



City Council Regular Meeting Agenda

December 17, 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

None scheduled.

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

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 December 3, 2024 Regular meeting.**

The purpose of this item is to approve the minutes of the December 3, 2024 Regular meeting.

Approved.

2. **Second Reading of Ordinance No. 175, 2024, Appropriating Philanthropic Revenue Received by City Give for the Lincoln Center's Various Programs and Services as Designated by the Donors.**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates \$33,266.00 for the Lincoln Center in philanthropic revenue received by City Give. These charitable gifts 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.

3. **Second Reading of Ordinance No. 176, 2024, Making a Supplemental Appropriation of Additional Revenue and Appropriating Prior Year Reserves in the Self Insurance Fund for Unanticipated Insurance Expenses.**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates \$462,711 in the City's Self Insurance Fund to be used for unanticipated increases in fourth quarter insurance premiums and various forecasted claim payments.

Adopted on Second Reading.

4. **Second Reading of Ordinance No. 177, 2024, Making a Supplemental Appropriation of Additional Revenue Received in the Benefits Fund for the City's Medical, Dental, and Life Insurance Plans.**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates \$1,137,041 from unanticipated revenue collected in the Benefits Fund to cover Medical/Dental claims and various Life Insurance premium expenses that could potentially exceed 2024 budgeted appropriations.

The City's Benefits Plan is a self-funded health plan in which premiums collected from both employees and employers are recorded as revenue in the Benefits Fund to pay for plan administration, medical/dental claims, and insurance premiums. As such, this is a self-funded appropriation request requiring no use of reserves.

Adopted on Second Reading.

5. **Second Reading of Ordinance No. 178, 2024, Making a Supplemental Appropriation of Funds Received from the Edward Byrne Memorial Justice Assistance Grant Program for Fort Collins Police Services.**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, supports Fort Collins Police Services in work performed as a member of the Northern Colorado Drug Task Force.

The Northern Colorado Drug Task Force is managed by Larimer County Sheriff Department, with both Fort Collins Police Services and Loveland Police being members. These member agencies support a broad range of activities to prevent and control drug-related crimes.

In 2022, Larimer County applied for and was awarded \$53,616 through the Edward Byrne Memorial Justice Assistance Grant (JAG) program in support of operating the Northern Colorado Drug Task Force (Attachment 3). In 2024, the City of Fort Collins, City of Loveland and Larimer County entered an intergovernmental agreement (Attachment 2), demonstrating the allocation of the \$53,616 awarded under JAG in support of the Northern Colorado Drug Task Force. Fort Collins Police Services received \$16,313. to support personnel costs and other operating costs directly attributed to the Northern Colorado Drug Task Force.

Adopted on Second Reading.

6. Second Reading of Ordinance No. 179, 2024, Making Supplemental Appropriations of Prior Year Reserves and Unanticipated Revenue and Authorizing Transfers of Appropriations for the Licensing Permitting and Code Enforcement System.

This Ordinance, unanimously adopted on First Reading on December 3, 2024, implements and modernizes a new licensing, permitting, and code enforcement system. The existing funding for this project was originally allocated as part of the 2023/2024 Budget Cycle's 'Digital Transformation' initiative.

After an almost two-year procurement process, the City has selected Tyler Technologies (Tyler) as the 'Vendor of Choice' (VOC) and is currently in contract negotiation. This appropriation request will provide the anticipated funding needed for software deployment, testing, training, temporary staffing backfill and organizational change management.

The total amount being requested is approximately \$4M. This includes:

- Software as a Service 19-month Implementation
- Software as a Service two-year Subscription Costs
- City Staff Backfill for two-year Implementation
- Third Party Professional Implementation Services
- Change Management

With this appropriation, the project implementation will begin during the first quarter of 2025 and is anticipated be fully operational by Fall of 2026.

The new system is expected to modernize current business processes, improve efficiency, reduce errors, enhance customer experience, and save staff and customer time.

Adopted on Second Reading.

7. Items Relating to Amending Chapter 17 of City Code to Align with State Statutes.

A. Second Reading of Ordinance No. 180, 2024, Amending Section 17-1 of the Code of the City of Fort Collins to Add Definitions of "Deadly Weapon" and "Firearm".

B. Second Reading of Ordinance No. 181, 2024, Amending Section 17-124(3) of the Code of the City of Fort Collins to Comport with State Law Regarding Disorderly Conduct.

C. Second Reading of Ordinance No. 182, 2024, Amending Section 17-126(a)(4) of the Code of the City of Fort Collins to Remove the Phrase "Intended to Harass" and Amend "He or She" to "Them".

This Ordinance, unanimously adopted on First Reading on December 3, 2024, updates the City Code in order to align with State statute and recent case law.

All Ordinances adopted on Second Reading.

8. Second Reading of Ordinance No. 183, 2024, Declaring a Portion of City-Owned Property at Schoolside Park as Public Right of Way.

This Ordinance, unanimously adopted on First Reading on December 3, 2024, declares 0.141 acres (the "ROW Parcel"), more or less, being a portion of City property presently known as Schoolside Park as public right of way for South Timberline Road and related improvements, including public utilities, pedestrian, transit, and bicycle access and improvements, and landscaping.

The ROW Parcel was part of the Timberline Road Widening Project, which was completed earlier this year. It is now necessary to file formal documentation declaring the ROW Parcel as a public right of way because the approval of Schoolside Park, which is currently in the final phase of the Building Development Review process, requires that this right-of-way be declared.

Adopted on Second Reading.

9. Second Reading of Ordinance No. 184, 2024, Authorizing the Conveyance of a Permanent Waterline Easement on Cathy Fromme Prairie Natural Area to the Fort Collins-Loveland Water District.

This Ordinance, unanimously adopted on First Reading on December 3, 2024, seeks authorization to approve the conveyance of a permanent waterline easement to Fort Collins-Loveland Water District (FCLWD) on 0.089 acres in the southwestern corner of Cathy Fromme Prairie Natural Area. FCLWD intends to construct a six million (6,000,000) gallon tank on Larimer County's landfill property and a 30" feeder waterline to increase reliability and resilience of FCLWD's existing facilities. The 30" waterline will run east from the new tank and connect in with an existing 36" waterline that runs north-south along Cathy Fromme's western boundary. The project has been processed through Fort Collins' 1041 permit procedures and was issued a Finding of No Significant Impact (FONSI).

Adopted on Second Reading.

10. Second Reading of Ordinance No. 185, 2024, Adopting the 2025 Larimer County Regional Transportation Capital Expansion Fee Schedule.

This Ordinance, unanimously adopted on First Reading on December 3, 2024, adopts the 2025 Larimer County Regional Transportation Capital Expansion Fee Schedule.

Adopted on Second Reading.

11. Second Reading of Ordinance No. 186, 2024, Appropriating Prior Year Reserves in the Water Fund and the Wastewater Fund for the Transfer of Fleet Vehicles Between the Water and Wastewater Utilities.

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates prior year reserves in the Water and Wastewater Funds to purchase fleet equipment at fair market value between Operational Divisions of the Water Field Operations Department.

Adopted on Second Reading.

12. **Second Reading of Ordinance No. 187, 2024, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager.**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, amends City Code to establish the 2025 salary of the City Manager. Council met in executive session on November 26, 2024, to conduct the performance review of Kelly DiMartino, City Manager, and to consider the salary market analysis for this position.

Adopted on Second Reading.

13. **Second Reading of Ordinance No. 188, 2024, 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 3, 2024, amends City Code to establish the 2025 compensation of the Chief Judge. A new two-year agreement for her employment was also adopted by Resolution 2024-142. Council met in executive session on November 26, 2024, to conduct the performance review of Jill Hueser, Chief Judge, and to consider the salary market analysis for this position.

Adopted on Second Reading.

14. **Second Reading of Ordinance No. 189, 2024, 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 3, 2024, amends City Code to establish the 2025 compensation of the City Attorney. Council met in executive session on November 26, 2024, to conduct the performance review of Carrie Daggett, City Attorney and to consider the salary market analysis for this position.

Removed from Consent Calendar - Adopted on Second Reading.

15. **Resolution 2024-143 Approving the Design, Creation and Installation of Public Art at the I-25 and Prospect Interchange.**

The purpose of this item is to approve expenditures from the Art in Public Places (APP) Reserve Account to commission an artist to create art for the I-25 and Prospect Interchange Project. The expenditure of \$64,500 will be for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for Stephen Shachtman to create the artworks for the I-25 and Prospect Interchange Project.

Adopted.

16. **Resolution 2024-144 Approving the Design, Creation and Installation of Public Art at the Power Trail and Harmony Road Crossing.**

The purpose of this item is to approve expenditures from the Art in Public Places (APP) Reserve Account to commission an artist to create art for the Power Trail and Harmony Road Crossing Project. The expenditure of \$50,000 will be for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for Todd Kundla to create the artworks for the Power Trail and Harmony Road Crossing Project.

Adopted.

17. Resolution 2024-145 Approving Expenditures from the Art in Public Places Stormwater and Water Utility Accounts to Commission an Artist to Create Art for the City’s Utilities.

The purpose of this item is to approve expenditures from the Art in Public Places Stormwater Utility and Water Accounts to commission an artist to create art for the Oak Street Stormwater Improvements Project. The expenditure of \$155,000 will be for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for Mark Aeling to create the artworks for the Oak Street Stormwater Improvements Project.

Adopted.

18. Resolution 2024-146 Concerning Implementation of Standards Created by Amendments to the Public Utility Regulatory Policies Act of 1978 by the Infrastructure Investment and Jobs Act (“IIJA”).

The purpose of this item is to present for Council consideration the recommendation from the City electric utility and the Energy Board, not to adopt the new revisions to the Public Utility Regulatory Policies Act of 1978 (PURPA) into the electric utility polices. Light & Power (L&P) is a “nonregulated utility” under PURPA, and can make a determination whether or not to implement the amended PURPA standards or establish a rule that differs from the standards. A complete review and evaluation of amended PUPRA standards has been completed and the findings support the recommendation not to adopt the amended PURPA standards. Staff is recommending Council adopt the written determinations made by Utility staff establishing local standards that differ from the amended PURPA standards.

Removed from Consent Calendar - Adopted.

19. Resolution 2024-147 Adopting the 2024 Three-Mile Plan Update for the City of Fort Collins.

The purpose of this item is to adopt the annual update of the Three-Mile Plan for the City of Fort Collins. The Three-Mile Plan is a reference document of plans and policies coordinating the general location, character, infrastructure, and land uses for areas of potential annexation within three miles of the municipal boundary.

An annual update of the Three-Mile Plan is required by Colorado Revised Statutes and highlights applicable plans and policies adopted or amended by Council over the preceding year.

Adopted.

20. Resolution 2024-148 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

The purpose of this item is to consider an update to the Council Meeting Rules of Procedure.

Removed from Consent Calendar - Adopted.

21. Resolution 2024-149 Supporting Grant Application for Local Match Funding in Support of the Midtown Central Corridor Project.

The purpose of this item is to obtain support for the City to apply for the non-federal match requirement included in the Department of Transportation’s FY2025 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program.

Adopted.

22. **Resolution 2024-150 Approving an Exemption to the Competitive Purchasing Process to Procure Professional Services from Park Consulting Group.**

The purpose of this item is to request an exception to the use of a competitive purchasing process to enter into a professional services agreement with Park Consulting Group to support the implementation of the new Licensing, Permitting, and Code Enforcement (LPCE) system. The Park Consulting Group is uniquely qualified to provide the services.

Exception to the Competitive Bid or Proposal Rationale:

Code Section 8-161(d)(1)(a). There exists only one (1) responsible source.

Adopted.

23. **Resolution 2024-151 Making an Appointment to the Board of the Downtown Development Authority.**

The purpose of this item is to fill a vacancy that currently exists as of October 15, 2024.

Adopted.

24. **Resolution 2024-152 Making an Appointment to the Board of Directors of Housing Catalyst.**

The purpose of this item is to fill one of two vacancies that will exist as of December 31, 2024.

Adopted.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

Adopted 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

14. **Second Reading of Ordinance No. 189, 2024, 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 3, 2024, amends City Code to establish the 2025 compensation of the City Attorney. Council met in executive session on November 26, 2024, to conduct the performance review of Carrie Daggett, City Attorney and to consider the salary market analysis for this position.

Adopted on Second Reading 6-0 (Recuse: Potyondy)

18. Resolution 2024-146 Concerning Implementation of Standards Created by Amendments to the Public Utility Regulatory Policies Act of 1978 by the Infrastructure Investment and Jobs Act (“IIJA”).

The purpose of this item is to present for Council consideration the recommendation from the City electric utility and the Energy Board, not to adopt the new revisions to the Public Utility Regulatory Policies Act of 1978 (PURPA) into the electric utility polices. Light & Power (L&P) is a “nonregulated utility” under PURPA, and can make a determination whether or not to implement the amended PURPA standards or establish a rule that differs from the standards. A complete review and evaluation of amended PUPRA standards has been completed and the findings support the recommendation not to adopt the amended PURPA standards. Staff is recommending Council adopt the written determinations made by Utility staff establishing local standards that differ from the amended PURPA standards.

Adopted 7-0

20. Resolution 2024-148 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

The purpose of this item is to consider an update to the Council Meeting Rules of Procedure.

Adopted 6-1 (Nay: Ohlson)

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

None scheduled.

P) RESUMED PUBLIC COMMENT (if applicable)

Q) OTHER BUSINESS

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

None.

OB 2. “I move that the City Council go into executive session pursuant to:

- City Charter Article Roman Numeral Two, Section 11(2)
- City Code Section 2-31(a)(2) and
- Colorado Revised Statutes Section 24-6-402(4)(b)

for the purpose of discussing with the City’s attorneys and appropriate management staff the following:

- 1. specific legal questions related to the police liability litigation; and**
- 2. the manner in which the provisions of the City Charter may be affected by existing or proposed provisions of federal, state or local law.”**

Approved 7-0

R) ADJOURNMENT