



August 20, 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

Delynn Coldiron
City Clerk

The action agenda provides a brief overview of actions taken by Council shortly after a Council meeting. Council minutes are the official record of the meeting and are prepared to be approved by Council generally at its next meeting. Following approval, they are posted at this link: [Council Minutes](#).

**PROCLAMATIONS & PRESENTATIONS
5:00 PM**

A) PROCLAMATIONS AND PRESENTATIONS

- PP 1. **Declaring August 26, 2024 as Women's Equality Day.**
- PP 2. **Declaring August 17, 2024 International Homeless Animals Day.**

Presented.

**REGULAR MEETING
6:00 PM**

- B) CALL MEETING TO ORDER**
- C) PLEDGE OF ALLEGIANCE**
- D) ROLL CALL**

Present: Francis, Gutowsky, Pignataro, Canonico, Ohlson.
Absent: Arndt, Potyondy

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 July 2, 2024, and the July 16, 2024, Regular Meetings.**

Action Taken: Approved.

The purpose of this item is to approve the minutes of the July 2, 2024, and the July 16, 2024, regular meetings.

2. Items Relating to Golf Enterprise Expenses.

A. Second Reading of Ordinance No. 100, 2024, Appropriating Prior Year Reserves for the Golf Enterprise.

B. Second Reading of Ordinance No. 101, 2024, Appropriating Prior Year Reserves in the Golf Fund for the Replacement of Necessary Systems at the Southridge and Collindale Golf Courses.

These Ordinances, unanimously adopted on First Reading on July 16, 2024, appropriate the amount of \$730,930 from Golf Fund Reserves for necessary system replacement and an appropriation of \$350,000 from unanticipated excess revenue to the 2024 budget to address the additional costs in Golf primarily related to higher revenues.

Action Taken: Adopted on Second Reading.

3. Second Reading of Ordinance No. 102, 2024, Appropriating Prior Year Reserves in the Conservation Trust Fund for Park Planning and Development Funding Community Bike Park Feasibility and Community Engagement.

This Ordinance, unanimously adopted on First Reading on July 16, 2024, appropriates \$70,000 to Park Planning and Development to conduct a community-scale bike park feasibility study as directed by Council at the June 11 Work Session. The feasibility study will include an evaluation of potential bike park locations, associated capital and on-going costs, identification of park amenities and features, and a community engagement process. This item is in response to public input from the 2021 Parks and Recreation Plan: Recreate, and recent significant community input.

Action Taken: Adopted on Second Reading.

4. Second Reading of Ordinance No. 103, 2024, Appropriating Philanthropic Revenue Received by City Give for the Renovation of the Historic Carnegie Library as Designated by the Donor.

This Ordinance, unanimously adopted on First Reading on July 16, 2024, appropriates \$100,000 in philanthropic revenue received by City Give for The Community Center for Creativity 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.

5. Second Reading of Ordinance No. 104, 2024, Appropriating Unanticipated Revenue in the Cultural Services and Facilities Fund for Artist and Musicians' Fees for Shows at the Lincoln Center.

This Ordinance, unanimously adopted on First Reading on July 16, 2024, appropriates the amount of \$644,000 in unanticipated revenue in 2024 for expenses related to Artists and Musicians Fees for LC Live shows at the Lincoln Center.

Action Taken: Adopted on Second Reading.

6. **Second Reading of Ordinance No. 105, 2024, Making a Supplemental Appropriation of Funds from the Colorado Department of Public Health and Environment, Environmental Justice Grant for the Cultivating Community-Led Resilient Homes Project and Approving a Related Intergovernmental Agreement.**

This Ordinance, unanimously adopted on First Reading on July 16, 2024, supports the City's commitment to advancing equity and environmental justice for all Fort Collins community members by appropriating \$168,874 of unanticipated grant revenue awarded by the Colorado Department of Public Health and Environment (CDPHE) for the Cultivating Community-Led Resilient Homes project.

Action Taken: Adopted on Second Reading.

7. **First Reading of Ordinance No. 107, 2024, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Various Programs and Services as Designated by the Donors.**

The purpose of this item is to request an appropriation of \$58,120 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.

8. **First Reading of Ordinance No. 108, 2024, Authorizing Transfer of Appropriations for the Affordable Housing and Planning and Development Process Improvement Project.**

The purpose of this item is to transfer matching funds in the amount of \$55,000 from the Licensing, Permitting, and Code Enforcement operating business unit to the non-lapsing grant business unit for the Affordable Housing Development Review Process grant. On May 21, 2024, City Council adopted Ordinance No. 059, 2024, appropriating the \$200,000 awarded to the City by the State Department of Local Affairs (DOLA).

Action Taken: Adopted on First Reading.

9. **First Reading of Ordinance No. 109, 2024, Making Supplemental Appropriations of New Revenue in the 2050 Tax Park Rec Transit OCF Fund for Consulting Work Contributing to the Transfort Optimization Study.**

The purpose of this item is to appropriate 2050 Transit Tax Reserves for additional consulting work for the Transfort Optimization Study.

Action Taken: Adopted on First Reading.

10. **First Reading of Ordinance No. 110, 2024, Making Supplemental Appropriations of Unanticipated Grant Revenue in the Transit Services Fund and New Revenue From the 2050 Tax Parks Rec Transit OCF Fund for Transfort Consulting Work Related to the West Elizabeth Corridor.**

The purpose of this item is to appropriate unanticipated grant funding and 2050 Transit Tax Reserves for additional consulting work for West Elizabeth design work.

Action Taken: Adopted on First Reading.

11. First Reading of Ordinance No. 111, 2024, Appropriating Prior Year Reserves in the Parking Services Fund for Parking Structure Maintenance, Parking Planning, and Safety.

The purpose of this item is to enable the City to appropriate Civic Center Parking Structure (CCPS) reserve funds and Parking Services reserve funds. The funds will be used for the completion of maintenance projects and for increased security costs. If approved, this item will: 1) appropriate \$1,200,000 in CCPS Reserve funds and 2) appropriate \$395,000 from Parking Services reserves.

Action Taken: Adopted on First Reading.

12. First Reading of Ordinance No. 112, 2024, Making a Supplemental Appropriation from the U.S. Department of Energy's Energy Efficiency and Conservation Block Grant in support of the Edora Pool and Ice Center Lighting System Replacement Project

The City received \$206,680 in formula funds under the U.S. Department of Energy's Energy Efficiency and Conservation Block Grant ("EECBG") program. The City was required to apply under the EECBG's voucher program, specifically to demonstrate the beneficial use of funds in replacing the fluorescent lighting system in both ice rinks at Edora Pool and Ice Center ("EPIC") with an energy efficient LED lighting system. Based on the City's successful application, this item is to support the project by appropriating \$206,680 of unanticipated revenue from the DOE.

Action Taken: Adopted on First Reading.

13. First Reading of Ordinance No. 113, 2024, Making Supplemental Appropriations from Prior Year Reserves and Developer Contributions and Authorizing Transfers of Appropriations for the College Avenue-Trilby Road Intersection Improvements Project and Related Art in Public Places.

The purpose of this item is to provide supplemental appropriations 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 appropriate the following ultimate amounts as designated: 1) \$11,781 from a payment-in-lieu (PIL) to the City from a development contribution to construction; 2) \$900,000 from Transportation Capital Expansion Fee (TCEF) reserves; 3) \$600,000 from Community Capital Improvement Program (CCIP) Arterial Intersection Improvements reserves; 4) \$119 (1% of PIL) from a PIL to the City from a development contribution to construction to the Art in Public Places (APP) program; 5) \$8,820 (0.8% of TCEF Project contribution) from TCEF reserves to the APP program; and 6) \$180 (0.2% of TCEF Project contribution) for maintenance of art from the Transportation Services fund reserves to the APP program.

Action Taken: Adopted on First Reading.

14. First Reading of Ordinance No. 114, 2024, Authorizing Transfer of Appropriations from the South Timberline Mail Creek Trail Underpass Project to the South Timberline Corridor Project.

The purpose of this item is to reappropriate funding from the South Timberline Mail Creek Trail Underpass project (“Underpass”) to the South Timberline Corridor project (“Corridor”). No new funding will be appropriated.

Action Taken: Adopted on First Reading.

15. **First Reading of Ordinance No. 115, 2024, Making Supplemental Appropriations of Prior Year Reserves from Developer Contributions and Authorizing Transfers for the Future Vine and Timberline Overpass Project and Related Art in Public Places.**

The purpose of this item is to enable the City to appropriate development payment-in-lieu (PIL) funds for the Vine and Timberline Overpass Project (Project). The funds will be used for design services and grant application support services. If approved, this item will: 1) appropriate \$273,361 received in 2016 as a development contribution to construction by an adjacent development; and 2) appropriate \$3,318 (1% of PIL) from a PIL to the City from a development contribution to construction to the Art in Public Places (APP) program.

Action Taken: Adopted on First Reading.

16. **First Reading of Ordinance No. 116, 2024, Making Supplemental Appropriations of Revenue from Developer Contributions and Authorizing Transfers for the Cordova Road Right-of-Way Acquisition.**

The purpose of this item is to appropriate developer contribution funds for the City to acquire right-of-way for Cordova Road as provided in the development agreement for The Landing at Lemay. If approved, this item will appropriate \$500,000 received in July as a development contribution for Cordova Road Right-of-Way Acquisition.

Action Taken: Adopted on First Reading.

17. **First Reading of Ordinance No. 117, 2024, Amending Chapters 12 and 19 of the Code of the City of Fort Collins Regarding the Requirements for the Building Energy and Water Scoring Program.**

The purpose of this item is to amend City Code Chapters 12 and 19 relating to the Building Energy and Water Scoring (BEWS) program. This amendment would modify service requirements for municipal court citations issued under City Code Section 12-207. This item does not add any new requirements for building owners.

Action Taken: Adopted on First Reading.

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

A. Resolution 2024-097 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 Laporte Avenue Multimodal Improvement Project.

B. First Reading of Ordinance No. 118, 2024, Making Supplemental Appropriations from Grant Revenue and 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 reappropriate funding from the Laporte Bridges project (“Bridges”) to the Laporte Avenue Multimodal Improvements Project (the “Project”), receive and appropriate Colorado Department of Transportation (“CDOT”) funds, and provide supplemental

appropriations to the Project. The CDOT funds will be used for the construction of a Rectangular Rapid Flashing Beacon (“RRFB”) signal at Laporte Avenue and Impala Drive. If approved this item will: 1) authorize the Mayor to execute an amendment to the Intergovernmental Agreement (the “IGA”) for the Project with CDOT; 2) appropriate \$49,500 of Highway Safety Improvement Program (“HSIP”) grant funds to the Project; 3) appropriate \$330,500 from Transportation Capital Expansion Fee (“TCEF”) reserves to the Project; 4) appropriate \$175,000 from Transportation Services Fund reserves to the Project; 5) reappropriate \$517,000 from Bridges to the Project; 6) appropriate \$4,044 (0.8% of TCEF and Transportation Services Project contribution) from TCEF reserves to the Art in Public Places (“APP”) program; 5) appropriate \$1,011 (0.2% of TCEF and Transportation Services Project contribution) for maintenance of art from the Transportation Services Fund Reserves to the APP program.

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

19. First Reading of Ordinance No. 119, 2024, Making Supplemental Appropriations from Colorado Department of Transportation Revenue for the Intersection Improvements on US-287 (College Avenue) Project.

The purpose of this item is to appropriate Colorado Department of Transportation (CDOT) revenue dedicated to infrastructure improvements complying with the Americans with Disabilities Act (ADA).

Action Taken: Adopted on First Reading.

20. Items Relating to the Rocky Ridge Conservation Project.

A. Resolution 2024-098 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County to Partner on the Purchase of a 484-acre Property in the Wellington Community Separator.

B. First Reading of Ordinance No. 120, 2024, Authorizing the Conveyance to Larimer County of a Conservation Easement and a Right of First Refusal on the Rocky Ridge Property.

The purpose of this item is to authorize an Intergovernmental Agreement (IGA) with Larimer County for the Rocky Ridge Conservation Project. The Project will conserve 484-acres in fee within in the Wellington Community Separator. The Ordinance will authorize the conveyance of a conservation easement and right of first refusal on the property.

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

21. Items Relating to the Poudre Water Supply Infrastructure Wildfire Ready Action Plan.

A. Resolution No. 2024-099 Authorizing the City Manager to Enter into a Grant Agreement with the State of Colorado Regarding the Poudre Water Supply Infrastructure Wildfire Ready Action Plan.

B. First Reading of Ordinance No. 121, 2024, Making Supplemental Appropriations of Unanticipated Grant Revenue, Prior Year Reserves, and Authorizing Transfers for the Poudre Water Supply Infrastructure Wildfire Ready Action Plan.

The purpose of this item is to support Fort Collins Utilities (Utilities) in developing a Wildfire Ready Action Plan (WRAP) in collaboration with the City of Greeley (Greeley) and the Water Supply and Storage Company (WSSC). The WRAP will help Utilities and its partners mitigate the vulnerability of water supplies and water supply infrastructure in the upper Poudre and Michigan River

watersheds to the threat of wildfire. Accordingly, pursuant to Resolution No. 2024-066, the City, Greeley, and WSSC entered into an agreement, dated May 21, 2024, to coordinate their joint efforts related to funding and developing the WRAP. In addition, the City has recently been awarded grant funding from the Colorado Water Conservation Board (CWCB) through the Wildfire Ready Watershed Grant Program to assist in the development of a WRAP. Once adopted, this resolution will authorize Utilities to enter into the Intergovernmental Grant Agreement (IGGA) with the State of Colorado to receive funding to support the development of the WRAP. The Ordinance will: 1) appropriate the grant revenue from the State of Colorado; 2) appropriate monetary contributions from Greeley and WSSC; and 3) appropriate and authorize transfers of Utilities grant match commitments.

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

22. **First Reading of Ordinance No. 122, 2024, Designating the Chavez/Ambriz/Gonzales Property, 724 Martinez Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Fort Collins City Code Chapter 14.**

The purpose of this item is to request City landmark designation for the Chavez/Ambriz/Gonzales Property at 724 Martinez Street. In cooperation with the property owners, City staff and the Historic Preservation Commission (Commission) have determined the property to be eligible for designation. The property is significant under City Code 14-22(a) Standard 1, Events/Trends, for association with the early sugar beet industry in Fort Collins, its social history, and its Hispanic history, as well as under Standard 3, Design/Construction, as a rare example of adobe construction in Fort Collins and including a Community Development Block Grant (CDBG)-funded addition. The owners are requesting designation, which will provide protection of the property's exterior and access to financial incentives for owners to use for historic properties.

Action Taken: Adopted on First Reading.

23. **Resolution 2024-096 Approving Participation in the Settlement with An Additional Opioid Defendant, Kroger, and a Related Waiver of Claims.**

The purpose of this item is to consider a resolution to allow the City to participate in the Colorado Opioids Settlement with Kroger by granting approval to sign an additional participation agreement and waiver of claims for opioid-related damages. This is in follow-up to prior approvals of settlements with multiple other opioid defendants, negotiated through national settlement efforts coordinated through the State of Colorado.

Action Taken: Adopted.

24. **Resolution 2024-100 Authorizing a Second Amendment to the Intergovernmental Agreement Between the Poudre River Public Library District, the City of Fort Collins, and Larimer County.**

The purpose of this item is to amend the Intergovernmental Agreement (IGA) between the Poudre River Public Library District, the City and Larimer County to change the selection process when there are vacancies on the District board. This amendment would allow the District Trustees to interview applicants and recommend appointments for ratification by Council and the County Board of Commissioners.

Action Taken: Adopted.

25. Items Relating to FLEX Route Regional Transit Services Intergovernmental Agreements.

A. Resolution 2024-101 Authorizing the Execution of an Intergovernmental Agreement between the City of Fort Collins, Colorado and the City of Loveland for FLEX Route Regional Transit Services.

B. Resolution 2024-102 Authorizing the Execution of an Intergovernmental Agreement between the City of Fort Collins, Colorado and the Town of Berthoud for FLEX Route Regional Transit Services.

C. Resolution 2024-103 Authorizing the Execution of an Intergovernmental Agreement between the City of Fort Collins, Colorado and the County of Boulder for FLEX Route Regional Transit Services.

D. Resolution 2024-104 Authorizing the Execution of an Intergovernmental Agreement between the City of Fort Collins, Colorado and the City of Boulder for FLEX Route Regional Transit Services.

E. Resolution 2024-105 Authorizing the Execution of an Intergovernmental Agreement between the City of Fort Collins, Colorado and the City of Longmont for FLEX Route Regional Transit Services.

The purpose of these items is to authorize the City Manager to sign separate Intergovernmental Agreements (“IGAs”) with the City of Loveland, the Town of Berthoud, the City of Boulder, the County of Boulder, and the City of Longmont (collectively, the “FLEX Partners”) by which the FLEX Partners will contribute funds toward the operating cost of the FLEX Route Regional Transit Service bus route to further the goals of regional connectivity through transit.

Action Taken: Resolutions Adopted.

26. Resolution 2024-106 Approving Fort Fund Special Events Grant 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 Special Event Grant – July Deadline category, based upon the recommendations of the Cultural Resources Board.

Action Taken: Adopted.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

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

None.

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.

27. Second Reading of Ordinance No. 106, 2024, Appropriating Prior Year Reserves in the General Fund for a Civic Assembly Process in Relation to the Hughes Stadium Site.

This Ordinance, adopted on First Reading by a vote of 4-2 (Nays: Ohlson, Gutowsky; Absent: Pignataro) appropriates one-time dollars in the amount of \$150,000 to be used for a Civic Assembly engagement process in relation to the Hughes Site Plan work. Staff is also requesting that City Council approve a sole source exception for Healthy Democracy Fund to provide services related to the design, coordination and implementation of a civic assembly should grant revenue bring the project above \$200,000.

Action Taken: Adopted on Second Reading, 3-2

Ayes: Francis, Potyondy, Canonico

Nays: Ohlson and Gutowsky

Absent: Arndt, Pignataro

28. First Reading of Ordinance No. 123, 2024, Amending Chapter 4 of the Code of the City of Fort Collins to Ban the Retail Sale of Dogs and Cats.

The purpose of this item is to ban the retail sale of dogs and cats from stores within Fort Collins city limits.

Action Taken: Adopted on First Reading, 5-0

Ayes: Francis, Potyondy, Canonico, Ohlson and Gutowsky

Absent: Arndt, Pignataro

29. Resolution 2024-107 Making an Appointment to the Affordable Housing Board.

The purpose of this item is to fill an existing vacancy on the Affordable Housing Board.

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

Action Taken: Adopted amended resolution appointing Jorja Whyte, 5-0
Ayes: Francis, Potyondy, Canonico, Ohlson and Gutowsky
Absent: Arndt, Pignataro

P) RESUMED PUBLIC COMMENT (if necessary)

Q) OTHER BUSINESS

None.

R) ADJOURNMENT

The meeting adjourned at 8:21 p.m.