

December 2, 2025

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 the Day of December 10th, 2025, as Human Rights Day.**

PP 2. **Declaring the Day of December 6th, 2025, as CHSSA Championship Saturday.**

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 Julie Pignataro
Councilmember Tricia Canonico
Councilmember Melanie Potyondy
Councilmember Kelly Ohlson

ABSENT

Councilmember Susan Gutowsky

STAFF PRESENT

City Manager Kelly DiMartino
Senior Deputy City Attorney Jenny Lopez Filkins
City Clerk Delynn Coldiron

E) CITY MANAGER'S AGENDA REVIEW

City Manager Kelly DiMartino provided an overview of the agenda, including:

- Two amendments to the published agenda: a Resolution Approving the Midtown Business Improvement District 2026 Operating Plan and Budget has been added to the Consent Calendar as Item No. 26 and the three Ordinances setting the salaries of Council's Direct Reports have been removed from the agenda.
- Items 1-26 on the Consent Calendar are recommended for adoption.
- Two discussion items.
- Three Other Business Items.

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.)

Kevin Cross, Fort Collins Sustainability Group, spoke in support of having strong Building Performance Standards and expressed disappointment regarding the focus on implementation costs. He discussed various projects and potential return on investment timeframes and encouraged discussion on finance mechanisms in place to help defray costs. He urged Council to follow other jurisdictions and implement the proposed standards.

Leslie Coleman spoke on behalf of the Natural Resources Advisory Board expressing support for Building Performance Standards. She noted the environmental and other benefits realized by these types of standards and commented on the refinement that has occurred over time to maximize benefits and balance concerns. She stated the standards will help the City realize environmental, economic, and public health goals and urged Council to support the proposed standards.

Natalie Barnes opposed opening the EPIC emergency access gate citing concern for the children who travel along the street. She cited a 9 News story regarding traffic issues at Stuart and Lemay near Ridgeview Classical School and stated additional traffic from EPIC onto Stuart would further impact a crossing that is already dangerous. Additionally, she expressed concerns about neighborhood cut-through traffic and requested Council adopt a resolution requiring City management to complete proper due diligence prior to acting.

Teri Evans opposed opening the EPIC emergency gate and also requested further disclosure of data collected including traffic analysis, accident information and other related information prior to making a decision about this. She expressed concern about safety issues and the declining quality of life opening the gate would create in the surrounding neighborhoods. She also stated she would like to understand the challenges opening the gate would solve.

Ryan James opposed opening the EPIC emergency gate and noted people have questions about the process and transparency. He stated the City issued a work order for design of a permanent access in this area and wondered why this was done before any engagement with the neighborhoods occurred. He commented on a flaw in the current traffic study which is measuring the number of cars going through the now open gate but explained that many people are not aware it is open. He stated the numbers would certainly change if more people were aware. He asked the City to better clarify the process and timeline for neighborhood engagement.

Tom Glossi opposed opening the EPIC emergency gate. He asked what problem this proposal is trying to solve and about the data that defines the need. He also noted there has been no analysis that incorporates the major new aquatic facilities being built or planned in the region and questioned whether Fort Collins has modeled future EPIC demand in light of those developments.

Jerell Klaver opposed paid on-street parking in Old Town and discussed his experience with the implementation of paid on-street parking in Manitou Springs where his other business is located. He stated his local business revenue there decreased by approximately 70% upon paid parking implementation. He discussed consultant comments indicating paid on-street parking is not a best practice and will not increase economic vitality.

Gary Jones opposed opening the EPIC emergency gate stating he was concerned about public dollars being prematurely committed for a work order for a permanent exit prior to any construction costs being shared. He questioned how the project is meant to be evaluated by residents and noted the original 1985 approval for EPIC restricted access to Stuart. He urged Council to direct staff to provide a full cost estimate as well as estimates for lower-cost operational fixes.

Dr. Joan Ivaska spoke as the president of the Water's Edge Metro District regarding the failure of the developer to comply with the service plan and public benefit obligations. She provided examples of the items that have yet to be completed, including the irrigation system for Sonders which was designed as a non-potable system though the developer supplied it with potable water, thereby increasing the irrigation costs for residents. Additionally, she stated promised parks and open spaces remain unfunded and unbuilt. She requested Council and the City hold the developer accountable for full compliance.

Kenneth Orgoglioso spoke in support of Building Performance Standards and stated he is in agreement with the outcomes listed in the agenda item summary with the exception of the extension for compliance and the exclusion of multi-family dwellings from the covered building list. He noted energy improvement funds are available and stated they should be promoted. He also noted the 2050 tax passed with 80% approval which he suggested indicates support for Building Performance Standards. He urged Council to support the item without an extension for compliance.

Andrew Elliott opposed opening the EPIC emergency gate and commented on the original statements that were written regarding traffic flow when the facility was built, which vacated Stuart Street right-of-way. He questioned what has changed to necessitate the opening of the gate as a possible outcome. Additionally, he stated the Veteran's Memorial was moved to Edora in part due to its peaceful and quiet location, and that would be negated by opening the EPIC gate.

Howard Wasserman, Old Town business owner, opposed paid on-street parking citing the welcoming vibes and importance of Old Town and its locally owned shops. He stated the cost of doing business in Old Town has increased at a rapid rate and expressed concern that adding a paid parking meter system would cause a large drop in customer foot traffic and sales at a time when more shoppers are needed.

Holli McElwee, Kilwin's owner, opposed paid on-street parking and noted a petition being circulated is showing a 99% opposition to the change. She commented on the potential loss of sales tax revenue that could occur and stated implementing paid on-street parking would negatively impact downtown businesses. She stated the change would make downtown feel less friendly and urged Council to find an alternative solution.

Christie Rogers, Alpine Arts owner, opposed paid on-street parking and commented on the negative impacts it would have on downtown businesses and sales tax revenue. She also stated the change would penalize small businesses and encourage people to shop at big box stores where parking is free. She encouraged the City to engage with business owners to collaborate on parking solutions.

Ed Behan, Larimer Alliance for Health, Safety, and the Environment, spoke in support of strong Building Performance Standards. He noted the City declared a climate emergency in 2019 and stated further delay of the standards will continue to impact the City's ability to meet related goals.

Additionally, he opposed exempting multi-family buildings and stated making those buildings more efficient would decrease utility rates for tenants. He supported utilizing regulations along with incentives and stated the health of residents and the global climate are too important to delay adoption of these standards.

Wayne Welden, Old Town business owner, opposed paid on-street parking and commented on the extreme financial issues that have been created by increased property taxes. He stated the removal of free parking would create more obstacles for local businesses. He stated he has spoken with officials from other jurisdictions who have indicated predicted revenues from paid on-street parking are lower than expected and the lost business income would lead to lower sales tax revenues. He urged Council to support small businesses and not implement paid parking.

George Grossman, Happy Lucky's Teahouse, opposed paid on-street parking and echoed the comments made thus far. He stated the current paid parking system in the garages is flawed and rely essentially on the honor system with minimal enforcement. He suggested this issue should be fixed by utilizing technology that scans license plates on entry and exit. He stated downtown businesses are willing to assist in finding other viable solutions.

Raymond Coxe spoke about the Sonders development and the failure of the development company to fully honor obligations made to the City of Fort Collins. He stated the development continues to use potable water for irrigation despite the promise of a non-potable system and stated the City promised to withhold building permits for the east section of the development until the non-potable irrigation system was installed and approved in the west section. He requested the City take action as required to ensure the promises are fulfilled.

Anne Dupont discussed the Water's Edge Metro District and explained that the developer has not fulfilled promises under the service plan and public benefits statement. She stated the non-potable irrigation system and other amenities such as a pool, parks, and sports courts have yet to be completed. She stated residents are paying premium rates for the potable water system and many improvements are on hold until Sonders east is completed in five to seven years. She requested the City look into the matter and hold the developer accountable.

Patrick Redmond noted he is a volunteer for Greg Lopez who is running for Governor of Colorado in 2026.

Ezriah Shteir expressed concern about the opt-out fees related to the residential waste contract. He also expressed concern about the proposed increase to those fees, which are due to rising costs in fuel, labor, and disposal fees, which he stated are variable and track with the number of households serviced by Republic; therefore, the opt-out residents should not receive the same increases. He also questioned how the vendor's costs are being verified and urged the City to conduct audits to garner more information.

Rick Casey spoke in support of the proposed Building Performance Standards and stated it is one of the best investments that can be made to reduce the city's contributions to greenhouse gas emissions. He urged Council not to extend the compliance timeline and to include multi-family buildings noting financing programs are in place to provide assistance. He cited the City's climate emergency declaration from 2019 and shared the impacts of global climate change.

Julie Thompson spoke about the Sonders Metro District and discussed promised amenities and expected completion dates that were included in the paperwork they signed, none of which have been completed. She stated most residents pay \$4,000-5,000 a year in metro district taxes; therefore, expectations for amenities are high. She requested a City review of the process by which changes were made to the development plan for Sonders Village and an explanation of the changes themselves.

Jim Greuel spoke in support of Building Performance Standards, specifically a hybrid approach that combines impactful regulation with enhanced financial incentives. He opposed excluding multi-family buildings as a covered building category stating building upgrades could assist with utility rates for tenants. He questioned whether allowing access to increased incentives for building owners who make the changes early would be a fair process.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Pignataro thanked the speakers and asked about the cost of the design study for the EPIC gate. City Manager DiMartino replied the City is in the midst of doing its due diligence and completing a thorough process. She stated some expenditures are required to be able to answer the question as to the cost of different options accurately. She noted public engagement will occur prior to any recommendation being made and there is no recommendation at this point.

Councilmember Pignataro asked about the Water's Edge Metro District situation. City Manager DiMartino replied this issue has been brought to her attention recently and stated staff will follow-up with Council.

Councilmember Pignataro noted it was determined that the waste service opt-out fee should be the same as the lowest tier of service based on best practices and asked how the City is doing due diligence to ensure costs are not overstated. City Manager DiMartino replied staff will follow-up with more detail but noted there are rigorous processes in place in terms of contract oversight.

Councilmember Ohlson also requested a follow-up regarding the Water's Edge Metro District and noted what is occurring is something he feared with residential metro districts. He encouraged the City to examine its policies to ensure what is promised is enforceable and that there are real consequences if those promises are not kept. He asked if Tuesday's work session is related to downtown parking. City Manager DiMartino replied in the affirmative and noted the paid on-street parking topic will be included.

Councilmember Ohlson stated the City needs to tread carefully on making changes to a parking system that is working to bring people to Old Town. He suggested other solutions may need to be examined. Regarding the EPIC gate access issue, he noted he was on the Council that made the decision to promise it would not be permanently opened in 1985. He supported finding other solutions to deal with the EPIC traffic concerns.

Councilmember Potyondy thanked the speakers and asked about engagement efforts with Downtown businesses regarding potential changes to the parking structure. Eric Keselburg, Parking Services Manager, replied a series of engagement meetings and public events were held in 2023 prior to the receipt of the consultant report in 2024.

Councilmember Potyondy asked if the proposed alternatives mentioned by some of the business owners have been shared with staff to be included in the work session discussion. Keselburg replied some modifications have been done to planning and recommendations based on public outreach and noted all feedback is being considered.

Councilmember Potyondy thanked those who have written to Council regarding the parking issue and requested business owners share any additional strategies they have considered.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

Councilmember Ohlson withdrew Item No. 16, *First Reading of Ordinance No. 203, 2025, Amending Section 20-102 of the Code of the City of Fort Collins for the Purpose of Adjusting Snow and Ice Removal Requirements*, from the Consent Calendar.

J) CONSENT CALENDAR**1. Consideration and Approval of the Minutes of the November 18, 2025, Regular meeting.**

The purpose of this item is to approve the minutes of the November 18, 2025, Regular meeting.

Approved.

2. Items Relating to Amendments to the Land Use Code, Harmony Corridor Plan and Harmony Corridor Standards and Guidelines.

A. Second Reading of Ordinance No. 166, 2025, Amending the Land Use Code of the City of Fort Collins Regarding Commercial Corridors and Centers.

B. Second Reading of Ordinance No. 167, 2025, Updating the Harmony Corridor Plan and the Harmony Corridor Standards and Guidelines.

These Ordinances, unanimously adopted on First Reading on October 21, 2025, seek Council approval of the proposed code changes. These code changes are intended to:

- Enable more housing and mixed-use buildings, especially near existing and future transit.*
- Allow for more flexibility and adaptability, especially within the Harmony Corridor and Employment areas.*
- Create clearer building and site design standards to promote transit use and pedestrian access.*
- Improve predictability of the Land Use Code, especially to support small business owners.*
- Align the Harmony Corridor plan to the proposed Land Use Code changes.*

On first reading, October 21, 2025, Regular Council meeting Staff proposed second reading of these Ordinances to take place on December 2, 2025, in order to allow sufficient time for any suggested changes between first and second reading.

At First Reading on October 21, 2025, Council adopted proposed Ordinance No. 166, 2025, with one amendment to increase the maximum height limit in the Community Commercial (CC) zone district to five stories from the current four stories. The amendment is shown in Section 56 of Ordinance No. 166, 2025.

Subsequent to First Reading, the following change was made to Ordinance No. 166, 2025, to reflect an edit requested by City Council during first reading:

- Added definition of 'Boat Sales with storage' (Boat sales with storage shall mean the use of any land for the (1) sales of watercraft or (2) the display, storing, or repair of new or used watercraft outside of an enclosed building. This use does not include temporary sidewalk, tent, or open-air sales of watercraft, any of which are accessory to a retail store and have, as applicable, been City approved.) Additionally, a conforming change was made to the existing definition of vehicle sales and leasing. The amendments are shown in Section 59.***

Additionally, Land Use Code references to Community Development and Neighborhood Services department have been changed to Planning and Development Services to reflect the recent department name update since first reading. The amendments are shown in Sections 57, 58, and 59.

Both Ordinances Adopted on Second Reading.

3. Second Reading of Ordinance No. 188, 2025, Appropriating Unanticipated Philanthropic Revenue Received Through City Give and Authorizing Transfers of Appropriations.

This Ordinance, unanimously adopted on First Reading on November 18, 2025, requests an appropriation of \$23,412.80 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

Adopted on Second Reading.

4. Second Reading of Ordinance No. 189, 2025, Adopting the 2026 Budget and Appropriating the Fort Collins Share of the 2026 Fiscal Year Operating and Capital Improvement Funds for the Northern Colorado Regional Airport.

This Ordinance, unanimously adopted on First Reading on November 18, 2025, adopts the 2026 budget for the Northern Colorado Regional Airport and appropriate Fort Collins' share of the 2026 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.

5. Items Relating to Development Contributions to Transportation Capital Improvement Projects.

A. Second Reading of Ordinance No. 190, 2025, Appropriating Prior Year Reserves for a Development Contribution to Construction and Authorizing Transfers of Appropriations for the West Prospect Road and Prospect Lane Pedestrian Intersection Improvement Project and Related Art in Public Places.

B. Second Reading of Ordinance No. 191, 2025, Making a Supplemental Appropriation for a Development Contribution to Construction and Authorizing Transfers of Appropriations for the East Prospect Road – Sharp Point to I-25 Project and Related Art in Public Places.

C. Second Reading of Ordinance No. 192, 2025, Making a Supplemental Appropriation for a Development Contribution to Construction and Authorizing Transfers of Appropriations for the Sharp Point Drive and March Court Pedestrian Intersection Improvement Project and Related Art in Public Places.

These Ordinances, unanimously adopted on First Reading on November 18, 2025, appropriate development contributions from The Standard at Fort Collins and Liberty Common Junior High School to the West Prospect Road and Prospect Lane Pedestrian Intersection Improvement project (Project A), the East Prospect Road – Sharp Point to I-25 project (Project B), and the Sharp Point Drive and March Court Pedestrian Intersection Improvement project (Project C). If approved, this item will:

- 1) appropriate \$20,000 received in 2018 from The Standard at Fort Collins as a development contribution to construction near Project A;
- 2) appropriate \$200 (1%) of the development contribution to construction to the Art in Public Places (APP) program;
- 3) appropriate \$6,237 received in 2025 from the Liberty Common Junior High School as a development contribution to construction near Project B;
- 4) appropriate \$62 (1%) of the development contribution to construction to the APP program;
- 5) appropriate \$7,500 in existing capital project funds in Project B to the APP program to correct an error in a previous appropriation in 2018;
- 6) appropriate \$52,485 received in 2025 from the Liberty Commons Junior High School as a development contribution to construction near Project C; and
- 7) appropriate \$525 (1%) of the development contribution to construction to the APP program.

Following First Reading, language has been updated in the Boards/Commission/Committee Recommendation section, shown in bold.

All Ordinances Adopted on Second Reading.

6. Second Reading of Ordinance No. 193, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations of Keep Fort Collins Great Fund Residual Balance.

This Ordinance, unanimously adopted on First Reading on November 18, 2025, transfers the residual fund balance of The Keep Fort Collins Great (KFCG) Fund. The KFCG Fund was created to receive the proceeds of a 0.85% voter approved sales tax that was collected from 2011 – 2020. As of October 2025, there is a residual balance in the fund of \$193,938. As the fund has completed operations, it is prudent fiscal management to close the fund, which requires a transfer of the residual fund balance.

Adopted on Second Reading.

7. Second Reading of Ordinance No. 194, 2025, Authorizing the Conveyance of a Permanent Drainage Easement on Magpie Meander Natural Area and Soft Gold Park and a Temporary Construction Easement on Soft Gold Park to Willox Development Partners, LLC.

This Ordinance, unanimously adopted on First Reading on November 18, 2025, conveys a drainage easement to Willox Development Partners, LLC (“WDC”) across Soft Gold Park (“Soft Gold”) and Magpie Meander Natural Area (“Magpie Meander”) and a temporary construction easement on Soft Gold. The Willox Farm project is a proposed residential development located immediately north of Soft Gold and Magpie Meander. The proposed drainage easement alignment follows an existing drainage swale that carries stormwater from parcels north of the City-owned land into a remnant oxbow of the Poudre River. The temporary construction easement on Soft Gold will primarily provide for the installation of a City-owned public underground electric transmission line that will serve the new development and construction of a paved trail segment.

Adopted on Second Reading.

8. Second Reading of Ordinance No. 195, 2025, Amending Section 12-32 of the Code of the City of Fort Collins to Update the Residential Waste Collection Program.

This Ordinance, unanimously adopted on First Reading on November 18, 2025, updates City Code to modify the Contracted Residential Waste Collection Program to give the City Manager

the authority to approve annual rate increases above 3% that are agreed upon following the method established in the contract and to set a deadline for annual rate increase approval.

Adopted on Second Reading.

9. **First Reading of Ordinance No. 196, 2025, Making a Supplemental Appropriation of Unanticipated Revenue for Payment of Contingency Fees.**

The purpose of this item is to appropriate funding authority in the General Fund to make the required fee payment for the recovery of an insurance settlement benefitting the City.

Adopted on First Reading.

10. **First Reading of Ordinance No. 197, 2025, Appropriating Unanticipated Philanthropic Revenue Received Through City Give.**

The purpose of this item is to request an appropriation of \$25,023.67 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

Adopted on First Reading.

11. **First Reading of Ordinance No. 198, 2025, Making Supplemental Appropriations from the Colorado Division of Criminal Justice for Restorative Justice Services and Approving a Modification to an Intergovernmental Grant Agreement with the Colorado Division of Criminal Justice.**

The purpose of this item is to appropriate \$4,000 of unanticipated grant revenue from the Colorado Division of Criminal Justice Juvenile Diversion Fund awarded for the period of July 1, 2025 – June 30, 2026. This grant supports the Restorative Justice programs in the Housing and Community Vitality Department in Sustainability Services and approves the corresponding modification to the City's intergovernmental agreement with the State of Colorado.

Restorative Justice Programs (Programs) are part of the City's Conflict Transformation Works team, which also provide mediation services. The Programs will provide restorative justice services as an accountability option for 35 youth referred from the 8th Judicial District Attorney's Office.

Adopted on First Reading.

12. **First Reading of Ordinance No. 199, 2025, Authorizing a Transfer of Appropriated Matching Grant Funds for the Colorado Parks and Wildlife Grant Related to the Soapstone Prairie Headwaters Restoration Project.**

The original appropriation ordinance omitted the need for authorization to move in kind personnel costs from a lapsing budget within the Natural Areas Fund into a non-lapsing budget within the same fund. The original explanation is as follows:

The purpose of this item is to support the Natural Areas Department (NAD) in stream and wetland protection and restoration work at Soapstone Prairie Natural Area. The Soapstone Prairie Headwaters Stream Restoration Project (Project) aims to improve ecological function and habitat

in a one-mile reach of stream and wetland complex at Soapstone Prairie Natural Area. Specifically, the project will:

- Improve hydrological function and biodiversity for a one-mile reach of stream/wetland complex;*
- Create seven pools using beaver dam analog wood structures to support amphibian habitat;*
- Incorporate a rest cycle from livestock grazing through wildlife-friendly fencing; and*
- Include Native and Indigenous community members in restoration planting activities.*

*NAD was awarded \$25,500 through the Colorado Parks and Wildlife (CPW) Wetlands for Wildlife grant (**Attachment 1**). This grant funds the final phase of the project – adaptive management and monitoring activities – and follows completion of prior work including design, construction, and community engagement.*

This Ordinance will enable the NAD to complete the Project and fulfill final monitoring and reporting obligations under the CPW grant.

Adopted on First Reading.

- 13. First Reading of Ordinance No. 200, 2025, Amending the Code of the City of Fort Collins to Rename the Cultural Services Department as the Arts and Culture Department and Rename the Cultural Services and Facilities Fund as the Arts and Culture Fund.**

The purpose of this item is to amend City Code to officially rename the Cultural Services Department as the Arts and Culture Department and to rename the Cultural Services and Facilities Fund as the Arts and Culture Fund. This update reflects the department's evolving role in supporting community cultural programs, public arts initiatives, facilities, and partnerships, while better aligning the department's name with its mission and the City's broader arts and culture objectives. The name change will also coincide with the department's website transition on December 10, 2025, providing a consistent public-facing identity across all communications and platforms.

Adopted on First Reading.

- 14. First Reading of Ordinance No. 201, 2025, Amending Chapter 9, Article I of the Code of the City of Fort Collins for the Purpose of Updating Local Amendments to the 2024 International Fire Code.**

The purpose of this item is to modify the City's local amendments to the 2024 International Fire Code (IFC), adopted earlier this year.

Adopted on First Reading.

- 15. Public Hearing and First Reading of Ordinance No. 202, 2025, Adopting an Update to Appendix C of the Larimer County Urban Area Street Standards Pertaining to "Streetscape Standards" for the City of Fort Collins.**

The purpose of this item is to seek City Council adoption of Ordinance No. 202, 2025, which replaces the "City of Fort Collins Streetscape Standards" document that is Appendix C to the Larimer County Urban Area Street Standards (LCUASS). The current version was last adopted by City Council on February 26, 2013. The newly adopted version will have the same title.

The Streetscape Standards relate to the treatment of parkways (between the curb and sidewalk), medians, intersections, roundabouts, and key gateway intersections. The update primarily involves addressing requirements of Senate Bill 24-005 (Prohibit Landscaping Practices for Water Conservation), concerns for City maintenance staff and public safety, and concerns about increasing maintenance costs.

Policy revisions to the LCUASS require a public hearing process for their adoption (LCUASS Section 1.6.2.A). Under Section 2(g) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148, "[i]tems for which a public hearing is required may be considered as part of the Consent Calendar, and if any item is not pulled from the Consent Calendar for individual consideration and is adopted as part of the Consent Calendar, it will be deemed to have been the subject of a public hearing as required by any applicable Code or other legal requirements." Comments on a Public Hearing item on the Consent Calendar may be made during general public comment or the item may be withdrawn for individual consideration by a Councilmember or the City Manager.

Adopted on First Reading.

16. First Reading of Ordinance No. 203, 2025, Amending Section 20-102 of the Code of the City of Fort Collins for the Purpose of Adjusting Snow and Ice Removal Requirements.

The purpose of this item is to update the requirements for snow removal from sidewalks within the City to allow for up to two inches of snow accumulation.

Moved to Discussion.

17. First Reading of Ordinance No. 204, 2025, Amending Section 20-42 of the Code of the City of Fort Collins for the Purpose of Adjusting Weed and Grass Removal Requirements.

The purpose of this item is to update the maximum height for weeds and unmowed grasses from six inches to nine inches.

Adopted on First Reading.

18. First Reading of Ordinance No. 205, 2025, Authorizing an Intergovernmental Agreement with Housing Catalyst to Assign Certain City Property Rights.

The purpose of this item is to authorize the City to assign its rights of first refusal and offer under HB24-1175 by entering into an intergovernmental agreement with Housing Catalyst. HB24-1175 gives local governments rights of first refusal and offer to purchase qualifying multifamily properties for the purpose of providing long-term affordable housing or mixed-income development. It also allows local governments to assign those rights to a local housing authority. Assigning the City's rights to Housing Catalyst will create a more streamlined and timely process for Housing Catalyst to respond to opportunities to purchase.

Adopted on First Reading.

19. First Reading of Ordinance No. 206, 2025, Making a Supplemental Appropriation from Benefits Fund Prior Year Reserves for Unanticipated Expenditures.

The purpose of this item is to request supplemental appropriations of \$1,000,000 from the Benefits Fund to cover unanticipated medical claims expenses that could potentially exceed 2025 budgeted appropriations.

The City's Benefits Plan is a self-funded health plan in which premiums from both the employee

and employer are recorded as revenue in the Benefits fund to pay for plan administration, medical/dental claims, and insurance premiums.

Adopted on First Reading.

20. **First Reading of Ordinance No. 207, 2025, Authorizing an Intergovernmental Agreement with Larimer County Relating to an Exchange of Real Property on East Vine Drive and Real Property on Mountain Avenue and Allow for Construction of a Municipal Court or Payment.**

The purpose of this item is to authorize an intergovernmental agreement to exchange real property with Larimer County and allow for construction of a municipal court.

Adopted on First Reading.

21. **First Reading of Ordinance No. 224, 2025, Amending Section 2-31 of the Code of the City of Fort Collins Concerning Allowing Executive Sessions to Discuss Any Matter Authorized by Colorado Open Meetings Law.**

The purpose of this item is to amend City Code that describes the bases for City Council executive sessions to add language approved by Fort Collins voters in the November 4, 2025, election. The additional basis for City Council executive sessions is to discuss any matter authorized by Colorado Open Meetings Law.

Adopted on First Reading.

22. **First Reading of Ordinance No. 225, 2025, Making a Supplemental Appropriation for the Poudre Fire Authority Intergovernmental Agreement.**

The purpose of this item is to appropriate funding authority in the General Fund to enable the completion of contractual payments to the Poudre Fire Authority (PFA) from higher than forecasted Use Tax revenue within Fiscal Year 2025.

Adopted on First Reading.

23. **Resolution 2025-105, Regarding the Northern Colorado Water Alliance.**

The purpose of this item is to adopt the guiding principles of the Northern Colorado Water Alliance (Alliance), of which the City of Fort Collins is a participating member, along with approximately sixteen other Northern Colorado entities and municipalities. The Alliance works to identify water-related challenges that could benefit from broad collaboration and action. This includes identifying ways to keep water in Northern Colorado to support the vitality, resilience, and well-being of Northern Colorado communities, rather than allowing the unimpeded purchase and transfer of these limited water resources to the Denver metro area or other communities outside of the region. The Alliance principles serve as a guide for member organizations as opportunities emerge to engage on this issue.

Adopted.

24. Resolution 2025-106 Authorizing an Intergovernmental Agreement with Larimer County to Acquire 1303 North Shields Street.

The purpose of this item is to seek Council approval of the acquisition of 1303 N. Shields Street, and the associated intergovernmental agreement with Larimer County. Larimer County and the City have executed a purchase and sale agreement for conveyance of the property that is contingent upon Council approval.

Adopted.

25. Resolution 2025-107 Establishing a Process for City Council Selection and Appointment of a District 6 Councilmember to Fill a Vacancy Due to the Election of Emily Francis as Mayor.

The purpose of this item is to establish the process to be used in filling a vacancy in the District 6 Council seat. Mayor Pro Tem and District 6 Councilmember Emily Francis will vacate the seat when she is sworn in as Mayor on January 13, 2026.

Adopted.

26. Resolution 2025-108 Approving the 2026 Operating Plan and Proposed Budget of the Fort Collins Midtown Business Improvement District.

This item was added to the agenda on 12/1/2025.

The purpose of this item is to consider approval of the Midtown Business Improvement District 2026 Budget and Operating Plan.

Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Emily Francis moved, seconded by Councilmember Potyondy, to approve the recommended actions on items 1-26, minus Item 16, on the Consent Calendar.

The motion carried 6-0.

K) CONSENT CALENDAR FOLLOW-UP *(This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.)*

Mayor Arndt requested further clarification regarding the boat sales component of Item No. 2, *Items Relating to Amendments to the Land Use Code, Harmony Corridor Plan and Harmony Corridor Standards and Guidelines*. Clay Frickey, Planning Manager, replied there is currently no Land Use Code definition for boat sales, and given that it is a permitted use, staff felt it was necessary to define it. He stated the new definition includes boats and watercraft to make it more all-encompassing and is intended to address businesses which primarily sell boats, not businesses such as REI which sell kayaks and canoes.

Councilmember Pignataro requested additional information regarding Item No. 23, *Resolution 2025-105, Regarding the Northern Colorado Water Alliance*. Deputy City Manager Tyler Marr replied the Water Alliance was spun out of the regional City Manager, Mayor, and Mayor Pro Tem meetings a number of years ago, and in the last 18 months or so, the other water districts that help serve Fort Collins residents have been involved. He stated he did not believe they had adopted the principles yet, though most other participating entities have.

Councilmember Ohlson requested written follow-up information regarding Item No. 12, *First Reading of Ordinance No. 199, 2025, Authorizing a Transfer of Appropriated Matching Grant Funds for the Colorado Parks and Wildlife Grant Related to the Soapstone Prairie Headwaters Restoration Project*, specifically as related to what has been done at the site over the past two decades to prevent the destruction of the stream and wetlands with the grazing contracts.

Councilmember Ohlson expressed disappointment that climate change was not mentioned as one of the reasons for convening the Water Alliance per Item No. 23, *Resolution 2025-105, Regarding the Northern Colorado Water Alliance*.

L) STAFF REPORTS – None.

M) COUNCILMEMBER REPORTS

Councilmember Tricia Canonico

- Participated in the groundbreaking ceremony for the Harmony underpass
- Noted the Siphon overpass will be opened this weekend

Councilmember Julie Pignataro

- Attended the National League of Cities Summit in Salt Lake City – topics included housing affordability, AI, and civility

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

16. First Reading of Ordinance No. 203, 2025, Amending Section 20-102 of the Code of the City of Fort Collins for the Purpose of Adjusting Snow and Ice Removal Requirements.

The purpose of this item is to update the requirements for snow removal from sidewalks within the City to allow for up to two inches of snow accumulation.

PUBLIC PARTICIPATION

None.

COUNCIL QUESTIONS/COMMENTS

Councilmember Ohlson stated he does not see the need for this item and specifically noted that one or two inches of snow can turn to ice. He expressed concern that this change is due to the Code Compliance budget being cut per the budget passed by Council. He stated Code Compliance is important to quality of life and encouraged the next Council and the City to correct the budget when possible.

Lori Schwarz, Planning and Development Services Director, provided clarification that the requirement for homeowners and property owners that are abutting sidewalk areas to clear snow regardless of the amount of snow that falls is not being changed. She stated the abatement process is changing to initiate an abatement response for storms of two inches or more. She noted the enforcement of snow removal on sidewalks will continue, though there will not be abatement actions unless there is ice accumulation or two inches of snow accumulation. Additionally, she stated that regardless of resourcing constraints, staff believes this is a good ordinance to consider to help set a standard for when abatement would occur.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 203, 2025, Amending Section 20-102 of the Code of the City of Fort Collins for the Purpose of Adjusting Snow and Ice Removal Requirements, on First Reading.

The motion carried 5-1.

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

Nays: Councilmember Ohlson.

Clerk's Note: Mayor Arndt called for a break at 7:35 p.m., noting the meeting would resume at 7:45 p.m.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

- 27. First Reading of Ordinance No. 208, 2025, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge.**

The purpose of this item is to amend City Code to establish the 2026 compensation of the Chief Judge. Council met in executive session on November 25, 2025, to conduct the performance review of Chief Judge Jill Hueser and to review the salary market analysis for this position.

Withdrawn by City Manager.

- 28. First Reading of Ordinance No. 209, 2025, 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 2026 salary of the City Manager. Council met in executive session on November 25, 2025, to conduct the performance review of City Manager Kelly DiMartino and to review the salary market analysis for this position.

Withdrawn by City Manager.

- 29. First Reading of Ordinance No. 210, 2025, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney.**

The purpose of this item is to amend City Code to establish the 2026 compensation of the City Attorney. Council met in executive session on November 25, 2025, to conduct the performance review of City Attorney Carrie Daggett and to review the salary market analysis for this position.

Withdrawn by City Manager.

- 30. Items Related to the Adoption of the 2024 International Codes, the 2023 National Electric Code, and the 2025 Colorado Wildfire Resiliency Code, with local amendments.**

A. First Reading of Ordinance No. 211, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Building Code and Adopting the 2024 International Building Code, with Amendments.

B. First Reading of Ordinance No. 212, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Energy Conservation Code and Adopting the 2024 International Energy Conservation Code, with Amendments.

- C. *First Reading of Ordinance No. 213, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Residential Code and Adopting the 2024 International Residential Code, with Amendments.*
- D. *First Reading of Ordinance No. 214, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Existing Building Code and Adopting the 2024 International Existing Building Code, with Amendments.*
- E. *First Reading of Ordinance No. 215, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Swimming Pool and Spa Code and Adopting the 2024 International Swimming Pool and Spa Code, with Amendments.*
- F. *First Reading of Ordinance No. 216, 2025, Amending Chapter 5, Article II, Division 3 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Property Maintenance Code and Adopting the 2024 International Property Maintenance Code, with Amendments.*
- G. *First Reading of Ordinance No. 217, 2025, Amending Chapter 5, Article IV of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Mechanical Code and Adopting the 2024 International Mechanical Code, with Amendments.*
- H. *First Reading of Ordinance No. 218, 2025, Amending Chapter 5, Article IV of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Fuel Gas Code and Adopting the 2024 International Fuel Gas Code, with Amendments.*
- I. *First Reading of Ordinance No. 219, 2025, Amending Chapter 5, Article V, Division 1 of the Code of the City of Fort Collins for the Purpose of Repealing the Colorado Plumbing Code and adopting the 2024 International Plumbing Code, with Amendments.*
- J. *First Reading of Ordinance No. 220, 2025, Amending Chapter 5 of the Code of the City of Fort Collins for the Purpose of Adopting the 2025 Colorado Wildfire Resiliency Code and Appendices, with Amendments.*
- K. *First Reading of Ordinance No. 221, 2025, Amending Chapter 5, Article III of the Code of the City of Fort Collins for the Purpose of Repealing the 2020 National Electrical Code and adopting the 2023 National Electrical Code, with Amendments.*
- L. *First Reading of Ordinance No. 222, 2025, Amending the Land Use Code of the City of Fort Collins to Add Wildfire Resiliency Landscaping Requirements.*

The purpose of this item is to adopt the 2024 International Codes (2024 I-Codes) and the 2023 National Electric Code, which represent the most up-to-date, comprehensive, and fully integrated body of codes regulating building construction and systems using prescriptive and performance-related provisions. The purpose of the 2024 I-Codes is to establish minimum construction requirements to safeguard the public health, safety, and general welfare by regulating structural strength and stability, sanitation, light and ventilation, energy conservation, and property protection from hazards attributed to the built environment within the City of Fort Collins.

The 2024 I-Codes will replace the 2021 editions which were adopted by the City on April 5, 2022 (2021 I-Codes). The I-Codes are reviewed and voted on by code officials and construction industry professionals from across the country and published every three years under the

oversight of the International Code Council (ICC). These core 2024 I-Codes represent the latest construction publications from the ICC.

This item also includes ordinances to adopt the 2025 Colorado Wildfire Resiliency Code, which is an adaptation of the 2024 International Wildland-Urban Interface Code published by the ICC.

STAFF PRESENTATION

Marcus Coldiron, Chief Building Official, stated the City has reviewed, amended, and adopted the latest version of the International Codes (I-Codes) every three years since 2006, and Building Codes have been adopted in Fort Collins since 1924. He noted the Code's purpose is to safeguard the public's health, life, and safety by regulating structural strength and stability, sanitation, light and ventilation, and energy conservation. He stated local amendments allow for a more strategic approach to align with City and community goals. Coldiron stated staff is recommending adoption of the 2024 Codes including local amendments.

Coldiron outlined the collaborative approach utilized in addressing the new Codes and stated regional alignment occurred when possible. Additionally, amendments were simplified and clarified, and housing affordability was considered throughout the process. He outlined the process used to examine the Codes and discussed the Boards and Commissions and external stakeholder group engagement process. He stated overall feedback was positive, specifically as related to added flexibility with EV charging, redefining ADUs and duplexes, and other items.

Coldiron noted there were good conversations around the impact of the new Codes to affordability and stated that while they will increase the cost of construction slightly, there will also be utility and energy savings. He also noted that the typical cost increase with new Code adoption is 2-3% and the estimated increase for this set of Codes is only 1%.

Coldiron outlined the new State requirements and key local amendments, including those related to flexibility with EV charging requirements and ADUs, a water demand calculator to right size water piping distribution systems in buildings to save water and energy, and several Energy Code updates moving from a more prescriptive to a modeled performance path. He went on to comment on some of the issues discussed at the Council work session, including the current recommendation to require gender neutral signage for existing single-user restrooms in existing buildings when an alteration to that restroom requires a permit. He stated other options would require more resources, have more of a financial impact on building and business owners, and would increase the need for inspections. Coldiron noted there was a discussion at the work session regarding more detail on the comparison between the State requirements and local requirements. He stated the Colorado Wildfire Resiliency Code is not significantly different, though it is not being adopted as a whole, but is being split as appropriate between Building Codes and the Land Use Code. The second State requirement related to residential building stair modernization and is exactly the same as the local proposal.

Coldiron outlined a more detailed cost impact analysis which included the Fort Collins local amendments.

PUBLIC PARTICIPATION

None.

COUNCIL QUESTIONS/COMMENTS

Councilmember Potyondy thanked staff for reaching out to the Women and Gender Equity Advisory Board regarding the gender-neutral restroom signage. She noted the Board has supported the staff recommendation.

Councilmember Pignataro echoed Councilmember Potyondy's comment and requested clarification regarding added costs of construction for single-family or multi-family units. Coldiron replied solely adopting the I-Codes with no amendments would result in a \$2,227 reduction up to an increase of \$1,000, adding local amendments would make the cost neutral without the Energy Code updates, and adding in the Energy Code updates increases costs by about \$2,008 per unit; therefore, the maximum increase could be \$3,008 per residential unit depending on the specific components of the unit.

Councilmember Ohlson requested a follow-up prior to Second Reading on the water demand calculator method and statements related to improved water quality and other items listed. Additionally, he asked if the path to zero carbon construction by 2030 is an accurate statement given the 2024 Codes will not take effect until 2026 and the 2030 Code would not be adopted in 2030. Coldiron replied the zero carbon construction goal is for the 2030 Code, not the year 2030.

Mayor Pro Tem Francis asked if the threshold for permits for accessory buildings and fences is being reduced. Coldiron replied he would follow-up.

Mayor Pro Tem Francis asked about the structural design criteria, specifically the wind requirement for additional building materials to have a more robust structure. Coldiron replied the wind speed used in the calculation has not changed since 2018, and is 140 miles per hour or the Colorado Front Range Gust Map can be used. He stated there was a prescriptive change in the Code to the snow load calculation which appears to require stronger construction, though the outcome is actually the same. He added that the structural design criteria are actually more flexible.

Mayor Pro Tem Francis asked why triplexes fall under the IBC and not the IRC. Coldiron replied buildings up to three units fall under the IRC.

Mayor Pro Tem Francis asked how the new Codes would apply to projects already in the development review process. Coldiron replied the new Codes would apply to any permit application submitted after the effective date of the Codes. Mayor Pro Tem Francis requested additional follow-up and stated she believes Larimer County has a six-month grace period for projects that are already in the development review process. She specifically expressed concern about the cost increase of changing plans for projects already in development review. Coldiron noted Council has the discretion to push out the effective date, though that has historically never been done. Additionally, he noted that, at this point, a project would need to be done with the final development plan process in order to submit for a permit. Mayor Pro Tem Francis stated she would prefer the Codes not apply to any project that is already in the development review process. City Manager DiMartino replied staff would provide additional follow-up.

Councilmember Pignataro asked why there are so many ordinances associated with this item. Coldiron replied there are nine independent Codes that work together.

Mayor Arndt commended the process and staff's depth of knowledge. She thanked Coldiron for his work. She noted costs do increase with the Codes, however she believes the staff recommendation is sound.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Ordinance No. 211, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Building Code and Adopting the 2024 International Building Code, with Amendments, on First Reading.

The motion carried 6-0.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Ordinance No. 212, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Energy Conservation Code and Adopting the 2024 International Energy Conservation Code, with Amendments, on First Reading.

The motion carried 6-0.

Councilmember Ohlson moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 213, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Residential Code and Adopting the 2024 International Residential Code, with Amendments, on First Reading.

The motion carried 6-0.

Councilmember Ohlson moved, seconded by Councilmember Potyondy, to adopt Ordinance No. 214, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Existing Building Code and Adopting the 2024 International Existing Building Code, with Amendments, on First Reading.

The motion carried 6-0.

Councilmember Ohlson moved, seconded by Councilmember Canonico, to adopt Ordinance No. 215, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Swimming Pool and Spa Code and Adopting the 2024 International Swimming Pool and Spa Code, with Amendments, on First Reading.

The motion carried 6-0.

Councilmember Ohlson moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 216, 2025, Amending Chapter 5, Article II, Division 3 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Property Maintenance Code and Adopting the 2024 International Property Maintenance Code, with Amendments, on First Reading.

The motion carried 6-0.

Councilmember Ohlson moved, seconded by Councilmember Potyondy, to adopt Ordinance No. 217, 2025, Amending Chapter 5, Article IV of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Mechanical Code and Adopting the 2024 International Mechanical Code, with Amendments, on First Reading.

The motion carried 6-0.

Councilmember Ohlson moved, seconded by Councilmember Canonico, to adopt Ordinance No. 218, 2025, Amending Chapter 5, Article IV of the Code of the City of Fort

Collins for the Purpose of Repealing the 2021 International Fuel Gas Code and Adopting the 2024 International Fuel Gas Code, with Amendments, on First Reading.

The motion carried 6-0.

Councilmember Ohlson moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 219, 2025, Amending Chapter 5, Article V, Division 1 of the Code of the City of Fort Collins for the Purpose of Repealing the Colorado Plumbing Code and adopting the 2024 International Plumbing Code, with Amendments, on First Reading.

The motion carried 6-0.

Councilmember Ohlson moved, seconded by Councilmember Potyondy, to adopt Ordinance No. 220, 2025, Amending Chapter 5 of the Code of the City of Fort Collins for the Purpose of Adopting the 2025 Colorado Wildfire Resiliency Code and Appendices, with Amendments, on First Reading.

The motion carried 6-0.

Councilmember Ohlson moved, seconded by Councilmember Canonico, to adopt Ordinance No. 221, 2025, Amending Chapter 5, Article III of the Code of the City of Fort Collins for the Purpose of Repealing the 2020 National Electrical Code and adopting the 2023 National Electrical Code, with Amendments, on First Reading.

The motion carried 6-0.

Councilmember Ohlson moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 222, 2025, Amending the Land Use Code of the City of Fort Collins to Add Wildfire Resiliency Landscaping Requirements, on First Reading.

The motion carried 6-0.

Councilmember Pignataro thanked Coldiron for his work and noted that despite the unanimous votes, there may be some issues Council would like to further discuss at Second Reading.

31. **First Reading of Ordinance No. 223, 2025, Repealing Article XI, Chapter 12, of the Code of the City of Fort Collins Pertaining to Building Energy and Water Scoring and Reenacting Article XI, Chapter 12 as Benchmark and Building Performance.**

The purpose of this Ordinance is to repeal Article Chapter 12, Article XI of the City Code and reenact Chapter 12, Article XI as the Building Benchmark and Performance. Policy framework recommendations and modifications to Chapter 12 include adding the Building Performance Standards (BPS) Program. Over several years, staff has co-developed a policy that balances our unique community needs and forward climate action. This ordinance requires commercial buildings over 10,000 square feet (sq. ft.) to take action to meet established Energy Use Intensity (EUI) targets for specific building types or meet a reduction target, identified as a percentage EUI reduction. Staff has adjusted the policy based on recent feedback. This BPS program aligns with the 2024-2026 adopted City Council priorities and the Our Climate Future plan.

STAFF PRESENTATION

Jacob Castillo, Chief Sustainability Officer, stated the Building Performance Standards have been modified based on feedback from Council, particularly as related to creating a balance between an incentive-based approach and a regulatory framework.

Brian Tholl, Energy Services Manager, discussed the public engagement efforts related to this topic over the last two and a half years, including both an internal and external task force, four Council work sessions, and a pilot program which helped to quantify the community investment required for compliance. Tholl noted the success of any regulatory program is dependent on being cognizant of economic, behavioral, and infrastructure strategies to help take a strategic regulatory approach.

Tholl stated buildings account for 2/3 of emissions in Fort Collins and stated Building Performance Standards require buildings to meet specific performance targets by specific dates. The targets are quantified as energy use intensity targets. He noted there is some flexibility around the standard percent reduction which allows for buildings to meet targets or reduce emissions by a certain percentage of a baseline year. Additionally, there are built in target and timeline adjustments as well as some waivers and off ramps to account for some unique circumstances in the building community.

Tholl stated there are substantial triple bottom line benefits associated with this policy, though it does come with some investment expenses from the community's building owners with averages of \$4-6 per square foot of investment required in order to achieve compliance. Tholl provided an update regarding the proposed 730 covered buildings with a recommended timeline of 2035 for compliance. He noted the State's performance standards cover buildings that are 50,000 square feet and above, and if those buildings are in compliance with the State requirements, they will be deemed in compliance with the local requirements as they are part of the local Code language. Tholl noted approximately 2/3 of the covered buildings are already at the efficiency level to achieve compliance, though they will be required to go through a reporting process.

Tholl outlined the feedback received from Council, including the fact that many members support a regulatory approach only if it is supported by incentives and services to help local building owners with compliance. Additionally, Council indicated a preference to remove multi-family buildings from the list of covered buildings and to simplify the process for compliance. Questions were also raised regarding the need for municipal building investments. He noted that when buildings 5,000-10,000 square feet were included, the estimated municipal investment was approximately \$5.3 million; however, eliminating buildings in that square footage category reduces that amount significantly to closer to \$1 million. Tholl also noted there is a cost for buildings above 50,000 square feet, though that estimate has not necessarily been reflected in the materials that have been brought to Council at this time.

Tholl outlined the actions taken as a result of the Council feedback, including extending the policy timeline to 2035 which allows for more investment to be brought to buildings in order to come into compliance, which is based on the likely ongoing nature of efficiency-related incentives, the exclusion of around 300 buildings in the 5,000-10,000 square foot range which will allow for resources to be directed to the buildings that will have the largest impact on emissions reduction, the exclusion of multi-family buildings, and covering only buildings that were built prior to the 2024 Code adoption. Tholl noted staff would likely propose a budget offer for the 2027-28 budget to kick off an enhanced incentive-based approach with \$2 million in the first year from the 2050 tax revenue. He stated this would help to reward buildings that take early action.

Tholl outlined next steps stating staff is recommending adoption on First Reading and will continue to refine the resources for the community and the public communication plan.

PUBLIC COMMENT

Donald Bade noted he has owned a large mixed-use building for several years. He supported a strategy of allocating incentives toward voluntary participation but opposed the implementation of Building Performance Standards stating a penalty-based program should not be pursued as it

would place significant financial burdens on tenants. He explained that property tax increases alone have already caused hardship and additional building upgrade costs would add to those financial pressures, which may result in businesses relocating outside Fort Collins.

Joe Rowan stated people need to decide what they are willing to give up to meet climate action goals and stated the implementation cost of this program has never been shared; therefore, true costs are not known. He stated five of the six buildings in the pilot project did not receive contractor bids; therefore, the data being used is not accurate. He questioned how over 400 building owners are meant to compete for the same technical expertise, equipment, and work force and noted those costs are not being considered. He stated estimated costs are not in line with the reality of bringing older buildings into compliance and questioned the legality of the program.

Sam Coutts stated he has been involved in the stakeholder engagement efforts for the BPS ordinance and stated he was surprised this was coming before Council as it has been over a year since there has been any meaningful stakeholder engagement on the project, and at that time, it received heavy criticism and there were a number of unanswered questions. He suggested Council needs to consider the general threat to the downtown character and vibrancy as triple net increases will be passed down to tenants which are already experiencing razor thin margins. He stated implementation of this program would cause vacancies, particularly in the downtown area. He expressed concern about the lack of engagement and stated some of the arguments made in the staff report were not accurate.

Maria Christina Moore, inspection business owner, stated many of the concerns raised about the BPS proposal need to be addressed; however, she stated there is a great deal of misunderstanding about what BPS is and who it will impact. She stated there are many inexpensive improvements that can be made and the City's building officials can advise businesses on what can be done. She also noted many of the businesses in the downtown area are less than 10,000 square feet. She urged Council to move forward with adopting BPS without delay.

Mark Houdeshelt spoke in support of the Building Performance Standards and expressed concern that not enough questions were asked at the work session that would have made BPS more palatable. He also expressed concern about the exclusion of multi-family buildings and stated he would like to see more discussion about how to make BPS work while also considering affordability. Additionally, he stated multi-family buildings would be ideal candidates for the incentive program.

Ezriah Shteir encouraged Council to include multi-family dwellings in the BPS stating there would be energy cost savings for tenants. He noted building owners currently have no incentive to increase building efficiency.

Adam Hirschhorn thanked the Sustainability staff for their work on this.

COUNCIL QUESTIONS/COMMENTS

Mayor Pro Tem Francis asked about the applicability of the standards to mixed-use buildings. Tholl replied the standards would apply to buildings wherein the space that is not multi-family is greater than 10,000 square feet.

Mayor Pro Tem Francis asked about the funding of the program administration. Tholl replied the administrative costs will largely be covered by the absence of building owners participating in the incentive programs. He noted there is currently an ongoing energy services budget of about \$4.4

million that has been underspent over the last couple years; therefore, there should be no need for additional funding for BPS moving forward.

Mayor Pro Tem Francis asked if current staffing levels will cover assisting the building owners going through the process. Tholl replied the initial proposal called for the addition of 0.5 FTE in 2024; however, going into the 2027-28 budget process, that will likely be eliminated and existing resources will be used. Mayor Pro Tem Francis requested follow-up on specific numbers prior to Second Reading.

Mayor Pro Tem Francis requested more information about the use of 'off ramps.' Tholl replied the term references some of the waivers that are found in the program language, specifically as related to occupancy, planned demolition, and change of use.

Mayor Pro Tem Francis asked if the waivers are permanent. Tholl replied the language is written such that waivers would need to be sought annually.

Mayor Pro Tem Francis requested additional information on how the 2050 tax funds would be used. Tholl noted existing incentives through utilities programs which are largely based on energy use and stated a different approach should be taken for allocating the 2050 tax dollars, though those details have not been widely vetted over the past month.

Mayor Pro Tem Francis stated her support for this program is based on how the incentive space is being constructed. She stated she is not comfortable supporting the program without a clear picture of the incentives and questioned whether it would be feasible to put together the information prior to Second Reading. Tholl provided some history regarding previous incentive programs in the City and stated staff would like to partner with building owners and contractors to be intentional around how the 2050 tax dollars are deployed, and that this would take longer than between now and Second Reading. He noted the inclusion of the 2050 tax dollars does double the incentive budget and stated there is more intentional design that he and his team would need to complete prior to Second Reading.

Mayor Pro Tem Francis expressed concern about incentivizing early compliance as it does not seem equitable.

Councilmember Pignataro asked if multi-family buildings could still be eligible for the incentive program if they are not included in the BPS requirements. Tholl replied the plan is to make the incentives available to a broader group of buildings to ensure the program has the maximum reach possible.

Councilmember Pignataro asked why the buildings over 50,000 square feet that are already covered by State requirements are included in this policy. Tholl replied they were included to ensure technical resources and incentives are provided equally across the community.

Councilmember Ohlson stated he had initially supported offering incentives to early adopters of the program but understands Mayor Pro Tem Francis' concerns related to equity. He suggested staff return with proposals to even out the incentives over the years and provide written examples of possible incentive program structures prior to Second Reading. Tholl replied staff could provide conceptual ideas.

Mayor Arndt thanked staff for taking Council's feedback into account and stated this is the best iteration of the policy that has come forward. She remarked that this appears to be one of the most helpful measures for achieving climate objectives and praised how flexibility has been incorporated. She asked about the enforcement mechanism and fine structure. Tholl replied non-compliance would be a civil infraction, and the Municipal Court has a maximum citation of

\$3,000. He added that the Code currently identifies pursuing a quarterly non-compliance period and as soon as a building owner starts to pursue a plan, a cure period would be entered and would put the penalty on hold such that the next quarterly infraction would not be applied. He noted fines would not be applied until 2035.

Mayor Arndt stated the incentive program is a good use of the 2050 tax revenue. She asked if gas and electric energy are being treated in the same manner. Tholl replied gas and electric come together to form the energy use intensity (EUI) metric.

Mayor Arndt stated she does not believe similar programs have gone well in other areas. She noted the Public Utilities Commission just finalized a plan to push natural gas out of Colorado home heating. Tholl replied there is a great deal of variability in the gas and electric pricing forecasts but noted efficiency represents a cost effective resource.

Mayor Arndt asked if there would be any assistance for recapitalization of up-front costs. Tholl replied there are several options for financing that building owners can pursue, and because of that, the City is not likely to stand up its own financing to support the program directly unless otherwise directed by Council.

Mayor Arndt asked how these requirements have been reconciled with Historic Preservation requirements. Tholl replied anything related to historic certification would trump the BPS requirements and stated he would follow-up with additional detail.

Councilmember Canonico asked about work force availability. Tholl replied contractors are often leaning on the current incentive-based programs to drive projects and are attending trainings.

Castillo stated Fort Collins is fortunate to have a strong trade sector; however, it may be under-resourced in terms of personnel. He stated it is likely the labor force is short some workers in these fields and there is a nexus of work that could bring together support of workforce development, upward mobility, and job creation in support of the BPS program.

Councilmember Canonico asked how much of the total 2050 tax is dedicated to climate. Castillo replied it is approximately \$5 million per year.

Councilmember Canonico asked if there are other planned uses for those funds. Castillo replied the Strategic Funding Plan for Our Climate Future will be coming forward in the first quarter of 2026 which will help prioritize resource distribution and sequencing of projects; therefore, there are a number of investments that will be desired. He stated the investments in BPS will be material to how the other investments will be prioritized.

Councilmember Canonico concurred with Councilmember Ohlson's idea of flattening out the incentives over the years and asked if there might be some flexibility at the end of the compliance period to increase the incentives for those building owners needing to reach compliance. Castillo replied the deployment of those resources over time can be explored to take into account owners who may be making their investments later in the compliance timeframe.

Councilmember Canonico asked if energy efficiency will help take some of the pressure off the energy grid from data centers and AI. Tholl replied in the affirmative at a high-end resource level and in terms of compounding benefits related to transmission and distribution. He noted efficiency done before electrification leads to extended cable and transformer life which would minimize the upward pressure on future rate increases.

Councilmember Canonico thanked staff for the work on this program and for listening to Council.

Councilmember Pignataro asked when the level of success of the program would be identified if it were to be adopted as is, and what types of check-ins staff is planning with Council. Tholl replied the language includes annual progress reports.

Councilmember Ohlson stated this process was not rushed and started three years ago. He asked if 5,000-10,000 square-foot City buildings will be included. Castillo replied the compliance for City buildings is proposed to align with compliance for community buildings and therefore would only include buildings over 10,000 square feet. Councilmember Ohlson disagreed and suggested smaller municipal buildings should be included.

Councilmember Ohlson stated more work could be done on the educational component of this program in terms of letting people know this is one of the most beneficial things that can be done to help meet climate goals. He asked if Denver and Boulder excluded multi-family buildings from their standards. Tholl replied in the negative and stated Denver included buildings over 5,000 square feet.

Councilmember Ohlson asked if staff intends to assist building owners with making them aware of State and Federal resources. Tholl replied Denver has shown buildings are recovering about 40% of the total cost for compliance through State, utility, and other resources and stated he would like staff to be able to emphasize that for Fort Collins building owners.

Councilmember Ohlson stated he is not supportive of the multi-family and 5,000-10,000 square foot exemptions nor the extension of the compliance date to 2035. He stated he could support the program if the compliance date was moved to 2032 for all buildings other than multi-family, which could be 2035, and if the clarity of the incentive program was improved. He noted the Energy Board disagreed with excluding multi-family and 5,000-10,000 square foot buildings. He thanked staff for their hard work on this proposal and stated the explanations being brought forward at Second Reading will be valuable.

Councilmember Potyondy asked about the anticipated emissions reduction for the program as originally presented versus the current version. Tholl replied the outcomes included in the current version achieve 75% of the original proposed BPS policy.

Councilmember Potyondy expressed support for the overall program and stated she feels a sense of urgency around climate initiatives. She stated she sees the economic and social benefits of stretching out the timeline; however, time is of the essence when it comes to the need for emissions reduction. She suggested the program could be extended to multi-family buildings and smaller buildings if the program is successful. Tholl stated a framework could be adapted and/or expanded in the future.

Councilmember Potyondy asked if there are specific strategies that could be used to support businesses with unique energy needs. Tholl replied there are specific Energy Star ratings for different building types.

Councilmember Potyondy thanked staff for the hard work.

Mayor Arndt stated she believes this will be the best BPS program in the state if it passes and stated the work that has gone into its development has been extraordinary. She opposed the regulatory piece of the program but reiterated it is a model program.

Councilmember Pignataro stated this is a compromise and stated she is comfortable passing it as presented. She stated the extended timeline provides flexibility for businesses. Additionally, she stated the program could be reexamined quickly if it is not working.

Councilmember Pignataro moved, seconded by Councilmember Canonico, to adopt Ordinance No. 223, 2025, Repealing Article XI, Chapter 12, of the Code of the City of Fort Collins Pertaining to Building Energy and Water Scoring and Reenacting Article XI, Chapter 12 as Benchmark and Building Performance, on First Reading.

The motion failed 3-3.

Nays: Mayor Arndt, Mayor Pro Tem Francis, and Councilmember Ohlson.

Yeas: Councilmembers Canonico, Pignataro, and Potyondy.

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 Call a Special Meeting on Tuesday, January 13, 2025:**

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, that the City Council call a special meeting pursuant to Section 2-29 of the City Code to be held at 6:00 pm on Tuesday, January 13, 2025, for the purposes of:

- **public comment about outgoing Councilmembers,**
- **outgoing Councilmember comments,**
- **swearing in and seating of new Councilmembers,**
- **selection of Mayor Pro Tem,**
- **consideration of resolutions for outgoing Councilmembers,**
- **discussion and possible action to determine the pool of applicants to be interviewed for a vacancy appointment to the District 6 Councilmember seat, and**
- **possible consideration and action to adjust to the process to fill the District 6 vacancy.**

The motion carried 6-0.

- OB 3. Consideration of a Motion to Call a Special Meeting on Wednesday, January 14, 2025:**

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, that the City Council call a special meeting in Council Chambers pursuant to Section 2-29 of the City Council at 8:30 pm on January 14, 2025, or immediately following a special work session to be held at 6:00 pm, for the purpose of:

- **taking public comment on the interviewed applicants for the District 6 appointment,**
- **discussion and consideration of the applications and qualifications of the applicants, and**
- **consideration of a resolution making an appointment to fill the District 6 vacancy.**

The motion carried 6-0.

OB 4. Consideration of a Motion for Executive Session on Water Topics:

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, that the City Council go into executive session, pursuant to:

- ***City Charter Article Two, Section Eleven, Subsection Five, and***
- ***Colorado Revised Statutes Section 24-6-402 subsection (4)(e)(I);***

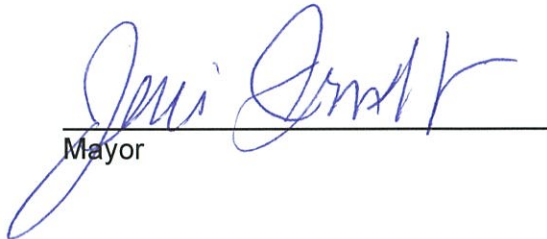
for the purposes of discussing with the appropriate City staff:

- ***The City's position on new and existing water storage project opportunities subject to negotiations, developing strategy for those negotiations, and instructing negotiators; and***
- ***The City's position on water supply arrangements for certain properties in northeast Fort Collins that are subject to negotiations, developing strategy for those negotiations, and instructing negotiators.***

The motion carried 6-0.

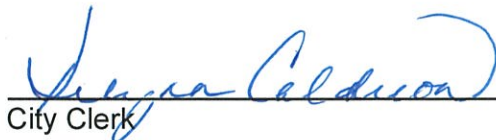
R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 9:51 p.m.



Mayor

ATTEST:



City Clerk



