



# City Council Regular Meeting Agenda

**December 06, 2022 at 6:00 PM**

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

City Council Chambers  
300 Laporte Avenue, Fort Collins  
& via Zoom at  
<https://zoom.us/j/98241416497>

Cablecast on FCTV  
Channel 14 on Connexion  
Channel 14 and 881 on Xfinity

Carrie Daggett  
City Attorney

Kelly DiMartino  
City Manager

Anissa Hollingshead  
City Clerk

**The purpose of the action agenda is to provide a brief overview of the actions taken by the City Council to be available shortly after a Council meeting.**

**Council Proceedings are the complete official record of the meeting and are prepared for approval by the Council generally at its next meeting. They are published following their approval as the minutes of the meeting.**

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

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

- PP 1. **Proclamation Retroactively Declaring October 2022 as Domestic Violence Awareness Month and Designating November 25 - December 10 as 16 Days of Activism Against Gender-Based Violence.**

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

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

**7-0 ALL MEMBERS PRESENT**

### **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.)

**H) PUBLIC COMMENT FOLLOW-UP**

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

**CONSENT CALENDAR**

1. **Consideration and Approval of the Minutes of the October 18, 2022 Regular Council Meeting and the October 25, 2022 Adjourned Council Meeting.**

The purpose of this item is to approve the minutes of the October 18, 2022 regular Council meeting and the October 25, 2022 adjourned Council meeting.

**ACTION TAKEN: APPROVED.**

2. **Second Reading of Ordinance No. 136, 2022, Repealing and Reenacting Article IX of City Code Chapter 20 Concerning Public Nuisances and Making Conforming Changes to City Code Section 19-3.**

*This Ordinance, unanimously adopted on First Reading on November 15, 2022, adopts a new public nuisance ordinance (PNO) that allows for a clearer, broader definition of public nuisance and adds new enforcement mechanism for abating public nuisances and chronic nuisance properties. The new PNO will allow staff to address the current community issues and nuisance situations more effectively.*

*Councilmembers asked at First Reading whether the PNO needs to be amended since the voters recently approved Proposition 122 legalizing in Colorado the use, possession, and cultivation of “natural medicine,” which includes psilocybin mushrooms. The PNO does not need to be amended because Proposition 122 also approved amendments to the Colorado statutes criminalizing controlled substances to exempt natural medicine from their provisions. Consequently, the PNO provisions defining “nuisance activity” and “drug-related activity” to include the State’s crimes concerning controlled substances no longer include, by definition, the possession, use, and cultivation of natural medicine as now allowed by Proposition 122. The PNO therefore does not need to be amended.*

**ACTION TAKEN: ADOPTED ON SECOND READING.**

3. **Second Reading of Ordinance No. 137, 2022, Appropriating Prior Year Reserves in the Light & Power Fund and the Water Fund for the Purchase of Vendor Services to Support a Major Version Upgrade to the Utilities Meter Data Management System.**

*This Ordinance, unanimously adopted on First Reading on November 15, 2022, appropriates Light & Power and Water Fund reserves to fund vendor services needed to support a major version upgrade to the Utilities Meter Data Management System.*

*The Meter Data Management System (MDMS) owned and operated by Utilities has been in place since the inception of the Advanced Meter Fort Collins implementation in 2010. It receives water and electric meter data for all advanced meters deployed across Fort Collins Utility Service’s territory throughout the day, performs quality checks on that data, and then at the end of the billing cycle it calculates the billing determinants for each customer that are necessary to generate individual customer bills.*

*Fort Collins Utilities has utilized the same version of the EnergyIP software since it was installed. For the reasons described below, this software must be upgraded to a more current version and the upgrade cannot wait for the new budget cycle to begin (i.e. January 2023). Utilities staff will need vendor support to complete this major software version upgrade.*

*As the MDMS system supports both the water and electric utilities, the cost of the upgrade will be shared between them. Utilities has historically allocated costs for shared software based on customer counts as determined by the number of deployed meters to establish the cost share for each utility. Applying this method here, the Water Enterprise's share of this expense would be 31.6% and the Electric Utility Enterprise's share would be 68.4%.*

*The total supplemental appropriation being proposed for your consideration is for \$629,588.*

**ACTION TAKEN: ADOPTED ON SECOND READING.**

**4. Second Reading of Ordinance No. 138, 2022, Adopting the 2023 Classified Employee Pay Plan.**

*This Ordinance, unanimously adopted on First Reading on November 15, 2022, adopts the 2023 City Classified Employee Pay Plan. Classified jobs are grouped according to job functions, a business practice commonly used by both the public and private sectors. Pay ranges are developed by career group (management, professional, administrative, operations and trades) and level for each job function. The result of this work is a City Classified Employee Pay Plan which sets the minimum, midpoint and maximum of pay ranges for the level, within each career group and function. Actual employee pay increases are awarded through a separate administrative process in accordance with the budgeted amount approved by Council.*

*During First Reading, the City Manager noted that the Pay Plan as presented required limited clerical corrections that had been incorporated prior to First Reading for adoption. The Second Reading version of the Ordinance reflects the corrections that were incorporated at First Reading.*

**ACTION TAKEN: ADOPTED ON SECOND READING.**

**5. Second Reading of Ordinance No. 139, 2022, Extending the Moratorium on Certain Activities of State Interest Designated in Ordinance No. 122, 2021.**

*This Ordinance, unanimously adopted on First Reading on November 15, 2022, extends the length of a moratorium previously imposed through Ordinance No. 122, 2021, on two designated activities of state interest. The proposed Ordinance extends the length of the existing moratorium for three months beyond December 31, 2022, or until Council adopts guidelines for the administration of the two designated activities. Extending the moratorium allows staff to continue public engagement and seek feedback on version 2 of the Draft 1041 regulations discussed during the Council work session held on November 7, 2022.*

**ACTION TAKEN: ADOPTED ON SECOND READING.**

6. **First Reading of Ordinance No. 141, 2022, Making Supplemental Appropriations from the State of Colorado Childcare Operations Stabilization and Workforce Sustainability Grant Program and Reviewing and Approving of the Grant Funding.**

*The purpose of this item is to accept two State of Colorado grants funded by the American Rescue Plan Act. The Childcare Operations Stabilization and Workforce Sustainability Grant Program will fund childcare enhancements in City childcare programs.*

**ACTION TAKEN: ADOPTED ON FIRST READING.**

7. **First Reading of Ordinance No. 142, 2022, Adopting the 2023 Larimer County Regional Transportation Capital Expansion Fee Schedule.**

*The purpose of this item is to adopt the 2023 Larimer County Regional Transportation Capital Expansion Fee Schedule.*

**ACTION TAKEN: ADOPTED ON FIRST READING.**

8. **First Reading of Ordinance No. 143, 2022, Amending Section 2-73 of the Code of the City of Fort Collins to Allow City Commissions to Conduct Quasi-Judicial Hearings Using Remote Technology.**

*The purpose of this item is to amend provisions of Article III of Chapter 2 of the City Code to permit boards and commissions considering quasi-judicial matters to incorporate participation by remote technology into proceedings. The proposed amendments would enable the presiding officer of the board or commission, upon consultation with the staff liaison, to allow remote participation by members of the public, parties-in-interest, and members of the board or commission.*

**PULLED FROM CONSENT CALENDAR TO ALLOW FOR DISCUSSION.**

9. **First Reading of Ordinance No. 144, 2022, Designating the Leslie P. and Ruth A. Ware Property, 1801 Sheely Drive, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.**

*The purpose of this item is to request City Landmark designation for the Leslie P. and Ruth A. Ware Property at 1801 Sheely Drive. In cooperation with the property owner, City staff and the Historic Preservation Commission have determined the property to be eligible for designation under Standard 3, Design/Construction, for the property's embodiment of the Usonian style of architecture and for the public's interest in the property during the time of construction. The owner is requesting designation, which will provide protection of the property's exterior and access to financial incentives for historic property owners.*

**ACTION TAKEN: ADOPTED ON FIRST READING.**

10. **First Reading of Ordinance No. 145, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Extend and Clarify the Water Annual Allotment Management Program.**

*The purpose of this item is to amend Chapter 26 of the City Code to extend the Allotment Management Program to allow for applications to be filed through December 31, 2024 for the benefit of eligible nonresidential Utilities water customers. The Allotment Management Program serves eligible nonresidential Utilities water customers by waiving excess water use surcharges during the implementation of a landscape project intended to reduce the long-term water use on*

*a property. The ordinance also includes a few language revisions to clarify certain aspects of the program.*

**PULLED FROM CONSENT CALENDAR TO ALLOW FOR DISCUSSION.**

**11. Resolution 2022-123 Making Appointments to the Commission Governing Housing Catalyst.**

*The purpose of this item is to fill vacancies on the Housing Catalyst Commission.*

**ACTION TAKEN: ADOPTED.**

**12. Items Relating to Appointments to Various Boards and Commissions.**

*A. Resolution 2022-124 Making Appointments to the Affordable Housing Board.*

*B. Resolution 2022-125 Making Appointments to the Air Quality Advisory Board.*

*C. Resolution 2022-126 Making an Appointment to the Building Review Commission.*

*D. Resolution 2022-127 Making Appointments to the Citizen Review Board.*

*E. Resolution 2022-128 Making Appointments to the Cultural Resources Board.*

*F. Resolution 2022-129 Making Appointments to the Disability Advisory Board.*

*G. Resolution 2022-130 Making an Appointment to the Economic Advisory Board.*

*H. Resolution 2022-131 Making an Appointment to the Golf Board.*

*I. Resolution 2022-132 Making Appointments to the Land Conservation and Stewardship Board.*

*J. Resolution 2022-133 Making Appointments to the Land Use Review Commission.*

*K. Resolution 2022-134 Making Appointments to the Parks and Recreation Board.*

*L. Resolution 2022-135 Making Appointments to the Senior Advisory Board.*

*M. Resolution 2022-136 Making Appointments to the Transportation Board.*

*N. Resolution 2022-137 Making an Appointment to the Youth Advisory Board.*

*The purpose of this item is to fill vacancies on various boards and commissions.*

**ACTION TAKEN: RESOLUTION B REMOVED FROM AGENDA. RESOLUTIONS A, C-N ADOPTED.**

**13. Resolution 2022-138 Updating Council Committee and Various External Boards and Authority Assignments.**

*The purpose of this item is to update Council Committee and various external boards and authority assignments.*

**ACTION TAKEN: APPROVED**

**END OF CONSENT CALENDAR**

**J) ADOPTION OF CONSENT CALENDAR**

**ACTION TAKEN: APPROVED RECOMMENDED ACTIONS ON ITEMS 1-7, 9, 11, 12 A & C-N, AND ITEM 13, 7-0.**

**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**

8. **First Reading of Ordinance No. 143, 2022, Amending Section 2-73 of the Code of the City of Fort Collins to Allow City Commissions to Conduct Quasi-Judicial Hearings Using Remote Technology.**

*The purpose of this item is to amend provisions of Article III of Chapter 2 of the City Code to permit boards and commissions considering quasi-judicial matters to incorporate participation by remote technology into proceedings. The proposed amendments would enable the presiding officer of the board or commission, upon consultation with the staff liaison, to allow remote participation by members of the public, parties-in-interest, and members of the board or commission.*

**ACTION TAKEN: ADOPTED AS AMENDED ON FIRST READING 7-0.**

10. **First Reading of Ordinance No. 145, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Extend and Clarify the Water Annual Allotment Management Program.**

*The purpose of this item is to amend Chapter 26 of the City Code to extend the Allotment Management Program to allow for applications to be filed through December 31, 2024 for the benefit of eligible nonresidential Utilities water customers. The Allotment Management Program serves eligible nonresidential Utilities water customers by waiving excess water use surcharges during the implementation of a landscape project intended to reduce the long-term water use on a property. The ordinance also includes a few language revisions to clarify certain aspects of the program.*

**ACTION TAKEN: ADOPTED ON FIRST READING 7-0.**

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

14. **Consider a motion to go into Executive Session to discuss performance and compensation of Council's direct report employees.**

**NO ACTION TAKEN.**

15. **First Reading of Ordinance No. 146, 2022, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager.**

*The purpose of this item is to establish the 2023 salary of the City Manager. Council met in executive session on November 22, 2022, to conduct the performance review of Kelly DiMartino, City Manager. This Ordinance sets the 2023 salary of the City Manager.*

**ACTION TAKEN: ADOPTED ON FIRST READING 7-0.**

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

*A. First Reading of Ordinance No. 147, 2022, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge.*

*B. Resolution 2022-139 Authorizing the Second Addendum to Chief Judge Jill Hueser's Employment Agreement and Appointing Her to a New Two-Year Term.*

*The purpose of this item is to establish the 2023 compensation of the Chief Judge and to create a new two-year term for her employment. Council met in executive session on November 22, 2022, to conduct the performance review of Chief Judge Jill Hueser.*

**ACTION TAKEN: ADOPTED ORDINANCE ON FIRST READING 7-0 AND ADOPTED RESOLUTION 7-0.**

**17. First Reading of Ordinance No. 148, 2022, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney.**

*The purpose of this item is to establish the 2023 compensation of the City Attorney. Council met in executive session on November 22, 2022, to conduct the performance review of Carrie Daggett, City Attorney.*

**ACTION TAKEN: ADOPTED ON FIRST READING.**

**18. First Reading of Ordinance No. 149, 2022, Adopting the Active Modes Plan as a Component of City Plan.**

*The purpose of this item is to consider adoption of the Active Modes Plan.*

**ACTION TAKEN: ADOPTED ON FIRST READING.**

**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.)*

**SUPPORT OBTAINED FOR WORK TO BEGIN ON AN ORDINANCE TO SHIFT TO MORE INCLUSIVE LANGUAGE IN CITY CODE AS RECOMMENDED BY THE HUMAN RELATIONS COMMISSION IN A MEMO TO CITY COUNCIL IN 12-1-2022 MAIL PACKETS.**

**OB 2. Consider a motion to go into Executive Session to discuss Connexion.**

*"I move that City Council go into executive session to consider matters pertaining to issues of competition in providing telecommunication facilities and services including matters subject to negotiation, strategic plan, price, sales and marketing, development phasing and any other related matter allowed under Colorado Law, as permitted under Article Roman Numeral Twelve, Section 7(d) of the City Charter and Section 2-31(a)(5) of the City Code.*

**ACTION TAKEN: MOTION APPROVED AND EXECUTIVE SESSION HELD.**

**OB 3. Consider a motion to go into Executive Session to discuss certain Charter requirements for Council Candidacy.**

"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 manner in which the particular policies, practices or regulations of the City related to eligibility to run for or serve on City Council may be affected by existing or proposed provisions of federal, state or local law and specific legal questions about the related potential for litigation."

**ACTION TAKEN: MOTION APPROVED AND EXECUTIVE SESSION HELD.**

**Q) ADJOURNMENT**

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

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

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