

June 20, 2023

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

PP 1. **Declaring June 2023 as Bike Month.**

PP 2. **Declaring June 21st, 2023 as Make Music Fort Collins Day.**

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 6:01 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 (arrived at 6:30 p.m.)
Councilmember Kelly Ohlson

STAFF PRESENT

City Manager Kelly DiMartino
City Attorney Carrie Daggett
Assistant City Clerk Amani Chamberlin

E) CITY MANAGER'S AGENDA REVIEW

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

- Noting there were no changes to the published agenda.
- 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.)*

Jennifer Coers (remote), Regional Manager with Educatius Group, an international student placement organization which partners with Poudre School District stated eight students from Brazil and Spain still need host families in the District and requested assistance from Council in finding those families. She commented on contributions made by international students to the local economy and spoke as an advocate for community members becoming host families.

Madeleine Kamberg stated she is running the U+2 repeal campaign and stated people in support of U+2 want to see fewer humans, which is lazy policy. She stated she will be stopping their campaign to bring an ordinance by petition due to a lack of manpower and requested Council place this issue on the ballot for the upcoming election.

Teresa Gonzales, (via Spanish interpretation) shared a personal testimony about an incident that happened regarding a homeless individual and her feeling that she and her children are unsafe, particularly in the park which she stated has been overtaken by homeless individuals. She expressed that she is not alone in her concerns and is speaking on behalf of residents in Hickory Village.

Rebecca Mendoza, (via Spanish interpretation) resident of Hickory Village, spoke on behalf of the mobile home park's residents and stated that when homeless individuals were moved out of downtown, they migrated to Soft Gold Park, and residents can no longer use this park as it has been taken over by homeless individuals who are frequently under the influence. She stated Hickory Street has been overrun by tents and violence in the area has increased, including gunshots and fights. She stated residents of Hickory Village have the right to keep their children safe from being exposed to drug abuse and she requested Council work to find a way to foster peace and tranquility for the children of her community.

Patricia Harrell stated she works with the 24/7 men's shelter in the North College Corridor, and she frequently works with the residents of Hickory Village. She echoed the concerns of the previous two speakers. She also expressed concern with traffic on Hickory Street and stated residents are requesting a larger law enforcement presence to help build relationships with the community. Additionally, she stated the residents of Poudre Valley Mobile Home Park, while not in the City limits, are very much affected by City issues and should be informed as to decisions and meetings.

Marcus Valdez commented on the City's budget issues and concerns with expenses being greater than revenue. He spoke to the elevated cost of living, opposed increasing taxes, and commented on being fiscally responsible while ensuring essential programs and services are not compromised. He opposed the rental registration program.

Mike Sherman, landlord, opposed the rental registration program stating there are more effective, less expensive alternatives.

Mark Houdashelt, representing District 6, spoke to his bias in advocacy of Climate funding and aired his frustration of the process regarding the large emitter tax. He spoke largely in favor of the large emitter tax and suggested proposed taxes could be rearranged to fund other things by referring to proposed minimums.

Clerk's Note: Councilmember Shirley Peel joined the meeting on the dais at 6:30 p.m.

Adam Eggleston thanked Councilmembers Gutowsky and Peel for attending the Child Safe Celebration of Healing gala. He expressed concern about starting the rental registration program given the City's revenue shortfall and suggested it should go through the normal BFO (Budgeting for Outcomes) process. He also stated it was irresponsible to fund long-term programs with American Rescue Plan Act funds.

Mike Vogel (remote) expressed concern about the rental registration ordinance under consideration and strongly urged Council to oppose it. He offered suggestions to include a provision that holds the City accountable for ongoing collaboration with community stakeholders and to consider implementing registration or licensure requirements solely for repeat offenders if Council opts to move forward.

Dolores Williams opposed spending funds on counting rentals and suggested funds would better be spent on housing the unhoused or preventing people from becoming houseless.

Kevin Jones, Fort Collins Area Chamber of Commerce, expressed support for item 17, *Resolution 2023-052 Approving the Boundaries of a Proposed Area of the City to be Submitted to the Director of the Colorado Office of Economic Development for Designation as a CHIPS Zone under the CHIPS Zone Act*, stating it is a pragmatic opportunity for smart growth.

Mary Beth Klein expressed support for the U+2 ordinance and stated that most houses sold to be rentals usually deteriorate.

Public comment concluded at 6:44 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Susan Gutowsky requested staff address the concerns raised by Hickory Village residents. Police Chief Jeff Swoboda replied he just finished talking with the residents and acknowledged many complaints have been received in the area. He stated a second neighborhood meeting is being scheduled and the Homeless Outreach Team will be going to the area tomorrow.

Mayor Arndt clarified taxes are not raised without a vote of the people; however, she noted property taxes have increased due to property values increasing.

Councilmember Tricia Canonico encouraged families to host exchange students.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

Councilmember Kelly Ohlson withdrew item 17, *Resolution 2023-052 Approving the Boundaries of a Proposed Area of the City to be Submitted to the Director of the Colorado Office of Economic Development for Designation as a CHIPS Zone under the CHIPS Zone Act*.

J) CONSENT CALENDAR

1. **Consideration and Approval of the Minutes of the June 6, 2023 Regular Meeting and the June 13, 2023 Special Meeting.**

The purpose of this item is to approve the minutes of the June 6, 2023 Regular Meeting and the June 13, 2023 Special Meeting.

Approved.

2. **Second Reading of Ordinance No. 075, 2023, Making Supplemental Appropriation of Unanticipated Grant Revenue and Authorizing Transfers for the Development of a Paratransit Mobile Application and Web Portal.**

This Ordinance, unanimously adopted on First Reading on June 6, 2023, appropriates unanticipated grant revenue awarded to Transfort by the Colorado Department of Transportation ("CDOT"), together with unencumbered Transit Services Fund amounts that will satisfy the grant's local match requirement.

Transfort has applied for and been awarded a \$50,000 state grant through CDOT's Office of Innovative Mobility, to be used for the development of a paratransit client web portal and mobile application. This grant requires a \$10,000 local match.

This Ordinance appropriates \$50,000 in state grant revenue, and \$10,000 in local match from the Transit Services Fund.

Adopted on Second Reading.

3. **Second Reading of Ordinance No. 077, 2023, Appropriating Philanthropic Revenue Received Through City Give for the Carnegie Center for Creativity as Designated by the Donor.**

This Ordinance, unanimously adopted on First Reading on June 6, 2023, appropriates \$200,000 in philanthropic revenue received through City Give for the Carnegie Center for Creativity 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 Second Reading.

4. **Second Reading of Ordinance No. 078, 2023, Appropriating Philanthropic Revenue Received through City Give for Various Programs and Services as Designated by the Donors.**

This Ordinance, unanimously adopted on First Reading on June 6, 2023, appropriates \$65,790 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.

5. **Second Reading of Ordinance No. 079, 2023, Making Supplemental Appropriation from the Colorado Division of Criminal Justice Synthetic Opiate Poisoning Investigation and Distribution Interdiction Grant for the Fort Collins Police Services Forensic Services Unit.**

This Ordinance, unanimously adopted on First Reading on June 6, 2023, supports Fort Collins Police Services Forensic Services Unit work in the prevention and investigation of serious injuries and deaths caused by illegal synthetic opiate poisoning and for disrupting synthetic opiate distribution by appropriating \$255,833 of unanticipated grant revenue from the Colorado Department of Public Safety, Division of Criminal Justice (DCJ).

Adopted on Second Reading.

6. **Second Reading of Ordinance No. 080, 2023, Authorizing Transfers of Appropriations for the Northside Aztlan Resilience Hub Project.**

This Ordinance, unanimously adopted on First Reading on June 6, 2023, appropriates supplemental funds for the Northside Aztlan Community Center Resilience Hub Project. Funding originally provided through Ordinance No. 113, 2020, supported the construction of battery storage and upgraded solar equipment at the Northside Aztlan Community Center. Project cost overruns arising from escalation, building code changes and design modifications requires Utilities to transfer \$60,000 from the Utilities Energy Services budget to supplement the Northside Aztlan Resilience Hub capital project budget. This funding transfer utilizes anticipated underspend of lapsing funds to accomplish an objective consistent with the purpose of the project. The project also received \$200,000 in funding from the Colorado Department of Local Affairs.

Adopted on Second Reading.

7. **Items Relating to Sales Tax Code Updates.**

A. Second Reading of Ordinance No. 081, 2023, Amending Article VIII, Article XI and Article XIV of Chapter 15 of the Code of the City of Fort Collins Relating to Pawnbrokers, Secondhand Dealers, and Outdoor Vendors.

B. Second Reading of Ordinance No. 082, 2023, Amending Article III of Chapter 25 of the Code of the City of Fort Collins Relating to Sales and Use Tax.

These Ordinances were both adopted on First Reading on June 6, 2023. Ordinance No. 081, 2023, amends Chapter 15 of the City Code to include annual renewal dates for pawnbroker and secondhand dealer licenses, to create exemptions from secondhand dealer regulation for flea markets and secondhand furniture stores, and to restrict mobile food truck vendors and pushcart vendors from operating on the renovated portion of Linden Street.

Ordinance No. 082, 2023, amends Chapter 25 of the City Code concerning sales and use tax. The updates to Chapter 25 include clarifying the process for a taxpayer to obtain a refund or credit for overpayment of tax discovered in an audit, updating licensing to align with Senate Bill 22-032, and the time period that a business relocating to Fort Collins will owe use tax on items brought into the City that were purchased while a nonresident.

Adopted both Ordinances on Second Reading.

8. **Second Reading of Ordinance No. 083, 2023, Amending Chapter 23.5 of the Code of the City of Fort Collins Regarding Special Events.**

This Ordinance, unanimously adopted on First Reading on June 6, 2023, updates the City Code regarding special event permitting so that it aligns with current standards and practices. The majority of the changes are related to administrative tasks, such as fees, timelines, and permitting authorities. The amendment also includes allowing most of those changes to be handled at the administrative level, with City Manager approval, without coming back to City Council for every change.

On Second Reading, some additional minor edits have been made in Section 23.5-7 to improve consistency by adding the missing conjunction “or” at several points in a numbered list.

Adopted on Second Reading.

9. **Items Relating to Emergency Management.**

A. Second Reading of Ordinance No. 084, 2023, Amending Article IX of Chapter 2 of the Code of the City of Fort Collins Regarding Emergency Management.

B. Resolution 2023-065 Approving the City of Fort Collins Emergency Operations Plan.

This Ordinance, unanimously adopted on First Reading on June 6, 2023, amends the City Code to reflect updates on how emergency management programming is done and where the responsibility for that programming sits. This includes some updated language changes, as well as authorities and roles for staff and elected officials during a critical event.

On Second Reading of the Ordinance, Council is asked to consider a Resolution to adopt an updated Emergency Operation Plan (EOP) that supports and is consistent with the requested changes in the City Code.

Adopted Ordinance on Second Reading and Resolution.

10. **Second Reading of Ordinance No. 085, 2023, Repealing and Reenacting Article II of Chapter 9 of the City Code Regarding Open Fire and Burning Restrictions.**

This Ordinance, unanimously adopted on First Reading on June 6, 2023, updates the City Code provisions regarding restrictions on open fires and burning in the City to update references to the International Fire Code, improve defined terms, better describe what activities are or are not permitted during declared Stage 1 and Stage 2 fire restrictions, and provide a mechanism for Poudre Fire Authority (PFA) to act quickly to postpone previously permitted burns when changes in weather conditions increase the fire danger.

Adopted on Second Reading.

11. **Items Relating to the Siphon Overpass Project**

A. Resolution 2023-051 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the Colorado Department of Transportation for the Siphon Overpass Project.

B. First Reading of Ordinance No. 088, 2023, Making Supplemental Appropriations of Unanticipated Revenue from the Siphon Overpass Project.

The purpose of this item is to enable the City to receive and expend Multimodal Options Fund (MMOF) funds and Carbon Reduction Program (CRP) funds from the Colorado Department of Transportation (CDOT) and to appropriate those funds for the project. This item will authorize the Mayor to execute the Intergovernmental Agreement (IGA) for the Siphon Overpass Project with CDOT and will appropriate an additional \$750,000 in the Capital Projects Fund for the Project. These funds will be used to design and construct a trail overpass spanning the existing railroad tracks near the southwest corner of the Willow Springs neighborhood.

Adopted Resolution and Ordinance on First Reading.

12. **First Reading of Ordinance No. 089, 2023, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections.**

The purpose of this item is to consider an Ordinance related to electric capacity fees imposed for the construction of new or modified electric service to add a 200-amp service option for multi-family developments. This additional service option will not impact existing customers or developments; rather, it will provide an alternative sizing option to the existing 150-amp multi-family service in Code today.

Adopted on First Reading.

13. **First Reading of Ordinance No. 090, 2023, Authorizing An Extension of the Temporary Exception to the Land Use Code to Allow T-Mobile to Place a Temporary Wireless Telecommunications Facility at 1800 East Harmony Road to Replace Lost Wireless Service Coverage.**

The purpose of this item is to extend the authorization for a temporary wireless telecommunication facility known as a cell-on-wheels (COW), operated by T-Mobile, currently located at 1800 East Harmony. The current temporary authorization expired on June 1, 2023. This temporary facility is in place to address a critical loss in T-Mobile's existing cellular coverage in south Fort Collins caused by T-Mobile's removal of wireless equipment from Platte River Power Authority ("PRPA") infrastructure, to be used only until a permanent facility (proposed at 4518 Innovation Drive) is fully constructed by December 2023. This is the final request for an extension of authorization.

Adopted on First Reading.

14. **First Reading of Ordinance No. 091, 2023, Amending the Boundary of the Fort Collins Historic Landmark at 401 Smith Street, the Loomis-Jones Property, Pursuant to Chapter 14 of the Code of the City of Fort Collins.**

The property owners of 401 Smith Street, a city landmark designated in 2008, are seeking a modification to the landmark boundary as listed in the designation ordinance to allow for subdivision of the property and construction of an additional home. After review and consideration of the proposal, the Historic Preservation Commission recommended approval of the boundary change at their April 19, 2023, hearing. Municipal Code 14-35 requires City Council action within seventy-five days of this recommendation.

Adopted on First Reading.

15. **First Reading of Ordinance No. 092, 2023, Designating the Alexander and Emma Barry Farm Property, 232 East Vine Drive, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.**

The purpose of this item is to request City Landmark designation for the Alexander and Emma Barry Farm Property at 232 East Vine Drive. In cooperation with the property owner, City staff

and the Historic Preservation Commission have determined the property to be eligible for designation under Standards 1, Events, 2, Persons/Groups, and 3, Design/Construction. Under Standard 1, the property is associated with the early settlement era of Fort Collins history, from the systematic removal of Native Americans for Anglo western land acquisition, to the agricultural district that once existed just north of the historic core. Under Standard 2, this property is associated with early Anglo settlers and prominent farmers Alexander and Emma Barry, with acknowledgement of Native American occupation of the area before Anglo settlers. Under Standard 3, the farmhouse on this property is a good and rare example of an early farmhouse in this area and features Gothic Revival design elements. The owner is requesting designation, which will provide protection of the property's exterior and access to financial incentives for historic property owners.

Adopted on First Reading.

16. **Resolution 2023-049 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins, Colorado, and the Colorado Department of Transportation for the Maintenance of Traffic Signals, Signs, and Pavement Markings Within Fort Collins and Within the Fort Collins Growth Management Area.**

The City has a long-standing agreement with the Colorado Department of Transportation (CDOT) to maintain traffic control devices within the City and within the Growth Management Area (GMA). This update increases the amount that CDOT pays to the City for maintenance of signs and pavement markings to more accurately reflect actual costs incurred by the City for this work. Under this new intergovernmental agreement (IGA), the amount paid to the City by CDOT will increase from \$217,568 to \$249,648 annually. The term of this IGA is 5 years.

Adopted.

17. **Resolution 2023-052 Approving the Boundaries of a Proposed Area of the City to be Submitted to the Director of the Colorado Office of Economic Development for Designation as a CHIPS Zone under the CHIPS Zone Act.**

In July 2022, Congress passed the Creating Helpful Incentives to Produce Semiconductors and Science Act of 2022 (CHIPS Act) as part of President Biden's economic plan to invest in America, strengthen domestic semiconductor manufacturing, fortify the economy and national security, and reinforce America's chip supply chain. This May, the Colorado General Assembly adopted HB23-1260 to provide certain tax incentives to support and encourage investments in semiconductor and advanced manufacturing in Colorado, as well as meet the requirement for state or local participation in the federal government's CHIPS Act. HB23-1260 creates a state income tax-credit opportunity for businesses in the semiconductor and advanced manufacturing that are awarded CHIPS federal funding. For this to occur for businesses in the City, HB23-1260 requires the City to propose an area within the City for designation as a CHIPS Zone (Zone) and to submit this proposed area, together with a development plan, to the Director of the Colorado Office of Economic Development for consideration and approval of such designation by the Colorado Development Commission.

Pulled from Consent. Adopted.

18. **Resolution 2023-053 Approving the 2023 Certification to the Larimer County Assessor Pursuant to Colorado Revised Statutes Section 31-25-807(3)(a)(IV)(B) for the Downtown Development Authority Property Tax Increment.**

The purpose of this item is to certify to the Larimer County Assessor the percentages of property tax distributions to be allocated for the Downtown Development Authority by the Assessor as tax increment from the 2023 property taxes payable in 2024 to the City and to all other affected taxing entities.

Adopted.

19. **Resolution 2023-054 Approving Fort Fund Grant Disbursements – Organizational Support Category.**

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming Account for the selected community events in the Organizational Support category, based upon the recommendations of the Cultural Resources Board.

Adopted.

20. **Resolution 2023-055 Making an Appointment to the Northern Colorado Regional Airport Commission.**

The purpose of this item is to appoint Jerry Stooksbury as the Joint Citizen Member to the Northern Colorado Regional Airport Commission.

Adopted.

21. **Items Relating to Appointments to Various Boards and Commissions:**

- A. Resolution 2023-056 Making Appointments to the Air Quality Advisory Board.
- B. Resolution 2023-057 Making an Appointment to the Building Review Commission.
- C. Resolution 2023-058 Making an Appointment to the Cultural Resources Board.
- D. Resolution 2023-059 Making an Appointment to the General Employees Retirement Committee.
- E. Resolution 2023-060 Making an Appointment to the Historic Preservation Commission.
- F. Resolution 2023-061 Making Appointments to the Human Relations Commission.
- G. Resolution 2023-062 Making an Appointment to the Human Services and Housing Funding Board.
- H. Resolution 2023-063 Making Appointments to the Land Conservation and Stewardship Board.
- I. Resolution 2023-064 Making an Appointment to the Senior Advisory Board.

The purpose of this item is to fill vacancies on various Boards and Commissions.

Adopted all Resolutions.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Peel, to approve the recommended actions on items 1-21, minus item 17.

The motion carried 7-0.

K) CONSENT CALENDAR FOLLOW-UP

Councilmember Julie Pignataro congratulated the individuals who were appointed to Boards and Commissions and announced the next round of recruitment will be held at the end of the year.

Councilmember Ohlson suggested possible term limits for the Airport Commission. Mayor Arndt noted the IGA would need to be adjusted and stated a governance study is currently underway.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Councilmember Tricia Canonico

- Reported the City just received \$750,000 in funding which completes the dollar amount needed for the Siphon overpass.

Councilmember Kelly Ohlson

- Attended the City Hall Xeriscape Garden affair on Saturday.
- Attended the Foothills Mall Juneteenth event.

Councilmember Susan Gutowsky

- Congratulated the graduates of Police Services and the Poudre Fire Authority.
- Attended the International Town and Gown conference.
- Commended the collaborative work of Police Services with the CSU Police.
- Attended the Child Safe fundraiser.
- Attended the Chamber of Commerce State of Business event.

Councilmember Shirley Peel

- Attended the International Town and Gown conference and commended Cortney Geary on the bike ride event.
- Visited the Royal Kids Camp for foster children.
- Announced two upcoming listening sessions, one for South College businesses at the Heart of the Rockies Church, and one at the Village on Shields clubhouse.
- Wished her husband happy birthday.

Mayor Jeni Arndt

- Thanked the generous voters of Larimer County for approving additional funding for the Larimer County Animal Shelter a few years ago noting it will be absorbing the Weld County Shelter.
- Attended the American Public Power Association conference and noted Platte River Power Authority is well respected in that national group.

Councilmember Tricia Canonico

- Attended the Colorado Communities for Climate Action retreat and will be serving as co-chair of their legislative group.

Clerk's Note: Mayor Arndt called for a break at 7:02 p.m. The meeting resumed at 7:14 p.m.

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

17. Resolution 2023-052 Approving the Boundaries of a Proposed Area of the City to be Submitted to the Director of the Colorado Office of Economic Development for Designation as a CHIPS Zone under the CHIPS Zone Act.

In July 2022, Congress passed the Creating Helpful Incentives to Produce Semiconductors and Science Act of 2022 (CHIPS Act) as part of President Biden's economic plan to invest in America, strengthen domestic semiconductor manufacturing, fortify the economy and national security, and reinforce America's chip supply chain. This May, the Colorado General Assembly adopted HB23-1260 to provide certain tax incentives to support and encourage investments in semiconductor and advanced manufacturing in Colorado, as well as meet the requirement for state or local participation in the federal government's CHIPS Act. HB23-1260 creates a state income tax-credit opportunity for businesses in the semiconductor and advanced manufacturing that are awarded CHIPS federal funding. For this to occur for businesses in the City, HB23-1260 requires the City to propose an area within the City for designation as a CHIPS Zone (Zone) and to submit this proposed area, together with a development plan, to the Director of the Colorado Office of Economic Development for consideration and approval of such designation by the Colorado Development Commission.

Councilmember Ohlson requested additional details regarding the tax credit and actual dollar figure attached, whether that is per employee added and how long employees need to be employed. Daniel Salvetti, State of Colorado's Office of Economic Development and International Trade, replied the CHIPS zones allow access to three of the enterprise zone existing tax credit programs: the new employee tax credit of \$1,100 per new employee with some additional benefits for other industries, the investment tax credit, which is 3% of business personal property investment, and the research and development tax credit, which is 3% of new expenses on research and development. He stated the job must be retained for one year before the tax credit can be claimed.

Councilmember Ohlson spoke against enterprise zones and noted a connection between this item and the fact that Council did not support the large polluter tax ballot question as a reason for his concern. Additionally, Ohlson noted the Council did not support increasing the minimum wage and will still give tax credits to corporations which he stated he is firmly against.

Councilmember Pignataro stated she will support the item as there are no negative financial impacts on the City and it could benefit the area workforce.

Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to adopt Resolution 2023-052.

The motion carried 6-1.

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

Nays: Councilmember Ohlson.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

22. Second Reading of Ordinance No. 076, 2023, Appropriating Prior Year Reserves for the Administration of the Land Use Code Regulations for Designated Areas and Activities of State Interest.

This Ordinance, adopted by a vote of 6-1 (Nay: Peel) on First Reading on June 6, 2023, appropriates general fund dollars to administer the recently adopted 1041 regulations. The 1041

regulations represent a new permitting program for designated activities of statewide interest, including major domestic water, sewage treatment and highway projects.

Adopted on Second Reading, 6-1 (Nay: Peel)

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt on Second Reading Ordinance No. 076, 2023.

The motion carried 6-1.

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

Nays: Councilmember Peel.

23. Items Relating to Housing Strategic Plan Implementation: Rental Housing Registration Program.

A. Second Reading of Ordinance No. 086, 2023, Amending Chapter 5 of the Code of the City of Fort Collins to adopt a Rental Housing Registration Program as an Implementation Action of the Housing Strategic Plan and the Our Climate Future Plan.

B. Second Reading of Ordinance No. 087, 2023, Appropriating Prior Year Reserves in the General Fund for the Startup Phase of the Rental Housing Registration Program.

These Ordinances were adopted on First Reading on June 6, 2023. Ordinance No. 086, 2023, adopted by a vote of 5-1 (Nay: Peel), adopts the Rental Housing Registration Program, which includes rental registration, improvements to the complaint-based inspection system and software, enhanced mediation, education and outreach, and incentives for voluntary compliance. Ordinance No. 087, 2023, adopted unanimously, authorizes an off-cycle General Fund appropriation in the amount of \$461,375 (with an anticipated two-year total for 2023-2024 of \$1.1 million), to support the startup and implementation phases of the program.

Ordinance No. 086, 2023, included the following amendment to Code Section 5-283 (in gray):

Sec. 5-283. Registration required.

(a) An owner of a long-term residential rental dwelling unit shall register it with the City and comply with the requirements pursuant to this Division.

(b) Long-term residential rental units described in one or more of the following paragraphs are exempted from the registration requirements of this Article:

(1) A long-term residential dwelling unit occupied by the owner; and

(2) A mobile home rental unit in a mobile home park, as defined and described in Chapter 18 of this Code.

The development of a Rental Housing Registration Program implements policy direction in both the Housing Strategic Plan (2021) and the Our Climate Future Plan (2021):

- Housing Strategic Plan, Strategy 20 - Explore the option of a mandated rental license/registry program for long-term rentals and pair with best practice rental regulations.
- Our Climate Future Plan, Strategy HAH6 - Explore the option of mandated rental licensing/rental registry with minimum standards for health, safety, stability, and efficiency.

If adopted by the Council, staff anticipates the phased rollout of registration will begin in Q3 2024. The period between adoption and implementation will be used to hire and train staff, implement new software, implement improvements to the complaint-based inspection system and mediation program, and conduct education and outreach with landlords, tenants, property managers, and others impacted by the Rental Housing Registration Program. Because the timelines for hiring processes, educational outreach, and software upgrades will impact the overall program implementation timeline, staff will keep City Council updated on the progress of the rollout as milestones are achieved.

The proposed Ordinance and supporting AIS before the Council incorporates the components that a consensus of Councilmembers expressed support for bringing forward at April 18, 2023, Council meeting discussion of rental housing. The components of the proposed program include: (1) rental registration; (2) improvements to the existing complaint-based system, including software; (3) enhanced mediation services; and (4) public education and outreach programs.

Planning, Development and Transportation Director, Caryn Champine, outlined the topics to be discussed per the alterations that were made at First Reading.

Meaghan Overton, Housing Manager, stated the proposed program includes rental registration, improved complaint based rental inspections, enhanced mediation and outreach, and education opportunities. She noted the rental housing program is identified in both the Housing Strategic Plan and the Our Climate Future Plan and stated the proposed program aims to better support the healthy, safe rental housing stock while simultaneously responding to feedback about how to improve the City's current program.

Marcy Yoder, Neighborhood Services Manager, outlined the topics that were discussed at First Reading: adding an amendment that would exempt owner-occupied and mobile home park rentals, allowing complaint-based rental inspections up to two weeks after vacating the unit, possibly reducing, or sliding fees for low-income landlords, and addressing privacy considerations and public access to the rental registration and violations information.

Yoder noted mediation services and complaint-based inspections would still be accessible for owner-occupied rentals if they are exempted from registration. Additionally, she stated there are an estimated 242 mobile home rentals out of the 38,000 rental units in the City and they too would be able to access mediation services and complaint-based inspections. She outlined the requirements for complaint-based inspections to occur after a tenant has vacated a property.

Yoder stated it has been determined that the City Manager has the purview to set fees and take into consideration special conditions, such as low-income landlords. She noted the software, which is the same as what is currently being used by the Building Department, will dictate what is available for public viewing and any CORA requests would be handled as usual.

PUBLIC COMMENT

Joliann (no last name given) opposed the rental registration program and questioned why it seems this is being rushed. She stated the language of the ordinance does not match the language used in the staff presentation and questioned how Council can justify telling private property owners that they need to seek permission to rent their property. She also questioned why mobile home parks would be exempted when they typically house some of the most vulnerable members of the population and suggested a more proactive, restorative, and education-based program would make a better semblance of a partnership between the City and the community. She questioned how the program could be justified based solely on the 148 tenant complaints in the past seven years and urged Council to oppose the ordinance.

Colleen Hoffman (remote) opposed any type of rental registration and requested postponement of the item for further discussion. She expressed concern that current code enforcement is not accessible and suggested the funds for this program could be spent to help bolster that staff. She questioned the goal of the program and noted rentals constantly change ownership which will make the registry outdated as soon as it is established.

Amber Kelley suggested data should first be collected prior to any type of rental registration program being implemented. She commented on the Longmont program and requested additional work go into this item to facilitate cooperation and compliance.

Greg Vogel (remote) opposed the rental registration program and noted many other individuals have also expressed opposition. He expressed concern that the language reads as if leasing private property without first getting permission from the City will be illegal. He stated it is deceiving that the actual text is different from what has been presented by staff and urged Council to think about equity.

Carrie Gillis opposed the rental registration program particularly as it is written. She questioned the cost of the program especially considering there may be requests for additional taxes on the ballot and stated she does not see the nexus between this program and affordable housing. She stated the program is not equitable to landlords and suggested the proposed funding should be used to bolster the mediation department.

Joan Welsh commented on the improvements she has made to her rental properties and stated the proposed language has made her feel as if she is now a guilty party. She cited specific sections of the ordinance that she finds particularly objectionable.

Christophe Attard (remote) stated the City should be working to make things easier rather than harder for small businesses to operate and there is no clear problem this program will solve.

Sarah Dentoni opposed the rental registration program and suggested the language relates to an aging housing stock and this will put the onus on landlords to address those issues while not solving a problem.

Joe Rowan stated it is irresponsible to use reserve dollars on a new program rather than unexpected expenses and stated there is little justification to spend this money.

Christina Larsen opposed the rental registration program stating it will raise costs to tenants and create challenges for landlords. She suggested tenant education should be prioritized.

Makaela Stevens stated she was originally in favor of rental registration; however, she opposed the language as written.

Madeleine Kamberg opposed the rental registration program and stated the complaint system and mediation program could be improved. She stated this program will not be effective as long as U+2 exists and stated this item is being rushed through despite widespread opposition.

COUNCIL DISCUSSION

Councilmember Peel asked about the mobile home and owner-occupied rental exemptions and whether that would be eliminating a large population of renters this program is aiming to help. Yoder replied those exemptions were made at the request of Council at First Reading. She noted this is a registration program rather than a proactive inspection program.

Councilmember Peel asked if HUD (Housing and Urban Development) units will be exempted. Overton replied HUD properties are already required to complete inspections; therefore, the

proposal when the program contemplated proactive inspections was to exempt those properties from the inspection requirements.

Councilmember Peel asked if there is any data related to small landlords selling properties as a result of these types of programs. Overton replied that the program would apply to all landlords, regardless of the number of properties owned and she could not speculate as to whether owners would sell because of this program.

Councilmember Peel asked about the rationale for having the City Manager be the sole decision-maker related to appeals. Holly Coulehan, City Attorney's Office, replied it is an option for one of the administrative appeal processes and there would be an option to make an appeal go before Council.

Councilmember Peel requested staff address the public comments related to this being an application and not a registration. Overton replied this is a registration form which will provide information to the City and the form has yet to be finalized given this program is not approved.

Councilmember Peel expressed concern related to the possibility of denial. Overton outlined the voluntary compliance process that would then lead to a non-voluntary enforcement process.

Councilmember Peel asked if complaints are required to be made to landlords first before tenants can go to the City. Yoder replied that has yet to be finalized and will be part of the implementation process.

Mayor Arndt stated the intent of the program is similar to acquiring a business license.

Councilmember Gutowsky discussed the value of having two readings and stated she met with landlords at a meeting last week after First Reading during which she heard concerns related to the program being perceived as being more of a license program than a registration program. Additionally, concerns were raised about the language related to who is completing the form. Yoder replied the language is meant to ensure the person completing the form has the authority to do so.

Councilmember Gutowsky commented on concerns raised about approval and denial when this is simply a registration process. Yoder replied staff must review the information for completeness, which in and of itself is an approval. A denial would occur if false information were presented or someone was attempting to register a commercial property that was not suitable for residential use, for example.

Councilmember Gutowsky mentioned concerns about the language related to punishment by imprisonment. Coulehan replied that language is applicable to every civil infraction in the Code and the imprisonment portion represents one subdivision of the Code section related to an individual being found guilty of any three civil infractions within 12 months, there is a possibility of a misdemeanor charge in municipal court.

Councilmember Gutowsky asked about the process staff would go through should a landlord refuse to register a rental property. Yoder replied that a friendly letter would first be sent, likely followed by a second notice; however, the rules are not yet finalized. She stated a citation would be issued after that and citations do continue to escalate and be addressed in court. However, she noted the existing Code compliance process, which is the same, has a 90% voluntary compliance success rate.

Councilmember Gutowsky asked what will be asked of landlords when they register their rental properties. Yoder replied that basic property owner, location, number and age of units, and local

contact information will be required, and other voluntary questions will be included. She noted that information will come before Council when finalized in the quarterly update.

Councilmember Gutowsky questioned the exclusion of mobile homes and owner-occupied units and stated she would like more discussion around that topic. She asked if senior housing developments through Housing Catalyst or Volunteers of America will be required to register. Staff replied in the affirmative.

Councilmember Gutowsky asked if private properties occupied by students will also be required to register despite those owned by CSU (Colorado State University) being exempt. Yoder replied that the CSU dorms are not regulated by the City; however, any private property rental would be required to register.

Councilmember Ohlson clarified this process has not been rushed and was started almost two years ago and has evolved greatly over that time. He stated he believes fears will dissipate once the program is implemented as it does not tremendously change the current process. He stated this is a health and safety issue as well as an equity issue. He also stated this is a minimalist program, not a scary program, and it will benefit both landlords and tenants. Additionally, he stated he does not support the exclusion of owner-occupied rentals particularly citing concerns around basement egress.

Mayor Pro Tem Francis requested confirmation this program would apply to all rentals except mobile homes and owner-occupied properties. Yoder replied in the affirmative and noted larger complexes would be included.

Mayor Pro Tem Francis stated this is a registration program, not an inspection program, and the funding will cover two and a half engagement specialists, a better software system, and a mitigation grant fund pilot.

Councilmember Canonico commended the staff work on the program and requested additional details regarding the funding and self-sustaining nature of the program. Overton replied this is a fee based program; therefore, once it is fully implemented, the fees will cover its cost as well as pay back the initial start-up cost over the first five years of implementation.

Councilmember Canonico asked if HUD properties are exempted. Staff replied in the negative.

Councilmember Canonico thanked the individuals who have provided input on this item and stated community feedback has been incorporated into the existing proposal, which could be reworked if necessary.

Mayor Arndt commented on looking into ways to keep registration fees down so as to not increase rents and stated she would prefer looking at taking the start-up fees from reserves.

Councilmember Peel reiterated concerns about the imprisonment language and the possibility of loopholes that could make this process become back door licensing and not registration. She stated a balance needs to exist between protections for renters and landlords, particularly small landlords. She stated she would prefer to see the database enhanced through voluntary compliance and use the funds to expand the complaint-based inspections, education, and outreach. She stated she would like to be closely involved in the design of the program to be able to address some of her concerns and she encouraged staff to continue to engage landlords.

Councilmember Gutowsky stated she is still bothered by the owner-occupied rental exemption and noted it could be amended. Additionally, she stated mobile home park renters are some of the most vulnerable and expressed concern about that exemption as well. She stated she would also like to be involved in the design of the program and will vote to move forward.

Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to adopt on second reading Ordinance No. 086, 2023.

Councilmember Pignataro and Mayor Arndt commended staff work on the item.

The motion carried 6-1.

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

Nays: Councilmember Peel

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt on second reading Ordinance No. 087, 2023.

The motion carried 6-1.

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

Nays: Councilmember Peel

P) OTHER BUSINESS

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

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

- OB 2. Consideration of a motion to cancel the Tuesday, August 1, 2023, Regular Council meeting:**

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, pursuant to City Code Section 2-28(a), that Council cancel its regular meeting on Tuesday, August 1, 2023, due to the Neighborhood Night Out community event on August 1, 2023.

The motion carried 7-0.

- OB 3. Executive Session Motion - Real Estate.**

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, that Council go into Executive Session to discuss REAL PROPERTY ACQUISITION for the Southeast Community Center, as permitted under:

- **City Charter Article Roman Numeral Two, Section 11(3),**
- **City Code Section 2-31(a)(3), and**
- **Colorado Revised Statutes Section 24-6-402(4)(a).**

The motion carried 7-0.

- OB 4. Executive Session - Legal Matters.**

Mayor Pro Tem Francis moved, seconded by Councilmember Peel, that the City Council go into Executive Session for the purpose of meeting with the City's attorneys and City management staff to discuss specific legal questions related to the following

litigation matters, as permitted under City Charter Article Two, Section Eleven (Two), City Code Section 2-31(a)(2) and Colorado Revised Statutes Section 24-6-402(4)(b):

- 1. Pending litigation against the City by Michaela Surat;***
- 2. Pending litigation by and against Open International;***
- 3. Pending and threatened litigation related to driving under the influence enforcement by former Police Officer Jason Haferman; and***
- 4. Pending litigation regarding arrests during a demonstration at Fort Collins Police Services on August 8, 2020.***

The motion carried 7-0.

Q) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 10:42 p.m.

Mayor

ATTEST:

Deputy City Clerk