



City Council Regular Meeting Action Agenda

March 19, 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 March 2024 as Fix a Leak Month.

Presented Proclamation.

REGULAR MEETING 6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

7-0.

E) CITY MANAGER'S AGENDA REVIEW

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

F) COMMUNITY REPORTS – None.

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. **Consideration and Approval of the Minutes of the February 6, 2024 and February 20, 2024 Regular Meetings.**

The purpose of this item is to approve the minutes of the February 6, 2024 and February 20, 2024 regular meetings.

Action Taken: Approved.

2. **Second 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.**

This Ordinance, unanimously adopted on First Reading on February 20, 2024, appropriates \$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 Second Reading.

3. **Second 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.**

This Ordinance, unanimously adopted on First Reading on February 20, 2024, appropriates 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 Second Reading.

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

This Ordinance, unanimously adopted on First Reading on February 20, 2024, supports 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 Second Reading.

5. **Second 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.**

This Ordinance, unanimously adopted on First Reading on February 20, 2024, authorizes the termination of 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 Second Reading.

6. **Second 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.**

This Ordinance, unanimously adopted on First Reading on February 20, 2024, approves 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 Second Reading.

7. **Second 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.**

This Ordinance, unanimously adopted on First Reading on February 20, 2024, permits 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.

8. **Items Relating to the Laporte Avenue Multimodal Improvement Project.**

A. Resolution 2024-025 Authorizing an Amendment to an Existing Intergovernmental Agreement between the City of Fort Collins, Colorado, and the Colorado Department of Transportation for the Laporte Avenue Multimodal Improvement Project.

B. First Reading of Ordinance No. 038, 2024, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Laporte Avenue Multimodal Improvement Project and Related Art in Public Places.

The purpose of this item is to enable the City to receive and expend Colorado Department of Transportation (CDOT) funds for the Laporte Avenue Multimodal Improvement Project (Laporte Project). The funds will be used for construction of improvements along Laporte Ave from Fishback Avenue to Sunset Street. If approved this item will: 1) authorize the Mayor to execute an amendment to the Intergovernmental Agreement (IGA) for the Laporte Project with CDOT; 2) appropriate \$2,500,000 of Transportation Alternative grant funds for the Laporte Project; 3) use \$122,727 from the Bicycle Infrastructure Improvements Community Capital Improvement Program (CCIP Bike Program) as part of the local match; 4) use \$102,273 from the Pedestrian Infrastructure Improvements Community Capital Improvement Program (CCIP Pedestrian Program) as part of the local match; 5) appropriate as part of the local match contribution

\$223,425 from the Transportation Capital Expansion Fee Reserves (TCEF); 6) appropriate as part of the local match contribution \$222,750 from General Fund Reserves; 7) appropriate \$1,755 (0.78% of the TCEF amount of the 1% contribution for the artwork portion of APP) from TCEF Reserves to the Art in Public Places Program; 8) appropriate \$495 (0.22% of the TCEF amount of the 1% contribution to APP) from the Transportation Fund Reserves to the Art in Public Places Program; 9) appropriate \$2,250 (1% of the General Fund amount) from the General Fund to the Art in Public Places Program.

Action Taken: Resolution Adopted. Ordinance Adopted on First Reading.

9. Items Relating to a State Grant for Clean Energy Vehicles.

A. First Reading of Ordinance No. 040, 2024, Making a Supplemental Appropriation in the General Fund of Grant Funds from the Colorado Department of Public Health and Environment and Appropriating Prior Year Reserves in the Water Fund to Support Transitioning City Fossil Fuel Vehicles to Clean Energy Vehicles.

B. Resolution 2024-027 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the Colorado Department of Public Health and Environment for the Receipt of Grant Proceeds for Clean Energy Vehicles.

The purpose of these items is to support the City of Fort Collins (City) in transitioning fossil fuel vehicles to clean energy vehicles as a measure of reducing greenhouse gas emissions to achieve maximum air quality benefits for the people of Fort Collins and Colorado.

The City was awarded \$910,000 from the State's Clean Fleet Vehicle and Technology (CFVT) grant program in support of the City purchasing clean energy vehicles that align with vehicles approved through the State's CFVT grant program. The awarded funds will support purchase of approved vehicles, with the City contributing the remaining needed funds. Based on needs of City departments, Operation Services and departments within City Utilities will be funding the additional funds needed for purchase of approved vehicles.

Approval of these items would support the City in transitioning fossil fuel fleet vehicles to clean energy by:

- Authorizing the Mayor, by Resolution, to execute an Intergovernmental Agreement (IGA) with the State of Colorado for purchase of approved clean energy fleet vehicles;
- Appropriating \$910,000 of unanticipated grant revenue from the State of Colorado's CFVT grant program; and
- Appropriating \$96,504 from Water Fund reserves.

Action Taken: Resolution Adopted. Ordinance Adopted on First Reading.

10. Items Relating to the Power Trail and Harmony Grade Separated Crossing Project.

A. Resolution 2024-028 Authorizing an Intergovernmental Agreement Between the City of Fort Collins, Colorado, and the Colorado Department of Transportation for the Power Trail and Harmony Grade Separated Crossing Project.

B. First Reading of Ordinance No. 041, 2024, Making Supplemental Appropriations in the Capital Projects Fund of Colorado Department of Transportation Alternative Program Grant Funds and the Congestion Mitigation and Air Quality Grant Funds, for the Power Trail and Harmony Grade Separated Crossing Project.

The purpose of this item is to enable the City to receive and expend federal pass-thru funds for the Power Trail and Harmony Grade Separated Crossing Project (the Project). The funds will be used for construction of a pedestrian and bicycle underpass located approximately 500 feet west of the intersection of Harmony Road and Union Pacific Railroad. If approved this item will:

- Authorize the Mayor to execute an Intergovernmental Agreement (IGA) for the Project with the Colorado Department of Transportation (CDOT);
- Appropriate \$800,000 of unanticipated Transportation Alternative Program (TAP) grant funds for the Project; and
- Appropriate \$2,700,000 of Congestion Mitigation and Air Quality (CMAQ) grant funds for the Project.

Previously appropriated funds will be used for local match requirements.

Action Taken: Resolution Adopted. Ordinance Adopted on First Reading.

11. First Reading of Ordinance No. 042, 2024, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and Convention and Visitor Program Services.

The purpose of this item is to appropriate \$560,178, of which \$392,125 is proposed for Convention and Visitors Bureau, \$140,044 is proposed for Cultural Development and Programming Activities (Fort Fund), and \$28,009 is proposed for Tourism Programming (Fort Fund) all from unanticipated 2023 Lodging Tax revenue collections.

Lodging taxes are annually collected by the City of Fort Collins for Cultural Development and Tourism programming activities. Anticipated revenue is projected through each Budgeting for Outcomes (BFO) cycle and then adjusted annually as needed based on final actual collections. For 2023, total Lodging tax revenues collected came in \$560,178 above projected collections.

Action Taken: Adopted on First Reading.

12. First Reading of Ordinance No. 043, 2024, Appropriating Prior Years Reserves Received in the General Fund By City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit.

The purpose of this item is to request appropriation of \$30,000 in philanthropic revenue received by City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit as designated by the donor.

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

Action Taken: Adopted on First Reading.

13. First Reading of Ordinance No. 044, 2024, Appropriating Prior Year Reserves Received By City Give for Fort Collins Police Services for the Safe Futures Initiative.

The purpose of this item is to request appropriation of \$80,000.00 in philanthropic revenue received by City Give for Fort Collins Police Services for the Safe Futures initiative.

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.

14. **First Reading of Ordinance No. 045, 2024, Making a Supplemental Appropriation in the General Fund of the Internet Crimes Against Children Grant in Support of Fort Collins Police Services Cyber Crimes Unit.**

The purpose of this item is to support the Fort Collins Police Services' Cyber Crimes Unit by appropriating \$6,585 of unanticipated grant revenue awarded by the Colorado Springs Police Department.

Action Taken: Adopted on First Reading.

15. **First Reading of Ordinance No. 046, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify Terminology Regarding Control Valves and Water Service and Fire Lines.**

The purpose of this item is to clarify and make consistent certain terminology in City Code. This item will remove "curb stop" from City Code, to be replaced by "control valve." Replacement of this terminology removes any potential assumption that a water control valve on a service or fire line must have proximity to a street or sidewalk curb to define ownership of the valve and of the line extending from the valve.

Action Taken: Adopted on First Reading.

16. **First Reading of Ordinance No. 047, 2024, Establishing Rental Rates and Delivery Charges for Use of Water Available Under Fort Collins Utilities' Raw Water Interests for 2024 Through March 2027.**

The purpose of this item is to obtain Council approval for the proposed formulas for calculating rental rates and delivery charges for Fort Collins Utilities' (Utilities) raw water supplies for the next three years, including proposed rental rates and delivery charges for fully consumable water. The rates and charges would be effective through March 2027. Setting the rates and charges via formula ensures Utilities can recoup the ownership and administrative costs for rented supplies and provides planning certainty for the agricultural rental community.

Proposed formulas for most supply sources remain consistent with those from the previous rental rate and delivery charge ordinance (Ordinance No. 038, 2021). Staff is recommending an increase in the rental rate and delivery charge for fully consumable water to be in line with market conditions for this type of water. In addition, staff is recommending the rental rate for Water Supply and Storage Company supplies to be 130% of assessment versus the prior rate of assessment plus a flat administration fee. These are the only changes to rental rates and delivery charge methods.

Action Taken: Adopted on First Reading.

17. **Items Relating to Water Service for the Northern Colorado Regional Airport's New Terminal.**

A. Resolution 2024-029 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins, the City of Loveland and the Fort Collins-Loveland Water District for the Purchase of a Water Tap for the New Terminal at the Northern Colorado Regional Airport.

B. First Reading of Ordinance No. 048, 2024 Authorizing the Conveyance of a Permanent Non-Exclusive Domestic Waterline Easement on Property Jointly Owned by the City of Fort Collins

and the City of Loveland at the Northern Colorado Regional Airport for the New Airport Terminal Facility.

The purpose of Resolution A is to authorize the City Manager to execute an intergovernmental agreement for the purchase of a water tap from the Fort Collins-Loveland Water District for water service at the Airport's new terminal. Ordinance B would authorize a conveyance of an easement to the water district to allow for a water service line for the terminal. The easement is over a portion of the Northern Colorado Regional Airport property, which is owned jointly by the City of Fort Collins and the City of Loveland.

Action Taken: Resolution Adopted. Ordinance Adopted on First Reading.

18. Resolution 2024-030 Adopting the City of Fort Collins 2024 Strategic Plan.

The purpose of this item is to formally adopt the 2024 Strategic Plan. The adopted plan will guide the 2025-2026 Budgeting for Outcomes process. All adopted Council Priorities have been included in the 2024 Strategic Plan.

Action Taken: Adopted.

19. Resolution 2024-031 Authorizing the City Manager to Execute an Agreement Between the City of Fort Collins and the State of Colorado Regarding Implementation of Portions of the Fish and Wildlife Mitigation and Enhancement Plan for the Halligan Water Supply Project (Cheat Grass and Big Horn Sheep Collaring).

The purpose of this item is to seek Council approval of a proposed agreement ("Agreement") between the City and the State of Colorado acting through Colorado Parks and Wildlife ("CPW") regarding certain aspects of the Halligan Water Supply Project ("Halligan Project"). The purpose of this Agreement is to implement Section 4.2.3.18 (Bighorn Sheep Habitat Improvements) and Section 4.2.3.19 (Bighorn Sheep Collaring Study) of the Halligan Project's Fish and Wildlife Mitigation and Enhancement Plan ("Mitigation Plan"), under which 1) the City intends to transfer funds to CPW; and 2) habitat treatments and bighorn sheep monitoring are to be started at least two years in advance of construction. Based on the City's expected construction schedule, the Parties desire to begin implementing those Mitigation Plan sections early in 2024 before a full agreement related to the Mitigation Plan is expected to be completed.

CPW will use the funds for chemical treatment to abate invasive cheat grass. CPW will use its best efforts to treat a minimum of at least 500 acres with a focus on the Lower Unit of the State Wildlife Area. CPW may additionally use the funds for the installation of up to two remote passive water sources on the State Wildlife Area. Any funds not needed for the cheat grass treatment or the water sources installation may be used by CPW for habitat treatment on additional acreages within the State Wildlife Area.

CPW will also use the funds for the purpose of supporting a GPS (global positioning system) collaring and monitoring study of bighorn sheep from the Lone Pine herd that will include tracking their movements and habitat use, and conducting disease testing, before, during, and immediately after Halligan Project construction.

Action Taken: Adopted.

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

- A. Resolution 2024-032 Making Appointments to the Active Modes Advisory Board.
 - B. Resolution 2024-033 Making Appointments to the Affordable Housing Board.
 - C. Resolution 2024-034 Making Appointments to the Air Quality Advisory Board.
 - D. Resolution 2024-035 Making Appointments to the Art in Public Places Board.
 - E. Resolution 2024-036 Making Appointments to the Building Review Commission.
 - F. Resolution 2024-037 Making Appointments to the Citizen Review Board.
 - G. Resolution 2024-038 Making an Appointment to the Cultural Resources Board.
 - H. Resolution 2024-039 Making Appointments to the Disability Advisory Board.
 - I. Resolution 2024-040 Making Appointments to the Economic Advisory Board.
 - J. Resolution 2024-041 Making Appointments to the Energy Board.
 - K. Resolution 2024-042 Making an Appointment to the General Employees Retirement Committee.
 - L. Resolution 2024-043 Making Appointments to the Human Relations Commission.
 - M. Resolution 2024-044 Making Appointments to the Human Services and Housing Funding Board.
 - N. Resolution 2024-045 Making Appointments to the Land Conservation and Stewardship Board.
 - O. Resolution 2024-046 Making Appointments to the Natural Resources Advisory Board.
 - P. Resolution 2024-047 Making Appointments to the Parks and Recreation Board.
 - Q. Resolution 2024-048 Making Appointments to the Senior Advisory Board.
 - R. Resolution 2024-049 Making Appointments to the Transportation Board.
 - S. Resolution 2024-050 Making Appointments to the Water Commission.
 - T. Resolution 2024-051 Making Appointments to the Women and Gender Equity Advisory Board.
 - U. Resolution 2024-052 Making Appointments to the Youth Advisory Board.
- The purpose of this item is to fill vacancies on various Boards and Commissions.

In 2023, the City Council adopted a Code of Conduct and updated Boards and Commissions Policy, along with other policies and procedures that apply to service on City boards and

commissions. Each board and commission appointee is required to acknowledge and accept these requirements in order to take appointed office. Each Resolution provides that no person appointed may take office until they have completed the required acknowledgement and acceptance of the Code of Conduct and the applicable laws and policies that govern service on City of Fort Collins boards and commissions.

Action Taken: Resolution A – U, Adopted.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

Action Taken: Adopted Consent Calendar Items 1-20, 7-0.

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

21. Strauss Lakes Metropolitan Districts Conceptual Review Hearing.

The purpose of this item is to conduct a Conceptual Review Hearing pursuant to the City Policy for Reviewing Service Plans for Metropolitan Districts (Metro District Policy) to allow Council and members of the public to provide preliminary comments in response to an applicant's Letter of Interest so that the applicant may better determine whether or not to submit a formal application and what a formal application should include.

Metropolitan Districts (Metro Districts) must provide exceptional public benefits in a variety of categories to gain Council approval. Staff evaluates the Metro Districts' proposed public benefits guided by the current 2021 Council-approved Metro District Policy, which includes a score card related to housing and residential development. The City's Metro District Policy requires this Conceptual Review Hearing with Council to give the applicant the opportunity to present its proposal and to seek feedback from Councilmembers and the public about the proposed Metro Districts, which the applicant may use to determine whether to submit a formal application.

Hearing Process Overview

The process for reviewing and considering approval of Metro Districts generally proceeds as follows:

1. Applicant submits Letter of Interest
2. Staff reviews Letter of Interest and provides an informal, non-binding response
3. Council Conceptual Review is conducted, where Council considers and discusses the public benefits proposed in the Letter of Interest
4. If Applicant decides to proceed, Applicant submits formal application for Metro District(s) along with Service Plan

5. Staff reviews application and Service Plan
6. Council Finance Committee reviews submittal and provides feedback to applicant
7. Council considers application and Service Plan at a public hearing

As stated in the Metro District Policy, if it so chooses to do so, Council may consider a motion at the conclusion of the hearing to express its opinion whether the service plan of the Strauss Lakes Metro Districts, as proposed, should be brought forward to Council for its formal consideration. That motion may also include any recommendations Council may have concerning what should or should not be included in the applicant's formal application. However, the Policy also clearly states that any such motion adopted and any comments, suggestions, or recommendations made by any Councilmember concerning the proposal will not bind or otherwise obligate any Councilmember or other City decision maker to any course of conduct or decision in any subsequent formal application under the Policy. Sample motions are provided below.

It should be noted that the Council is not required to adopt a motion related to the Metro Districts, and the Conceptual Review Hearing is meant solely for Councilmembers to provide feedback on the proposed Metro Districts and is not meant for the Council to comment on, or make specific recommendation regarding, any development aspects that may later come to Council for review and decision-making.

Strauss Lakes is a proposed mixed-use development at the northeast corner of Horsetooth Road and Ziegler Road proposed by Cottonwood Land and Farms, LLC ("Cottonwood"). On February 5, 2024, Cottonwood submitted a revised Letter of Interest outlining the public benefits to be provided by the proposed Strauss Lakes Metropolitan Districts, pursuant to the City's Metro District Policy. Staff finds the applicant's proposed public benefits generally conform with the requirements of the Metro District Policy, however, all elements of the proposed public benefits will require additional analysis by staff to confirm they meet the requirements of the Metro District Policy. Staff will provide a final assessment and recommendation on the Strauss Lakes Districts upon formal submittal.

Action Taken: None

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.)

Council member

Q) ADJOURNMENT

Adjourned at 8:37 p.m.