

November 21, 2023

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PROCLAMATIONS & PRESENTATIONS

5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

- PP 1. **Declaring November 4, 2023 as Fort Collins ARO Flag Football Teams State Competition Day (Special Olympics).**
- PP 2. **Declaring November 18, 2023 as National Injury Prevention Day.**
- PP 3. **Declaring November 23, 2023 as Transgender Day of Remembrance and Resiliency.**
- PP 4. **Declaring December 2, 2023 as CHSAA Championship Saturday.**
- PP 5. **Declaring November 2023 as Epilepsy Awareness Month.**

Mayor Jeni Arndt presented the above proclamations at 5:00 p.m.

REGULAR MEETING

6:00 PM

B) CALL MEETING TO ORDER

Mayor Jeni Arndt called the regular meeting to order at 6:00 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado, with hybrid participation available via the City's Zoom platform.

C) PLEDGE OF ALLEGIANCE

Mayor Jeni Arndt led the Pledge of Allegiance to the American Flag.

D) ROLL CALL

PRESENT

Mayor Jeni Arndt
Mayor Pro Tem Emily Francis
Councilmember Susan Gutowsky
Councilmember Julie Pignataro
Councilmember Tricia Canonico
Councilmember Shirley Peel
Councilmember Kelly Ohlson

STAFF PRESENT

City Manager Kelly DiMartino
City Attorney Carrie Daggett
City Clerk Anissa Hollingshead
Assistant City Clerk Ann Marie Sharratt

E) CITY MANAGER'S AGENDA REVIEW

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

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

F) COMMUNITY REPORTS

None.

G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS *(Including requests for removal of items from Consent Calendar for individual discussion.)*

Derrin Evans, Fort Collins resident, commented on over expansion and experience growing up in San Diego, asking what rate of expansion landfills and water sources can sustain.

Adam Eggleston, Fort Collins resident, took the opportunity in the spirit of Thanksgiving to express appreciation and gratitude for the work of the Council and City staff on behalf of the community, noting both the responsiveness of staff regardless of the issue or personal views and the commitment of Council to navigating challenges.

Patricia Babbitt, Fort Collins resident, expressed thanks to everyone who supported her write in candidacy in the mayoral election, offering an observation that too few Fort Collins residents feel like voting is important.

Kimberly Chambers, Fort Collins resident, offered thanks to the Council for issuing the Transgender awareness month proclamation, noting yesterday was the Transgender Day of Remembrance, this year memorializing the loss of 63 lives of transgender people over the last 12 months. Chambers also provided information about Splash Youth opening a teen center, serving individuals up to age 24, as a safe space for LGBTQ young people.

Dan McDonald, Fort Collins resident, spoke to make Council aware of a serious issue affecting disabled residents of the city as a result of reliable public transportation, both public and private. As someone confined to a wheelchair due to MS, McDonald shared transportation requires a handicap accessible van with no options available after 6 pm.

Public comment concluded at 6:21 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Canonico spoke to the statements of Dan McDonald regarding the lack of availability of safe transit options. She spoke regarding seeing a community member and advocate today having trouble crossing a busy intersection on Harmony, as well as her efforts in meeting with Dial A Ride. City Manager DiMartino spoke to emerging discussions City teams will be engaged in around additional options in this realm, including exploring microtransit opportunities.

Councilmember Canonico also expressed thanks to all candidates who ran in this election and offered congratulations to all who won.

Mayor Arndt also offered her support for the importance of accessible public transit and thanked City Manager DiMartino for staff's focus on this.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

Councilmember Ohlson pulled items 17 and 23 from the consent calendar.

J) CONSENT CALENDAR

- 1. **Consideration and Approval of the Minutes of the October 17, 2023 Regular Meeting.**

The purpose of this item is to approve the minutes of the October 17, 2023 regular meeting.

Approved.

- 2. **Second Reading of Ordinance No. 139, 2023, Approving the Fiscal Year 2024 Budget, and Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority, and Fixing the Mill Levy for the Downtown Development Authority for Property Taxes Payable Fiscal Year 2024.**

This Ordinance, unanimously adopted on First Reading on October 17, 2023, sets the Downtown Development Authority (DDA) Budget.

The following amounts will be appropriated:

<i>DDA Public/Private Investments & Programs</i>	<i>\$6,435,066</i>
<i>DDA Operations & Maintenance</i>	<i>\$1,477,626</i>
<i>Revolving Line of Credit Draws</i>	<i>\$9,000,000</i>
<i>DDA Debt Service Fund</i>	<i>\$9,431,611</i>

The Ordinance sets the 2024 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2024.

Adopted on Second Reading.

- 3. **Second Reading of Ordinance No. 140, 2023, Adopting the 2024 Budget and Appropriating the Fort Collins Share of the 2024 Fiscal Year Operating and Capital Improvements Funds for the Northern Colorado Regional Airport.**

This Ordinance, unanimously adopted on First Reading on October 17, 2023, adopts the 2024 budget for the Northern Colorado Regional Airport and appropriates Fort Collins's share of the 2024 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.

- 4. **Second Reading of Ordinance No. 141, 2023, Appropriating Philanthropic Revenue Received by City Give for the 2023 Parks Independence Day Celebration.**

This Ordinance, unanimously adopted on First Reading on October 17, 2023, appropriates philanthropic revenue designated for the 2023 Parks Independence Day Celebration.

Adopted on Second Reading.

5. **Second Reading of Ordinance No. 142, 2023, Appropriating Philanthropic Revenue Received Through City Give for the Art in Public Places Program, Pianos About Town Project.**

This Ordinance, unanimously adopted on First Reading on October 17, 2023, appropriates \$45,221 in philanthropic revenue received by City Give for the Art in Public Places (APP) program. This grant award was received from Bohemian Foundation for the designated purpose of Pianos About Town, a collaborative effort among the City's Art in Public Places program, the Fort Collins Downtown Development Authority (DDA), and the donor, Bohemian Foundation.

Adopted on Second Reading.

6. **Second Reading of Ordinance No. 143, 2023, Making a Supplemental Appropriation, Appropriating Prior Year Reserves, Authorizing Transfers and Authorizing Intergovernmental Agreements for the Air Toxics Community Monitoring Project.**

This Ordinance, unanimously adopted on First Reading on October 17, 2023, appropriates an award the City received in the amount of \$499,139 for an Air Toxics Community Monitoring Project Grant from the Environmental Protection Agency (EPA) to provide air toxic monitoring that responds to concerns of residents in underserved communities, builds a broader understanding of air quality issues through innovative approaches including storytelling and art and empowers residents to engage in policy and regulatory discussions. This three-year project will be conducted in partnership with Colorado State University and the Larimer County Department of Health and Environment, with support from the Colorado Department of Public Health and Environment and various community organizations.

The purpose of this item is to support the Air Toxics Community Monitoring project by:

- *Appropriating \$499,139 of unanticipated grant revenue awarded by the EPA*
- *Appropriating \$70,178 from the General Fund reserves*
- *Utilizing matching funds in the amount of \$3,230 from existing 2023 appropriations into this new grant project*

This item would authorize the City to accept the grant award and comply with the terms and conditions. This item would also authorize the City to enter into an agreement with Colorado State University to conduct the work contemplated by the grant agreement.

Adopted on Second Reading.

7. **Second Reading of Ordinance No. 144, 2023, Appropriating Unanticipated Revenue From a CDOT Safe Routes to School Grant and Authorizing Transfers for the Zach Elementary School Crossings Project and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on October 17, 2023, enables the City to receive and expend federal, Colorado Department of Transportation (CDOT), and local funds for the Zach Elementary School Crossings Project (the Project). The funds will be used to design and construct improvements at the intersection of Kechter Road and Jupiter Drive and at the intersection of Kechter Road and Cinquefoil Lane. These improvements will create safer conditions for bicyclists, pedestrians, and motorists traveling in this location. If approved, the item will: 1) authorize the Mayor to execute an intergovernmental agreement (IGA) for the Project with CDOT; 2) appropriate \$745,587 of Safe Routes to School (SRTS) grant funds for the Project; 3)

appropriate matching funds from the SRTS School Transportation Safety Studies; 4) appropriate matching funds from the Bicycle Community Capital Improvement Program (Bicycle CCIP); 5) appropriate matching funds from the Pedestrian Community Capital Improvement Program (Pedestrian CCIP); 6) acknowledge anticipated funds contributed by the Poudre School District (PSD); and 7) appropriate funds to the Art in Public Places Program.

Adopted on Second Reading.

8. **Second Reading of Ordinance No. 145, 2023, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for the Fiscal Year 2024; Amending the Budget for the Fiscal Year Beginning January 1, 2024, and Ending December 31, 2024; and Fixing the Mill Levy for Property Taxes Payable Fiscal Year 2024.**

This Ordinance, unanimously adopted on First Reading on October 17, 2023, amends the adopted 2024 Budget. This Ordinance sets the amount of \$802,507,950 to be appropriated for fiscal year 2024. This appropriated amount does not include what is also being appropriated by separate Council/Board of Director actions to adopt the 2024 budgets for the General Improvement District (GID) No. 1 of \$318,275, the 2024 budget for GID No. 15 (Skyview) of \$1,000, the Urban Renewal Authority (URA) 2024 budget of \$6,121,898 and the Downtown Development Authority 2024 budget of \$26,344,303. The sum of these ordinances results in City-related total appropriations of \$835,293,426 for 2024. This Ordinance also sets the 2024 City mill levy at 9.797 mills, unchanged since 1991.

On Second Reading, some minor additional edits have been made to the recitals and Section 4 of the Ordinance to identify that budgeted grant funds for Transfort are designated as a non-lapsing appropriation, and that other grants and donations will be separately appropriated when necessary.

Adopted on Second Reading.

9. **Items Relating to 2024 Utility Rates, Fees, and Charges.**

A. Second Reading of Ordinance No. 146, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees, and Charges and Updating the Related Income-Qualified Assistance Program.

B. Second Reading of Ordinance No. 147, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees, and Charges.

C. Second Reading of Ordinance No. 148, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees, and Charges.

D. Second Reading of Ordinance No. 149, 2023, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees, and Charges.

These Ordinances, unanimously adopted on First Reading on October 17, 2023, proposed the 2024 Utility Rates for Council consideration, which align with the 2024 City Manager's Recommended Budget. Monthly utility charges are proposed to increase 5% for electric customers, 4% for water customers, 4% for wastewater customers, and 3% for stormwater customers.

Adopted all Ordinances on Second Reading.

10. **First Reading of Ordinance No. 150, 2023, Making a Supplemental Appropriation for the Oak Street Stormwater Improvements Project.**

The purpose of this item is to request appropriation to cover the expenses related to the recent bond issuance for the Oak Street Stormwater Improvements Project.

The Stormwater Utility Enterprise Board unanimously adopted Ordinance No. 011 on October 3, 2023, authorizing a bond issuance in the Stormwater Fund for the construction of the Oak Street Stormwater Improvements project. Following the sale and closing of the bonds' gross proceeds, the amount of \$40.4M have been paid into the Stormwater Fund on October 31, 2023.

This first appropriation request is being brought for your consideration to cover expenses for the recent bond issuance, including closing costs and underwriter's fees associated with closing of the bond. Payment for expenses will be made by the end of 2023.

The total amount being requested for appropriation is: \$375,931.

A second appropriation request will be brought forth once the construction contractor selection process is complete and the construction contract value has been finalized. The anticipated schedule is late December 2023 or January 2024.

Adopted on First Reading.

11. **First Reading of Ordinance No. 151, 2023, Appropriating Prior Year Reserves in the General Fund and Transportation Services Fund for Snow Removal.**

The purpose of this item is to appropriate prior year reserves to cover snow removal costs that have exceeded the 2023 budget. Overspend in the snow budget is driven by severe snowstorms that present cold temperatures, ice, and higher volumes of snow.

Adopted on First Reading.

12. **First Reading of Ordinance No. 152, 2023, Appropriating Philanthropic Revenue Received by City Give for the 9/11 Memorial, Park Planning and Design for the Construction of the 9/11 Memorial at Spring Park.**

The purpose of this item is to request appropriation of \$24,870.70 for the designated purpose toward the park planning and design for the construction of the 9/11 Memorial at Spring Park, 2100 Mathews Street, Fort Collins, Colorado.

A partnership between the City of Fort Collins and Poudre Fire Authority (PFA), the 9/11 Memorial will be located in midtown Fort Collins, and will honor firefighters, emergency medical technicians, law enforcement officers, and nearly 3,000 others who lost their lives on September 11, 2001.

Adopted on First Reading.

13. **First Reading of Ordinance No. 153, 2023, Appropriating Philanthropic Revenue by City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit.**

The purpose of this item is to request appropriation of \$5,850 in philanthropic revenue received by City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit as designated by the donor.

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.

14. **First Reading of Ordinance No. 154, 2023, Making Supplemental Appropriations of Unanticipated Grant Revenue and Authorizing Transfers for Transfort and Ebus Charging Equipment.**

The purpose of this item is to appropriate unanticipated grant funding for Transfort operational and capital needs.

Adopted on First Reading.

15. **First Reading of Ordinance No. 155, 2023, Appropriating Unanticipated Revenue and Authorizing Transfers for Replacement of Bicycle Racks in Downtown Fort Collins.**

The purpose of this item is to support replacement of aged and corroded bike racks with new bike racks that provide improved accessibility along downtown sidewalks by:

- *Appropriating \$15,050 of unanticipated grant revenue awarded by Colorado Department of Transportation (CDOT); and*
- *Utilizing matching funds in the amount of \$1,672 from existing 2023 appropriations for this new grant project.*

Pursuant to the State of Colorado Small Dollar Grant Terms and Conditions (Attachment 3), and in accordance with Section 1-22 of the City Code, the City Manager has accepted this grant agreement.

Adopted on First Reading.

16. **First Reading of Ordinance No. 156, 2023, Making a Supplemental Appropriation from the Colorado Division of Criminal Justice of Unanticipated Grant Revenue for Various Restorative Justice Services Programs.**

The purpose of this item is to appropriate grant revenue to fund Restorative Justice Services within Community Development and Neighborhood Services.

Additional grant funds in the amount of \$12,000 have been awarded from the Colorado Division of Criminal Justice (DCJ) Juvenile Diversion fund for the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program (RJCP) and Reflect Program for all other offenses. The \$12,000 in grant funds are in addition to a grant awarded to Restorative Justice Services earlier this year from DCJ in the amount of \$57,356, bringing the total amount of the awarded grant to \$69,356. No match is required and the grant period is July 1, 2023, to June 30, 2024.

Adopted on First Reading.

17. **First Reading of Ordinance No. 157, 2023, Making A Supplemental Appropriation, Appropriating Prior Year Reserves, Authorizing Transfers and Authorizing the City Manager to Enter into an Agreement for the Zero Carbon Performance Code Project.**

The purpose of this item is to support the Zero Carbon Performance Code Project by:

- *Appropriating \$693,595 of unanticipated revenue awarded by the Department of Energy (DOE);*
- *Appropriating \$152,127 from Light and Power Fund reserves;*

- *Transferring \$7,600 matching funds from existing 2023 appropriations in the Light & Power Fund; and*
- *Appropriating \$46,842 from General Fund reserves.*

In July 2023, the Department of Energy (DOE) awarded the City of Fort Collins (City) \$693,595 under the Bipartisan Infrastructure Law, Resilient and Efficient Codes Implementation (RECI) funding. The award supports development of a Zero Carbon Performance Energy Code framework by 2030 to meet energy use and carbon emissions reduction targets and replace prescriptive energy code models. This framework will be developed as a Code path to include successive code update cycles focused on an end goal of zero carbon new construction in the 2030 code cycle.

This project directly aligns with Our Climate Future’s Big Move 6 “Efficient, Emissions Free Buildings.” It also recognizes the importance of building energy codes as an effective strategy to improve health and safety, comfort, climate resilience and lower energy costs within community buildings.

While the DOE did not provide the final grant agreement before first reading of this Ordinance, staff is seeking approval to being spending resources toward the City’s anticipated match. The City’s \$206, 569 match will be met principally through Energy Services and Building Services staff personnel time. Upon presentation of its final grant agreement and DOE confirmation of its \$693,505 award (anticipated to occur before or contemporaneous with second reading), the DOE grant will be applied to reimburse project partners and the City. DOE funds and the City’s match support total project costs of \$900,164.

Pulled from Consent Calendar.

18. First Reading of Ordinance No. 158, 2023, Amending the City’s Master Street Plan.

The purpose of this item is to request approval by Council of proposed amendments to the Master Street Plan for the purposes of implementing recommendations from the North College MAX Plan, regular clean-up items, and a request from Montava.

Adopted on First Reading.

19. First Reading of Ordinance No. 159, 2023, Authorizing the Purchasing Agent to Enter into a Contract for Services, Professional Services and/or Construction in Excess of Five Years for the Golf Professional and the Food and Beverage Concessionaire at City Park Nine Golf Course.

The purpose of this item is to authorize the Purchasing Agent, pursuant to City Code Section 8-186(a), to enter into a contract greater than five years in length for the Golf Professional/Concessionaire at City Park Nine Golf Course. This contract was originally awarded by competitive purchasing processes in accordance with City Code Section 8-158, Competitive sealed proposals. The contract for the Golf Professional/Concessionaire includes a provision for the City to extend the contract for up to an additional five years, subject to Council approval. Extending the contract for the Golf Professional/Concessionaire at City Park Nine Golf Course is in the City’s best interest.

Adopted on First Reading.

20. **First Reading of Ordinance No. 160, 2023, Approving the Vacation of a Drainage Easement Located on Tract A of the Old Town North, Fifth Filing Subdivision.**

The purpose of this item is to approve an Ordinance that would vacate a 0.808 acre drainage easement (the "Easement") that was dedicated on Tract A of the Plat of the Old Town North Fifth Filing (the "Subdivision") for the benefit of the City because the Easement is no longer required by the City's Stormwater Utilities Department.

Adopted on First Reading.

21. **First Reading of Ordinance No. 161, 2023, Authorizing the Conveyance of Three Permanent Easements and a License to Enter to Colorado State University for Installation of Fiber Optic Cables on City Property.**

The purpose of this item is to approve an Ordinance that would permit the conveyance of three (3) permanent easements (the "Easements") and one (1) license to enter (the "License") to Colorado State University ("CSU") for the installation and operation of fiber optic cables on City property to connect the Powerhouse Energy Campus (the "Powerhouse Campus") located at 430 North College Avenue to the CSU main campus and allow for future CSU fiber optic connectivity to the Powerhouse 2 facilities.

Adopted on First Reading.

22. **Resolution 2023-094 Approving an Exemption to the Competitive Purchasing Process to Procure Cornerstone OnDemand, Inc.'s Talent Management Software.**

The purpose of this item is to request approval of an exception to the competitive purchasing process to continue to use Cornerstone as the City's Talent Management software. The City's existing five-year agreement with Cornerstone for the software will expire in December 2023 and the City seeks to enter into a new agreement with Cornerstone. Not continuing the City's contractual relationship with Cornerstone would substantially impede the City's administrative functions and would also harm the City's financial interests.

Adopted.

23. **Resolution 2023-095 Adopting the City's 2024 Legislative Policy Agenda.**

The purpose of this item is to consider and adopt the City's 2024 Legislative Policy Agenda. Each year the Legislative Review Committee develops a legislative agenda to assist in the formation, analysis, and advocacy of pending legislation and regulation. The Legislative Policy Agenda is used as a guide by Council and staff to determine positions on legislation and regulation under consideration at the state and federal levels and as a general reference for state legislators and the City's congressional delegation.

The Legislative Review Committee reviewed and made changes/updates at the October 3, 2023, meeting and reviewed and recommended adoption at the November 14, 2023, meeting.

Pulled from Consent Calendar.

24. **Public Hearing and Resolution 2023-096 Approving \$1.2 Million in HOME Investment Partnership Act American Rescue Plan Act Funding to the Heartside Hill Affordable Housing Development.**

The purpose of this item is to approve the funding recommendations of \$1.2 Million in HOME Investment Partnership Act-American Rescue Plan Act funding (HOME-ARP) to the Heartside Hill affordable housing development.

Adopted.

25. **Resolution 2023-097 Approving the 2024 Operating Plan and Proposed Budget of the Fort Collins Midtown Business Improvement District.**

The purpose of this item is to consider a Resolution approving the Fort Collins Midtown Business Improvement District's 2024 Annual Budget and 2024 Operating Plan, which are attached as Exhibits A and B, respectively, to the proposed Resolution.

Adopted.

26. **Resolution 2023-098 Approving the 2024 Annual Plan and Proposed Budget of the Fort Collins Tourism Improvement District.**

The purpose of this item is to consider a Resolution approving the Fort Collins Tourism Improvement District's 2024 Annual Budget and 2024 Annual Plan, which are attached as Exhibits A and B, respectively, to the proposed Resolution.

Adopted.

27. **Resolution 2023-099 Making an Appointment to the Human Services and Housing Funding Board.**

The purpose of this item is to appoint Michael Kulisheck to the Human Services and Housing Funding Board. Michael Kulisheck was originally appointed in 2020, however, his term has expired, creating a vacancy he has applied to fill.

Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to approve the recommended actions on items 1-16, 18-22, and 24-27 on the Consent Calendar.

The motion carried 7-0.

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

Councilmember Pignataro: asked on item 22, the exemption to the competitive purchasing process, if there will be a final process prior to second reading. City Manager DiMartino indicated she would check into that about not yet having a final price, and if we will have that price by second reading. DiMartino will follow up

On item 26, Councilmember Pignataro requested clarification on the Colorado Tourism District regarding why they have a contingency and reserves and what they see as the difference between those two. Josh Birks, Deputy Director, Sustainability Services, indicated he would need to follow up with that answer.

On item 27, Mayor Arndt commented and offered congratulations to Mike Kulisheck on his appointment to the Human Services and Housing Funding Board, noting confidence in his service.

Councilmember Ohlson commented on items 19 & 22 as similar items, both extending contracts beyond five years. He requested in the future long term contracts should be presented early enough to allow other considerations if needed in the event Council doesn't support extending it, rather than a month and a half before a 5-year contract expires. He shared he doesn't have any trouble with these two contracts but as a matter of good policy the role of Council should be respected with more timely consideration of options.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Councilmember Shirley Peel gave a shout out to Natural Areas for work that was done on the parking lot at Cathy Fromme that was much needed.

Councilmember Susan Gutowsky shared appreciation for the impressive special event by the Air Force ROTC at Veterans Plaza on Veterans Day; and also noted the annual turning on of the holiday lights was also a very special event in partnership with the DDA that never loses its luster. She encouraged residents to spend time in our beautiful downtown and patronizing our small businesses.

Mayor Jeni Arndt noted the ongoing work of Don Butler for his commitment to guiding the North Fort Collins Business Association in running the Coats and Boots project, now in its 17th year, this year delivering new items, delivering 2,417 pieces of new outdoor wear to more than 1200 children in the PSD. Don has raised over \$100,000 for the program. Scheels Sporting Goods has also been a good partner in the program in helping supply discounted wear.

Councilmember Julie Pignataro shared about the recently concluded National League of Cities conference in Atlanta that she attended along with Councilmembers Gutowsky and Canonico. She will also be serving on the NLC's Women in Municipal Government board for the next two years. She concluded by noting sessions and conversations at NLC clearly demonstrated housing is an issue throughout the United States.

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

17. First Reading of Ordinance No. 157, 2023, Making A Supplemental Appropriation, Appropriating Prior Year Reserves, Authorizing Transfers and Authorizing the City Manager to Enter into an Agreement for the Zero Carbon Performance Code Project.

The purpose of this item is to support the Zero Carbon Performance Code Project by:

- *Appropriating \$693,595 of unanticipated revenue awarded by the Department of Energy (DOE);*
- *Appropriating \$152,127 from Light and Power Fund reserves;*

- *Transferring \$7,600 matching funds from existing 2023 appropriations in the Light & Power Fund; and*
- *Appropriating \$46,842 from General Fund reserves.*

In July 2023, the Department of Energy (DOE) awarded the City of Fort Collins (City) \$693,595 under the Bipartisan Infrastructure Law, Resilient and Efficient Codes Implementation (RECI) funding. The award supports development of a Zero Carbon Performance Energy Code framework by 2030 to meet energy use and carbon emissions reduction targets and replace prescriptive energy code models. This framework will be developed as a Code path to include successive code update cycles focused on an end goal of zero carbon new construction in the 2030 code cycle.

This project directly aligns with Our Climate Future’s Big Move 6 “Efficient, Emissions Free Buildings.” It also recognizes the importance of building energy codes as an effective strategy to improve health and safety, comfort, climate resilience and lower energy costs within community buildings.

While the DOE did not provide the final grant agreement before first reading of this Ordinance, staff is seeking approval to begin spending resources toward the City’s anticipated match. The City’s \$206,569 match will be met principally through Energy Services and Building Services staff personnel time. Upon presentation of its final grant agreement and DOE confirmation of its \$693,595 award (anticipated to occur before or contemporaneous with second reading), the DOE grant will be applied to reimburse project partners and the City. DOE funds and the City’s match support total project costs of \$900,164.

There was not a staff presentation, however staff was available for questions.

There was no public comment on this item.

Councilmember Ohlson commented on a paragraph in the Agenda Item Summary that implied businesses and others with vested economic interests get a seat at the table to offer input on developing work product relating to environmental issues where members of the public do not have that same access through the working groups that are convened by the City, expressing his disappointment with what is being presented today and offering his dissent.

Mayor Pro Tem Francis noted her perceptions are different and requested clarification from staff on intent.

Staff member Brad Smith with Energy Services commented on the intent to deviate from the typical process used of a development code committee typically made up exclusively of those in the building industry. Instead, the objective is to convene a much more diverse group including a range of stakeholders, including environmental advocates, to participate in this process.

Councilmember Ohlson indicated language around vested interests does not demonstrate the type of approach he is looking to see.

Councilmember Canonico offered her interpretation vested interests can include a range of perspectives, including around environmental concerns, affordability and other issues.

Councilmember Pignataro asked if there will be follow up with the Council what kind of working group is formed. City Manager DiMartino noted the staff team has heard clearly from Council the importance of a diverse work group and are happy to share the makeup of this group as it comes together.

Councilmember Ohlson noted that historically 'vested interest' implies economic interests, and suggested more care on wording used is important.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt on First Reading Ordinance No. 157, 2023, Making A Supplemental Appropriation, Appropriating Prior Year Reserves, Authorizing Transfers and Authorizing the City Manager to Enter into an Agreement for the Zero Carbon Performance Code Project.

The motion carried 6-1.

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

Nays: Councilmember Ohlson.

23. Resolution 2023-095 Adopting the City's 2024 Legislative Policy Agenda.

The purpose of this item is to consider and adopt the City's 2024 Legislative Policy Agenda. Each year the Legislative Review Committee develops a legislative agenda to assist in the formation, analysis, and advocacy of pending legislation and regulation. The Legislative Policy Agenda is used as a guide by Council and staff to determine positions on legislation and regulation under consideration at the state and federal levels and as a general reference for state legislators and the City's congressional delegation.

The Legislative Review Committee reviewed and made changes/updates at the October 3, 2023, meeting and reviewed and recommended adoption at the November 14, 2023, meeting.

There was no staff presentation or public comment on this item.

Councilmember Ohlson asked if the language that was struck under the Recycling and Solid Waste Reduction section, that had been listed as item 6, regarding supporting extended producer responsibility initiatives that fund recycling programs was moved or if something was passed in the legislature. He shared his belief this is one of the most important things that can be done at the local level to reduce the need for recycling.

Mayor Arndt noted the producer responsibility bill was passed last year under the leadership of Senator Lisa Cutter. This is currently in rule making.

Councilmember Ohlson talked about Colorado having one of the worst rates of recycling in the country, as a recent story in the Denver Post documented, solidifying why this is so important to him and encouraging the City to remain involved in rule making.

In the Housing Section, Councilmember Ohlson noted he does not support item 8, regarding support for consideration of incentives and/or requirements to encourage land use reforms that will increase housing supply statewide, as that seems similar to what the State tried to do last year. He stated he views these issues as a matter of home rule and local control and something the City should do at the local level rather than asking the State to step into that space.

Lead Project Manager Ginny Sawyer noted there was conversation the recycling piece that was discussed. She noted the struck language has actually already been added back into the clean copy based on the interest in remaining engaged in rulemaking as was just requested.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Resolution 2023-095, Adopting the City's 2024 Legislative Policy Agenda.

The motion carried 6-1.

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

Nays: Councilmember Ohlson.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

28. First Reading of Ordinance No. 162, 2023, Adopting the East Mulberry Plan as an Update of the 2002 East Mulberry Corridor Plan.

The purpose of this item is for Council to consider adoption of the draft East Mulberry Plan and potential annexation considerations related to the plan. Staff will share a potential approach to annexation for Council to consider based on a concept referred to as "Thresholds."

Chief Financial Officer Travis Storin provided an introduction to this topic and the work done by staff in accordance with the guidance of Council to produce this plan in parallel with a robust public engagement effort. Storin also noted concerns heard from some community members about the predictability of actions under this plan, while also noting annexation is not the primary focus of the plan.

Senior Policy and Project Manager Sylvia Tatman-Burrus - noted tonight's presentation would include briefly reviewing information already provided at the recent work session, as well as the additional information provided to City Council today in read before packet materials, including information from the Planning and Zoning Commission hearing with that body's recommendations. Tatman-Burrus and Senior Long Range Planner Megan Keith presented as set forth in the slide deck in the agenda materials.

PUBLIC COMMENT

None.

COUNCIL DISCUSSION

Councilmember Pignataro asked staff to talk about the annexation transition committee and whether it is right-sized. Planner Keith noted the committee is a requirement of Colorado Revised Statutes based on parameters of 100 people and 50 acres, which a number of thresholds for annexation may meet, leading to the recommendation this committee be formed with the first threshold undertaken, with a primary purpose of ensuring adequate communication about the annexation.

Councilmember Gutowsky asked who does the selection of annexation transition committee members. Planner Keith noted leadership positions in each entity make selections for county and city members, with those initial members developing an application process to identify people who are interested in serving who are within the threshold area.

Councilmember Peel expressed appreciation to staff for the hard work on this plan and the approach used, including incorporating lessons learned from the South College Annexation. In responses to questions about ensuring we clearly know who is responsible for specific roads post-annexation, Planner Keith pointed to data between the County and the City about maintenance responsibilities. CFO Storin identified how the Mulberry Plan lays out the 46 miles of roads potentially involved, with clarity on which agency a given mile of roadway falls under. What may not be satisfactory is the level of standards for maintenance under each responsibility, but there are not similar areas in this plan area without clarity on who is responsible as occurred in some parts of the South College Plan.

Peel also asked about electric lines and that being dependent on budget, and how it can be assured this will not be put on hold indefinitely. CFO Storin spoke to how the thresholds model can reduce the predictability of when services are rolled out in different parts of the city, given there may not always be clear lines of sight for adding service with each threshold. The overall intent, however, is to ultimately ensure full underground electric service is provided throughout the enclave when annexed.

Peel asked how the City will prevent agricultural businesses being displaced due to annexation and zone changes. Planner Keith indicated the plan includes specific considerations for maintaining these businesses, including adding these types of businesses to the City's industrial zone classification. Regarding effects on small businesses, Peel spoke about the hardship of bringing businesses up to code as part of any redevelopment. She expressed concern about the level of discretion that seems to be given to whomever is conducting the development review. Planner Keith indicated there is some existing flexibility within the City's standards that can be applied in any part of the city, identifying where in this plan this flexibility can be used to support identified goals in the plan. Councilmember Peel commented that this is a concern as it may not do enough to protect small businesses. Peel also asked about the capacity of the Economic Health Office to support businesses in the area under the threshold approach. Planner Keith indicated that is something that will need to be looked at as each threshold moves forward, also noting smaller areas moving forward at a time may also help support staff capacity. Peel also asked when collaboration with Larimer County on development review would start. Tatman-Burruss indicated this is already happening when applications for property contiguous with city boundaries come in to Larimer County and this will continue.

Mayor Pro Tem Francis expressed thanks to staff on the work done, noting it is both a thoughtful plan and thoughtful approach. Francis also offered thanks to Councilmember Peel for her advocacy and determination to ensure the City has learned from issues that arose in prior annexations. Mayor Arndt reiterated those remarks and also expressed appreciation for the hard work of the Planning and Zoning Commission in considering these topics and making thoughtful recommendations.

Councilmember Gutowsky also expressed appreciation for the development of the thresholds approach that was able to get to this point from what had seemed like an overwhelming starting place. Gutowsky asked at point in the process do discussions about the money for moving forward with annexation. CFO Storin noted the financial analysis provides an overall look at this topic. As each threshold moves forward, the financial analysis will need to be looked at closely at that point as part of the determination of whether to annex or not. For utilities, dollars will come from capital sources, including bonding. On the government side, it would be through general fund, both for revenue and expenses. Gutowsky also asked about the expected timing for being able to remake the Mulberry corridor entrance view. Storin indicated the high-level answer is that is not known. He spoke specifically to the approach to interchanges in partnership with CDOT, generally with 50% participation by CDOT.

Councilmember Canonico added her gratitude to staff for their great work.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 162, 2023, Adopting the East Mulberry Plan as an Update of the 2002 East Mulberry Corridor Plan, incorporating the staff recommendations from the Planning and Zoning Commission, on First Reading.

The motion carried 7-0.

29. Resolution 2023-100 Expressing Gratitude and Appreciation to Deputy City Attorney John Duval for his Contributions to the City and the Community.

The purpose of this item is to express gratitude and appreciation to John Duval for his contributions to the City and the community as Deputy City Attorney.

PUBLIC COMMENT

None.

COUNCIL DISCUSSION

The members of Council each offered their individual appreciation to John Duval.

By unanimous consent, the rules of Council were suspended to allow a member of the public to address Council. John Duval offered remarks regarding his service and history in the community of Fort Collins.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Resolution 2023-100 Expressing Gratitude and Appreciation to Deputy City Attorney John Duval for his Contributions to the City and the Community.

The motion carried 7-0.

Clerk's Note: Mayor Arndt called for a 10-minute break at 7:50 p.m. The meeting resumed at 8:01 p.m.

30. Resolution 2023-101 Appointing Two Councilmembers to a Joint Committee with Loveland Regarding Airport Governance for the Northern Colorado Regional Airport and Authorizing Release of a Related Confidential Legal Memorandum.

The purpose of this item is to designate two Councilmembers to represent Fort Collins as part of a joint committee with the Loveland City Council to discuss, evaluate and make recommendations regarding alternative models of governance at the Northern Colorado Regional Airport.

City Manager Kelly DiMartino provided some background and context on this item, outlining recent actions associated with the Northern Colorado Regional Airport and the work that has been undertaken around the future of airport governance. DiMartino reviewed the two asks to Council tonight, including the identification of two members of Council to share on a governing board, and also to consider waiving attorney-client privilege to allow the release of a related confidential legal memo.

PUBLIC COMMENT

None.

COUNCIL DISCUSSION

Mayor Arndt shared her support for making the memorandum public and also stated her willingness to serve on this committee.

Councilmember Pignataro also stated support for releasing the memo and expressed willingness to serve as well.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Resolution 2023-101 Appointing Two Councilmembers to a Joint Committee with Loveland Regarding Airport Governance for the Northern Colorado Regional Airport, appointing Mayor Arndt and Councilmember Pignataro and Authorizing Release of a Related Confidential Legal Memorandum.

The motion carried 7-0.

P) OTHER BUSINESS

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

(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

Q) ADJOURNMENT

Consideration of a motion to adjourn to 6:00 p.m. on November 28, 2023, for the purpose of annual performance evaluations of Council's direct-report employees:

Mayor Pro Tem Francis moved, seconded by Councilmember Peel, that Council adjourn this meeting to 6:00 p.m. on Tuesday, November 28, 2023, in order to consider a motion to go into executive session to conduct annual performance reviews of the Council's direct report employees, and for such other business as may come before the Council.

The motion carried 7-0.

At 8:08 p.m., the meeting was adjourned to 6:00 p.m. on November 28, 2023, in Council Chambers, at 300 Laporte Avenue, Fort Collins.

Mayor

ATTEST:

City Clerk