

January 16, 2024

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PROCLAMATIONS AND PRESENTATIONS

5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

PP 1. **Declaring January 28 through February 3, 2024 as National Catholic Schools Week.**

PP 2. **Declaring January 2024 as National Skating 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 Melanie Potyondy

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:

- All items on the consent agenda were recommended for approval.
- The items on the discussion agenda were reviewed.

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.)*

Vicki Rossen, homeowner and member of the Fort Collins HOA (Homeowners Association) Coalition and Preserve Fort Collins, requested established existing neighborhoods be exempted from any new Land Use Code and that HOA covenants be kept intact. Rossen commended efforts toward building workforce housing in the community and toward mandating a percentage of new buildings be designated affordable housing.

Jacob VanderRoest, Fort Collins resident and Colorado State University (CSU) PhD student, discussed research on the impact of wildfires on soil quality and organizing climate and sustainability related outreach events for local high school students. VanderRoest commented on attending and presenting at Cop28 in Dubai and noted the Mayor also attended the summit and submitted an application for a \$50,000 grant to boost youth engagement. VanderRoest aims to work with the Mayor to make youth engagement in climate issues a reality.

Heather McGee, Fort Collins resident, spoke on behalf of Sammy's Law, a group seeking to end the suffering of dogs and cats sold from puppy mills. McGee showed a video outlining the connection between puppy mills and pet stores.

Valerie Hunter-Goss, Fort Collins resident, spoke on behalf of Sammy's Law and discussed Sammy's purchase from a pet store in Fort Collins and death nine days later. Hunter-Goss stated puppy mills breed for profit and volume, not puppy health, and requested Council support Sammy's Law in honor all puppy mill dogs and cats who end up in pet stores.

Jennifer Litzau, CSU student, spoke regarding animal welfare and consumer protection. Litzau commented on the number of illnesses and issues puppy mill dogs can have and stated the CDC warns against buying animals from pet stores due to serious medical issues and threats to public health.

Mary Roberts, Fort Collins resident and founder of Colorado Citizens for Canine Welfare, commented on the history of puppy mills and the Animal Welfare Act. Roberts stated puppy mill regulations remain weak and puppy mills are inhumane. Roberts encouraged local action to stop the puppy mill pipeline.

Rie Woodward, Fort Collins resident, spoke in support of Sammy's Law stating pet stores often source their animals from commercial breeding facilities, or puppy and kitten mills. Woodward stated the standards of care for USDA (United States Department of Agriculture) breeders are very low and noted local breeders sell directly to the public and puppies live with their mothers in homes. Woodward encouraged the passage of Sammy's Law.

Danielle Demateis, CSU student and volunteer for the Women and Gender Advocacy Center, commented on the lives of mother animals who only serve to give birth for profit. Demateis stated puppy mills breed for quantity, not quality, and inbreeding rates reach as high as 50 percent, with 77,000 worn out mothers being replaced every year when they are no longer profitable breeders.

Molly Obert, Fort Collins resident, spoke about animal shelters in crisis and stated the pet trade industry continues to exploit and abuse animals for profit. Obert noted families can adopt puppies of any breed at shelters and stated there is no need to sell puppies and kittens at stores. Obert encouraged the adoption of Sammy's Law.

Scott Carman, Fort Collins resident and small business owner, stated puppy mills treat the lives of animals as commodities and of the four million puppies born in these mills annually, only half survive

their first 12 weeks of life. Carman stated medical care at pet stores is often not prioritized and health issues often do not show themselves until pets have been purchased. Carman supported the adoption of Sammy's Law.

Ginny Schetter, owner and manager of Wagz Pet Market and Grooming, stated Wagz follows a humane business model and has made a conscious decision not to sell dogs and cats and instead holds adoption events for Until They Are Home. Schetter urged Council to support Sammy's Law.

Cara Thorsen, Fort Collins resident, spoke in support of Sammy's Law which would prohibit the sale of dogs and cats in retail pet stores. Thorsen noted seven states and over 500 cities across the Nation have embraced this legislation, including 15 in Colorado.

Colleen Hoffman, Fort Collins resident, requested Council exempt existing established neighborhoods from the proposed changes to the Land Use Code and requested HOA covenants not be overridden. Hoffman suggested a percentage of units in all new developments should be required to be affordable.

Stephanie Dugger, Fort Collins native, commented on purchasing dogs at Pet City and stated pet stores have a place in the City and should remain an option.

Mary Alice Grant, Fort Collins resident, expressed disappointment the Land Use Code is not going to the community for a vote and stated the City currently offers a variety of housing types. Grant stated that while affordable housing needs to be developed, the proposed Land Use Code will not aid in that effort. Grant suggested using an independent facilitation or urban planning process not affiliated with Fort Collins, Colorado, or special interest groups and requested existing neighborhoods be exempted from new Land Use Code regulations. Additionally, Grant stated the City should not interfere with HOA covenants.

Adam Eggleston, Fort Collins resident, commented on the lack of affordable housing options and on other states that have passed codes similar to the revised Land Use Code. Eggleston urged Council to adopt the revised Code and move forward with the second phase of revisions. Additionally, Eggleston suggested Council should adopt fewer priorities at its upcoming retreat.

Mariah McCulley, Animal Friends Alliance, spoke on behalf of Sarah Swanty and in support of Sammy's Law.

Gregory Zoda, graduate worker at CSU, spoke in favor of Council prioritizing increasing the minimum wage in Fort Collins, urging PRPA (Platte River Power Authority) to meet its stated emissions reduction targets by 2030, and declaring the City's support for all public workers to collectively bargain for contracts.

Jonah Salehi, graduate student at CSU and chair of the Labor Committee at DSA (Democratic Socialists of America) Fort Collins, stated CSU has engaged in what is essentially union-busting against its employees by pushing them to transfer out of the state classified system and into administrative professional status which prevents them from negotiating for a contract. Salehi noted labor laws are out of local control, but suggested it would be beneficial for the City to show CSU that workers are valuable.

Connor Flynn, Fort Collins resident and co-chair of DSA Fort Collins, called on Council to redouble its efforts to reach the 2030 climate goals. Flynn stated the PRPA is not moving fast enough to meet deadlines set out in a 2023 law as there is no plan on how to adequately replace the power produced by the coal-fired unit one at Rawhide Energy Station which is scheduled to be retired by 2030. Additionally, Flynn commented on efforts to make nuclear power both scalable and affordable and stated all options for power generation must be considered if we are to move toward a renewable future at a pace fast enough to address the current climate crisis. Flynn suggested Council direct staff to begin to draft plans for station facilities for the Front Range Passenger Rail Project.

Kaori Keyser, Fort Collins resident, encouraged Council to adopt increasing the local minimum wage as a Council priority in its upcoming retreat.

Kevin Jones, Director of Advocacy at the Fort Collins Area Chamber of Commerce, requested Council consider housing affordability, the passage of changes to the Land Use Code that have a direct impact on housing supply, the reduction of homelessness, improving transit, and creating a customer-centric city culture that opens the door for a business-friendly community.

Michael May, CSU student and co-chair of CSU's chapter of YDSA (Young Democratic Socialists of America), urged Council to prioritize raising the local minimum wage, encourage PRPA to meet its 2030 emission reduction goal, and to support collective bargaining for state workers.

Diana Benson commented on her positive experience with a local pet store. Benson stated it is important for people to do research and have choices.

Joe Rowan, Fort Collins resident, stated that while climate issues exist that need to be addressed, people also count on reliable energy. Rowan commented on the importance of compromise and suggested the conversation needs to stay within the realm of those who understand the technical and complex nature of our electric system.

Peter Erickson, Fort Collins resident, discussed a Pew Research Center poll on views of housing types which showed that 81 percent of respondents supported building more apartments near jobs and transit, 75 percent of respondents supported allowing more apartments near offices, stores, or restaurants, 73 percent of respondents supported allowing people to add a rental unit in their attic or basement, and 72 percent of respondents supported allowing people to add an ADU above their garage or in their yard. Erickson stated Preserve Fort Collins is out of step with Fort Collins voters and with the mainstream of American public opinion and urged Council to proceed with the adoption of the Land Use Code.

Beth G., Fort Collins resident and DSA Fort Collins member, requested Council make a statement in favor of state workers attempting to bargain collectively. Additionally, Beth requested Council raise the local minimum wage.

Brian Tracy, Fort Collins resident, requested Council exempt existing neighborhoods from the Land Use Code changes and opposed City involvement with HOA covenants. Additionally, Tracy suggested the amount of citizen involvement in the review of affordable developments not be changed. Tracy encouraged Council to do something real and substantial for those most challenged for housing, but argued that is not part of this Land Use Code.

Jason Knebel, Fort Collins resident, suggested people who want to move to Fort Collins should have to work just as hard to afford rent as those who already live here. Knebel supported placing the Land Use Code on the ballot and requested Mayor Pro Tem Francis recuse herself from all further matters related to the Land Use Code due to a conflict of interest.

Public Comment ended at 7:21 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Mayor Arndt stated she will be in touch with Mr. VanderRoest regarding youth in climate action.

Councilmember Gutowsky spoke regarding Sammy's Law and thanked those who spoke.

Councilmember Pignataro thanked those who spoke regarding Sammy's Law and noted Council will be considering priorities at its upcoming retreat.

Councilmember Ohlson thanked the speakers and stated he will support a serious examination of Sammy's Law and will also support reexamining the minimum wage topic.

Mayor Arndt provided assurance that all laws are being followed at PRPA and commented on a state bill that requires an interim emissions reduction goal for 2027 or the filing of a clean energy plan with the state, which PRPA has done. She stated the 2030 goals will be met and encouraged anyone with questions to attend meetings.

Councilmember Potyondy noted the City cannot directly make policy around collective bargaining; however, she stated it is helpful to be reminded of the interconnection between all policy-making bodies and could be important for the City to speak about where its values lie.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the December 19, 2023 Regular Meeting and the January 9, 2024 Special Meeting.

The purpose of this item is to approve the minutes of the December 19, 2023 regular meeting and the January 9, 2024 special meeting.

Approved.

2. First Reading of Ordinance No. 001, 2024, Appropriating Prior Year Reserves in the Transportation Capital Expansion Fee Fund for Eligible Reimbursement to the Waterfield Fourth Filing Developer for Construction of Suniga Road, Vine Drive, and Merganser Street Improvements as Part of Waterfield Fourth Filing Phases 1 through 4; and for the Dedication of Suniga Road Right-of-Way.

The purpose of this item is to appropriate \$1,413,645 of Transportation Capital Expansion Fee (TCEF) Funds for expenditure from the Transportation Capital Expansion Fee Program Budget to reimburse the Waterfield Fourth Filing developer, DFC Waterfield, LLC (Developer), for its oversizing construction of Suniga Road, Vine Drive, and Merganser Drive. As part of Phases 1 through 4 of the Waterfield Fourth Filing, the Developer has constructed Suniga Road as a four-lane arterial, Vine Drive as a collector, and Merganser Drive to City standards as part of its development requirements. Per Section 24-112 of the City Code, the Developer is eligible for reimbursement from TCEF funds for the oversized, non-local portion of Suniga Road, Vine Drive, and Merganser Drive not attributed to the local portion obligation. Additionally, the Developer has dedicated Suniga Road right-of-way as a four-lane arterial from its western boundary to Timberline Road and is also eligible for reimbursement from TCEF funds for the oversized, non-local portion of Suniga Road right-of-way.

Adopted on First Reading.

3. First Reading of Ordinance No. 002, 2024, Appropriating Funds for Change Management Resources to Support Legislative Management Software Implementation Funds.

The purpose of this item is to appropriate \$375,000 of general fund reserves to contract with Prosci, Inc., to provide change management support for the Legislative Management Software project throughout its implementation in 2024. Council Finance Committee recommended this move forward to Council at their December 19 meeting.

Adopted on First Reading.

4. **First Reading of Ordinance No. 003, 2024, Authorizing Transfers and Reappropriation of Funds Previously Appropriated for the Utilities' Grid Flexibility Programs.**

The purpose of this item is to receive approval for the funding of grid flexibility programs through the appropriation of prior year reserves and reappropriation of previously approved Light and Power funds. The ordinance does not appropriate any new funding, but rather optimizes previously appropriated funds to accelerate progress toward Our Climate Future (OCF) goals.

Adopted on First Reading.

5. **First Reading of Ordinance No. 004, 2024, Authorizing Transfers of Appropriations and Appropriating Related Funds for the Environmental Services Radon Program.**

The purpose of this item is to support the City's Environmental Services Radon program by:

- *Appropriating \$9,000 of unanticipated grant revenue awarded by the Colorado Department of Public Health and Environment (CDPHE) and*
- *Utilizing matching funds in the amount of \$6,000 from existing 2024 appropriations for this grant project.*

In December 2023, CDPHE awarded the City \$9,000 under the CDPHE Indoor Radon grant program. The City will provide an additional \$6,000 in required matching funds. The award funds and City's matching funds will support radon testing and mitigation programs to protect public health for the Fort Collins community.

Pursuant to the State of Colorado Purchase Order Terms and Conditions, and in accordance with Section 1-22 of the City Code, the City Manager has accepted the grant agreement. The \$9,000 are federal funds from the Environmental Protection Agency being passed through to the City by CDPHE.

Adopted on First Reading.

6. **First Reading of Ordinance No. 005, 2024, Authorizing Transfers of Appropriations and Appropriating Related Funds for the Timberline Recycling Center Infrastructure and Efficiency Improvements.**

The purpose of this item is to support Timberline Recycling Center (TRC) infrastructure and efficiency improvements by:

- *Appropriating \$294,853 of unanticipated revenue awarded by the Colorado Departments of Public Health and Environment's Front Range Waste Diversion Enterprise (FRWD), and*
- *Transfer \$28,393 matching funds from existing appropriations in the Capital Projects Business Unit for the project*

The grant funds and matching funds will support replacement of equipment that has exceeded its useful life, as well as incorporation of new infrastructure to provide a safe, accessible and functional recycling facility. Contribution to the Art in Public Places (APP) Program is not required due to grant restrictions.

Adopted on First Reading.

7. First Reading of Ordinance No. 006, 2024, Authorizing Transfers and Appropriating Related Funds for the Oak Street Stormwater Improvements Project.

The purpose of this item is to request an appropriation to fund the construction of the Oak Street Stormwater Improvements Project. It will fund the construction contract with the general contractor; contracts for resident engineering and construction management services, permitting and internal project support and management; construction contingency (~4%) and funding for the Art in Public Places (APP) program. The construction contingency included herein is less than the typical amount that would normally be associated with this size of contract (10-15% is typical). If additional contingency funds are needed in the future, those funds would be requested to be appropriated from the Stormwater Reserve Fund.

The total amount being requested for appropriation is \$39,962,815:

- *Construction Contract \$36,645,015*
- *Construction Support (Resident Engineer, Construction Manager, Permitting and Internal Support) \$1,720,000*
- *Construction Contingency \$1,550,000*
- *APP Program \$47,800*

The Stormwater Utility Enterprise Board adopted Ordinance No. 011, 2023 (First Reading on September 19, 2023, and Second Reading on October 3, 2023) authorizing bond issuance in the Stormwater Fund for the construction of the Oak Street Stormwater Improvements project. Following the sale and closing of the bonds, gross proceeds in the amount of \$40.4M were deposited into the Stormwater Fund reserves on October 31, 2023.

Adopted on First Reading.

8. First Reading of Ordinance No. 007, 2024, Amending Article II of Chapter 5 of the Code of the City of Fort Collins to Exempt Plumbing Fixtures from Permits and Inspections.

The purpose of this item is to request a Code amendment to exempt plumbing fixture replacements, such as sinks, faucets, drains, showers, tubs, and toilets from the permit requirements under Chapter 5 of the City Code, for the following reasons: Colorado State does not require permits for this type of work, very few fixture replacements are currently done with a permit, there are no concerns with life or safety, and requiring permits creates additional barriers and cost impacts to improving indoor water efficiency.

Adopted on First Reading.

9. First Reading of Ordinance No. 008, 2024, 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 for the New Airport Terminal Facility.

The purpose of this item is to authorize a permanent non-exclusive utility easement over a portion of the Northern Colorado Regional Airport property owned jointly by the City of Fort Collins and the City of Loveland to allow for the installation and maintenance of electrical infrastructure for the new Airport terminal facility.

Adopted on First Reading.

10. Resolution 2024-001 Supporting a Grant Application for Co-responder/Community Based Alternative Response Support Funding for Fort Collins Police Services.

The purpose of this item is to obtain support and approval for the City to apply in partnership with UC Health for grant funds in support of Fort Collins' Police Services Mental Health Response Team.

Adopted.

11. Resolution 2024-002 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County to Continue Support for the Larimer County Conservation Corps Energy and Water Program.

The purpose of this item is to seek approval of an intergovernmental agreement (IGA) between the City and Larimer County for funding of the Larimer County Conservation Corp (LCCC) Water and Energy Program ("Program"). The agreement would allow for four annual renewals for a total potential term of five years, subject to annual appropriations.

The City of Fort Collins Utilities (FCU) has partnered with Larimer County to fund the LCCC since 2010 with tremendous success. LCCC crews have supported local resource conservation by providing home efficiency assessments to customers of FCU and Loveland Water and Power. These free home efficiency assessments include an on-site assessment, customer education, and direct installation of energy and water saving equipment such as LED lightbulbs, showerheads, and high-efficiency toilets. From 2010 to 2023, LCCC crews assessed over 4,000 homes served by FCU and provided resources and services that enabled these customers to save on their utility bills.

Due to its success, the Program is now part of the City's Utilities Affordability Portfolio which provides a mechanism for low to moderate income customers to control their energy use and costs.

Adopted.

12. Resolution 2024-003 Authorizing the City Manager to Enter into an Agreement with Various Entities Regarding the Upper Poudre Watershed Source Water Protection Plan (Phase 1 – Plan Development).

The purpose of this item is to request approval for the City, through Fort Collins Utilities ("Utilities"), to enter into an agreement for cost-sharing the development of a regional Source Water Protection Plan ("SWPP") with the City of Greeley, Soldier Canyon Water Treatment Authority, Northern Colorado Water Conservancy District ("Northern Water"), and the City of Thornton.

Utilities' Cache la Poudre River ("Poudre River") and Horsetooth Reservoir source watersheds provide high quality raw water for water treatment. Protecting these source water supplies from pollution is key to providing our community with reliable, safe, and high-quality drinking water. There are significant challenges associated with monitoring and protecting water quality in these source watersheds. Utilities' 2016 SWPP has guided Utilities' source water protection activities to date but needs to be updated. The Cities of Fort Collins (through Utilities), Greeley, and Thornton as well as Soldier Canyon Water Treatment Authority and Northern Water use water from the Poudre River and Horsetooth Reservoir. Staff from Utilities' Watershed Program and these entities are seeking to develop a collaborative SWPP to improve communication, alignment, promote cost-sharing and implementation of source water protection projects. The proposed Agreement Regarding the Upper Poudre Watershed Source Water Protection Plan (Phase 1 – Plan Development) ("SWPP Agreement") outlines terms and conditions of developing a collaborative SWPP. On December 7, 2023, the Water Commission formally recommended that Council authorize the City Manager to sign the SWPP Agreement.

Adopted.

13. Resolution 2024-004 Making Appointments to the Housing Catalyst Board.

The purpose of this item is to fill vacancies on the Housing Catalyst Board that exist due to the expiration of certain members' terms.

Adopted.

14. Resolution 2024-005 Making an Appointment to the Platte River Power Authority Board.

The purpose of this item is to appoint a new City representative to the Platte River Power Authority Board to fill the vacancy created by Kendall Minor's resignation from the Board.

Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to approve the recommended actions on items 1-14 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 commended Item No. 8, *First Reading of Ordinance No. 007, 2024, Amending Article II of Chapter 5 of the Code of the City of Fort Collins to Exempt Plumbing Fixtures from Permits and Inspections*, and suggested more of these types of things could be found.

Mayor Arndt also commended Item No. 8 and thanked staff for bringing forth the item.

Councilmember Pignataro requested staff comment on how members of the public can take advantage of the program created as part of Item No. 5, *First Reading of Ordinance No. 004, 2024, Authorizing Transfers of Appropriations and Appropriating Related Funds for the Environmental Services Radon Program*. Selina Lujan, Environmental Sustainability Manager, stated people can get in touch with staff at healthyhomes@fcgov.com or go to the Senior Center to acquire a free radon kit. Additionally, she stated more information is available on the website.

Councilmember Pignataro commended Item No. 4, *First Reading of Ordinance No. 003, 2024, Authorizing Transfers and Reappropriation of Funds Previously Appropriated for the Utilities' Grid Flexibility Programs*.

Councilmember Ohlson complimented staff on acquiring the almost \$300,000 award for the Timberline Recycling Center infrastructure as per Item No. 6, *First Reading of Ordinance No. 005, 2024, Authorizing Transfers of Appropriations and Appropriating Related Funds for the Timberline Recycling Center Infrastructure and Efficiency Improvements*. Additionally, he asked if there is a guarantee in place to prevent the potential for developers getting both reimbursed by the City and charging metro district residents for the same improvements as per Item No. 2, *First Reading of Ordinance No. 001, 2024, Appropriating Prior Year Reserves in the Transportation Capital Expansion Fee Fund for Eligible Reimbursement to the Waterfield Fourth Filing Developer for Construction of Suniga Road, Vine Drive, and Merganser Street Improvements as Part of Waterfield Fourth Filing Phases 1 through 4; and for the Dedication of Suniga Road Right-of-Way*. Marc Virata, City Engineer, replied Waterfield does not have a metro district; however, in terms of situations wherein a metro district exists, all actions are of public record. He suggested a bigger discussion could be held internally to ensure those types of double dipping are not occurring.

Councilmember Ohlson noted hundreds of calls were not returned regarding parks and recreation registration and asked if there is some type of short-term fix that could be put into place prior to the new software being implemented.

Councilmember Potyondy wished FCPD (Fort Collins Police Department) luck with their grant application per Item No. 10, *Resolution 2024-001 Supporting a Grant Application for Co-responder/Community Based Alternative Response Support Funding for Fort Collins Police Services*.

Councilmember Gutowsky commented on Item No. 11, *Resolution 2024-002 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County to Continue Support for the Larimer County Conservation Corps Energy and Water Program* and noted the program surveys homes and replaces items to increase efficiency.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Councilmember Susan Gutowsky

- Attended the Leadership Fort Collins mock Council meeting.

Mayor Jeni Arndt

- Attended the State of the State with the Governor last week.

Clerk's Note: Mayor Arndt called for a ten-minute break at 7:47 p.m.

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

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

15. **Second 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 Ordinance adopted on First Reading on December 19, 2023, by a vote of 3-2 (Ayes: Mayor Arndt, Mayor Pro Tem Francis, and Councilmember Canonico; Nays: Councilmembers Gutowsky and Ohlson; Absent: Councilmember Peel; and Remote (non-voting): Councilmember Pignataro), 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.

PUBLIC COMMENT

Joe Rowan, One Voice for Housing, noted everyone moved here from somewhere and it is unfair to force newcomers to abide by different rules. Rowan commented on the cost of building dwelling units and suggested it should not take five years to go from a plan to a constructed dwelling unit.

Additionally, Rowan stated HOA covenants allow for economic discrimination and urged Council to adopt the Land Use Code.

Wayne Brothers, Fort Collins resident, stated City Plan policies clearly recognize the importance of existing neighborhoods as the term is mentioned in City Plan 26 times. Brothers urged Council to exempt existing neighborhoods from any new density requirements and discouraged overriding HOA covenants. Additionally, Brothers urged Council to make affordable housing measures more robust so they actually result in more affordable housing and not just more housing.

COUNCIL DISCUSSION

None.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt 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, on Second Reading.

The motion carried 5-2.

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

Nays: Councilmembers Gutowsky, and Ohlson.

16. First Reading of Ordinance No. 009, 2024, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager.

The purpose of this item is to amend City Code to establish the 2024 salary of the City Manager. Council met in executive session on December 19, 2023, to conduct the performance review of Kelly DiMartino, City Manager, and to consider the salary market analysis for this position.

Teresa Roche, Human Resources Executive, stated staff is recommending that the City Manager's 2024 salary be \$314,987 based on the market analysis, the City's compensation principles, and the performance review held with the City Manager.

PUBLIC COMMENT

None.

COUNCIL DISCUSSION

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Ordinance No. 009, 2024, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager, on First Reading.

Councilmember Ohlson stated he had originally planned to vote against the ordinance, not based upon any performance concerns, but because the City organization has a responsibility to the residents, rate payers, and taxpayers to use their money wisely and fairly. He commented on the total compensation package and the need to have a better comparison of other City Managers across the country.

Mayor Pro Tem Francis noted the City Manager oversees more than 2,400 employees over multiple departments including a utility company and an internet provider. She thanked City Manager DiMartino for leading with integrity.

Councilmember Canonico thanked City Manager DiMartino for her confident and calm leadership.

Mayor Arndt thanked City Manager DiMartino for her grace, intelligence, calm, and authentic care of the City organization and the people within it.

The motion carried 7-0.

P) OTHER BUSINESS

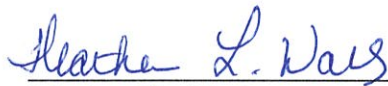
OB 1. **Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers.**

None.

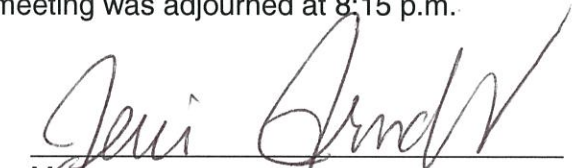
Q) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 8:15 p.m.

ATTEST:


Interim City Clerk




Mayor

The January 16 Work Session Followed in the Council Information Center (CIC).