



City Council Regular Meeting Action Agenda

May 7, 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

1. **Declaring May 7, 2024 as Pat Ferrier Appreciation Day.**
2. **Declaring the week of May 12 through 18, 2024 as National Police Week and May 15, 2024 as Peace Officers Memorial Day.**
3. **Declaring the week of May 19 through 25, 2024 as National Travel and Tourism Week.**
4. **Declaring the month of May 2024 as Mental Health Awareness Month.**
5. **Declaring the month of May 2024 as National Water Safety Month.**

Presented Proclamations.

REGULAR MEETING 6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

6-1.

Absent: Mayor Jeni Arndt

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

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 April 2, 2024 Regular Meeting.

The purpose of this item is to approve the minutes of the April 2, 2024 regular meeting.

Action Taken: Approved.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on April 16, 2024, appropriates \$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 Second Reading.

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

This Ordinance, unanimously adopted on First Reading on April 16, 2024, requests 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 Second Reading.

4. **Items Relating to the Adoption of a New Land Use Code.**

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

B. Second 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.

These ordinances, unanimously adopted on First Reading on April 16, 2024, 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.

Ordinance No. 055, 2024, will be considered under discussion due to a split vote.

Action Taken: Adopted on Second Reading.

5. **First Reading of Ordinance No. 058, 2024, Making Supplemental Appropriation of the 2050 Tax for Various Programs and Services Related to Parks, Recreation, Transit and Our Climate Future.**

The purpose of this item is to appropriate the 2024 funding of the new 2050 Tax. In November 2023, Fort Collins voters approved this 0.5% Sales & Use Tax increase, which is dedicated to the areas of Parks, Recreation, Transit and Climate. This tax begins in 2024 and expires at the end of 2050.

Action Taken: Adopted on First Reading.

6. **First Reading of Ordinance No. 059, 2024, Making a Supplemental Appropriation from the Local Planning Capacity Grant for the Affordable Housing and Planning Development Process Improvement Project and Approving a Related Grant Agreement.**

The purpose of this item is to appropriate awarded funds from the Proposition 123 Local Planning Capacity (LPC) Grant, administered by the State Department of Local Affairs (DOLA). This \$200,000 grant to the City will support a 12- to 18-month process improvement project intended to reduce development review timelines for affordable housing developments to meet Proposition 123's 90-day "fast track" approval requirements.

Action Taken: Adopted on First Reading.

7. **First Reading of Ordinance No. 060, 2024, Appropriating Philanthropic Revenue Received Through City Give for Environmental Services Curbside Recycling.**

The purpose of this item is to appropriate an award of approximately \$664,000 to defray the cost of new recycling carts being purchased for the City's Residential Contracted Trash and Recycling Program and to support recycling outreach and education for the community.

Action Taken: Adopted on First Reading.

8. **First Reading of Ordinance No. 061, 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 \$58,235 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

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

Action Taken: Adopted on First Reading.

9. **First Reading of Ordinance No. 062, 2024, Appropriating Philanthropic Revenue Received Through City Give for the Art in Public Places Program, Pianos About Town Project.**

The purpose of this item is to consider an appropriation of \$47,115 in philanthropic revenue received through City Give for the Art in Public Places program for the designated purpose of Pianos About Town, a collaborative effort among the City of Fort Collins Art in Public Places program, the Fort Collins Downtown Development Authority, and the donor, Bohemian Foundation.

Action Taken: Adopted on First Reading.

10. **First Reading of Ordinance No. 063, 2024, Making a Supplemental Appropriation from the Colorado Department of Local Affairs Gray and Black-Market Marijuana Enforcement Grant Program for the Fort Collins Police Services Marijuana Enforcement Program.**

The purpose of this item is to support Fort Collins Police Services' Marijuana Enforcement Program in investigating gray and black-market marijuana cases by appropriating \$39,641 of unanticipated grant revenue from the Colorado Department of Local Affairs (DOLA), Gray and Black-Market Marijuana Enforcement.

Action Taken: Adopted on First Reading.

11. **Items Relating to the College Avenue-Trilby Road Intersection Improvements Project.**

A. Resolution 2024-064 Authorizing the Execution of an Amendment to an Existing Intergovernmental Agreement between the City of Fort Collins, Colorado, and the Colorado Department of Transportation for the College Avenue-Trilby Road Intersection Improvements Project.

B. First Reading of Ordinance No. 064, 2024, Making Supplemental Appropriations of Prior Year Reserves and Grant Revenue from the Colorado Department of Transportation and Authorizing Transfers for the College Avenue-Trilby Road Intersection Improvements Project.

The purpose of this item is to enable the City to receive and expend Colorado Department of Transportation (CDOT) funds for the College Avenue-Trilby Road Intersection Improvements Project (Project). The funds will be used for construction of improvements at the intersection of South College Avenue and Trilby Road. If approved, this item will: 1) authorize the Mayor to execute an amendment to the Intergovernmental Agreement (IGA) for the Project with CDOT; 2) appropriate \$361,361 of Congestion Mitigation and Air Quality (CMAQ) Improvement Program grant funds for the Project; 3) appropriate \$1,870,000 of Highway Improvement Program (HIP) grant funds; 4) appropriate \$5,272,260 of Surface Transportation Block Grant (STBG) Program funds; 5) appropriate \$2,000,000 of Funding Advancements for Surface Transportation and Economic Recovery (FASTER) Act grant funds; 6) use \$14,800 from development contributions to construction as part of the local match; 7) appropriate as part of the local match contribution \$1,300 from the Transportation Capital Expansion Fee (TCEF) Reserves; 8) appropriate \$113 (0.7% of the local match amount) from TCEF Reserves to the Art in Public Places Program; and 9) appropriate \$48 (0.3% of the local match amount) for maintenance of art from Transportation Fund Reserves to the Art in Public Places Program.

Action Taken:

Resolution 2024-064 Adopted.

Ordinance No. 064, 2024, Adopted on First Reading.

12. Items Relating to Sewer Service for the Northern Colorado Regional Airport's New Terminal.

A. Resolution 2024-065 Authorizing Execution of an Intergovernmental Agreement Between the City of Fort Collins, the City of Loveland and the South Fort Collins Sanitation District for Purchase of a Sewer Tap for the New Terminal at the Northern Colorado Regional Airport.

B. First Reading of Ordinance No. 065, 2024, Authorizing the Conveyance of a Permanent Non-Exclusive Sewer Easement on Property Jointly Owned by the City of Fort Collins and the City of Loveland at the Northern Colorado Regional Airport.

The purpose of the Resolution is to authorize the City Manager to execute an intergovernmental agreement for the purchase of a sewer tap from South Fort Collins Sanitation District sewer for service at the Airport's new terminal. The proposed Ordinance will authorize a conveyance of an easement to the Sanitation District to allow for a sewer 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 2024-065 Adopted.

Ordinance No. 065, 2024, Adopted on First Reading.

13. Resolution 2024-066 Authorizing the City Manager to Enter into an Agreement with Various Entities Regarding the Poudre Water Supply Infrastructure Wildfire Ready Action Plan.

The purpose of this item is to request approval for Fort Collins Utilities ("Utilities") to enter into an agreement with the City of Greely and Water Supply and Storage Company (collectively "Project Partners") to jointly develop a Wildfire Ready Action Plan ("WRAP"). The Cache la Poudre ("Poudre") River watershed is a shared resource for municipal, agricultural, and recreational water users, with critical and separately owned water supply infrastructure located near Cameron pass.

Staff from Utilities' Watershed Program and Project Partners aim to address the vulnerability of this infrastructure and water supplies to post-wildfire impacts by developing a collaborative WRAP. The proposed agreement regarding the Poudre Water Supply Infrastructure WRAP outlines the terms for this collaboration. The Water Commission has formally recommended that Council authorize the City Manager to sign the agreement.

Action Taken: Adopted.

- 14. **Resolution 2024-067 Adopting Findings of Fact in Support of the City Council's Decision on Appeal to Uphold the Planning and Zoning Commission Approval of the Union Park Project Development Plan PDP230005.**

The purpose of this item is to make findings of fact and conclusions regarding Council's decision at the April 16, 2024, Union Park Project Development Plan appeal hearing that the Planning and Zoning Commission held a fair hearing and properly interpreted the Land Use Code and Larimer County Urban Area Street Standards and upholding the Planning and Zoning Commissions' approval of the Union Park Project Development Plan.

Action Taken: Adopted.

- 15. **Resolution 2024-068 Making an Appointment to the Planning and Zoning Commission.**

The purpose of this item is to fill a vacancy on the Planning and Zoning Commission.

In March 2024, Planning and Zoning Commission member Samantha Stegner resigned.

Pursuant to Council policy, the recommended appointee, Shirley Peel, has completed or will complete the required acknowledgement and acceptance of the Code of Conduct and the applicable laws and policies that govern service on City boards and commissions.

Action Taken: Adopted.

END OF CONSENT CALENDAR

- J) **ADOPTION OF CONSENT CALENDAR**

Action Taken: Adopted Consent Calendar Items 1-15, 6-0.

- 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**

- 16. **Second 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.

This ordinance, adopted on First Reading on April 16, 2024, by a vote of 6-1 (Nays: Councilmember Gutowsky) considers 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.

Second Reading of Ordinance No. 055, 2024, is considered under discussion due to a split vote at First Reading. Second Readings of Ordinance Nos. 056 and 057, 2024, are being considered with the consent calendar.

A. Action Taken: Ordinance No. 055, 2024, Adopted on Second 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, 6-0.

17. Mason Street Infrastructure Overall Development Plan Appeal.

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 Mason Street Infrastructure Overall Development Plan (ODP) #ODP230001. The ODP was approved on a vote of 5-0 (Stegner did not participate due to a conflict of interest).

The Appellant, Charles Meserlian, filed a Notice of Appeal on February 27, 2024, alleging:

- That the Planning and Zoning Commission (P&Z) failed to conduct a fair hearing in that they **considered evidence relevant to their findings which was substantially false or grossly misleading**. The Appellants assert that:

“During the staff presentation for the Mason Street Infrastructure Overall Development Plan (ODP), it was stated that there is plenty of space for the ultimate regional detention pond. It is believed that this is grossly misleading since there is no evidence or analysis provided to reference that the ultimate regional [detention] pond is feasible with the proposed ODP improvements.”

- That the Planning and Zoning Commission (P&Z) **failed to properly interpret and apply relevant provisions of the Land Use Code and City Code** – specifically Land Use Code subsection 3.3.2(D)(5) regarding requirements for a building permit to be issued, specifically stormwater drainage facilities and appurtenances as required by Section 26-544 of the City Code. The appeal also lists City Code Section 26-543(a)(4) regarding adoption of the Dry Creek Basin Master Drainage Plan by reference.

Planning and Zoning Commission decision was upheld.

P) OTHER BUSINESS

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

Q) ADJOURNMENT

Adjourned at 10:27 p.m.