art collection.

Power Trail and Harmony Road Crossing Project art budget is \$50,000 to be used for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for this artwork.

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

The design concept and budget for the art project was reviewed and recommended for Council approval by the APP Board at the November 6, 2024, rescheduled October board meeting.

### PUBLIC OUTREACH

The selected artist collaborates with the project team to develop concepts for the artwork based on the goals of the project and input from the team. The final design and budget are reviewed and approved by the project team and then the APP Board, who then recommends the project to City Council for approval.

The APP Program promotes the project in development, fabrication, installation, and completion of the artwork on social media, website, and newsletters.

### **ATTACHMENTS**

- 1. Resolution for Consideration
- 2. Proposed Artwork
- 3. Art in Public Places Board Minutes, November 6, 2024

## RESOLUTION 2024-144 OF THE COUNCIL OF THE CITY OF FORT COLLINS APPROVING THE DESIGN, CREATION AND INSTALLATION OF PUBLIC ART AT THE POWER TRAIL AND HARMONY ROAD CROSSING

A. The City has selected Todd Kundla to design, create and install five sculptures where the Power Trail will cross Harmony Road (the "Sculptures"). Three sculptures will be located on the south side of Harmony Road and will be created out of steel and warm toned geometric polycarbonate-colored panels honoring the sun as provider of energy. On the north side of Harmony Road, two sculptures will incorporate elegant curves of steel and cooler tones of polycarbonate to symbolize the fluidity of water and its power in the American West.

B. The total cost of designing, creating and installing the Sculptures is \$50,000. The funds for this item have been appropriated in the Art in Public Places Reserve Account. The Art in Public Places program also has available appropriated maintenance funds for the long-term care of the Sculptures and the rest of the APP art collection.

C. Section 23-308 of the City Code requires the Art in Public Places Board to make recommendations to the City Council concerning the use of funds in excess of \$30,000 for the acquisition, installation and maintenance of works of art. At its November 6, 2024 meeting, the Art in Public Places Board recommended acquiring and installing the Sculptures.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council hereby approves of the Sculptures project described herein, the conceptual design of which was reviewed and approved by the Art in Public Places Board at its November 6, 2024, meeting.

Passed and adopted on December 17, 2024.

ATTEST:

Mayor

City Clerk

Effective Date: December 17, 2024 Approving Attorney: Ted Hewitt



# ARTIST: Todd Kundla



Renderings of proposed art installations Custodes Solis (Guardians of the Sun) and Motus Aquae (Movement of Water) by artist Todd Kundla, shown on the south and north sides of Harmony Road and Power Trail crossing, respectively.

The Power Trail & Harmony Road Crossing Project will complete a missing gap in the Power Trail at this busy intersection by building a pedestrian underpass beneath Harmony Road. Fort Collins APP Artist Todd Kundla was selected through an RFQ process and collaborated with the Project Team to develop artwork for this site.

The project goals are to improve safety and convenience for trail users, reduce the number of pedestrians and bicyclists crossing Harmony Road at grade, and provide an aesthetically pleasing solution for current challenges at the site.

Located at the north and south entrances to the new pedestrian underpass at the Power Trail and Harmony Rd. crossing, the proposed sculptures will serve as wayfinding landmarks. The two series of sculptures, titled Custodes Solis (Guardians of the Sun) and Motus Aquae (Movement of Water), will be visible from Harmony Road and the Power Trail.

The themes of the sculptures are inspired by the Power Trail. Three sculptures on the south side of the roadway, Custodes Solis (Guardians of the Sun), are created out of steel and warm toned geometric polycarbonate-colored panels honoring the sun as provider of energy. On the north side of the roadway, two sculptures, Motus Aquae (Movement of Water), will incorporate elegant curves of steel and cooler tones of polycarbonate to symbolize the fluidity water and its power in the West. The artist is working with the Project Team to place these sculptures into the landscape.

# LOCATION

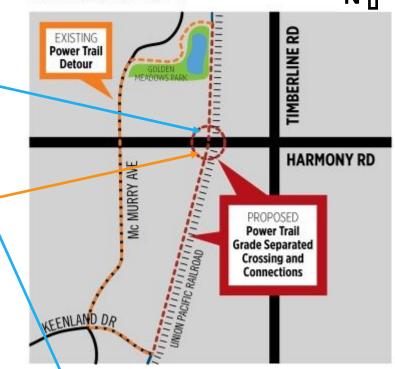


Motus Aquae by artist Todd Kundla



Custodes Solis by artist Todd Kundla

# **POWER TRAIL & HARMONY ROAD CROSSING MAP** NĴ







East elevation rendering of *Motus Aquae (Movement of Water)* by artist Todd Kundla . 8' x 12' x 12' with 3" x 6" steel rectangular tubing, oxidized finish, 1/2" thick polycarbonate colored panels (7x stronger than glass)



East elevation rendering of *Custodes Solis (Guardians of the Sun)* by artist Todd Kundla. 8' x 8' x 16' with 3" diameter steel tubing, 1/4" wall thickness, silver paint, 1/2" thick polycarbonate colored panels

## **MINUTES**

CITY OF FORT COLLINS . BOARDS AND COMMISSIONS



#### ART IN PUBLIC PLACES REGULAR MEETING

Wednesday, September 18, 2024 - 3:30 PM

The Lincoln Center, Founders Room

#### 1. CALL TO ORDER: 3:36 PM

#### 2. ROLL CALL

- a) Board Members Present Natalie Barnes, Kathy Bauer, Myra Powers, Renee Sherman, Heidi Shuff, Christopher Staten, and Nancy Zola
- b) Board Members Absent –
- c) Staff Members Present Ellen Martin, Liz Good, Libby Colbert, and Spencer Smith
- d) Cultural Resources Board Liaison Not present
- e) Guests Stephen Shachtman

#### 3. AGENDA REVIEW

#### 4. PUBLIC PARTICIPATION

#### 5. APPROVAL OF MINUTES, August 28, 2024

Ms. Barnes moved to approve the Minutes. Ms. Powers seconded. Unanimously approved. Ms, Shuff Abstained because she wasn't present.

#### 6. NEW BUSINESS

#### a) I-25 AND PROSPECT INTERCHANGE PROJECT DESIGN REVIEW

Spencer Smith (Engineering Project Manager), Stephen Shachtman (Artist), Libby Colbert (APP Project Manager) were in attendance to present the project. This project is part of a larger CDOT expansion project and the city is creating this interchange as a gateway. The artwork consists of a "stand" of 18 Corten steel tree inspired sculptures in three heights: 22', 13', 12'. Sculptures will be strategically placed on the top plateaus on both the north and south sides of East Prospect Road, just east of the on- and off-ramps connecting to I-25. They will be visible from the highway but mostly viewed by cars entering and exiting the highway. The artist will work with the landscape architect on placement of the sculptures in the landscape.

Ms. Zola moved we approve the I-25 and Prospect interchange project Ms. Shuff seconded. Unanimously approved.





#### **ART IN PUBLIC PLACES**

#### **REGULAR MEETING**

#### b) TRANSFORMER CABINET MURAL UPDATES

Libby Colbert APP Project Manager presented an update on the status of the 15 Transformer Cabinet Murals being painted in 2024 by 13 artists. The murals were at various stages. She shared additional details about the Community Transformer Cabinet Murals being painted at Fossil Ridge High School and Kinard Core Knowledge Middle School.

#### c) 215 N. MASON ST. LOBBY RENOVATION

Ms. Martin presented the upcoming project. The lobby at 215 N. Mason St. building will be redesigned for use by the Municipal Court and this will affect the location of the existing APP artwork, *Municipal Axis* by Rafe Ropek.

Staff discussed options to address the need to remove and perhaps relocate the artwork including the option to involve the artist that created the sculpture. The Board discussed the options and agreed that there is value in leveraging the existing work, if possible. The artwork is valuable and there will be a small APP budget with the new project. If the artist isn't interested in being involved in the project, the artwork will return to the board to deaccession.

Ms. Powers moved that with the understanding that the lobby of 215 will undergo a remodel to recommend the artist Rafe Ropek be consulted for the project Ms. Shuff seconded

Unanimously approved.

#### STAFF REPORT 7.

Ms. Martin shared highlights and updates; the report will be emailed to the Board. Staff will share the date of the Water Treatment Facility Artwork Celebration with the Board.

#### **OTHER BUSINESS** 8.

The Board asked for updates on the ArtWear event. Staff shared about the upcoming Studio Tour and the ArtWear exhibit in The Lincoln Center Art Gallery and shared that APP artist Andy Dufford created the accordion piece on display.

#### **ADJOURNMENT 4:49 PM** 9.

Minutes approved by the chair and a vote of the Board/Commission on 11/6/2024

File Attachments for Item:

#### 17. Resolution 2024-145 Approving Expenditures from the Art in Public Places Stormwater and Water Utility Accounts to Commission an Artist to Create Art for the City's Utilities.

The purpose of this item is to approve expenditures from the Art in Public Places Stormwater Utility and Water Accounts to commission an artist to create art for the Oak Street Stormwater Improvements Project. The expenditure of \$155,000 will be for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for Mark Aeling to create the artworks for the Oak Street Stormwater Improvements Project.

#### December 17, 2024

#### AGENDA ITEM SUMMARY City Council



#### STAFF

Ellen Martin, Visual Arts Administrator

#### SUBJECT

Resolution 2024-145 Approving Expenditures from the Art in Public Places Stormwater and Water Utility Accounts to Commission an Artist to Create Art for the City's Utilities.

#### EXECUTIVE SUMMARY

The purpose of this item is to approve expenditures from the Art in Public Places Stormwater Utility and Water Accounts to commission an artist to create art for the Oak Street Stormwater Improvements Project. The expenditure of \$155,000 will be for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for Mark Aeling to create the artworks for the Oak Street Stormwater Improvements Project.

#### **STAFF RECOMMENDATION**

Staff recommends adoption of the Resolution.

#### **BACKGROUND / DISCUSSION**

Section 23-303 of the Code, which was added in 1995, established the Art in Public Places (APP) Reserve Account, and designated it for use in acquiring or leasing works of art, maintenance, repair or display of works of art, and administrative expenses related to the APP Program, in accordance with the APP Guidelines adopted by the Council in Ordinance No. 20, 1995. In 2012, Council permanently adopted the APP Program, and reenacted City Code Chapter 23, Article IX, with certain modifications.

As part of the City's Oak Street Stormwater Improvements Project, APP worked with the Project Team and St. Petersburg, Florida artist Mark Aeling to design art for the site.

The design places three sculptures along Oak St. at the intersections with Howes St., Washington Ave. and Jackson Ave. The series of sculptures are intended to create a visual narrative to inform viewers of the purpose of the capital project to better control stormwater and its impact on public and private property.

This narrative begins at the Howes St. intersection and Oak St., which is the eastern most location and closest to downtown. This location is close to the urban center of town and will have the largest sculpture.

Rain Drop is the sculpture proposed for the Howes St. intersection and it depicts a larger-than-life drop of water splashing into a puddle of mud. This is the beginning of the natural process of precipitation that the Oak Street Stormwater Improvements Project is designed to direct and divert through the science of engineering.

Vortex, the second sculpture found at the intersection of Washington Avenue. and Oak Street, depicts a water vortex that is channeled through a cylinder. In effect, by channeling the potentially destructive energy of this natural resource it can be neutralized.

Seed Pods, a smaller and more intimate sculpture located at the entrance to City Park at the intersection of Jackson Ave. and Oak St., depicts stylized milkweed husks open to the world to reveal seeds. This sculpture refers to the synergy that occurs when we live in harmony with nature.

All the sculptures will combine stainless and Corten steel, giving strong contrast to the sculptures. Each of the sculptures will be placed in a rain garden that is being built by the project. Rain gardens help manage stormwater runoff, prevent erosion and provide habitat for local wildlife. The rain gardens capture rainwater and allow it to infiltrate the soil rather than flowing over the surface. The root systems of plants in rain gardens help stabilize the soil, further reducing erosion. By incorporating native plants that attract pollinators, this project will also create pollinator gardens that support biodiversity.

#### **CITY FINANCIAL IMPACTS**

The funds for this item have been appropriated in the \$155,000 Account. The APP program also has available appropriated maintenance funds for the long-term care of this artwork and the rest of the APP art collection.

Oak Street Project art budget is \$155,000 to be used for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for this artwork.

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

The design concept and budget for the art project was reviewed and recommended for Council approval by the APP Board at the November 20, 2024, regular board meeting.

#### PUBLIC OUTREACH

The selected artist collaborates with the project team to develop concepts for the artwork based on the goals of the project and input from the team. The final design and budget are reviewed and approved by the project team and then the APP Board, who then recommends the project to Council for approval.

The artist and project are being promoted on the capital project and APP newsletter/websites. The APP Program promotes the project in development, fabrication, installation, and completion of the artwork on social media, website, and newsletters.

#### ATTACHMENTS

- 1. Resolution for Consideration
- 2. Oak Street Stormwater Proposed Artwork
- 3. Art in Public Places Board Minutes, November 20, 2024

#### RESOLUTION 2024-145 OF THE COUNCIL OF THE CITY OF FORT COLLINS APPROVING EXPENDITURES FROM THE ART IN PUBLIC PLACES STORMWATER AND WATER UTILITY ACCOUNTS TO COMMISSION AN ARTIST TO CREATE ART FOR THE CITY'S UTILITIES

A. The City has selected Mark Aeling to design, create and install three sculptures for the Oak Street Stormwater Improvements Project (the "Sculptures"). The Sculptures will combine stainless and Corten steel, giving strong contrast to the Sculptures, with one representing a rain drop, one representing a water vortex, and one representing milkweed husks opening to the world. Each of the Sculptures will be placed in a rain garden that is being built as part of the Oak Street Stormwater Improvements Project.

B. Funding contributions to Art in Public Places for each City Utility are to be kept and spent in such Utility's own fund for the betterment of such utility or as otherwise determined by the City Council for a specific utility purpose.

C. The total cost of designing, creating and installing the Sculptures is \$155,000. The funds for this item have been appropriated in the Art in Public Places Stormwater and Water Utility Accounts. The Art in Public Places program also has available appropriated maintenance funds for the long-term care of the Sculptures and the rest of the Art in Public Places art collection.

D. Section 23-308 of the City Code requires the Art in Public Places Board to make recommendations to the City Council concerning the use of funds in excess of \$30,000 for the acquisition, installation and maintenance of works of art. At its November 20, 2024 meeting, the Art in Public Places Board recommended acquiring and installing the Sculptures.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council hereby approves of the Sculptures project described herein, the conceptual design of which was reviewed and approved by the Art in Public Places Board at its November 20, 2024, meeting.

Passed and adopted on December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 17, 2024 Approving Attorney: Ted Hewitt



## 

Artist's renderings of three sculptures to be installed along Oak Street. SEED PODS (~ 6.5') VORTEX (~ 8') RAIN DROP (~ 12') cal Clinic, Inc... O Fort Collins Mountain Fresh W Mountain Ave W Mountain Av W Mountain Ave W Mountain Ave BHA Design W Mo tain Ave Modern Family Law Wo W Oak St United Way of Larimer County W Oak St W Oak St О W Oak St City Patt Of Early Childhood Center at CSU 0 S Akin Ave W Olive St W Olive St W Olive St W Olive St United States ሰ The Deli Lima Coffee Roasters Old Town Coffee Sho Postal Service Woodford Ave W Magnolia St

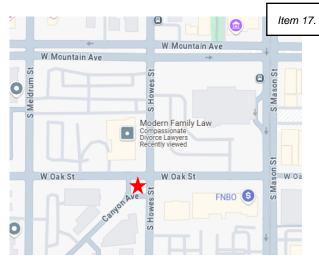
As part of the City's Oak Street Stormwater Improvement Project, Art in Public Places worked with the Project Team and St. Petersburg, Florida, artist Mark Aeling to design art for the site.

The project proposes 3 sculptures to be placed along Oak St. at the intersections with Howes St., Washington Ave. and Jackson Ave. The series of sculptures is intended to create a visual narrative to inform viewers of the purpose of the capital project that will better control stormwater and its impact on public and private property. This narrative begins at the Howes St. intersection with Oak St., which is the eastern most location and closest to downtown. This location is close to the urban center of town and will have the largest sculpture.

Each of the sculptures will be placed in a rain garden. Rain gardens help manage stormwater runoff, prevent erosion, and provide habitat for local wildlife.



*Rain Drop* depicts a larger-than-life stainless steel drop of water splashing into a Corten steel puddle of mud. This is the beginning of the natural process of precipitation that the Stormwater project is designed to direct and divert through the science of engineering. The proposed location is on the SW corner of Oak St. and Howes St. The sculpture will be illuminated from within.



Proposed location of Rain Drop.

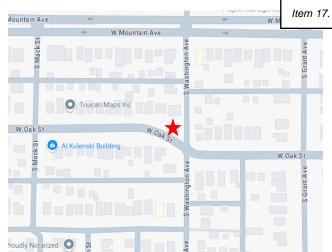


Renderings of Rain Drop by artist Mark Aeling on the SW Corner of W. Oak St. and South Howes St..





*Vortex,* the second sculpture proposed for the NW corner of Washington Ave. and Oak St., depicts a stainless steel water vortex that is channeled through a Corten steel cylinder. In effect, by channeling the potentially destructive energy of this natural resource it can be neutralized.



Proposed location of Vortex.

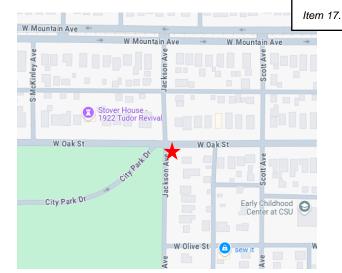


Renderings of *Vortex* on the NW corner of Oak St. and Washington Ave.





Seed Pods, a smaller and more intimate sculpture located at the entrance to City Park at the SW of Jackson Ave. and Oak St., depicts multiple Corten steel stylized milkweed husks open to the world to reveal stainless steel seeds. This sculpture refers to the synergy that occurs when we live in harmony with nature.



Proposed location of 'Seed Pods'



Renderings of Seed Pods on the SW corner of Oak St. and Jackson Ave.







#### ART IN PUBLIC PLACES RESCHEDULED MEETING

Wednesday, November 20, 2024 - 3:30 PM

#### Virtual via Teams

1. CALL TO ORDER: 3:31 PM

#### 2. ROLL CALL

- a) Board Members Present Natalie Barnes, Kathy Bauer, Myra Powers, Renee Sherman, Heidi Shuff, Christopher Staten, and Nancy Zola
- b) Board Members Absent –
- c) Staff Members Present Ellen Martin, Liz Good, Libby Colbert, Heather McDowell
- d) Cultural Resources Board Liaison Not present
- e) Guests Mark Aeling

#### 3. AGENDA REVIEW

#### 4. PUBLIC PARTICIPATION

#### 5. APPROVAL OF MINUTES, November 6, 2024

Ms. Powers moved approval of the Minutes Ms. Barnes seconded. Approved by Ms. Barnes, Ms. Bauer, Ms. Powers, Ms. Sherman, Mr. Staten and Ms. Zola. Ms. Shuff abstained

#### 6. NEW BUSINESS

#### a) OAK STREET STORMWATER IMPROVEMENT PROJECT DESIGN REVIEW

Ms. Martin introduced the team in attendance to present the project including APP Project Manager Libby Colbert, artist Mark Aeling, and Utilities Capital Project Manager Heather McDowell. Heather McDowell shared an overview of the stormwater project. The proposed artwork will be in rain gardens at Howes St., Washington Ave., and Jackson Ave. Mark Aeling shared details about the three proposed sculptures representing the themes of the project. The first sculpture at Howes St. is of a water drop, showing the start of rain falling. The second sculpture at Washington Ave. is of a vortex, showing the potentially destructive energy of water being neutralized. The third sculpture at Jackson Ave. is of a seed pod, showing the benefits of water working with nature.

Ms. Shuff moved to approve the Oak Street design project as presented. Ms. Powers seconded. Unanimously approved.





#### **ART IN PUBLIC PLACES**

#### REGULAR MEETING

#### b) ANNUAL CALLS TO ARTISTS

Ms. Martin shared the approved updates to the Artist Consultant List and the Pedestrian Paver RFP from the last meeting.

#### C) 2025 WORK PLAN DRAFT

Ms. Martin shared an updated draft with discussed changes from the last meeting.

Ms. Zola moved that we approve the 2025 workplan as presented Ms. Barnes seconded Unanimously approved.

#### 7. STAFF REPORT

Ms. Martin shared updates since the last meeting as a Show and Tell of the final Transformer Cabinet Murals, the Traffic Box Mural by Shawna Turner, and the Stream Rehabilitation Project by Andy Dufford, and Chevo Studios.

#### 8. OTHER BUSINESS

Ms. Zola asked if there were any updates about 215 Mason remodel project. Ms. Martin thanked the Board for meeting virtually.

#### 9. ADJOURNMENT 4:21 PM

Minutes approved by the chair and a vote of the Board/Commission on XX/XX/XX

File Attachments for Item:

# 18. Resolution 2024-146 Concerning Implementation of Standards Created by Amendments to the Public Utility Regulatory Policies Act of 1978 by the Infrastructure Investment and Jobs Act ("IIJA").

The purpose of this item is to present for Council consideration the recommendation from the City electric utility and the Energy Board, not to adopt the new revisions to the Public Utility Regulatory Policies Act of 1978 (PURPA) into the electric utility polices. Light & Power (L&P) is a "nonregulated utility" under PURPA, and can make a determination whether or not to implement the amended PURPA standards or establish a rule that differs from the standards. A complete review and evaluation of amended PUPRA standards has been completed and the findings support the recommendation not to adopt the amended PURPA standards. Staff is recommending Council adopt the written determinations made by Utility staff establishing local standards that differ from the amended PURPA standards.

December 17, 2024

#### AGENDA ITEM SUMMARY City Council



#### STAFF

Brian Tholl, Energy Services Manager, Fort Collins Utilities Travis Walker, Light & Power Director

#### SUBJECT

Resolution 2024-146 Concerning Implementation of Standards Created by Amendments to the Public Utility Regulatory Policies Act of 1978 by the Infrastructure Investment and Jobs Act ("IIJA").

#### **EXECUTIVE SUMMARY**

The purpose of this item is to present for Council consideration the recommendation from the City electric utility and the Energy Board, not to adopt the new revisions to the Public Utility Regulatory Policies Act of 1978 (PURPA) into the electric utility polices. Light & Power (L&P) is a "nonregulated utility" under PURPA, and can make a determination whether or not to implement the amended PURPA standards or establish a rule that differs from the standards. A complete review and evaluation of amended PUPRA standards has been completed and the findings support the recommendation not to adopt the amended PURPA standards establishing local standards that differ from the amended PURPA standards.

#### **STAFF RECOMMENDATION**

Staff recommends adoption of the Resolution.

#### **BACKGROUND / DISCUSSION**

The Public Utility Regulatory Policies Act of 1978 (PURPA) was written to encourage energy conservation and efficiency. The Infrastructure Investment and Jobs Act (IIJA) (2021) amended PURPA, as previously amended by the Energy Policy Act of 2005 and the Energy Independence and Security Act of 2007.

Previous PURPA amendments added standards including time-based metering, integrated resource planning, rate design modifications to promote energy efficiency investments, and smart grid investment and information. Fort Collins Light & Power (L&P), is a "nonregulated utility" under PURPA, and is permitted under the Act to adopt any standard or rule that differs from a standard established in PURPA.

Nevertheless, the City honored the PURPA requirement to consider the standards in the 2005 and 2007 amendments, and Council adopted Resolutions 2007-066 and 2009-098, respectively, considered the amended standards and adopting the written determinations made by Utility staff establishing local standards that differ from the amended PURPA standards.

The IIJA added two additional standards to PURPA and again required all public utilities to consider them. The new 2021 PURPA standards are summarized as follows:

- Demand Response and Demand Flexibility: the utility "may establish rate mechanisms for the timery recovery of the costs of promoting demand-response and demand flexibility practices."
- 2. Electric Vehicle Charging Programs: the utility shall consider measures to promote greater electrification of the transportation sector, including the establishment of rates that promote electric vehicle infrastructure and "appropriately recover the marginal costs of delivering electricity to" EV infrastructure.

As with prior amendments, PURPA permits a nonregulated utility to determine that it is not appropriate to implement the 2021 amended standards and decline to do so if the utility sets its reasons in writing. Utilities staff reviewed each of the new federal standards required by the 2021 amendments, considered and made determinations regarding each standard, and made recommendations to the Fort Collins Energy Board in a staff report that explained how the Utility meets or exceeds each standard or is working in a joint effort with Platte River Power Authority ("PRPA") to meet or exceed the given standard as shown in the Staff presentation to Energy Board, attached hereto.

At its regular meeting held on December 14, 2023, the Energy Board held a public hearing to consider the staff report, a staff presentation, and input from City utility customers and the public. At the hearing, the Board voted to recommend to Council to pass a resolution adopting the determinations made by Utilities staff in the staff report.

Council is asked to consider the staff report and Energy Board recommendation regarding the 2021 amended PURPA standards and adopt the written determinations made by Utility staff in establishing local standards that differ from the amended PURPA standards.

#### **CITY FINANCIAL IMPACTS**

None.

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

The Energy Board recommended that Council support the Resolution.

#### PUBLIC OUTREACH

None.

#### **ATTACHMENTS**

- 1. Resolution for Consideration
- 2. Exhibit A to the Resolution
- 3. Staff Presentation to Energy Board
- 4. Energy Board Minutes, December 14, 2023

#### RESOLUTION 2024-146 OF THE COUNCIL OF THE CITY OF FORT COLLINS CONCERNING IMPLEMENTATION OF STANDARDS CREATED BY AMENDMENTS TO THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 BY THE INFRASTRUCTURE INVESTMENT AND JOBS ACT ("IIJA")

A. The Public Utility Regulatory Policies Act ("PURPA") of 1978 required public utilities to consider and determine the appropriateness of certain standards set forth in PURPA Article I as applied to certain Fort Collins Electric Utility (the "Electric Utility") operations.

B. PURPA requires a "nonregulated" municipally owned electric utilities, including the Electric Utility, to "consider each standard established by [Section 111(d)] and make a determination concerning whether or not it is appropriate to implement such standard" to carry out PURPA purposes.

C. The Energy Policy Act ("EPAct") of 2005 amended PURPA Article I to provide additional standards, including net metering, time-based metering, fuel source reliance, interconnection and fossil fuel generation, to be considered by nonregulated utilities.

D. The Energy Independence and Security Act of 2007 ("EISA") further amended PURPA Article I to provide additional standards, including rate designs to promote energy efficiency investments, smart grid investments, and integrated resources planning, to be considered by nonregulated utilities.

E. At the annual electric utility rate making proceedings following passage of EPAct and EISA, Council received input from ratepayers and staff regarding consideration of amended PURPA Article I standards, and made determinations and responsive policy adjustments regarding amended PURPA standards, as set forth in City Code Chapter 26 Article VI.

F. The 2021 Infrastructure Investment and Jobs Act ("IIJA") further amended PURPA Article I to provide the following additional standards to be considered by nonregulated utilities:

• Demand Response and Demand Flexibility, continued, at §111(d)(20);

• Electric Vehicle Charging Programs, at §111(d)(21).

G. PURPA requires the governing body of a utility to consider the standards, after notice and public hearing, and make a determination in writing whether or not to implement such standards to carry out the purposes of the statute, but a utility may determine that it is not appropriate to implement a particular standard and decline to do so as long as it sets forth its reasons in writing.

H. The Electric Utility staff compiled and presented a comprehensive report that explained how the Electric Utility meets or exceeds each standard or is working in a joint effort with Platte River Power Authority ("PRPA") to meet or exceed each amended PURPA standard.

I. The Energy Board held a public hearing at its regular meeting held on December 14, 2023, to consider the staff report. The Energy Board voted to recommend that Council pass a resolution adopting the determination made by Electric Utility staff that separate adoption of the EPAct standards for demand response and electric vehicle charging is not in the best interest of City electric utility ratepayers.

J. Council is asked to review the staff recommendation and public input regarding the PURPA Article I, §111(d)(20) and (21) standards, and adopt the written determinations made by Electric Utility staff establishing local standards that differ from the amended PURPA standards.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Based on the information provided by staff and the public input obtained at the public hearing, the Council declines to adopt the PURPA Article I standard on Demand Response and Demand Flexibility (§111(d)(20)), as set forth in Exhibit "A", attached hereto and incorporated herein by reference.

Section 2. Based on the information provided by staff and the public input obtained at the public hearing, the Council declines to adopt the PURPA Article I standard on Electric Vehicle Charging Programs (§111(d)(21)), as set forth in Exhibit "A", attached hereto.

Passed and adopted on December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 17, 2024 Approving Attorney: Yvette Lewis-Molock

#### Fort Collins Electric Utility Staff Recommendation Regarding Infrastructure Investment & Jobs Act of 2021 Amendments to PURPA Art. I Standards

- STAFF RECOMMENDATION REGARDING HISTORIC STANDARDS in Section 111 (d) (11)-(19): Staff recommends City Council maintain current City Electric Utility polices related to those PURPA Art. I standards set forth in Section 111 (d) (11)-(19), 16 U.S.C. 2621, as amended by the Energy Policy Act of 2005 and Energy Independence and Security Act of 2007, including policies relating to net metering, time-of-day rates, renewable energy incentives, renewable energy resource integration, and interconnection standards, as amended by Council Ordinances No. 056, 2009; No. 003, 2010; No. 074, 2013; Nos. 053 and 163, 2018; No.125, 2019; No. 139, 2020; and No. 149, 2021.
- 2. Pursuant to 2021 Infrastructure Investment and Jobs Act ("IIJA"), the following standard was added the PURPA Art. I at Section 111(d), 16 U.S.C. 2621, applicable to the Fort Collins Electric Utility:

• • •

(d) Establishment

. . .

The following Federal standards are hereby established:

...

(20) Demand-response practices

(A) In general

Each electric utility shall promote the use of demand-response and demand flexibility practices by commercial, residential, and industrial consumers to reduce electricity consumption during periods of unusually high demand. (B) Rate recovery

(ii) Nonregulated electric utilities A nonregulated electric utility may establish rate

mechanisms for the timely recovery of the costs of promoting demand response and demand flexibility practices in accordance with subparagraph (A).

## STAFF RECOMMENDATION REGARDING STANDARD in Section 111 (d) (20):

Electric Utilities staff conducted a comparison of existing City electric utility rates and standards with the updated EPAct standards, finding the City's electric utility operations comport with the goals of and demonstrate compliance with the updated demand response standards, determining that separately adopting the EPAct standards is not in the best interest of City electric utility ratepayers as it may be duplicative and interfere with current benefits received by ratepayers.

3. Pursuant to IIJA, the following standard was added the PURPA Art. I at Section 111(d), 16 U.S.C. 2621, applicable to the Fort Collins Electric Utility:

• • •

. . .

#### (d) Establishment

The following Federal standards are hereby established:

#### (21) Electric vehicle charging programs

Each State shall consider measures to promote greater electrification of the transportation sector, including the establishment of rates that--

(A) promote affordable and equitable electric vehicle charging options for residential, commercial, and public electric vehicle charging infrastructure;

**(B)** improve the customer experience associated with electric vehicle charging, including by reducing charging times for light-, medium-, and heavy-duty vehicles;

**(C)** accelerate third-party investment in electric vehicle charging for light-, medium-, and heavy-duty vehicles; and

**(D)** appropriately recover the marginal costs of delivering electricity to electric vehicles and electric vehicle charging infrastructure.

...

## STAFF RECOMMENDATION REGARDING STANDARD in Section 111 (d) (21):

Electric Utilities staff conducted a comparison of existing City electric utility rates and standards with the updated EPAct standards, finding the City's electric utility operations comport with the goals of and demonstrate sufficient compliance with updated electric vehicle charging standards, determining that separately adopting the EPAct standards, including shifting how marginal costs are recovered under existing rate schedules, is not in the best interest of City electric utility ratepayers as it may be duplicative and interfere with current ratepayer incentives.

#### ATTACHMENT A

#### Infrastructure Investment & Jobs Act of 2021 Amendments to PURPA

#### 16 U.S.C.A. § 2621. Consideration and determination respecting certain ratemaking standards

#### (a) Consideration and determination

Each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall consider each standard established by subsection (d) and make a determination concerning whether or not it is appropriate to implement such standard to carry out the purposes of this chapter. For purposes of such consideration and determination in accordance with subsections (b) and (c), and for purposes of any review of such consideration and determination in any court in accordance with section 2633 of this title, the purposes of this chapter supplement otherwise applicable State law. Nothing in this subsection prohibits any State regulatory authority or nonregulated electric utility from making any determination that it is not appropriate to implement any such standard, pursuant to its authority under otherwise applicable State law.

#### (b) Procedural requirements for consideration and determination

(1) The consideration referred to in subsection (a) shall be made after public notice and hearing. The determination referred to in subsection (a) shall be--

(A) in writing,

**(B)** based upon findings included in such determination and upon the evidence presented at the hearing, and

(C) available to the public.

(2) Except as otherwise provided in paragraph (1), in the second sentence of section 2622(a) of this title, and in sections 2631 and 2632 of this title, the procedures for the consideration and determination referred to in subsection (a) shall be those established by the State regulatory authority or the nonregulated electric utility.

#### (c) Implementation

(1) The State regulatory authority (with respect to each electric utility for which it has ratemaking authority) or nonregulated electric utility may, to the extent consistent with otherwise applicable State law--

(A) implement any such standard determined under subsection (a) to be appropriate to carry out the purposes of this chapter, or

(B) decline to implement any such standard.

(2) If a State regulatory authority (with respect to each electric utility for which it has ratemaking authority) or nonregulated electric utility declines to implement any standard established by subsection (d) which is determined under subsection (a) to be appropriate to carry out the purposes of this chapter, such

authority or nonregulated electric utility shall state in writing the reasons therefor. Such statement of reasons shall be available to the public.

(3) If a State regulatory authority implements a standard established by subsection (d)(7) or (8), such authority shall--

(A) consider the impact that implementation of such standard would have on small businesses engaged in the design, sale, supply, installation or servicing of energy conservation, energy efficiency or other demand side management measures, and

**(B)** implement such standard so as to assure that utility actions would not provide such utilities with unfair competitive advantages over such small businesses.

#### (d) Establishment

The following Federal standards are hereby established:

...

#### (20) Demand-response practices

#### (A) In general

Each electric utility shall promote the use of demand-response and demand flexibility practices by commercial, residential, and industrial consumers to reduce electricity consumption during periods of unusually high demand.

#### (B) Rate recovery

#### (i) In general

Each State regulatory authority shall consider establishing rate mechanisms allowing an electric utility with respect to which the State regulatory authority has ratemaking authority to timely recover the costs of promoting demand-response and demand flexibility practices in accordance with subparagraph (A).

#### (ii) Nonregulated electric utilities

A nonregulated electric utility may establish rate mechanisms for the timely recovery of the costs of promoting demand response and demand flexibility practices in accordance with subparagraph (A).

#### (21) Electric vehicle charging programs

Each State shall consider measures to promote greater electrification of the transportation sector, including the establishment of rates that--

(A) promote affordable and equitable electric vehicle charging options for residential, commercial, and public electric vehicle charging infrastructure;
(B) improve the customer experience associated with electric vehicle charging, including by reducing charging times for light-, medium-, and heavy-duty vehicles;

**(C)** accelerate third-party investment in electric vehicle charging for light-, medium-, and heavy-duty vehicles; and

**(D)** appropriately recover the marginal costs of delivering electricity to electric vehicles and electric vehicle charging infrastructure.

#### 16 U.S.C.A. § 2622. Obligations to consider and determine

#### (a) Request for consideration and determination

Each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility may undertake the consideration and make the determination referred to in section 2621 of this title with respect to any standard established by section 2621(d) of this title in any proceeding respecting the rates of the electric utility. Any participant or intervenor (including an intervenor referred to in section 2631 of this title) in such a proceeding may request, and shall obtain, such consideration and determination in such proceeding. In undertaking such consideration and making such determination in any such proceeding with respect to the application to any electric utility of any standard established by section 2621(d) of this title, a State regulatory authority (with respect to an electric utility for which it has ratemaking authority) or nonregulated electric utility may take into account in such proceeding--

(1) any appropriate prior determination with respect to such standard--

(A) which is made in a proceeding which takes place after November 9, 1978, or

**(B)** which was made before such date (or is made in a proceeding pending on such date) and complies, as provided in section 2634 of this title, with the requirements of this chapter; and

(2) the evidence upon which such prior determination was based (if such evidence is referenced in such proceeding).

#### (b) Time limitations

(7) (A) Not later than 1 year after November 15, 2021, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority) and each nonregulated electric utility shall commence consideration under section 2621 of this title, or set a hearing date for consideration, with respect to the standard established by paragraph (20) of section 2621(d) of this title.

**(B)** Not later than 2 years after November 15, 2021, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority), and each nonregulated electric utility shall complete the consideration and make the determination under section 2621 of this title with respect to the standard established by paragraph (20) of section 2621(d) of this title.

(8) (A) Not later than 1 year after November 15, 2021, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority) and each nonregulated utility shall commence consideration under section 2621 of this title, or set a hearing date for consideration, with respect to the standard established by paragraph (21) of section 2621(d) of this title.

**(B)** Not later than 2 years after November 15, 2021, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority), and each nonregulated electric utility shall complete the consideration and make the determination under section 2621 of this title with respect to the standard established by paragraph (21) of section 2621(d) of this title.

#### (c) Failure to comply

Each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall undertake the consideration, and make the determination, referred to in section 2621 of this title with respect to each standard established by section 2621(d) of this title in the first rate proceeding commenced after the date three years after November 9, 1978, respecting the rates of such utility if such State regulatory authority or nonregulated electric utility has not, before such date, complied with subsection (b)(2) with respect to such standard

In the case of the standard established by paragraph (20) of section 2621(d) of this title, the reference contained in this subsection to November 9, 1978, shall be deemed to be a reference to November 15, 2021. In the case of the standard established by paragraph (21) of section 2621(d) of this title, the reference contained in this subsection to November 9, 1978, shall be deemed to be a reference to November 15, 2021.

• • •

#### (g) Prior State actions

Subsections (b) and (c) shall not apply to the standard established by paragraph (20) of section 2621(d) of this title in the case of any electric utility in a State if, before November 15, 2021--

(1) the State has implemented for the electric utility the standard (or a comparable standard);

(2) the State regulatory authority for the State or the relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard (or a comparable standard) for the electric utility; or

(3) the State legislature has voted on the implementation of the standard (or a comparable standard) for the electric utility.

#### (h) Other prior State actions

Subsections (b) and (c) shall not apply to the standard established by paragraph (21) of section 2621(d) of this title in the case of any electric utility in a State if, before November 15, 2021--

(1) the State has implemented for the electric utility the standard (or a comparable standard);

(2) the State regulatory authority for the State or the relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard (or a comparable standard) for the electric utility; or

(3) the State legislature has voted on the implementation of the standard (or a comparable standard) for the electric utility during the 3-year period ending on November 15, 2021.

## AGENDA





Item 18.

#### ENERGY BOARD

#### REGULAR MEETING

December 14, 2023 – 5:30 pm 222 Laporte Ave – Colorado Room Zoom – See Link Below

Participation for this Energy Board Meeting will be in person in the Colorado Room at 222 Laporte Ave.

You may also join online via Zoom, using this link: https://fcgov.zoom.us/j/96707441862

#### Online Public Participation:

The meeting will be available to join beginning at **5:15 pm**, **December 14, 2023**. Participants should try to sign in prior to the 5:30 pm meeting start time, if possible. For public comments, the Chair will ask participants to click the "Raise Hand" button to indicate you would like to speak at that time. Staff will moderate the Zoom session to ensure all participants have an opportunity to address the Board or Commission.

#### To participate:

- Use a laptop, computer, or internet-enabled smartphone. (Using earphones with a microphone will greatly improve your audio).
- You need to have access to the internet.
- Keep yourself on muted status.
- 1. [5:30] CALL MEETING TO ORDER
- 2. [5:30] PUBLIC COMMENT
- 3. [5:35] APPROVAL OF NOVEMBER 9, 2023 MINUTES
- 4. [5:45] PURPA FERC RULING ON MUST CONSIDER LANGUAGE (Decision, 30 Min.) John Phelan, Energy Services Manager & Energy Policy Advisor Cyril Vidergar, Assistant City Attorney II
- 5. [6:15] DISCUSSION OF PLATTE RIVER'S NATURAL GAS PLANT (Discussion, 45 Min.)
- 6. [7:00] DRAFT 2023 ANNUAL REPORT (Discussion, 30 Min.)
- 7. [7:30] BOARD MEMBER REPORTS (5 min.)
- 8. [7:35] FUTURE AGENDA REVIEW (5 min.)
- 9. [7:40] ADJOURNMENT



#### Fort Collins Boards & Commissions

Item 18.

#### **ENERGY BOARD**

November 9, 2023 – 5:30 pm 222 Laporte Ave – Colorado Room

#### ROLL CALL

**Board Members Present**: Bill Althouse, Thomas Loran, Marge Moore, Alan Braslau, Jeremy Giovando, Bill Becker, Stephen Tenbrink **Board Members Absent**: Vanessa Paul, Brian Smith

#### OTHERS PRESENT

**Staff Members Present**: Christie Fredrickson, Phillip Amaya, Kendall Minor, Cyril Vidergar, John Phelan, **Members of the Public:** Sonia Koetting

#### **MEETING CALLED TO ORDER**

Chairperson Tenbrink called the meeting to order at 5:30 pm.

#### **ANNOUNCEMENTS & AGENDA CHANGES**

None.

#### **PUBLIC COMMENT**

None.

#### **APPROVAL OF MINUTES**

In preparation for the meeting, board members submitted amendments via email for the October 12, 2023, minutes. The minutes were approved as amended.

#### **STAFF REPORTS**

Mr. Phelan advised of an ongoing issue at the Riverside Community Solar Garden, the project has been down since August due to an issue with the inverter. Staff has been communicating the issues with participating customers, as well as working with Schneider Electric to try and identify and remedy the problem.

#### **EXECUTIVE DIRECTOR'S UPDATE**

Kendall Minor, Utilities Executive Director

Mr. Minor gave an update on the Customer Information System; he reminded the Board that the City has been involved in lawsuit with the previous CIS vendor, Open International. The judge presiding over the case recently ruled in favor of the City, and there will be a hearing to determine the judgment. Open International said they plan to appeal, so the case will be ongoing.

Mr. Minor thanked and congratulated Mr. Amaya on his one-year anniversary with the City and spend some time thanking Mr. Phelan for his many years of service ahead of his retirement next month.

Light & Power's Safety Supervisor position remains unfilled, but the posting is still open while staff





Item 18.

#### **ENERGY BOARD**

#### **REGULAR MEETING**

continue to search for the right candidate.

Financially, Mr. Minor said things are going well overall, though there has been some overuse of the Operations & Maintenance fund. He explained that there has not been as much growth as anticipated due to higher interest rates, slower development and construction; but the community has also had a mild year in weather so purchased power costs are also down. The bond issuance for Light & Power and Connexion was also recently completed.

Mr. Amaya and Light & Power staff have been working very hard on the Capital Improvement Plan, which is a robust 10-year plan.

Board member Becker wondered if staff or Council has received much feedback on the rate increase that was recently passed. Mr. Minor said he has not heard much feedback; he said the monthly rate increase amounts to \$4-5.00 a month and the Utility remains one of the lowest rates in the state.

The Meter Data Management System upgrade has been going well, though it is slightly delayed (just a few weeks) until shortly after the new year. The vendor needed some extra time to work with the integration of some of the Utility's databases.

There have been some challenges with electric and water meters this year due to supply chain issues with Honeywell (the meter vendor). This has caused a lot of manual meter reads until the malfunctioning or older meters can be replaced.

Board members discussed Platte River's entry into a regional market as well as their Integrated Resources Plan and how it will interact with the Utility's Distributed Energy Resources Management System. Staff advised that in many of the Board's discussion points, the technology might exist, but the cost or the existing infrastructure may be prohibitive. Mr. Minor said while the Utility does have a robust roadmap to reach many of these milestones, he is always open to hearing new ideas and talking through things that work for other communities, but the ratepayers will always come first. Board member Braslau said the Energy Board to push for new ideas and innovation even if the City is a small player in the bigger picture. Mr. Minor agreed and thanked the Board.

Board member Moore asked if staff has seen much about vertical-axis wind turbines, which are potentially a good alternative to more traditional horizontal-axis turbines.

#### **DISCUSSION TO IDENTIFY QUESTIONS FOR PLATTE RIVER**

Board member Braslau feels that Platte River is investing in a natural gas turbine to satisfy a regional market requirement to have 20% excess peak hourly capacity. He wondered if the gas line would be running all the time to sell into the market. Mr. Phelan said Mr. Braslau's resource planning assumptions are correct; from that perspective nothing has changed. The combustion turbine will be an aero-derivative combustion turbine, which is a gas- or hydrogen-fueled jet-type engine that starts up and stops fast, allowing it to be quickly accessed when solar and wind sources aren't producing enough. Mr. Phelan added the existing combustion turbines are reliability peak assets and they hardly ever run, but the communities pay their share for them whether they run or not. Mr. Braslau said his concern is that the IRP modeling is based on the financial model of what makes the power less expensive for ratepayers is that will be selling generation; he would like to know what the alternatives are, like investing in more wind, solar, etc.





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Board member said more importantly it comes down to what the market is going to buy, not so much what is going to be generated. Mr. Loran would like Platte River to confirm that a renewable resource is always going to be less expensive than a carbon-based resource, so in theory in a market environment, that should keep Platte River from generating and selling a non-carbon resource. Mr. Phelan said Platte River is in a tough spot because they don't have all the market moves, and they can't take their resource planning model and use it for a different purpose, such as operations. He doesn't know if there is something better out there and would like to ask what tools can be brought to the table to see how this might run in the future.

Board member Becker would like additional clarification on the market capacity requirements; markets are built to separate generation from consumption, and it seems to him that those two cannot go together. Board member Loran agreed, he provided a list of questions to the Board he hopes Platte River may be able to answer, and explaining resource adequacy was one of them. City staff agreed that would be a great question for Platte River to work through with staff and the Board.

Board members discussed the questions Mr. Loran had provided and will refine the details before the Platte River is able to attend a future Board meeting.

#### APPROVE 2024 WORK PLAN

Board member Braslau moved to approve the 2024 Energy Board Work Plan with proposed edits. Board Moore seconded the motion.

Discussion: None

It passed unanimously, 7-0, with two absent.

#### **BOARD MEMBER REPORTS**

Board member Braslau said the Historic Preservation Commission is also working on their work plan, and he noticed one of their goals is to work on the energy impact of historic buildings.

Board member Althouse has been monitoring the Economic Advisory Board, who has been discussing the idea of a circular economy. He used the example of local resources, if Platte River utilizes more local resources from prosumers (as opposed to natural gas, for example), that money goes into the pockets of local consumers, and then it can be circulated back into the economy.

Chairperson Tenbrink said he is helping lead a project at his church, which recently installed 100KW solar system, and they are working to convert all their natural gas to heat pumps. He will report back to the board as the project progresses.

#### **FUTURE AGENDA REVIEW**

Staff will invite Platte River to the December meeting. If they are unable to attend the Board would like to defer the discussion to a later date so that they can have a thorough question and answer session with Platte River staff. The Board will also hear a brief follow up presentation about PURPA Section 111 "Shall Consider" Standards for the 2021 IIJA's demand flexibility and electric vehicles.



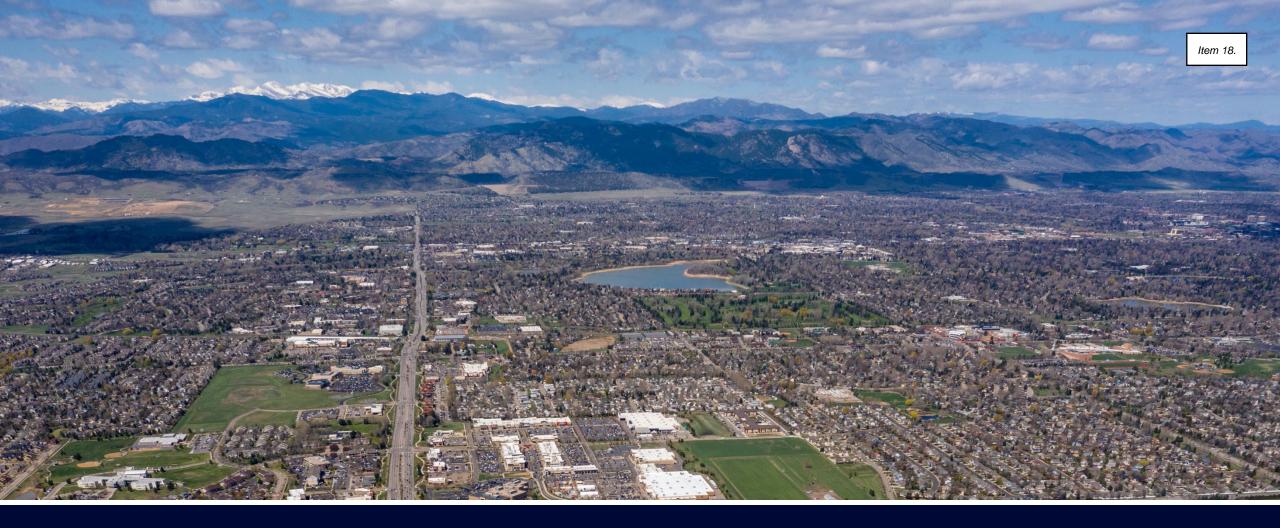


#### **ENERGY BOARD**

#### **REGULAR MEETING**

#### **ADJOURNMENT**

The Energy Board adjourned at 7:47 pm.





### PURPA "Shall Consider" Standards

Fort Collins Energy Board – December 14, 2023 John Phelan, Energy Services Manager Cyril Vidergar, Assistant City Attorney





# Background PURPA Section 111 requirements and history Changes with 2021 Infrastructure Investment and Jobs Act (IIJA) Steps to comply with requirements Fort Collins Utilities current alignment with new sections Public hearing motion



PURPA Backgrou<sup>ltem 18.</sup>

- Designed to promote conservation and efficiency
  - Initially in response to energy crises of the 1970's
  - Commonly known for encouraging small independent power production
  - Encourage conservation, efficiency, equitable rates via "standards"
    - Original standards cost of service; declining block, time-of-day, seasonal and interruptible rates; load management
    - 1992 Integrated resource planning, conservation & demand management, efficient power supply
    - 2005 net metering, generation efficiency, time-based metering, interconnection
    - 2007 rate design, smart grid
    - 2021 via IIJA demand flexibility and electric vehicles





### PURPA 111(d) Standards Enacted Over the Years

PURPA 1978	EPAct 1992	EPAct 2005	EISA 2007	IIJA 2021
Cost of Service	Integrated Resource Planning	Net Metering	Integrated Resource Planning (Energy Efficiency)	Demand response and flexibility
Declining Block rates	Investments in Conservation and Demand Management	Fuel Sources	Rate Design Modifications to Promote Energy Efficiency Investments	Electric vehicle charging
Time-of-day Rates	Energy Efficiency Investments in Power Generation and Supply	Fossil Fuel Generation Efficiency	Consideration of Smart Grid Investments	
Seasonal Rates	Effects of Wholesale Power Purchases on Utility Cost of Capital		Smart Grid Information	
Interruptible Rates	Effects of Leveraged Capital Structures on the Reliability of Wholesale Power Sellers	Interconnection		
Load Management Techniques	Assurance of Adequate Fuel Supplies			



- Commence consideration with public notice
  - Energy Board motion November 10, 2022
- Public hearing
  - Energy Board meeting (December 14, 2023)
  - Recommendation to City Council to accept staff determination



- Implications of Recent Amendments through the IIJA to the Public Utility Regulatory Policies Act of 1978 ("PURPA").
- Action required; nonregulated entities:
  - "Shall consider" two, new standards and "make a determination" concerning implementation of such standards.



# More specifically, Section 111(a) of PURPA, 16 U.S.C. 2621 states:

"Each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall consider each standard established by subsection (d) and *make a determination* concerning whether or not it is appropriate to implement such standard to carry out the purposes of this title. For purposes of consideration and determination ... the purposes of this title supplement otherwise applicable State law. Nothing in this subsection prohibits any State regulatory authority or nonregulated electric utility from making any determination that it is not appropriate to implement such standard, pursuant to its authority under otherwise applicable State law" (emphasis added).



2021 IIJA Upda

- "Shall consider" language
  - Demand response and flexibility
    - Shall promote the use of demand response and flexibility practices
    - May establish rate mechanisms for the recovery of costs for demand response and flexibility
  - Electric vehicle charging
    - Shall consider measures to promote greater electrification of the transportation sector, including establishing rates that:
      - Promote EV charging options
      - Improve the customer experience with EV charging
      - Accelerate 3<sup>rd</sup> party investment in EV charging
      - Appropriately recover the marginal costs of delivering electricity to EVs and EV charging infrastructure



- Rate design for demand response and flexibility
  - Shall promote the use of demand response and flexibility practices, and
  - May establish rate mechanisms for the recovery of costs for demand response and flexibility
  - Fort Collins
    - Residential time-of-day rates structurally support demand response and flexibility with associated bill benefits for customers
    - Commercial coincident peak rates structurally support demand response and flexibility with associated bill benefits for customers
    - Peak Partners program provides multiple mechanisms for customer participation in demand response
    - Cost of service studies are completed every two years to maintain alignment between new load shapes, behavior, capital planning and operations



- Rate design for electric vehicle charging
  - Shall consider measures to promote greater electrification of the transportation sector, including establishing rates that:
    - Promote EV charging options
    - Improve the customer experience with EV charging
    - Accelerate 3<sup>rd</sup> party investment in EV charging
    - Appropriately recover the marginal costs of delivering electricity to EVs and EV charging infrastructure
  - Fort Collins
    - Residential time-of-day rates structurally support lower cost EV charging with associated bill benefits for customers
    - City EV Readiness Roadmap (to be updated 2024) has a core objective of improving the customer experience with EV charging
    - City building codes incorporate EV charging requirements for single family, multifamily and commercial development
    - Peak Partners EV charging program supports optimized charging for customers
    - Cost of service studies are completed every two years to maintain alignment between new load shapes, behavior, capital planning and operations



**1. STAFF RECOMMENDATION REGARDING HISTORIC STANDARDS in Section 111 (d) (11)-(19):** Staff recommends City Council maintain current City Electric Utility polices related to those PURPA Art. I standards set forth in Section 111 (d) (11)-(19), 16 U.S.C. 2621, as amended by the Energy Policy Act of 2005 and Energy Independence and Security Act of 2007, including policies relating to net metering, time-of-day rates, renewable energy incentives, renewable energy resource integration, and interconnection standards, as amended by Council Ordinances No. 056, 2009; No. 003, 2010; No. 074, 2013; Nos. 053 and 163, 2018; No.125, 2019; No. 139, 2020; and No. 149, 2021.

2. STAFF RECOMMENDATION REGARDING STANDARD in Section 111 (d) (20): Utilities staff conducted a comparison of existing City electric utility rates and standards with the updated EPAct standards, finding the City's electric utility operations comport with the goals of and demonstrate compliance with the updated demand response standards, determining that separately adopting the EPAct standards is not in the best interest of City electric utility ratepayers as it may be duplicative and interfere with current benefits received by ratepayers.

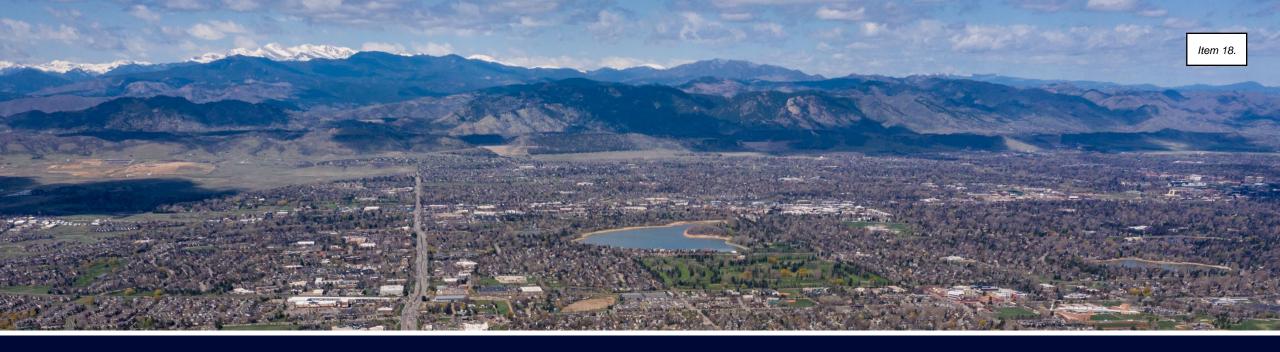
**3. STAFF RECOMMENDATION REGARDING STANDARD in Section 111 (d) (21):** Utilities staff conducted a comparison of existing City electric utility rates and standards with the updated EPAct standards, finding the City's electric utility operations comport with the goals of and demonstrate sufficient compliance with updated electric vehicle charging standards, determining that separately adopting the EPAct standards , including shifting how marginal costs are recovered under existing rate schedules, is not in the best interest of City electric utility ratepayers as it may be duplicative and interfere with current ratepayer incentives.





# **Based upon the above information:**

- The Energy Board recommends that Council adopt by resolution the staff recommendations that:
  - 1. Recognize past actions related to PURPA Article 1 standards;
  - Determine that separate adoption of the EPAct standards for demand response and electric vehicle charging is not in the best interest of City electric utility ratepayers



# **THANK YOU!**







Item 18.

# **ENERGY BOARD**

December 14, 2023 – 5:30 pm 222 Laporte Ave – Colorado Room

# **ROLL CALL**

**Board Members Present**: Bill Althouse (remote), Marge Moore, Alan Braslau, Jeremy Giovando, Stephen Tenbrink, Vanessa Paul, Brian Smith, Bill Becker (remote) **Board Members Absent**: Thomas Loran

# **OTHERS PRESENT**

**Staff Members Present**: Christie Fredrickson, Kendall Minor (remote), Cyril Vidergar, John Phelan, Brian Tholl, Michael Authier **Members of the Public:** Sue McFaddin

# **MEETING CALLED TO ORDER**

Chairperson Tenbrink called the meeting to order at 5:30 pm.

# **ANNOUNCEMENTS & AGENDA CHANGES**

None.

# **PUBLIC COMMENT**

Randy Fischer emailed City staff a comment regarding the Riverside Community Solar Project and asked it to be read aloud during tonight's meeting, as he was unable to attend in person or remotely. Mr. Fischer is a participant in the project and expressed his deep concern about the timeline for repairs, not just for participants of the project but for a loss of the resource and the value it adds to the community. He encouraged the Board and City staff to engage every possible resource available to reduce climate-destroying emissions and to affirm commitment to renewable energy by quickly getting a valuable, existing renewable resource up and producing power again.

Ms. McFaddin implored the Board to utilize their power and voice to speak up against Platte River's plan to explore a gas plant, or advocate for Public Utilities Commission oversight. Renewable energy is inexpensive, and yet the City continues to raise rates without adopting new resources.

# **APPROVAL OF MINUTES**

In preparation for the meeting, board members submitted amendments via email for the November 9, 2023, minutes. The minutes were approved as amended.

# PURPA FERC RULING ON MUST CONSIDER LANGUAGE

John Phelan, Energy Services Manager & Energy Policy Advisor Cyril Vidergar, Assistant City Attorney II

Mr. Phelan briefly explained PURPA and the request for this evening, for those Board members who were not here last year when this process began.

PURPA, or the Public Utility Regulatory Policies Act, is a United States Act passed in 1978 as part of the National Energy Act. It was meant to promote energy conservation and promote greater use of domestic





Item 18.

# **ENERGY BOARD**

# **REGULAR MEETING**

energy and renewable energy. PUPPA has enacted many new standards over the years under Section 111(d), and a new set was most recently added in 2021 via the IIJA (Infrastructure Investment and Jobs Act) for demand flexibility and electric vehicles.

Procedurally, this process commenced in November 2022, and continues with a public hearing represented in tonight's Energy Board meeting, which will result in a recommendation to City Council regarding staff's determination. The language in the new standard could be used, depending on the type of regulatory utility, for rate cases, etc. For utilities like Fort Collins, who are not regulated, the standards must be considered ("shall consider"), and to "make a determination" concerning implementation of such standards.

Section 111(d) asks to consider new standards for demand response and flexibility, as well as electric vehicle charging. Mr. Phelan explained that Fort Collins Utilities is already aligned with these new standards. Formally, the staff recommendations are as follows:

- STAFF RECOMMENDATION REGARDING HISTORIC STANDARDS in Section 111 (d) (11)-(19): Staff recommends City Council maintain current City Electric Utility policies related to those PURPA Art. I standards set forth in Section 111 (d) (11)-(19), 16 U.S.C. 2621, as amended by the Energy Policy Act of 2005 and Energy Independence and Security Act of 2007, including policies relating to net metering, time-of-day rates, renewable energy incentives, renewable energy resource integration, and interconnection standards, as amended by Council Ordinances No. 056, 2009; No. 003, 2010; No. 074, 2013; Nos. 053 and 163, 2018; No.125, 2019; No. 139, 2020; and No. 149, 2021.
- 2. **STAFF RECOMMENDATION REGARDING STANDARD in Section 111 (d) (20):** Utilities staff conducted a comparison of existing City electric utility rates and standards with the updated EPAct standards, finding the City's electric utility operations comport with the goals of and demonstrate compliance with the updated demand response standards, determining that separately adopting the EPAct standards is not in the best interest of City electric utility ratepayers as it may be duplicative and interfere with current benefits received by ratepayers.
- 3. **STAFF RECOMMENDATION REGARDING STANDARD in Section 111 (d) (21):** Utilities staff conducted a comparison of existing City electric utility rates and standards with the updated EPAct standards, finding the City's electric utility operations comport with the goals of and demonstrate sufficient compliance with updated electric vehicle charging standards, determining that separately adopting the EPAct standards , including shifting how marginal costs are recovered under existing rate schedules, is not in the best interest of City electric utility ratepayers as it may be duplicative and interfere with current ratepayer incentives.

Board members wondered if there is value in supporting the PURPA standards to maintain that the City is clear on their commitment to its climate goals. Mr. Vidergar noted that Fort Collins is home rule municipality, and declining to act on the standards doesn't change what work staff is already doing, However, staff recognizes that it may create an issue in the public's perception. On the other side, adopting the language right out of PURPA would require an update to the City's code, and that creates potential to tie our hands, limiting what can and can't be done. Board member Smith suggested changing the staff recommendation language so that it sounds more positive, as opposed to using the phrase "not in the best interest," which may help with the issue of perception.

Board members discussed if the Utility's rate structure (i.e. Time of Day rates) follows the spirit of PURPA's article standards. Mr. Vidergar said it's important to consider other policies and projects happening in the City, as PURPA is only looking at rates, which is only a portion of the larger picture.

# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Item 18.

# **ENERGY BOARD**

# **REGULAR MEETING**

Board member Braslau said the City cannot hide behind the fact that the Utility has a rate structure that may support the community's goals if it also doesn't have the policies or oversight to back up those goals. Mr. Phelan said it's important to remember that it is likely that rates will change significantly over the next few years due to the significant changes on the horizon, such as Platte River entering a regional transmission market, the new utility billing system, etc.

Board member Althouse said PURPA is designed to bring distributed resources to Investor-Owned Utilities, and that Fort Collins Utilities should not be blowing past these standards. He commended Mayor Arndt for saying (in a recent blog post) that the only way to make a serious commitment of local resources in order to lower the City's purchased power costs; the best way to lower rates is to buy less.

Board member Moore moved the Energy Board recommend that City Council adopt by resolution the staff recommendations that:

- 1. Recognize past actions related to PURPA Article 1, Section 111 Subsection (d) standards;
- 2. Recognize the value of these PURPA standards (paragraphs 20 and 21 of section 111) of the EPAct standards for demand response and electric vehicle charging;
- 3. Separate formal adoption of the EPAct standards does not provide additional benefit to city electric utility rate payers based on current operations;
- 4. Council should keep in mind that ongoing consideration of policies and regulation will be necessary in order for the electric rate provisions to have their intended outcomes.

#### Board member Smith seconded the motion.

#### Discussion:

Board member Althouse wondered if PURPA is irrelevant to Fort Collins Utilities because of the Mayor's commitment to the deployment of local resources, and he wondered how the Board will support that commitment.

Vote on the Motion: It passed, 7-1, with one absent.

Board member Moore moved the Energy Board to write an addendum memo providing additional context and summary of the Board's discussion at tonight's meeting. Vice Chairperson Paul seconded the motion.

Vote on the Motion: It passed unanimously, 8-0, with one absent.

# **DISCUSSION OF PLATTE RIVER'S NATURAL GAS PLANT**

Chairperson Tenbrink said he wanted to bring this discussion to the Board and agree upon some kind of position and action they can take as a Board. He explained that as he understands it, Platte River is pursuing a closed RFP (request for proposal), as opposed to an Open RFP. He is also concerned about opening a natural gas-powered turbine given the City's (and Platte River's) climate goals. Mr. Tenbrink added that he didn't realize this project was on its way to being signed off on, and why City Council did not approach the Board for feedback ahead of the decision.

Board member Braslau said Mayor Ardent has said to others that she did not receive any negative feedback about the project, but he personally reached out to her and did get a response to the email. Board member Smith asked for clarification about where the project currently stands, he wondered if it is already approved and signed off on by all required leadership at the Platte River Board. Mr. Minor said there was an all-renewable Open RFP that was considered for capacity for dispatchable energy that





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# **ENERGY BOARD**

# **REGULAR MEETING**

Platte River decided not to pursue. The RFP for the natural gas turbine is still under evaluation and has not been finalized at this time and will not be finalized until next year. When it is complete, it will be brough before the Board to discuss next steps. Board members wondered if there was still time for the process to be eventually evaluated by the PUC.

Mr. Camacho explained that Platte River is not regulated by the Public Utilities Commission (PUC). Platte River file their Integrated Resources Plan (IRP) through the Western Area Power Administration (WAPA), as customers of WAPA. They also volunteered their Clean Energy Plan to the PUC, which supports the State's carbon reduction goals. Platte River's Board of Directors passed a resolution in October that gave staff direction to pursue options for dispatchable capacity based on the limitations that are already forecasted through their resource planning based on where technology currently sits with long-duration battery storage and the growing need to network out a Virtual Power Plant and the volatile intermittency of renewable energy. Based on that, staff recommended pursuing the permitting process for an aeroderivative turbine facility that does run off natural gas but would eventually be able to run off green hydrogen once that becomes commercially viable. He reiterated that staff is currently outlining the permitting process for this turbine.

Board member Giovando asked why Platte River needs the turbine. Is the capacity needed to be part of the regional market, or is Platte River worried about the integration of renewables. Mr. Camacho said it is all of the above; Platte River is integrating a large number of renewable resources that will be transitioned to the base load as they retire coal-fired generation, and there is also a resource adequacy mandate for all participants in the regional transmission market.

Board member Paul asked when Platte River expects hydrogen to be commercially viable. Mr. Camacho stated its an emerging technology; resource planners are working with models and researchers working on the 2024 IRP and as of right now they are anticipating it could be available in the middle part of the next decade (2030s), but that is an optimistic forecast based on where technology sits today.

Board member Braslau said his concern is that the ability to convert the turbine to green hydrogen is a smoke screen; he said it is not a question of economic viability but is the turbine really going to be adaptive from a materials perspective. There are so many challenges with materials, and he believes this is taking the wrong approach. He suggested distributed fuel cells as an alternative. He believes this investment is being made to be used, to sell energy and to sell ancillary services. He expects Platte River will burn a lot of natural gas in the future and that is not part of the City's climate goals.

Mr. Camacho said it is Platte River's responsibility as a generation utility to provide the reliability factor, and so they will pursue and explore options to ensure reliability for all its owner communities.

Chairperson Tenbrink asked why Platte River will not be exploring the all-source RFP. Mr. Camacho said Platte River is looking at multiple RFPs, and they are all very specific to capturing as many renewable options for Platte River and its Resource Diversification Policy (RDP). An all-source RFP would look at every option possible, that could even possibly include natural gas or other carbon-emitting resources. Platte River is very specific with the types of energy sources that are needed to support the RDP.

Board member Althouse said natural gas has priority for residential heating in the wintertime, and the way Platte River describes dark calm as a five-day stretch of below zero, Platte River will not be able to get gas; they will need gas storage, so he wondered what is the cost of 200MW running nonstop for five days (storage, compression, facility, etc.), so that it actually can run during the dark calm. Mr. Camacho said he does not have an answer for that offhand, so he would need to follow up with him and the Board at a later





Item 18.

# **ENERGY BOARD**

# **REGULAR MEETING**

date.

Chairperson Tenbrink proposed that he write a draft memo expressing the Board's concerns about this effort, and he will have the Board review and vote on sending the memo to City Council at their next meeting. Board member Braslau said it would be even more impactful if some Board members could go to the Council meeting and read the memo during public comment.

Board member Moore asked if Platte River didn't pursue the gas turbine, what is the alternative option(s) during a dark calm period. Board member Smith advised it is both for capacity and for reliability. Board member Braslau believes that if Platte River is investing in the turbines, then they are going to run them; if they don't run them then it becomes a stranded cost. He said there could be other solutions that are less financially favorable for Platte River, but they are not considering those. Chairperson Tenbrink said he is concerned that there could be scenarios when Platte River is generating enough to meet the communities' loads, but the market has a need and so the turbines will be run to satisfy the market's need, even if we do not need it locally.

Mr. Phelan noted that what we know about the market today is that the participants are showing up with both load and resources, and they must show up every day with enough resources to cover their own load. That does not mean that those resources are going to run on any given day (save a peak summer or winter day, or similar). It remains largely an economic dispatch approach, and the challenge is that the resource planning doesn't change going into the market, yet the operations will be very different, and that question of how things will operate remains unanswered. The City's (and the other three cities') relationship will change as Platte River shifts to a market representative, so how the City will help guide Platte River's future operations (as a member of Platte River), is an open question right now.

Mr. Camacho said understanding how a market will function is incredibly complex, there are specific reasons for asking a market participant to dispatch a resource. Though this market will be new when Platte River joins it, there are other markets across the nation that we can study to understand the functionality and operations. Finally, he added that the aeroderivative turbines are capable of dispatching on a moment's notice based on the volatility of renewable generation (unlike the existing combustion turbines at Rawhide). Board members asked about short-term battery storage and Mr. Camacho confirmed Platte River is investing in the technology.

Board member Althouse said batteries provide ramping time to get turbines online, if this is about power quality and instant response, there is nothing quicker than a battery that can act as a bridge.

The Board agreed that Chairperson Tenbrink should draft a memo and he will send to the Board to review over the holiday break.

# DRAFT 2023 ANNUAL REPORT

Chairperson Tenbrink explained the purpose of the annual report and advised he would be wrapping up his draft version and distributing it to the Board. He asked that each member take some time to review and add additional content as they see fit.

# **BOARD MEMBER REPORTS**

Board member Braslau said the Land Use Code will be addressed at the next City Council meeting after





Item 18.

# **ENERGY BOARD**

# **REGULAR MEETING**

a petition by local group Preserve Fort Collins was successful in collecting enough signatures to bring it back to Council. Council will need to decide to repeal the last iteration of the code or send the code to the ballot for voters to decide.

# **FUTURE AGENDA REVIEW**

January's meeting will include a final review of the Board's annual report, a review of the Board's draft planning calendar for the year ahead, as well as the possibility of officer elections (the Board may also decide to wait until the new Board is seated in April to hold elections.

# **ADJOURNMENT**

The Energy Board adjourned at 7:47 pm.

#### File Attachments for Item:

# 19. Resolution 2024-147 Adopting the 2024 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, 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.

December 17, 2024

# AGENDA ITEM SUMMARY City Council



#### STAFF

Ryan Mounce, City Planner

#### SUBJECT

Resolution 2024-147 Adopting the 2024 Three-Mile Plan Update for the City of Fort Collins.

#### **EXECUTIVE SUMMARY**

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, 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.

#### **STAFF RECOMMENDATION**

Staff recommends adoption of the Resolution.

#### **BACKGROUND / DISCUSSION**

In 1987, the Colorado Legislature modified annexation laws to limit municipal annexations to no more than three miles in a single direction in a given year. A requirement was later added that each municipality shall prepare and adopt a "Three-Mile Plan" to coordinate the provision of services, infrastructure, utilities, and land uses for areas of potential annexation near municipal boundaries.

Section 31-12-105 of the Colorado Revised Statues requires the City to complete a plan as follows:

Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area. Such plan shall be updated at least once annually.

The City's original Three-Mile Plan was adopted by Council in 1998 and has been revised annually pursuant to State Statutes. The Fort Collins Three-Mile Plan functions as a reference document, highlighting adopted plans and policies describing the general location, character, utilities, infrastructure, and land uses within and beyond the municipal boundary.

This Three-Mile Plan describes relevant and applicable plans and policies for each of the items lister in the statute in four categories:

Transportation-related items:

- Streets
- Subways
- Bridges
- Parkways
- Aviation Fields
- Terminals for Transportation

Parks, Natural Areas, and Open Lands-related items:

- Waterways
- Waterfronts
- Playgrounds
- Squares
- Parks
- Grounds
- Open Spaces

Utilities and related items:

- Public Utilities
- Terminals for Water, Light, Sanitation, and Power Provided by the Municipality

Proposed Land Uses:

- Inside Growth Management Area
- Outside Growth Management Area

This update represents a routine and recurring action to ensure compliance with State requirements. There have been relatively few changes to the plans and policies referenced in the Three-Mile Plan since the last update in 2023. Specifically, the 2024 update highlights in bold the following plans and policies that have been adopted or amended over the preceding year:

- Fort Collins Land Use Code
- City of Fort Collins Strategic Plan
- City Plan (Structure Plan Map)
- Town of Windsor Comprehensive Plan

As Fort Collins limits future annexations to areas within an established Growth Management Area (GMA), the Plan is less applicable to areas beyond the boundary of the Fort Collins GMA. While the Three-Mile Plan generally references City-adopted plans and policies, it also includes several plans adopted by other jurisdictions such as Larimer County, Colorado State University, or adjoining municipalities, as they may provide contextual guidance for areas within three miles of the Fort Collins municipal boundary.

#### **CITY FINANCIAL IMPACTS**

None.

The Planning and Zoning Commission recommended Council adopt the 2024 Three-Mile Plan update 7-0 on the Commission's consent agenda at their November 21, 2024, hearing.

#### **PUBLIC OUTREACH**

None.

#### **ATTACHMENTS**

- 1. Resolution for Consideration
- 2. Exhibit A to Resolution
- 3. Presentation

# RESOLUTION 2024-147 OF THE COUNCIL OF THE CITY OF FORT COLLINS ADOPTING THE 2024 THREE-MILE PLAN UPDATE FOR THE CITY OF FORT COLLINS

A. Colorado law provides under Colorado Revised Statutes Section 31-12-105 that each municipality annexing land in the state must prepare and annually update a plan for the geographic area within three miles in any direction from the municipality's boundaries (the "Three-Mile Plan").

B. A municipality's Three-Mile Plan must generally describe the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area.

C. The City's original Three-Mile Plan was adopted by Resolution 98-1 on January 6, 1998, and has been annually updated since that time.

D. The City Council most recently adopted an updated Three-Mile Plan on December 5, 2023, with the adoption of Resolution 2023-102.

E. The Planning and Zoning Commission, at its November 21, 2024, meeting unanimously recommended, as part of its consent agenda, that City Council approve the 2024 Three-Mile Plan.

F. City staff has prepared and presented to the City Council a proposed 2024 update of the Three-Mile Plan for the City, which the City Council has determined is in the best interests of the City of Fort Collins and should be approved.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the updated Three-Mile Plan for the City, attached hereto as Exhibit A and incorporated herein, is hereby approved and adopted.

Passed and adopted on December 17, 2024.

ATTEST:

Mayor

City Clerk

Effective Date: December 17, 2024 Approving Attorney: Heather N. Jarvis

ltem 19.

# Three-Mile Plan | 2024 Update for the City of Fort Collins |



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# I. Introduction

# What is the Purpose of the Three-Mile Plan?

The *Three-Mile Plan for the City of Fort Collins* is a reference document of approved plans and policies describing infrastructure, land use planning, and provision of services for areas of potential annexation. The Plan is required per Colorado Revised Statues Section 31-12-105 and is updated annually to reflect new or revised plans and policies.

The Three-Mile Plan describes the general location, character, utilities, and infrastructure for areas within three miles of the municipal boundary. The Three-Mile Plan takes a much broader approach to the annexation and development of land than a specific annexation impact report and ensures proposed annexations are consistent with the City's comprehensive plan and other annexation and land development policies.

Section 31-12-105 of the Colorado Revised Statutes requires municipalities to complete a plan within three miles in any direction of the municipal boundary as follows:

Prior to the completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area.

Updates to the Three-Mile Plan are routine and occur on an annual basis. The 2024 update highlights changes to approved plans, policies, and other applicable documents which have occurred since the prior Three-Mile Plan was adopted in 2023.

# What Does the Three-Mile Plan Describe?

This Three-Mile Plan references and illustrates adopted plans, policies, maps, and other documents adopted by the City which generally describe the location, character, and extent of land uses, transportation facilities, and infrastructure required by State Statutes listed above. These documents are organized into four categories, as follows:

Transportation-related Items:

- Streets
- Subways
- Bridges
- Parkways
- Aviation Fields
- Other Public Ways
- Terminals for Transportation

Parks, Natural Areas and Open Lands-related Items:

- Waterways
- Waterfronts
- Playgrounds
- Squares
- Parks
- Grounds
- Open Spaces

Utilities and Related Items:

- Public Utilities
- Terminals for Water, Light, Sanitation, and Power Provided by the Municipality

Proposed Land Uses:

- Inside Growth Management Area (GMA)
- Outside Growth Management Area (GMA)

In addition to adopted plans and policies adopted by the City, the Three-Mile Plan may also reference other plans and policies adopted by neighboring jurisdictions or organizations that provide contextual guidance as they overlap with Fort Collins' Three-Mile Plan study area.

# 2024 Three-Mile Plan Updates

There have been relatively few updates to existing plans or newly-adopted plans within the three-mile study area over the past year. Section II highlights updated or newlyadopted documents from the preceding year in bold text.

# II. Elements of the Three-Mile Plan

# Transportation-related Items

- 1. Streets:
  - 1041 Regulations
  - 2024 City of Fort Collins Strategic Plan
  - Actives Modes Plan
  - Airport Master Plan
  - Capital Improvement Plan
  - City Plan
  - City of Fort Collins Master Street Plan
  - City of Fort Collins Street Standards
  - City of Fort Collins Bicycle Safety Education Plan
  - Colorado State University Parking and Transportation Master Plan
  - Downtown Parking Plan
  - Fort Collins Transportation Master Plan
  - Harmony Road ETC Master Plan
  - Harmony Road Access Control Plan
  - I-25/392 Interchange Improvement Plan
  - Larimer County Transportation Master Plan
  - Larimer County Urban Area Street Standards
  - Mason Corridor Master Plan
  - North Front Range Regional Transportation Plan
  - North College and Highway 14 Access Control Plan
  - Northern Colorado Regional Planning Study
  - Northern Colorado Regional Communities I-25 Corridor Plan
  - Our Climate Future
  - South College Access Control Plan
  - Fort Collins Streetscape Design Standards
  - Resilient Recovery Plan
  - Subarea Plans
    - o CDOT US392 Environmental Overview Study
    - o CDOT North I-25 Environmental Impact Statement
    - o CDOT US287 Environmental Overview Study
    - o Downtown Plan
    - o Downtown River Corridor Implementation Program Summary Report
    - o Downtown Strategic Plan
    - East Mulberry Plan
    - East Side Neighborhood Plan
    - Fossil Creek Reservoir Area Plan
    - o Harmony Corridor Plan
    - o I-25 Subarea Plan
    - o Lincoln Corridor Plan
    - Midtown in Motion
    - o Mountain Vista Subarea Plan
    - North College Corridor Plan
    - North College MAX BRT Plan
    - Northside Neighborhood Plan

- o Northwest Subarea Plan
- o Old Town Neighborhoods Plan
- Prospect Road Streetscape Program
- South College Corridor Plan
- State Highway 392 Access Control Plan
- West Central Neighborhoods Plan
- Transfort Strategic Operating Plan
- Transit Plan: Fort Collins, Loveland, and Larimer County (1996-2002)
- Transit Oriented Development Parking Study
- Vision Zero Action Plan
- West Elizabeth Enhanced Travel Corridor Plan
- 2. Subways: None
- 3. Bridges:
  - 1041 Regulations
  - Master Street Plan
  - North Front Range Regional Transportation Plan
- 4. Parkways:
  - Larimer County Urban Area Street Standards
- 5. Aviation Fields:
  - Airport Master Plan
  - The attached map entitled "Airports within the Three-Mile Area Plan Boundary" locates all airports within the plan area
- 6. Other Public Ways: None
- 7. Terminals for Public Transportation:
  - 1041 Regulations
  - North College MAX BRT Plan
  - Mason Corridor Master Plan

#### Parks, Natural Areas, and Open Lands-related Items

- 1. Waterways:
  - Cache La Poudre River Landscape Opportunities Study
  - Downtown River Corridor Implementation Program
  - Poudre River Downtown Master Plan
  - Stormwater Master Plan and Floodplain Regulations
  - Water Quality Management Policy for City-owned Lakes & Stormwater Basins
  - Watershed Approach to Stormwater Quality
  - The attached map entitled "Significant Waterways and Waterfronts within the Three-Mile Area Plan Boundary" locates all significant waterways within the plan area

- 2. Waterfronts:
  - Water Quality Management Policy for City-owned Lakes & Stormwater Basins
  - The attached map entitled "Significant Waterways and Waterfronts within the Three-Mile Area Plan Boundary" locates all significant waterways within the plan area
- 3. Playgrounds, Squares, Parks:
  - 2024 City of Fort Collins Strategic Plan
  - City Plan
  - Larimer County Comprehensive Parks Master Plan
  - Parks and Recreation Master Plan
  - Poudre School District Master Plan
  - Resilient Recovery Plan
  - Subarea Plans
    - Campus West Community Commercial District Planning Study Report
    - CDOT US392 Environmental Overview Study
    - CDOT North I-25 Environmental Impact Statement
    - CDOT US287 Environmental Overview Study
    - College & Drake Urban Renewal Plan
    - o Downtown Plan
    - o Downtown River Corridor Implementation Program Summary Report
    - o Downtown Strategic Plan
    - East Mulberry Plan
    - o East Side Neighborhood Plan
    - o Fossil Creek Reservoir Area Plan
    - Harmony Corridor Plan
    - o I-25 Subarea Plan
    - o Lincoln Corridor Plan
    - Midtown in Motion
    - o Montava PUD Master Plan & Montava PUD Overlay
    - o Mountain Vista Subarea Plan
    - North College Corridor Plan
    - North College MAX BRT Plan
    - Northside Neighborhood Plan
    - Northwest Subarea Plan
    - Old Town Neighborhoods Plan
    - Prospect Road Streetscape Program
    - South College Corridor Plan
    - State Highway 392 Access Control Plan
    - West Central Neighborhoods Plan
  - Thompson School District Master Plan
  - Trails Master Plan
- 4. Grounds, Open Spaces:
  - Bobcat Ridge Natural Area Management Plan outside Growth Management Area (GMA)
  - Cache La Poudre River Natural Areas Management Plan
  - City Plan

- City of Fort Collins Natural Areas Program Land Conservation and Stewardship Master Plan
- Colorado State University (CSU) Master Plan
- Foothills Natural Areas Management Plan
- Fossil Creek Natural Areas Management Plan
- Fossil Creek Reservoir Regional Open Space Management Plan
- Larimer County Open Lands Master Plan
- Larimer County Comprehensive Parks Master Plan
- Northern Colorado Regional Planning Study
- Natural Areas Master Plan
- Our Climate Future
- Parks and Recreation Master Plan
- Plan for the Region Between Fort Collins and Loveland
- Regional Community Separator Study
- Soapstone Prairie Natural Area Management Plan outside GMA
- Wellington Community Separator Study
- Windsor Community Separator Study

# Utilities and Related Items

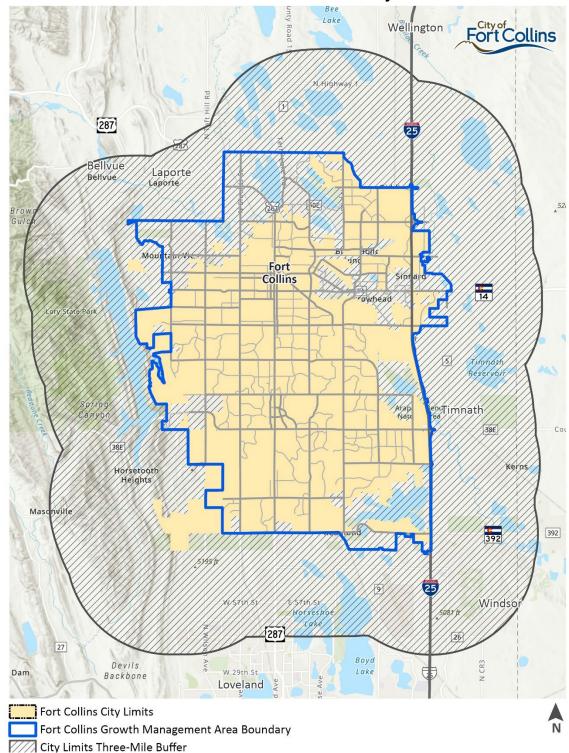
- 1. Public Utilities:
  - 1041 Regulations
  - 208 Plan
  - 2007 East Larimer County Water District (ELCO) Master Plan Update
  - 2024 City of Fort Collins Strategic Plan
  - Boxelder Sanitation District Wastewater Utility Plan
  - City Plan
  - Drinking Water Quality Policy
  - Fort Collins Communitywide 100% Renewable Electricity Goal
  - Fort Collins-Loveland Water District Master Plan
  - Fort Collins Metropolitan District Policy
  - Fort Collins Water Supply and Demand Management Policy
  - Fort Collins Water Supply Shortage Response Plan
  - Fort Collins Wastewater Master Plan Update
  - Fort Collins Revised Water Treatment Facility Master Plan
  - Fort Collins Utilities Energy Policy 2016 Update
  - Fort Collins Utilities Water and Wastewater Design Criteria Manual
  - Greywater Ordinance
  - Our Climate Future
  - Resilient Recovery Plan
  - South Fort Collins Sanitation District Master Plan for Wastewater Collection and Treatment
  - Stormwater Criteria Manual
  - Stormwater Master Plan and Floodplain Management
  - Water Conservation Plan
  - Water Efficiency Plan

- 2. Terminals for Water, Light, Sanitation, Transportation, and Power Provided by the Municipality:
  - 1041 Regulations
  - 208 Plan
  - City Plan
  - City of Fort Collins Master Street Plan
  - City of Fort Collins Electric Long Range Plan
  - Drinking Water Quality Policy
  - Fort Collins Communitywide 100% Renewable Electricity Goal
  - Fort Collins-Loveland Water District Master Plan
  - Fort Collins Water Supply and Demand Management Policy
  - Fort Collins Water Supply Shortage Response Plan
  - Fort Collins Wastewater Master Plan Update
  - Fort Collins Revised Water Treatment Facility Master Plan
  - Fort Collins Utilities Energy Policy 2016 Update
  - Fort Collins Utilities Water and Wastewater Design Criteria Manual
  - South Fort Collins Sanitation district Master Plan for Wastewater Collection and Treatment
  - Stormwater Criteria Manual
  - Stormwater Master Plan and Floodplain Management
  - Water Quality Management Policy for City-owned Lakes & Stormwater Basins
  - Water Conservation Plan
  - Water Efficiency Plan

# **Proposed Land Uses**

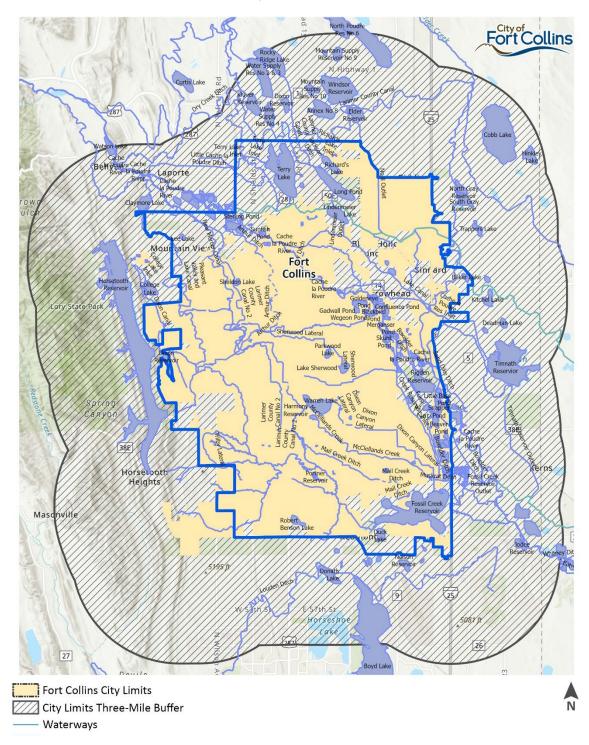
- 1. Land Uses Defined within the Growth Management Area (GMA):
  - 2024 City of Fort Collins Strategic Plan
  - City Plan
  - Fort Collins Housing Strategic Plan
  - Fort Collins Land Use Code
  - Fort Collins and Larimer County Intergovernmental Agreement
  - Fort Collins Metropolitan District Policy
  - Fort Collins and Windsor Intergovernmental Agreement
  - Fort Collins and Timnath Intergovernmental Agreement Eighth Amendment
  - Colorado State University (CSU) Master Plan
  - City of Fort Collins Intergovernmental Agreements (Town of Timnath, South Fort Collins/Loveland Water District)
  - Resilient Recovery Plan
  - Subarea Plans
    - o Campus West Community Commercial District Planning Study Report
    - CDOT US392 Environmental Overview Study
    - o CDOT North I-25 Environmental Impact Statement
    - CDOT US287 Environmental Overview Study
    - College & Drake Urban renewal Plan
    - Downtown Plan
    - o Downtown River Corridor Implementation Program Summary Report
    - Downtown Strategic Plan

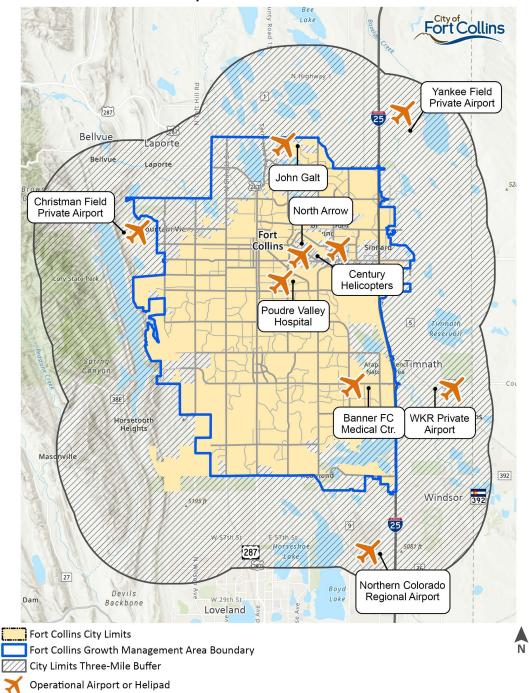
- East Mulberry Plan
- East Side Neighborhood Plan
- Fossil Creek Reservoir Area Plan
- Harmony Corridor Plan
- Harmony Road ETC Master Plan
- o I-25 Subarea Plan
- Midtown Plan
- o Montava PUD Master Plan & Montava PUD Overlay
- Mountain Vista Subarea Plan
- North College Corridor Plan
- North College MAX BRT Plan
- o Northside Neighborhood Plan
- Northwest Subarea Plan
- Old Town Neighborhoods Plan
- Prospect Road Streetscape Program
- o South College Corridor Plan
- State Highway 392 Access Control Plan
- West Central Neighborhoods Plan
- Wireless Telecommunications Master Plan
- 2. Land Uses Outside the GMA:
  - A Plan for the Region Between Fort Collins and Loveland
  - City of Loveland Three-Mile Area Plan
  - Fort Collins-Windsor Intergovernmental Agreement for Development of the Interstate 25 / State Highway 392 Interchange
  - LaPorte Area Plan
  - Larimer County Comprehensive Plan
  - Larimer County Multi-Jurisdictional Hazard Mitigation Plan
  - Loveland Comprehensive Master Plan
  - Loveland Bicycle & Pedestrian Plan
  - Northern Colorado Community Separator Study
  - Northern Colorado Regional Communities I-25 Corridor Plan
  - Town of Windsor Comprehensive Plan
  - Town of Timnath Comprehensive Plan
  - Town of Wellington Comprehensive Master Plan



# **ATTACHMENT A:** Three-Mile Plan Boundary

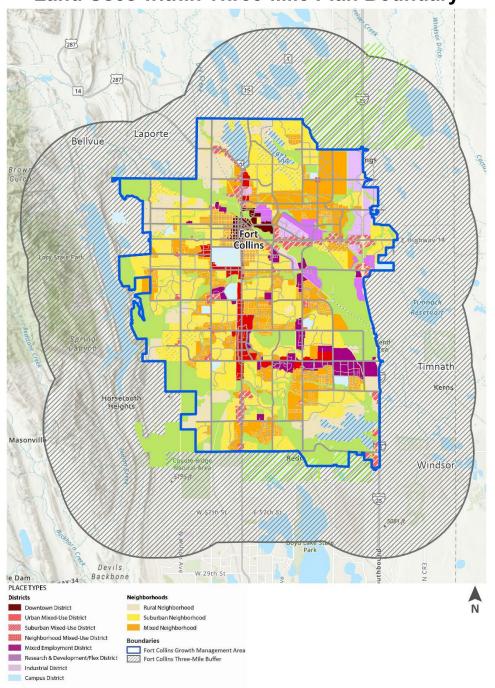
**ATTACHMENT B:** Significant Waterways and Waterbodies within the Three-Mile Plan Boundary



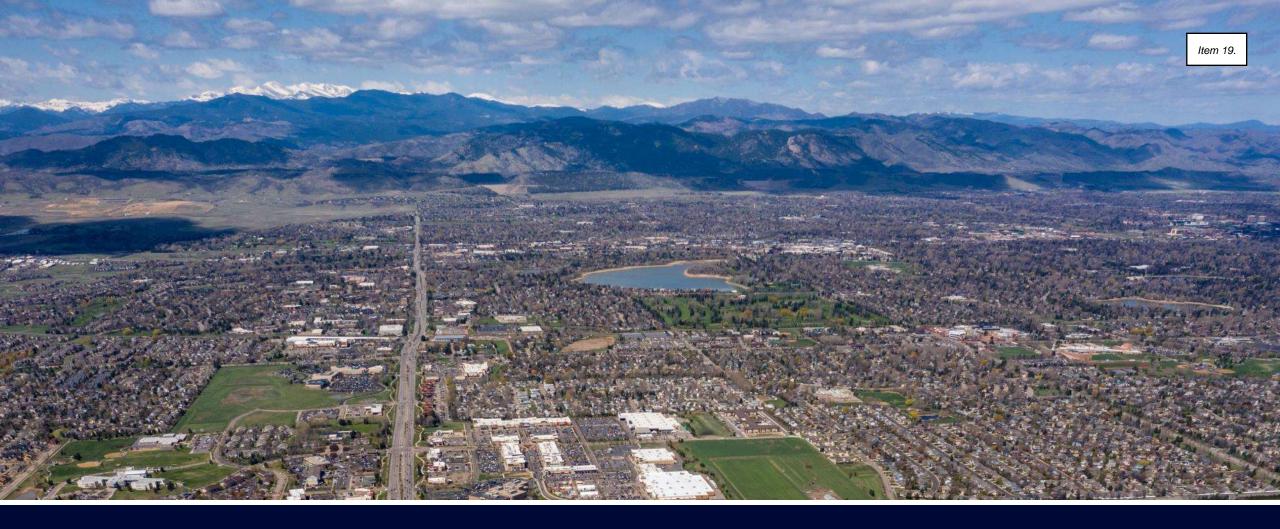


# ATTACHMENT C: Airports within the Three-Mile Plan Boundary

**ATTACHMENT D:** Land Uses within the Three-Mile Plan Boundary



# Land Uses within Three-Mile Plan Boundary





2025 Three-Mile Plan Update

City Council – Dec. 17, 2024





# **Three-Mile Plan**

- Plan and annual updates required by State statute
- Identifies and coordinates the provision of infrastructure, services, and land uses for areas of potential annexation within three miles of City limits
  - Plan is a reference document of Plans and Policies adopted by the City

Section 31-12-105 of the Colorado Revised Statues requires the City to complete a plan as follows:

Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area. Such plan shall be updated at least once annually.

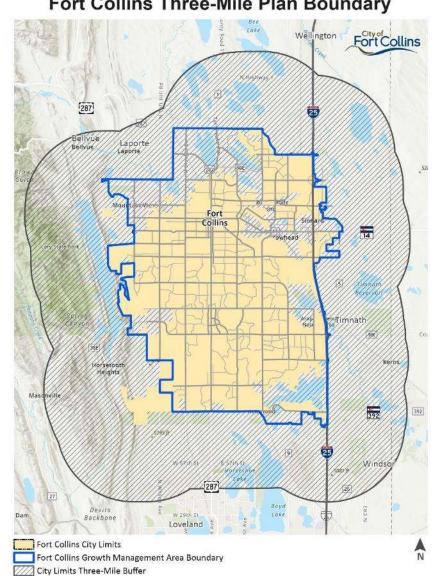




# **New or Updated Plans & Policies Referenced:**

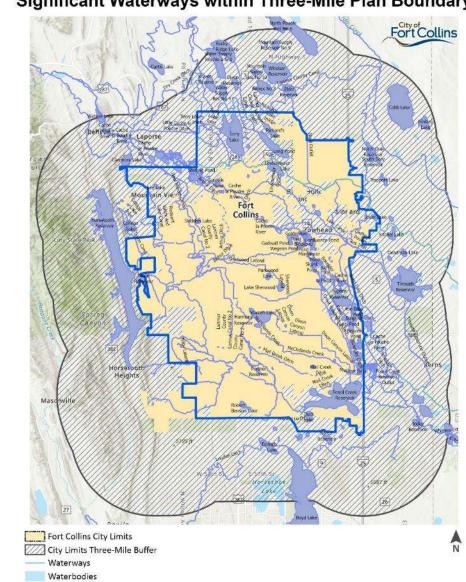
- Fort Collins Land Use Code
- Fort Collins Strategic Plan
- City Plan (Structure Plan Map)
- Town of Windsor Comprehensive Plan





Fort Collins Three-Mile Plan Boundary

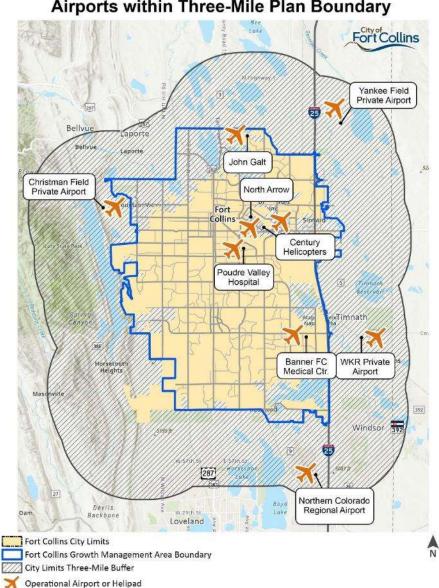




Significant Waterways within Three-Mile Plan Boundary

## Three-Mile Plan Airfields

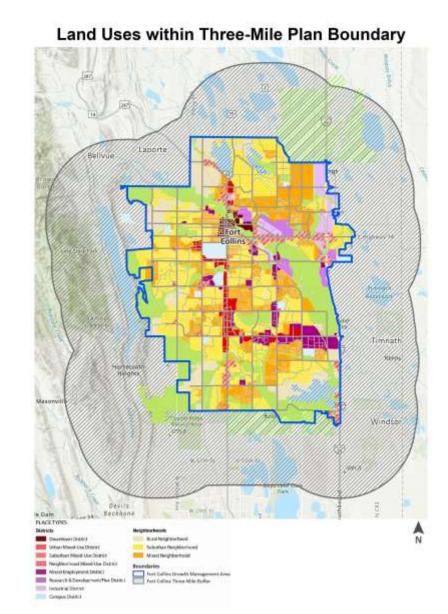




### **Airports within Three-Mile Plan Boundary**

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File Attachments for Item:

## 20. Resolution 2024-148 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

The purpose of this item is to consider an update to the Council Meeting Rules of Procedure.

December 17, 2024

# AGENDA ITEM SUMMARY

City Council



#### STAFF

Delynn Coldiron, City Clerk

#### SUBJECT

Resolution 2024-148 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

#### EXECUTIVE SUMMARY

The purpose of this item is to consider an update to the Council Meeting Rules of Procedure.

#### **STAFF RECOMMENDATION**

Staff recommends adoption of the Resolution.

#### **BACKGROUND / DISCUSSION**

Over the past several years, Council has adopted changes to the meeting Rules and Procedures to adapt to both the needs of the community and circumstances.

Over the past few months, there have been increased requests to show videos and PowerPoint presentations during public comment. Currently, these items must be provided to the City Clerk in a form or forma 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.

Increasingly, presentation materials are being submitted that include significant video and audio programming and go beyond the Council's intended purpose of allowing members of the public to speak on issues of concern to them. Rather than continue the growing use of the public comment time for broadcasting of videos and audio recordings, presentation materials for general public comment will be limited to pdf format presentations that do not contain embedded video. Additionally, allowing submitted videos introduces significant risks that could compromise our systems, expose sensitive information, and disrupt Council meetings. Examples of these risks include:

- Cybersecurity Threats: Videos could contain hidden malware or viruses that infect our systems when opened or played.
- Data and Privacy Breaches: Videos could inadvertently display confidential information, such as personal addresses, sensitive documents, or private footage.
- Manipulated Content: Technologies like deepfakes allow individuals to create videos that misrepresent people or events. This could lead to false accusations or spread misinformation, undermining public trust in Council processes.

This change should in no way impact an individual's opportunity to provide Councilmembers with the information they desire to provide. Members of the public may continue to send Councilmembers videos, PowerPoint presentations and other information through email. They may also continue to provide Councilmembers with information at the meeting by providing the Clerk's office with ten (10) printed copies of the information. Staff will display the information provided while the individual is speaking at the podium. The time for general public comment at Council meetings will continue to allow a time for individual comments, explanations and opinions about matters of concern.

This item also provides a clarification on page 3 related to protest hearings to remove specific section numbers and refer, instead, to the Chapter of code that applies.

#### **CITY FINANCIAL IMPACTS**

None.

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

None.

#### PUBLIC OUTREACH

None.

#### ATTACHMENTS

- 1. Resolution for Consideration
- 2. Exhibit A to Resolution

#### RESOLUTION 2024-148 OF THE COUNCIL OF THE CITY OF FORT COLLINS ADOPTING AMENDED RULES OF PROCEDURE GOVERNING THE CONDUCT OF CITY COUNCIL MEETINGS AND COUNCIL WORK SESSIONS

A. The City Council has previously adopted certain Rules of Procedure Governing the Conduct of City Council Meetings (the "Rules of Procedure"), which Rules of Procedure have been amended from time to time by the Council, most recently in July 2024 with the adoption of Resolution 2024-090.

B. The Rules of Procedure are intended to promote the orderly and efficient conduct of the meetings and ensure fair treatment of members of the public wishing to comment for Council's consideration.

C. The City Council wishes to further amend the Rules of Procedure to more specifically address the requirements for and limitations on presentation materials to be displayed in connection with public comment during Council meetings.

D. The Council further wishes to revise the Rules to clarify that persons wishing to speak during individual discussion items are required to sign up to do so.

E. The revision of the Rules of Procedure to address the issues noted herein, as set forth in Exhibit "A," will improve the conduct of Council meetings and provide clarity for the public.

F. The City Council believes that such rules and regulations are in the best interests of the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The revised Rules of Procedure Governing the Conduct of City Council Meetings and Work Sessions ("Rules of Procedure"), attached hereto as Exhibit "A" and incorporated herein by this reference, are hereby adopted by the City Council.

Section 2. The Rules of Procedure shall supersede all previous rules of procedure that have heretofore been adopted by the City Council including, but not limited to, Resolution 2024-090.

Passed and adopted on December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 17, 2024 Approving Attorney: Carrie Daggett

## Governing the Conduct of City Council Meetings and Work Sessions

#### Adopted December 17, 2024 Resolution 2024-148

#### Section 1. Attendance and Participation in Regular or Special Council Meetings.

a. Councilmembers may participate in discussion at Council Regular and Special meetings, including executive sessions, using remote technology, except that only Councilmembers present in person at a meeting are allowed to participate in consideration of quasi-judicial items, to be treated as present for the purpose of establishing a quorum, or to vote on any item.

In the event the Mayor, or City Council by majority vote, determines at any time that circumstances necessitate that Council conduct all or a portion of a regular or special meeting using remote technology, Councilmembers may fully participate in and vote in that meeting using remote technology.

- b. The public may participate in any Regular or Special Council meeting as set out in these Rules using the remote technologies that have been arranged for that meeting and may participate in person unless public access for a particular meeting is limited to remote-only access, whether in advance of that meeting, or during the meeting in response to disruption of the planned meeting location or arrangements.
- c. If circumstances prevent or are reasonably expected to prevent the Council from carrying out its business in the Council Chambers, the Mayor, or the Council by majority vote, may relocate or adjourn such meeting to an alternative location.
- d. In the case of any such location change or change to the mode of public participation allowed, notice of the change must be prominently posted for the public at Council Chambers and the meeting broadcast and stream. The meeting must, at a minimum, be freely available to the public by electronic means or broadcast, or at a remote viewing location. If a meeting is relocated and reconvened, or shifted to remote-only public viewing, a minimum of forty-five (45) minutes must elapse between the adjournment of the meeting to the new location or mode and reconvening in the new location or mode.

#### Section 2. Order of Business for Regular or Special Council Meetings.

- a. Regular Council meetings shall be conducted in the following order (except for special items described below):
  - (A) Proclamations and Presentations. (Prior to the meeting)
  - (B) Call Meeting to Order
  - (C) Pledge of Allegiance
  - (D) Roll Call

- (E) City Manager's Agenda Review (including City Manager removal of items from Consent Calendar for individual discussion)
- (F) Community Reports (as needed): The purpose of the Community Report is to provide an opportunity for organizations affiliated with the City (or partnering with the City in specific ways) to update Council and the general public on activities and accomplishments within its organization of interest to the City. Examples include County Health Department, Library District, Platte River Power Authority. Reports are provided at the request of Council or City Leadership.
- (G) Public Comment on Any Topics or Items or Community Events (including comments on the Consent Calendar and any requests by commenters for removal of items from Consent Calendar for individual discussion) The first 40 speakers will speak plus additional speakers as can be heard in a total of 90 minutes.
- (H) Public Comment Follow-up (Staff will indicate to Mayor if anyone signed up to speak on a Consent item and was not able to speak under public comment. Those speakers will be able to speak at this point in the agenda.)
- (I) Councilmember Removal of Items from Consent Calendar for Discussion
- (J) Adoption of Consent Calendar
- (K) Consent Calendar Follow-up
- (L) Staff Reports (as needed): The purpose of the Staff Report is to provide City Council with information on specific City projects or issues of concern to City Council. Reports may be requested by either Council or staff.
- (M) Councilmember Reports (as needed): The purpose of the Councilmember Reports is to allow Councilmembers to update one another and the community of any outside activities, meetings, or learning opportunities relevant to the business of the City.
- (N) Consideration of Items Removed from Consent Calendar for Individual Discussion
- (O) Consideration of Items Planned for Discussion
- (P) Resumed Public Comment (if applicable)
- (Q) Other Business
- (<u>R</u>) Adjournment
- b. Special Council meetings shall be conducted in the following order (except for special items described below):
  - (A) Call Meeting to Order
  - (B) Pledge of Allegiance
  - (C) Roll Call

- (D) Consideration of Items Identified in the Call of Special Meeting
- (E) Adjournment
- c. Appeals to Council shall be conducted in accordance with Division 3 of Article II of Chapter 2 of the City Code.
- d. Addition of Permitted Use applications pursuant to Land Use Code Section 1.3.4(c)(3) and zonings and rezonings of land with an area of six hundred forty acres or less ("Quasi-judicial Rezonings"), shall be conducted as follows subject to such limitations in time and scope as may be imposed at the discretion of the presiding officer:
  - (1) Announcement of Item;
  - (2) Consideration of any procedural issues;
  - (3) Explanation of the application by City staff;
  - (4) Presentation by the applicant and/or by the affected property owner (if not the applicant);
  - (5) Public testimony regarding the application;
  - (6) Rebuttal testimony by the applicant/property owner;
  - (7) Councilmember questions of City staff, the applicant/property owner and other commenters; and
  - (8) Motion, discussion and vote by the City Council.
- e. Protest hearings required under Chapter 7 of the City Code regarding certain election-related matters shall be conducted in the following order, as part of the agenda item for the item under protest:
  - (1) Announcement of Item;
  - (2) Staff Presentation for Agenda Item;
  - (3) Presentation by each person who timely filed a Protest;
  - (4) Councilmember questions of City staff and the protesting parties; and
  - (5) Motion on each Protest, discussion and vote on each Protest by the City Council.

After completion of the Protest Hearing, Council will return to the Agenda Item and receive comments from any persons desiring to speak on the Agenda Item.

f. Procedures for conduct of other types of special proceedings by the Council shall be established by the presiding officer and shall comply with any applicable legal requirements.

g. Items for which a public hearing is required may be considered as part of the Consent Calendar, and if any item is not pulled from the Consent Calendar for individual consideration and is adopted as part of the Consent Calendar, it will be deemed to have been the subject of a public hearing as required by any applicable Code or other legal requirements.

#### Section 3. Length of Regular Meetings

- a. Regular Council meetings will begin at 6:00 p.m. Proclamations will be presented prior to the meeting at approximately 5:00 p.m. and will end no later than 5:30 p.m.
- b. Appropriate breaks will be taken during meetings at the presiding officer's discretion based on meeting length and agenda.
- c. 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 scheduled 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.
- d. If the Council for any reason is unable to complete its meeting agenda, all Consent and Discussion items on the agenda that were not considered will be deemed continued to the next regular Council meeting, except as otherwise specified by the Council or, if appropriate, determined by the City Manager.

#### Section 4. Public Comment During Regular and Special Council Meetings.

- a. Comment during Public Participation. During the "Public Comment" segment of each meeting, comment will be allowed on matters of interest or concern to members of the public, including items the Council will consider at that night's meeting.
  - (1) Each speaker will be required to sign up to provide public comment on a City-provided form or system by 5:30 pm of the day of the meeting.
  - (2) Each speaker will only be allowed to speak one time during Public Comment.
  - (3) If a speaker comments on a particular agenda item during the time for general public comment, that speaker will not also be entitled to speak during discussion of the particular agenda item.

Section 2-48 of the City Code allows certain interested parties to appeal development review and other types of decisions to Council for review. In considering a matter on appeal, the Council must follow certain procedures and

must limit its review to the matters on appeal and the record of the decision that was appealed. Because of this, comments on matters that are the subject of a board or hearing officer decision that will be appealable to the Council are not permitted once the application, review and decision-making process has been initiated.

- b. Comment on Agenda Items. Council will receive public comment during consideration of individual action items, including any item that is addressed by formal Council action under the "Other Business" segment of the meeting that may directly affect the rights or obligations of any member of the general public.
  - (1) Each speaker will be required to sign up to provide public comment on a Cityprovided form or system by 5:30 pm on the day of the meeting, except for comment on procedural or other items that were not noted on the published agenda.
  - (2) Each speaker will only be allowed to speak one time to comment on any particular agenda item.
  - (3) Comments given during the comment period for an agenda item must pertain to the item under consideration.
  - (4) The Council may, but is not required to, receive public comment in connection with procedural matters and motions.
  - (5) Except as otherwise provided in these rules, public comment will be permitted only once per item regardless of the number of motions made during Council's consideration of the item.
- c. Decorum; Scope and Type of Comments Allowed.
  - (1) Comment and testimony are to be directed to the Council. When referring to a Councilmember, a speaker is expected to use the Councilmember's official title. Unless otherwise directed by the presiding officer, all comments must be made into the microphone.
  - (2) During general public comment, speakers may speak to any matter of public interest or concern. During discussion of a particular agenda item, speakers shall limit their comments to that item; testimony that strays from the topic will be out of order.

- (3) Speakers shall not make personal, impertinent, profane, vulgar, slanderous intimidating or harassing remarks that disturb, disrupt or impede the conduct of the meeting or the Council's completion of its business. Similarly, threats of violence or harm, or abusive language, and racial or ethnic slurs directed at any person or group of persons, are prohibited. Any speaker who is disrupting the meeting will be warned of the disruption and then steps will be taken to prevent further disruption to the meeting. If the disruption continues, the speaker's microphone will be muted, and further action taken to allow the Council to continue the business of the meeting agenda.
- (4) Speakers shall avoid lengthy repetition of comments already provided.
- (5) Dialogue between a speaker and attendees or audience of a meeting, or comments directed to other speakers, are disruptive to the meeting and will be out of order.
- d. Process and Time Limits for Speaking.
  - (1) The presiding officer may require those intending to speak to indicate their intention by a show of hands or some other means, such as "raising a hand" using remote technology.
  - (2) The amount of time to be allotted to each speaker will be set by the presiding officer based upon the number of persons expected to speak, in order to allow as many as possible to address the Council within a reasonable time given the scheduled agenda and as necessary to facilitate Council's understanding of an item.
  - (3) The presiding officer may ask those physically present at the meeting and wishing to speak to move to one of the two lines of speakers before the speaker next ahead of them on the speakers list is speaking (or to take a seat nearby for those not able to stand while waiting).
  - (4) Each speaker will be asked to provide their full name and general address at the beginning of their comments.
  - (5) Generally, speakers will be called in the order they appear on the sign-up list for speaking.
- e. Yielding the Lectern. Each speaker shall promptly cease their comments and yield the lectern immediately upon the expiration of the time allotted by the presiding officer.
- f. Yielding of Time. No speaker may yield part or all of their time to another speaker, and no speaker will be credited with time requested but not used by another.
- g. Public Presentation Materials and Evidence. The use of City projection equipment to display presentation materials to Council will be allowed in limited

circumstances that permit City staff to manage the use of the equipment, prepare materials for display and avoid delay or disruption to the meeting. The following limits will apply to all presentations by members of the public:

- (1) Persons wishing to display presentation materials using the City's display equipment under the Public Comment portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented. Only pdf format presentations will be allowed, and no embedded video or audio may be included.
- (2) As an exception to subsection (1), parties-in-interest in agenda items considered under Section 2.c, 2.d, 2.e or 2.f, above, shall provide all presentation materials to be displayed or proffered for Council consideration to the City Clerk (whether in hard copy or for display) in the manner specified by the City Clerk no later than noon on the day of the meeting at which the subject item is scheduled for consideration or 4:00 p.m. the business day prior to the meeting if the meeting begins earlier than 6:00 pm. Any such materials must be in pdf format and readily usable on the City's display technology.

#### Section 5. Public Conduct During Regular and Special Council Meetings and Work Sessions.

- a. General Comment, or Expressions of Support or Opposition. Members of the audience are not entitled to speak except as provided in these Rules of Procedure, or as expressly requested by the presiding officer or City staff and shall not engage in expressions of support or opposition, such as clapping, whistling, cheering, foot stomping, booing, hissing, speaking out, yelling, or other acts, that disturb, disrupt, or impede the meeting or any recognized speaker.
- b. Signs and Props.
  - (1) Signs and props no larger than 11" x 17" are permitted in the City Council Chambers or in the Council Information Center or other Council meeting room (collectively referred to as the "Meeting Room"), except no such signs or props shall be displayed during the conduct of a quasi-judicial hearing during which general public comment is not taken other than by authorized speakers in connection with their hearing testimony.
  - (2) Such signs or props must be held directly in front of one's body so as not to impede the view of others.
  - (3) Signs or props may not be waved, held by more than one person at a time, or used in a manner that, in the judgment of the presiding officer, disrupts the orderly conduct of business.
  - (4) Signs or props may not be left unattended anywhere in the Meeting Room or left unattended on display in the City Hall lobby area.
  - (5) Signs or props attached to sticks, poles, or other objects are prohibited.

- c. Distribution of Literature. Distribution of fliers or other literature is permitted in the public lobby areas of City Hall only when City Hall is open for a public event. Distribution of fliers and other literature is permitted on the sidewalks and grounds around City Hall. Persons wishing to engage in such activities may do so only in a manner that does not interfere with the movement of persons or obstruct the passage of pedestrians or vehicles.
- d. Video and Audio Recording. Video and audio recording by the press or other members of the public is permitted in the Meeting Room only if the person making the recording is using a small unobtrusive recording device and is seated or standing at a speaker lectern when authorized to speak, or in line awaiting an opportunity to speak, or is either standing in the back of the Meeting Room behind all seated persons. Other video or audio recording is allowed only in a manner and area pursuant to the direction of the presiding officer in their reasonable discretion or as designated for that purpose in advance by the City.
- e. Areas Permitted for Seating and Standing. Except for persons waiting in line to speak in accordance with the presiding officer's instructions, no persons shall sit in the Meeting Room except in chairs or seats provided by the City or in wheelchairs or other assistive devices, and no persons shall stand in the aisles or other locations in the Meeting Room except in the back of the Meeting Room, and only in accordance with other applicable limits for fire and building safety.
- f. Cellphone and Pagers. The ringer or other tones of any cellphones, pagers or other communications devices must be off, to avoid disrupting the meeting.
- g. Impacts to Public Property. Meeting attendees are prohibited from altering or damaging any furniture, equipment or other public property or from misusing the City's facilities in the course of attending any Council meeting or work session.
- h. Leaving the Meeting. Meeting attendees leaving the meeting before it has been adjourned must leave in a quiet and orderly manner until outside of the building, to avoid disrupting the meeting.

#### Section 6. Procedural Decisions Subject to Modification by Council.

Decisions by the presiding officer regarding procedures and procedural issues, including but not limited to time limits for public comment, may be overridden by a majority vote of the Council.

#### Section 7. Council Questions and Debate.

Council questions and debate regarding an agenda item during a regular or special Council meeting will occur immediately following public input and prior to entertaining any main motion related to the item. Except when raising a point of order at a regular or special Council meeting, Councilmembers seeking to ask questions or participate in debate or discussion will do so only when recognized by the presiding officer. The presiding officer may limit or curtail questions or

debate as the presiding officer deems necessary for the orderly conduct of business. The presiding officer may participate in questions and debate.

#### Section 8. Basic Rules of Order for Regular and Special Council Meetings.

The following commonly used rules of order will govern the conduct of City Council business at regular and special Council meetings. *Except as specifically noted, all motions require a second*. These rules of order are in concept based upon Robert's Rules of Order Newly Revised and reflect the existing practices of the Council and the requirements of the City Charter and City Code. For example, while a two-thirds vote is necessary for the passage of some of the motions listed below under Robert's Rules of Order, all motions of the Council, except a motion to go into executive session or a motion to adopt an emergency ordinance, may be adopted upon approval of a majority vote of the members present at a Council meeting, pursuant to Art. II, Sec. 11 of the City Charter.

If there is a question of procedure not addressed by these rules, reference may be made to Robert's Rules of Order for clarification or direction, however, adherence to Robert's Rules of Order is not mandatory, and, in the event of any conflict between these rules of order and Robert's Rules of Order, these rules of order shall prevail. In the event of any conflict between these rules of order or Robert's Rules of Order and a City Charter or City Code provisions, the City Charter or City Code provision shall prevail. Any Councilmember and the presiding officer may make or second any motion, except as specifically limited by these rules.

#### MAIN MOTIONS

- Main motions are used to bring business before the Council for consideration and action.
- A main motion can be introduced only if no other business is pending.
- All main motions require a second and may be adopted by majority vote of those Councilmembers present and voting, except that: (1) a motion to go into executive session requires a two-thirds vote of those present and voting and (2) a motion to adopt an emergency ordinance requires the affirmative vote of at least five (5) Councilmembers for approval.
- A main motion may be made or seconded by any Councilmember, including the presiding officer.
- A main motion is debatable and may be amended.

#### SUBSIDIARY MOTIONS

These are motions that may be applied to another motion for the purpose of modifying it, delaying action on it, or disposing of it. All subsidiary motions require a second to proceed.

1. <u>Motion to Amend</u>. The point of a motion to amend is to modify the wording - and, within certain limits, the meaning - of a pending motion before the pending motion itself is acted upon.

- A motion to amend, once seconded, is debatable and may itself be amended once.
- A "secondary amendment," which is a change to a pending "primary amendment," cannot be amended.
- Once a motion to amend has been seconded and debated, it is decided before the main motion is decided.
- Certain motions to amend are improper.
  - For example, an amendment must be "germane" to be an order. To be germane, an amendment must in some way involve the same question that is raised by the motion to which it is applied.
  - Also, some motions to amend are improper, for example, a motion that would merely make the adoption of the amended question equivalent to a rejection of the original motion, or one that would make the question as amended identical with, or contrary to, one previously decided by the Council during the same session.
- "Friendly" amendments acceptable to the maker and the seconder of the main motion do not require a second and are permissible at any time before formal motions to amend the main motion have been made, and after one or more formal motions to amend the main motion have been made unless one or more members of Council objects to amending by "friendly" amendment (in which case a formal motion to amend the main motion must be used for that purpose).

2. <u>Withdrawal of a Motion</u>. After a motion has been seconded and stated by the presiding officer it belongs to the Council as a whole and the maker may withdraw their motion unless one or more members of the Council objects, in which case the majority of the Council must consent to withdrawal of the motion.

3. <u>Motion to Postpone to a Certain Time (or Definitely)</u>. This is the motion by which action on an agenda item or a pending motion can be put off to a definite day, meeting or hour, or until after a certain event has occurred.

- A motion to postpone definitely must be seconded to proceed.
- A motion to postpone definitely can be debated only to the extent necessary to enable the Council to determine whether the main motion should be postponed and, if so, to what date or time.
- Similarly, it is amendable only as to the date or time to which the main motion should be postponed.

4. <u>Motion to Lay on the Table</u>. A motion to table is intended to enable the Council to lay the pending question aside temporarily, but only when something else of immediate urgency has arisen.

• A motion to lay on the table must be seconded to proceed.

• Adoption of a motion to lay on the table immediately halts the consideration of the affected motion, since a motion to table is neither debatable nor amendable.

5. <u>Motion to Postpone Indefinitely</u>. A motion to postpone indefinitely is, in effect, a motion that the Council decline to take a position on an agenda item or main motion.

- Adoption of a motion to postpone indefinitely kills the agenda item or main motion and avoids a direct vote on the item or motion. It is useful in disposing of an item or motion that cannot either be adopted or expressly rejected without undesirable consequences.
- A motion to postpone indefinitely must be seconded to proceed.
- A motion to postpone indefinitely is debatable but not amendable.

6. "<u>Calling the Question</u>". "Calling the question" may sometimes motivate unanimous consent to end debate. If it does not, however, then debate does not automatically end.

- If any member objects to ending the debate, the presiding officer should ask if there is a second to the motion and, if so, the presiding officer must immediately take a vote on whether to end debate.
- A motion to call the question is not debatable or amendable.

#### INCIDENTAL MOTIONS.

These are motions that usually apply to the method of conducting business rather to the business itself.

1. <u>Point of Order</u>. If a Councilmember thinks that the rules of order are being violated, the Councilmember can make a point of order, thereby calling upon the presiding officer for a ruling and an enforcement of the regular rules.

- A "point of order" takes precedence over any pending question out of which it may arise *and does not require a second*.
- A "point of order" is not amendable.
- Technically, a "point of order" is not debatable; however:
  - With the presiding officer's consent, the member raising the point of order may be permitted to explain their point.
  - In response to a point of order, the presiding officer can either immediately rule, subject to appeal to the Council, or the presiding officer can refer the point of order to the judgment of the Council, in which case the point becomes debatable.
  - In ruling, the presiding officer may consult with the City Attorney or request the advice of experienced members of the Council.

- No member has the right to express an opinion unless requested to do so by the presiding officer.
- When the presiding officer has made a ruling, any two Councilmembers can appeal the ruling (one making the appeal and the other seconding it).
  - $\circ\;$  When an appeal is taken, the matter is decided by majority vote of the Council.
  - $\circ$  A tie vote sustains the decision of the presiding officer.
- If a point of order is to be raised, it must be raised promptly at the time the perceived violation of the rules occurs.

2. <u>Point of Information</u>. Robert's Rules of Order provides for a "point of information" or a "request for information" that is appropriate in the formal setting of a large legislative body. Because Council consideration of an item is generally an opportunity to request information and ask questions, the formal "point of information" procedure provided in Robert's Rules is not needed or appropriate for City Council meetings.

3. <u>Motion to Divide a Question</u>. If a motion relating to a single subject contains several parts, each of which is capable of standing as a complete proposition by itself, the parts of the motion can be separated for consideration and voted on as if they were distinct questions by the adoption of a motion for division of the question.

- A motion to divide a question, if seconded, takes precedence over the main motion and is not debatable.
- The motion to divide must clearly state the manner in which the question is to be divided, and while the motion to divide is pending, another member can propose a different division by moving an amendment to the motion to divide, in which case the amended form of the motion, if seconded, would be decided first.
- Often, little formality is involved in dividing a question, and it is arranged by unanimous consent.

4. <u>Motion to Suspend the Rules</u>. When the Council wishes to do something that it cannot do without violating one or more of its regular rules, it can adopt a motion to suspend the rules that interfere with the proposed action.

- A motion to suspend the rules can be made at any time that no question is pending and can be applied to any rule except those that are fundamental principles of the City Charter, City Code or other applicable laws.
- A motion to suspend the rules must be seconded to proceed.
- This motion is neither debatable nor amendable.

The presiding officer may suspend the rules by stating the desire to do so, unless a Councilmember states an objection. In the event of an objection, a motion, second and approval by a majority vote, as described above, is required.

#### **RESTORATIVE MOTIONS**

These are motions that bring a question again before the Council for its consideration.

1. <u>Motion to Take from the Table</u>. The object of this motion is to take from the table and make pending again before the Council a motion or series of adhering motions that previously had been laid on the table.

- A motion to take an item from the table must be seconded to proceed.
- A motion to take an item from the table is neither debatable nor amendable.
- When a question is taken from the table, it is before the Council with everything adhering to it, exactly as it was when laid on the table.

2. <u>Motion to Reconsider</u>. This motion enables a majority of the Council to bring back for further consideration a motion that has already been voted on.

- A motion to reconsider is in order only if made on the same date that the vote to be reconsidered was taken and can be made only by a member who voted with the prevailing side of the vote to be reconsidered.
- A motion to reconsider must be seconded by a member who voted with the prevailing side of the vote to be reconsidered to proceed.
- The purpose of reconsidering a vote is to permit the correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of a vote.
- When a member who cannot make a motion for reconsideration believes that there are valid reasons for one, the member can try, if there is time or opportunity, to persuade someone who voted with the prevailing side to make such a motion.
- A motion to reconsider is debatable whenever the motion proposed to be reconsidered was debatable. And, when debatable, opens to debate the merits of the question to be reconsidered.
- A motion to reconsider is not amendable.
- The effect of the adoption of a motion to reconsider is that the question on which the vote was reconsidered is immediately placed before the Council in the exact position it occupied the moment before it was voted on originally.

3. <u>Motion to Rescind or Amend Something Previously Adopted</u>. By means of the motions to rescind or to amend something previously adopted, the Council can change an action previously taken or ordered.

- A motion to rescind or amend something previously adopted must be seconded to proceed.
- A motion to rescind or amend something previously adopted is debatable and amendable.

- In contrast to a motion to reconsider, there is no time limit on making a motion to rescind or a motion to amend something previously adopted (provided that no action has been taken by anyone in the interim that cannot be undone), and these motions can be moved by any member of the Council, regardless of how that member voted on the original question.
- The effect of passage of this motion is not to place the matter back before the assembly as it was just prior to a vote being taken.
  - $\circ\,$  Instead, it either entirely nullifies the previous action or modifies it, depending upon which motion is used.
  - For that reason, adoption of a motion to rescind or amend something previously adopted should be carefully considered if third parties may have relied to their detriment on the previous action.
- In order to modify an adopted resolution or ordinance, Council must adopt a new resolution or ordinance making the desired modification, in compliance with all formalities applicable to adoption of a resolution or ordinance (as applicable).

#### **PRIVILEGED MOTIONS**

These motions are of such urgency or importance that they are entitled to immediate consideration, even when another motion is pending. This is because these motions do not relate to the pending business but have to do with special matters of immediate and overriding importance that should be allowed to interrupt the consideration of anything else, without debate.

1. <u>Motion to Adjourn</u>. Generally, the presiding officer adjourns the meeting at their discretion at the completion of the agenda. However, any Councilmember may move to adjourn the meeting at any time.

- A motion to adjourn requires a second.
- A motion to adjourn is always a privileged motion except when the motion is conditioned in some way, as in the case of a motion to adjourn at, or to, a future time.
  - $\circ$  Such a conditional motion is not privileged and is treated just as any other main motion.
  - A conditional motion to adjourn at or to a future time is always out of order while business is pending.
- An unconditional, privileged motion to adjourn takes precedence over most other motions.
- The privileged motion to adjourn is neither debatable nor amendable, while a conditioned motion to adjourn is debatable and may be amended.

2. <u>Motion to Recess</u>. A motion to recess is essentially a motion to take a break during the course of a Council meeting.

- A motion to recess must be seconded.
  - A motion to recess that is made when no question is pending is a main motion and should be treated as any other main motion.
  - A motion to recess is said to be privileged if it is made when another question is pending, in which case it takes precedence over all subsidiary and incidental motions and most other privileged motions. It is not debatable and is amendable only as to the length of the recess.
- After a recess, the meeting resumes when the presiding officer has called the meeting back to order.

### Governing the Conduct of City Council Meetings and Work Sessions

Adopted July 2, 2024 Resolution 2024-090 Adopted December 17, 2024 Resolution 2024-\_\_\_

#### Section 1. Attendance and Participation in Regular or Special Council Meetings.

a. Councilmembers may participate in discussion at Council Regular and Special meetings, including executive sessions, using remote technology, except that only Councilmembers present in person at a meeting are allowed to participate in consideration of quasi-judicial items, to be treated as present for the purpose of establishing a quorum, or to vote on any item.

In the event the Mayor, or City Council by majority vote, determines at any time that circumstances necessitate that Council conduct all or a portion of a regular or special meeting using remote technology, Councilmembers may fully participate in and vote in that meeting using remote technology.

- b. The public may participate in any Regular or Special Council meeting as set out in these Rules using the remote technologies that have been arranged for that meeting and may participate in person unless public access for a particular meeting is limited to remote-only access, whether in advance of that meeting, or during the meeting in response to disruption of the planned meeting location or arrangements.
- c. If circumstances prevent or are reasonably expected to prevent the Council from carrying out its business in the Council Chambers, the Mayor, or the Council by majority vote, may relocate or adjourn such meeting to an alternative location.
- d. In the case of any such location change or change to the mode of public participation allowed, notice of the change must be prominently posted for the public at Council Chambers and the meeting broadcast and stream. The meeting must, at a minimum, be freely available to the public by electronic means or broadcast, or at a remote viewing location. If a meeting is relocated and reconvened, or shifted to remote-only public viewing, a minimum of forty-five (45) minutes must elapse between the adjournment of the meeting to the new location or mode and reconvening in the new location or mode.

#### Section 2. Order of Business for Regular or Special Council Meetings.

a. Regular Council meetings shall be conducted in the following order (except for special items described below):

- (A) Proclamations and Presentations. (Prior to the meeting)
- (B) Call Meeting to Order
- (C) Pledge of Allegiance
- (D) Roll Call
- (E) City Manager's Agenda Review (including City Manager removal of items from Consent Calendar for individual discussion)
- (F) Community Reports (as needed): The purpose of the Community Report is to provide an opportunity for organizations affiliated with the City (or partnering with the City in specific ways) to update Council and the general public on activities and accomplishments within its organization of interest to the City. Examples include County Health Department, Library District, Platte River Power Authority. Reports are provided at the request of Council or City Leadership.
- (G) Public Comment on Any Topics or Items or Community Events (including comments on the Consent Calendar and any requests by commenters for removal of items from Consent Calendar for individual discussion) The first 40 speakers will speak plus additional speakers as can be heard in a total of 90 minutes.
- (H) Public Comment Follow-up (Staff will indicate to Mayor if anyone signed up to speak on a Consent item and was not able to speak under public comment. Those speakers will be able to speak at this point in the agenda.)
- (I) Councilmember Removal of Items from Consent Calendar for Discussion
- (J) Adoption of Consent Calendar
- (K) Consent Calendar Follow-up
- (L) Staff Reports (as needed): The purpose of the Staff Report is to provide City Council with information on specific City projects or issues of concern to City Council. Reports may be requested by either Council or staff.
- (M) Councilmember Reports (as needed): The purpose of the Councilmember Reports is to allow Councilmembers to update one another and the community of any outside activities, meetings, or learning opportunities relevant to the business of the City.
- (N) Consideration of Items Removed from Consent Calendar for Individual Discussion
- (O) Consideration of Items Planned for Discussion
- (P) Resumed Public Comment (if applicable)
- (Q) Other Business
- (<u>R</u>) Adjournment
- b. Special Council meetings shall be conducted in the following order (except for special items described below):

- (A) Call Meeting to Order
- (B) Pledge of Allegiance
- (C) Roll Call
- (D) Consideration of Items Identified in the Call of Special Meeting
- (E) Adjournment
- c. Appeals to Council shall be conducted in accordance with Division 3 of Article II of Chapter 2 of the City Code.
- d. Addition of Permitted Use applications pursuant to Land Use Code Section 1.3.4(c)(3) and zonings and rezonings of land with an area of six hundred forty acres or less ("Quasi-judicial Rezonings"), shall be conducted as follows subject to such limitations in time and scope as may be imposed at the discretion of the presiding officer:
  - (1) Announcement of Item;
  - (2) Consideration of any procedural issues;
  - (3) Explanation of the application by City staff;
  - (4) Presentation by the applicant and/or by the affected property owner (if not the applicant);
  - (5) Public testimony regarding the application;
  - (6) Rebuttal testimony by the applicant/property owner;
  - (7) Councilmember questions of City staff, the applicant/property owner and other commenters; and
  - (8) Motion, discussion and vote by the City Council.
- e. Protest hearings required under Chapter 7 of the City Code Section 7-88 (regarding re-districting) or Section 7-156 (regarding ballot title and/or submission clause) certain election-related matters shall be conducted in the following order, as part of the agenda item for the item under protest:
  - (1) Announcement of Item;
  - (2) Staff Presentation for Agenda Item;
  - (3) Presentation by each person who timely filed a Protest;
  - (4) Councilmember questions of City staff and the protesting parties; and
  - (5) Motion on each Protest, discussion and vote on each Protest by the City Council.

After completion of the Protest Hearing, Council will return to the Agenda Item and receive comments from any persons desiring to speak on the Agenda Item.

- f. Procedures for conduct of other types of special proceedings by the Council shall be established by the presiding officer and shall comply with any applicable legal requirements.
- g. Items for which a public hearing is required may be considered as part of the Consent Calendar, and if any item is not pulled from the Consent Calendar for individual consideration and is adopted as part of the Consent Calendar, it will be deemed to have been the subject of a public hearing as required by any applicable Code or other legal requirements.

#### Section 3. Length of Regular Meetings

- a. Regular Council meetings will begin at 6:00 p.m. Proclamations will be presented prior to the meeting at approximately 5:00 p.m. and will end no later than 5:30 p.m.
- b. Appropriate breaks will be taken during meetings at the presiding officer's discretion based on meeting length and agenda.
- c. 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 scheduled 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.
- d. If the Council for any reason is unable to complete its meeting agenda, all Consent and Discussion items on the agenda that were not considered will be deemed continued to the next regular Council meeting, except as otherwise specified by the Council or, if appropriate, determined by the City Manager.

#### Section 4. Public Comment During Regular and Special Council Meetings.

- a. Comment during Public Participation. During the "Public Comment" segment of each meeting, comment will be allowed on matters of interest or concern to members of the public, including items the Council will consider at that night's meeting.
  - (1) Each speaker will be required to sign up to provide public comment on a City-provided form or system by 5:30 pm of the day of the meeting.
  - (2) Each speaker will only be allowed to speak one time during Public Comment.

(3) If a speaker comments on a particular agenda item during the time for general public comment, that speaker will not also be entitled to speak during discussion of the particular agenda item.

Section 2-48 of the City Code allows certain interested parties to appeal development review and other types of decisions to Council for review. In considering a matter on appeal, the Council must follow certain procedures and must limit its review to the matters on appeal and the record of the decision that was appealed. Because of this, comments on matters that are the subject of a board or hearing officer decision that will be appealable to the Council are not permitted once the application, review and decision-making process has been initiated.

b. Comment on Agenda Items. Council will receive public comment during consideration of individual action items, including any item that is addressed by formal Council action under the "Other Business" segment of the meeting that may directly affect the rights or obligations of any member of the general public.

(1) Each speaker will be required to sign up to provide public comment on a Cityprovided form or system by 5:30 pm on the day of the meeting, except for comment on procedural or other items that were not noted on the published agenda.

(12) Each speaker will only be allowed to speak one time to comment on any particular agenda item.

(23) Comments given during the comment period for an agenda item must pertain to the item under consideration.

(34)The Council may, but is not required to, receive public comment in connection with procedural matters and motions.

(45) Except as otherwise provided in these rules, public comment will be permitted only once per item regardless of the number of motions made during Council's consideration of the item.

- c. Decorum; Scope and Type of Comments Allowed.
  - (1) Comment and testimony are to be directed to the Council. When referring to a Councilmember, a speaker is expected to use the Councilmember's official title. Unless otherwise directed by the presiding officer, all comments must be made into the microphone.
  - (2) During general public comment, speakers may speak to any matter of public interest or concern. During discussion of a particular agenda item, speakers shall limit their comments to that item; testimony that strays from the topic will be out of order.

- (3) Speakers shall not make personal, impertinent, profane, vulgar, slanderous intimidating or harassing remarks that disturb, disrupt or impede the conduct of the meeting or the Council's completion of its business. Similarly, threats of violence or harm, or abusive language, and racial or ethnic slurs directed at any person or group of persons, are prohibited. Any speaker who is disrupting the meeting will be warned of the disruption and then steps will be taken to prevent further disruption to the meeting. If the disruption continues, the speaker's microphone will be muted, and further action taken to allow the Council to continue the business of the meeting agenda.
- (4) Speakers shall avoid lengthy repetition of comments already provided.
- (5) Dialogue between a speaker and attendees or audience of a meeting, or comments directed to other speakers, are disruptive to the meeting and will be out of order.
- d. Process and Time Limits for Speaking.
  - (1) The presiding officer may require those intending to speak to indicate their intention by a show of hands or some other means, such as "raising a hand" using remote technology.
  - (2) The amount of time to be allotted to each speaker will be set by the presiding officer based upon the number of persons expected to speak, in order to allow as many as possible to address the Council within a reasonable time given the scheduled agenda and as necessary to facilitate Council's understanding of an item.
  - (3) The presiding officer may ask those physically present at the meeting and wishing to speak to move to one of the two lines of speakers before the speaker next ahead of them on the speakers list is speaking (or to take a seat nearby for those not able to stand while waiting).
  - (4) Each speaker will be asked to provide their full name and general address at the beginning of their comments.
  - (5) Generally, speakers will be called in the order they appear on the sign-up list for speaking.
- e. Yielding the Lectern. Each speaker shall promptly cease their comments and yield the lectern immediately upon the expiration of the time allotted by the presiding officer.
- f. Yielding of Time. No speaker may yield part or all of their time to another speaker, and no speaker will be credited with time requested but not used by another.
- g. Public Presentation Materials and Evidence. The use of City projection equipment to display presentation materials to Council will be allowed in limited circumstances that permit City staff to manage the use of the equipment, prepare

materials for display and avoid delay or disruption to the meeting. The following limits will apply to all presentations by members of the public:

- (1) Persons wishing to display presentation materials using the City's display equipment under the Public Comment 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. Only pdf format presentations will be allowed, and no embedded video or audio may be included.
- (2) As an exception to subsection (1), parties-in-interest in agenda items considered under Section 2.c, 2.d, 2.e or 2.f, above, shall provide all presentation materials to be displayed or proffered for Council consideration to the City Clerk (whether in hard copy or for display) in the manner specified by the City Clerk no later than noon on the day of the meeting at which the subject item is scheduled for consideration or 4:00 p.m. the business day prior to the meeting if the meeting begins earlier than 6:00 p.m. Any such materials must be in a form or pdf format and readily usable on the City's display technology. NOTE: Parties in appeals to Council may present new evidence only in the limited circumstances set forth in Chapter 2 of the City Code.

#### Section 5. Public Conduct During Regular and Special Council Meetings and Work Sessions.

- a. General Comment, or Expressions of Support or Opposition. Members of the audience are not entitled to speak except as provided in these Rules of Procedure, or as expressly requested by the presiding officer or City staff and shall not engage in expressions of support or opposition, such as clapping, whistling, cheering, foot stomping, booing, hissing, speaking out, yelling, or other acts, that disturb, disrupt, or impede the meeting or any recognized speaker.
- b. Signs and Props.
  - (1) Signs and props no larger than 11" x 17" are permitted in the City Council Chambers or in the Council Information Center or other Council meeting room (collectively referred to as the "Meeting Room"), except no such signs or props shall be displayed during the conduct of a quasi-judicial hearing during which general public comment is not taken other than by authorized speakers in connection with their hearing testimony.
  - (2) Such signs or props must be held directly in front of one's body so as not to impede the view of others.
  - (3) Signs or props may not be waved, held by more than one person at a time, or used in a manner that, in the judgment of the presiding officer, disrupts the orderly conduct of business.
  - (4) Signs or props may not be left unattended anywhere in the Meeting Room or left unattended on display in the City Hall lobby area.

- (5) Signs or props attached to sticks, poles, or other objects are prohibited.
- c. Distribution of Literature. Distribution of fliers or other literature is permitted in the public lobby areas of City Hall only when City Hall is open for a public event. Distribution of fliers and other literature is permitted on the sidewalks and grounds around City Hall. Persons wishing to engage in such activities may do so only in a manner that does not interfere with the movement of persons or obstruct the passage of pedestrians or vehicles.
- d. Video and Audio Recording. Video and audio recording by the press or other members of the public is permitted in the Meeting Room only if the person making the recording is using a small unobtrusive recording device and is seated or standing at a speaker lectern when authorized to speak, or in line awaiting an opportunity to speak, or is either standing in the back of the Meeting Room behind all seated persons. Other video or audio recording is allowed only in a manner and area pursuant to the direction of the presiding officer in their reasonable discretion or as designated for that purpose in advance by the City.
- e. Areas Permitted for Seating and Standing. Except for persons waiting in line to speak in accordance with the presiding officer's instructions, no persons shall sit in the Meeting Room except in chairs or seats provided by the City or in wheelchairs or other assistive devices, and no persons shall stand in the aisles or other locations in the Meeting Room except in the back of the Meeting Room, and only in accordance with other applicable limits for fire and building safety.
- f. Cellphone and Pagers. The ringer or other tones of any cellphones, pagers or other communications devices must be off, to avoid disrupting the meeting.
- g. Impacts to Public Property. Meeting attendees are prohibited from altering or damaging any furniture, equipment or other public property or from misusing the City's facilities in the course of attending any Council meeting or work session.
- h. Leaving the Meeting. Meeting attendees leaving the meeting before it has been adjourned must leave in a quiet and orderly manner until outside of the building, to avoid disrupting the meeting.

#### Section 6. Procedural Decisions Subject to Modification by Council.

Decisions by the presiding officer regarding procedures and procedural issues, including but not limited to time limits for public comment, may be overridden by a majority vote of the Council.

#### Section 7. Council Questions and Debate.

Council questions and debate regarding an agenda item during a regular or special Council meeting will occur immediately following public input and prior to entertaining any main motion related to the item. Except when raising a point of order at a regular or special Council meeting, Councilmembers seeking to ask questions or participate in debate or discussion will do so only

when recognized by the presiding officer. The presiding officer may limit or curtail questions or debate as the presiding officer deems necessary for the orderly conduct of business. The presiding officer may participate in questions and debate.

#### Section 8. Basic Rules of Order for Regular and Special Council Meetings.

The following commonly used rules of order will govern the conduct of City Council business at regular and special Council meetings. *Except as specifically noted, all motions require a second*. These rules of order are in concept based upon Robert's Rules of Order Newly Revised and reflect the existing practices of the Council and the requirements of the City Charter and City Code. For example, while a two-thirds vote is necessary for the passage of some of the motions listed below under Robert's Rules of Order, all motions of the Council, except a motion to go into executive session or a motion to adopt an emergency ordinance, may be adopted upon approval of a majority vote of the members present at a Council meeting, pursuant to Art. II, Sec. 11 of the City Charter.

If there is a question of procedure not addressed by these rules, reference may be made to Robert's Rules of Order for clarification or direction, however, adherence to Robert's Rules of Order is not mandatory, and, in the event of any conflict between these rules of order and Robert's Rules of Order, these rules of order shall prevail. In the event of any conflict between these rules of order or Robert's Rules of Order and a City Charter or City Code provisions, the City Charter or City Code provision shall prevail. Any Councilmember and the presiding officer may make or second any motion, except as specifically limited by these rules.

#### MAIN MOTIONS

- Main motions are used to bring business before the Council for consideration and action.
- A main motion can be introduced only if no other business is pending.
- All main motions require a second and may be adopted by majority vote of those Councilmembers present and voting, except that: (1) a motion to go into executive session requires a two-thirds vote of those present and voting and (2) a motion to adopt an emergency ordinance requires the affirmative vote of at least five (5) Councilmembers for approval.
- A main motion may be made or seconded by any Councilmember, including the presiding officer.
- A main motion is debatable and may be amended.

#### SUBSIDIARY MOTIONS

These are motions that may be applied to another motion for the purpose of modifying it, delaying action on it, or disposing of it. All subsidiary motions require a second to proceed.

1. <u>Motion to Amend</u>. The point of a motion to amend is to modify the wording - and, within certain limits, the meaning - of a pending motion before the pending motion itself is acted upon.

- A motion to amend, once seconded, is debatable and may itself be amended once.
- A "secondary amendment," which is a change to a pending "primary amendment," cannot be amended.
- Once a motion to amend has been seconded and debated, it is decided before the main motion is decided.
- Certain motions to amend are improper.
  - For example, an amendment must be "germane" to be an order. To be germane, an amendment must in some way involve the same question that is raised by the motion to which it is applied.
  - Also, some motions to amend are improper, for example, a motion that would merely make the adoption of the amended question equivalent to a rejection of the original motion, or one that would make the question as amended identical with, or contrary to, one previously decided by the Council during the same session.
- "Friendly" amendments acceptable to the maker and the seconder of the main motion do not require a second and are permissible at any time before formal motions to amend the main motion have been made, and after one or more formal motions to amend the main motion have been made unless one or more members of Council objects to amending by "friendly" amendment (in which case a formal motion to amend the main motion must be used for that purpose).

2. <u>Withdrawal of a Motion</u>. After a motion has been seconded and stated by the presiding officer it belongs to the Council as a whole and the maker may withdraw their motion unless one or more members of the Council objects, in which case the majority of the Council must consent to withdrawal of the motion.

3. <u>Motion to Postpone to a Certain Time (or Definitely)</u>. This is the motion by which action on an agenda item or a pending motion can be put off to a definite day, meeting or hour, or until after a certain event has occurred.

- A motion to postpone definitely must be seconded to proceed.
- A motion to postpone definitely can be debated only to the extent necessary to enable the Council to determine whether the main motion should be postponed and, if so, to what date or time.
- Similarly, it is amendable only as to the date or time to which the main motion should be postponed.

4. <u>Motion to Lay on the Table</u>. A motion to table is intended to enable the Council to lay the pending question aside temporarily, but only when something else of immediate urgency has arisen.

• A motion to lay on the table must be seconded to proceed.

• Adoption of a motion to lay on the table immediately halts the consideration of the affected motion, since a motion to table is neither debatable nor amendable.

5. <u>Motion to Postpone Indefinitely</u>. A motion to postpone indefinitely is, in effect, a motion that the Council decline to take a position on an agenda item or main motion.

- Adoption of a motion to postpone indefinitely kills the agenda item or main motion and avoids a direct vote on the item or motion. It is useful in disposing of an item or motion that cannot either be adopted or expressly rejected without undesirable consequences.
- A motion to postpone indefinitely must be seconded to proceed.
- A motion to postpone indefinitely is debatable but not amendable.

6. "<u>Calling the Question</u>". "Calling the question" may sometimes motivate unanimous consent to end debate. If it does not, however, then debate does not automatically end.

- If any member objects to ending the debate, the presiding officer should ask if there is a second to the motion and, if so, the presiding officer must immediately take a vote on whether to end debate.
- A motion to call the question is not debatable or amendable.

#### **INCIDENTAL MOTIONS.**

These are motions that usually apply to the method of conducting business rather to the business itself.

1. <u>Point of Order</u>. If a Councilmember thinks that the rules of order are being violated, the Councilmember can make a point of order, thereby calling upon the presiding officer for a ruling and an enforcement of the regular rules.

- A "point of order" takes precedence over any pending question out of which it may arise *and does not require a second*.
- A "point of order" is not amendable.
- Technically, a "point of order" is not debatable; however:
  - With the presiding officer's consent, the member raising the point of order may be permitted to explain their point.
  - In response to a point of order, the presiding officer can either immediately rule, subject to appeal to the Council, or the presiding officer can refer the point of order to the judgment of the Council, in which case the point becomes debatable.
  - In ruling, the presiding officer may consult with the City Attorney or request the advice of experienced members of the Council.
  - No member has the right to express an opinion unless requested to do so by the presiding officer.

- When the presiding officer has made a ruling, any two Councilmembers can appeal the ruling (one making the appeal and the other seconding it).
  - $\circ\;$  When an appeal is taken, the matter is decided by majority vote of the Council.
  - A tie vote sustains the decision of the presiding officer.
- If a point of order is to be raised, it must be raised promptly at the time the perceived violation of the rules occurs.

2. <u>Point of Information</u>. Robert's Rules of Order provides for a "point of information" or a "request for information" that is appropriate in the formal setting of a large legislative body. Because Council consideration of an item is generally an opportunity to request information and ask questions, the formal "point of information" procedure provided in Robert's Rules is not needed or appropriate for City Council meetings.

3. <u>Motion to Divide a Question</u>. If a motion relating to a single subject contains several parts, each of which is capable of standing as a complete proposition by itself, the parts of the motion can be separated for consideration and voted on as if they were distinct questions by the adoption of a motion for division of the question.

- A motion to divide a question, if seconded, takes precedence over the main motion and is not debatable.
- The motion to divide must clearly state the manner in which the question is to be divided, and while the motion to divide is pending, another member can propose a different division by moving an amendment to the motion to divide, in which case the amended form of the motion, if seconded, would be decided first.
- Often, little formality is involved in dividing a question, and it is arranged by unanimous consent.

4. <u>Motion to Suspend the Rules</u>. When the Council wishes to do something that it cannot do without violating one or more of its regular rules, it can adopt a motion to suspend the rules that interfere with the proposed action.

- A motion to suspend the rules can be made at any time that no question is pending and can be applied to any rule except those that are fundamental principles of the City Charter, City Code or other applicable laws.
- A motion to suspend the rules must be seconded to proceed.
- This motion is neither debatable nor amendable.

The presiding officer may suspend the rules by stating the desire to do so, unless a Councilmember states an objection. In the event of an objection, a motion, second and approval by a majority vote, as described above, is required.

#### **RESTORATIVE MOTIONS**

These are motions that bring a question again before the Council for its consideration.

1. <u>Motion to Take from the Table</u>. The object of this motion is to take from the table and make pending again before the Council a motion or series of adhering motions that previously had been laid on the table.

- A motion to take an item from the table must be seconded to proceed.
- A motion to take an item from the table is neither debatable nor amendable.
- When a question is taken from the table, it is before the Council with everything adhering to it, exactly as it was when laid on the table.

2. <u>Motion to Reconsider</u>. This motion enables a majority of the Council to bring back for further consideration a motion that has already been voted on.

- A motion to reconsider is in order only if made on the same date that the vote to be reconsidered was taken and can be made only by a member who voted with the prevailing side of the vote to be reconsidered.
- A motion to reconsider must be seconded by a member who voted with the prevailing side of the vote to be reconsidered to proceed.
- The purpose of reconsidering a vote is to permit the correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of a vote.
- When a member who cannot make a motion for reconsideration believes that there are valid reasons for one, the member can try, if there is time or opportunity, to persuade someone who voted with the prevailing side to make such a motion.
- A motion to reconsider is debatable whenever the motion proposed to be reconsidered was debatable. And, when debatable, opens to debate the merits of the question to be reconsidered.
- A motion to reconsider is not amendable.
- The effect of the adoption of a motion to reconsider is that the question on which the vote was reconsidered is immediately placed before the Council in the exact position it occupied the moment before it was voted on originally.

3. <u>Motion to Rescind or Amend Something Previously Adopted</u>. By means of the motions to rescind or to amend something previously adopted, the Council can change an action previously taken or ordered.

- A motion to rescind or amend something previously adopted must be seconded to proceed.
- A motion to rescind or amend something previously adopted is debatable and amendable.
- In contrast to a motion to reconsider, there is no time limit on making a motion to rescind or a motion to amend something previously adopted (provided that no action has been taken by anyone in the interim that cannot be undone), and these

motions can be moved by any member of the Council, regardless of how that member voted on the original question.

- The effect of passage of this motion is not to place the matter back before the assembly as it was just prior to a vote being taken.
  - Instead, it either entirely nullifies the previous action or modifies it, depending upon which motion is used.
  - For that reason, adoption of a motion to rescind or amend something previously adopted should be carefully considered if third parties may have relied to their detriment on the previous action.
- In order to modify an adopted resolution or ordinance, Council must adopt a new resolution or ordinance making the desired modification, in compliance with all formalities applicable to adoption of a resolution or ordinance (as applicable).

#### **PRIVILEGED MOTIONS**

These motions are of such urgency or importance that they are entitled to immediate consideration, even when another motion is pending. This is because these motions do not relate to the pending business but have to do with special matters of immediate and overriding importance that should be allowed to interrupt the consideration of anything else, without debate.

1. <u>Motion to Adjourn</u>. Generally, the presiding officer adjourns the meeting at their discretion at the completion of the agenda. However, any Councilmember may move to adjourn the meeting at any time.

- A motion to adjourn requires a second.
- A motion to adjourn is always a privileged motion except when the motion is conditioned in some way, as in the case of a motion to adjourn at, or to, a future time.
  - $\circ$  Such a conditional motion is not privileged and is treated just as any other main motion.
  - A conditional motion to adjourn at or to a future time is always out of order while business is pending.
- An unconditional, privileged motion to adjourn takes precedence over most other motions.
- The privileged motion to adjourn is neither debatable nor amendable, while a conditioned motion to adjourn is debatable and may be amended.

2. <u>Motion to Recess</u>. A motion to recess is essentially a motion to take a break during the course of a Council meeting.

• A motion to recess must be seconded.

- A motion to recess that is made when no question is pending is a main motion and should be treated as any other main motion.
- A motion to recess is said to be privileged if it is made when another question is pending, in which case it takes precedence over all subsidiary and incidental motions and most other privileged motions. It is not debatable and is amendable only as to the length of the recess.
- After a recess, the meeting resumes when the presiding officer has called the meeting back to order.

File Attachments for Item:

# 21. Resolution 2024-149 Supporting Grant Application for Local Match Funding in Support of the Midtown Central Corridor Project.

The purpose of this item is to obtain support for the City to apply for the non-federal match requirement included in the Department of Transportation's FY2025 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program.

December 17, 2024

## AGENDA ITEM SUMMARY City Council



#### STAFF

Dillon Willett, Engineering, PDT Kerri Ishmael, Grants Administration

#### SUBJECT

Resolution 2024-149 Supporting Grant Application for Local Match Funding in Support of the Midtown Central Corridor Project.

#### **EXECUTIVE SUMMARY**

The purpose of this item is to obtain support for the City to apply for the non-federal match requirement included in the Department of Transportation's FY2025 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program.

#### STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

#### **BACKGROUND / DISCUSSION**

PDT's Engineering, in collaboration with the Midtown Business Improvement District, pursued funding under prior year's 2024 RAISE discretionary grant program. The request for funds was in support of the Midtown Central Corridor Project. Engineering requested funds under Colorado's Department of Local Affairs (DOLA) Infrastructure Investment and Jobs Act (IIJA) Local Match (LOMA) grant program to support part of the City's required match for the project. Notwithstanding being awarded funds under the LOMA grant program, the City was unsuccessful in the request for funds under the 2024 RAISE grant program.

Considering the Midtown Central Corridor Project being a priority project, combined with the Midtown Business Improvement District's partnership and financial support, Engineering is pursuing planning funds under the FY2025 RAISE grant program in support of the project. The Midtown Central Corridor Project will finalize plans for future construction in 2028 of the 1.33-mile corridor of College Ave from Boardwalk Drive to, and including, the West Drake Road intersection. The scope of the design covers infrastructure updates for the corridor to improve safety for all modes of travel, business access, ADA access, active modes infrastructure, access to the adjacent bus rapid transit line and regional Mason trail, and stormwater drainage.

The FY2025 RAISE federal funding opportunity requires the City to contribute at least 20% of total project costs. Although the City has committed funds, combined with a cash contribution from Midtown Business Improvement District, there is a funding gap in meeting the match requirement for the proposed planning project.

To support meeting the funding gap for the City's required match for the proposed planning project under the FY2025 RAISE grant program, the City intends to apply for grant funds under DOLA's LOMA grant program to cover the needed matching funds.

#### **CITY FINANCIAL IMPACTS**

Support of PDT's Engineering in applying to this DOLA LOMA grant program does not impact City finances. If the grant is awarded, the City will seek appropriation of such grant funds from Council.

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

None.

#### **PUBLIC OUTREACH**

None.

#### **ATTACHMENTS**

1. Resolution for Consideration

#### RESOLUTION 2024-149 OF THE COUNCIL OF THE CITY OF FORT COLLINS SUPPORTING GRANT APPLICATION FOR LOCAL MATCH FUNDING IN SUPPORT OF THE MIDTOWN CENTRAL CORRIDOR PROJECT

A. The Midtown Central Corridor Project (the "Project") aims to reimagine South College Avenue in Midtown, between Drake Road and Boardwalk Drive, as a unique corridor that is accessible and safe for all, including pedestrians, cyclists, and vehicles, while also allowing for adjacent neighborhoods to easily access all the amenities and services in the corridor.

B. Planning of several possible improvements for the Project has been underway for more than a decade and includes the 2013 Midtown Master Plan and the 2014 Midtown in Motion Study that were developed with input from businesses along the corridor and the wider community and also includes the establishment in 2017 of the Midtown Business Improvement District ("BID").

C. The current stage of the Project will finalize plans for future construction in 2028 of the 1.33-mile corridor of College Avenue from Boardwalk Drive to, and including, the West Drake Road intersection. The scope of the design covers infrastructure updates for the corridor to improve safety for all modes of travel, business access, Americans with Disabilities Act access and compliance, active modes infrastructure, access to the adjacent bus rapid transit line and regional Mason trail, and stormwater drainage.

D. The Midtown BID and the City have committed support for conceptual design for the Project, including having contributed funding (see Ordinance No. 037, 2022 and Resolution 2022-053), and the City's Planning Development and Transportation ("PDT") Engineering Department is working to secure additional funding including state and federal grants to support implementation.

E. Under Municipal Code Section 22-44, the City may accept grants in aid of the construction of any local public improvements.

F. In support of the Project, PDT's Engineering Department pursued planning funds under the non-federal match requirement included in the Department of Transportation's FY2024 Rebuilding American Infrastructure with Sustainability and Equity ("RAISE") discretionary grant program (see Resolution 2024-006). The City was unsuccessful in the request for funds under the RY2024 RAISE grant program.

G. In further support of the Project, PDT's Engineering Department is pursuing additional planning funds under the non-federal match requirement included in the Department of Transportation's FY2025 RAISE discretionary grant program.

H. The FY2025 RAISE federal funding opportunity requires the City to contribute at least 20% of total project costs. Although the City has committed funds,

combined with a cash contribution from Midtown BID, there is a funding gap in meeting the match requirement for the proposed planning project.

I. Colorado's Department of Local Affairs ("DOLA") has funding from the Infrastructure Investment and Jobs Act ("IIJA," also known as the "Bipartisan Infrastructure Law") Local Match grant program ("LOMA") that provides funding to support local governments in meeting the match requirement under IIJA grant programs. The RAISE grant program is an IIJA funded program.

J. To support meeting the funding gap for the City's required match for the proposed planning project under the FY2025 RAISE grant program, the Engineering Department intends to apply for grant funds under this DOLA LOMA grant program to cover the needed matching funds. The City anticipates success applying for DOLA LOMA grant funds, because although the City's application for FY2024 RAISE grant funds was unsuccessful, the City's application for matching funds from the DOLA LOMA grant program was successful. Those funds could not be accepted due to not receiving the FY2024 RAISE grant.

K. Support of the Engineering Department in applying to this DOLA LOMA grant program does not impact City finances. If the grant is awarded, the City will seek appropriation of the grant funds from City Council.

L. The City Council finds and determines that the adoption of this resolution advances the public's health, safety, and welfare by facilitating further design and improvement of the City's transportation safety and infrastructure and by facilitating cost-sharing among local, state, and federal entities.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council approves and supports the application for further funding for the Midtown Central Corridor Project and intends to provide required matching funds or other contributions required for the Project.

Section 2. The City Manager is hereby authorized to execute agreements related to grant money for funding for the Midtown Central Corridor Project, with terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City and to effectuate the purposes of this resolution, provided that all required matching funds have been appropriated before execution.

Section 3. The City Council supports the continuation of the Midtown Central Corridor Project.

Passed and adopted on December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 17, 2024 Approving Attorney: Heather N. Jarvis File Attachments for Item:

# 22. Resolution 2024-150 Approving an Exemption to the Competitive Purchasing Process to Procure Professional Services from Park Consulting Group.

The purpose of this item is to request an exception to the use of a competitive purchasing process to enter into a professional services agreement with Park Consulting Group to support the implementation of the new Licensing, Permitting, and Code Enforcement (LPCE) system. The Park Consulting Group is uniquely qualified to provide the services.

Exception to the Competitive Bid or Proposal Rationale:

Code Section 8-161(d)(1)(a). There exists only one (1) responsible source.

December 17, 2024

# AGENDA ITEM SUMMARY

City Council



#### STAFF

Kai Kleer, Senior City Planner Patricia Milio, Supervisor, Building & Development Review Gerry Paul, Purchasing Director

#### SUBJECT

Resolution 2024-150 Approving an Exemption to the Competitive Purchasing Process to Procure Professional Services from Park Consulting Group.

#### **EXECUTIVE SUMMARY**

The purpose of this item is to request an exception to the use of a competitive purchasing process to enter into a professional services agreement with Park Consulting Group to support the implementation of the new Licensing, Permitting, and Code Enforcement (LPCE) system. The Park Consulting Group is uniquely qualified to provide the services.

Exception to the Competitive Bid or Proposal Rationale:

Code Section 8-161(d)(1)(a). There exists only one (1) responsible source.

#### **STAFF RECOMMENDATION**

Staff recommends adoption of the Resolution.

#### **BACKGROUND / DISCUSSION**

After a rigorous procurement process with cross-functional stakeholder participation, Planning, Development, and Transportation Services selected Tyler Technologies' (Tyler) solution to replace the legacy LPCE system. The new system is expected to modernize current business processes, improve efficiency, reduce errors, enhance customer experience, and save staff and customer time. This is anticipated to be a transformational project that will set the stage for the next 10-20 years and provide the foundation for the City to provide a high level of services to our business and development community.

Due to the scope and complexity of the implementation project, the project team plans to contract with third party(s) to augment resources. The critical role of Project Manager is planned to be outsourced to Park Consulting Group. This position will support the City's Project Manager to oversee the project, manage the budget and schedule, coordinate resources, and serve as the primary point of contact. Due to Park Consulting Group's unique and broad experience implementing Tyler 's LPCE solution, Park Consulting Group may also be utilized to provide other resources necessary to augment City staff.

The City issued a Request for Proposal (RFP) in late August 2024 for Project Management Services to support the LPCE implementation project. The RFP was issued during the project team's due diligence period, before the selection of the LPCE solution was completed. Therefore, the RFP stated the City was seeking consultants with experience implementing either Tyler or Accela. Although three vendors responded to the RFP, upon thorough evaluation, it was determined that none possessed a high degree of experience implementing Tyler's solution or supporting the migration from Accela's on premise solution to Tyler's SaaS.

Through extensive research and vendor identification efforts, staff identified a single qualified consultant, Park Consulting Group, that possesses the necessary skills, experience, and resources to deliver the project. Park Consulting Group has successfully supported implementation of Tyler's solution for over fifty (50) clients during the last five (5) years. Many of these projects were supporting the migration from Accela's on premise solution to Tyler's SaaS. Park Consulting Group elected not to respond to the City's RFP because they were concerned the City would likely select Accela as the incumbent and believed that other consultants might be better qualified to support the transition from Accela's on premise solution to the SaaS platform.

Hiring a third party project implementer with specific expertise leading migrations from Accela to Tyler will support gaps in system knowledge that City staff does not currently possess. This role will also be responsible for holding Tyler Technologies accountable for the technical deliverables of the project, mitigate risks, prevent scope creep, and ensure timely delivery of the system.

#### **CITY FINANCIAL IMPACTS**

The contract with Park Consulting Group will be a multi-year commitment. The project team is currently developing the Scope of Services therefore a firm quote has not yet been solicited. However, Park Consulting Group's hourly rates provided as a preliminary budgetary estimate are within the competitive range of other consultants providing similar services.

The LPCE project budget includes funding for a third-party project manager and other positions required to augment City staff.

The Council appropriated sufficient funding for this procurement through Ordinance No. 179, 2024.

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

At Council Finance Committee's November 6, 2024 Regular Meeting, this item was discussed in conjunction with the recommendation to appropriate additional funds for the project. The Council Finance Committee recommended to proceed to Council for the appropriation and exception.

#### PUBLIC OUTREACH

None.

#### **ATTACHMENTS**

1. Resolution for Consideration

#### RESOLUTION 2024-150 OF THE COUNCIL OF THE CITY OF FORT COLLINS APPROVING AN EXEMPTION TO THE COMPETITIVE PURCHASING PROCESS TO PROCURE PROFESSIONAL SERVICES FROM PARK CONSULTING GROUP

A. Section 8-161(d)(1) a. of the City Code authorizes the Purchasing Agent to negotiate for services without using a competitive process where the Purchasing Agent determines that there is only one responsible source.

B. The City's current on-premise Licensing, Permitting, and Code Enforcement (LPCE) system will no longer be supported by the licensor Accela at the end of 2025. This existing system requires either a significant upgrade to Accela's cloud-based version or implementation of a new system. In conjunction with a competitive process, staff determined that replacing the existing system with a new system, Tyler Technology's (Tyler) Software as a Service (SaaS), is the best course of action.

C. The City envisions this new LPCE system as a transformational project that will set the stage for the next 10-20 years on how the City provides services to its business and development community.

D. Due to the scope and complexity of the implementation project, the City will contract with a third-party for project manager services to support staff and to augment resources.

E. In August 2024, the City issued a Request for Proposal (RFP) for project manager services. The entities that responded to this RFP were determined to not have the necessary high degree of expertise and direct experience implementing Tyler's SaaS solution.

F. Through extensive research and vendor identification efforts, the City identified one single consultant that possesses the necessary skills, expertise, and experience, Park Consulting Group (Park). Park has supported many similar migrations from Accela's on-premise solution to Tyler's SaaS.

G. The estimated cost to procure Park's services to serve as Project Manager will exceed \$200,000 annually. The hourly rates proposed by Park are competitive with other firms offering similar services.

H. The Purchasing Agent has determined that there is only one responsible source for the services being sought.

I. The Purchasing Agent and other City staff recommend the adoption of this resolution.

J. The Purchasing Agent has submitted the requisite justification to the City Manager for approval and the City Manager has reviewed and approved this justification.

K. Section 8-161(d)(3) of the City Code requires approval of this purchase by the Council as it exceeds \$200,000.

In light of the foregoing Recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council hereby authorizes the Purchasing Agent to negotiate and enter into a professional services agreement with Park Consulting Group for up to five one-year terms, and further approves this action as an exception to the City's competitive purchasing process requirements, for the reasons set forth herein.

Passed and adopted on December 17, 2024.

Mayor

ATTEST:

**City Clerk** 

Effective Date: December 17, 2024 Approving Attorney: Sara Arfmann File Attachments for Item:

# 23. Resolution 2024-151 Making an Appointment to the Board of the Downtown Development Authority.

The purpose of this item is to fill a vacancy that currently exists as of October 15, 2024.

December 17, 2024

## AGENDA ITEM SUMMARY City Council



#### STAFF

Davina Lau, Public Engagement Specialist

#### SUBJECT

Resolution 2024-151 Making an Appointment to the Board of the Downtown Development Authority.

#### **EXECUTIVE SUMMARY**

The purpose of this item is to fill a vacancy that currently exists as of October 15, 2024.

#### STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

#### **BACKGROUND / DISCUSSION**

This Resolution makes appointments to fill the remainder of a vacated term on the Downtown Development Authority (DDA) Board. Dwight Hall resigned on October 15, 2024, creating one vacancy.

City Code Section 2-4462 provides that the DDA Board shall consist of eleven (11) members, nine (9) of whom are either residents, landowners or tenants within the boundaries of the DDA, one (1) of whom shall be a Councilmember and one (1) of whom shall be a member of the Board of County Commissioners of Larimer County, provided Larimer County continues to meet the qualifications for membership on the Board of the DDA as either a landowner or tenant within the boundaries of the DDA, and formally designates one (1) Commissioner to serve to serve in such a capacity. The Downtown Development Authority statute, Section 31-25-806, Colorado Revised Statutes, requires that members of the Board, other than members of the governing body (Council) reside, be a business lessee, or own real property in the DDA area.

This term of the recommended individual will begin effective immediately and end June 30, 2028. The names of the individual recommended to fill this vacancy is listed below.

#### **Downtown Development Authority Board**

Appointments	Term Effective Date	Expiration of Term
Abigail Christensen (Seat E)	Upon adoption of this Resolution.	June 30, 2028

None.

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

None.

#### PUBLIC OUTREACH

Public outreach to seek applicants for boards and commissions included a spotlight and press release on the City of Fort Collins website, media releases for earned coverage in local media sources, and social media promotion of opportunities.

#### **ATTACHMENTS**

- 1. Resolution for Consideration
- 2. Application

#### RESOLUTION 2024-151 OF THE COUNCIL OF THE CITY OF FORT COLLINS MAKING AN APPOINTMENT TO THE BOARD OF THE DOWNTOWN DEVELOPMENT AUTHORITY

A. The Downtown Development Authority Board of Directors has a vacancy due to the resignation of Dwight Hall in October 2024.

B. The qualifications to serve on the Board are set out in Colorado Revised Statutes Section 31-25-806 and City Code Section 2-462, and the Council finds that the proposed appointee below meets these qualifications.

C. The City Council desires to make an appointment to fill this vacancy on the Board of Directors of the Downtown Development Authority.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the following named person is hereby appointed to fill the open vacancy on the Board of Directors of the Downtown Development Authority with a term to begin and expire as noted below next to the appointee's name:

#### Downtown Development Authority Board

Appointments	Term Effective Date	Expiration of Term
Abigail Christensen (Seat E)	Immediately upon adoption of this Resolution	June 30, 2028

Passed and adopted on December 17, 2024.

ATTEST:

Mayor

City Clerk

Effective Date: December 17, 2024 Approving Attorney: Carrie Daggett

## **VOLUNTEER APPLICATION**

Abigail C	hriste	nsen	Ì							4/25/2024 11:00 AM
Application:	DDA -	Downt	own Dev	elopm	ent Aut	hority				
Applicant Info				-		-				
Birthday:			Gender	: Fem	nale		Education	Level:	College degree	
Address:							Phone:		<b>«</b>	
Availability										
Morning Afternoon Evening	S □ □	M	T ☑ ☑	₩ ✓ ✓	T ✓ ✓	<b>F</b>	s □ □			
Volunteer Gro	oups Ap	plied F	or							
Downtown D Job Descripti		ent Aut	hority							
✓I have read	l the job	descrip	tion							
Questions Do you reside	e or own	propert	y within t	he DDA	\?			YE	S	
Current Occu	pation:							Ba	nker	
Current Empl	oyer:							First	st Interstate Ban	k
Prior work experience (please include dates):						Ro Ma ana doo inc	ough three prior les included: Co inager, Commer alyst, and Loan a cumentation. Ba luding a focus a	cial Banker, Credit assistant/ nking experience		
Volunteer experience (please include dates):						Co Pro 20 Co and me sup Ce	rimer County, Fir mmittee, June 2 Da Dgram Selection 19-Present. Wo -Chair Leadersh d donor, Septem Pro entoring and tuto porter, April 201 Fo nter, mentoring a ernational CSU s 14.	niels Fund, Scholarship Committee, February omenGive, Scholarship ip Committee, volunteer ber 2017-2021. oject Self Sufficiency, ring of students, 5-April 2023. rt Collins International		

Dance Center, Treasurer, July 2011-

Are you currently serving on a City board or Commission If so, which one

Why do you want to become a member of the Downtown Development Authority

Have you had any exposure to the Downtown Development Authority If yes, please explain:

Specify any activities which might create a serious conflict of interest if you are appointed:

Optional: How did you learn of a vacancy on this board or commission

List any abilities, skills, certifications, speciali ed training, or interests you have which are applicable to this board.

Briefly explain what you believe are the three most important issues

facing the Downtown Development Authority (DDA), and how do you

a separate document if additional space is required.

believe the DDA should address each issue You may also attach upload

I want to become a member of the DDA to support what I perceive to be the best part of our city, our vibrant downtown. I believe I can use my love for downtown, analytical skills, and construction and development financing expertise to support the economic vitality and vibrancy of our downtown community.

No

No

No, other than frequently being downtown and my appreciation for our downtown s vibrancy, Old Town Square, and art in public spaces, including our beautiful alleys.

None

Other (please specify) Jenny Schul and subsequent meetings with Matt Robenalt and David Lingle

Financial literacy in understanding budgeting, financial reporting, including strengths and challenges within reportings and finding mitigations when feasible.

Understanding of overall construction financing process, including City approvals and Development Agreements, construction architecture drawings, title work, and legal documents. Team collaboration. Love and appreciation for

our downtown.

Bachelor of Science in Business with a Ma or in Finance, completion of real estate certificate requirements, graduated Cum Laude, University of Colorado.

Continued revitali ation of downtown by encouraging tourism and traffic with the local population, including drawing population from the south side of town (and surrounding towns), by raising downtown awareness through marketing portals, continuing to bring in arts and cultural activities, and promoting vibrant physical spaces. Addressing parking concerns and raising public awareness of parking garages, free garage promotion days, simplicity in app usage, etc.

Promoting economic development by creating spaces where businesses want to be, and employees and residents want to engage and spend time and currency with local businesses. Fostering ongoing

collaboration with the City non profite

## Abigail Christensen

local businesses, residents, and nonprofits to share in the implementation of a vibrant, safe, and economically sound downtown.

Are you willing to complete the required training if appointed

YES

#### File Attachments for Item:

# 24. Resolution 2024-152 Making an Appointment to the Board of Directors of Housing Catalyst.

The purpose of this item is to fill one of two vacancies that will exist as of December 31, 2024.

December 17, 2024

## AGENDA ITEM SUMMARY City Council



#### STAFF

Davina Lau, Public Engagement Specialist

#### SUBJECT

Resolution 2024-152 Making an Appointment to the Board of Directors of Housing Catalyst.

#### **EXECUTIVE SUMMARY**

The purpose of this item is to fill one of two vacancies that will exist as of December 31, 2024.

#### STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

#### **BACKGROUND / DISCUSSION**

This Resolution makes an appointment to fill one of two upcoming vacancies on the Housing Catalyst Board of Directors. The terms of Lizette Mill and Ann Green will expire December 31, 2024, creating two vacancies.

City Code Section 2-474 provides that the Housing Authority (Housing Catalyst) Board shall consist of seven Commissioners appointed as set forth in Section 29-4-205, C.R.S. One of such Commissioners may be a City official. Under this method of appointment, each Commissioner shall serve without compensation for a term of five years. No Commissioner shall serve more than two full, consecutive terms.

On December 4, 2024, Councilmember Emily Francis and Councilmember Melanie Potyondy interviewed an applicant for the Housing Catalyst Board.

This term will begin immediately upon adoption of this Resolution. The name of the individual recommended to fill this vacancy is listed below.

#### **Housing Catalyst Board**

Appointments	Term Effective Date	Expiration of Term
Lizette Mill (Seat F)	Immediately upon adoption of this Resolution	December 31, 2029

None.

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

None.

#### PUBLIC OUTREACH

Public outreach to seek applicants for boards and commissions included a spotlight and press release on the City of Fort Collins website, media releases for earned coverage in local media sources, and social media promotion of opportunities.

#### **ATTACHMENTS**

- 1. Resolution for Consideration
- 2. Application

#### RESOLUTION 2024-152 OF THE COUNCIL OF THE CITY OF FORT COLLINS MAKING AN APPOINTMEENT TO THE BOARD OF DIRECTORS OF HOUSING CATALYST

A. The Housing Catalyst Board of Directors has vacancies due to the expiration of terms of Lizette Mill and Ann Green.

B. The City Council desires to make an appointment to fill one of these vacancies on the Housing Catalyst Board.

c. In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the following named person is hereby appointed to fill one of the open vacancies on the Housing Catalyst Board with a term to begin and expire as noted below next to the appointee's name:

#### Housing Catalyst Board

Appointments	Term Effective Date	Expiration of Term
Lizette Mill (Seat F)	Immediately upon adoption of this Resolution	December 31, 2029

Passed and adopted on December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 17, 2024 Approving Attorney: Carrie Daggett

# **VOLUNTEER APPLICATION**

Lizette Mill	10/16/2024 11:36 AM
Application: HC Housing Catalyst	
Application: HC - Housing Catalyst Applicant Information	
Birthday: Gender: Female	Education Level: Bachelors degree
Address:	Phone:
Volunteer Groups Applied For	
Housing Catalyst	
Job Description	
✓I have read the job description	
Questions	
Which Council District do you live in? Please refer to the ma gisweb.fcgov.com/HTML5Viewer/Index.html? Viewer=FCMaps&layerTheme=Council%20Districts	ap at: https:// GMA
I acknowledge I am available when the Housing Catalyst m Thursday of each month at 7:30 a.m.	eets: 3rd YES
Current Occupation:	retired, but I occasionally work for Larimer County as an election judge
Current Employer:	I occasionally work for Larimer County as an election judge.
Prior work experience (please include dates):	Election Judge, Larimer County, May 2024 to present Technical Contributor, Project Manager, and Program Manager, Hewlett-Packard, 1983 to 2016
Volunteer experience (please include dates):	Commissioner, Housing Catalyst, 2021 to present Director, Villages Ltd, 2017 to 2021 Greyrock Commons Homeowners Association president and board member, 2011 to 2017 Part of a multi-year, resident-led design and development for Greyrock Commons Planned Unit Development in the Fort Collins area, 1994 to 1996
Are you currently serving on a City board or Commission? I one?	f so, which Yes; Housing Catalyst Board of Commissioners
Why do you want to become a member of this particular bo commission?	ard or I am passionate about affordable housing and dedicated to the mission and success of Housing Catalyst. The knowledge and experience I gained in my first term as a Housing Catalyst Commissioner will help me contribute effectively in a second term.
Have you already had any formal public housing authority c	commissioners YES

## Lizette Mill

training (This is not a re uirement)	
Have you had any exposure to the board or commission you are applying for If yes, please explain:	Yes This would be my second term as a Commissioner.
Specify any activities which might create a serious conflict of interest if you are appointed:	none
Are you willing to complete the re uired training if appointed	YES
How did you learn of a vacancy on this board or commission	Other (please specify) I learned that I needed to apply for a second term as part of currently being on the Housing Catalyst Board.

• Excellent leadership and team skills, with both formal project teams and informal program teams

- Housing development and management experience
- Project and program management experience
- Creativity
- Outstanding written and verbal skills
- High initiative
- Diverse technical skills, ability to learn and apply technical knowledge in training, support, quality, and development roles

### Housing Development and Management Experience

- Commissioner, Housing Catalyst, 2021 to present
- Director, Villages Ltd, 2017 to 2021
- Greyrock Commons Homeowners Association president and board member, 2011 to 2017
- Part of a multi-year, resident-led design and development for Greyrock Commons Planned Unit Development in the Fort Collins area, 1994 to 1996

### **Work Experience**

- Election Judge, Larimer County, May 2024 to present
- Technical Contributor, Project Manager, and Program Manager, Hewlett-Packard, 1983 to 2016

### **Educational Background**

Bachelor of Science, Computer Science 🖘 December 1982 🖘 University of Maryland