

July 18, 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 July 2023 as Smart Irrigation 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 Tricia Canonico (remote)  
Councilmember Shirley Peel (remote)  
Councilmember Kelly Ohlson

**EXCUSED**

Councilmember Julie Pignataro

**STAFF PRESENT**

Deputy City Manager Tyler Marr  
City Attorney Carrie Daggett  
Assistant City Clerk Ann Marie Sharratt

City Attorney Daggett noted Councilmembers Canonico and Peel are participating remotely and therefore do not technically count toward a quorum or vote on any voted items.

## E) CITY MANAGER'S AGENDA REVIEW

Deputy City Manager Tyler Marr 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.)

Janssen Nielsen stated he has lived in Fort Collins for about a year and has been working as a school psychologist. He stated he would like to build a life here in Fort Collins; however, it is quite expensive and unattainable for the working class. He would like to see the benefits of living in this beautiful and progressive city be accessible for all and urged Council to follow the Land Use Code guiding principles of increasing overall housing capacity, enabling more affordability, and increasing the diversity of housing options as it is considering future changes.

Wayne Brothers stated he has lived in Fort Collins for 46 years. He commented on the evolving Land Use Code noting Council has received two memos from staff, one regarding community engagement activities and one regarding possible Code alternatives, which he stated fell short of its stated purpose. He stated the alternatives presented by staff provide only minor tweaks to the repealed Land Development Code and do not address many of the concerns highlighted in the community engagement report, including the four alternatives for additional dwelling units (ADUs) in RL zones which do not include an alternative for not allowing ADUs in low-density residential neighborhoods. He stated 'no change' should be offered as an alternative and stated increased density does not directly lead to affordability.

Vicki Rossen (remote) stated she lives in the RL zone in southwest Fort Collins and was a public-school teacher for 30 years. She stated there is a prevalent consensus among the majority of homeowners in established single-family neighborhoods that they have not been heard in the new Land Use Code proposals. She stated the density brought on by increased occupancy, changing the U+2 Code, external ADUs, and multi-plex buildings will result in direct safety concerns to families residing in established neighborhoods. She stated new neighborhoods will be able to integrate safety into their design; therefore, the proposed changes would work for new neighborhoods. However, she stated imposing radical increased density changes on existing neighborhoods will have disastrous, unintended consequences to residential safety.

Ronald Hanser (remote) stated he lives in an RL neighborhood and made the investment in his home two years ago based on the City's existing housing Codes and the HOA covenants and with the faith that the City would not do anything to damage the City or the underlying value of HOA neighborhoods. He stated 80 percent of RL residents who participated in a survey expressed concern the proposed Land Use Code changes may threaten their investments and neighborhoods. He stated he has worked to support affordable housing; however, increased density does not equate to more affordability and forced density in established single-family HOA neighborhoods is not a solution for affordability. Additionally, he stated the City's efforts to override longstanding covenants of HOAs in Fort Collins in an effort to increase density are misguided and only serve to breed resentment. He supported establishing new neighborhoods with higher density.

Adam Eggleston supported the Land Use Code outreach efforts and commented on rumors related to intimidation tactics being used by a certain group threatening recalls and additional ballot measures

to repeal Land Use Code changes with which they disagree. He stated those types of tactics do not reflect the character and culture of Fort Collins. He also commented on misinformation regarding HOAs noting there is state statute from 1992 that allows City policies to override HOA policies.

Rich Stave commented on item 16, *Resolution 2023-068 Directing an Intergovernmental Agreement with Larimer County and Certification of Ballot Questions for the Municipal Election to be Conducted by Larimer County in Conjunction with the November 7, 2023, Coordinated Election*, stating he did not fully understand the dates referenced in the item. He also commented on riding Transfort and noted the service does not run late enough to provide rides home from Council meetings. Additionally, he commented on a transient breaking sprinkler heads off at a private business and stated those costs will be passed on to the public.

Public Comment concluded at 6:24 p.m.

## **H) PUBLIC COMMENT FOLLOW-UP**

Mayor Pro Tem Emily Francis requested a follow-up to Mr. Stave's question regarding item 16. City Attorney Daggett replied the City must enter into an intergovernmental agreement (IGA) with the County before the end of July to participate in the County's coordinated election, though the Council has until the end of the first week in September to determine the actual ballot questions.

Mayor Pro Tem Francis asked if it would still be possible for a citizen-initiated item to be placed on the ballot. City Attorney Daggett replied it would not be workable timewise for a petition to begin and make its way to the November ballot due to deadlines for setting up the County election.

Mayor Pro Tem Francis stated there has been some discussion around which Code is being updated and requested staff clarification. Deputy City Manager Marr replied Council has a work session on the topic on July 31 and the updates being considered now are to the existing Land Use Code, and based on Council direction from the last couple work sessions, staff will be presenting a range of options in various areas, some of which mirror aspects of the repealed Land Development Code and some of which do not.

Councilmember Kelly Ohlson noted that work session is on a Monday and asked if there will be any extra promotion of that fact. Deputy City Manager Marr replied in the affirmative and noted that meeting was rescheduled several weeks ago due to Neighborhood Night Out on August 1st.

## **I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION**

None.

## **J) CONSENT CALENDAR**

### **1. Consideration and Approval of the Minutes of the June 20, 2023 Regular Meeting.**

The purpose of this item is to approve the minutes of the June 20, 2023 regular meeting.

**Approved.**

### **2. Second Reading of Ordinance No. 088, 2023, Making Supplemental Appropriations of Unanticipated Revenue for the Siphon Overpass Project.**

This Ordinance, unanimously adopted on First Reading on June 20, 2023, appropriates funds for the Siphon Overpass Project (Project), which will design and construct a trail overpass spanning the existing railroad tracks near the southwest corner of the Willow Springs neighborhood. This Ordinance will 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 Ordinance will also appropriate an additional \$750,000 in the Capital Projects Fund for the Project.

***Adopted on Second Reading.***

- 3. Second 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.**

This Ordinance, unanimously adopted on First Reading on June 20, 2023, is 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 Second Reading.***

- 4. Second 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 Telecommunication Facility at 1800 East Harmony Road to Replace Lost Wireless Service Coverage.**

This Ordinance, unanimously adopted on First Reading on June 20, 2023, 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 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 Second Reading.***

- 5. Second 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.**

This Ordinance, unanimously adopted on First Reading on June 20th, 2023, approves the property owners of 401 Smith Street, a City landmark designated in 2008, to seek 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 Council action within seventy-five days of this recommendation.

***Adopted on Second Reading.***

- 6. Second 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.**

This Ordinance, unanimously adopted on First Reading on June 20, 2023, is requesting a 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 (HPC) 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 Second Reading.***

7. **First Reading of Ordinance No. 093, 2023, Appropriating Prior Year Reserves and Unanticipated Revenue from Philanthropic Donations Received Through City Give for Various Programs and Services as Designated by the Donors.**

The purpose of this item is to request appropriation of \$56,974 in philanthropic revenue received through City Give in 2022 and 2023. 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 as per the respective donors' designation.

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

***Adopted on First Reading.***

8. **First Reading of Ordinance No. 094, 2023, Appropriating Philanthropic Revenue in the General Fund Through City Give for Neighborhood Services for Community Workshops and the Creation and Distribution of a Neighborhood Business Guide.**

The purpose of this item is to appropriate \$20,000 in philanthropic revenue for Neighborhood Services within the Community Development and Neighborhood Services Department of the Planning and Transportation services area.

Neighborhood Services has been awarded a gift of \$20,000 through the 2023 American Association of Retired Persons (AARP) Community Challenge with the designated intent to support healthy outcomes for residents' homes and personal wellbeing through three one-day Homeowner Workshops, each at a different mobile home community in the City, including Skyline, North College and Hickory Village. The gift funds also will be used to create and distribute a neighborhood business guide to residents.

***Adopted on First Reading.***

9. **First Reading of Ordinance No. 095, 2023, Authorizing Expenditure of American Rescue Plan Act Funds for Affordable Housing Fee Credits as Specified.**

The purpose of this item is to provide previously appropriated American Rescue Plan Act (ARPA) funding for 5 units targeting forty percent (40%) Area Median Income (AMI) households at the Heartside Hill development. Council already appropriated \$350,000 of ARPA funding for affordable housing fee credits, and this funding must be fully committed by 2024. Affordable housing fee credits have been approved administratively for 20 units serving households at thirty percent (30%) AMI or below, including 8 units at Heartside Hill. There are no additional thirty percent (30%) AMI units expected before the ARPA deadline to commit funds in 2024. Though fee credits for units up to sixty-five percent (65%) AMI are a presumptive eligible use of ARPA funds, the City's fee credit policy as codified in City Code Article VIII, Section 7.5 requires Council approval for fee credits for any units serving income ranges above thirty percent (30%) AMI. This

Council action would ensure that the remaining appropriated funds are used for their intended purpose as affordable housing fee credits.

***Adopted on First Reading.***

**10. First Reading of Ordinance No. 096, 2023, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations in Multiple Utility Funds for the Purchase of Vendor Services to Support the Replacement of the City's Utilities Billing System.**

The purpose of this item is to consider an appropriation from the Light and Power, Water, Wastewater and Stormwater Enterprise Funds available reserves to implement a modern Utility Customer Information System – Customer Self Service Portal (CIS-CX) Solution. This appropriation request is the second, and final, request related to the new CIS-CX.

In March 2023, Ordinance No. 036, 2023, appropriated \$4,250,000 to begin the process of temporarily increasing staffing for the implementation while contract review and negotiations were being finalized. The City has now identified the Vendor of Choice, reviewed the functional requirements in detail with that vendor and negotiated terms of the contract sufficient to determine the amount of investment needed to successfully deploy a new CIS-CX. This appropriation request of \$9,700,000 will provide the additional funding needed for all costs associated directly with the software deployment, software testing, training, and the organizational change management (OCM) associated with moving onto a modern CIS-CX. With this appropriation, the CIS-CX implementation will begin in October of this year and be fully operational by the end of 2025.

The total amount being requested for appropriation here is \$9,700,000 and is broken out as follows:

Software as Service Implementation \$3,250,000; Software Licensing through Implementation \$2,400,000; Organizational Change Management (OCM) \$1,500,000; Testing Protocol Development and Management \$900,000; Training Development and Initial Training \$900,000; and Business Process Analysis and Alignment \$750,000.

***Adopted on First Reading.***

**11. Items Relating to Parking of Shared Mobility Devices and Electric Scooters.**

A. First Reading of Ordinance No. 097, 2023, Amending Sections 2002, 2106 and 2108 of the Fort Collins Traffic Code to Address the Parking of Shared Mobility Devices and Electric Scooters.

B. First Reading of Ordinance No. 098, 2023, Repealing Chapter 24, Article VI, Parking of Shared Mobility Devices, of the Code of the City.

The purpose of this item is to add shared mobility devices and electric scooters to the Fort Collins Traffic Code regulations for parking of bicycles and electric bicycles, and also to repeal two sections of the City Code that separately relate only to parking of shared mobility devices and electric scooters.

***Adopted both Ordinances on First Reading.***

**12. Items Relating to The Landing at Lemay Two Plan Amendment to the City Structure Plan Map and Rezoning.**

A. Public Hearing and First Reading of Ordinance No. 099, 2023, Amending the City's Structure Plan Map.

B. Public Hearing and First Reading of Ordinance No. 100, 2023, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as The Landing at Lemay Two Rezoning.

The purpose of this item is to amend the City Structure Plan Map to change the land use designation of approximately nine acres of land east of the Lemay Avenue overpass over Vine Drive from the Industrial Place Type to the Mixed Neighborhood Place Type and rezone the property from the Industrial (I) District to the Medium Density Mixed Use Neighborhood (MMN) District. The site is a remnant area of Industrial zoning resulting from the first Landing at Lemay Rezone which was approved in February 2023.

The rezoning request is subject to criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Commission, which voted 7-0 on their consent agenda to recommend approval of the request at their May 2023 hearing.

*This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 2(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2022-068.*

***Adopted both Ordinances on First Reading.***

**13. First Reading of Ordinance No. 101, 2023, Designating the Emma Malaby Grocery Property, 313 North Meldrum Street, Fort Collins, Colorado, 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 Emma Malaby Grocery Property at 313 North Meldrum Street. In response to an application from the property owner, Historic Larimer County, City staff and the Historic Preservation Commission have determined the property to be eligible for designation under City Code Section 14-22, Standards 1 – Events, 2 – Persons/Groups, 3 – Design/Construction, and 4 – Information Potential. The owner is requesting designation to ensure protection of the property's buildings and features and to gain access to financial incentives for historic property owners.

***Adopted on First Reading.***

**14. Resolution 2023-066 Approving an Exception to the Use of a Competitive Process for Biosolids Dewatering Polymer for the Drake Water Reclamation Facility.**

The purpose of this item is to request an exception to the use of a competitive bid process for a contract extension not to exceed five (5) years with Aqua Ben Corporation for purchase of biosolids dewatering polymer is being brought forward for consideration.

The alternative is contrary to the City's best interests for the following reasons:

Selection of an alternative biosolids dewatering polymer would require modification of the Drake Water Reclamation Facility (DWRf) National Pollutant Discharge Elimination System (NPDES) permit by Colorado Department of Public Health and Environment (CDPHE). Modification of NPDES permits is prohibited when the status of a permit is administratively extended. The DWRf NPDES permit is in a status of administrative extension.

Exception to the Competitive Bid or Proposal Rationale:

Section 8-161(d)(1)b. Although there exists more than one (1) responsible source, a competitive process cannot reasonably be used or, if used, will result in a substantially higher cost to the City, will otherwise injure the City's financial interest, or will substantially impede the City's administrative functions or the delivery of services to the public.

***Adopted.***

15. **Resolution 2023-067 Authorizing the City Manager to Execute an Intergovernmental Agreement with Larimer County for the Funding of the Colorado Front Range Trail – Poudre River Trail Segment with the Great Outdoors Colorado (GOCO) Grant Reimbursement.**

The purpose of this item is to support the Intergovernmental Agreement (IGA) with the City and Larimer County for the Poudre River Trail segment grant. Larimer County, in partnership with Fort Collins, Timnath, and Windsor, received a \$2.0 million grant from Great Outdoors Colorado (GOCO) for the completion of the remaining segments of the Poudre River Trail. The Grant will fund construction of gaps in the trail from Colorado State University's (CSU) Environmental Learning Center (ELC) to River Bluffs Open Space west of Windsor including a spur connection to Windsor's Kyger Reservoir property.

Funds from the award will be used to close two gaps of the Poudre River Trail within the City, one between Arapaho Bend Natural Area and the existing Timnath trail system on the east side of I-25, and the other connecting the existing trail near Rigden Reservoir to CSU's ELC. Alternative alignments are being explored for the segment of trail between Rigden Reservoir and the ELC (see attachment 2).

***Adopted.***

16. **Resolution 2023-068 Directing an Intergovernmental Agreement with Larimer County and Certification of Ballot Questions for the Municipal Election to be Conducted by Larimer County in Conjunction with the November 7, 2023, Coordinated Election.**

The purpose of this Resolution is to authorize the City Manager to enter into an Intergovernmental Agreement (IGA) with Larimer County for the conduct of the November election, and to direct the City Clerk to certify ballot content to the County no later than September 8, 2023. Both of these actions are required by State statute.

***Adopted.***

17. **Resolution 2023-069 Making an Appointment to the Northern Colorado Regional Airport Commission.**

The purpose of this items is to appoint Michael Williams as the Fort Collins appointed Citizen Member to the Northern Colorado Regional Airport Commission.

***Adopted.***

#### **END OF CONSENT CALENDAR**

***Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to approve the recommended actions on items 1-17 on the Consent Calendar.***

***The motion carried 4-0.***



## **K) CONSENT CALENDAR FOLLOW-UP**

Councilmember Susan Gutowsky requested additional detail regarding item 8, *First Reading of Ordinance No. 094, 2023, Appropriating Philanthropic Revenue in the General Fund Through City Give for Neighborhood Services for Community Workshops and the Creation and Distribution of a Neighborhood Business Guide*. Nina Bodenhamer, City Give Director, replied the grant was received from the American Association of Retired Persons (AARP) and funds will be utilized to prepare winterization kits and resource guides for mobile home park residents.

Mayor Arndt congratulated Michael Williams on his appointment per item 17, *Resolution 2023-069 Making an Appointment to the Northern Colorado Regional Airport Commission*.

## **L) STAFF REPORTS**

None.

## **M) COUNCILMEMBER REPORTS**

Councilmember Susan Gutowsky

- Judged the Fourth of July parade and commended the entries and patriotic energy.
- Attended the Northern Colorado Regional Airport terminal groundbreaking.
- Toured the Carnegie Building renovations with the DDA Board and staff and noted it will be a state of the art venue for cultural events.
- Attended the NoCo Pride in the Park celebration.
- Commented on the opening of the Community Justice Alternative Center and on a presentation by a panel of residents who have been able to circumvent jail by going through a step by step program.
- Announced tomorrow's cesarian birth of her grandson in California.

Councilmember Tricia Canonico

- Attended a listening session with Councilmember Peel for businesses in the South College corridor.
- Toured the Northern Colorado Wildlife Center which aids wildlife in crisis.
- Attended the regional broadband celebration which highlighted municipal broadband in the region and celebrated the hundreds of millions of dollars in funding Colorado is receiving from the Broadband Equity Access and Deployment Initiative.
- Attended the asphalt art installation with FC Moves at the Roosevelt and Maple intersection.

Councilmember Shirley Peel

- Recognized individuals who donate to the community through City Give.
- Attended a tour of Crossroads Safehouse.
- Attended the Northern Colorado Regional Airport terminal groundbreaking.
- Announced a listening session Saturday from 9:00-11:00 a.m. at the Harmony Library.
- Thanked her neighbor, Gabe, who is nine, for a note thanking her for running for reelection.

Mayor Jeni Arndt

- Attended the Colorado Municipal League conference.
- Recognized City Manager Kelly DiMartino on attending the Harvard Leadership Training Program and receiving a scholarship from the International City Managers Association based on a vote of her peers. Noted the Poudre Fire Authority Chief is also in attendance at the training program.

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

None.

**O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION**

**18. Items Relating to a City-Initiated Charter Amendment Relating to Referendum Requirements.**

*A. Possible Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.*

*B. First Reading of Ordinance No. 102, 2023, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Sections 2 and 5 of Article X of the City Charter Relating to Referendum and Petition Requirements.*

*The purpose of this item is to set ballot language regarding proposed amendments to Sections 2 and 5 of Article X of the City Charter relating to referendum and petition requirements.*

*Following work with the Election Code Committee and through a Work Session on May 9, 2023, Council directed staff to bring forward a potential ballot option to amend the City Charter to reconcile contradictions in the referendum process.*

*Any protest of the proposed ballot language must be received no later than Monday, July 17, 2023, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.*

Ginny Sawyer, Senior Policy and Project Manager, stated this item and the next involve two potential Charter amendments that Council showed some interest in possibly referring. She provided the ballot language for the items.

**PUBLIC COMMENT**

Rich Stave stated the ten day time period for protests discourages public participation and commented on the lack of opportunities for public participation leading up to a final decision being made by Council.

**COUNCIL DISCUSSION**

***Mayor Pro Tem Francis moved, seconded by Councilmember Ohlson, to adopt on first reading Ordinance No. 102, 2023, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Sections 2 and 5 of Article X of the City Charter Relating to Referendum and Petition Requirements.***

Mayor Pro Tem Francis mentioned this clears up the City process given there was some confusion during the last petition. Mayor Arndt concurred.

***The motion carried 4-0.***

***Motion to Reconsider:***

***Mayor Pro Tem Francis moved, seconded by Councilmember Ohlson, to reconsider the vote by which the first reading Ordinance No. 102, 2023, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Sections 2 and 5 of Article X of the City Charter Relating to Referendum and Petition Requirements was adopted.***

***The motion carried 4-0.***

**Motion to Repass and add number 2:**

**Mayor Pro Tem Francis moved, seconded by Councilmember Ohlson, to repass Ordinance No. 102, 2023, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Sections 2 and 5 of Article X of the City Charter Relating to Referendum and Petition Requirements, as number 2 on the ballot.**

**The motion carried 4-0.**

**19. Items Relating to a City-Initiated Charter Amendment Relating to Residency Requirements.**

*A. Possible Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.*

*B. First Reading of Ordinance No. 103, 2023, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Articles II and IV of the City Charter Concerning the Requirement that Certain Employees Live in or Near Fort Collins.*

*The purpose of this item is to set ballot language regarding the requirement that certain employees live in or near Fort Collins.*

*Based on feedback from Councilmembers at the May 9, 2023, staff brings forward a potential ballot option to amend the City Charter to remove requirements that certain employment position types live in or near Fort Collins, allowing Council to establish any residency requirements by ordinance or by employment agreement for employees reporting directly to Council. Currently, a vote of the registered electorate is required to amend the Charter language that specifies City positions that must live in or near Fort Collins.*

*Any protest of the proposed ballot language must be received no later than Monday, July 17, 2023, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.*

Ginny Sawyer, Senior Policy and Project Manager, stated this item relates to residency requirements based on City title and position that are currently in the Charter. It would pull those requirements from the Charter and place them in the Code with the exception of the City Manager residency requirement which would remain in the Charter.

**PUBLIC COMMENT**

Rich Stave stated this creates opportunity for political patronage and citizens of Fort Collins expect those in public positions to be there to represent their best interests and live in the City.

**COUNCIL DISCUSSION**

None.

City Attorney Daggett noted the prior ordinance needs to have a number 2 or 3 inserted and recommended moving forward with this vote then reconsidering the previous motion with that inclusion.

**Mayor Pro Tem Francis moved, seconded by Councilmember Ohlson, to adopt on first reading Ordinance No. 103, 2023, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Articles II and IV of the City Charter Concerning the Requirement that Certain Employees Live in or Near Fort Collins, as number 3 on the ballot.**

Mayor Arndt concurred with Mr. Stave's comments.

***The motion carried 4-0.***

**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.)*

Mayor Arndt stated she would like the Council to consider placing an item on the ballot asking the registered electors whether Council should increase occupancy in Fort Collins given the level of public interest in the topic.

Councilmember Ohlson opposed the suggestion stating it is a last-minute addition of a substantial topic and its addition would be poor governance. He stated it should be Council that works out the details on this issue and stated a Council vote to add this question to the ballot would not occur until August which is only ten weeks prior to the election.

Mayor Arndt noted there was a previous petition attempt; therefore, she did not bring it up previously so as to avoid interrupting the citizen initiative and this is the first Council meeting since. She stated that having voter input on this topic would be beneficial.

Councilmember Ohlson stated he does not believe Council should react and place an item on the ballot after a failed citizen-initiated petition attempt.

Mayor Pro Tem Francis supported asking voters whether to proceed with occupancy increases and stated Council would still do the work of determining what those changes would be.

Councilmember Gutowsky stated placing this item on the ballot seems rushed and timing it with Council elections could be troublesome given the contentiousness of the issue.

Councilmember Peel supported the Mayor's suggestion as it would aid in identifying the will of voters.

Councilmember Canonico stated this has been an ongoing topic for years and giving voters the opportunity to voice their opinions would be valuable.

Councilmember Ohlson commented on the importance of the language in phrasing a ballot question.

City Attorney Daggett stated staff will provide some variations for the August 15th meeting and stated Council could adopt a resolution with the desired language then act to refer it to the voters.

**Q) ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 7:10 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

DRAFT