



City Council Regular Meeting Agenda

April 2, 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 April 2 through 8, 2024 as International Dark Sky Week.**
- PP 2. **Declaring April 2024 as Autism Acceptance Month.**
- PP 3. **Declaring April 2024 as Fair Housing Month.**
- PP 4. **Declaring April 2024 as Sexual Assault Awareness Month.**

Presented Proclamations.

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, including removal of items from Consent Calendar for individual discussion.

F) COMMUNITY REPORTS - None.

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

*Individuals may comment regarding any topics of concern, whether or not included on this agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process** and not to Council.*

- *Those who wish to speak are required to sign up using the online sign-up system available at www.fcgov.com/council-meeting-participation-signup/*
- *Each speaker will be allowed to speak one time during public comment. If a speaker comments on a particular agenda item during general public comment, that speaker will not also be entitled to speak during discussion on the same agenda item.*
- *All speakers will be called to speak by the presiding officer from the list of those signed up. After everyone signed up is called on, the presiding officer may ask others wishing to speak to identify themselves by raising their hand (in person or using the Raise Hand option on Zoom), and if in person then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).*
- *The presiding officer will determine and announce the length of time allowed for each speaker.*
- *Each speaker will be asked to state their name and general address for the record, and, if their comments relate to a particular agenda item, to identify the agenda item number. Any written comments or materials intended for the Council should be provided to the City Clerk.*
- *A timer will beep one time and turn yellow to indicate that 30 seconds of speaking time remain and will beep again and turn red when a speaker's time has ended.*

*[**For questions about the development review process or the status of any particular development, consult the City's Development Review Center page at <https://www.fcgov.com/developmentreview>, or contact the Development Review Center at 970.221.6760.]*

H) PUBLIC COMMENT FOLLOW-UP

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

CONSENT CALENDAR

The Consent Calendar is intended to allow Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Agenda items pulled from the Consent Calendar by either Council or the City Manager will be considered separately under their own Section, titled "Consideration of Items Removed from Consent Calendar for Individual Discussion." Items remaining on the Consent Calendar will be approved by Council with one vote. The Consent Calendar consists of:

- *Ordinances on First Reading that are routine;*
- *Ordinances on Second Reading that are routine;*
- *Those of no perceived controversy;*
- *Routine administrative actions.*

1. **Consideration and Approval of the Minutes of the February 27, 2024 Adjourned Meeting, March 5, 2024 Regular Meeting, and March 18, 2024 Special Meeting.**

The purpose of this item is to approve the minutes of the February 27, 2024 adjourned meeting, March 5, 2024 regular meeting, and March 18, 2024 special meeting.

Action Taken: Approved.

2. **Second 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.**

This Ordinance, unanimously adopted on First Reading on March 19, 2024, enables 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 Avenue from Fishback Avenue to Sunset Street. If approved this item: 1) appropriates \$2,500,000 of Transportation Alternative grant funds for the Laporte Project; 2) uses \$122,727 from the Bicycle Infrastructure Improvements Community Capital Improvement Program (CCIP Bike Program) as part of the local match; 3) uses \$102,273 from the Pedestrian Infrastructure Improvements Community Capital Improvement Program (CCIP Pedestrian Program) as part of the local match; 4) appropriates as part of the local match contribution \$223,425 from the Transportation Capital Expansion Fee Reserves (TCEF); 5) appropriates as part of the local match contribution \$222,750 from General Fund Reserves; 6) appropriates \$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; 7) appropriates \$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; and 8) appropriates \$2,250 (1% of the General Fund amount) from the General Fund to the Art in Public Places Program.

Action Taken: Adopted on Second Reading.

3. **Second 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.**

This Ordinance, unanimously adopted on First Reading on March 19, 2024, supports 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 this item will support the City in transitioning fossil fuel fleet vehicles to clean energy by:

- 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: Adopted on Second Reading.

4. **Second 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.**

This Ordinance, unanimously adopted on First Reading on March 19, 2024, enables 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:

- 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: Adopted on Second Reading.

5. **Second 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.**

This Ordinance, unanimously adopted on First Reading on March 19, 2024, appropriates \$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 Second Reading.

6. **Second 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.**

This Ordinance, unanimously adopted on First Reading on March 19, 2024, requests 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 Second Reading.

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

This Ordinance, unanimously adopted on First Reading on March 19, 2024, requests an 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 Second Reading.

8. **Second 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.**

This Ordinance, unanimously adopted on First Reading on March 19, 2024, supports 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 Second Reading.

9. **Second 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.**

This Ordinance, unanimously adopted on First Reading on March 19, 2024, clarifies and makes 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 Second Reading.

10. **Second 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.**

This Ordinance, unanimously adopted on First Reading on March 19, 2024, obtains 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 Second Reading.

11. **Second 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.**

This Ordinance, unanimously adopted on First Reading on March 19, 2024, authorizes the 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: Adopted on Second Reading.

12. **First Reading of Ordinance No. 049, 2024, Reappropriating Funds Previously Appropriated in 2023 But Not Expended and Not Encumbered in 2023.**

The purpose of this item is to reappropriate monies in 2024 that were previously authorized by Council for expenditures in 2023 for various purposes. The authorized expenditures were not spent or could not be encumbered in 2023 because:

- There was not sufficient time to complete bidding in 2023 and therefore, there was no known vendor or binding contract as required to expend or encumber the monies; or
- The project for which the dollars were originally appropriated by Council could not be completed during 2023 and reappropriation of those dollars is necessary for completion of the project in 2024.

Additionally, there may have been sufficient unspent dollars previously appropriated in 2023 to carry on programs, services, and facility improvements in 2024 for those specific purposes.

In the above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2023 and reflect no change in Council policies.

Monies reappropriated for each City fund by this Ordinance are as follows:

General Fund	\$2,498,249
Cultural Services Fund	55,000
Recreation Fund	251,064
Museum Fund	61,265
Transportation Service Fund	1,288,625
Water Fund	52,500
Date & Communications Fund	<u>390,600</u>
Total	\$4,597,303

Action Taken: Adopted on First Reading.

13. **First Reading of Ordinance No. 050, 2024, Approving the Conveyance of a Temporary Construction Easement for the Construction of Permanent Stormwater Improvements on City Property to DHIC-Enclave, LLC.**

The purpose of this item is to approve an Ordinance that would permit the conveyance of a Temporary Construction Easement (the "Easement") on approximately 4.36 acres (189,996 sf) of City property known as the Redwood Detention Pond and the Redwood Channel (collectively, the "City Property") to DHIC – Enclave, LLC ("Developer"), in exchange for the construction of permanent stormwater master plan improvements on the City Property.

Action Taken: Adopted on First Reading.

14. First Reading of Ordinance No. 051, 2024, Approving the Conveyance of a Permanent Easement for Stormwater Drainage, a Temporary Construction Easement for the Construction of Stormwater Drainage Improvements, and a Temporary Construction Easement for the Construction of Sewer Facilities to PS-Poudre River, LLC.

The purpose of this item is to approve an Ordinance that would permit the conveyance of one permanent drainage easement (the “Drainage Easement”), one temporary construction easement (the “Drainage TCE”) for the modification of current drainage facilities, and one temporary construction easement (the “Sewer TCE”) for the installation of public sewer facilities to PS-Poudre River, LLC (“PSPR”), on City Property located at 101 1st Street, which is the current location of Buckingham Park (“Buckingham Park”). Construction pursuant to the Drainage TCE will modify existing floodplain boundaries, and the Drainage Easement will allow PSPR to store additional stormwater on a portion of Buckingham Park. The Sewer TCE is for the installation of public sewer facilities required by the City so that PSPR may proceed with the development of the adjoining lands. The actual conveyance of the easements will be conditional upon PSPR, or its successors and assigns, obtaining City development approval of the contemplated work within the easements.

Action Taken: Adopted on First Reading.

15. First Reading of Ordinance No. 052, 2024, Approving the Conveyance of One Permanent Easement and One Temporary Construction Easement for the Construction of a Portion of Phemister Trail on City Property to Colorado State University.

The purpose of this item is to approve an Ordinance that would permit the conveyance of one (1) permanent easement (the “Trail Easement”) and one (1) temporary construction easement (the “TCE”) to Colorado State University (“CSU”), for the construction, operation, and maintenance of a public multi-modal trail (the “Phemister Trail”) on City Property located at 2145 Centre Street, which is the current location of The Gardens on Spring Creek (the “Gardens on Spring Creek”).

Action Taken: Adopted on First Reading.

16. Public Hearing and Resolution 2024-053 Approving the Programs that will Receive a Total of \$400,000 in HOME Investment Partnership Act American Rescue Plan Act Funding (HOME-ARP) for Supportive Services.

The purpose of this item is to approve the programs recommended for funding with the \$400,000 in HOME Investment Partnership Act American Rescue Plan Act funding (HOME-ARP) designated for Supportive Services.

Action Taken: Adopted.

17. Resolution 2024-054 Ratifying the Reappointment of Corey Radman and Joshua Fudge and the Appointment of Vicki Woods to the Poudre River Public Library District Board of Trustees.

The purpose of this item is to fill vacancies on the Poudre River Public Library District Board of Trustees.

Action Taken: Adopted.

18. **Resolution 2024-055 Appointing Amanda Cossey, Troy Erickson, Casey Kittel, Danielle Lowry and Aryell Mattern to the Fort Collins Tourism Improvement District Board of Directors.**

The purpose of this item is to consider the appointments of Amanda Cossey, Troy Erickson, Casey Kittel, Danielle Lowry, and Aryell Mattern to the Fort Collins Tourism Improvement District (the "District") Board of Directors. Amanda Cossey will serve a three-year term to fill a vacancy created by the resignation of another member. Troy Erickson will serve the remainder of a three-year term ending on September 1, 2024, due to early resignation. Casey Kittel will serve the remainder of the term ending January 17, 2026, vacated by a resignation. Danielle Lowry will serve a second term lasting three years starting as soon as appointed by Council. Aryell Mattern will serve a three-year term starting as soon as appointed by Council.

Action Taken: Adopted.

19. **Items Relating to Appointments to Various Boards and Commissions.**

- A. Resolution 2024-056 Making Appointments to the Historic Preservation Commission.
- B. Resolution 2024-057 Making an Appointment to the Land Use Review Commission.
- C. Resolution 2024-058 Making Appointments to the Planning and Zoning Commission.

The purpose of this item is to fill vacancies on various Boards and Commissions.

In 2023, the 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: All three Resolutions Adopted.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

Action Taken: Adopted Consent Calendar Items 1-19, 7-0.

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

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

The method of debate for discussion items is as follows:

- *Mayor introduced the item number and subject; asks if formal presentation will be made by staff*
- *Staff presentation (optional)*
- *Mayor requests public comment on the item (three minute limit for each person)*
- *Council questions of staff on the item*
- *Council motion on the item*
- *Council discussion*
- *Final Council comments*
- *Council vote on the item*

Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all have an opportunity to speak. The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

20. **Second Reading of Ordinance No. 039, 2024, Amending the City Code to Provide Additional Procedural Options for the Conduct of City Council Meetings.**

This Ordinance, adopted on First Reading with amendments at the March 18, 2024, special meeting, by a vote of 6-1 (Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Gutowsky, Pignataro, Canonico, and Potyondy; Nays: Councilmember Ohlson), updates Code provisions related to the conduct of Council meetings to allow Councilmembers to attend and vote remotely if a meeting has been relocated to a remote mode due to circumstances preventing a meeting from proceeding.

Council amended the Ordinance at the time of adoption on First Reading to remove a provision allowing Council to limit public comment to agenda items only and to correct an obsolete pronoun reference.

Resolution 2024-026 Adopting Amending Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions failed unanimously.

Action Taken: Adopted on Second Reading, 7-0.

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.)

Q) ADJOURNMENT

Every regular Council meeting will end no later than midnight, except that: (1) any item of business commenced before midnight may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting beyond midnight for the purpose of considering additional items of business. Any matter that has been commenced and is still pending at the conclusion of the Council meeting, and all matters for consideration at the meeting that have not yet been considered by the Council, will be deemed continued to the next regular Council meeting, unless Council determines otherwise.

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide advance notice. Requests for interpretation at a meeting should be made by noon the day before.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione aviso previo cuando sea posible. Las solicitudes de interpretación en una reunión deben realizarse antes del mediodía del día anterior.