



City Council Regular Meeting Action Agenda

December 19, 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

None scheduled.

REGULAR MEETING 6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

**6-0. Councilmember Pignataro participated remotely and did not vote.
Councilmember Peel left the meeting prior to item #17.**

E) CITY MANAGER'S AGENDA REVIEW

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

F) COMMUNITY REPORTS

None.

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

H) PUBLIC COMMENT FOLLOW-UP

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

CONSENT CALENDAR

1. **Consideration and Approval of the Minutes of the November 21, 2023 Regular Meeting, the November 28, 2023 Adjourned Meeting, and the December 5, 2023 Regular Meeting.**

The purpose of this item is to approve the minutes of the November 21, 2023 regular meeting, the November 28, 2023 adjourned meeting, and the December 5, 2023 regular meeting.

Action Taken: Approved.

2. **Second Reading of Ordinance No. 163, 2023, Appropriating Unanticipated Revenue in the Transportation Services Fund for “Work For Others” Program Expenses.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, appropriates \$700,000 in unanticipated revenue in the Transportation Services Fund received for work to be completed through the Planning, Development, and Transportation’s “Work for Others” program. This appropriation will be used for costs corresponding to the program and the generated revenue.

Action Taken: Adopted on Second Reading.

3. **Second Reading of Ordinance No. 164, 2023, Appropriating Prior Year Reserves for the Golf Enterprise.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, considers an appropriation of \$185,000 from golf reserves to the 2023 budget associated with the additional costs in golf related to higher revenues.

Action Taken: Adopted on Second Reading.

4. **Second Reading of Ordinance No. 165, 2023, Appropriating Prior Year Reserves and New Philanthropic Revenue Received through City Give for Various Programs and Services as Designated by the Donors.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, requests an appropriation of \$11,968.53 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City’s strategic priorities and the respective donors’ designation.

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.

Action Taken: Adopted on Second Reading.

5. **Second Reading of Ordinance No. 166, 2023, Amending Chapters 18 and 26 of the Code of the City of Fort Collins Regarding Mobile Home Park Management and Livability.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, presents Municipal Code updates related to the livability issues identified by residents, property managers, and owners of manufactured housing communities/mobile home parks in our community. This item also addresses analysis of unmet needs in the State of Colorado Mobile Home Park Oversight Program.

Staff's recommendation includes the following Code changes:

- Expansion of authorization to conduct inspections in mobile home parks to include not only the Building Official, but also Specially Commissioned Officers under the Chief of Police.
- Establishment of protection for use and installation of clotheslines by residents in mobile home parks in Section 18-6(g).
- Establishment of protection for use and installation of window-mounted air conditioning units or evaporative coolers on homes within mobile home parks in Section 18-6(h).
- Establishment of new water utility billing/rebilling transparency requirements for Fort Collins Utility mobile home park water customers including:
 - Require as a condition of mobile home park service from the City's water utility that a mobile home park customer directly provide a designated Specially Commissioned Officer, or authorize such Officer to obtain, a copy of a notice, correspondence, invoice, and water leak notice from the water utility within seven days of receipt in Section 18-7(c).
 - Require as a condition of mobile home park service from the City's water utility that a mobile home park customer participates in the continuous consumption of water usage/leak notifications system through Fort Collins Utilities in Section 18-7(c).
 - Authorize the City's water utility in serving a mobile home park to provide the designated Specially Commissioned Officer a copy of any notice, correspondence, invoice, and water leak notice sent to the mobile home park in Section 18-7(c). Add a cross-reference to these changes to Section 26-97 (water utility lines; general regulations).
 - Acknowledge, as a condition of service, the designated Specially Commissioned Officer may exercise the power to audit and collaborate with the City's water utility to verify and maintain accuracy of water rebilling by the mobile home park.

Action Taken: Adopted on Second Reading.

6. **Second Reading of Ordinance No. 167, 2023, Amending Chapters 3 and 17 of the Code of the City of Fort Collins to Update and Align City Code Regarding Alcohol Beverages with State Law Changes and Adding Municipal Code Violations for Certain Alcohol-Related Offenses.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, requests approval of the proposed amendments to Chapter 3 (Alcohol Beverages) and Chapter 17 (Miscellaneous Offenses).

Action Taken: Adopted on Second Reading.

7. **Second Reading of Ordinance No. 168, 2023, Amending Article III of Chapter 25 of the Code of City of Fort Collins for the Voter Approved One-Half Cent Sales Tax Rate Increase Effective January 1, 2024.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, amends Section 25-75 of City Code to reflect the 0.50% sales and use tax approved by the voters at the City's November 7, 2023, election. The City of Fort Collins tax rate will increase from 3.85% to 4.35% beginning January 1, 2024. The use of the revenue is specifically identified in the ballot measure and, in general, may be used for parks and recreation facilities, environmental sustainability, and for public transit system improvements. The tax will not apply to: (1) items exempt from sales and use tax under the City Code; (2) food for home consumption; and (3) for the use tax only, manufacturing equipment.

The Ordinance would also amend Section 25-75 to remove reference to a 0.85% sales and use tax that expired at midnight on December 31, 2020. City staff is recommending this change as a clean-up item to remove extraneous provisions from the City Code.

Action Taken: Adopted on Second Reading.

8. **Second Reading of Ordinance No. 169, 2023, Amending Chapter 2, Article III of the Code of the City of Fort Collins to Update Ex-officio Member Provisions for Various Boards and Commissions.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, considers an amendment to add an ex-officio seat for the Housing Catalyst to the Affordable Housing Board and to eliminate ex-officio members from the Art in Public Places Board and Water Commission.

Action Taken: Adopted on Second Reading.

9. **Second Reading of Ordinance No. 170, 2023, Authorizing the Conveyance of a Permanent Non-Exclusive Utility Easement on Property Jointly Owned by the City of Fort Collins and the City of Loveland at the Northern Colorado Regional Airport to the Fort Collins-Loveland Water District.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, authorizes a permanent non-exclusive utility easement over a portion of the Northern Colorado Regional Airport property to allow for the installation and maintenance of a regional waterline to serve the Fort Collins-Loveland Water District's (the "District") public water system. This project will directly benefit the Airport by providing water infrastructure to areas that currently lack it and service connection points, which have been strategically located to serve future Airport development.

Action Taken: Adopted on Second Reading.

10. **Second Reading of Ordinance No. 171, 2023, Vacating a Portion of Public Right-of-Way Dedicated by the Redwood Village PUD Phase II Plat.**

This Ordinance, unanimously adopted on First Reading on December 5, 2023, approves the vacation of a portion of public right-of-way that has never been used for street purposes. Once this right-of-way area is vacated, the property will be privately developed as a multifamily housing project, and new public right-of-way will be dedicated to support the housing project and provide public street connections to the adjacent Northfield subdivision.

Action Taken: Adopted on Second Reading.

11. Second Reading of Ordinance No. 172, 2023, Adopting the 2024 Classified Employee Pay Plan.

This Ordinance, unanimously adopted on First Reading on December 5, 2023, recommends the 2024 City Classified Employee Pay Plan. Classified jobs are grouped according to job functions, a business practice commonly used by both the public and private sectors. Pay ranges are developed by career group (management, professional, administrative, operations and trades) and level for each job function. The result of this work is a City Classified Employee Pay Plan (Pay Plan) which sets the minimum, midpoint, and maximum pay ranges for the level within each career group and function. Actual employee pay increases are awarded through a separate administrative process in accordance with the budgeted amount approved by Council.

Action Taken: Adopted on Second Reading.

12. Second Reading of Ordinance No. 173, 2023, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge.

This Ordinance, unanimously adopted on First Reading on December 5, 2023, amends City Code to establish the 2024 compensation of the Chief Judge. Council met in executive session on November 28, 2023, to conduct the performance review of Jill Hueser, Chief Judge and to consider the salary market analysis for this position.

Action Taken: Adopted on Second Reading.

13. Second Reading of Ordinance No. 174, 2023, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney.

This Ordinance, unanimously adopted on First Reading on December 5, 2023, amends City Code to establish the 2024 compensation of the City Attorney. Council met in executive session on November 28, 2023, to conduct the performance review of Carrie Daggett, City Attorney and to consider the salary market analysis for this position.

Action Taken: Adopted on Second Reading.

14. Resolution 2023-112 Approving an Intergovernmental Agreement with Poudre School District and Poudre River Public Library District to Acquire Land and Construct the Southeast Community Center.

The purpose of this item is to review the terms of a draft intergovernmental agreement (the IGA) covering land acquisition, constructions, and operation of the Southeast Community Center (SCC).

Poudre School District (PSD) intends to convey to the City at no charge a parcel of land adjacent to Fossil Ridge High School as the site for the SCC. This no-charge conveyance is contingent upon PSD's full funding of a 15% cost share of the indoor swim lanes construction, operation, and maintenance, includes of the value of the land.

This IGA is a critical first agreement, and throughout 2024 there will be additional agreements drafted and executed:

- Purchase and Sale Agreement between the City and PSD for the land acquisition (PSA, April 2024), subject to Council approval;
- Facility Use Agreement between the City and PSD governing PSD's use of City aquatic facilities (subsequent to November 2024 elections); subject to City Manager approval;

- Separate IGA between the City and Poudre River Public Library District (PRPLD) (TBD 2024) governing the Library's property interest, the facility design, cost sharing, and ongoing operations, subject to Council approval.

The facility was first conceived as a leisure-swim and maker/creator community space with no lane-swim capacity as part of the April 2015 Community Capital Improvement Plan ballot initiative. Subsequent efforts around community engagement, the 2022 Aquatics Study, and the recently passed 2023 ½-cent sales tax have surfaced an opportunity for an expanded recreation facility combined with a library branch. PSD and PRPLD have been highly collaborative partners with staff in drafting this agreement and working toward the full-featured community center proposed within the IGA.

Action Taken: Adopted.

15. Resolution 2023-113 Making Appointments to the Cultural Resources Board.

The purpose of this item is to fill vacancies on the Cultural Resources Board.

Action Taken: Adopted.

16. Resolution 2023-114 Making an Appointment to the Parks and Recreation Board.

The purpose of this item is to fill a vacancy on the Parks and Recreation Board.

Action Taken: Adopted.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

Adopted Consent Calendar Items 1-16, 6-0. (Councilmember Pignataro participated remotely and did not vote.)

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

Clerk's Note: Council took a 15-minute break at 7:44 p.m. and Councilmember Peel left the meeting prior to item #17.

- 17. Reconsideration of Ordinance No. 136, 2023, Repealing and Reenacting Section 20-1 of the Code of the City of Fort Collins to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code as "2023 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.**

First Reading of Ordinance No. 175, 2023, Repealing 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”, and Related Ordinance No. 137, 2023, and Ordinance No. 138, 2023.

- This option includes language repealing the associated Ordinance Nos. 137, 2023, and 138, 2023, that respectively made updates to City Code to align with the revised Land Use Code and renamed the Neighborhood Conservation zone districts to the Old Town zone district in alignment with the revised Land Use Code.
- If this option is approved, Council may choose to discuss next steps regarding a revised version of the repealed Land Use Code.

Action Taken: Adopted on First Reading, 3-2. (Nays: Councilmembers Gutowsky, and Ohlson.) (Councilmember Pignataro participated remotely and did not vote.) (Councilmember Peel left the meeting prior to item #17.)

- **OPTION 2: 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:**

Resolution 2023-115 Referring 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” to a Vote of the Registered Electors of the City at the Next Municipal Election.

This would refer the Ordinance to the November 4, 2025, Regular Municipal Election or the next special election called for any purpose prior to that date.

and, if desired,

No Action Taken.

- **OPTION 2A: Calling a Special Election**

First Reading of Ordinance No. 176, 2023, Calling a Special Municipal Election for the Purpose of Submitting to the Registered Electors a Citizen Referendum 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.”

No Action Taken.

18. **Resolution 2023-116 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins, the City of Loveland, and the Federal Aviation Administration for Continued Federal Funding of Air Traffic Control Services at the Northern Colorado Regional Airport.**

The purpose of this item is to authorize the City Manager to execute an agreement with the City of Loveland and the Federal Aviation Administration (FAA) for the Northern Colorado Regional

Airport (Airport) to enter the FAA Contract Tower (FCT) Program. The FCT Program will result in the Airport continuing to receive federally funded Air Traffic Control services (ATC Services). ATC Services are currently funded through FAA's Next Gen office as part of the Remote Tower Project. However, that funding will be ending December 31, 2023, and entering the FCT Program will provide a continuation of ATC Services paid for by FAA. Acceptance in the Contract Tower Program ensures ATC Services for a period of 60 months while a permanent facility is constructed.

By executing this agreement, the Cities will be committing to take steps toward the design and construction of a brick-and-mortar tower along certain milestones set by the FAA. This agreement does not prohibit the Airport from continuing to pursue in parallel a remote tower project. Despite the Cities' commitment under the agreement, the Cities will be able to terminate the agreement on 90 days written notice with or without cause, and any financial commitment by the Cities is subject to appropriation by their respective City Councils.

Action Taken: Adopted, 5-0. (Councilmember Pignataro participated remotely and did not vote.) (Councilmember Peel left the meeting prior to item #17.)

19. Resolution 2023-117 Expressing Gratitude and Appreciation to Shirley Peel for her Service and Contributions to the Community as City Councilmember.

The purpose of this item is to recognize the work and contributions of Councilmember Shirley Peel during her time on City Council.

Action Taken: Adopted, 5-0. (Councilmember Pignataro participated remotely and did not vote.) (Councilmember Peel left the meeting prior to item #17.)

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 motion to call a special meeting for the Council Organizational Meeting.

"I move that City Council call a special meeting pursuant to Section 2-29 of the City Code to be held at 6:00 p.m. on Tuesday, January 9, 2024, for the purpose of the Council Organizational Meeting, which will include swearing in of those elected at the November 2023 municipal election and selection of a Mayor Pro Tem."

Action Taken: Approved, 5-0. (Councilmember Pignataro participated remotely and did not vote.) (Councilmember Peel left the meeting prior to item #17.)

OB 3. Consideration of a motion to go into executive session for the City Manager's performance review.

This motion is to consider going into executive session to conduct the annual evaluation of the City Manager.

"I move that the City Council go into executive session, as permitted under Article Two, Section Eleven of the City Charter, Section 2-31(a)(1) of the City Code and Colorado Revised

Statutes Section 24-6-402(4)(f)(roman numeral one), for the purpose of conducting annual performance review of City Manager.”

City Manager: 75 minutes

Note: Time is approximate with breaks, as necessary.

Action Taken: Approved, 5-0. (Councilmember Pignataro participated remotely and did not vote.) (Councilmember Peel left the meeting prior to item #17.)

Q) ADJOURNMENT