

February 20, 2024

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 AND PRESENTATIONS

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

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

REGULAR MEETING

6:00 PM

B) CALL MEETING TO ORDER

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

C) PLEDGE OF ALLEGIANCE

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

D) ROLL CALL

PRESENT

Mayor Jeni Arndt

Mayor Pro Tem Emily Francis

Councilmember Susan Gutowsky

Councilmember Julie Pignataro

Councilmember Tricia Canonico

Councilmember Melanie Potyondy

ABSENT

Councilmember Kelly Ohlson

STAFF PRESENT

City Manager Kelly DiMartino

City Attorney Carrie Daggett

Interim City Clerk Heather Walls

E) CITY MANAGER'S AGENDA REVIEW

City Manager Kelly DiMartino provided an overview of the agenda, with the following highlights:

- Larimer County Behavioral Health Community Report.
- All items on the consent agenda were recommended for approval.
- The items on the discussion agenda were reviewed.

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.

Laura Walker, Larimer County Human and Economic Health Director, noted the County's Behavioral Health Services Department was funded through a 2018 sales tax initiative and discussed the four phases of behavioral health services implementation which completed at the end of 2023 with the opening of the acute care facility at the Longview Campus. She stated an update of the Community Master Plan for Behavioral Health is the next iteration of the work and it includes 14 focused recommendations for the next five years. Walker reviewed the recommendations.

Councilmember Potyondy commended the presentation and work to look at the feasibility for youth services.

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

Sharon Shabtai, Fort Collins resident, opposed the adoption of a cease fire resolution stating it would incite anti-Israel and anti-Jewish sentiments. Shabtai advocated for a City Code provision that restricts Council involvement in foreign affairs.

Brendon Kelly, Fort Collins resident, discussed the rise in antisemitism since the Hamas attack and stated a cease fire resolution passed by Council would have no impact on the war but would have a negative effect on Jewish children in Fort Collins.

Merav Tsubely, Fort Collins resident, opposed the adoption of a cease fire resolution and stated the Human Relations Commission's pursuit of a cease fire resolution will only feed antisemitism, hate, and division.

Nathan Wallace, Fort Collins resident born and raised in Israel, expressed concern about the safety of Israeli residents in Fort Collins.

Miri Kornfeld, Director of Stand With Us, Fort Collins resident, opposed the adoption of a cease fire resolution.

Shimrit Yacobi, Fort Collins resident, spoke in support of Israel and in opposition to the adoption of a cease fire resolution.

Alexis Riggs, Fort Collins resident, commented on the rise in antisemitism and opposed the adoption of a cease fire resolution.

Elise Mordos, Boulder resident, opposed the adoption of a cease fire resolution.

Tsahi Zidenberg, Fort Collins resident, supported a cease fire but opposed the adoption of a cease fire resolution.

Jordan Griffith opposed the adoption of a cease fire resolution.

Michelle Gliszinski, Fort Collins resident, spoke in support of Israel.

Dikla Leon, Superior resident, opposed the adoption of a cease fire resolution.

Jason Levi opposed the adoption of a cease fire resolution.

Angela Watson, Fort Collins resident, spoke against the war and in support of Israel.

Jarrett Watson, Fort Collins resident, spoke in favor of Israel and its right to defend itself.

Louann Griffith, Fort Collins resident, stated Council is not qualified to comment on the situation in Israel and Gaza and opposed the adoption of a cease fire resolution.

Robyn (no last name given), Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Jonah Salehi, Chair of the Labor Committee at DSA Fort Collins, spoke in support of the adoption of a cease fire resolution.

Nika (no last name given), Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Ali Owens, NoCo Liberation Coalition, spoke in support of the adoption of a cease fire resolution.

Shawn Goodwin, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Dana Guber, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Beth G., Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Shehab Elhaddad, President of Islamic Center of Fort Collins, spoke in support of the adoption of a cease fire resolution stating the Islamic Center has been involved in its drafting, making it a local resolution.

Erica Dickson, Fort Collins resident, opposed the adoption of a cease fire resolution and requested Council focus on the problems in the local community caused by the resolution.

Lori Weinreich, Fort Collins resident, opposed the adoption of a cease fire resolution.

David Weinreich, Fort Collins resident, opposed the adoption of a cease fire resolution.

Cecily (no last name given), Fort Collins resident, read an excerpt from a book regarding Israel and Fort Collins and supported the adoption of a cease fire resolution.

Sabrina M., Westminster resident, spoke in support of the adoption of a cease fire resolution.

Alex Scott, Fort Collins resident, spoke in support of the adoption of a cease fire resolution and stated this issue has united the city around peace.

Schaefer Bennett, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Carmen Pauna, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Paul Herman, Fort Collins resident, discussed the divisiveness of the cease fire issue and stated City Council should not involve itself.

Joshua Keen, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Hannah Spring, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Michael Katz, Fort Collins resident, discussed the divisiveness of the cease fire issue and opposed Council's involvement in global issues.

Ella Smith, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Carrie Levi, Fort Collins resident, opposed the adoption of a cease fire resolution and requested Council adopt a City Code provision that limits Council actions in foreign issues.

Madeleine Grigg, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Dr. M Watson Saltis, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Melanie Van Der Volgen, Fort Collins resident, opposed the adoption of a cease fire resolution and stated Council should focus on municipal issues.

Cristyn Hynar, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Michael Weinreich, Fort Collins resident, opposed the adoption of a cease fire resolution.

Ron Vaisbort, Fort Collins resident, opposed the adoption of a cease fire resolution stating it is not a matter of local concern.

Rev. Dr. Marta Fioriti, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Nancy York, who spoke on behalf of Kimberly Baker Medina, both Fort Collins residents, discussed statistics related to deaths in Gaza and spoke in support of the adoption of a cease fire resolution.

Aria Hughes, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Hannah (no last name given), Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Leila Einhorn, Fort Collins resident, supported adoption of a cease fire resolution.

Zoe (no last name given), Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

David Roy, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Judy Papenfuss, Fort Collins resident, spoke in support of Israel and opposed the adoption of a cease fire resolution.

Steve Papenfuss, Fort Collins resident, opposed the adoption of a cease fire resolution.

Bill Timpson, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Aaron Brooks, Boulder resident, spoke of experiencing antisemitism at Council meetings in other communities and opposed the adoption of a cease fire resolution.

Michelle Landon, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Dolores Williams, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Eli Alberts, Loveland resident, opposed the adoption of a cease fire resolution.

Tyler Gus, Fort Collins resident, played a video showing Israeli families calling for peace.

Aisha G, Greeley resident, spoke in support of the adoption of a cease fire resolution.

Aaron Lerner, Fort Collins resident, spoke in support of the adoption of a cease fire resolution stating it is a local issue.

Samuel Pisciotta, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Tyler Chrenka, Fort Collins resident, noted Council adopted a resolution related to a cease fire in Ukraine and questioned how the Gaza situation is different.

Ash W., Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Jennifer Goodrich, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Sterling Linville, Fort Collins resident, displayed a graphic indicating genocide in Gaza and spoke in support of the adoption of a cease fire resolution.

Maddie Christian, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Isabella Zapata, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Danny Elliott, Westminster resident, spoke in support of the adoption of a cease fire resolution.

Clerk's Note: Mayor Arndt called for a ten-minute break at 7:36 p.m. The meeting resumed at 7:50 p.m.

Sarah A. Flick, Fort Collins resident, read excerpts from the Hamas charter.

Sue Ellen Klein, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Cori Wong, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Omar Reda spoke in support of the adoption of a cease fire resolution.

Lake Hogan, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Shay Jennings, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

JoEllen Mitchell, Fort Collins resident, opposed the adoption of a cease fire resolution.

Rorey (no last name given), Fort Collins resident, stated speaking truth is not divisive; genocide is.

Michael Korn, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Nura Elmagbari spoke in support of the adoption of a cease fire resolution.

Jonesy Winchell, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Gabrielle Friesen, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Eli (no last name given), resident of Poudre Valley Mobile Home Park, spoke in opposition to the proposed shelter.

Willie Spellman, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Esme Holden, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Khaled Alali, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Adal Khalil Raja, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Jeff Wright, Fort Collins resident and retired pastor, noted the Human Relations Commission recommended adoption of a resolution calling for a cease fire, the delivery of humanitarian aid, and the release of all hostages and encouraged Council to do so.

Kimberly Conner, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Dr. Mohamed Kuziez, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Mary Ehrlich opposed the adoption of a cease fire resolution.

Grace Hudgens, Fort Collins resident, spoke in support of the adoption of a cease fire resolution stating this is a local issue and noted Council has previously adopted resolutions related to global issues, including a cease fire in Ukraine.

Ahmad Esmat, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Anya Kaplan-Hartnett, Fort Collins resident, spoke in support of the adoption of a cease fire resolution and noted Council has previously adopted resolutions related to global issues.

Ali (no last name given), Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Sunflower (no last name given), Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Sheela Turbek, Fort Collins resident, supported adoption of a cease fire resolution.

Ashton Schmidke, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Phoebe Bauer, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Blake Summers, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Quinn Miller, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Kaori Keyser, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Dandelion (no last name given), Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Zach Heath, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Michael May, Fort Collins resident, supported adoption of a cease fire resolution.

Michael Lichtbach, Fort Collins resident, opposed the adoption of a cease fire resolution.

Kristen Switzer, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Julie Rowan-Zoch, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Robin Hutchinson, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Elliot Fladen opposed adoption of a cease fire resolution.

Mai (no last name given), Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Lorenzo Gomez, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Elwi Borsum, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Robyn Dolgin, Fort Collins resident, spoke in support of adoption of a cease fire resolution.

Quinn Mitchell, Fort Collins resident, spoke in support of the adoption of a cease fire resolution and showed a video.

Mohiman Muneer, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Connor Flynn, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Jeremiah Thielke, Fort Collins resident and City employee, spoke in support of the adoption of a cease fire resolution.

Lindsey Garchar, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Ashley Garchar, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Giselle Herzfeld, Rocky Mountain Peace and Justice Center, spoke in support of the adoption of a cease fire resolution.

Christinia Eala, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Christina Swope, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Michael Whitcomb, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Zoelle Lane, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Blaine Crowe, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Claire Kopp, Fort Collins resident, spoke on behalf of a Jewish resident in Fort Collins in support of the adoption of a cease fire resolution.

Elisheva Lane, Fort Collins resident, opposed the adoption of a cease fire resolution.

Salah Abdel-Ghany, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Deborah Kellogg, Fort Collins resident, opposed the adoption of a cease fire resolution.

Riley (no last name given), Larimer County resident, spoke in support of the adoption of a cease fire resolution.

Rose Lew, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Sophie Dellota, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Hania Sakkal, Fort Collins resident, displayed a photo from Gaza and spoke in support of the adoption of a cease fire resolution.

Greg Zoda, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Benjamin Skillman spoke in support of the adoption of a cease fire resolution.

Oliver Vollmer, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Cheryl Distaso, Fort Collins resident, noted the Human Relations Commission recommended the adoption of a cease fire resolution which included humanitarian aid and the release of all hostages. Distaso urged Council to direct staff to craft a resolution based on the HRC recommendations and to adopt said resolution.

August-Carter Nelson, Fort Collins resident, spoke in support of the adoption of a cease fire resolution and noted Council has previously adopted resolutions related to global issues.

Will Risheill, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Silen Wellington, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Deana Munoz, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Kaitlin (no last name given), spoke in support of the adoption of a cease fire resolution.

Emil Aiden, Fort Collins resident, opposed the adoption of a cease fire resolution.

John Ramsted stated every justice movement in the history of the country has been divisive and spoke in support of the adoption of a cease fire resolution.

H) PUBLIC COMMENT FOLLOW-UP

Mayor Arndt commented on hearing compassion, commitment to peace, and freedom of expression and religion, which are all values of the City. She thanked the speakers and encouraged working together, embracing differences, and living in peace and understanding. She noted any resolution would need to be taken up under Other Business.

Councilmember Gutowsky expressed difficulty in choosing a side on the issue and stated the simplest solution may not be the best solution.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) 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.

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).

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Both Ordinances 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.

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.

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.

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.

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.

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.

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.

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.

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.

Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to approve the recommended actions on items 1-24 on the Consent Calendar.

The motion carried 6-0.

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

Absent: Councilmember Ohlson.

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

Councilmember Gutowsky commented on Item No. 3, *Second Reading of Ordinance No. 013, 2024, Appropriating Philanthropic Revenue Received by City Give for the Renovation of the Historic Carnegie Library*, stating the renovations will be very exciting.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Councilmember Potyondy

- Reported on a recent listening session during which the cease fire resolution was also discussed. She acknowledged the difficulty of the issue and noted people in the community are hurting.

Clerk's Note: Mayor Arndt called for a fifteen-minute break at 9:28 p.m. The meeting resumed at 9:45 p.m.

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

None.

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.

PUBLIC COMMENT

No public comment.

COUNCIL DISCUSSION

Mayor Pro Tem Francis thanked staff for meeting with her to discuss this issue. She stated that while she disagrees with the way this part of the City Gives program is being handled, the pickleball club did follow the appropriate process and she will support the item.

Councilmember Gutowsky spoke in support of the pickleball feasibility study.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Ordinance No. 015, 2024, Appropriating Philanthropic Revenue Received Through City Give for Park Planning and Development to Fund Pickleball Site Feasibility and Community Engagement, on Second Reading.

The motion carried 6-0.

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

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.

Jason Graham, Utilities Water Director, outlined the proposed land exchange between the City of Fort Collins Stormwater Utility and N College 1311, LLC for the purpose of improving the stormwater and floodplain protection infrastructure.

Ralph Campano, Real Estate Manager, discussed the property location north of Hickory Street on North Mason Drive and detailed the property exchange and beneficial financial impacts.

PUBLIC COMMENT

No public comment.

COUNCIL DISCUSSION

Mayor Pro Tem Francis noted the stormwater detention pond is a key piece necessary to move forward with development and restoration.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt 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, on First Reading.

The motion carried 6-0.

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

Absent: Councilmember Ohlson.

P) OTHER BUSINESS

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

None.

Mayor Pro Tem Francis stated a cease fire resolution is not the will of Council and it will not be considered.

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.

Mayor Pro Tem Frances moved, seconded by Councilmember Canonico, 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.

The motion carried 6-0.

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

Absent: Councilmember Ohlson.

Q) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 9:55 p.m.

Mayor

ATTEST:

Assistant City Clerk