



City Council Regular Meeting Agenda

November 19, 2024 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
Melanie Potyondy, 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

Delynn Coldiron
City Clerk

The action agenda provides a brief overview of actions taken by Council shortly after a Council meeting. Council minutes are the official record of the meeting and are prepared to be approved by Council generally at its next meeting. Following approval, they are posted at this link: [Council Minutes](#).

PROCLAMATIONS & PRESENTATIONS 5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

- PP 1. **Declaring November 20, 2024 as GIS (Geographic Information System) Day.**
- PP 2. **Declaring November 2024 as Thank a Business Month.**
- PP 3. **Declaring November 2024 as Transgender Acceptance Month.**

Proclamations Read.

REGULAR MEETING 6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL – 7-0

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.)

Individuals may comment regarding any topics of concern, whether or not included on this agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process** and not to Council.

- Those who wish to speak are required to sign up using the online sign-up system available at www.fcgov.com/council-meeting-participation-signup/
- Each speaker will be allowed to speak one time during public comment. If a speaker comments on a particular agenda item during general public comment, that speaker will not also be entitled to speak during discussion on the same agenda item.
- All speakers will be called to speak by the presiding officer from the list of those signed up. After everyone signed up is called on, the presiding officer may ask others wishing to speak to identify themselves by raising their hand (in person or using the Raise Hand option on Zoom), and if in person then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).
- The presiding officer will determine and announce the length of time allowed for each speaker.
- Each speaker will be asked to state their name and general address for the record, and, if their comments relate to a particular agenda item, to identify the agenda item number. Any written comments or materials intended for the Council should be provided to the City Clerk.
- A timer will beep one time and turn yellow to indicate that 30 seconds of speaking time remain and will beep again and turn red when a speaker's time has ended.

[**For questions about the development review process or the status of any particular development, consult the City's Development Review Center page at <https://www.fcgov.com/developmentreview>, or contact the Development Review Center at 970.221.6760.]

H) PUBLIC COMMENT FOLLOW-UP

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

CONSENT CALENDAR

The Consent Calendar is intended to allow Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Agenda items pulled from the Consent Calendar by either Council or the City Manager will be considered separately under their own Section, titled "Consideration of Items Removed from Consent Calendar for Individual Discussion." Items remaining on the Consent Calendar will be approved by Council with one vote. The Consent Calendar consists of:

- Ordinances on First Reading that are routine;
- Ordinances on Second Reading that are routine;
- Those of no perceived controversy;
- Routine administrative actions.

1. Consideration and Approval of the Minutes of the November 4, 2024 Regular Meeting.

The purpose of this item is to approve the minutes of November 4, 2024 Regular Meeting.

Approved.

2. **Second Reading of Ordinance No. 153, 2024, Adopting the 2025 Budget and Appropriating the Fort Collins Share of the 2025 Fiscal Year Operating and Capital Improvements Funds for the Northern Colorado Regional Airport.**

This Ordinance, unanimously adopted on November 4, 2024, adopts the 2025 budget for the Northern Colorado Regional Airport and appropriate Fort Collins' share of the 2025 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.

Adopted on Second Reading.

3. **Second Reading of Ordinance No. 154, 2024, Approving the Fiscal Year 2025 Budget, and Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority Relating to the Annual Appropriations for Fiscal Year 2025, and Fixing the Mill Levy for the Downtown Development Authority for Property Taxes Payable Fiscal Year 2025.**

This Ordinance, unanimously adopted on First Reading on November 4, 2024, adopts the Downtown Development Authority ("DDA") Budget.

The following amounts will be appropriated:

DDA Public/Private Investments & Programs	\$11,634,753
DDA Operations & Maintenance	\$1,556,393
Revolving Line of Credit Draws	\$9,000,000
DDA Debt Service Fund	\$9,431,611

The Ordinance sets the 2025 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The adopted Budget becomes the Downtown Development Authority's financial plan for 2025.

Adopted on Second Reading.

4. **Second Reading of Ordinance No. 155, 2024, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Various Programs and Services as Designated by the Donors.**

This Ordinance, unanimously adopted on November 4, 2024, appropriates \$36,605.83 in philanthropic revenue received by 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.

Adopted on Second Reading.

5. **Second Reading of Ordinance No. 156, 2024, Appropriating Prior Year Reserves in the Transportation Services Fund for Snow Removal.**

This Ordinance, unanimously adopted on First Reading on November 45, 2024, appropriates prior year reserves to cover snow removal costs that have exceeded the 2024 budget. Overspend in the snow budget is driven by severe snowstorms that present unanticipated cold temperatures, ice, and higher volumes of snow.

Adopted on Second Reading.

6. **Second Reading of Ordinance No. 157, 2024, Authorizing Transfers of Appropriations for the Transfort West Elizabeth Enhanced Travel Corridor Project.**

This Ordinance, unanimously adopted on First Reading on November 19, 2024, transfers grant revenue and the corresponding local match for Transfort into the Capital Projects fund and to clarify the use of funds.

Adopted on Second Reading.

7. **Second Reading of Ordinance No. 158, 2024 Appropriating Prior Year Reserves in the Natural Areas Fund for the Purpose of Land Conservation Not Included in the 2024 Adopted City Budget.**

This Ordinance, unanimously adopted on First Reading, appropriates \$2,000,000 in prior year reserves in the Natural Areas Fund. These appropriations are for additional land conservation, for the Natural Areas Department.

Adopted on Second Reading.

8. **Second Reading of Ordinance No. 159, 2024, Making a Supplemental Appropriation and Authorizing Transfer of Appropriation for the Southeast Community Center Land Acquisition in Compliance with Approved Intergovernmental Agreement Between the City of Fort Collins, Poudre School District and Poudre Libraries.**

This Ordinance, unanimously adopted on First Reading on November 4, 2024, appropriates \$3,180,000 to execute the potential land acquisition as defined in the approved Intergovernmental Agreement with Poudre School District and Poudre Libraries related to the construction of a new Southeast Community Center.

Pulled from Consent Calendar for individual consideration.

9. **Items Relating to the Fort Collins Traffic Code Regarding Parking of Certain Vehicles.**

A. Second Reading of Ordinance No. 160, 2024, Amending Fort Collins Traffic Code Section 1214 Regarding Parking of Certain Vehicles.

B. Second Reading of Ordinance No. 161, 2024, Amending Fort Collins Traffic Code Section 2002 Regarding Definitions.

These Ordinances, unanimously adopted on November 4, 2024, expand the scope of Fort Collins Traffic Code (FCTC) Section 1214 to allow for City-wide enforcement. Currently FCTC Section 1214 is only enforceable in certain designated residential zones. Additionally, this item will also ensure the language in FCTC Section 2002 is consistent across both sections.

Both Ordinances Adopted on Second Reading.

10. **Second Reading of Ordinance No. 162, 2024, Adopting the 2025 Classified Employee Pay Plan.**

This Ordinance, unanimously adopted on First Reading on November 4, 2024, recommends the 2025 City Classified Employee Pay Plan. **On First Reading, Exhibit A to the Ordinance contained a mathematical error. A corrected Exhibit A is attached to the Ordinance for Second Reading.** 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 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.

Adopted on Second Reading.

11. **Second Reading of Ordinance No. 163, 2024, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for Fiscal Year 2025; Adopting the Budget for the Fiscal Years Beginning January 1, 2025, and Ending December 31, 2026; and Fixing the Mill Levy for Property Taxes Payable in 2025.**

This Ordinance, unanimously adopted on First Reading on November 4, 2024, sets the City Budget for the two-year period (2025-2026) which becomes the City's financial plan for the next two fiscal years. This Ordinance sets the amount of \$894,603,000 to be appropriated for fiscal year 2025. However, this appropriated amount does not include what is being budgeted and appropriated by separate Council/Board of Director actions to adopt the 2025 budget for the General Improvement District (GID) No. 1 of \$319,731, the 2025 budget for General Improvement District (GID) No. 15 (Skyview) of \$1,000, the Urban Renewal Authority (URA) 2025 budget of \$5,185,096 and the Downtown Development Authority 2025 budget of \$31,622,757. This results in the City-related total operating appropriation of \$931,731,584 in 2025.

On first reading, the Ordinance was adopted by the Council with two amendments that were provided for consideration with first reading.

This Ordinance also sets the 2025 City mill levy at 9.797 mills, unchanged since 1991.

Adopted on Second Reading.

12. **Items Relating to 2025 Utility Rates and Programs.**

A. Second Reading of Ordinance No. 164, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees and Charges.

B. Second Reading of Ordinance No. 165, 2024, 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. 166, 2024, 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. 167, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Discontinue Electric Renewable Energy Source Programs.

E. Second Reading of Ordinance No. 168, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees, and Charges and Updating Related Rate Assistance Programs.

This Ordinance, unanimously adopted on First Reading on November 4, 2024, proposes 2025 Utility Rates which align with the 2025 City Manager's Recommended Budget. Monthly utility rates are proposed to increase 6.5% for electric customers, 7% for water customers, 6% for wastewater customers, and 6% for stormwater customers. Two utility programs are proposed to be eliminated at the end of 2024, including the Renewable Energy Source (Green Energy) Program and the Medical Assistance Program (MAP).

All Ordinances Adopted on Second Reading.

13. **First Reading of Ordinance No. 169, 2024, Appropriating Unanticipated 2024 Revenue in the Recreation Fund to Support Increased Recreation Expenses.**

The purpose of this item is to consider an appropriation of \$600,000 of unanticipated revenue in 2024 from the Recreation Fund to support expenses related to higher participation rates than anticipated during the 2023-2024 Budgeting for Outcomes cycle.

Adopted on First Reading.

14. **First Reading of Ordinance No. 170, 2024, Making a Supplemental Appropriation of Additional Revenue Received by the Forestry Division to be used for Various Programs and Services.**

The purpose of this item is to request an appropriation of \$73,902 in unanticipated revenue in 2024 received via various programs and services by the Forestry Division, Community Services.

Adopted on First Reading.

15. **First Reading of Ordinance No. 171, 2024, Authorizing the Extension of the Contract Term with Otak, Inc. for the Power Trail and Harmony Road Grade Separated Crossing Project for Not Fewer Than Five Years and Not More Than Ten Years.**

The purpose of this item is to seek authorization by ordinance to extend the contract term with Otak, Inc. for the Power Trail and Harmony Road Grade Separated Crossing Project (the "Project") for a period greater than five years not to exceed a total of ten years.

Adopted on First Reading.

16. **Resolution 2024-132 Approving the 2025 Annual Plan and Proposed Budget for the Fort Collins Tourism Improvement District.**

The purpose of this item is to consider a resolution approving the Tourism Improvement District 2025 Budget and Annual Plan.

Adopted.

17. **Resolution 2024-133 Approving the 2025 Operating Plan and Proposed Budget of the Fort Collins Midtown Business Improvement District.**

The purpose of this item is to consider a Resolution approving the Midtown Business Improvement District 2025 Budget and Operating Plan.

Adopted.

18. Resolution 2024-134 Approving an Exception to the Competitive Purchasing Process to Procure Professional Services from Hurricane Electric to Increase Internet Service Provider Capacity for Connexion Broadband.

A request for an exception to the use of a competitive bid process for the purchase of a five-year contract for Tier 1 Internet Service Provider Services (ISP). A five-year contract from Hurricane Electric is being brought forward for consideration. The alternative is contrary to the City's best interests for the following reasons:

1. Hurricane Electric is currently one of two ISPs providing Internet services for Connexion. Adding capacity to the existing service and proceeding with a five-year contract reduces the cost of each circuit from \$6,600 each to \$4,400 each for a total of \$8,800 per month. The contract also allows for additional capacity to be purchased at the same discounted rate.
2. Hurricane Electric is the only Tier 1 ISP in Cheyenne, a Tier 1 ISP allows direct access to the Internet backbone without being dependent on other third-party providers.
3. Hurricane Electric provides a divergent path towards Salt Lake City and away from Denver, which is where Connexion's other Tier 1 ISP resides, allowing true redundancy for Connexion services.
4. Utilizing another ISP would require the one-time purchase of additional hardware and professional services for approximately \$60,000.
5. Utilizing Hurricane Electric allows for the use of existing hardware and a one-time purchase of hardware for approximately \$7,500.

Exception to the Competitive Bid or Proposal Rationale:

Code Section 8-161(d)(1)(a). There exists only one responsible source. Although there exists more than one responsible source a competitive process cannot reasonably be used or, if used, will result in a substantially higher cost to the City, will otherwise injure the City's financial interest, or will substantially impede the City's administrative functions or the delivery of services to the public.

Adopted.

19. Resolution 2024-135 Approving Fort Fund Cross-Sector Impact Disbursements.

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming Account and the Tourism Programming Account for the selected community events in the Cross-Sector Impact Grant – October Deadline category, based upon the recommendations of the Cultural Resources Board.

Adopted

20. Resolution 2024-136 Finding Substantial Compliance and Initiating Annexation Proceedings for the Heritage Annexation.

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for the Heritage Annexation, a voluntary annexation located northeast of the intersection of International Boulevard and Mexico Way. The Applicant has submitted a written

petition requesting annexation of 24.84 acres and zoning into the Employment (E) zone district, which is consistent with the City of Fort Collins Structure Plan Map and the recently adopted East Mulberry Plan.

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

Adopted.

21. **Resolution 2024-137 Adopting Findings of Fact in Support of the City Council’s Decision on Appeal to Uphold the Planning and Zoning Commission Approval of the Rescue Mission Development Plan FDP230022.**

The purpose of this item is to make findings of fact and conclusions regarding Council’s decisions at the November 6, 2024, Rescue Mission Development Plan appeal hearing, determining that the Planning and Zoning Commission (i) held a fair hearing and (ii) properly interpreted and applied the code provisions raised in two appeals, and thereby upholding the Planning and Zoning Commission’s approval of the Rescue Mission Development Plan.

Adopted.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

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

Item 8.

Second Reading of Ordinance No. 159, 2024, Making a Supplemental Appropriation and Authorizing Transfer of Appropriation for the Southeast Community Center Land Acquisition in Compliance with Approved Intergovernmental Agreement Between the City of Fort Collins, Poudre School District and Poudre Libraries.

This Ordinance, unanimously adopted on First Reading on November 4, 2024, appropriates \$3,180,000 to execute the potential land acquisition as defined in the approved Intergovernmental Agreement with Poudre School District and Poudre Libraries related to the construction of a new Southeast Community Center.

Postponed Indefinitely.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

The method of debate for discussion items is as follows:

- Mayor introduced the item number and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests public comment on the item (three minute limit for each person)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all have an opportunity to speak. The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

22. Items Related to Amending City Code to Adjust the Following Fees: Capital Expansion Fees; Transportation Expansion Fee; Electric Capacity Fee; and Stormwater Plant Investment Fee.

A. First Reading of Ordinance No. 172, 2024, Amending Chapter 7.5 of the Code of the City of Fort Collins to revise the Capital Expansion Fees and Transportation Expansion Fee.

Three options are presented for Ordinance No. 172, 2024.

Alternative #1: Incorporates updated fees based on the results of the TCEF and CEF Study updates.

Alternative #1A: Provides for a two-step implementation of the TCEF and CEF fees, with 50% of the changes being proposed for 2025 and the balance of the full adjustments being made in 2026.

Alternative #2: Adjusts the current TCEF and CEF fee schedules for inflation only based on the underlying relevant index (**1.9% for TCEF and 2.7% for CEF's**). This is the same approach utilized in setting 2024 fee schedules. This alternative **does not** adopt the 2023 fee studies.

B. First Reading of Ordinance No. 173, 2024, 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.

C. First Reading of Ordinance No. 174, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Plant Investment Fees.

The purpose of this item is to make adjustments effective January 1, 2025, associated with the City's Capital Expansion Fees, Transportation Expansion Fees, Electric Capacity Fees and Stormwater Plant Investment Fees. Along with updating Electric Capacity Fee tables in City Code, staff is proposing language clarifications related to costs included in the fee calculation.

First Reading of Ordinance No. 172, 2024 (Alternative 2) Adopted on First Reading.

First Reading of Ordinance No. 173, 2024, Adopted on First Reading.

First Reading of Ordinance No. 174, 2024 Adopted on First Reading.

23. Appeal of the Historic Preservation Commission's Landmark Design Review Decision Denying Metal-clad window replacement at 201 Linden Street (aka the Linden Hotel), a Fort Collins Landmark.

The purpose of this quasi-judicial item is to consider an appeal of the decision of the Historic Preservation Commission ("HPC") on August 21, 2024, denying the applicant's/appellant's

request to replace all of the second and third-story windows at 201 Linden Street, also known as the Linden Hotel, with pre-fabricated metal-clad window units.

The Appellant, Linden Street Treehouse, LLC, the owner of the Property, via OneSeven Advisors and their attorney, raise nine issues on appeal:

1. The HPC failed to conduct a fair hearing under all 5 grounds:

- a. The HPC exceeded its authority or jurisdiction as contained within City Code by improperly using the *U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties* and Old Town Design Standards to justify its denial of window replacement, required repair of interior features not subject to Chapter 14, Article IV, and that the HPC failed to adequately consider Municipal Code 14-2 (Preservation Purposes), the City's Climate Action Plan, or International Building Codes; and
- b. The HPC substantially ignored its previously established rules of procedure by failing to initially accept the Applicant's proffered window exhibit; and
- c. The HPC considered evidence relevant to its findings which was substantially false or grossly misleading, specifically by utilizing the erroneous and false information in the 2018 Barlow report and 2024 Deep Roots Craftsmen report in their final decision-making; and
- d. The HPC improperly failed to receive all relevant evidence offered by the appellant by initially refusing to review and accept the Applicant's proffered window exhibit into the record; and
- e. The HPC was biased against the appellant by reason of conflict of interest or other close business, personal, or social relationship that interfered with their independence of judgement; and

2. That the HPC failed to properly interpret and apply provisions of City Code, specifically:

- a. Applicable sections of the Building Code,
- b. Municipal Code Section 14-2 establishing the purpose of the City's historic preservation program,
- c. The U.S. Secretary of the Interior's Standards (adopted by the City for historic preservation use in Municipal Code 14-53), and
- d. The Old Town Design Standards.

Historic Preservation Commission Decision overturned.

P) RESUMED PUBLIC COMMENT (if applicable)

Q) 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 adjourn to 6:00 p.m. on November 26, 2024, 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 26, 2024, 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."

Approved.

R) ADJOURNMENT

Meeting Adjourned to November 26, 2024 at 6:00 p.m.