



City Council Regular Meeting Agenda

October 17, 2023 at 6:00 PM

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

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

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

Carrie Daggett
City Attorney

Kelly DiMartino
City Manager

Anissa Hollingshead
City Clerk

**The purpose of the action agenda is to provide a brief overview of the actions taken by the City Council to be available shortly after a Council meeting.
Council Proceedings are the complete official record of the meeting and are prepared for approval by the Council generally at its next meeting. They are published following their approval as the minutes of the meeting.**

PROCLAMATIONS & PRESENTATIONS 5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

- PP 1. **Declaring October 20, 2023 as Community Media Day.**
- PP 2. **Declaring October 2023 as American Archives Month.**
- PP 3. **Declaring October 2023 as Conflict Resolution Month.**
- PP 4. **Declaring October 2023 as Domestic Violence Awareness Month.**
- PP 5. **Declaring October 2023 as National Disability Employment Awareness Month.**

Presented Proclamations.

REGULAR MEETING 6:01 PM

- B) **CALL MEETING TO ORDER**
- C) **PLEDGE OF ALLEGIANCE**
- D) **ROLL CALL**

6-1 Members Present: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Gutowsky, Peel, Canonico, and Pignataro. Excused: Councilmember Ohlson

E) CITY MANAGER'S AGENDA REVIEW

- City Manager's Review of the Agenda.
- Consent Calendar Review, including removal of items from Consent Calendar for individual discussion.

F) COMMUNITY REPORTS - None.

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

H) PUBLIC COMMENT FOLLOW-UP

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the October 3, 2023 Regular Meeting.

The purpose of this item is to approve the minutes of the October 3, 2023 regular meeting.

Action Taken: Approved.

2. Second Reading of Ordinance No. 132, 2023, Making a Supplemental Appropriation from the Regional Air Quality Council Mow Down Pollution Grant for Purchase of Zero-Emission Commercial Lawn and Garden Equipment.

This Ordinance, unanimously adopted on First Reading on October 3, 2023, supports the City's Parks Department in converting lawn and garden gasoline powered equipment to battery-powered equipment by appropriating \$100,000 of unanticipated grant revenue, awarded by the Regional Air Quality Council (RAQC) through funds provided by the Colorado Department of Public Health and Environment (CDPHE).

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.

Action Taken: Adopted on Second Reading.

3. Second Reading of Ordinance No. 133, 2023, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Childcare Space Modifications at the Northside Aztlan Community Center and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on October 3, 2023, appropriates \$197,960 from Recreation Reserves to close the funding gap on the Childcare Space Modifications at Northside Aztlan Community Center and transfers 1% of the applicable construction costs to Art in Public Places (APP).

Action Taken: Adopted on Second Reading.

4. **Second Reading of Ordinance No. 134, 2023, Authorizing Transfer of an Appropriation for Art in Public Places Related to the Design and Construction of Connexion.**

This Ordinance, unanimously adopted on First Reading on October 3, 2023, transfers \$27,924 of appropriated funds for Art in Public Places (APP) artwork expenses in the Cultural Services and Facilities Fund back to the Broadband Fund, where those related expenses will be transacted.

Action Taken: Adopted on Second Reading.

5. **Second Reading of Ordinance No. 135, 2023, Appropriating Unanticipated Revenue and Authorizing Transfers for the Lemay and Drake Intersection Improvements Project and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on October 3, 2023, appropriates: 1) \$900,072 of Highway Safety Improvement Program (HSIP) grant funds for the Project; 2) \$100,008 from the Community Capital Improvement Program (CCIP); and 3) \$1,000 (1% of the CCIP amount) to the Art in Public Places Program.

Action Taken: Adopted on Second Reading.

6. **First Reading of Ordinance No. 139, 2023, Approving the Fiscal Year 2024 Budget, and Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority, and Fixing the Mill Levy for the Downtown Development Authority for Property Taxes Payable Fiscal Year 2024.**

The purpose of this item is to set the Downtown Development Authority ("DDA") Budget.

The following amounts will be appropriated:

DDA Public/Private Investments & Programs	\$6,435,066
DDA Operations & Maintenance	\$1,477,626
Revolving Line of Credit Draws	\$9,000,000
DDA Debt Service Fund	\$9,431,611

The Ordinance sets the 2024 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2024.

Action Taken: Adopted on First Reading.

7. **First Reading of Ordinance No. 140, 2023, Adopting the 2024 Budget and Appropriating the Fort Collins Share of the 2024 Fiscal Year Operating and Capital Improvements Funds for the Northern Colorado Regional Airport.**

The purpose of this item is to adopt the 2024 budget for the Northern Colorado Regional Airport and appropriate Fort Collins's share of the 2024 fiscal year operating and capital funds for the Airport. Under the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport between Fort Collins and Loveland (the "IGA"), the Airport is operated as a joint venture with each City owning 50% of the assets and revenues and responsible for 50% of the operating and capital costs. The proposed budget does not include any financial contributions from the City's General Fund. Because each City has an ownership interest in 50% of the Airport revenues, each City must appropriate its 50% share of the annual operating and capital budget for the Airport under the IGA.

Action Taken: Adopted on First Reading.

8. **First Reading of Ordinance No. 141, 2023, Appropriating Philanthropic Revenue Received by City Give for the 2023 Parks Independence Day Celebration.**

The purpose of this item is to appropriate philanthropic revenue designated for the 2023 Parks Independence Day Celebration.

Action Taken: Adopted on First Reading.

9. **First Reading of Ordinance No. 142, 2023, Appropriating Philanthropic Revenue Received Through City Give for the Art in Public Places Program, Pianos About Town Project.**

The purpose of this item is to consider an appropriation of \$45,221 in philanthropic revenue received by City Give for the Art in Public Places program. This grant award was received from Bohemian Foundation for the designated purpose of Pianos About Town, a collaborative effort among the City's Art in Public Places program, the Fort Collins Downtown Development Authority, and the donor, Bohemian Foundation.

Action Taken: Adopted on First Reading.

10. **First Reading of Ordinance No. 143, 2023, Making a Supplemental Appropriation, Appropriating Prior Year Reserves, Authorizing Transfers and Authorizing Intergovernmental Agreements for the Air Toxics Community Monitoring Project.**

The City was awarded a \$499,139 Air Toxics Community Monitoring Project Grant from the Environmental Protection Agency (EPA) to provide air toxic monitoring that responds to concerns of residents in underserved communities, builds a broader understanding of air quality issues through innovative approaches including storytelling and art and empowers residents to engage in policy and regulatory discussions. This three-year project will be conducted in partnership with Colorado State University and the Larimer County Department of Health and Environment, with support from the Colorado Department of Public Health and Environment and various community organizations.

The purpose of this item is to support the *Air Toxics Community Monitoring project* by:

- Appropriating \$499,139 of unanticipated grant revenue awarded by the EPA
- Appropriating \$70,178 from the General Fund reserves
- Utilizing matching funds in the amount of \$3,230 from existing 2023 appropriations into this new grant project

This item would authorize the City to accept the grant award and comply with the terms and conditions. This item would also authorize the City to enter into an agreement with Colorado State University to conduct the work contemplated by the grant agreement.

Action Taken: Adopted on First Reading.

11. Items Relating to the Zach Elementary School Crossings Project.

A. Resolution 2023-092 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the Colorado Department of Transportation for the Zach Elementary School Crossings Project.

B. First Reading of Ordinance No. 144, 2023, Appropriating Unanticipated Revenue From a CDOT Safe Routes to School Grant and Authorizing Transfers for the Zach Elementary School Crossings Project and Related Art in Public Places.

The purpose of this item is to enable the City to receive and expend federal, Colorado Department of Transportation (CDOT), and local funds for the Zach Elementary School Crossings Project (the Project). The funds will be used to design and construct improvements at the intersection of Kechter Road and Jupiter Drive and at the intersection of Kechter Road and Cinquefoil Lane. These improvements will create safer conditions for bicyclists, pedestrians, and motorists traveling in this location. If approved, the item will: 1) authorize the Mayor to execute an intergovernmental agreement (IGA) for the Project with CDOT; 2) appropriate \$745,587 of Safe Routes to School (SRTS) grant funds for the Project; 3) appropriate matching funds from the SRTS School Transportation Safety Studies; 4) appropriate matching funds from the Bicycle Community Capital Improvement Program (Bicycle CCIP); 5) appropriate matching funds from the Pedestrian Community Capital Improvement Program (Pedestrian CCIP); 6) acknowledge anticipated funds contributed by the Poudre School District (PSD); and 7) appropriate funds to the Art in Public Places Program.

Action Taken: Adopted Resolution and Ordinance on First Reading.

12. Resolution 2023-093 Approving an Intergovernmental Agreement with the Poudre School District for a Grant to it Under the City’s Digital Inclusion Program.

The purpose of this item is to authorize the approval of an Intergovernmental Agreement with Poudre School District (PSD) for a Digital Inclusion grant made to PSD’s Department of Language, Culture, and Equity to be designated toward the funding of a Digital Family Liaison who will support the technological literacy of PSD Family Liaisons and the digital literacy of those families served by PSD’s Family Liaisons.

Action Taken: Adopted.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

Action Taken: Approved Recommended Actions on Items 1-12: 6-0.

K) CONSENT CALENDAR FOLLOW-UP *(This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.)*

L) STAFF REPORTS - None.

M) COUNCILMEMBER REPORTS

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

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

13. Items Related to the Adoption of a New Land Use Code.

A. Second Reading of Ordinance No. 136, 2023, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt the Revised Land Use Code and Separately Codifying the 1997 Land Use Code as the “Pre-2024 Transitional Land Use Regulations.”

B. Second Reading of Ordinance No. 137, 2023, Updating City Code References to Align With the Adoption of the Revised Land Use Code.

C. Second Reading of Ordinance No. 138, 2023, Amending the Zoning Map of the City of Fort Collins to Rename All Neighborhood Conservation Low Density, Neighborhood Conservation Medium Density, and Neighborhood Conservation Buffer Zone Districts to the Old Town Zone District In Conjunction With the Adoption of the Land Use Code.

These Ordinances, adopted on October 3, 2023, by a vote of 5-2 (Nays: Ohlson, Gutowsky), amend the City’s Land Use Code. The Land Use Code (LUC) Phase 1 Update implements policy direction in City Plan, the Housing Strategic Plan, and the Our Climate Future Plan. Changes are intended to address one or more of the following Guiding Principles:

1. Increase overall housing capacity and calibrate market-feasible incentives for affordable housing.
2. Enable more affordability, especially near high frequency transit and priority growth areas.
3. Allow more diverse housing choices that fit in the existing context and priority place types.
4. Make the Code easier to use and understand.
5. Improve predictability of the development review process, especially for housing.

If adopted by Council, staff recommend that the proposed Code changes take effect on January 1, 2024.

In addition to changes to the Land Use Code, updates to City Code references to the revised Land Use Code are proposed.

Finally, because the revised Land Use Code renames the Neighborhood Conservation Low Density, Neighborhood Conservation Medium Density, and Neighborhood Conservation Buffer zone districts to the Old Town zone district with corresponding subdistricts A, B, and C, updates to the zoning map to reflect the name changes are proposed. This change only affects the name of the zone districts and no changes to the boundaries are proposed.

Action Taken: *Adopted motion to amend Ordinance No. 136, amending Exhibit B to the ordinance, on page 2-14, where the height restrictions are stated so that they would read 28 feet for OT-A and OT-B and there would also be a note added that says the maximum height may exceed 28 feet by the height required to raise the building to comply with the floodplain regulations: 6-0.*

Action Taken: *Adopted Ordinance No. 136, as amended, on Second Reading: 5-1.*

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

Nays: *Councilmember Gutowsky.*

Action Taken: *Adopted Ordinance No. 137 on Second Reading: 5-1.*

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

Nays: *Councilmember Gutowsky.*

Action Taken: *Adopted Ordinance No. 138 on Second Reading: 5-1.*

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

Nays: *Councilmember Gutowsky.*

14. **First Reading of Ordinance No. 145, 2023, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2024; Amending the Budget for the Fiscal Year Beginning January 1, 2024, and Ending December 31, 2024; and Fixing the Mill Levy for Property Taxes Payable Fiscal Year 2024.**

The purpose of this item is to amend the adopted 2024 Budget. This Ordinance sets the amount of \$802,507,950 to be appropriated for fiscal year 2024. This appropriated amount does not include what is also being appropriated by separate Council/Board of Director actions to adopt the 2024 budgets for the General Improvement District (GID) No. 1 of \$318,275, the 2024 budget for GID No. 15 (Skyview) of \$1,000, the Urban Renewal Authority (URA) 2024 budget of \$6,121,898 and the Downtown Development Authority 2024 budget of \$26,344,303. The sum of these ordinances results in City-related total appropriations of \$835,293,426 for 2024. This Ordinance also sets the 2024 City mill levy at 9.797 mills, unchanged since 1991.

Action Taken: *Adopted on First Reading: 6-0.*

15. **Items Relating to 2024 Utility Rates, Fee, and Charges.**

A. First Reading of Ordinance No. 146, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees, and Charges and Updating the Related Income-Qualified Assistance Program.

B. First Reading of Ordinance No. 147, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees, and Charges.

C. First Reading of Ordinance No. 148, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees, and Charges.

D. First Reading of Ordinance No. 149, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees, and Charges.

The purpose of this item is to propose 2024 Utility Rates for Council consideration, which align with the 2024 City Manager's Recommended Budget. Monthly utility charges are proposed to increase 5% for electric customers, 4% for water customers, 4% for wastewater customers, and 3% for stormwater customers.

Action Taken: Adopted Ordinance No. 146 on First Reading: 6-0.

Action Taken: Adopted Ordinance No. 147 on First Reading: 6-0.

Action Taken: Adopted Ordinance No. 148 on First Reading: 6-0.

Action Taken: Adopted Ordinance No. 149 on First Reading: 6-0.

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.)

None.

Q) ADJOURNMENT

Adjourned at 10:06 p.m.

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

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

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