



# City Council Regular Meeting Action Agenda

**February 20, 2024 at 6:00 PM**

Jeni Arndt, Mayor  
Emily Francis, District 6, Mayor Pro Tem  
Susan Gutowsky, District 1  
Julie Pignataro, District 2  
Tricia Canonico, District 3  
Melanie Potyondy, District 4  
Kelly Ohlson, District 5

City Council Chambers  
300 Laporte Avenue, Fort Collins  
& via Zoom at  
<https://zoom.us/j/98241416497>

Cablecast on FCTV  
Channel 14 on Connexion  
Channel 14 and 881 on Xfinity

Carrie Daggett  
City Attorney

Kelly DiMartino  
City Manager

Heather Walls  
Interim City Clerk

**The purpose of the action agenda is to provide a brief overview of the actions taken by the City Council to be available shortly after a Council meeting.**  
**Council Proceedings are the complete official record of the meeting and are prepared for approval by the Council generally at its next meeting. They are published following their approval as the minutes of the meeting.**

## **PROCLAMATIONS & PRESENTATIONS** **5:00 PM**

### **A) PROCLAMATIONS AND PRESENTATIONS**

PP 1. **Declaring February 2024 as Black History Month.**

**Presented Proclamation.**

## **REGULAR MEETING** **6:00 PM**

### **B) CALL MEETING TO ORDER**

### **C) PLEDGE OF ALLEGIANCE**

### **D) ROLL CALL**

**6-0. (Absent: Ohlson)**

### **E) CITY MANAGER'S AGENDA REVIEW**

- City Manager Review of Agenda**
- Consent Calendar Review**

### **F) COMMUNITY REPORTS –**

- 1. Larimer County Behavioral Health Community Report.**

The purpose of this item is to present the Larimer County Behavioral Health Community Report.

**Presented Community Report.**

**G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS**

**H) PUBLIC COMMENT FOLLOW-UP**

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

**CONSENT CALENDAR**

**1. Items Relating to the Fort Collins Police Services Victim Services Unit.**

A. Second Reading of Ordinance No. 010, 2024, Making a Supplemental Appropriation from the Eighth Judicial District Victim Assistance and Law Enforcement Board in the General Fund for the Fort Collins Police Services Victim Services Unit.

B. Second Reading of Ordinance No. 011, 2024, Making a Supplemental Appropriation from the Colorado Division of Criminal Justice Under the Federal Victim of Crime Act in the General Fund for the Fort Collins Police Services Victim Services Unit.

These Ordinances, unanimously adopted on First Reading on February 6, 2024, provide funding for the Victim Services Unit of Fort Collins Police Services for victim advocacy services which are required under the Colorado Victim Rights Amendment for victims and witnesses of crime and their supporting family members.

The Victim Services Unit has been awarded a \$70,000 Victim Assistance and Law Enforcement (VALE) grant for the period from January 1, 2024 to December 31, 2024. The VALE grant is awarded through the Eighth Judicial District Board to help fund services provided by the Victim Services team. This grant will fund one part-time victim advocate, as well as 65% of the salary for a contractual 40-hour per week victim advocate.

The Victim Services Unit has also been awarded a 24-month grant in the amount of \$47,959 for the period from January 1, 2023 to December 31, 2024, by the Colorado Division of Criminal Justice under the Federal Victim of Crime Act (VOCA). This grant will help fund services provided by the Victim Services Unit. These funds will be used to pay 35% of the salary for a contractual victim advocate who provides crisis intervention services for sexual assault victims between the school ages of kindergarten through 12th grade.

**Action Taken: Adopted on Second Reading.**

**2. Second Reading of Ordinance No. 012, 2024, Making a 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 February 6, 2024, 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 \$40,000 of unanticipated grant revenue from the Colorado Department of Public Safety, Division of Criminal Justice (DCJ).

**Action Taken: Adopted on Second Reading.**

3. **Second Reading of Ordinance No. 013, 2024, Appropriating Philanthropic Revenue Received by City Give for the Renovation of the Historic Carnegie Library.**

This Ordinance, unanimously adopted on First Reading on February 6, 2024, requests an appropriation of \$214,000 in philanthropic revenue received by City Give for the renovation of the historic Carnegie Library as designated by the donor.

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

**Action Taken: Adopted on Second Reading.**

4. **Second Reading of Ordinance No. 014, 2024, Appropriating Philanthropic Revenue Received Through City Give for Youth Sports Programming and Services.**

This Ordinance, unanimously adopted on First Reading on February 6, 2024, requests an appropriation of \$15,550 in philanthropic revenue received through City Give for Recreation to benefit income-qualified youth sports programming and services.

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

**Action Taken: Adopted on Second Reading.**

5. **Second Reading of Ordinance No. 016, 2024, Appropriating Prior Year Reserves in the Recreation Fund for the Mulberry Pool Replacement Feasibility Study.**

This Ordinance, unanimously adopted on First Reading on February 6, 2024, appropriates \$78,000 from Recreation Reserves to fund the Mulberry Replacement Feasibility Study. This study is in partnership with Colorado State University Athletics (CSU), who will be funding 50% of the study.

**Action Taken: Adopted on Second Reading.**

6. **Second Reading of Ordinance No. 017, 2024, Appropriating Prior Year Reserves in the Recreation Fund for the Purchase of Ponies and Sheds at Lee Martinez Farm.**

This Ordinance, unanimously adopted on First Reading on February 6, 2024, appropriates \$72,000 from Recreation Reserves to purchase ponies and replace sheds at the Lee Martinez Farm.

**Action Taken: Adopted on Second Reading.**

7. **Second Reading of Ordinance No. 018, 2024, Appropriating Prior Year Reserves for Compensation of the Mayor, Mayor Pro Tem and Councilmembers.**

This Ordinance, unanimously adopted on First Reading on February 6, 2024, is for a General Fund supplemental appropriation to fund 2023-2024 Budget Offer 28.12 - City Council Voter Approved Pay Increase for fiscal year 2024. This budget request was not funded in the 2023-2024 Adopted Budget since the election results of the 2022 City-Initiated Charter Amendment No. 1 (Council Compensation) ballot initiative would not be known until after first reading of the City's annual appropriation ordinance for 2023. The initiative was approved by Fort Collins voters and this action is to appropriate the increased spending in the General Fund to implement the ballot initiative for the salary increases in 2024.

**Action Taken: Adopted on Second Reading.**

**8. Second Reading of Ordinance No. 019, 2024, Amending Article III of Chapter 19 of the Code of the City of Fort Collins Regarding Municipal Court Referees.**

This Ordinance, unanimously adopted on First Reading on February 6, 2024, amends the City Code to clarify that municipal court referees may hear cases involving camera radar and red light photo citations. Defendants in this type of case would have a choice to have a hearing with a referee in a more informal setting or a hearing in front of a municipal judge. The proposed Code changes would also allow the Chief Judge in the future to authorize referees to hear cases involving other zero-point infractions.

**Action Taken: Adopted on Second Reading.**

**9. Items Relating to Amending City Code to Adjust for Inflation the Following Fees: Capital Expansion Fees; Transportation Expansion Fee; Electric Capacity Fee; Water Plant Investment Fee; Sewer Plant Investment Fee; and Stormwater Plant Investment Fee.**

A. Second Reading of Ordinance No. 020, 2024, Amending Chapter 7.5 of the Code of the City of Fort Collins to Increase for Inflation the Capital Expansion Fees and Transportation Expansion Fee.

B. Second Reading of Ordinance No. 021, 2024, 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.

C. Second Reading of Ordinance No. 022, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Plant Investment Fees.

D. Second Reading of Ordinance No. 023, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Sewer Plant Investment Fee.

E. Second Reading of Ordinance No. 024, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Plant Investment Fees.

These Ordinances, unanimously adopted on First Reading on February 6, 2024, make annual inflation adjustments effective March 1, 2024, associated with the City's Capital Expansion Fees, Transportation Expansion Fee, Utility Plant Investment Fees, and Electric Capacity Fee.

**Action Taken: Adopted on Second Reading.**

**10. Second Reading of Ordinance No. 025, 2024, Adopting the 2024 Larimer County Regional Transportation Capital Expansion Fee Schedule.**

This Ordinance, unanimously adopted on First Reading on February 6, 2024, adopts the 2024 Larimer County Regional Transportation Capital Expansion Fee Schedule.

**Action Taken: Adopted on Second Reading.**

**11. Second Reading of Ordinance No. 026, 2024, Authorizing the Purchasing Agent to Enter into a Contract for Professional Services in Excess of Five Years for the Proposed Oak Street Stormwater Improvements Project.**

This Ordinance, unanimously adopted on First Reading on February 6, 2024, authorizes the City's purchasing agent, pursuant to City Code Section 8-186(a), to enter into contracts greater than five years in length, for professional services for the proposed Oak Street Stormwater Improvements Project. The contract authorized under the proposed ordinance could be extended up to the life of the project. Design for the project began in 2020, construction is anticipated to begin in 2024 with a 2-year duration, and project close-out may take several months, making the overall duration of the project seven (7) years or more. Under this scenario and without this proposed ordinance, the design contract would expire while the project is under construction, a situation that would result in logistical and cost ramifications for the City and the project.

**Action Taken: Adopted on Second Reading.**

12. **Second Reading of Ordinance No. 027, 2024, Authorizing the Mayor to Execute an Easement Agreement with Larimer County, the City of Loveland and South Fort Collins Sanitation District Regarding an Existing Sewer Line on Long View Farm Open Space.**

This Ordinance, unanimously adopted on First Reading on February 6, 2024, seeks authorization to approve conveyance of a sewer line easement to South Fort Collins Sanitation District (SFCSD) across Long View Farm Open Space. This easement is intended to formally document an existing sewer line that was installed in 1981 prior to the purchase of Long View Farm Open Space.

**Action Taken: Adopted on Second Reading.**

13. **Second Reading of Ordinance No. 028, 2024, Approving and Authorizing the Execution of an Amendment to a Reciprocal Stormwater Drainage Easement Agreement with Sun Foothills Fort Collins, LLC, and Ratifying the Original Conveyance.**

This Ordinance, unanimously adopted on First Reading on February 6, 2024, authorizes the amendment of that certain Reciprocal Stormwater Drainage Easement Agreement (the "Original Easement") dated September 7, 2022, recorded at Reception No. 20220061510, Clerk and Recorder's Records, Larimer County, Colorado, by and between the City and Sun Foothills Fort Collins, LLC (the "Owner"), which originally conveyed a stormwater drainage easement to the Owner on City property in exchange for the City's right to retain stormwater on the Owner's property. The Amendment to the Original Easement (the "Amended Easement") will modify the legal description and revise language pertaining to access rights. Approval of the Ordinance would also ratify the Council's prior action in 2022 approving the easement exchange, the ordinance for which was missing its intended exhibits.

**Action Taken: Adopted on Second Reading.**

14. **Second Reading of Ordinance No. 029, 2024, Approving the Conveyance of a Temporary Construction Easement, Dedication of a Permanent, Nonexclusive Water Line Easement, and Dedication of a Permanent, Nonexclusive Sewer Line Easement, all on City Property, for the Benefit of the Sun Foothills Fort Collins Development.**

This Ordinance, unanimously adopted on First Reading on February 6, 2024, approves an Ordinance that would authorize the conveyance of the following:

1. One (1) temporary construction easement (TCE) to Sun Foothills Fort Collins LLC (the "Owner") for the modification of existing grades and current stormwater drainage facilities;
2. One (1) permanent, nonexclusive water line easement to the Fort Collins-Loveland Water District (the "Waterline Easement"); and

3. One (1) permanent, nonexclusive sewer line easement to the Fort Collins-Loveland Sanitation District (the “Sewer Easement”).

The easements are located on 17 acres of City property located in the North West 1/4 of Section 13, Township 6 North, Range 69 West, Larimer County, Colorado, being currently held as a City of Fort Collins Land Bank property (the “City Property”).

Construction pursuant to the TCE will modify existing stormwater facilities. The Waterline Easement and the Sewer Easement are entitlements required by the City so that the Owner may proceed with the development of the adjoining lands.

The easements will include the extension of stubbed water, sewer, and drainage improvements directly onto the City Property resulting in a significant benefit to the City Property.

**Action Taken: Adopted on Second Reading.**

15. **Items Relating to the 2024 City Classified Employee Pay Plan as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.**

A. Second Reading of Ordinance No. 030, 2024, Adopting the 2024 Amended Classified Employees Pay Plan to Update Classified Positions as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

B. Second Reading of Ordinance No. 031, 2024, Appropriating Prior Year Reserves in the General Fund for the Cost of Police Services Salary and Benefit Increases as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

These Ordinances, unanimously adopted on First Reading on February 6, 2024, recommend changes to the 2024 City Classified Employee Pay Plan based on an annual market analysis conducted as agreed upon through the 2022-2024 Collective Bargaining Agreement (Agreement) with the Northern Colorado Lodge #3 of the Fraternal Order of Police (FOP). The Agreement was approved by Council by Resolution on December 7, 2021. The Agreement specifies a salary data collection method and evaluation process that includes market data as of early January each year. This data has been collected and analyzed, resulting in the revised 2024 Amended City Classified Employee Pay Plan.

**Action Taken: Adopted on Second Reading.**

16. **First Reading of Ordinance No. 032, 2024, Appropriating Prior Year Reserves and Unanticipated Philanthropic Revenue Received Through City Give for Various Programs and Services as Designated by the Donors.**

The purpose of this item is to request appropriation of \$18,025.20 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.

**Action Taken: Adopted on First Reading.**

17. **First Reading of Ordinance No. 033, 2024, Appropriating Prior Year Reserves in the Conservation Trust Fund for the Future Design and Construction of the Fossil Creek Trail Spur.**



The purpose of this item is to request an appropriation for partial funding for the future construction of the Fossil Creek Trail spur. This revenue is contributed from the developer. This trail spur is identified in the South College Corridor Subarea Plan as “City built and maintained.” The easement for the future trail spur was secured during the development review process of the Fort Collins Nissan-Kia project. Per the South College Avenue Access Control Plan, this trail is of regional significance and the Developer agreed to contribute their proportional share of the public access trail project in the amount of \$35,000. The Developer was required to provide the funds prior to issuance of the project’s first building permit. The design and construction date of the future trail spur at this time is unknown.

**Action Taken: Adopted on First Reading.**

**18. First Reading of Ordinance No. 034, 2024, Authorizing Transfers of Appropriations for the Xeriscape Incentive Program.**

The purpose of this item is to support businesses, homeowner associations (“HOAs”) and other commercial properties pursuing costly landscape projects that reduce water use long-term through the Xeriscape Incentive Program by utilizing \$75,104 in existing 2024 appropriations to fund the City’s match requirement under this grant project.

**Action Taken: Adopted on First Reading.**

**19. First Reading of Ordinance No. 035, 2024, Authorizing the Release of Restrictive Covenants on Property at 2850 Sykes Drive, Developed by Fort Collins Habitat for Humanity.**

The purpose of this item is to obtain authorization from Council to terminate the HOME Investment Partnership Funding Development Contract with Fort Collins Habitat for Humanity (Habitat) and release the Agreement of Restrictive Covenants Affecting Real Property on the single-family home located at 2850 Sykes Drive. Termination of the contract and release of the Agreement of Restrictive Covenants is required for Fort Collins Habitat for Humanity to move forward with the sale of the home to the buyer.

**Action Taken: Adopted on First Reading.**

**20. First Reading of Ordinance No. 036, 2024, Approving the Vacation of a Portion of Two Easements Originally Dedicated in that Certain Replat of Coachlight Plaza PUD.**

The purpose of this item is to approve the vacation of a 1,077 square foot portion of two easements (8’ Electrical Easement and an 8’ Telephone Easement) (the “Easements”) that are no longer required by the City because they are currently located beneath a newly constructed building envelope.

**Action Taken: Adopted on First Reading.**

**21. Resolution 2024-009 Approving Fort Fund Special Event Grant Disbursements.**

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming Account and the Tourism Programming Account for the selected community events in the Special Event Grant – January Deadline category, based upon the recommendations of the Cultural Resources Board.

**Action Taken: Adopted.**

**22. Resolution 2024-010 Authorizing the Initiation of Exclusion Proceedings of Annexed Properties Within the Territory of the Poudre Valley Fire Protection District and Authorizing an Intergovernmental Agreement with Said District.**

The purpose of this item is to authorize the City Attorney to file a petition in Larimer County District Court to exclude the property annexed into the City in 2023 from the Poudre Valley Fire Protection District (the “District”) in accordance with state law. The property affected by this Resolution is the Thompson Thrift Spaulding Addition Annexation. Colorado Revised Statutes Section 32-1-502 requires an order of exclusion from the District Court to remove the annexed property from special district territories. The property has been receiving fire protection services from the Poudre Fire Authority and will continue to do so. The City Attorney’s Office files the petition in Larimer County District Court each year seeking exclusion for all properties annexed in the previous year that should be removed from the District to avoid double taxation.

**Action Taken: Adopted.**

**23. Resolution 2024-011 Authorizing the City Manager to Execute an Agreement Between the City of Fort Collins and the City of Greeley Regarding Certain Aspects of the Halligan Water Supply Project, Including Water Quality Analysis, Mitigation Measures, and Milton Seaman Reservoir Release Gate Design.**

The purpose of this item is to authorize a proposed agreement (“Proposed Agreement”) between the City of Fort Collins (“Fort Collins”) and the City of Greeley (“Greeley”) (together, “Cities”) regarding certain aspects of the Halligan Water Supply Project (“Halligan Project”). Greeley owns Milton Seaman Reservoir on the North Fork of the Poudre River (“North Fork”), downstream of the Halligan Project. Greeley is undergoing a time sensitive capital infrastructure replacement project for the release gate on their reservoir. Fort Collins desires that the new release gate also be able to bypass and account for Halligan Project releases. In addition, Greeley anticipates that there may be water quality impacts caused by certain operational changes due to the Halligan Project. The Cities are working collaboratively on these issues.

Under the Proposed Agreement, the Cities would collaboratively study and do design work. The Cities would:

- retain AECOM as a consultant for Phase 1 (Analysis and Preliminary Design) to perform a jointly agreed upon scope of work (release gate design and water quality identification and mitigation);
- agree to use the results of Phase 1 to develop a plan for Phase 2 (Implementation); and
- agree to a 50/50 cost share for Phase 1, \$553,490 (Fort Collins’ obligation \$276,745).

Fort Collins staff’s analyses indicate that the Proposed Agreement is beneficial to the City and the Halligan Project. An anticipated subsequent agreement on Phase 2 would be brought to Council.

**Action Taken: Adopted.**

**24. Resolution 2024-012 Adopting Findings of Fact in Support of the City Council’s Decision on Appeal to Uphold the Planning and Zoning Commission Approval of the Polestar Village Project Development Plan PDP220010.**

The purpose of this item is to make Findings of Fact and Conclusions regarding Council’s decision at the February 6, 2024, appeal hearing upholding the Planning and Zoning Commission’s decision to approve the Polestar Village Project Development Plan.

**Action Taken: Adopted.**



## END OF CONSENT CALENDAR

### J) ADOPTION OF CONSENT CALENDAR

**Action Taken: Adopted Consent Calendar Items 1-24, 6-0.**

### K) CONSENT CALENDAR FOLLOW-UP

### L) STAFF REPORTS – None.

### M) COUNCILMEMBER REPORTS

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

### O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

#### 25. **Second Reading of Ordinance No. 015, 2024, Appropriating Philanthropic Revenue Received Through City Give for Park Planning and Development to Fund Pickleball Site Feasibility and Community Engagement.**

This Ordinance, adopted on First Reading on February 6, 2024, by a vote of 5-1 (Nays: Councilmember Francis; Absent: Councilmember Pignataro) is to request an appropriation of \$40,000 in philanthropic revenue received by City Give for Park Planning & Development, for site feasibility and community engagement toward a future City-owned pickleball complex.

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

**Action Taken: Adopted on Second Reading, 6-0.**

#### 26. **First Reading of Ordinance No. 037, 2024, Authorizing the Conveyance to N College 1311, LLC, of a Portion of the City Property Designated as the Future Hickory Detention Pond in Exchange for Adjoining Property and Other Valuable Consideration.**

The purpose of this item is to approve an Ordinance that would permit the conveyance of approximately 1.31 acres (57,064 sf) of City property (the “Conveyed Parcel”) to N College 1311, LLC, (“Owner”), as well as a possible temporary construction easement or license to enter, and acceptance of Natural Habitat Buffer Zone on City property, in exchange for approximately 2.43 acres (105,723 sf) of Owner’s adjoining property (the “Received Parcel”) and other valuable consideration.

**Action Taken: Adopted on First Reading, 6-0.**

**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.)*

- OB 2. **“Consideration of a motion to adjourn to 6:00 p.m. on February 27, 2024, for the purpose of considering adoption of Council Priorities:**

“I move that Council adjourn this meeting to 6:00 p.m. on Tuesday, February 27, 2024, in order to consider adoption of Council priorities and such other business as may come before Council.”

**Action taken: Moved to Adjourn to 6:00 p.m. on Tuesday, February 27, 2024, 6-0**

**Q) ADJOURNMENT**

**Adjourned at 9:57 p.m.**