



City Council Regular Meeting Action Agenda

June 4, 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 June 2024 as LGBTQ+ Pride Month.**

Presented Proclamation.

REGULAR MEETING 6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

6-1.

Absent: Councilmember Pignataro

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 16, 2024 and May 7, 2024 Regular Meetings.

The purpose of this item is to approve the minutes of the April 16, 2024 and May 7, 2024 regular meetings.

Action Taken: Approved.

2. Second Reading of Ordinance No. 066, 2024, Making a Supplemental Appropriation and Appropriating Prior Year Reserves to Develop a Digital Accessibility Roadmap.

This Ordinance, unanimously adopted on First Reading on May 21, 2024, requests an appropriation of \$150,000 in General Funds in order to work with a consultant to develop a comprehensive and actionable Digital Accessibility Roadmap. The purpose of this roadmap is to provide a strategy for compliance with both Colorado and federal laws and regulations pertaining to digital accessibility requirements, including both the Americans with Disabilities Act and Colorado House Bill 21-1110.

Action Taken: Adopted on Second Reading.

3. Second Reading of Ordinance No. 067, 2024, Making a Supplemental Appropriation from the Colorado Department of Transportation Colorado Highway Safety Office Click It or Ticket Grant for the Fort Collins Police Services Traffic Enforcement Unit.

This Ordinance, unanimously adopted on First Reading on May 21, 2024, appropriates \$16,529 of unanticipated federal grant revenue from the Colorado Department of Transportation, Colorado Highway Safety Office (HSO), to support Fort Collins Police Services' Traffic Enforcement Unit work toward traffic safety and reducing serious injuries and fatal crashes through the enforcement of traffic laws and specifically those related to driver and passenger restraint system use.

Action Taken: Adopted on Second Reading.

4. Second Reading of Ordinance No. 068, 2024, Appropriating Prior Year Reserves in the Transportation Capital Expansion Fee Fund for Eligible Reimbursement to the Waters Edge Second Filing Developer for Construction of Turnberry Road, Brightwater Drive, and Morningstar Way Improvements.

This Ordinance, unanimously adopted on First Reading on May 21, 2024, appropriates \$612,027 of Transportation Capital Expansion Fee (TCEF) Funds for expenditure from the Transportation Capital Expansion Fee Program Budget to reimburse the Waters Edge Second Filing developer, Waters Edge Development Inc. (Developer), for its oversizing construction of Turnberry Road, Brightwater Drive, and Morningstar Way. As part of the development plans and development agreement for Waters Edge Second Filing and permitted for construction under the Waters Edge Third Filing Development Construction Permit, the Developer has constructed to City standards Turnberry Road as a two-lane arterial, and Brightwater Drive and Morningstar Way as collectors as part of its development requirements. Per Section 24-112 of the City Code, the Developer is eligible for reimbursement from TCEF funds for the oversized, non-local portion of Turnberry Road, Brightwater Drive, and Morningstar Way not attributed to the local portion obligation.

Action Taken: Adopted on Second Reading.

5. **Second Reading of Ordinance No. 069, 2024, Making a Supplemental Appropriation from the Colorado Department of Early Childhood in Support of Licensed City Childcare Programs.**

This Ordinance, unanimously adopted on First Reading on May 21, 2024, supports licensed City childcare programs by appropriating \$21,069 of unanticipated grant revenue awarded by the Colorado Department of Early Childhood (CDEC).

Through the CDEC's Childcare Stabilization Grants program the City was awarded \$21,069 in federal pass-through funds to provide enhancements in licensed City Childcare programs.

Action Taken: Adopted on Second Reading.

6. **Second Reading of Ordinance No. 070, 2024, Correcting Ordinance No. 003, 2024, Authorizing Transfers and Reappropriating Funds Previously Approved for the Utilities' Grid Flexibility Programs.**

This Ordinance, unanimously adopted on First Reading on May 21, 2024, appropriates \$200,000 of prior year reserves in the Light and Power Fund to support Ordinance No. 003, 2024, which authorized transfers and reappropriation of funds previously appropriated for the Utilities' Grid Flexibility Programs. The ordinance, as adopted, omitted the need for \$200,000 of prior year reserves to fully fund the requested appropriation, since those funds had technically lapsed at the end of fiscal year 2023.

Action Taken: Adopted on Second Reading.

7. **Second Reading of Ordinance No. 071, 2024, Approving the First Amendment to the Hangar Ground Lease Agreement with IC Loveland, LLC, for the Aero FNL Hangar Development at the Northern Colorado Regional Airport.**

This Ordinance, unanimously adopted on First Reading on May 21, 2024, approves an amendment to an existing hangar ground lease between the City of Fort Collins, the City of Loveland, and IC Loveland, LLC, to allow for subleasing and fractional ownership of multi-unit aircraft hangar buildings.

Action Taken: Adopted on Second Reading.

8. **Second Reading of Ordinance No. 072, 2024, Annexing the Property Known as the I-25 & Mulberry Annexation to the City of Fort Collins, Colorado.**

This Ordinance, unanimously adopted on First Reading on May 21, 2024, annexes a 46.92-acre property located at the NE Corner of the I-25 and East Mulberry interchange. A specific project development plan proposal is not included with the annexation application. The Initiating Resolution was adopted on April 16, 2024. A related item to zone the annexed property is presented as the next item on this Agenda.

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: Pulled from Consent.

9. **Second Reading of Ordinance No. 073, 2024, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the I-25 & Mulberry Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and Lighting Context Area Map.**

This Ordinance, unanimously adopted on First Reading on May 21, 2024, zones the property included in the I-25 & Mulberry Annexation into the Industrial (I), and General Commercial (CG) zone districts and place the property into the LC2 Lighting Context Area and Non-residential Sign District.

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2015-091.

Because the Planning and Zoning Commission did not make a recommendation on the annexation zoning until after the agenda materials were available for first reading, the information in the ordinance was subsequently updated with the Commission's recommendation for second reading.

Action Taken: Pulled from Consent.

10. **Items Relating to the Appropriation of Federal Funds in the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program Funds.**

A. First Reading of Ordinance No. 074, 2024, Making Supplemental Appropriations in the Community Development Block Grant Fund.

B. First Reading of Ordinance No. 075, 2024, Making Supplemental Appropriations in the HOME Investments Partnerships Grant Fund.

The purpose of this item is to appropriate the City's FY2024 Community Development Block Grant (CDBG) Entitlement Grant and FY2024 Home Investment Partnerships Program (HOME) Participating Jurisdiction Grant from the Department of Housing and Urban Development (HUD), and CDBG program income from FY2022 and FY2023 and HOME Program Income from FY2022 and FY2023.

Action Taken: Both Ordinances Adopted on First Reading.

11. **First Reading of Ordinance No. 076, 2024, Making Supplemental Appropriation for the Charter Review Council Priority from General Fund Reserves.**

The purpose of this item is to appropriate funds to allow work to begin on the City Charter review process included in the Council-adopted Council priorities. The amount appropriated, \$25,000, will be used to fund special legal counsel with municipal charter expertise to take the lead on the review and drafting of Charter provisions to update and modernize the City Charter.

Action Taken: Adopted on First Reading.

12. **First Reading of Ordinance No. 077, 2024, Appropriating Philanthropic Revenue Received Through City Give for the Cultural Community Program Through Cultural Services.**

The purpose of this item is to request an appropriation of \$30,000 in philanthropic revenue received through City Give for Cultural Community Program, a department within the City's Cultural Services area, for live music as designated by the grant award.

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.

13. **First Reading of Ordinance No. 078, 2024, Appropriating Prior Year Philanthropic Revenue Reserves Received by City Give for the 9/11 Memorial at Spring Park.**

The purpose of this item is to request an appropriation of \$12,500 in philanthropic revenue received by City Give for the construction of the 9/11 Memorial at Spring Park, 2100 Mathews Steet, Fort Collins, CO.

A partnership between the City of Fort Collins and Poudre Fire Authority (PFA), the 9/11 Memorial will be located in midtown Fort Collins, and will honor firefighters, emergency medical technicians, law enforcement officers, and nearly 3,000 others who lost their lives on September 11, 2001.

Action Taken: Adopted on First Reading.

14. **First Reading of Ordinance No. 079, 2024, Making a Supplemental Appropriation and Authorizing Transfer of Appropriations for The Gardens on Spring Creek Internship Program.**

The purpose of this item is to support The Gardens on Spring Creek internship program by:

- Appropriating \$4,200 of unanticipated grant revenue awarded by the Colorado Department of Agriculture (CDA)) and
- Utilizing matching funds in the amount of \$4,200 from existing 2024 appropriations into to this new grant project.

In May 2024 the Colorado Department of Agriculture (CDA) awarded the City of Fort Collins (City) \$4,200 under the CDA's Agricultural Workforce Development Grant Program (Attachment 2). The City will be providing an additional \$4,200 in required matching funds. The award funds and City's matching funds will support hiring an intern for The Gardens' summer 2024 internship program.

The \$4,200 in funds through the CDA's Agricultural Workforce Development Grant Program are federal pass-through funds.

As presented per Attachment 2, the \$4,200 is provided pursuant to a State of Colorado Purchase Order, with corresponding terms and conditions. There is no requirement that the City sign an agreement. Rather upon the City submitting the first request for reimbursement to CDA, the City agrees to all terms and conditions of the award.

Action Taken: Adopted on First Reading.

15. **Resolution 2024-072 Authorizing the Mayor to Execute City-sponsored 401(a) Restated Adoption Agreements.**

The purpose of this item is to authorize the Mayor to execute restated adoption agreements for City-sponsored 401(a) and Police 401(a) plans to designate a new Special Trustee.

Action Taken: Adopted.

16. **Resolution 2024-073 Authorizing the Assignment of the City’s Private Activity Bond Allocation for 2024 to Housing Catalyst to Finance the Construction and Rehabilitation of Affordable Housing Units.**

The purpose of this item is to support the new construction of affordable housing at several locations in the City by assigning the City’s 2024 Allocation of Private Activity Bond (PAB) capacity. PAB capacity is required for development projects using four percent (4%) Low-Income Housing Tax Credit financing.

Action Taken: Adopted.

17. **Resolution 2024-074 Authorizing the Execution of a Discretionary Aviation Grant Resolution (CDAG No. 24-FNL-01) with the City of Loveland to Accept Grant Funds from the State for the Construction of the New Terminal and the Rehabilitation of Certain Taxiways at the Northern Colorado Regional Airport.**

The purpose of this item is for Council to authorize the Mayor or City Manager to execute a Colorado Department of Transportation (CDOT)-provided resolution to secure state grant funding for the construction of the new terminal at the Northern Colorado Regional Airport and for the rehabilitation of pavement for Taxiways B and D.

Action Taken: Adopted.

18. **Resolution 2024-075 Authorizing the City Manager to Execute a Grant Agreement (AIG Project No. 3-08-0023-045-2024) Between the City of Fort Collins, the City of Loveland, and the Federal Aviation Administration for the Construction of the New Terminal at the Northern Colorado Regional Airport.**

The purpose of this item is for Council to authorize the City Manager to execute a grant agreement with the City of Loveland and the Federal Aviation Administration (FAA) to secure federal funding for the construction of the new terminal at the Northern Colorado Regional Airport. These funds were budgeted as part of the initial project funding and came available for application in 2024 as part of the Bipartisan Infrastructure Law Airport Improvement Grant program and were appropriated in the 2024 Airport budget for expenditure in this project.

Action Taken: Adopted.

19. **Resolution 2024-076 Making Appointments to the Youth Advisory Board.**

The purpose of this item is to fill existing vacancies on the Youth Advisory Board.

Pursuant to Council policy, the recommended appointees have 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 of Fort Collins boards and commissions.

Action Taken: Adopted.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

**Action Taken: Adopted Consent Calendar Items 1-19, Minus 8, and 9. 6-1.
Absent: Councilmember Pignataro.**

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

8. Second Reading of Ordinance No. 072, 2024, Annexing the Property Known as the I-25 & Mulberry Annexation to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on May 21, 2024, annexes a 46.92-acre property located at the NE Corner of the I-25 and East Mulberry interchange. A specific project development plan proposal is not included with the annexation application. The Initiating Resolution was adopted on April 16, 2024. A related item to zone the annexed property is presented as the next item on this Agenda.

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 on First Reading 5-1.

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

Nays: Councilmember Ohlson

9. Second Reading of Ordinance No. 073, 2024, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the I-25 & Mulberry Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and Lighting Context Area Map.

This Ordinance, unanimously adopted on First Reading on May 21, 2024, zones the property included in the I-25 & Mulberry Annexation into the Industrial (I), and General Commercial (CG) zone districts and place the property into the LC2 Lighting Context Area and Non-residential Sign District.

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2015-091.

Because the Planning and Zoning Commission did not make a recommendation on the annexation zoning until after the agenda materials were available for first reading, the information in the ordinance was subsequently updated with the Commission's recommendation for second reading.

Action Taken: Adopted on First Reading 6-0.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

20. Appeal of the Historical Preservation Commission's Decision Finding 2601 South College Avenue Eligible for Landmark Designation.

The purpose of this quasi-judicial item is to consider an appeal of the decision of the Historic Preservation Commission ("HPC") on April 17, 2024, determining that the property at 2601 South College Avenue (the "Property," historically, the Ghent Auto Dealership) is eligible for designation as a Fort Collins Landmark.

The Appellant, Dracol, LLC, the owner of the Property, raises one issue on appeal: that the HPC failed to properly interpret and apply provisions of City Code Section 14-22, which establishes standards for determining the eligibility of structures for designation as landmarks or landmark districts. Specifically, Appellant alleges that the HPC failed to properly establish historic significance under either Standard 1 (Events/Trends) or Standard 3 (Design/Construction), and further failed to establish clear historic integrity; before making a ruling on whether the Property met the standards for significance and integrity required for Landmark designation under the Code.

Appeal hearing held. Council did not uphold the Planning and Zoning Commission's Decision. 4-2.

**Ayes: Mayor Arndt, Mayor Pro Tem Francis, and Councilmembers Potyondy, and Canonico
Nays: Councilmembers Ohlson, and Gutowsky**

P) OTHER BUSINESS

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

OB 2. **Consideration of a motion to adjourn this meeting until after the completion of the Electric Utility Enterprise Board business:**

"I move that Council adjourn this meeting until after the completion of the Electric Utility Enterprise Board business."

Council Adjourned into Electric Utility Enterprise Board Meeting at 8:32 p.m.

Q) ADJOURNMENT

Meeting adjourned at 8:36 p.m.