

November 15, 2022

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

PP1. Proclamation Declaring November 2022 as Transgender Acceptance Month.

Mayor Jeni Arndt presented the above proclamation at 5:00 p.m. in the City Council Chambers.

REGULAR MEETING

6:00 PM

B) CALL MEETING TO ORDER

Mayor Jeni Arndt called the 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

E) CITY MANAGER'S AGENDA REVIEW

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

- There were no changes to the published agenda.
- Item 15 will have corrections made on second reading at the next meeting to the pay plan document included as Exhibit A to the ordinance to fix some transposition of numbering in table three on page 19.
- Item 20 is a public hearing on the proposed resolution and requires providing an opportunity for City employees to comment directly to Council, which can occur during general public comment.
- Item 22 includes an amended version of Resolution 2022-118 in which a prospective appointee to the Human Services and Housing Funding Board was removed after withdrawing from consideration.
- All items on the consent agenda were recommended for approval.

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.)*

Silen Wellington, Fort Collins resident, spoke in appreciation for the action Transgender Acceptance Proclamation, to request amendments to City Code Chapter 13 Article II to include sexual orientation, and to increase the availability of gender-neutral bathrooms particularly in public buildings.

G. Inguanta, Fort Collins resident, spoke regarding trans history, in appreciation for the openly welcoming action taken by Council in issuing the Transgender Acceptance Proclamation, and shared about their experience while working for the City's Parks department and the willingness of the department to ensure their ability to use a bathroom of choice and feel like a welcome and valued employee.

Sabrina Herrick, Fort Collins resident, spoke in favor of amending Chapter 13 Article II to include gender identity and sexual orientation.

Lauren Storeby, Fort Collins resident and business owner, spoke regarding concerns about the minimum wage increase, sharing the types of cuts businesses make when costs increase and questioning what problems are sought to be solved by an increase.

Shawn Storeby, Fort Collins resident and business owner, spoke regarding the proposed minimum wage increase, sharing his experience in the marine corps where he was paid below minimum wage as well as examples from his business operations and concerns about a minimum wage increase pushing businesses and consumers to other neighboring cities that are booming, which will also reduce sales tax revenues.

Jessie Miglus, Fort Collins resident and Poudre Library District employee, spoke about concerns regarding the discrepancy in current benefits for library district employees and belief short term disability is a poor substitute for the FAMLI program.

Carolyn Bartwood, long term owner of an apartment building in Fort Collins, spoke regarding rental registration and licensing and how this as a solution for the limited number of bad landlords is overly bureaucratic and will increase costs.

Ann Hutchison, Fort Collins resident and president of the Fort Collins Chamber of Commerce, spoke on a few topics. First, she thanked Council for taking action on adopting the Land Development Code and what that will mean for housing. Regarding 1041 regulations, she expressed appreciation to the Council's action to extend the moratorium and expressed a desire to see a thoughtful approach to future action. She also spoke to encourage the Council to postpone the minimum wage ordinance indefinitely, noting her comments were on behalf of many business owners unwilling to speak publicly to avoid retaliation and urged consideration of unintended consequences.

Lisa Winchester, community director for Crowne Apartments and president of Northern Colorado Rental Housing Association, read a statement on behalf of the association arguing a rental registration or licensing program is a harsh response to incomplete information from the City regarding the need for such a program.

Alexander Adams, Fort Collins resident, spoke as a public policy analyst regarding the proposed increase to the minimum wage, sharing information about the consensus of research about minimum wage increases leading conclusively to negative employment effects as well as the amplified negative impact to youth employment in real time as well as into the future and also lead to increases in crime due to fewer youth working. He also noted an increase to the minimum wage would increase the median wage and therefore Council compensation given the ballot question that just passed.

Laura McWaters, Fort Collins resident, (not on the sign in sheet) spoke to encourage the City to amend the municipal code to include sexual orientation, gender identity and gender expression to match Colorado state laws; and also thanked the City to converting single use rest rooms to gender neutral restrooms and encouraged converting existing rest rooms. McWaters also spoke about the importance of making the minimum wage a livable wage.

Amber Kelly (not on the sign in sheet and no residency indicated) spoke regarding rental licensing, offering an alternative as a landlord of 24 units with a great relationship with tenants. Kelly noted it is already challenging to keep track of the number of inspections and associated paperwork that are required and suggested considering rental mediation to prevent evictions and other issues as an alternative and looking for how to collaborate in other ways.

Rev. Kimberly Salico-Diehl, pastor at American Baptist Church in Fort Collins, (not on the sign in sheet) shared appreciation for the Council's action on Transgender Awareness and expressed support for revisions to Chapter 13 of the City Code as well as committing to ensuring there are gender neutral restrooms in all City facilities.

Tom Paisan, Fort Collins resident, (not on the sign in sheet) came forward to speak against the proposed increase to the minimum wage. He noted such an increase will also increase building costs and therefore impact affordable housing.

Doreen Paisan, Fort Collins resident, (not on the sign in sheet) came forward as a CPA with an accounting firm and payroll company that works with several small businesses to encourage the Council to table this for right now at least until a later time due to the financially challenging time for businesses right now.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Julie Pignataro noted there is a service area request in progress right now regarding gender neutral bathrooms as well as code changes to Chapter 13. City Manager DiMartino noted that speakers tonight who provided email addresses will be included in the SAR response. If Council wishes to amend the Code, that could be addressed under Other Business and is also being discussed by the Human Relations Commission.

Mayor Arndt thanked everyone for coming out to speak tonight.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the October 4, 2022 Regular Council Meeting.

The purpose of this item is to approve the minutes of the October 4, 2022 regular Council meeting.

Approved.

2. Second Reading of Ordinance No. 117, 2022, Approving the Fiscal Year 2023 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 Fiscal Year 2023.

This Ordinance, unanimously adopted on First Reading on November 1, 2022, sets the Downtown Development Authority ("DDA") Budget.

The following amounts will be appropriated:

<i>DDA Public/Private Investments & Programs</i>	<i>\$7,800,493</i>
<i>DDA Operations & Maintenance</i>	<i>\$2,030,378</i>
<i>Revolving Line of Credit Draws</i>	<i>\$7,000,000</i>
<i>DDA Debt Service Fund</i>	<i>\$7,431,611</i>

The Ordinance sets the 2023 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 2023.

Adopted on Second Reading.

3. Second Reading of Ordinance No. 118, 2022, Adopting the 2023 Budget and Appropriating the Fort Collins Share of the 2023 Fiscal Year Operating and Capital Improvements Funds for the Northern Colorado Regional Airport.

This Ordinance, unanimously adopted on First Reading on November 1, 2022, adopts the 2023 budget for the Northern Colorado Regional Airport and appropriate Fort Collins' share of the 2023 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. 119, 2022, Appropriating Philanthropic Revenue Received Through City Give to Benefit Income-Qualified Youth Sports Programming and Services in the Recreation Department.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, appropriates \$17,000 in philanthropic revenue received through City Give for Recreation to benefit income-qualified youth sports programming and services.

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. 120, 2022, Appropriating Prior Year Reserves in the General Fund and Transportation Services Fund for Snow Removal.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, appropriates prior year reserves to cover snow removal costs that have exceeded the 2022 budget. Overspend in the snow budget is driven by severe snowstorms that present cold temperatures, ice, and higher volumes of snow.

Adopted on Second Reading.

6. **Second Reading of Ordinance No. 121, 2022 Amending Chapter 7.5 of the Code of the City of Fort Collins to Increase for Inflation the Capital Expansion Fees and the Transportation Expansion Fee.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, makes annual inflation updates effective January 1, 2023, associated with the City's Capital Expansion Fees and its Transportation Expansion Fee. Inflation updates are 8.6% for the Capital Expansion Fees and 7.1% for the Transportation Expansion Fee.

Adopted on Second Reading.

7. **Second Reading of Ordinance No. 122, 2022, Making Supplemental Appropriations in the General Fund of Grant Proceeds from the Colorado Department of Local Affairs for the Kechter Townhomes Project.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, appropriates unanticipated grant revenue in the General Fund. In November of 2021, the City sold a property from the Land Bank Program located at 3620 Kechter Road to Kechter TWG, LLLP for the purpose of building 54 permanently affordable townhomes. The City applied for and was awarded a grant from the Colorado Department of Local Affairs (DOLA) to support water and wastewater utility costs associated with this development. A resolution authorizing the execution of the intergovernmental grant agreement was adopted on November 1, 2022 with First Reading of this Ordinance.

Adopted on Second Reading.

8. **Second Reading of Ordinance No. 123, 2022, Updating References in City Code to the Land Use Code.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, updates the City Code's existing references to Land Use Code to the new name Land Development Code.

Adopted on Second Reading.

- 9. Second Reading of Ordinance No. 124, 2022, Authorizing an Extension of the Temporary Exception to the Land Use Code to Allow T-Mobile to Place a Temporary Wireless Telecommunication Facility at 1800 East Harmony Road to Replace Lost Wireless Service Coverage.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, extends 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 is set to expire on December 1, 2022. 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 and is to be used only until a permanent facility (proposed at 4518 Innovation Drive) is fully constructed in Spring 2023.

Adopted on Second Reading.

- 10. Second Reading of Ordinance No. 125, 2022, Conditionally Vacating a Portion of Crestridge Street Right-of-Way.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, adopts the conditional vacation of Crestridge Street right-of-way, currently known as Crestridge Drive, that is no longer desirable or necessary to retain for street purposes. Portions of the right-of-way area, once vacated, will be retained as public access and emergency access easements to the City in order to provide continued access for the neighboring properties. The right-of-way vacation will be conditional upon the construction of the extension of Venus Drive. These conditions are outlined in detail in the Ordinance.

Adopted on Second Reading.

- 11. Second Reading of Ordinance No. 126, 2022, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for Fiscal Year 2023; Adopting the Budget for the Fiscal Years Beginning January 1, 2023, and Ending December 31, 2024; and Fixing the Mill Levy for Property Taxes Payable in 2023.**

This Ordinance, unanimously adopted on First Reading on November 1, 2022, adopts the Annual Appropriation and Budget Ordinance. The Ordinance sets the City Budget for the two-year period (2023-2024) which becomes the City's financial plan for the next two fiscal years. This Ordinance sets the amount of \$778,543,584 to be appropriated for fiscal year 2023. However, this appropriated amount does not include what is being budgeted and appropriated by separate Council/Board of Director actions to adopt the 2023 budget for the General Improvement District (GID) No. 1 of \$313,275, the 2023 budget for General Improvement District (GID) No. 15 (Skyview) of \$1,000, the Urban Renewal Authority (URA) 2023 budget of \$6,005,369 and the Downtown Development Authority 2023 budget of \$24,262,482. This results in the City-related total operating appropriation of \$809,125,710 in 2023.

This Ordinance also sets the 2023 City mill levy at 9.797 mills, unchanged since 1991.

Adopted on Second Reading.

- 12. Items Relating to 2023 Utility Rates, Fees, and Charges.**

A. Second Reading of Ordinance No. 127, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges and Updating Related Provisions.

B. Second Reading of Ordinance No. 128, 2022, 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. 129, 2022, 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. 130, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees and Charges.

E. Second Reading of Ordinance No. 131, 2022, 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.

F. Second Reading of Ordinance No. 132, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Sewer Plant Investment Fees.

G. Second Reading of Ordinance No. 133, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise the Stormwater Plant Investment Fees.

H. Second Reading of Ordinance No. 134, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Plant Investment Fees.

These Ordinances, unanimously adopted on First Reading on November 1, 2022, adopt changes related to proposed 2023 rates and fees being brought forward for Council consideration, including the following items:

Items (A-D) – Monthly utility charges to increase 5% for Electric customers, 4% for Water customers, 4% for Wastewater customers, and 3% for Stormwater customers.

Items (E-H) – A 9% inflationary increase to development fees including Electric Capacity Fees (ECFs) and Water, Wastewater, Stormwater Plant Investment Fees (PIFs).

Adopted all Ordinances on Second Reading.

13. Second Reading of Ordinance No. 135, 2022, Amending Chapter 26 of the Code of the City of Fort Collins Related to Water, Wastewater and Electric Rates, Fees, and Charges Applied Under the Income-Qualified Assistance Program.

This Ordinance, unanimously adopted on First Reading on November 1, 2022, adopts the Income-Qualified Assistance Program (IQAP) providing income-qualified Fort Collins Utilities (Utilities) customers reduced rates on select Utilities services was introduced in October 2018 as a pilot program. The IQAP program bill adjustment effectively applies a 23% rate discount on electric, water, and wastewater services, and is due to expire December 31, 2022. In July 2021, Council approved moving the program from an application-based, opt-in program to an auto-enroll, opt-out program, subject to participants' participation in the complementary state Low-income Energy Assistance Program (LEAP). At that time, Council also requested an evaluation of the discounted rate percentage to ensure it was still sufficient to meet program objectives. Since July 2021, participation in IQAP has increased 128%. Staff are seeking a motion from City Council to adopt the program. The Council Finance Committee reviewed this proposal on October 20, 2022 and provided staff direction for presentation to Council.

Adopted all Ordinances on Second Reading.

14. First Reading of Ordinance No. 137, 2022, Appropriating Prior Year Reserves in the Light & Power Fund and the Water Fund for the Purchase of Vendor Services to Support a Major Version Upgrade to the Utilities Meter Data Management System.

The purpose of this item is to bring forward an off-cycle supplemental appropriation of Light & Power and Water Fund reserves to fund vendor services needed to support a major version upgrade to the Utilities Meter Data Management System.

The Meter Data Management System (MDMS) owned and operated by Utilities has been in place since the inception of the Advanced Meter Fort Collins implementation in 2010. It receives water and electric meter data for all advanced meters deployed across Fort Collins Utility Service's territory throughout the day, performs quality checks on that data, and then at the end of the billing cycle it calculates the billing determinants for each customer that are necessary to generate individual customer bills.

Fort Collins Utilities has utilized the same version of the EnergyIP software since it was installed. For the reasons described below, this software must be upgraded to a more current version and the upgrade cannot wait for the new budget cycle to begin (i.e., January 2023). Utilities staff will need vendor support to complete this major software version upgrade.

As the MDMS system supports both the water and electric utilities, the cost of the upgrade will be shared between them. Utilities has historically allocated costs for shared software based on customer counts as determined by the number of deployed meters to establish the cost share for each utility. Applying this method here, the Water Enterprise's share of this expense would be 31.6% and the Electric Utility Enterprise's share would be 68.4%.

The total supplemental appropriation being proposed for your consideration is for \$629,588.

Adopted on First Reading.

15. First Reading of Ordinance No. 138, 2022, Adopting the 2023 Classified Employee Pay Plan.

The purpose of this item is to recommend the 2023 City Classified Employee Pay Plan. Classified jobs are grouped according to job functions, a business practice commonly used by both the public and private sectors. Pay ranges are developed by career group (management, professional, administrative, operations and trades) and level for each job function. The result of this work is a City Classified Employee Pay Plan which sets the minimum, midpoint and maximum of pay ranges for the level, within each career group and function. Actual employee pay increases are awarded through a separate administrative process in accordance with the budgeted amount approved by Council.

Adopted on First Reading.

16. First Reading of Ordinance No. 139, 2022, Extending the Moratorium on Certain Activities of State Interest Designated in Ordinance No. 122, 2021.

The purpose of this item is to consider an ordinance extending the length of a moratorium previously imposed through Ordinance No. 122, 2021, on two designated activities of state interest. The proposed Ordinance extends the length of the existing moratorium for three months beyond December 31, 2022, or until Council adopts guidelines for the administration of the two designated activities. Extending the moratorium allows staff to continue public engagement and

seek feedback on version 2 of the Draft 1041 regulations discussed during the Council work session held on November 7, 2022.

Adopted on First Reading.

17. Resolution 2022-110 Approving the Midtown Business Improvement District 2022 and 2023 Operating Plans and Budgets and Appointing District Directors.

The purpose of this item is to approve the Midtown Business Improvement District 2022 and 2023 Operating Plans and Budgets and appoint District Directors.

Adopted.

18. Resolution 2022-111 Approving the 2023 Annual Plan and 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 2023 Annual Plan and 2023 Annual Budget, which are attached as Exhibits A and B, respectively, to the proposed Resolution.

Adopted.

19. Resolution 2022-112 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County and the City of Loveland to Partner in the Purchase of Fee and Conservation Easement Interests on a 1,547-acre Property in the Blue Mountain Conservation Priority Area.

The purpose of this item is to seek authorization to enter into an Intergovernmental Agreement (IGA) with Larimer County and the City of Loveland for the Heaven's Door Conservation Project. The project will conserve 1,547 acres in fee adjacent to the Big Thompson Canyon.

Adopted.

20. Public Hearing and Resolution 2022-113 To Decline the City of Fort Collins's Participation in the Colorado Paid Family and Medical Leave Insurance Program.

The purpose of this item is to obtain authorization for the City to decline participation in the Colorado Family and Medical Leave Insurance ("FAMLI") program, which is a state-run insurance program that will provide paid family and medical leave to eligible employees of participating employers.

Adopted.

21. Resolution 2022-114 Making the Determination that the City Park Train Project Funded Through the Community Capital Improvement Program is not Financially Feasible.

The purpose of this item is to declare the City Park Train project financially unfeasible and remove it from the Community Capital Improvement Program (CCIP) project list.

Adopted.

22. Items Relating to Appointments to Various Boards and Commissions.

- A. Resolution 2022-115 Making Appointments to the Art in Public Places.*
- B. Resolution 2022-116 Making Appointments to the Economic Advisory Board.*
- C. Resolution 2022-117 Making Appointments to the Energy Board.*
- D. Resolution 2022-118 Making Appointments to the Human Services and Housing Funding Board.*
- E. Resolution 2022-119 Making Appointments to the Natural Resources Advisory Board.*
- F. Resolution 2022-120 Making Appointments to the Planning and Zoning Commission.*
- G. Resolution 2022-121 Making Appointments to the Water Commission.*

The purpose of this item is to fill vacancies on various boards and commissions.

Adopted.

END OF CONSENT CALENDAR

Councilmember Francis moved, seconded by Councilmember Canonico to approve the recommended actions on items 1-22 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.)*

Teresa Roche, Human Resources Executive, and Kelley Vodden, Director of Compensation, Benefits and Wellness, provided an overview comparing City benefits to the Colorado FAMLI leave program, noting in most instances City benefits will be more favorable for most employees, and individual employees could still opt into FAMLI if needed. She also noted the City is looking at making shifts

Mayor Pro Tem Emily Francis commented regarding concerns the City's parental leave does not match the benefit level offered by the state program for new parents as well as other broader family leave situations and expressed appreciation for the continuing work happening to examine those gaps and how they can be addressed.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Councilmember Shirley Peel

- Congratulated those who have been appointed to Boards and Commissions.
- Visted Foundation Music House and encouraged all to visit them and see the good work they do to make music accessible to people across the community.
- Did a walk along with Outreach Fort Collins, reaching out to people experiencing homelessness.
- Also gave a shout out to City staff for Fort Collins receiving an economic development award for large community of the year, from the Economic Development Institute.

Councilmember Susan Gutowsky.

- Echoed how impressed she also was by Foundation Music School in visiting their open house as well.

- Downtown Holiday Lights is always so exciting, and noted we get to keep enjoying them through Valentine's Day.
- The Museum of Discovery celebrated their 10th anniversary, and it was a very fun event highlighting their work.

Mayor Jeni Arndt

- Acknowledged the loss of Nick Verni-Lau, homeless advocate and the first program director of Outreach Fort Collins and acknowledged his contributions to the community.

Clerk's Note: The Mayor called for a 10-minute recess at 7:02 p.m. The meeting resumed at 7:13 p.m.

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

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

23. First Reading of Ordinance No. 136, 2022, Repealing and Reenacting Article IX of City Code Chapter 20 Concerning Public Nuisances and Making Conforming Changes to City Code Section 19-3.

The purpose of this item is to consider the adoption of a new public nuisance ordinance (PNO) that allows for a clearer, broader definition of public nuisance and adds new enforcement mechanism for abating public nuisances and chronic nuisance properties. The new PNO will allow staff to address the current community issues and nuisance situations more effectively.

Marcy Yoder, Neighborhood Service Manager, and Assistant Police Chief John Feyen provided a brief presentation summarizing the information provided to the Council at the work session last week on November 7, 2022. It was noted these changes have broadened the Code significantly, pulling issues from multiple other areas of the code to give a better set of tools to address what is seen happening in communities and neighborhoods now. There is also a shift to demonstrate there is a violation rather than a strict requirement to have a written citation for additional steps to be taken.

There was no public comment.

Councilmember Shirley Peel asked about nuisance activity and the references to marijuana use and asked if the passage of proposition 122 if that will make it necessary to also add psychedelic mushrooms. Deputy City Attorney John Duval responded it would be a good idea to look at that.

Mayor Jeni Arndt asked if it would be possible if this is to pass to get a report on what kind of impact adoption of this ordinance has after six months to a year. Marcy Yoder noted staff would be happy to provide that follow up.

Councilmember Julie Pignataro noted there was a robust discussion on this item last week and encouraged anyone interested to review the work session recording for more of those details.

Councilmember Kelly Ohlson stated his strong support for these changes and the robust set of tools included, as well as the continued emphasis on compliance. He noted he also followed up on the financial side of things and whether there are resources for low-income residents who may need assistance to be able to resolve potential nuisance issues and was assured that is the case.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt the ordinance on first reading.

The motion carried 7-0.

24. First Reading of Ordinance No. 140, 2022, Establishing a Fort Collins Minimum Wage and Associated Recordkeeping and Enforcement Provisions.

The purpose of this item is to bring forth an ordinance setting a local minimum wage in compliance with HB19-1210.

Ginny Sawyer, Senior Project Manager, led the staff presentation on this item. She was joined by Deputy Director of Sustainability Josh Birks and Assistant City Attorney Ted Hewitt. Sawyer presented as set forth in the PowerPoint in the agenda packet.

Public Comment

Silen Wellington, Fort Collins resident, spoke in support of raising the minimum wage, noting it is not only an economic health issue but also a mental health issue and is correlated with a reduction of suicide rates.

Adam Eggleston, Fort Collins resident, spoke about the unintentional consequences of raising the minimum wage, noting bigger corporation can better absorb increases and are able to reduce employees by automating through the use of kiosks and self-checkouts. He shared his concerns about his ability to open a coffee shop with an increase, pointing out places like Starbucks will still be in Fort Collins but mom and pop businesses will not. He noted concerns this will push towards more automation and increase investments in AI to replace workers.

Allie Eaton, Fort Collins resident, spoke as a small business owner with compassion for both sides of this issue, noting the ability of small businesses to be able to pivot and address issues, and spoke in support of raising the minimum wage, noting the discrepancy between the cost of living and wages.

Robert Duran, a representative with a business operating two locations in Fort Collins, spoke with appreciation for holding off on a minimum wage for the first year under what is proposed and expressed concern about the impacts that haven't been investigated yet including the impact on neighboring communities as well as the impacts demonstrated by Denver's increases.

Council Discussion

Mayor Jeni Arndt asked about slide 8, and where Fort Collins would fall on the chart shown. Josh Birks shared where Fort Collins would fall in 2023.

Councilmember Julie Pignataro asked if there was initially an intent to perform a community conversation on this topic. Ginny Sawyer noted that was the initial intention and did result in two separate RFPs to develop a robust public engagement effort, with the first receiving no response and resulting in splitting the RFP into two components. At Council's midcycle conversations, there was direction to shift plans for engagement implementation.

Councilmember Shirley Peel asked for clarification if information shared by businesses about increases to wages also increasing other costs, such as required contributions to unemployment insurance. Staff confirmed that is accurate.

Mayor Pro Tem Emily Francis noted the slides provided were helpful as was the table to get to the range desired. She shared thoughts about how Council direction around public engagement was perhaps not clear, with a desire to have engagement that includes hearing from residents who would be directly impacted by changes as well as around what the right level for a minimum wage should be for all stakeholders. She stated support for postponing this action to allow for more engagement and for it to come back to this Council before the election for action with more time to work through details and to provide more notice to businesses.

Mayor Jeni Arndt spoke regarding other pending increases, such as to unemployment insurance costs. She also noted the existence of a regional group working on this topic and her concerns with Fort Collins taking an action on its own and the impacts in a regional environment. She spoke to concerns about what is occurring in Denver and wants to ensure any action in Fort Collins is truly helping the people intended to be helped.

Councilmember Julie Pignataro expressed appreciation the City is walking the talk by increasing its own minimum wage and suggested taking further steps, such as only contracting with companies that adhere to a higher minimum wage. She also expressed a desire to hear from workers and an interest in exploring how to make that happen after an initial good showing in participating in the survey. She also expressed appreciation to business owners for the time that they have given in sharing information and having discussions. She expressed a desire to ensure there is truly a conversation across the community on this topic to get to the right number.

Councilmember Shirley Peel thanked staff for continuing on a winding path with this item and expressed appreciation for listening to concerns from businesses. She noted she is not hearing from businesses that they don't want to pay employees more but are asking for more time to recover from the pandemic and to see the impacts of inflation.

Councilmember Tricia Canonico also thanked staff for their ongoing work on this topic. She expressed support for postponing this item for more research and engagement. She noted a desire to clarify what is being sought to be achieved in a change and compared this to the work done around Council compensation in identifying what would be appropriate to benchmark this to.

Councilmember Kelly Ohlson shared his disappointment in the direction the Council is heading on this, given a desire to ensure something would be done tonight to benefit the lowest paid workers in this community. He noted he had dramatically lowered his expectations and the amount he was seeking to see in terms of an increase, in response to the concerns brought up by businesses. He stated he had desired to see option 2 tonight and was also willing to propose an option 3 that would start at an even earlier level. He proposed if there is a postponement that it come back to the Council by May 1, giving six months, noting he doesn't believe we will hear new information and the same people will have the same opposition in the future. He also shared concerns about faulty logic around social services and the argument to keep people paid at low levels to prevent losing public benefits.

Mayor Pro Tem Francis asked a follow up question to Councilmember Ohlson about whether he agrees with implementation in 2024, which he stated he is. He noted his concern is with having trust that something will be done in future. Mayor Pro Tem Francis shared her conversations have led her to the conclusion the benefit in waiting to act is in engaging with people earning the lowest wages to help identify an appropriate wage level.

Councilmember Susan Gutowsky shared she had been willing to move forward with option 2 but is in support of a delay to get more input from workers as well as in general. She noted we do need to maintain concern for our local small businesses that are very much an important and integral part of our city and do need time to recover. She also noted the state is going to implement

an increase and that is something we can also study to see what the impact of that is. The market in the amount of time the Council has been discussing this has been driving wages up naturally.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to postpone first reading of Ordinance No. 140, 2022 until May 16, 2023.

There was discussion about the proposed timing for postponement and the potential for a work session to review additional research and engagement findings prior to it returning for a vote.

The motion carried 7-0.

25. Resolution 2022-122 Creating an Ad Hoc Council Committee on Boards and Commissions to Consider and Make Recommendations Regarding Improved Efficiency and Consistency of Board and Commission Processes and to Reduce Barriers to Participation.

The purpose of this item is to bring forth a Resolution to establish an Ad Hoc committee to discuss and make recommendations to improve the efficiency and consistency of board and commission processes and to reduce barrier to participation on boards and commissions.

There was no staff report and no public comment.

Councilmember Julie Pignataro nominated herself for this board and noted her excitement for this work to commence.

Mayor Pro Tem Emily Francis noted her excitement about the committee as well and nominated herself for service.

Councilmember Tricia Canonico nominated herself to serve as well.

Councilmember Kelly Ohlson nominated himself to serve as an alternate to the board.

Mayor Pro Tem Francis moved, seconded by Mayor Arndt, to adopt Resolution 2022-122 and add Julie Pignataro, Emily Francis, and Tricia Canonico as members of the ad hoc committee and Kelly Ohlson as an alternate.

The motion carried 7-0.

Q) OTHER BUSINESS

A. 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.)

Mayor Pro Tem Emily Francis acknowledged this was Assistant Police Chief John Feyen's final meeting before taking office as Larimer County Sheriff and expressed the City's appreciation for his service.

B. Consideration of a motion to cancel the January 3, 2023 Council meeting, as permitted under Section 2-28 of the City Code.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to cancel the January 3, 2023 Council meeting as permitted under section 2-28 of the City Code.

The motion carried 7-0.

R) ADJOURNMENT

Consideration of a motion to adjourn to 6:00 P.M. on November 22, 2022 for the purpose of annual performance evaluations of Council's direct report employees.

Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, that Council adjourn this meeting to 6:00 p.m. on Tuesday, November 22, 2022, 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.

There being no further business before the Council, the meeting was adjourned at 8:20 p.m.

Mayor

ATTEST:

City Clerk