



City Council Regular Meeting Action Agenda

April 16, 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 21 through 27, 2024 as National Crime Victims' Rights Week.
- PP 2. Declaring April 21 through 27, 2024 as National Volunteer Week.
- PP 3. Declaring April 2024 as National Donate Life Month.
- PP 4. Declaring April 2024 as Asian American, Native Hawai'ian, and Pacific Islander Heritage (AANHPI) 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

1. Consideration and Approval of the Minutes of the March 19, 2024 Regular Meeting.

The purpose of this item is to approve the minutes of the March 19, 2024 regular meeting.

Action Taken: Approved.

2. **Second Reading of Ordinance No. 049, 2024, Reappropriating Funds Previously Appropriated in 2023 but Not Expended and Not Encumbered in 2023.**

This Ordinance, unanimously adopted on First Reading on April 2, 2024, reappropriates 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 Second Reading.

3. **Second 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.**

This Ordinance, unanimously adopted on First Reading on April 2, 2024, approves 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.

Please note that this Second Reading Agenda Item Summary has been amended to address concerns brought up by Councilmember Ohlson at First Reading (see below).

Action Taken: Adopted on Second Reading.

4. **Second 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 on City Property to PS-Poudre River, LLC.**

This Ordinance, unanimously adopted on First Reading on April 2, 2024, approves 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.

This Second Reading Agenda Item Summary has been amended to address questions raised by Councilmember Ohlson at First Reading regarding review by Boards and Commissions (see below).

Action Taken: Adopted on Second Reading.

5. **Second 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.**

This Ordinance, unanimously adopted on First Reading on April 2, 2024, approves 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”).

Please note that this Second Reading Agenda Item Summary has been amended to address concerns brought up by Councilmember Ohlson at First Reading. Specifically, amendments to address Tree Restoration and Council/Board approvals. Kim Manajek from Cultural Resources has also been added as a staff resource.

Action Taken: Adopted on Second Reading.

6. **First Reading of Ordinance No. 053, 2024, Appropriating Prior Year Reserves in the Natural Areas Fund and the Sales and Use Tax Fund for the Purpose of Land Conservation, Visitor Amenities, Restoration and Other Related Natural Areas Stewardship Activities Not Included in the 2024 Adopted City Budget.**

The purpose of this item is to appropriate \$7,924,969 in prior year reserves in the Natural Areas Fund and \$269,466 in prior year reserves in the Sales and Use Tax fund to be transferred to the Natural Areas Fund. These appropriations are for land conservation, resource management, planning, construction of trails and other visitor amenities, restoration of wildlife habitat, and other Natural Areas Department programs and activities to benefit the residents of the City, in accordance with the Natural Areas Master Plan.

Action Taken: Adopted on First Reading.

7. **First Reading of Ordinance No. 054, 2024, Appropriating Philanthropic Revenue Received by City Give for FC Moves to Fund an Asphalt Art Installation.**

The purpose of this item is to request an appropriation of \$25,000 in philanthropic revenue received by City Give for FC Moves, a department within the City's Planning Development and Transportation Service Area, for an asphalt art installation as designated by the grant award. This installation is consistent with the City's Active Modes Plan.

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

Action Taken: Adopted on First Reading.

8. **Resolution 2024-059 Supporting the Grant Application for the United States Department of the Interior, Bureau of Reclamation's WaterSMART Grants: Planning and Project Design for the Poudre Flows Project and Authorizing the City Manager to Execute Agreements Regarding Such a Grant.**

The purpose of this item is to obtain support for the City to apply for funds under the United States Department of the Interior, Bureau of Reclamation's ("Reclamation") WaterSMART Planning and Project Design ("WaterSMART") Grant Program for the Poudre Flows Project. The Reclamation requires a resolution demonstrating (1) Council's support of the City's request for funds under the WaterSMART Grant Program and, assuming the City is selected to receive funding, (2) the City's commitment to work with Reclamation in finalizing an agreement that, among other things, demonstrates the City's adherence to meet financial obligations as represented in the grant application.

Action Taken: Adopted.

9. **Resolution 2024-060 Approving Fort Fund Program Support 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 Program Support Grant – March Deadline category, based upon the recommendations of the Cultural Resources Board.

Action Taken: Adopted.

10. **Resolution 2024-061 Finding Substantial Compliance and Initiating Annexation Proceedings for the I-25 & Mulberry Annexation.**

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for voluntary annexation of the I-25 & Mulberry Annexation, located at the northeast corner of East Mulberry Street and Interstate 25. The Applicant has submitted a written petition requesting the annexation and proposed zoning. The I-25 & Mulberry Annexation totals 46.9216-acres in size.

The requested zoning for this annexation is General Commercial (C-G) and Industrial (I), which is in alignment with the City of Fort Collins Structure Plan designation for this area. No project development plan proposal was submitted in conjunction with the annexation application; however, it is anticipated that the landowner will submit an application to construct public infrastructure to prepare the site for future users and development.

The site is part of a county-approved metro district; however, this is not relevant to satisfying State statute but will be an important consideration during First Reading.

This annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins City Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreement Regarding Growth Management.

Action Taken: Adopted.

11. Resolution 2024-062 Approving a Purchase and Sale Agreement with Poudre School District to Acquire Land for the Southeast Community Center.

The purpose of this item is to approve a Purchase and Sale Agreement between the City of Fort Collins and Poudre School District (“PSD”) for the acquisition of approximately 10 acres at the southeast corner of Ziegler Road and Rock Creek Drive adjacent to Fossil Ridge High School. This acquisition is for the City to construct a new Southeast Community Center in accordance with the Intergovernmental Agreement (IGA), between the City of Fort Collins and PSD, previously approved by Council by Resolution 2023-112.

Action Taken: Adopted.

12. Resolution 2024-063 Confirming and Approving an Appointment to the Board of Commissioners of the Fort Collins Urban Renewal Authority.

The purpose of this item is to accept the Mayor’s appointment to the Urban Renewal Authority (URA) Board.

Action Taken: Adopted.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

Action Taken: Adopted Consent Calendar Items 1-12, 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

Staff Report: U.S. Fish and Wildlife Service Award to Natural Areas and Utilities.

The purpose of this item is to give Council and the community an update regarding the U.S. Fish and Wildlife Service Award presented to Utilities and Natural Areas in acknowledgement of work supporting the reintroduction of the Black-footed Ferret, an endangered species. Along with an update on Natural Areas land management and recognition of the recent presentation of the Natural Areas Conservation Award to Linda Stanley.

Presented Staff Report.

M) COUNCILMEMBER REPORTS

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

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

13. Items Related to the Adoption of a New Land Use Code.

A. First Reading of Ordinance No. 055, 2024, Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins to Adopt a Revised Land Use Code by Reference that Advances Adopted City Policy Goals and Incorporates Foundational Improvements and Separately Codify the 1997 Land Use Code as Transitional Land Use Regulations.

B. First Reading of Ordinance No. 056, 2024, Updating City Code References to Align with the Adoption of the Revised Land Use Code.

C. First Reading of Ordinance No. 057, 2024, Amending the Zoning Map of the City of Fort Collins to Rename All Neighborhood Conservation Low Density, Neighborhood Conservation Medium Density, and Neighborhood Conservation Buffer Zone Districts to the Old Town Zone District in Conjunction with the Adoption of the Revised Land Use Code.

The purpose of this item is to consider adoption of changes to the City's Land Use Code. The Land Use Code (LUC) Phase 1 Update implements policy direction in City Plan, the Housing Strategic Plan, and the Our Climate Future Plan. Regarding Ordinance No. 055, 2024, corrections to clean up inadvertent numbering in Article 4 are recommended, and a suggested motion to do so is on page 5.

Additionally, this item updates City Code references to match changes to the Land Use Code including updating section references and wording.

Finally, because the revised Land Use Code renames the Neighborhood Conservation Low Density, Neighborhood Conservation Medium Density, and Neighborhood Conservation Buffer zone districts to the Old Town zone district with corresponding subdistricts A, B, and C, updates to the zoning map to reflect the name changes are proposed. This change only affects the name of the zone districts and no changes to the boundaries are proposed.

A. Action Taken: Ordinance No. 055, 2024, Adopted on First Reading, with amendments to the revised Land Use Code to include the version of Article 4 that has corrected numbering as described in, and attached to, the Agenda Item Summary, 6-1.

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

Nays: Councilmember Gutowsky.

B. Action Taken: Ordinance No. 056, 2024, Adopted on First Reading, 7-0.

C. Action Taken: Ordinance No. 057, 2024, Adopted on First Reading, 7-0.

14. Appeal of Planning and Zoning Commission Approval of the Union Park Project Development Plan.

The purpose of this quasi-judicial item is to consider an appeal of the Planning and Zoning Commission's decision on February 15, 2024, approving the Union Park Project Development Plan (#PDP230005) located on the west side of Ziegler Road between Front Range Village and The English Ranch neighborhood.

A Notice of Appeal was filed on February 29, 2024, alleging the Planning and Zoning Commission failed to conduct a fair hearing when it considered evidence relevant to its findings which was substantially false or grossly misleading and failed to properly interpret and apply relevant provisions of the Land Use Code, City Code, and/or Charter.

Participation in an appeal hearing is limited to persons who qualify as parties-in-interest as defined in the City Code. Time for presentation of argument for and against the appeal is limited and the appellant will determine who may speak during the time allocated for support of the appeal. Those parties-in-interest opposing the appeal must coordinate and share the time allocated for opposing the appeal.

Appeal hearing held.

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

Adjourned at 10:45 p.m.