

April 18, 2023

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PROCLAMATIONS & PRESENTATIONS

5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

- PP 1. **Declaring April 23-29, 2023 as Crime Victim Rights Week.**
- PP 2. **Declaring April 28, 2023 as Arbor Day.**
- PP 3. **Declaring April 2023 as Asian Pacific Islander Desi American (APIDA) Heritage Month.**
- PP 4. **Declaring April 2023 as National Volunteer Month.**
- PP 5. **Declaring May 7-13, 2023 as Drinking Water Week.**
- PP 6. **Declaring May 2023 as Mental Health Awareness Month.**

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

REGULAR MEETING

6:00 PM

B) CALL MEETING TO ORDER

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

C) PLEDGE OF ALLEGIANCE

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

D) ROLL CALL

PRESENT

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

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

E) CITY MANAGER'S AGENDA REVIEW

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

- Noting there were no substantive changes to the published agenda and a scrivener's error was corrected on item 13 relating to the rental housing program after its initial publication to note the ordinances were adopted on first reading by a 4-3 vote.
- Request to shift the planned Poudre Fire Authority Annual Report from the Staff Report portion of the agenda to the Community Report section.
- All items on the consent agenda were recommended for approval.
- The items on the discussion agenda were reviewed.

F) COMMUNITY REPORTS

A. Poudre Fire Authority Annual Report.

The purpose of this staff report is to discuss the Poudre Fire Authority's overall performance in fulfilling its responsibilities under the intergovernmental Agreement Between its parent organization, the Fort Collins (City) Council and the Poudre Valley Fire Protection (District) Board.

The Mayor, with the consent of the Council, moved this report to the Community Report section of the agenda. Fire Chief Derek Bergsten presented the annual report as set forth in the slide deck in the agenda packet.

Mayor Arndt offered appreciation to the Fire Authority and Chief Bergsten on behalf of the Council, City organization, and community.

Councilmember Gutowsky asked if the Chief would like to provide an update on the work on the 9/11 memorial. Chief Bergsten provided a brief update, noting the hope the memorial will be ready to unveil by this year's anniversary.

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

Adam Eggleston, Fort Collins resident, spoke regarding the City budget and what is being heard about the potential shortfall in revenue for meeting budgetary needs, noting statistics showing people spend money where they live rather than where they work and currently 30,000 people come into the city to work, exacerbating revenue shortfalls because of housing issues that need to be addressed to remove barriers to more people living in Fort Collins. Also noted were past poor financial planning, particularly around parks maintenance, and concern was expressed about things that have been funded via short term ARPA (American Rescue Plan Act) dollars.

Jerry Gavaldon, Fort Collins resident, spoke regarding the proposed rental registration program expressing concerns about what the registration program will do, with likely increasing costs, and the potential impacts to tenants trying to live in Fort Collins.

Ian Mayhew, student at CSU, spoke about Fort Collins being a beautiful city with significant bicycle infrastructure while expressing concern about increasing congestion in neighborhood roads in the sprawl surrounding the city center, and resulting common road widening rather than increasing investments in walking and cycling infrastructure.

Mark Valdez spoke about questions that should be asked when implementing a new program that cannot be answered positively regarding the rental licensing program and referenced math regarding the program presented at prior meetings.

Evan Welch, director of governmental affairs at ASCSU, spoke about U+2, noting this is a second appearance after doing so on April 4, urging the Council to consider changes to the occupancy requirements and encouraging respectful disagreement and dialogue.

Scott Holmes, Fort Collins resident, spoke in opposition to the rental housing ordinance, noting it is a solution looking for a problem as a property owner and manager for over 22 years.

Madeleine Kamberg Jennings spoke, reiterating comments from two weeks ago about putting the repeal of U+2 on the ballot, noting the work being led now with the submission of a notice of intent regarding this repeal. Concerns were also shared about the negative side of how U+2 is being utilized and negative assumptions being made about residents.

Kareen Larsen, Realtor and president-elect of the Fort Collins Board of Realtors, urged Council to consider that all those speaking about the proposed rental licensing program have spoken in opposition out of concern for the availability and affordability for housing. Also expressed were concerns about mandatory inspections and potential legal liability, instead urging improving the current system, including having inspections by request only, and funding for a computer system for tracking purposes and data collection.

Kathleen Attridge, Fort Collins resident and property owner and manager, urged the Council to look at other options including education for both bad landlords and bad tenants, including young tenants.

Jorge Garcia, CSU student and director of Housing Securities for ASCSU, shared happiness regarding the Councilmembers who came out yesterday to speak with students and spoke regarding housing as well as an event being planned for May 2 at the next Council meeting to have double the number of students from the last meeting. He also noted how difficult it can be for students to find housing.

Charles Hubbeling, a small landlord with four properties in Fort Collins, spoke against the ordinance for rental inspections, asking how these inspections help and how it lowers the rent for people who are cost-burdened. Also noted was the large expense on the City at a time when costs should be cut.

Benton Roesler, Fort Collins resident, spoke about U+2, sharing a story about a lawsuit in the City of Santa Barbara in the 1970s and the subsequent removal of these regulations in the 1980s. It was noted as well that other regulations, already in place, address the concerns that occupancy regulations seek to address.

Kelly Evans, Fort Collins resident, spoke on two things relating to housing, including: the celebration of Fair Housing Month in April, providing information about the Fair Housing Act and its passage in 1968 to prohibit discrimination in the sale and leasing of housing, which still persists today with long term impacts. Regarding the rental registration program, there has not been support heard for these efforts by any stakeholders nor the need to explore solutions to address the limited bad actors in this space.

Joyce Pratt, Fort Collins resident, spoke as a landlord and HOA president in concurring with previous remarks regarding rental registration, asking why not address issues with violations rather than creating a whole new registration program that impacts everyone.

Tom Thompson, Clerk of the Fort Collins Friends Meeting and member of other organizations primarily dealing with the disadvantaged and older community, noted the reliance of many seniors and others on various forms of assistance, and the challenges any obstacles to these programs will cause to those individuals. Also noted was the need for teeth in the current enforcement-based system.

Laurie Pasricha, Fort Collins resident also with Fuerza Latina, noted the organization has received eviction prevention funds from the City and urged the Council to vote no on the proposed rental housing program in its current form due to the unintended consequences.

Gayle Kwan, Fort Collins resident, spoke with concerns about the Habitat Heart for Odell project being slated for rezoning for the proposed project that will build 140 units, with 30 Habitat units and the remaining units being sold at market value despite being advertised as an affordable housing project.

Patricia Alvarez Harrell spoke on behalf of several residents from five mobile home parks in the North College corridor that are uncomfortable speaking out about rental registration and fears about the potential of strangers coming into their homes for inspections.

Nate Miller (not on the sign in sheet), property owner in Fort Collins, spoke in opposition to the rental registration program, sharing his father's prior experience as a building inspector in Larimer County and surrounding communities as well as in Bloomington, Indiana, which is also a college community, where he had a negative experience with how that rental inspection program was implemented in the 1970s.

Don Siler (not on the sign in sheet), spoke about the rental ordinance being proposed and how it is short sighted to call \$37 a year a minimal cost, as well as expressing concerns about the underestimation of costs in the program development.

Tom Rhodes, Fort Collins resident (not on the sign in sheet), spoke about the rental inspection program and noted the proposal does almost nothing to increase the safety of rentals in the face of a housing shortage and will raise housing costs.

Don Dunn, spoke regarding the rental registration program and the information heard at the last meeting and the lack of firm answers, urging Council not to adopt the program.

Greg Anderson (not on the sign in sheet), a Fort Collins resident who has been a landlord for 33 years, asked Council six questions, including what are: the evidence, the alternatives, the budget, the litigation contingency, the homeless and low income population input, and last what is it all about.

Ray Martinez, Fort Collins resident, brought up questions for Council to ask itself, including who is asking for this and what its impact will be on low-income housing, as well as whether we really want to create a new housing department at the City and what the costs of this will be as the city continues fully building out. Also expressed were concerns about the proactive inspection requirement which is essentially legalized warrantless searches.

Daniela Gonzalez, navigator at Alianza NORCO as well as a CSU student voter encouraged Council to vote no on the proposed renter registration. While working at both Crossroads Safehouse and Alianza NORCO, it has been possible to see the predisposed housing insecurities that already exist without the rental registration program. Requiring low-income property owners to register, get inspections and fix outstanding issues under penalty of a misdemeanor charge will have the opposite effect that the proposal seeks to address today. The renter registration policy contains extremely punitive measures and will further alienate vulnerable communities and create fear among renters, particularly immigrants.

Myron Lloyd spoke as a landlord in opposition to the proposed registration program.

Lisa Carlson, Executive Director of Tribal Experience Korner in Larimer County spoke with questions about a program that provides assistance with housing to identify resources regarding what is required in response to a letter sent about the need for testing of a home following certain events happening in the home. The speaker was connected with a member of City staff for assistance in navigating the question.

Joe Hubbeling, a landlord in Fort Collins in opposition to the rental registration program, asked what the source of need is for this program.

David Rout, Fort Collins resident and Executive Director of Homeward Alliance, thanked the Mayor and members of Council and City staff for the work that has been done collaboratively to create this ordinance, while also expressing concerns about potential unintended consequences of the program in its current form. Questions asked included: If there is a plan to help low-income property owners make needed repairs; if there is a plan to help low-income renters who are forced to leave current residences; and, if the City is worried about compounding the COVID cliff in the marketplace with the end of rental supports.

Jason Knebel, Fort Collins resident, encouraged residents fed up with their representation to take advantage of the recall process. Also addressed were concerns about the use of eminent domain along Laporte Avenue as a resident of Laporte Avenue.

John Bodenhamer, Fort Collins resident, offered comments regarding rental registration, asking where the public mandate is for this sort of an initiative.

Shirley Malin, Fort Collins resident and 30-year landlord, shared thanks to the Council for their thoughtful work in the realm of rental housing and in opposition to the rental registration program.

Public comment concluded at 7:42 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Mayor Pro Tem Francis asked for clarification regarding the scope of the use of eminent domain along Laporte Avenue. City Manager DiMartino noted it is solely for temporary easements along Laporte Avenue for use during construction.

Councilmember Pignataro thanked everyone for coming out.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the April 4, 2023 Regular Meeting.

The purpose of this item is to approve the minutes of the April 4, 2023 regular meeting.

Approved.

2. Second Reading of Ordinance No. 047, 2023, Authorizing Transfers of Appropriations for the Renovation of the Carnegie Center for Creativity.

This Ordinance, unanimously adopted on First Reading on April 4, 2023, is to transfer \$2,400,000 appropriated in the Cultural Services & Facilities Fund to the Capital Projects Fund.

Adopted on Second Reading.

- 3. Second Reading of Ordinance No. 048, 2023, Authorizing the City Manager to Accept a Grant Award and Comply with the Terms of a Grant From the Colorado Water Conservation Board, Making Supplemental Appropriations in the Water Fund and Authorizing Transfers from the Water Fund, for the Xeriscape Incentive Program.**

This Ordinance, unanimously adopted on First Reading on April 4, 2023, supports businesses, homeowner associations, other commercial properties, and residential properties pursuing costly landscape projects that reduce water use long-term through the Xeriscape Incentive Program by:

- *Appropriating \$100,000 of unanticipated grant revenue, awarded by the Colorado Water Conservation Board, to the Water Fund;*
- *Appropriating \$65,890 from the Water Fund reserves; and*
- *Utilizing matching funds in the amount of \$57,220 from existing 2023 appropriations into this new grant project.*

This item would also authorize the City Manager or their designee to accept the grant award and comply with the terms of the grant application and award.

Adopted on Second Reading.

- 4. Second Reading of Ordinance No. 049, 2023, Annexing the Property Known as the Thompson Thrift Spaulding Addition Annexation to the City of Fort Collins, Colorado.**

This Ordinance, unanimously adopted on First Reading on April 4, 2023, is to annex a 3.743-acre property located off Terry Lake Road/Highway 1 on Spaulding Lane, closest to the Spaulding Lane and Valley View Lane intersection. A specific project development plan proposal is not included with the annexation application. The Initiating Resolution was adopted by City Council on February 21, 2023. A separate related item to amend the Zoning Map and classify for zoning purposes the annexed property is presented as the next item on this Agenda.

This annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins City Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreement Regarding Growth Management.

Adopted on Second Reading.

- 5. Second Reading of Ordinance No. 050, 2023, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Thompson Thrift Spaulding Addition Annexation to the City of Fort Collins and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and Lighting Context Area Map.**

This Ordinance, unanimously adopted on First Reading on April 4, 2023, zones the property included in the Thompson Thrift Spaulding Addition Annexation into the Low Density Mixed-Use (L-M-N) zone district and place the property into the LC1 Lighting Context Area.

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2015-091.

Adopted on Second Reading.

- 6. Second Reading of Ordinance No. 051, 2023, Making Supplemental Appropriations for the Carpenter and Timberline Intersection Project.**

This Ordinance, unanimously adopted on First Reading on April 4, 2023, enables the City to receive and expend Federal and Colorado Department of Transportation (CDOT) funds for the

Carpenter and Timberline Intersection Project (the Project). The funds will be used for design and construction of improvements at the intersection of Carpenter Road and Timberline Road. If approved, the item will appropriate \$696,285 of Highway Safety Improvement Program (HSIP) grant funds for the Project. This Project will not appropriate any money to Art in Public Places Program as the Project is 100% federally funded.

Adopted on Second Reading.

7. Items Relating to the Repeal and Reenactment of Certain Ordinances.

A. Second Reading of Ordinance No. 052, 2023, Repealing Ordinance No. 024, 2023, and Appropriating Philanthropic Revenue Received by City Give for Fort Collins Police Services for the Safe Futures Initiative.

B. Second Reading of Ordinance No. 053, 2023, Repealing Ordinance No. 025, 2023, and Appropriating Prior Year Reserves and Unanticipated Revenue from Philanthropic Donations Received Through City Give for Various Programs and Services as Designated by the Donors.

C. Second Reading of Ordinance No. 054, 2023, Repealing Ordinance No. 027, 2023, and Amending Chapter 12, Article II and Chapter 15, Article XV of the Code of the City of Fort Collins to Allow for the Establishment of a City Waste Collection Program and Generally Updating Provisions of the Code Governing Waste Collection Within the City.

D. Second Reading of Ordinance No. 055, 2023, Repealing Ordinance No. 028, 2023, and Authorizing the City Manager to Enter Into a Contract for the Provision of Residential Waste Collection Services.

E. Second Reading of Ordinance No. 056, 2023, Repealing Ordinance No. 029, 2023, and Appropriating Prior Year Reserves for Start-up Costs to Create a Contracted Residential Waste Collection Program.

F. Second Reading of Ordinance No. 057, 2023, Repealing Ordinance No. 030, 2023, and Adopting the North College MAX BRT Plan as a Component of City Plan.

Due to a publication error, staff requests Council repeal and reenact each Ordinance as they were adopted on March 7, 2023. These Ordinances were unanimously adopted on First Reading on April 4, 2023.

Adopted All Ordinances on Second Reading.

8. Second Reading of Ordinance No. 062, 2023, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article II of the City Charter Conforming the Limits on Holding Council Office to the Limits in the Colorado Constitution Applicable to Those With Disqualifying Felony Convictions.

This Ordinance, unanimously adopted on First Reading on April 4, 2023, sets the ballot language regarding making candidate qualifications comport with the Colorado Constitution.

Adopted on Second Reading.

9. First Reading of Ordinance No. 063, 2023, Appropriating Prior Year Reserves in the Natural Areas Fund and the Sales and Use Tax Fund for the Purpose of Land Conservation, Visitor Amenities, Restoration and Other Related Natural Areas Stewardship Activities Not Included in the 2023 Adopted City Budget.

The purpose of this item is to appropriate \$10,844,479 in prior year reserves in the Natural Areas Fund and \$1,258,071 in prior year reserves in the Sales and Use Tax fund to be transferred to the Natural Areas Fund. These appropriations are for land conservation, visitor amenities

and restoration of wildlife habitat, as well as other Natural Areas Department stewardship activities to benefit the residents of Fort Collins.

Adopted on First Reading.

10. **First Reading of Ordinance No. 064, 2023, Appropriating Unanticipated Grant Revenue from the Colorado Energy Office’s Community Access to Electric Bicycles Grant Program for the Choose Your Ride, Shift Your Ride Program.**

The purpose of this item is to support the Choose Your Ride, Shift Your Ride project being administered by FC Moves in collaboration with Colorado State University in support of affordable active modes of transportation for low-income individuals by appropriating \$148,350 of unanticipated grant revenue, awarded by the Colorado Energy Office, to the Transportation Fund.

Adopted on First Reading.

11. **First Reading of Ordinance No. 065, 2023, Authorizing the Acquisition by Eminent Domain Proceedings of Temporary Easements on Certain Lands Necessary to Construct Public Improvements for the Eastern Segment of the Laporte Corridor Improvement Project.**

The purpose of this item is to authorize the use of eminent domain, if deemed necessary, to acquire temporary construction easements needed for constructing improvements for the Laporte Corridor Project.

Adopted on First Reading.

12. **Resolution 2023-040 Approving Fort Fund Grant Disbursements – Project Support.**

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming Account and the Tourism Programming Account for the selected community events in the Project Support category, based upon the recommendations of the Cultural Resources Board.

Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to approve the recommended actions on items 1-12 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 Gutowsky drew attention to item 12 and the disbursement of Fort Fund grants, reading the description of the grants being made and highlighting the work done by the board that makes grant award decisions.

L) STAFF REPORTS

A. Poudre Fire Authority Annual Report.

Presented during the Community Report section of the agenda.

M) COUNCILMEMBER REPORTS

Councilmember Julie Pignataro

- Shared concerns with the process of registering for a summer camp for her child and asked for an update about the process of implementing a new system for such registrations. City Manager DiMartino noted the City is in the process of going through a request for proposal process to get that system updated.
- Shared an announcement from a constituent about a program on April 26 at the Chilson Center in Loveland that will be a Resource Connections event for seniors and caregivers from the Office on Aging through Larimer County.

Councilmember Shirley Peel

- Reminded everyone of the celebration of Earth Day on April 22 that will also include listening sessions with herself and Councilmember Ohlson.
- Attended an energy symposium this past week in Rifle, Colorado, with a balanced approach to energy issues with operators and regulators.
- Discussed being invited by a landlord to go visit properties and see the work being done to rent below market values, including visiting with a tenant who falls through the cracks for services.

Councilmember Tricia Canonico

- Attended kickoff to Think Bike workshop today with the Mayor and another councilmember. This Thursday night the public is invited to attend the screening of "Together We Cycle" at New Belgium Brewery, with online sign up available.

Councilmember Susan Gutowsky

- Also spoke regarding the Energy Symposium and noted what the gas and oil money does for towns in Garfield County, as well as appreciation for the balanced approach of the event.
- Noted the Behavioral Health Center will be in operation before the end of the year.
- Shared about the invitation to join ASCSU for dinner yesterday to join students in robust discussions.

Clerk's Note: Mayor Arndt called for a break at 7:54 p.m., noting the meeting would resume at 8:10 p.m.

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

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

13. Items Relating to Rental Housing Program.

A. Second Reading of Ordinance No. 058, 2023, Adopting a Rental Housing Program as an Implementation Action of the Housing Strategic Plan and the Our Climate Future Plan.

B. Second Reading of Ordinance No. 059, 2023, Appropriating Prior Year Reserves in the General Fund for the Start Up Phase of the Rental Housing Program.

These Ordinances, both adopted on First Reading on April 4, 2023 by a vote of 5-2 (Nays: Francis, Ohlson), establish a Rental Housing Program that begins with registration and adds proactive rental inspections after one year of full implementation and approve an off-cycle general fund appropriation in the amount of \$1.1 million over a 2-year period (\$421,583 in 2023 and \$669,500

in 2024) to support the start-up phase of the proposed program. 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 Council on Second Reading, staff recommends that the proposed Rental Housing Program commence the start-up phase by Q1 2024. The 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 topic. Housing Manager Meaghan Overton led the main presentation for the item, presenting as set forth in the slide deck in the agenda packet. Additional slides were added to the presentation to address questions raised during this week's Leadership Planning Team (LPT) meeting that were reviewed by Director Champine.

Also assisting during the presentation and in answering questions were Marcy Yoder, Neighborhood Services Manager, Marcus Coldiron, Chief Building Official, and Assistant City Attorney II Holly Coulehan.

PUBLIC COMMENT

Adam Eggleston, Fort Collins resident, spoke about three troublesome components of this proposal, including the budgetary appropriation request being made outside of the BFO process; the potential legal challenges the City could face from proactive inspections; and concerns about the program being based on fear.

Joliann Beck expressed concerns with the cost of the program when just an update to the software system for better tracking was stated at potentially \$50,000, as well as concerns about the City overstepping in promoting health and safety in one area over other areas.

Matthew Beck, Fort Collins resident, spoke about not hearing one person speak in support of this since it came to Council in January and in subsequent hearings, noting the existence of processes to file complaints.

Amber Kelley spoke as a landlord, expressing appreciation for being able to participate in this discussion and the attention shown by the Council, then speaking about how education does work and the value of the landlord education program she was able to take advantage of.

Steve Gearing, Fort Collins resident and landlord, spoke in opposition to the ordinance while noting a measure of who we are is how we protect those who are most vulnerable, sharing concerns about unintended consequences that could displace vulnerable people from their homes.

Arpi Miller, Fort Collins resident who works with ISAAC (Interfaith Solidarity and Accompaniment Coalition) of Northern Colorado representing both low- and fixed-income landlords as well as tenants, shared about a spirit of due diligence in really working together, especially through the pandemic, to create a different way of doing things together in Fort Collins. She also expressed a need for outreach and education policies, with a realistic budget.

Madeleine Kamberg Jennings, Fort Collins resident, shared about having spoken on this topic two weeks ago as a tenant and reiterated that tenants are at a standstill on trying to get their needs met already, noting she did not know a complaint-based system already exists and there is a need for education about these resources.

Jayne Bailey, Fort Collins resident and renter, spoke in support of this program and shared an experience using the complaint-based system that resulted in an inspection occurring after the property's condition caused lifelong health issues for multiple family members living in the home due to the lack of maintenance being done, and noted the homeowner did no repairs from the report the inspector provided.

COUNCIL DISCUSSION

In response to a question from Council, staff reviewed the public engagement that occurred over the last couple of years on this topic, including reviewing slide 10 in the presentation again.

Councilmember Ohlson thanked everyone for the input received on this topic and shared his conclusions in response to some feedback about why the Council is interested in moving forward with this sort of initiative, noting rental property is a business that is appropriate to be subject to regulation and inspection as with many other types of businesses. He stated his disagreement that this will raise rents more than a miniscule amount or that costs will automatically be passed on to tenants, while noting rents could possibly be impacted if minimal habitability standards are not met on matters of life and safety which is necessary especially for the most vulnerable among us.

Mayor Pro Tem Francis shared the goal of getting to an environment of safe and affordable housing, however there are unintended consequences with this program. She stated landlord registration can help with making contact with landlords, as well as increasing education efforts and access to mediation services. She stated support for bringing this back with a registration program with all of these enhanced components, as well as looking at a revolving loan fund as part of the midyear appropriation for helping property owners bring homes up to standard.

Councilmember Pignataro stated the shared desire to do the best thing for the habitability of our renters and thanked everyone for being engaged in these conversations. She also shared agreement with more information in the dialogue that has occurred that a year to 18 months is not enough time to gather enough information to move forward with more comprehensive measures and instead supported a two-to-three-year term to continue gathering data to better shape a program. She spoke in support of voting the ordinance in front of Council down tonight to bring back a revised ordinance for registration only on May 2 for first reading.

Councilmember Canonico spoke in support of Councilmember Pignataro's statement, emphasizing the importance of including robust education and focus on mediation as part of the program being developed.

Councilmember Gutowsky stated we need to get back to basics and need a robust data gathering system as part of any efforts going forward to better keep track of complaints, including multiple complaints, voicing support for registration.

In response to a question about what would be included in a revised ordinance, Director Champine shared staff is working through what would be included in the ordinance versus what would be captured in the agenda item summary (AIS). There was conversation about timing, including bringing back a revised ordinance on May 2 versus providing more time to allow incorporating more into the ordinance directly. It was also requested that as part of an action, there be a check in point established for staff to come back to Council on this program after implementation.

Mayor Arndt voiced support for bringing back an ordinance on May 2 with registration only, with a focus on a more hopeful ordinance.

Mayor Pro Tem Francis requested to have a revised budget come back as well that reflects more robust education.

Councilmember Ohlson stated a request to see a more robust timeline for implementing the registration element when it is adopted.

In response to questions about the software updates needed, it was noted that it is included in the first appropriation now under consideration and work has already been underway with the software provider on what systems will be needed.

City Manager DiMartino noted with the discussion occurring about what Council members may wish to see as part of this item coming back with a revised ordinance, an additional two weeks beyond May 2 would be helpful. The May 2 timing for a revised first reading would be appropriate for bringing back essentially the same ordinance without proactive inspections. There was consensus to bring back a revised ordinance on May 16.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to postpone indefinitely Ordinance No. 058, 2023.

The motion carried 7-0.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to postpone indefinitely Ordinance No. 059, 2023.

The motion carried 7-0.

14. Items Relating to the Repeal and Reenactment of Certain Ordinances.

A. Second Reading of Ordinance No. 060, 2023, Repealing Ordinance No. 026, 2023, and Appropriating Philanthropic Revenue Received Through City Give for The Gardens on Spring Creek for General Operations as Designated by the Donor.

B. Second Reading of Ordinance No. 061, 2023, Repealing Ordinance No. 031, 2023, and Appropriating Prior Year Reserves for a Capital Contribution of \$1,000,000 for Construction of a New Public Terminal Facility at the Northern Colorado Regional Airport.

Due to a publication error, staff requests Council repeal and reenact each Ordinance as they were adopted on March 7, 2023. These Ordinances were placed on discussion because the votes adopting these items originally were not unanimous.

Ordinance No. 060, 2023 was adopted by a unanimous vote on April 4, 2023.

Ordinance No. 061, 2023 was adopted by a vote of 5-2 (Nays: Francis and Ohlson)

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt on second reading Ordinance No. 060, 2023.

The motion carried 7-0.

Councilmember Pignataro moved, seconded by Councilmember Gutowsky, to adopt on second reading Ordinance No. 061, 2023.

The motion carried 5-2.

Ayes: Councilmembers Gutowsky, Pignataro, Canonico, Peel, and Mayor Arndt.

Nays: Councilmember Ohlson and Mayor Pro Tem Francis.

P) OTHER BUSINESS

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

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

OB 2. Consideration of a Motion to go into Executive Session Relating to the Land Acquisition for the Southeast Community Center:

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, that Council go into executive session to discuss REAL PROPERTY ACQUISITION for the Southeast Community Center, as permitted under:

- City Charter Article Roman Numeral Two, Section 11(3),
- City Code Section 2-31(a)(3), and
- Colorado Revised Statutes Section 24-6-402(4)(a).

Councilmember Francis moved, seconded by Councilmember Pignataro, to go in to executive session.

The motion carried 7-0.


The Council met in executive session beginning at 9:47 p.m. with a recording made. Present were:

- Mayor Jeni Arndt
- Mayor Pro Tem Emily Francis
- Councilmember Susan Gutowsky
- Councilmember Julie Pignataro
- Councilmember Canonico
- Councilmember Shirley Peel
- Councilmember Kelly Ohlson
- City Manager Kelly DiMartino
- City Attorney Carrie Daggett
- City Clerk Anissa Hollingshead
- Deputy City Manager Tyler Marr
- Chief Financial Officer Travis Storin
- Community Services Director Dean Klingner
- Recreation Director Leann Williams
- Community Services Financial Manager Victoria Shaw
- Interim Real Estate Manager Jonathan Pfeifer

All the same attendees were present at the conclusion of the executive session at 10:59 p.m.

Q) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 11:01 p.m.



Mayor

ATTEST:



City Clerk

