

January 17, 2023

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

**Council-Manager Form of Government**

**Regular Meeting – 6:00 PM**

**PROCLAMATIONS & PRESENTATIONS**

**5:00 PM**

**A) PROCLAMATIONS AND PRESENTATIONS**

There were no proclamations.

**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.
- All items on the consent agenda were recommended for approval.

## **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.)*

Jason Knebel, Fort Collins resident, spoke about the experience residents had during the Hughes Stadium development process and poor treatment from elected officials at that time. He requested Councilmember Francis recuse herself from any further actions on Ordinance No. 114, 2022, due to a conflict of interest because of her work with FoCo Forward and urged Council to listen to their constituents.

Abigail Feuka, Fort Collins resident, spoke in support of the Land Development Code adopted in Ordinance No. 114, 2022, sharing her experiences as a resident in obtaining housing in the community.

Tom Tucker, Fort Collins resident, spoke as a renter and property manager in Fort Collins and requested the proposed rental program be postponed or denied outright.

Hanna McCaslin, Fort Collins resident, spoke in support of the Land Development Code and its measures supportive of increasing housing availability and affordability, sharing experience as a grad student and challenges faced in the CSU community.

Christy Vattano, property manager, spoke in opposition to the proposed rental housing program.

Matthew Behunin, Fort Collins resident, spoke about prior neighbors who decided to move out of state due to the cost of living and his support for the adopted Land Development Code.

Sophia Babb spoke in support of the Land Development Code and shared her story moving to Fort Collins in 2019, and concerns from her extended family not being able to live in Fort Collins due to price.

Izze Babb spoke as a special education teacher at Fort Collins High School and as a person of color, noting the lack of Black people in Fort Collins is not an accident and has been planned throughout the history of the city's development. She shared support for the provisions of the Land Development Code in adding housing options to help rectify this situation.

Joel McGuire shared as a happiness researcher that there is clear evidence that some places are happier places than others to live, and Fort Collins is one of those places. He spoke in support of increasing accessibility in housing through the Land Development Code.

Adam Eggleston, Fort Collins resident, spoke on the upcoming discussion on occupancy limits in support of eliminating the existing occupancy ordinances that historically were implemented to counteract fair housing requirements.

Jenna Parker, Fort Collins resident, spoke in support of housing options through the provisions of the new Land Development Code.

Jenny Bramhall, Fort Collins resident, spoke in support of the new land use code as an Old Town resident.

Mary Alice Grant, Fort Collins resident, spoke about finding the Land Development Code a challenge, and the need to take into consideration the need to support diversity in housing needs and desires. She noted people have moved here for specific reasons and those reasons should be honored, speaking in support of repealing the current ordinance and convening an inclusive dialogue.



Chris Conway, Fort Collins resident and high school teacher, noted as someone who grew up here returning to the community was a big awakening in realizing the challenges around housing, noting as a teacher he can tell how long his colleagues have worked at the school based upon where they live. He shared his support for the adopted Land Development Code.

Brannan Davis, property manager and rental owner in Fort Collins, spoke against the proposed rental licensing and inspection program.

Dolores Williams, Fort Collins resident, spoke regarding the rental housing program and its proposed annual budget, asking what the opportunity costs are by funding this program.

Jackson Wagner, Fort Collins resident, spoke in support of measures to increase affordable housing.

David Roy, Fort Collins resident, spoke in support of repealing Ordinance No. 114, 2022, and instead pursuing a collaborative path towards a new land use code with robust public involvement.

Kate Conley, Fort Collins resident, spoke in support of the Land Development Code and the supply problem leading to the housing crisis as an architect who reviewed the provisions prior to its adoption and is truly excited for its potential.

Erin Brandt, Fort Collins resident and property manager, spoke to request the rental housing program be delayed or eliminated, noting many measures are already in place to keep rental properties safe.

Julie Sutter, Fort Collins resident, spoke in support of the Land Development Code.

Marcus Valdez, Fort Collins resident, spoke about the proposed rental housing program, sharing his support for safe housing for all renters while stating his belief the estimated costs of the program and inspection costs being far too low for actual costs experienced in other communities.

Mark Paschke, Fort Collins resident, spoke in support of the new Land Development Code and his belief it is a good plan that looks forward.

Dawn Putney, Fort Collins resident, spoke as an owner of both a for-profit and non-profit business in support of the Land Development Code and the importance of an inclusive and equitable opportunity for housing.

Angela Milewski, Fort Collins resident, shared her experience as a landscape architect and her involvement in a stakeholder group to garner feedback on the code, and spoke in support of the new Land Development Code.

Carrie Gillis, a business owner and landlord in the community since 1985, shared she was part of the rental housing task force which never heard the cost estimates staff has now presented. She also pointed to the experiences Denver is having in implementing a rental licensing and inspection program and the high level of costs that are not being recouped as expected.

Lou Sharpe, Fort Collins resident, spoke in support of the new Land Development Code and the pursuit of option 1 to repeal the ordinance and keep as much of it as possible. He also stated support for an equitable approach to zoning, with common zoning across the community. He shared his experiences as a resident of Boulder as a student in the late 70s when plans to build a denser more inclusive city were fought by residents who were successful in stopping those changes.

RB Stewart, Fort Collins resident, spoke about the Land Development Code and his view it has few mandates for affordable housing and a lot of room for unintended consequences.

Jack Paschke, Fort Collins resident, thanked staff and the Council for their hard work on the new Land Development Code and spoke in support of it.



Lorye McLeod, Fort Collins resident, spoke as the president of a nonprofit organization working with older adults in support of repeal and replacement of the Land Development Code that retains a focus on the need for missing middle housing.

Eric Sutherland, Fort Collins resident, shared a suggestion of how the City can pursue affordable housing, sharing photos of a stalled project that has remained as a shell that could be developed with tax increment financing as workforce housing.

Casey Setash, Fort Collins resident, spoke in support of the Land Development Code and increasing affordable housing, noting how the lack of housing detracts from the ability to bring in researchers and students to our top-notch research institution.

Deb Bobowski, Fort Collins resident, spoke as a retired real estate researcher and economic development specialist in support of the Land Development Code and its focus on affordable housing.

Greg Vogel, Fort Collins resident in Old Town as a renter, homeowner and landowner, spoke to request the suspension of the proposed rental registration program. He requested the issues driving this be quantified.

Laura Michelle MacWaters, Fort Collins resident, spoke in support of the adding provisions to City code against discrimination to match existing state law and include protections for gender identity and expression. He also spoke in support of more high density housing options in the community.

Tandena Wagner, Fort Collins resident, spoke as a CSU graduate and now employee in support of the new Land Development Code.

Yazmin Juneau, Fort Collins resident, spoke as a graduate of CSU for a bachelor's as well as a MSW, in support of repealing and passing a new Land Development Code before June to help support a range of residents in the community.

Amy Hoeven, Fort Collins resident, spoke in support of the new Land Development Code, and shared her observations as a fourth generation Coloradan, seeing the changes in housing challenges people are facing, leading to losing people in our community.

Darcy McClure, Fort Collins resident, spoke as an affordable housing developer and member of the CARE Housing Board about the extreme benefits of addressing housing affordability and ensuring diverse housing. She spoke in support of repealing and updating the Land Development Code by Summer 2023.

Luke Hammons, Fort Collins resident, spoke on behalf of a neighbor with a fear of public speaking in support of the new Land Development Code and the need for more housing options. On his own behalf, he spoke of his experience as a teacher who is now a student success coach and the challenges he has as a homeowner in maintaining his home while watching his friends leave Fort Collins.

Anthony Smith, Fort Collins resident and landlord in the community, spoke in opposition to the rental licensing program, due to the sham survey that was sent out as well as the high level of the estimated costs that appear to be underestimated.

Donald Silar, Fort Collins resident, spoke as the owner of one rental unit and business consultant in opposition to the proposed rental licensing program.

Anna Wright, Fort Collins resident, shared her experience as a renter moving here as a graduate student, noting it doesn't make financial sense to stay in a city like Fort Collins, while the new Land Development Code provides hope that the City recognizes these challenges and is taking steps to change this.



Sarah Albright, Fort Collins resident, shared support as a graduate student for the new Land Development Code.

Laura Olive, Fort Collins resident, spoke about the complexity of the Land Development Code and the challenges of putting it in front of voters for a referendum, noting the impact on proposed projects of a code in flux, and encouraged the Council to retain an expansive vision for what the city can be through the preservation of the new Land Development Code.

**Clerk's Note: Mayor Arndt called for a ten-minute recess at 7:30 p.m. The meeting resumed at 7:42 p.m.**

Mikko Jiminez, Fort Collins resident, spoke in support of the Land Development Code adopted last November, sharing his experience as a graduate student, noting how widespread his experiences are. He also shared his professional and research experience in green spaces and urbanization and how residents of urban areas experience wildlife and nature. He also spoke about misconceptions about renters in the community.

Stefanie Berganini, Fort Collins resident, spoke as a member of and on behalf of the Affordable Housing Board in support of the Land Development Code and its work towards furthering housing choice and affordability. She spoke in support of repealing and replacing the ordinance enacting the Land Development Code as quickly as possible.

Steve Kuehneman, Fort Collins resident and executive director of CARE Housing, spoke in support of the Land Development Code as adopted last November.

Sister Mary Alice Murphy, Fort Collins resident who has worked for affordable housing for over 30 years, spoke in support of housing needed for low income and working-class people so there is room for all the people who work here, and encouraged timely action on ensuring an effective code can be put in place quickly.

Kathy Maloney, Fort Collins resident, spoke regarding what it means to reside some place and thanked Council and staff for efforts to update the Land Development Code that allows more people like herself to live here.

Molly Gutilla, Fort Collins resident, spoke in support of the new Land Development Code, making clear as someone with a doctoral degree in public health that housing and health are deeply tied. Gutilla also dittoed comments about land use codes historically having equity impacts.

Alex Woodchek, Fort Collins resident, shared experiences with trying to find housing in Fort Collins while making ends meet by violating U+2 provisions and spoke in support of the newly adopted Land Development Code.

James Burtis, Fort Collins resident, noted he is a researcher and homeowner but would not have been able to own that home if he had moved here just a year later. He shared support for the Land Development Code and repealing the current ordinance to allow the topic to come back to Council with robust public participation. He suggested the engagement approach used for the active modes plan be used for this work going forward to solicit ideas that might help in improving the code.

Joe Rowan, Fort Collins resident, spoke about the playbook of electoral politics that creates a message dependent upon deception and lies so that people hear that message from a range of sources and start believing it, leading to a great deal of confusion.

Rachel Vanausdall, Fort Collins resident and graduate student at CSU, spoke in support of the Land Development Code and repealing and revising the current ordinance as quickly as possible to create more housing options in a range of places.

Steve Sunderman, Fort Collins Resident, spoke against the new Land Development Code.



Troy Jones, Fort Collins resident, spoke as an architect and land planner regarding affordable housing, noting he is happy to see the Land Development Code take shape from some of the discussions the Affordable Housing Board had previously while he served on that board a few years ago. He spoke to the things that are possible in the toolbox of affordable housing and the importance of increasing those tools.

Kelly Evans, Fort Collins resident, spoke in support of the Land Development Code and the democratic process involved in its development. She requested the Council repeal and replace the ordinance.

Simon Cecil spoke as a Fort Collins native who is unable to return to the city and live close to his family in support of the Land Development Code.

Martha Hedrick, Fort Collins resident, spoke about affordable housing and how it relates to registering rentals as a landlord and homeowner, speaking against a rental housing registration program.

Vickie Reinke spoke as a rental property owner in opposition to a rental registration program, noting 30% of her rental income currently goes towards property taxes, insurance and property management fees. She noted the impact of cost increases on the availability of affordable housing.

Curtis Reinke spoke as a rental property owner in the city in opposition to a rental registration program.

Ann Hutchison, Fort Collins resident and President and CEO of the Fort Collins Area Chamber of Commerce, spoke in support of the Land Development Code, encouraging the current ordinance be repealed with a commitment to extensive engagement to put in place a new ordinance that takes advantage of every tool to increase affordable housing.

Mike Vogel spoke as a rental property owner noting he has not heard anyone speak in support of the rental registration program. He spoke about the supply of rental housing in the community, owned by landlords like himself, noting increasing regulation increases costs that will be passed on to tenants.

Noah Munson, Fort Collins resident, spoke as a hydrologist about the need for more affordable housing in support of the Land Development Code.

Richard Cavendish, Fort Collins resident in Old Town, spoke about his small lot, with an adjacent duplex, and the efforts he tried to take to build an ADU in his backyard which was not permitted under the land use code.

Alex Krausz, Fort Collins resident, spoke to encourage the Council to rescind the Land Development Code and take more time to ensure all residents' voices are heard in developing new provisions.

Christophe Attard, Fort Collins resident, spoke regarding the proposal for rental housing inspections, sharing the adage a good landlord makes a good tenant, stating his opposition to the proposed program noting it is government interference.

Phil Stout, Fort Collins resident, spoke as a rental property owner in opposition to the rental housing registration program.

Bob Pawlikowski, Fort Collins resident, spoke as a member of the Affordable Housing Board in support of the new Land Development Code.

Nick DeSalvo, Fort Collins resident and speaker of the CSU Student Senate, spoke in support of the Land Development Code and the need for affordable housing policies. He noted the proposal to increase CSU tuition coupled with housing costs is forcing students to leave CSU.

Jerry Gavaldon, Fort Collins resident, spoke about the bold Land Development Code but stated it will not help reduce issues around affordable housing because the market dictates affordability. He also stated his opposition to the proposed rental licensing program.



Kathleen Attridge, Fort Collins resident, spoke as a landlord and property management company owner in opposition to the proposed rental licensing program, noting there are a lot of holes in the information available about that program.

Kristin Candlla, Fort Collins resident and president of Habitat for Humanity in Fort Collins, spoke in support of the Land Development Code and shared about how the Fair Housing Act was passed in 1968 immediately after the assassination of Martin Luther King Jr., noting the second part of dismantling housing discrimination is affirmatively working to create housing options.

Sabrina Herrick, Fort Collins resident, spoke about the City's handling of services for homeless people, noting an expectation the City hire people with expertise in service delivery for unhoused residents.

Gemma Inguanta, Fort Collins resident, spoke in support of Ordinance No. 152, 2022, regarding nondiscrimination definitions in the City Code.

Jorge (no last name given), spoke as a student at CSU, former student representative, and current director of housing at CSU, spoke about the struggles of students relating to housing and the importance of housing affordability.

Clint Anders, Fort Collins resident, spoke in support of the newly adopted Land Development Code with its focus on housing options and affordability, sharing his experience in a diverse and affordable neighborhood in a home he wouldn't be able to afford to buy today if he had to.

Sarah (no last name given), spoke as a rental housing investor in opposition to the rental registration program and in support of an easy-to-use portal for complaints.

Jessica Hazlet, Fort Collins resident, spoke in support of the new Land Development Code.

Brian Kelly, Fort Collins resident and rental property manager, spoke against the proposed rental property registration program, noting the money he saves tenants by taking on much of the maintenance work himself for his properties to keep rents low.

Diana Murphy, Fort Collins resident, spoke as a petition circulator against the Land Development Code.

Louis Pentowski, Fort Collins resident, spoke against the Land Development Code.

Glen Colton, Fort Collins resident, spoke as a former member of the Planning and Zoning board that helped develop the first City Plan, who now helped collect petition signatures that neighbors were anxious to sign. He stated it is not the City's job to create more housing even if there isn't housing for everyone.

Trudy Haines spoke to encourage the Council to repeal the Land Development Code and start over or put it up to a vote.

Matt Peters, Fort Collins resident, spoke about affordable housing and noted any increase in supply will be immediately snapped up by people moving from out of state or big investors.

Deirdre Sullivan, Fort Collins resident and President of the United Way of Larimer County, spoke in support of the updated Land Development Code, encouraging the current ordinance be repealed and replaced as quickly as possible. She also spoke to the work of the revised code in undoing redlining and other issues.

Kristin Fritz, Fort Collins resident and chief real estate officer at Housing Catalyst, shared her support for the work done in the revised Land Development Code, recapping the range of comments in support.



Katherine Dubiel, Fort Collins resident, commented on item 7 on the consent item about the sale of 945 East Prospect, and if that property has a potential higher use in its zone district if the Council is really invested in making good choices for increasing housing options.

Christina Larson, Fort Collins resident, spoke regarding the Land Development Code, asking what is affordable.

Roger Hooper, an area property owner, spoke about the need for density that supports transit and in support for the changes being made in the adopted Land Development Code.

Lisa Northern spoke about the lack of amenities on the south end of town, including lack of bus service. There is a high density of new housing coming in. If things are going to be nicer and easier and better, there must be a way to help people move in and keep traffic flowing, by not just trying to change things without improving them as well.

Margaret Zemle, Fort Collins resident, renter, homeowner and landlord, spoke against the rental licensing program.

Jeff Gantmen, Fort Collins resident, spoke as someone who moved to Fort Collins 9 months ago in support of repealing the Land Development Code and replacing it with a code with some changes, including looking at how vacant lots are utilized.

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

Councilmember Francis noted the question on consent item number 7 and asked if there was staff available to respond to that concern raised. Kai Kleer, the staff planner working on that project, shared the project has been approved at this point subject to the City's sale of the property, and provided details of the challenges the site presents for a development such as a multifamily development. The subject property also contains a building that has been designated as a historic resource that must be preserved as part of the Kum n Go development.

Councilmember Gutowsky shared her understanding that housing CSU students in the Best Western is the result of a lack of dorm space rather than a lack of affordable housing.

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

None.

#### **J) CONSENT CALENDAR**

- 1. Second Reading of Ordinance No. 150, 2022, Amending Ordinance No. 084, 2022 to Amend the Effective Date of the 2022 Council District-Precinct Map.**

*This Ordinance adopted 6-0 on December 20, 2022, amends Ordinance No. 084, 2022, Amending the City of Fort Collins District-Precinct Map, adopted on second reading on July 19, 2022, in order to move forward clarification and amendment of the District-Precinct Map in order to eliminate confusion and practical impacts and inconsistencies in Councilmember districts.*

***Adopted on Second Reading.***

- 2. Second Reading of Ordinance No. 152, 2022, Amending the Definition of Discrimination in City Code Chapter 13 to Prohibit Discrimination on the Bases of Sexual Orientation, Gender Identity and Gender Expression.**

*This Ordinance, adopted 6-0 on December 20, 2022, modifies anti-discrimination language in City Code Chapter 13, Article II, to prohibit discrimination on the bases of "sexual orientation, gender identity and gender expression." Absent this new language, our residents in these classes feel*



unprotected from discrimination, resulting in not including “all” in our growing community. The amendment advances the City of Fort Collins’ vision to be a safe and welcoming community for all.

**Adopted on Second Reading.**

3. **Second Reading of Ordinance No. 153, 2022, Amending Section 2-569 of the Code of the City of Fort Collins to Update and Clarify the Process for Review of Ethics Complaints.**

*This Ordinance, adopted 6-0 on December 20, 2022, updates the Code provisions describing the ethics complaint process and establishing a new process for screening and investigation of complaints alleging ethics violations by Councilmembers. The Ethics Review Board met in November 2021, January 2022, May 2022, and October to discuss options for improvements to the ethics complaint screening and review process. The Ethics Review Board recommended the changes in the Ordinance for adoption.*

**Adopted on Second Reading.**

4. **First Reading of Ordinance No. 001, 2023, Appropriating Funds in the General Fund for 2023 Increases in Salary Compensation for the Mayor and Councilmembers as Approved by the City of Fort Collins Voters on November 8, 2022, by the Amendment of Section 3 in Article II of the City Charter.**

*The purpose of this item is for a General Fund supplemental appropriation to fund 2023-2024 Budget Offer 28.12 - City Council Voter Approved Pay Increase but only for fiscal year 2023. This budget request was not funded in the 2023 annual appropriation since the election results of the 2022 City-Initiated Charter Amendment No. 1 (Council Compensation) ballot initiative would not be known until after First Reading of the City's annual appropriation ordinance for 2023. The initiative was approved by Fort Collins voters and this action is to appropriate the increased spending in the General Fund to implement the ballot initiative for the salary increases in 2023.*

**Adopted on First Reading.**

5. **First Reading of Ordinance No. 002, 2023, Appropriating Philanthropic Revenue Received Through City Give for the Acquisition of a Community Soundstage in the Parks Department.**

*The purpose of this item is to request appropriation of \$250,000.00 in philanthropic revenue received by City Give for Parks for the purchase and acquisition of a community soundstage.*

*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. 003, 2023, Declaring a Portion of City-Owned Property at 835 Wood Street as Right-of-Way.**

*The purpose of this item is to declare a strip of property owned by the City as road right-of-way (ROW) via the proposed plat for the Fort Collins Fleet Maintenance Subdivision. City staff recently discovered that a portion of the City's property at 835 Wood Street is being used for public street purposes, but was never dedicated or declared to be public ROW. This Ordinance establishes this portion of the property as ROW for Wood Street and authorizes the City Manager to dedicate such ROW through execution of the plat.*

**Adopted on First Reading.**



7. **First Reading of Ordinance No. 004, 2023, Authorizing the Sale of the Real Property Located at 945 East Prospect Road to Kum & Go, L.C.**

*The purpose of this item is to authorize the sale of the City-owned property located at 945 East Prospect Road to Kum & Go, L.C., an Iowa limited liability company (Kum & Go), for \$403,000. The sales price was determined by an appraisal by CBRE Valuation and Advisory Services, which provides on-call property appraisals for the City. A purchase and sale agreement was executed by Kum & Go and the City Manager on November 3, 2022. Completion of the purchase is contingent on City Council's approval of the sale by its final adoption of this Ordinance in accordance with Section 23-111 of the City Code, and approval of the final development plans by the City's Director of Community Services and Neighborhood Development.*

***Adopted on First Reading.***

8. **First Reading of Ordinance No. 005, 2023, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the 215 North Mason Municipal Court 15-Year Buildout Design and Related Art in Public Places.**

*The purpose of this item is to receive Council approval for an appropriation for Design of the 215 North Mason Municipal Court 15-year build-out using Capital Expansion Fees.*

***Adopted on First Reading.***

9. **First Reading of Ordinance No. 006, 2023, Appropriating Prior Year Reserves in the Transportation Capital Expansion Fee Fund for Eligible Reimbursement to the Northfield Developer for the Construction of Suniga Road Improvements.**

*The purpose of this item is to appropriate \$2,081,548 of Transportation Capital Expansion Fee (TCEF) Funds for expenditure from the Transportation Capital Expansion Fee Program Budget to reimburse the Northfield developer for its oversizing construction of Suniga Road. The Northfield developer has constructed Suniga Road as a four-lane arterial to City standards as part of its development requirements. Per Section 24-112 of the City Code, the developer is eligible for reimbursement from Transportation Capital Expansion Fee (TCEF) funds for the oversized, non-local portion of Suniga Road not attributed to the local portion obligation.*

***Adopted on First Reading.***

10. **Resolution 2023-001 Authorizing an Intergovernmental Agreement Between the Cities of Fort Collins, Greeley and Loveland for the Exchange of Judicial Services, and Appointing Temporary Judges.**

*The purpose of this item is to authorize an intergovernmental agreement (IGA) with the Cities of Greeley and Loveland for judicial services to be used in the event that a conflict of interest or other circumstance prevents the Municipal Judge and assistant judges from hearing a particular Municipal Court case. This agreement is intended to replace an existing 2020 IGA between Fort Collins, Loveland, and Greeley. This agreement is updated to include all current, eligible judges from each jurisdiction.*

***Adopted.***

11. **Items Relating to the Appointment of Assistant Municipal Judges.**

A. *Resolution 2023-002 Reappointing Kristin Brown as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.*

B. *Resolution 2023-003 Reappointing Vicki Cirbo as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.*



C. Resolution 2023-004 Reappointing Michelle Kline as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

D. Resolution 2023-005 Reappointing Brandi Nieto as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

E. Resolution 2023-006 Reappointing Courtney Patterson as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

F. Resolution 2023-007 Appointing Sarah Simchowicz as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

*The purpose of this item is to reappoint all current Assistant Municipal Judges for a term of two years and to appoint Sarah Simchowicz to her first two year term. The City Charter provides for the appointment of judges of the Municipal Court for two (2) year terms. Chief Judge Jill A. Hueser recommends that all current Assistant Municipal Judges be reappointed, to serve in the absence of the Chief Judge.*

**Adopted All Resolutions.**

12. **Resolution 2023-008 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the Fort Collins Downtown Development Authority Regarding the Renovation and Redevelopment of Olive Street Alley, Harper Goff Alley and East Myrtle Street Alley.**

*The purpose of this item is to authorize the execution of an Intergovernmental Agreement (the "IGA") between the City and the Downtown Development Authority (the "DDA") for renovation and redevelopment of Olive Street, Harper Goff and East Myrtle Street Alleys. The alley names listed are temporary and are designated as such only for the purpose of identification in the IGA and during design and construction. These alleys will be named in the future after consideration of the City's practice of naming downtown alleys to honor exemplary individuals who reflect the historic and cultural geography of the downtown area.*

**Adopted.**

13. **Resolution 2023-009 Adopting Findings of Fact in Support of the City Council's Decision to Remand to the Historic Preservation Commission for Rehearing the Determination of Eligibility for Landmark Designation of the Service Station Located at 825 North College Avenue.**

*The purpose of this item is to adopt findings of fact in support of City Council's decision to remand back to the Historic Preservation Commission ("HPC") the Landowner's application and appeal concerning the service station located at 825 North College Avenue. The HPC's decision, which was appealed to Council, found that the service stations is a historic resource for the purposes of development review under Land Use Code Section 3.4.7 and, therefore, is eligible for Landmark Designation. Council heard the Landowner's appeal on December 20, 2022, and denied the claim that the HPC conducted an unfair hearing, but remanded the matter to the HPC for consideration of additional evidence in determining eligibility for designation.*

**Adopted.**

14. **Resolution 2023-010 Approving an Intergovernmental Agreement Between the City of Fort Collins and the United States Drug Enforcement Administration to Staff an Anti-Narcotics Trafficking Taskforce.**

*The purpose of this item is to obtain approval for an Intergovernmental Agreement between the City and the United States Drug Enforcement Administration (DEA) to station one Fort Collins*



Police Services (FCPS) police officer with a DEA anti-narcotics trafficking taskforce headquartered in Denver.

**Adopted.**

**15. Resolution 2023-011 Authorizing Amendment One to the Intergovernmental Agreement Regarding Larimer County Regional Opioid Settlement Implementation.**

*The purpose of this item is to approve an amendment to Regional Intergovernmental Agreement approved in Resolution 2022-055 adopted by Council in May 2022 to add the Town of Estes Park as a participating local government. Current participants include Larimer County, City of Fort Collins, City of Loveland, and Town of Wellington. The amendment adds an Estes Park representative to the Regional Opioid Abatement Council that oversees funding received by the Larimer County Region from the national settlements reached with opioid distributors and manufacturers.*

**Adopted.**

**16. Resolution 2023-012 Appointing Daniel Benton and Carl Pratt to the Fort Collins Tourism Improvement District Board of Directors.**

*The purpose of this item is to appoint Daniel Benton and Carl Pratt to the Fort Collins Tourism Improvement District (District) Board of Directors. Daniel Benton will serve a second term representing large lodging establishments and Carl Pratt will serve as an at-large director. The terms for both directors will begin January 17, 2023, and end January 17, 2026. The District Board has adopted resolutions nominating both directors in 2022.*

**Adopted.**

**17. Resolution 2023-013 Repealing Resolution 2001-120, Establishing Criteria for Arterial Intersection Analysis.**

*The purpose of this item is to consider repealing Resolution 2001-120. This resolution established that:*

- An intersection alternatives analysis must be completed for any major improvement at arterial/arterial and arterial/collector intersections to assist transportation staff in determining the most appropriate improvements for the intersection.*
- The analysis shall include evaluation of a roundabout and traditional intersection improvements.*
- The City Manager shall submit proposals for roundabouts to City Council for a final determination. This is not required if a roundabout is not selected as the preferred alternative.*

*Very few modern roundabouts were in use in the Front Range in the early 2000's and this resolution was a tool to help encourage their implementation. Roundabouts have become much more common since then, and several have been successfully constructed in Fort Collins and surrounding communities. In general, roundabouts have proven to be an efficient and safe intersection control type for certain intersections. Additionally, Fort Collins adopted the Master Street Plan, which identified many intersections throughout the community as potential locations for roundabouts.*

*Alternatives outside of traditional intersection controls and roundabouts should also be considered as we move forward to better align with the vision and priorities of our community and allow Fort Collins to remain nimble to innovations in traffic engineering and design.*

*Repealing this resolution will:*



- *Allow the City to evolve and improve our intersection alternatives criteria to reflect the vision, priorities and conditions of our community at the time.*
- *Allow additional intersection alternatives to be considered beyond roundabouts and traditional intersections.*
- *Change authority on the final determination of roundabouts from City Council's authority to City staff.*

**Adopted.**

## END OF CONSENT CALENDAR

***Councilmember Francis moved, seconded by Councilmember Peel, 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 Pignataro requested more information about the costs associated with architectural services on item 8. Brian Hergott responded, noting costs of approximately 10% of total project costs is in line with industry standards.

Mayor Arndt congratulated those appointed as Assistant Municipal Judges, and noted the municipal court is one of the pillars of municipal government that is sometimes unsung.

Councilmember Ohlson noted the Art in Public Places piece in the court building didn't work within a month of its installation and was never fixed. He suggested the funding allocated in the renovation for Art in Public Places be used to get the original art operational again. On the DDA item relating to alleys, he noted the reference to no City dollars being used does not acknowledge the forty years of tax increment that has gone to support the DDA and work like this.

Councilmember Peel drew attention to item 5, noting her amazement at how the Fort Collins community stands up and donates when things are needed.

Mayor Arndt announced the staff report scheduled for tonight has been postponed due to weather.

**Clerk's Note:** Mayor Arndt called for a 10-minute recess at 9:30 p.m. The meeting resumed at 9:43 p.m.

### **L) STAFF REPORTS**

#### **Volunteer Services Program.**

The planned staff report relating to the Volunteer Service Program was postponed due to inclement weather.

### **M) COUNCILMEMBER REPORTS**

None

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

None.

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

18. **Reconsideration of Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as “2022 Transitional Land Use Regulations”, Following a Successful Referendum Petition.**

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

**• OPTION 1: Repealing the Ordinance subject to the referendum petition;**

*A. First Reading of Ordinance No. 007, 2023, Repealing Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as “2022 Transitional Land Use Regulations”.*

*If this option is approved, Council may choose to discuss next steps regarding any future shifts to the current Land Use Code.*

**Or**

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

*B. Resolution 2023-014, Referring Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as “2022 Transitional Land Use Regulations” to a Vote of the Registered Electors of the City at the Next Municipal Election.*

**And, if desired, OPTION 2B:**

*C. First Reading of Ordinance No. 008, 2023, Calling a Special Municipal Election for the Purpose of Submitting to the Registered Electors a Citizen Referendum of Ordinance No. 114, 2022, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land use Code as “2022 Transitional Land Use Regulations”.*

Anissa Hollingshead, City Clerk, provided a brief verbal presentation reviewing the options before the Council tonight as part of the reconsideration of this ordinance.

**PUBLIC COMMENT**

Britt Kronkosky, Fort Collins resident, acknowledged the problems that are sought to be addressed are real while the big bang approach of doing so is a problem. He encouraged the ordinance be repealed and the public engagement process be reimagined, with outreach to homeowners associations (HOAs) and other stakeholders, and suggested a pilot program to try out any suggested changes.



Adam Eggleston, Fort Collins resident, encouraged the City to implement a temporary land use code and then look to readopt the Land Development Code in late spring or early summer. He encouraged increasing the affordable housing density in the next iteration of the code.

David Quigley, Fort Collins resident, shared his personal history as someone born in affordable housing in Denver and his first placement after graduating with an MSW from CSU was in affordable housing. He noted he and his wife own a rental property that they rent significantly below market because of their commitment to affordable housing and would like to be involved in the work that continues on this topic with reconsideration of the code. He stated support for affordable housing that does not override HOA rights and that includes neighborhood comments.

Eric Hamrick, Fort Collins resident and board member of Preserve Fort Collins, stated support for the repeal of the ordinance based on the fatally flawed public engagement process. He stated support for robust engagement and the inclusion of neighborhood notification and comments. He noted any attempt to bring back only cosmetic changes to the code will result in another petition effort.

Lori Pivonka, Fort Collins resident, spoke about City Plan and its adoption in 2016. The plan discusses where to focus efforts for change, and noted areas of focus should be closest to jobs and access to transit. In discussing mixed neighborhoods and degree of change, it talks about a high degree of change only being in play in limited areas which is not what the Land Development Code allows.

Joe Rowan, Fort Collins resident, reiterated support for repealing the Land Development Code and coming back this spring with a revised code. He noted it is a misconception the Land Development Code creates affordability. It can facilitate development but it does not create affordability. It is necessary to talk about all the costs that go into living in Fort Collins. He noted it is state law that overrides HOAs not the Land Development Code.

Jean Ruecker, Fort Collins resident, noted she signed the petition to repeal the Land Development Code after reading the code. She stated support for mixed housing in a thoughtful approach.

Nicole Swan, Fort Collins resident, spoke in support of the changes made by the Land Development Code for equity and affordability.

Paul Patterson, requested more information about how these measures in the LDC support affordability.

Tim Johnson, Fort Collins resident, encouraged Council to repeal the ordinance and bring it forward in chunks to allow more in-depth consideration and separating out items that are not controversial.

Ross Cunniff, Fort Collins resident, spoke on his own behalf and on behalf of Preserve Fort Collins, noting more signatures were obtained on the petition than any councilmember received in their last election. He noted the memo on Proposition 123 does not say the Land Development Code must be adopted for the City to have eligibility to participate. It could be done straightforwardly with intentional effort. He encouraged repeal without a hurry to reenact to allow time to work through these issues.

Lief Youngs dittoed the comments of Ross and others. He noted in southern portions of Fort Collins there is a lack of other resources in the sea of houses. There is an opportunity for a focus on 15 minute cities throughout all of Fort Collins.

Brian Tracy, resident of Old Town East, spoke about features of the LDC that are objectionable, including big multi-unit rentals that could be plopped into the middle of single family



neighborhoods, noting his objection is to the change in character of areas, not the people who will live there. The return on investment is too big to deter significant development throughout neighborhoods.

Tom Farnsworth, Fort Collins resident, spoke against the Land Development Code, sharing the concerns he heard from residents who signed the petition sections he helped circulate and concerns about reducing the rights of citizens around development in their communities.

Sandy Lee, Fort Collins resident, spoke about the gentleman who helped start the Peace Corps in Fort Collins, noting her parents had to move out of Fort Collins when they could not afford it many decades ago. She asked why we need to make it possible for everyone to live here instead of concentrating on the issues we already have while preserving the city we all love.

## COUNCIL DISCUSSION

Mayor Arndt noted a big document and action like this is not going to be perfect but it was a significant process. It was also a significant public process that brought us here to this point tonight. She stated her support for option 1 and shared comments about the public perception around the lack of engagement and awareness around this work that has led her to support an intentional and focused approach to considering the right approach for making shifts to the land use code.

Councilmember Ohlson shared he hadn't intended to speak a lot but wanted to respond to some specific things. He noted while he doesn't agree with Mayor Arndt, he does believe that she believes an approach with more engagement will be successful. He also clarified that he has not been a part of the Preserve Fort Collins group and did not encourage anyone to initiate any particular action although he acknowledged he does believe they did good work. He stated his support for sending this ordinance to a vote of the people to convey to the Council the strength of sentiment across the community to take a fully different approach to changes to the land use code. Regarding perceived misconceptions, he stated he does not see where the LDC supports affordable housing. He views it as an investor and developer bill of rights rather than anything to do with affordable housing. He also reiterated the adoption of the LDC is not necessary to be part of Proposition 123.

Councilmember Gutowsky stated support for option 1 and a robust engagement process. She also shared support for changing the name back to the Land Use Code. She also agreed with a need to define affordability. In creating more density, we need to be looking at parking as well as support for infrastructure in neighborhoods. The public needs to be brought back into the mix in all this work.

Councilmember Francis shared support for the Mayor's comments around repealing and revising the Land Development Code, and working on engagement in the process and addressing the tensions we are seeing around the tradeoffs we are willing to make as a community. She stated support for a lengthy engagement process. While the document says we could increase density by 53%, it also says we could increase deed restricted affordable housing by 100%. The Land Development Code is a foundational document that says what we can do but it is not solely responsible for creating affordable housing. It is also notable our Land Development Code was created to support other adopted plans, including the Air Quality Plan and Transportation Plan and others. There are areas of overlap where people do agree and we do not need to start over. She shared interest in an approach of bringing things forward more piecemeal to allow a thoughtful approach to finding consensus.

Councilmember Pignataro shared her support for option 1 and ensuring everyone who wants to be included in the conversation. When the Council had its strategic weekend almost two years ago, she was excited because she knew this Council was going to get things done. All the things



Council has done has been able to move forward at a quick pace with the base in place from prior Councils. Unfortunately, not everyone got to come along at that pace, so this is an opportunity to continue with terms that have now been extended with the shift to November elections to work on this with the community. This also allows a discussion in parts of these different pieces.

Councilmember Peel also thanked everyone for participating in tonight's meeting even in bad weather. She stated she does believe staff did the best they could on outreach with what they have available and Council has had some deep conversations about how to fix and improve outreach processes and information dissemination to the public. She noted in talking with residents and hearing feedback, most of it has been positive but not exclusively and she encouraged everyone to keep things civil. She stated support for option 1 and her desire to get this right.

Councilmember Canonico thanked everyone for getting involved. She also reminded everyone of all the ways to follow along with what the Council and the City is working on through different mediums and forums. There are things from both sides that there is agreement on. Things like making the code easier to use are also part of the revised code that was originally adopted that remain as goals going forward. She shared her agreement with breaking this up and looking at the things that aren't so controversial and then tackling the harder topics with thorough engagement, with support for option 1.

Councilmember Ohlson shared he has not previously liked flippers, but tonight he is prepared to be a double flipper and now will support option 1 so there is unanimity. Regarding HOAs, he also noted there cannot be one code for part of town but a different code for other parts of town. The City is not going to take over basic HOA responsibilities, but basic zoning and land use code must apply citywide. He shared concerns that the wording used in many instances is not always clear, such as with provisions in the LDC that essentially eliminate single family zoning. He made a formal request to ensure if the desire is to eliminate the occupancy regulations that should be done in an upfront manner and not via backdoor means through the allowance of ADUs. He also noted he does not want to see things brought in too much of a piecemeal manner that makes it more difficult to utilize the referendum process. It is not a government's job to make it possible for anyone that wants to move somewhere and be able to afford it, but that doesn't mean that we don't have a role in supporting affordable housing. He reiterated a May deadline is not necessary to meet the requirements for Proposition 123.

Councilmember Francis asked if Fort Collins would qualify for Proposition 123 with our current code and policies. Meaghan Overton, Housing Manager, noted the two main requirements for eligibility are a fast-track approval process for an affordable housing development and a commitment to increase affordable units by 3% a year. It would be challenging to meet the 90 day approval time line with our current land use code. As we learn more about how that 3% will be calculated, we will have a better sense of what that will require. Councilmember Francis noted it may be needed to adopt some measures during a more thoughtful process. She also clarified that U+2 is not changed in the land use code in phase one of the Land Development Code that was adopted in November of 2022 and is now before the Council for reconsideration.

Councilmember Canonico asked for clarification on how much funding will be available through Proposition 123 and asked if Denver has indicated they would not be participating in the first year. Housing Manager Overton noted she is not able to speak to what Denver may or may not have indicated their plans for participation are. In terms of funding levels, there is \$300 million available annually across the state.

Councilmember Pignataro noted she signed up to get agendas many years ago but cannot find that link right now. She requested perhaps adding a spotlight to the home page given tonight's discussion to highlight these. City Manager DiMartino noted staff will look at that and consolidating where to find those sorts of signups.



**Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 007, 2023, on first reading.**

**The motion carried 7-0.**

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

*A. First Reading of Ordinance No. 009, 2023, Adopting a Rental Housing Program as an Implementation Action of the Housing Strategic Plan and the Our Climate Future Plan.*

*B. First Reading of Ordinance No. 010, 2023, Appropriating Prior Year Reserves in the General Fund for the Start Up Phase of the Rental Housing Program.*

*The purpose of this item is to consider the adoption of a Rental Housing Program. Ordinance No. 009, 2023 would amend the City Code to create the regulations for a Rental Housing Program that includes registration and proactive rental inspections and relocate and add new definitions within Article VI of Chapter 5. Ordinance No. 010, 2023, would approve an off-cycle general fund appropriation in the amount of \$750,000 to support the start-up phase of the proposed program in 2023. An additional \$850,000 will be requested to complete the start-up phase in 2024.*

*The development of a Rental Housing Program implements policy direction in both the Housing Strategic Plan (2021) and the Our Climate Future Plan (2021):*

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

*If adopted by City Council, staff recommends that the proposed Rental Housing Program commence the start-up phase in October 2023. The time period between adoption and start-up will be used to hire and train staff, implement new software, and conduct education and outreach with landlords, tenants, property managers, and others impacted by the Rental Housing Program.*

Caryn Champine, PDT Director, introduced this item and the team presenting the program for consideration. Meaghan Overton, Housing Manager, and Marcy Yoder, Senior Manager, Neighborhood Services, led the staff presentation on this item as set forth in the PowerPoint in the agenda packet.

**PUBLIC COMMENT**

Adam Eggleston, Fort Collins resident, spoke in opposition to the proposed program, noting he is unable to find another community where there is a benefit to this sort of program while cost estimates are consistently much lower than what is realistic.

Joe Rowan, Fort Collins resident, noted this proposal is not for a licensing program but rather a registration program and that makes sense, while the inspection piece does not.

Amber Kelly, Fort Collins property owner, shared the rental licensing task force recommended not establishing a licensing program at this time. The consensus regarding inspections across the board was that they were only necessary in response to complaints.

Joliann Beck, Fort Collins property owner, spoke against the proposed program noting it breaches citizen's rights and spoke in support instead of enhancing complaint forums in a more public manner.



Matthew Beck, Fort Collins resident, spoke against the proposed program and in support of capitalism.

Curt Schrier, Fort Collins resident and Realtor and property management company owned, spoke against the proposed program and noted his management company will need to raise charges to property owners for government regulations. He spoke in support of focusing resources on violators rather than those taking care of their properties.

Suzanne Murray, Fort Collins resident, spoke against the proposed program and provided input from a landlord LLC group she is part of, requesting consideration of adding a clause if a property is being rented by someone receiving food stamps or other income assistance that the inspection fee be waived for the landlord and consideration of creating a repair fund from some inspection fees. She also asked if short term rentals will be subject to registration and inspection as well.

Stefanie Berganini, Fort Collins resident, spoke in support of the proposed program and indicated the support of the Affordable Housing Board.

Emily Gallichotte, Fort Collins resident, noted she served on the rental housing task force as a renter, and was joined by other task force members representing renters, homeowners, property owners, etc. The majority recommendation to Council of the task force was for a mandatory rental registration program and she supports that recommendation as well.

Jason Knebel, Fort Collins resident, spoke in opposition to the rental registration program, stating it appears to be a matter of pandering to college students at CSU at the expense of the property owners of Fort Collins.

## COUNCIL DISCUSSION

Councilmember Ohlson thanked staff for their work and thanked everyone who came out to speak. This topic was first discussed in the 1970s in Fort Collins and is something he views as a basic City service.

Mayor Arndt thanked everyone again for their participation tonight. In listening to the task force, she stated she was willing to follow their recommendation for a mandatory registration program despite her questions. She does not support full licensure at this point.

Mayor Pro Tem Francis shared concerns that a complaint-based system will not capture the scope of a problem and doesn't know how to do that without inspections. She shared her belief this is the responsibility of a City to reinforce a warrant of habitability and to address rental stability and the health of our housing.

Councilmember Peel stated she does not support inspections but does support registration. She shared interest in a landlord portal to provide resources for landlords and to provide information to tenants about landlords and prior complaints and issues.

Councilmember Canonico thanked staff for all the great work that went into this. She stated her agreement there is an imbalance of power between tenants and landlords, and the prevalence of underreporting tenant complaints. She also expressed concerns about the costs for starting this and starting up new programs while asking the public to support tax increases for sustainable funding work. More work needs to be done on the cost side.

Councilmember Pignataro shared she has been struggling with this topic, noting there is a need for something, given power dynamics and other concerns. There are a lot of good landlords who may have better ideas for us to possibly reduce the cost of the program. Consistency of



inspections is also a concern for her. It seems like everyone hasn't been brought along yet on this item and would love to hear more ideas.

Councilmember Gutowsky asked if there is a database that tracks complaints and identifies repeat offenders. Neighborhood Services Senior Manager Marcy Yoder responded and indicated the current software platform used for complaints does not adequately track these sorts of trends across property owners. Councilmember Gutowsky asked how we make people register and what we do if they don't. She also asked about property managers and their liability. Marcy Yoder provided information about certifications available for property managers, which is a component that could be considered. Councilmember Gutowsky shared her understanding there may be a need for a registration to make it easier to contact a property owner, if necessary, particularly when there is an LLC, while expressing the concerns that remain as unknowns.

Councilmember Ohlson noted almost anything worth doing in public policy is met with opposition. Rental properties are a business and regulating business is a proper role for government. It's not possible to get any leaner than \$19 a property per year. He noted he is unsure what additional information isn't available now that would help as this is a fully baked proposal.

Councilmember Canonico asked the costs of the software upgrades needed. Staff indicated it would be \$50,000. Councilmembers Canonico asked if it would be possible to implement a registration program with the implementation of the software updates to allow time to do some better tracking over time. Marcy Yoder provided information about a scaled recommendation from staff to look at a program focused on registration without additional inspections but asking property owners to provide current inspections being done for other purposes already, as well as still including robust education information and building out the current complaint based system. The number of inspectors could be reduced by 3 to still leave some capacity for inspectors to address complaints and could reduce costs to about \$410,000 in the first year. A registration fee would need to be recalibrated to cover not having both a registration and inspection fee.

Mayor Arndt thanked staff for that scaled option as something that helps better meet the various concerns being raised. She also stated support for a midyear appropriation for the needed software update. She requested seeing a write up of the scaled option.

Mayor Pro Tem Francis would like to keep this item going and provide time for more conversation and information about the scaled option. She stated she will remain concerned about a complaint-based system.

Councilmember Pignataro asked about the timing on work going forward if inspections are added later. Marcy Yoder indicated the difference between building inspectors and housing inspectors is a factor as things get up to speed and could lead to some efficiencies in moving towards implementing inspections later. While there would be some operational efficiencies, there would still be a need for full engagement and outreach in sharing out program changes.

Councilmember Ohlson stated this isn't about the money and taxes. More regulations are needed when you get bigger. There are units that are illegal and those do need to be inspected to uncover that.

Councilmember Gutowsky stated she would like to understand the strategy to make sure that everyone registers. Marcy Yoder noted staff would use the county assessor database to identify landlords in the community as a staff function within the rental housing team, as well as utility data through a data check and cross reference.

There was consensus for support for a registration program and perhaps scheduling a work session and bringing this item back.



Councilmember Ohlson stated support for sending this to a work session before coming back for first reading again.

Mayor Arndt stated interest in some of the ideas in a modified proposal and her desire to move in that direction.

Councilmember Peel shared her concern is if we know the problem we are trying to solve and the community has not heard and understood the extent of that problem. She would like to revisit the \$50,000 software so we have a clearer understanding of the issues that arise without the registration program.

Councilmember Pignataro mentioned the issue of scheduling given the current packed schedule.

City Manager Kelly DiMartino suggested reporting back publicly in 2 weeks with a proposed timeline.

***Mayor Pro Tem Francis moved, seconded by Councilmember Peel, to postpone first reading of Ordinance No. 009, 2023 indefinitely.***

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

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

***Nays: Councilmember Ohlson.***

***Mayor Pro Tem Francis moved, seconded by Councilmember Peel, to postpone first reading of Ordinance No. 010, 2023 indefinitely.***

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

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

***Nays: Councilmember Ohlson.***

***Mayor Pro Tem moved to extend the meeting past midnight, seconded by Councilmember Peel.***

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

***Ayes: Mayor Arndt, Councilmember Ohlson, Councilmembers Gutowsky, Pignataro, Canonico, Peel.***

***Nays: Mayor Pro Tem Francis.***

**20. Items Related to Code Amendments to Update and Align Wireless Communication Facility Regulations with the Wireless Telecommunications Master Plan**

A. First Reading of Ordinance No. 011, 2023, Amending the Fort Collins Land Use Code to Update Standards for Wireless Communications Facilities Consistent with the Wireless Telecommunications Master Plan.

B. First Reading of Ordinance No. 012, 2023, Amending the Code of the City of Fort Collins to Update Standards for Wireless Communications Facilities in Public Highways Consistent with the Wireless Telecommunications Master Plan.

*The purpose of the update to the Wireless Communication section of the Land Use Code and corresponding revisions to the City Code is to ensure City standards and requirements for wireless communication development proposals align with the goals, policies, and implementation strategies of the recently adopted Wireless Telecommunications Master Plan and current state*



*and federal regulatory standards. Doing so will enable the City to fully exercise its regulatory authority during the review and siting of new wireless communication infrastructure throughout the community. The Planning and Zoning Commission has reviewed and recommended approval of the revised City Code and Land Use Code language.*

There was no staff report and no public comment.

Councilmember Ohlson asked if there was anything weakened since the Council last saw this. Staff indicated there was not.

Councilmember Peel spoke about challenges to cell service in the city and indicated we are in moving in the right direction.

***Mayor Pro Tem Francis moved, seconded by Councilmember Peel, to adopt on first reading Ordinance No. 011, 2023***

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

***Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt on first reading Ordinance No. 012, 2023.***

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

#### **Q) 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.)*

None.

#### **R) ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 1:50 a.m.

ATTEST:

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

