



City Council Regular Meeting Agenda

November 15, 2022 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. **Proclamation Declaring November 2022 as Transgender Acceptance Month.**

REGULAR MEETING 6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

7-0 ALL MEMBERS PRESENT

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 October 4, 2022 Regular Council Meeting.**

The purpose of this item is to approve the minutes of the October 4, 2022 regular Council meeting.

ACTION TAKEN: APPROVED.

- 2. Second Reading of Ordinance No. 117, 2022, Approving the Fiscal Year 2023 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 Fiscal Year 2023.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, sets the Downtown Development Authority ("DDA") Budget.

The following amounts will be appropriated:

DDA Public/Private Investments & Programs	\$7,800,493
DDA Operations & Maintenance	\$2,030,378
Revolving Line of Credit Draws	\$7,000,000
DDA Debt Service Fund	\$7,431,611

The Ordinance sets the 2023 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 2023.

ACTION TAKEN: ADOPTED ON SECOND READING.

- 3. Second Reading of Ordinance No. 118, 2022, Adopting the 2023 Budget and Appropriating the Fort Collins Share of the 2023 Fiscal Year Operating and Capital Improvements Funds for the Northern Colorado Regional Airport.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, adopts the 2023 budget for the Northern Colorado Regional Airport and appropriate Fort Collins' share of the 2023 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 SECOND READING.

- 4. Second Reading of Ordinance No. 119, 2022, Appropriating Philanthropic Revenue Received Through City Give to Benefit Income-Qualified Youth Sports Programming and Services in the Recreation Department.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, appropriates

\$17,000 in philanthropic revenue received through City Give for Recreation to benefit income-qualified youth sports programming and services.

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. 120, 2022, Appropriating Prior Year Reserves in the General Fund and Transportation Services Fund for Snow Removal.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, appropriates prior year reserves to cover snow removal costs that have exceeded the 2022 budget. Overspend in the snow budget is driven by severe snowstorms that present cold temperatures, ice, and higher volumes of snow.

ACTION TAKEN: ADOPTED ON SECOND READING.

6. **Second Reading of Ordinance No. 121, 2022 Amending Chapter 7.5 of the Code of the City of Fort Collins to Increase for Inflation the Capital Expansion Fees and the Transportation Expansion Fee.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, makes annual inflation updates effective January 1, 2023, associated with the City's Capital Expansion Fees and its Transportation Expansion Fee. Inflation updates are 8.6% for the Capital Expansion Fees and 7.1% for the Transportation Expansion Fee.

ACTION TAKEN: ADOPTED ON SECOND READING.

7. **Second Reading of Ordinance No. 122, 2022, Making Supplemental Appropriations in the General Fund of Grant Proceeds from the Colorado Department of Local Affairs for the Kechter Townhomes Project.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, appropriates unanticipated grant revenue in the General Fund. In November of 2021, the City sold a property from the Land Bank Program located at 3620 Kechter Road to Kechter TWG, LLLP for the purpose of building 54 permanently affordable townhomes. The City applied for and was awarded a grant from the Colorado Department of Local Affairs (DOLA) to support water and wastewater utility costs associated with this development. A resolution authorizing the execution of the intergovernmental grant agreement was adopted on November 1, 2022 with First Reading of this Ordinance.

ACTION TAKEN: ADOPTED ON SECOND READING.

8. **Second Reading of Ordinance No. 123, 2022, Updating References in City Code to the Land Use Code.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, updates the City Code's existing references to Land Use Code to the new name Land Development Code.

ACTION TAKEN: ADOPTED ON SECOND READING.

9. **Second Reading of Ordinance No. 124, 2022, Authorizing an Extension of the Temporary Exception to the Land Use Code to Allow T-Mobile to Place a Temporary Wireless**

Telecommunication Facility at 1800 East Harmony Road to Replace Lost Wireless Service Coverage.

This Ordinance, unanimously adopted on First Reading on November 1, 2022, extends the authorization for a temporary wireless telecommunication facility known as a cell-on-wheels (COW), operated by T-Mobile, currently located at 1800 East Harmony. The current temporary authorization is set to expire on December 1, 2022. This temporary facility is in place to address a critical loss in T-Mobile's existing cellular coverage in south Fort Collins caused by T-Mobile's removal of wireless equipment from Platte River Power Authority ("PRPA") infrastructure and is to be used only until a permanent facility (proposed at 4518 Innovation Drive) is fully constructed in Spring 2023.

ACTION TAKEN: ADOPTED ON SECOND READING.

10. Second Reading of Ordinance No. 125, 2022, Conditionally Vacating a Portion of Crestridge Street Right-of-Way.

This Ordinance, unanimously adopted on First Reading on November 1, 2022, adopts the conditional vacation of Crestridge Street right-of-way, currently known as Crestridge Drive, that is no longer desirable or necessary to retain for street purposes. Portions of the right-of-way area, once vacated, will be retained as public access and emergency access easements to the City in order to provide continued access for the neighboring properties. The right-of-way vacation will be conditional upon the construction of the extension of Venus Drive. These conditions are outlined in detail in the Ordinance.

ACTION TAKEN: ADOPTED ON SECOND READING.

11. Second Reading of Ordinance No. 126, 2022, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for Fiscal Year 2023; Adopting the Budget for the Fiscal Years Beginning January 1, 2023, and Ending December 31, 2024; and Fixing the Mill Levy for Property Taxes Payable in 2023.

This Ordinance, unanimously adopted on First Reading on November 1, 2022, adopts the Annual Appropriation and Budget Ordinance. The Ordinance sets the City Budget for the two-year period (2023-2024) which becomes the City's financial plan for the next two fiscal years. This Ordinance sets the amount of \$778,543,584 to be appropriated for fiscal year 2023. However, this appropriated amount does not include what is being budgeted and appropriated by separate Council/Board of Director actions to adopt the 2023 budget for the General Improvement District (GID) No. 1 of \$313,275, the 2023 budget for General Improvement District (GID) No. 15 (Skyview) of \$1,000, the Urban Renewal Authority (URA) 2023 budget of \$6,005,369 and the Downtown Development Authority 2023 budget of \$24,262,482. This results in the City-related total operating appropriation of \$809,125,710 in 2023.

This Ordinance also sets the 2023 City mill levy at 9.797 mills, unchanged since 1991.

ACTION TAKEN: ADOPTED ON SECOND READING.

12. Items Relating to 2023 Utility Rates, Fees, and Charges.

A. Second Reading of Ordinance No. 127, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges and Updating Related Provisions.

B. Second Reading of Ordinance No. 128, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees and Charges.

C. Second Reading of Ordinance No. 129, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees and Charges.

D. Second Reading of Ordinance No. 130, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees and Charges.

E. Second Reading of Ordinance No. 131, 2022, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections.

F. Second Reading of Ordinance No. 132, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Sewer Plant Investment Fees.

G. Second Reading of Ordinance No. 133, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise the Stormwater Plant Investment Fees.

H. Second Reading of Ordinance No. 134, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Plant Investment Fees.

These Ordinances, unanimously adopted on First Reading on November 1, 2022, adopts changes related to proposed 2023 rates and fees being brought forward for Council consideration, including the following items:

Items (A-D) – Monthly utility charges to increase 5% for Electric customers, 4% for Water customers, 4% for Wastewater customers, and 3% for Stormwater customers.

Items (E-H) – A 9% inflationary increase to development fees including Electric Capacity Fees (ECFs) and Water, Wastewater, Stormwater Plant Investment Fees (PIFs).

ACTION TAKEN: ADOPTED ORDINANCES ON SECOND READING.

13. Second Reading of Ordinance No. 135, 2022, Amending Chapter 26 of the Code of the City of Fort Collins Related to Water, Wastewater and Electric Rates, Fees, and Charges Applied Under the Income-Qualified Assistance Program.

This Ordinance, unanimously adopted on First Reading on November 1, 2022, adopts the Income-Qualified Assistance Program (IQAP) providing income-qualified Fort Collins Utilities (Utilities) customers reduced rates on select Utilities services was introduced in October 2018 as a pilot program. The IQAP program bill adjustment effectively applies a 23% rate discount on electric, water, and wastewater services, and is due to expire December 31, 2022. In July 2021, Council approved moving the program from an application-based, opt-in program to an auto-enroll, opt-out program, subject to participants' participation in the complementary state Low-income Energy Assistance Program (LEAP). At that time, Council also requested an evaluation of the discounted rate percentage to ensure it was still sufficient to meet program objectives. Since July 2021, participation in IQAP has increased 128%. Staff are seeking a motion from City Council to adopt the program. The Council Finance Committee reviewed this proposal on October 20, 2022 and provided staff direction for presentation to Council.

ACTION TAKEN: ADOPTED ON SECOND READING.

14. First Reading of Ordinance No. 137, 2022, Appropriating Prior Year Reserves in the Light & Power Fund and the Water Fund for the Purchase of Vendor Services to Support a Major Version Upgrade to the Utilities Meter Data Management System.

The purpose of this item is to bring forward an off-cycle supplemental appropriation of Light & Power and Water Fund reserves to fund vendor services needed to support a major version upgrade to the Utilities Meter Data Management System.

The Meter Data Management System (MDMS) owned and operated by Utilities has been in place since the inception of the Advanced Meter Fort Collins implementation in 2010. It receives water and electric meter data for all advanced meters deployed across Fort Collins Utility Service's territory throughout the day, performs quality checks on that data, and then at the end of the billing cycle it calculates the billing determinants for each customer that are necessary to generate individual customer bills.

Fort Collins Utilities has utilized the same version of the EnergyIP software since it was installed. For the reasons described below, this software must be upgraded to a more current version and the upgrade cannot wait for the new budget cycle to begin (i.e. January 2023). Utilities staff will need vendor support to complete this major software version upgrade.

As the MDMS system supports both the water and electric utilities, the cost of the upgrade will be shared between them. Utilities has historically allocated costs for shared software based on customer counts as determined by the number of deployed meters to establish the cost share for each utility. Applying this method here, the Water Enterprise's share of this expense would be 31.6% and the Electric Utility Enterprise's share would be 68.4%.

The total supplemental appropriation being proposed for your consideration is for \$629,588.

ACTION TAKEN: ADOPTED ON FIRST READING.

15. First Reading of Ordinance No. 138, 2022, Adopting the 2023 Classified Employee Pay Plan.

The purpose of this item is to recommend the 2023 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 which sets the minimum, midpoint and maximum of 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 FIRST READING.

16. First Reading of Ordinance No. 139, 2022, Extending the Moratorium on Certain Activities of State Interest Designated in Ordinance No. 122, 2021.

The purpose of this item is to consider an ordinance extending the length of a moratorium previously imposed through Ordinance No. 122, 2021, on two designated activities of state interest. The proposed Ordinance extends the length of the existing moratorium for three months beyond December 31, 2022, or until Council adopts guidelines for the administration of the two designated activities. Extending the moratorium allows staff to continue public engagement and seek feedback on version 2 of the Draft 1041 regulations discussed during the Council work session held on November 7, 2022.

ACTION TAKEN: ADOPTED ON FIRST READING.

17. Resolution 2022-110 Approving the Midtown Business Improvement District 2022 and 2023 Operating Plans and Budgets and Appointing District Directors.

The purpose of this item is to approve the Midtown Business Improvement District 2022 and 2023 Operating Plans and Budgets and appoint District Directors.

ACTION TAKEN: ADOPTED.

18. Resolution 2022-111 Approving the 2023 Annual Plan and Budget of the Fort Collins Tourism Improvement District.

The purpose of this item is to consider a Resolution approving the Fort Collins Tourism Improvement District’s 2023 Annual Plan and 2023 Annual Budget, which are attached as Exhibits A and B, respectively, to the proposed Resolution.

ACTION TAKEN: ADOPTED.

19. Resolution 2022-112 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County and the City of Loveland to Partner in the Purchase of Fee and Conservation Easement Interests on a 1,547-acre Property in the Blue Mountain Conservation Priority Area.

The purpose of this item is to seek authorization to enter into an Intergovernmental Agreement (IGA) with Larimer County and the City of Loveland for the Heaven’s Door Conservation Project. The project will conserve 1,547 acres in fee adjacent to the Big Thompson Canyon.

ACTION TAKEN: ADOPTED.

20. Public Hearing and Resolution 2022-113 To Decline the City of Fort Collins’s Participation in the Colorado Paid Family and Medical Leave Insurance Program.

The purpose of this item is to obtain authorization for the City to decline participation in the Colorado Family and Medical Leave Insurance (“FAMLI”) program, which is a state-run insurance program that will provide paid family and medical leave to eligible employees of participating employers.

ACTION TAKEN: ADOPTED.

21. Resolution 2022-114 Making the Determination that the City Park Train Project Funded Through the Community Capital Improvement Program is not Financially Feasible.

The purpose of this item is to declare the City Park Train project financially unfeasible and remove it from the Community Capital Improvement Program (CCIP) project list.

ACTION TAKEN: ADOPTED.

22. Items Relating to Appointments to Various Boards and Commissions.

- A. Resolution 2022-115 Making Appointments to the Art in Public Places.
- B. Resolution 2022-116 Making Appointments to the Economic Advisory Board.
- C. Resolution 2022-117 Making Appointments to the Energy Board.
- D. Resolution 2022-118 Making Appointments to the Human Services and Housing Funding Board.
- E. Resolution 2022-119 Making Appointments to the Natural Resources Advisory Board.
- F. Resolution 2022-120 Making Appointments to the Planning and Zoning Commission.
- G. Resolution 2022-121 Making Appointments to the Water Commission.

The purpose of this item is to fill vacancies on various boards and commissions.

ACTION TAKEN: ADOPTED.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

ACTION TAKEN: APPROVED RECOMMENDED ACTIONS ON ALL ITEMS ON CONSENT CALENDAR 7-0.

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

23. First Reading of Ordinance No. 136, 2022, Repealing and Reenacting Article IX of City Code Chapter 20 Concerning Public Nuisances and Making Conforming Changes to City Code Section 19-3.

The purpose of this item is to consider the adoption of a new public nuisance ordinance (PNO) that allows for a clearer, broader definition of public nuisance and adds new enforcement mechanism for abating public nuisances and chronic nuisance properties. The new PNO will allow staff to address the current community issues and nuisance situations more effectively.

ACTION TAKEN: ADOPTED ON FIRST READING 7-0.

24. First Reading of Ordinance No. 140, 2022, Establishing a Fort Collins Minimum Wage and Associated Recordkeeping and Enforcement Provisions.

The purpose of this item is to bring forth an ordinance setting a local minimum wage in compliance with HB19-1210.

ACTION TAKEN: POSTPONED FIRST READING UNTIL MAY 16, 2023.

25. **Resolution 2022-122 Creating an Ad Hoc Council Committee on Boards and Commissions to Consider and Make Recommendations Regarding Improved Efficiency and Consistency of Board and Commission Processes and to Reduce Barriers to Participation.**

The purpose of this item is to bring forth a Resolution to establish an Ad Hoc committee to discuss and make recommendations to improve the efficiency and consistency of board and commission processes and to reduce barrier to participation on boards and commissions.

ACTION TAKEN: ADOPTED.

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 cancel the January 3, 2023 Council meeting, as permitted under Section 2-28 of the City Code:**

"I hereby move to cancel the January 3, 2023 Council meeting as permitted under section 2-28 of the City Code."

ACTION TAKEN: CANCELED JANUARY 3, 2023 COUNCIL MEETING.

Q) ADJOURNMENT

Consideration of a motion to adjourn to 6:00 P.M. on November 22, 2022 for the purpose of annual performance evaluations of Council's direct report employees:

"I move that Council adjourn this meeting to 6:00 p.m. on Tuesday, November 22, 2022, in order to consider a motion to go into executive session to conduct annual performance reviews of the Council's direct report employees, and for such other business as may come before the Council."

ACTION TAKEN: ADJOURNED TO NOVEMBER 22, 2022 AT 6 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 48 hours advance notice when possible.

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 48 horas de aviso previo cuando sea posible.