

December 6, 2022

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PROCLAMATIONS & PRESENTATIONS

5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

PP1. 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.

Mayor Jeni Arndt presented the above proclamation at 5:00 p.m. in the City Council Chambers.

REGULAR MEETING

6:00 PM

B) CALL MEETING TO ORDER

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

C) PLEDGE OF ALLEGIANCE

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

D) ROLL CALL

PRESENT

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

STAFF PRESENT

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

E) CITY MANAGER'S AGENDA REVIEW

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

- There were no changes to the published agenda.
- The agenda includes three potential executive sessions: the first is possible prior to the first discussion item on the agenda. If Council chooses to enter executive session prior to taking action on the items relating to salary ordinances for Council direct reports, there is a motion under item 14. At the conclusion of the agenda, there are also two additional executive session topics, each requiring their own motion while in open session.
- Resolution B on item 12 is being removed from the agenda for later action at a future meeting. The remaining resolutions as part of item 12 making appointments to boards and commissions are still moving forward on the consent calendar.
- There are 13 items on the consent calendar, all recommended for approval with the exception of Resolution 12B.

F) COMMUNITY REPORTS

None.

G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS

Jimmy Gilman, Fort Collins resident and representative with Spin, spoke to put a face to a name on operations in Fort Collins and to share highlights of the first year of operations for Spin in the city.

Adam Eggleston, Fort Collins resident, came forward to speak in support of the new Land Development Code. He also spoke to promote Colorado Give Day today and the opportunity to give to local nonprofits.

Linda Holland, Fort Collins resident, spoke against the adoption of the Land Development Code for promoting unbridled development in a city with poor air quality and resource challenges, expressing concerns about the lack of public engagement. She requested the new code be repealed.

Duncan Eccleston, Fort Collins resident, spoke regarding the Land Development Code adoption, asking what will be done to ensure its successful implementation, expressing concern with Council's change in direction regarding Old Town in this adoption with limited public information and involvement. He spoke about his attempts to find information about the process followed and to get questions answered by the Planning and Zoning department as well as his Council representative. He asked the code be repealed and for Council to not conduct business in the dark.

Mary Lou Berven, Fort Collins resident, spoke about the adoption of the Land Development Code and the challenges she encountered as a resident of a community named Meldo Park in Texas that suffered challenges after zoning changes that led to inadvertent changes to the community as a cautionary tale.

Kelly Evans, Fort Collins resident, spoke in support of the adoption of the Land Development Code, detailing her attendance at City and community meetings over the last 10 years that all focused on housing as a critical issue. She noted this did not seem to be a topic of consideration for the City until recently, which this adoption has shifted, sharing the Land Use Code was clearly in need of an update.

Kristin Candella, Fort Collins resident and leader of Habitat for Humanity, noted her favorite thing about Habitat's work is finding common ground and shared humanity, and spoke in support of the Land Development Code as a win for Fort Collins as something that is also neighbors helping neighbors, including making space for more people to live here, including those who work here. She asked that people not sign the petition but also for a return to civility. She referenced work done by

the League of Women Voters to validate the public involvement process that was part of the adoption of the Land Development Code. She shared the new code does encourage affordability by providing new options, alternatives, and tools.

Nicole Pansire, a vendor for multifamily housing and board member for Northern Colorado rental Housing Association, spoke regarding potential rental registration and licensing and the challenges that would come with that. She shared about the impacts on multiple levels, including to vendors, who will be impacted by the increases in costs to rent units in Fort Collins. She asked why this is needed when so many inspections already occur and there are already protections for renters in place.

Steve Keuhneman, Care Housing Executive Director, spoke about the Land Development Code adoption and the need for it. He also spoke to the quality of work done by staff and the thoughtful deliberations of Council. He noted the LDC does not codify inclusionary zoning but does lay the groundwork to make it possible. He encouraged people to view the video of the November 29 information session held by the City about the LDC and to not sign the petition.

Sarah Grismore, Fort Collins resident, spoke about her experience working with multi family housing and what she has seen in terms of rent increases over the several years she has been in the community. She asked the Council how rental registration and licensing will help the city and if it will help lower rents. She asked if inspections will encourage landlords to make needed repairs and not to retaliate against residents. She also asked about how implementation would work and what kind of costs would be associated with this program, both for its implementation and for property owners, as well as considering what the impacts on rents will be of a new program.

Alison Korionoff participating remotely, was not able to be heard in Chambers.

Dale Mary Grenfell, Fort Collins resident, spoke against the Land Development Code in respect to concerns about air quality, crime, and other key issues. She noted affordable housing and growth are separate issues and should be addressed separately. She requested a freeze on the LDC's adoption until this separation is acknowledged. In the 25 years since she has lived in Fort Collins she noted she has attended a number of development meetings and has never encountered a developer interested in affordable housing. She acknowledged the code does need to be changed but that this change does not include adequate attention to ethics of development and honoring quality of life in Fort Collins. She noted she doesn't have an issue with affordable housing in her own neighborhood.

Joe Rowan, Fort Collins resident, thanked the Council once again for passing the Land Development Code. He also expressed concerns about some of the statements made by Councilmembers, including that the process was corrupt and similar accusations that lead to creating a toxic environment for both other Councilmembers as well as staff. He requested that either evidence is produced about such accusations or that they be publicly rescinded.

Lori Pivonka, Fort Collins resident, thanked the Council for allowing residents to speak tonight and listening to what residents have to say. She spoke about her concerns with the Land Development Code, while also supporting affordable housing. She shared she was not aware of the adoption of the LDC and that no one she has talked to while collecting signatures was aware of them either. She also expressed concerns with assertions on the City's website that these code changes will not impact the character of neighborhoods. She noted 33% of all carbon comes from the production of concrete and similar materials, in conflict with net zero goals.

Melinda Alexander, Fort Collins resident, shared she has been in the multi family industry for the last 16 years and spoke against the rental licensing and registration program. She noted the costs associated with a program will be passed on directly to residents. In working at three different large apartment communities she noted all the communities had robust systems in place to ensure resident could submit needed work orders and get things fixed as quickly as possible. She noted frequent

inspections are also already done. She spoke in support of instead focusing on ways to address violators and educate renters on how to get help when in negative situations.

Lisa Winchester, president of Northern Colorado Rental Housing Association, spoke against the adoption of a rental registration and licensing program, noting the many failures of similar programs in other communities, and the existence of other measures already in place to help address the issues this type of program purports to try to alleviate.

Jan Stallones, Fort Collins resident, spoke about two topics, including the vacant grocery store property on North College as well as the needs of unsheltered people in her neighborhood. She shared her desire to have input on the use for the land on the prior grocery store. She expressed concerns about the encampments on Conifer and the complex needs of people in these areas. She shared she would like to be part of helping with solutions to these issues.

Brian Tracy, Fort Collins resident in Old Town East, asked people with an orange piece of paper to show it. He shared the papers are blank to indicate these residents feel they don't feel heard. He indicated he considers himself a liberal and is pained by having to stand before the Council to speak against the Land Use Code, and the concerns it brings about for him, including the potential for large multi family developments in single family neighborhoods leading to change over time in neighborhood character as a result. He read a real estate advertisement for a property for sale already noting the potential for increased development levels.

Jeff Heaberlin, Fort Collins resident, spoke regarding the Land Development Code and thanked the Council for the opportunity to speak. He noted as a long time resident this is the first time he has attended a Council meeting and has always trusted the Council would take reasonable actions on behalf of residents. He shared his belief that we do need more housing but he wished he knew this new code would absorb some of authority of the HOAs and would no longer allow them to choose what is in their area, after thinking in buying a home in an HOA he was in a place where he would know what the character of the neighborhood would be.

Rory Heath, Fort Collins resident, also asked people to hold up their orange pieces of paper and shared his concerns with asking people to not pursue their right to petition. He noted his vote will not be silenced.

Mary Alice Grant, participating remotely, was not able to be heard in Chambers.

Eric Sutherland, Fort Collins resident (not on the sign in sheet), spoke regarding Connexion and the amount of expenditures made and debt incurred for the Connexion system that will not have enough revenues to cover. He shared concerns about the ability of the Council to discuss this topic in executive session. To avoid rate payers from baring these costs, he encouraged empaneling a citizen advisory board.

Evan Wells, Fort Collins resident (not on the sign in sheet), spoke as a CSU student about his experience as the director of governmental affairs with CSU's student government. He shared about the desire to work together with the City.

David Scheel, Fort Collins resident (not on the sign in sheet), asked the Council how much will it cost, and the lack of resources to support a large project. He shared his thoughts about what Council is proposing is a \$1-2 billion program. He shared statistics about 28% of all properties sold last year being investment properties.

Chris Cannon, Fort Collins resident (not on the sign in sheet), shared her experience walking many neighborhoods with Preserve Fort Collins to circulate petitions, noting it is rare she comes across people who are aware of the changes that have been made. People are shocked and think she is a little crazy when she explains what has been adopted in the Land Development Code.

Mary Janzen, Fort Collins resident (not on the sign in sheet), shared about her experiences with the City and the great programs in place for rental housing. She asked who runs the Fort Collins mediation program because she was referred there and has had challenges with that services. She encouraged the City to be more aware of its programs and how they operate. She also spoke support for Police Services to have the resources they need.

Technology issues were not able to be resolved to allow public comment. City Manager Kelly DiMartino noted each of those wishing to comment but who were not able to would be allowed to provide written comments that would be included in the meeting record, including in the meeting proceedings.

WRITTEN COMMENTS RECEIVED FROM THOSE UNABLE TO PARTICIPATE IN THE MEETING REMOTELY:

1.

Hello,

I am Alison Korionoff. I was born and raised here in Fort Collins and now I work here. I am here today to talk to you about transitioning Fort Collins to the 4-day work week. The idea of the 4-day work week is that people would work 4 days a week without a decrease in pay or benefits. Essentially taking the work week from 40 hours to 32 hours.

Some of the benefits of this are that

- Productivity doesn't decrease, people are less burnt out so they take less breaks during the day getting work done faster*
- There is Less burnout, because they have more time to spend with family and do what they love*
- There are Less health problems because there is less stress and more time to go to the doctor*
- It is Better for the climate, this would not only reduce emissions from people commuting less but when people aren't stressed for time they often choose the more fuel efficient way or to bike instead of choosing the fastest way.*
- While this is new it is not unfounded. Studies have already been conducted around the world that show this works.*

This transition would also include the K-12 schools. During the 41-week school year there are 14 weeks that have at least one day off. This is 1/3 of the weeks of the school year that parents have to find alternate childcare which often requires them to take time off to watch their kids, reducing the already meager time they have off. Many mountain schools already have a 4-day school week and while it decreases costs spent on bus fuel and electricity, student learning doesn't decrease.

I am here though because this needs to be a top down approach. If the city led the switch to a 4-day work week then other companies would begin to follow suit. I work for a company that regularly has the City of Fort Collins as a client and I even talked to them about a 4-day work week. Their answer, "I don't see that happening unless the industry or our clients move that way".

We are so privileged to live in one of the most amazing towns with so many opportunities to get out and hike, bike, explore but how are we supposed to enjoy our community we've worked so hard to build when we're all so burnt out? I love dogs and if I had an extra day a week given back to me I would want to spend that time volunteering at one of our local animal shelters but I don't have that time.

What I want you to take away from this is just because people are working more doesn't mean they're being more productive. Switching to the 4-day work week would lead to a happier, healthier, more involved community.

Thank you again so much and for your time,
Alison Korionoff

2.

My name is Mary Alice Grant. I live in zip code 80521 and as a resident of Fort Collins, I am very concerned about the new Land Development Codes. I grew up in Baltimore Maryland. I have seen what happens to thriving communities when decisions are made in a vacuum, limit the community voice, and make growth a primary goal. It is not pretty. As a trained facilitator in conflict resolution, I know it is hard and takes time, effort and lots of listening to develop truly workable solutions that survive over time, but it can be done.

So why am I concerned?

- 1. The Land Development Code is a huge document, over 400 pages, with 19 amendments and it is complicated. When the community asked for time to read, understand, and digest the contents they were ignored. **No Voice.***
- 2. Article 6 of The Land Development Code places a great deal of authority in the hands of the City for approving development requests, limiting P & Z involvement in decisions, and community involvement in decisions affecting their lives. A must read. **No Voice.***
- 3. Current Residents of Fort Collins purchased houses in communities for reasons that are important to them. They agreed to and signed HOA Covenants expecting stability in the decision they just made. Read 1.3.3 of the code, Conflicts with Private Housing. The City can override the HOA for reasons including but not limited to provisions that conflict with the Code for increased density, height, and occupancy. **No Voice***
- 4. Two of our Council Members started FOCO Forward. As council members, elected by the citizens, their job is to listen, learn and represent their district the best of their ability. I have no problem with Council Members having their own opinions. I do have a problem when they form groups, actively campaign for their opinion, and then go ahead and vote on the issue. This is a blatant conflict of interest, and the members should recuse themselves from any official vote or official communication regarding the codes.*

The Land Development Code provides an excellent foundation for a final document; however, our citizens need a place at the table. It is exciting that our population is becoming more diverse. We need to fully understand the wants and needs of this diverse community and develop creative and in some cases unique solutions that meets the needs of this diversity and ensures success for the future. Cities are never static and therefore our codes need to evolve. Let's do this right!

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Kelly Ohlson

- Noted he has been consciously not participating in Dialogue regarding the Land Development Code since the second vote.
- Referenced his comments made at the time the Land Development Code was adopted and did not question and will not question the motives of those with different policy viewpoints.
- Noted the same has happened in questioning the motive and attacking the petition representatives.
- When using the word 'corrupt' he noted he uses small 'c' corrupt and is not addressing other members of council or specific staff members, but rather is speaking regarding the overall process.

- Noted this issue isn't going to go away regardless of whether a petition effort is successful and Council and the City organization will have a lot of work to do in any circumstance to build a workable path forward.
- Spoke against increased density supporting increased affordability.
- Encouraged stopping attacking one another on all sides.

Councilmember Susan Gutowsky

- Asked if anyone on staff is comfortable enough to provide an update on the situation relating to unhoused people in the Greenbrier neighborhood and work going on in response to Jan Stallones. Assistant City Manager Rupa Venkatesh will respond via email.

Councilmember Julie Pignataro

- Encouraged people to continue providing feedback regarding rental licensing and registration as policy decisions come forward for Council consideration.
- Noted there is a Connexion citizen group formed already. Connexion Director Chad Crager shared about the resident feedback group that has been formed and that staff is meeting with every other month.

Clerk's Note: Mayor Arndt called for a brief recess at 7:25. The meeting reconvened at 7:37 p.m.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

Councilmember Ohlson pulled items 8 and 10 from the consent calendar. He shared he has concerns with allowing voting in quasi-judicial hearings as item 8 would allow. On item 10, he has areas he would like to get some clarity from staff.

J) 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Item 12B was removed from the agenda. Adopted Resolutions A and C-N.

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.

Adopted.

END OF CONSENT CALENDAR

Councilmember Francis moved, seconded by Councilmember Gutowsky, to approve the recommended actions on items 1-7, 9, 10-11, 12 A, C-N 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 Kelly Ohlson noted on item 7 he wants to share before second reading at the next meeting he is not in support of adopting the County's methodology for calculating construction costs and prefers the way the City calculates inflation.

Mayor Jeni Arndt thanked everyone who applied for a board or commission, whether they were appointed or not. She noted boards and commissions are an important part of public engagement and outreach, and things like the Land Development Code are vetted by several boards and commissions, sometimes multiple times, to garner additional feedback and input.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Councilmember Julie Pignataro

- Drew attention to the disposable bag ordinance and the information both in the packet and in a Coloradoan article about the success of this ordinance's roll out.

Councilmember Shirley Peel

- Honored to attend Police and Fire graduations this week, and enjoyed watching them with their families, knowing the sacrifices made by public safety officers and their families.
- Attended the Natural Areas celebration last week and found it inspiring, Also recognized CM Ohlson and his role in forming that area of work at the City.
- Noted her listening session was well attended and included good civil and honest dialogue about the Land Development Code.
- It is Colorado Gives Day and there is still time to give.

Councilmember Susan Gutowsky

- Also noted the privilege of attending the police and fire graduations.
- Each month attends the Behavioral Health Policy Committee. Still on schedule to open the facility in August with move in by September. Delighted to hear both Thompson School District and PSD are a lot more willing to invite community in and collaborate together to meet the mental health needs of students.

- On Sunday attended Alianza Norco five-year celebration of their work for the benefit of immigrant residents.
- Yesterday attended the North Fort Collins Business Association holiday party. Acknowledged 16 years of work in providing coats and boots as part of this celebration.

Councilmember Tricia Canonico

- Shared while on vacation with her family in Portugal she was able to visit Fort Collins' sister city in Portugal and connect on issues of commonality.

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.

Councilmember Ohlson noted his support for remote participation, especially for residents, as well as in appropriate circumstances for boards. He noted the bridge too far for him is on actual votes on quasi-judicial hearings. He shared his support for participation in quasi-judicial hearings remotely aside from voting.

Paul Sizemore, CDNS Director, noted this proposal was brought forward to mirror as closely as possible the provisions that were in place during the declared public health emergency. Feedback was sought from the land use related commissions, and three commissions offered input on this. Two of the three commissions offered support for commission member inclusion, while one commission discussed the topic while declining to make a recommendation.

There was Council discussion on the provisions being considered.

Councilmember Ohlson moved to postpone indefinitely, seconded by Peel,

Mayor Pro Tem Francis asked about the potential to move this forward with amendments on second reading

The motion was withdrawn with the consent of the mover and seconder.

Mayor Pro Tem Francis moved, seconded by Mayor Arndt to adopt Ordinance No. 143, 2022, on first reading, removing provisions allowing commission members to vote when participating remotely during quasi-judicial hearings.

The motion carried 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.

Councilmember Ohlson reviewed areas within the materials provided that on initial reading appear to be contradictory and asked for clarification on whether this does or does not reduce water use. Given technology issues that are preventing participation by staff remotely in the meeting, additional information will be provided.

Mayor Pro Tem Francis moved, seconded by Councilmember Ohlson, to adopt Ordinance No. 145, 2022, on first reading.

The motion carried 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 motion was made.

- 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.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 146, 2022, on first reading.

The motion carried 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.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Ordinance No. 147, 2022, on first reading.

The motion carried 7-0.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Resolution 2022-139.

The motion carried 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.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 148, 2022, on first reading.

The motion carried 7-0.

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.

Caryn Champine, PDT Director, provided an introduction for this item, outlining how this plan fits into other City policies and adopted plans as well as the focus of this plan.

Active Modes Manager Cortney Geary presented as set forth in the presentation in the agenda packet.

COUNCIL DISCUSSION

Councilmember Ohlson asked about any plans for addressing through education and other measures concerns about people feeling comfortable using trail networks alongside other users, including high speed users. Manager Geary provided information about education and engagement areas of focus in the plan, noting that feedback can help inform both needed educational efforts as well as potential evaluation of trail infrastructure, including signage, trail width and other features.

Councilmember Ohlson requested additional follow up on how many existing signs are in place that are not pop up signs encouraging speed limits as well as sharing the trail across different users, including educating people about speed on bicycles and being respectful to other users. This request is specific to off street residential trails.

Councilmember Canonico thanked staff for the excellent work on this staff. She also asked about bell usage and if that was part of education programming. Geary confirmed it is.

Councilmember Pignataro spoke about the Vision Zero work coming forward. She asked about the picture shown at the end of the presentation and whether the alleyway pictured is a dismount zone. Geary clarified this and some other improved alleyways downtown do allow riding.

Mayor Arndt asked about safety as well, with the loss of a resident in a horrible accident and requested more information on the geofence and how we decide where to put it and when we can extend it, including when we can consider using that tool to limit speeds. Geary provided some initial information on this topic.

Mayor Pro Tem Francis asked regarding safety about safety on trails, particularly for women running or using trails alone. Geary noted lighting is an area of consideration and is something for additional future consideration in forthcoming plans.

Mayor Arndt asked about the bike law passed last year statewide allowing bikes to make rolling stops and whether the City is keeping data on this. Geary noted there are regular coordination

meetings looking at all fatal and serious injury involved crashes and do look at whether any of those involve this situation.

Councilmember Gutowsky noted the recent event at the Museo that FCMoves also was a part of and helped in collecting bikers to make safe travel to the event site and expressed appreciation. She also noted appreciation for continued efforts to include the senior population in this work. She shared a concern about cyclists flying through intersections, asking about plans for education for cyclists. Geary referenced the Safe Routes to School program as a tool to reinforce good education messages about safe behavior through intersections from an early age. She also shared concerns she is hearing about high speeds on paved trails as well.

Councilmember Ohlson shared appreciation for the great work that has been done while also noting we are not yet scratching the surface on safety on paved trails and related education efforts. City Manager DiMartino noted these concerns are being heard and will be included in a broader follow up memo focused on education and safety. Councilmember Ohlson also noted dismount zone signs are in need of replacement.

Councilmember Canonico stated she would like to explore what they do in the Netherlands, based more on the infrastructure itself rather than signage and would like to see a discussion on that as well.

Councilmember Peel noted in the area of safety when using the trails around her home she does not have cell service through a lot of that area, and how someone might get help quickly, including possibly looking at call boxes. She also thanked staff for their work.

Councilmember Gutowsky asked if feedback has been received on signage placed on Pitkin and if it is being considered in other locations. Geary noted feedback has come in from residents, including on the need for ongoing permanent signage, not just sandwich board signs, especially given the more transitory CSU population in the area.

Mayor Pro Tem Francis reiterated her comments from the work session on this topic shifting the onus from cyclists to cars for safety.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Ordinance No. 149, 2022 on first reading.

The motion carried 7-0.

P) OTHER BUSINESS

A. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers.

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

Councilmember Pignataro noted the Human Relations Commission annual awards were today and were amazing. She also requested support from Council to make a shift to City code for more inclusive language as recommended by the HRC in a memo to Council, provided in last Thursday's mail packet. Support was given.

Mayor Pro Tem Francis thanked Tim Duran, in the audience tonight, at his final meeting before becoming Chief of Police in the City of Loveland.

B. 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.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to enter executive session.

The motion carried 7-0.

Entered into executive session at 8:52 p.m.

The meeting returned to open session at 9:39 p.m.

C. 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."

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to enter executive session.

The motion carried 7-0.

Entered into executive session at 9:45 p.m.

The meeting returned to open session at 10:07 p.m.

Q) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 10:08 p.m.

ATTEST:

City Clerk



Mayor