

September 3, 2024

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PROCLAMATIONS AND PRESENTATIONS

5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

PP 1. **Declaring September 7, 2024 as Lieutenant Colonel John Mosley Day.**

PP 2. **Declaring September 2024 as Hunger Action Month.**

Mayor Pro Tem Emily Francis presented the above proclamations at 5:00 p.m.

REGULAR MEETING

6:00 PM

B) CALL MEETING TO ORDER

Mayor Pro Tem Emily Francis called the regular meeting to order at 6:00 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado, with hybrid participation available via the City's Zoom platform.

C) PLEDGE OF ALLEGIANCE

Mayor Pro Tem Emily Francis led the Pledge of Allegiance to the American Flag.

D) ROLL CALL

PRESENT

Mayor Jeni Arndt – Remote
Mayor Pro Tem Emily Francis
Councilmember Melanie Potyondy
Councilmember Susan Gutowsky
Councilmember Julie Pignataro
Councilmember Tricia Canonico
Councilmember Kelly Ohlson

ABSENT

None

STAFF PRESENT

City Manager Kelly DiMartino
City Attorney Carrie Daggett
City Clerk Delynn Coldiron

E) CITY MANAGER'S AGENDA REVIEW

City Manager Kelly DiMartino provided an overview of the agenda, including:

- No planned discussion items.
- An executive session is planned under Other Business.
- Work Session follows on Advancing Transit Initiatives after the regular meeting is adjourned.

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.)*

Everyone was given two minutes to make comments.

Rachel Mirsky discussed the re-pavement of streets and damage to her vehicle caused by wet paint. Mirsky shared frustration about the risk management process and claim denial.

Dani McCoy opposed the ordinance banning the retail sale of puppies and kittens and expressed support for Pet City. McCoy stated this ordinance would put this company out of business and urged Council to amend the ordinance to grandfather in Pet City as long as it remains licensed.

Rebecca Mosshart opposed the ordinance banning the retail sale of puppies and kittens and stated she is a breeder who has worked with Pet City for more than a decade. Mosshart noted Pet City is licensed and inspected by the State and stated it should be allowed to continue its business. Mosshart urged Council to reconsider the ordinance and not force people to un reputable sources.

Shawn Alexander opposed the ordinance banning the retail sale of puppies and kittens stating consumer rights are important, and this would take those away. Alexander stated this will eliminate jobs and stated the City could be sued.

William Alexander opposed the ordinance banning the retail sale of puppies and kittens and expressed fond memories of going to pet stores. Alexander stated jobs will be lost.

Adam Hirschhorn showed two videos related to Hewlett-Packard, advancing technology and Israel/Palestine issues.

Leonard Keetley opposed the ordinance banning the retail sale of puppies and kittens stating it constitutes the taking of a legal business. Additionally, Keetley stated this could drive sales underground where things are not regulated. Keetley also spoke about the importance of consumers having choice and asked Council to amend the ordinance to enable Pet City to continue retail sales.

Betty Keetley opposed the ordinance banning the retail sale of puppies and kittens stating consumers should have a choice about where they can purchase pets. Keetley noted that Pet City is a licensed business and should be able to continue and expressed concern about scams related to pet sales. Keetley expressed concern that misinformation was being spread by shelters and others and urged Council to consider an amendment to the ordinance.

Cherrie Trine spoke about the importance of putting pressure on the government regarding Palestine and stated there will be a protest this Friday at 4:00 p.m. at Woodward. Trine highlighted the group holding the protest, Veterans for Peace, which is protesting weapons being provided to Israel by Woodward.

Dustin Haworth, Colorado Springs Pet City owner, opposed the ordinance banning the retail sale of puppies and kittens and requested Council to pull the item from the consent calendar to create an exemption for Pet City in Fort Collins. Haworth stated that this would ensure transparency and help prevent this activity from going underground.

Karen Kinnes opposed the ordinance banning the retail sale of puppies and kittens and urged Council to add a clause that would grandfather retail sales for Pet City. Kinnes stated Pet City gets 90% of its income from puppy sales and added that the City would lose sales tax revenue from this law.

Suzan Gregg discussed owning a business and spoke in favor of Pet City. Gregg stated Council should not have the right to order the store to close if it does not have irrefutable evidence to prove that Pet City is operating in illegal ways.

Kim Roberts stated she has two beautiful dogs she purchased from Pet City and commented on her great experience with Pet City staff. Roberts compared that to the information received from a rescue shelter and stated that dog bit her husband, growled at her children, and was not potty trained as promised.

Kimberly Connor showed a Human Rights Watch clip related to the Israel/Palestine conflict describing a recent International Court of Justice ruling showing that Israel was guilty of occupying Palestinian territory and guilty of apartheid. Connor urged Council to do something at a local level to help stop this and showed another video on occupation and related activities that were occurring.

Jens Larsen spoke in support of Pet City stating pet stores, such as the one he owns, deal only with breeders that are licensed by the State. Additionally, Larsen noted the stores themselves are regulated and stated people should have a choice as to where they purchase pets.

Kevin Flowers asked about the recent shooting at the Whitewater Park parking lot, graffiti in the area and numerous nails that littered the area. Flowers also asked about camping that is occurring there and stated people do not want to use the park due to safety issues. Flowers suggested additional police presence, a 24-hour video camera, two-hour parking along Vine, and day use only signage for the parking lot.

William Whitley expressed concern about the recent requirement that trash, recycling, and yard waste bins be moved to curbside versus alleys and stated that mandate interferes with the concept of aging in place. Whitley requested variances for properties that are better designed for alley pickup.

Rebecca Everette discussed the new bike lanes and related work done on Laporte Avenue and expressed appreciation for the work that was done and for all involved. Everette thanked Council for making decisions that prioritize the safety of the many over the convenience of a few and for thinking about the future residents of the community.

Colin Gerety discussed previous periodic involvement with the City's Transportation Board, West Central Area Plan, and Stadium Community Impact Committee. Gerety discussed his interest in urban planning and commented on the City's What Wheels Go Where survey and new speed cameras in certain parts of the city. Gerety stated the City has failed at reducing car usage because of design decisions.

Bree Maestas requested Council reconsider the ordinance banning the sale of puppies and kittens in order to grandfather in Pet City. Maestas stated pet store bans do not work and cited data that the number of puppy mills has not decreased at all over the past ten years. Maestas stated the transparency provided by licensed pet stores is the best way to know where pets come from and stated this ordinance strips consumers' rights.

Ann Diaz requested Council reconsider the ordinance banning the sale of puppies and kittens and discussed her poor experience with rescue dogs. Diaz discussed her positive experience with Pet City and stated their goal was to ensure pets ended up with the right family rather than in a shelter.

Sabrina Herrick shared frustration about Councilmembers endorsing Gordon McLaughlin as District Attorney. Herrick shared information about a specific case related to a student aid for disabled children who ended up with 164 charges, noting her child was a victim. Herrick stated only 11 of the 164 counts were charged demonstrating that Mr. McLaughlin does not care about violent crime or the disabled in the community.

Mary Oberlin shared frustration about the recently mandated single-hauler trash service and expressed frustration that residents now have to change to curbside pickup versus alley pickup.

Ross Carpenter opposed the ordinance banning the retail sale of puppies and kittens. Carpenter stated the main impact of the ordinance would be to shut down a business that has been here since 1973 resulting in the loss of sales tax revenue and the loss of jobs in the community. Carpenter urged Council to reconsider the ordinance and commented on concerns about a politicized Council.

Alyssa Miller-Hurley spoke on behalf of the Pet Advocacy Network which is opposed to the ordinance banning the sale of puppies and kittens. Miller-Hurley stated responsible pet stores and breeders are highly regulated and stated shelters are often overcrowded because they bring in animals from other states, often without proper documentation and history information. Miller-Hurley also requested Council grandfather Pet City for retail sales.

Gregg Kinnes asked Council to pause and think about the ordinance banning the retail sales of puppies and kittens in Fort Collins. Kinnes stated it was based on input from people who want Council to believe breeders abuse and mistreat dogs, which has no connection to Pet City.

Brett Pavel stated that he got the first puppy sold at Pet City and added that he has since obtained other dogs from the store, which he stated treats animals and people well. Pavel urged Council to respect those doing a good job with their business and allow them to stay.

Public comment closed at 7:05 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Ohlson asked about Kevin Flowers' concerns at the Whitewater Park and requested detailed answers as to what is being done to address the issues in the area. City Manager DiMartino replied she made note of the suggestions and will follow-up.

Councilmember Ohlson requested Colin Gerety provide his thoughts and ideas to Council in writing.

Councilmember Canonico requested a staff response to Rachel Mirsky's concerns about the paint on her vehicle. Clair Goodwin, Safety and Risk Management Senior Manager, provided some background information on the complaint and stated the claim was investigated, but these types of claims are usually denied as they fall under the Colorado Governmental Immunity Act. Councilmember Ohlson requested staff follow-up with the third-party representative who spoke to Mirsky to ensure proper language is being used.

Councilmember Gutowsky mentioned Rebecca Everette's comments on the Laporte Avenue improvements which has made the street so much safer. She commented on an accident in the area that resulted in a young man being paralyzed when there were no sidewalks.

Councilmember Potyondy thanked the speakers and requested staff comment on the consolidated hauling contract and how complaints are being managed, particularly as related to the alley versus curb issue. City Manager DiMartino replied the hauler has converted to new natural gas trucks, which are larger, and there is a need to evaluate the viability of using alleys for both safety and efficiency.

She noted staff members are engaging to provide responses to all situations and stated there will be an accommodation process for any individuals who cannot physically locate bins where they need to be.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

No items were pulled.

J) CONSENT CALENDAR

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

This Ordinance, unanimously adopted on First Reading on August 20, 2024, appropriates \$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.

Adopted on Second Reading.

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

This Ordinance, unanimously adopted on First Reading on August 20, 2024, transfers 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).

Adopted on Second Reading.

- 3. Second 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.**

This Ordinance, unanimously adopted on First Reading on August 20, 2024, appropriates 2050 Transit Tax Reserves for additional consulting work for the Transfort Optimization Study.

Adopted on Second Reading.

- 4. Second 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.**

This Ordinance, unanimously adopted on First Reading on August 20, 2024, appropriates unanticipated grant funding and 2050 Transit Tax Reserves for additional consulting work for West Elizabeth design work.

Adopted on Second Reading.

- 5. Second Reading of Ordinance No. 111, 2024, Appropriating Prior Year Reserves in the Parking Services Fund for Parking Structure Maintenance, Parking Planning, and Safety.**

This Ordinance, unanimously adopted on First Reading on August 20, 2024, enables 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.

Adopted on Second Reading.

6. **Second 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.**

This Ordinance, unanimously adopted on First Reading on August 20, 2024, supports the Edora Pool and Ice Center Lighting System Replacement Project by appropriating \$206,680 of unanticipated revenue from the DOE. The City received 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.

Adopted on Second Reading.

7. **Second 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.**

This Ordinance, unanimously adopted on First Reading on August 20, 2024, provides 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.

Adopted on Second Reading.

8. **Second 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.**

This Ordinance, unanimously adopted on First Reading on August 20, 2024, reappropriates funding from the South Timberline Mail Creek Trail Underpass project (“Underpass”) to the South Timberline Corridor project (“Corridor”). No new funding will be appropriated.

Adopted on Second Reading.

9. **Second 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.**

This Ordinance, unanimously adopted on First Reading on August 20, 2024, appropriates 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.

Adopted on Second Reading.

10. **Second 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.**

This Ordinance, unanimously adopted on First Reading on August 20, 2024, appropriates 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.

Adopted on Second Reading.

11. **Second 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.**

This Ordinance, unanimously adopted on First Reading on August 20, 2024, amends 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.

Adopted on Second Reading.

12. **Second 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.**

This Ordinance, unanimously adopted on First Reading on August 20, 2024, reappropriates 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.

Adopted on Second Reading.

13. Second 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.

This Ordinance, unanimously adopted on First Reading on August 20, 2024, appropriates Colorado Department of Transportation (CDOT) revenue dedicated to infrastructure improvements complying with the Americans with Disabilities Act (ADA).

Adopted on Second Reading.

14. Second 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.

This Ordinance, unanimously adopted on First Reading on August 20, 2024, authorizes an Intergovernmental Agreement (IGA) with Larimer County for the Rocky Ridge Conservation Project. The Project will conserve 484 acres in fee within the Wellington Community Separator. The Ordinance will authorize the conveyance of a conservation easement and right of first refusal on the property.

Adopted on Second Reading.

15. Second 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.

This Ordinance, unanimously adopted on First Reading on August 20, 2024, supports 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.

Adopted on Second Reading.

16. Second 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.

This Ordinance, unanimously adopted on First Reading on August 20, 2024, requests 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.

Adopted on Second Reading.

17. Second 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.

This Ordinance, unanimously adopted on First Reading on August 20, 2024, bans the retail sale of dogs and cats from stores within Fort Collins city limits.

Adopted on Second Reading.

18. First Reading of Ordinance No. 124, 2024, Appropriating Prior Year Reserves in the General Fund and Authorizing Transfer of Appropriations to the Recreation Fund for the Purchase of a Bus for Use by the Recreation Department's Childcare Programs.

The purpose of this item is to appropriate funds designated for childcare projects to purchase a full-size bus committed to Recreation Department's childcare programs.

19. First Reading of Ordinance No. 125, 2024, Making Supplemental Appropriation from the Colorado Auto Theft Prevention Authority Grant for the Fort Collins Police Services Property Crimes Unit.

The purpose of this item is to support the Fort Collins Police Services' Property Crimes Unit by appropriating \$50,000 of unanticipated grant revenue awarded by the Colorado State Patrol.

In July 2024 the Colorado State Patrol awarded Fort Collins Police Services \$50,000 in capacity as a partner agency of the Beat Auto Theft Through Law Enforcement (BATTLE) Task Force. The \$50,000 award is under the BATTLE program's FY25 cycle. These state funds will be used for overtime pay for Fort Collins Police Services personnel to support multiagency and multijurisdictional BATTLE operations to identify, interdict, investigate, enforce, and prosecute motor vehicle theft-related crimes.

Adopted on First Reading.

20. First Reading of Ordinance No. 126, 2024, Appropriating Prior Year Reserves in the General Fund for the Grocery Tax Rebate Program.

The purpose of this item is to request an appropriation of \$442,460 from General Fund reserves to fulfill the FY2024 Grocery Tax Rebate Program rebate and personnel budget obligations.

Adopted on First Reading.

21. First Reading of Ordinance No. 127, 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 \$189,390 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.

Adopted on First Reading.

22. First Reading of Ordinance No. 128, 2024, Amending the City Plan Structure Plan Map in Conformance with the East Mulberry Plan Update.

The purpose of this item is to update the Structure Plan Map following the recommended Place Type changes outlined in the East Mulberry Plan. The proposed changes encompass approximately 500 acres and reflect the changes previously presented and discussed with the Planning and Zoning Commission leading up to the adoption of the East Mulberry Plan in December 2023. Proposed changes are summarized in the following sections of this report and do not deviate from what was included within the adopted version of the 2023 East Mulberry Plan.

Adopted on First Reading.

23. Items Relating to the William Neal Parkway and Ziegler Road Intersection Improvements.

A. Resolution 2024-108 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins, Colorado, and the Colorado Department of Transportation for the William Neal and Ziegler Intersection Improvements Project.

B. First Reading of Ordinance No 129, 2024, Making Supplemental Appropriations and Authorizing Transfers of Appropriations for the William Neal and Ziegler Intersection Improvements Project and Related Art in Public Places.

The purpose of this item is to enable the City to receive and expend federal Transportation Alternatives Program ("TAP") funds and local funds for the William Neal and Ziegler Intersection Improvements Project (the "Project"). The funds will be used to design and install an at-grade bicycle and pedestrian crossing at the intersection of William Neal Parkway and Ziegler Road. It is anticipated that a new at-grade crossing at this intersection will provide a safe crossing point between the Rendezvous Trail and Rigden Farm to the west and the Poudre River Trail extension and the future East Community Park to the east.

If approved, the item will: 1) authorize the Mayor to execute an intergovernmental agreement ("IGA") for the Project with the Colorado Department of Transportation ("CDOT"); 2) appropriate \$603,624 of TAP grant funds for the Project; 3) move previously appropriated matching funds from the Sustainable Funding 2050 Tax and Community Capital Improvement Program (CCIP) Bicycle Program for the Project; and 4) appropriate funds to the Art in Public Places (APP) program.

Resolution Adopted.

Ordinance Adopted on First Reading.

24. Items Relating to the Signal Upgrades Project.

A. Resolution 2024-109 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the Colorado Department of Transportation for the Signal Upgrades Project.

B. First Reading of Ordinance No. 130, 2024, Making Supplemental Appropriations of Prior Year Reserves and Highway Safety Improvement Program Grant Funds and Authorizing Transfers for the Signal Upgrades Project and Related Art in Public Places.

The purpose of this item is to enable the City to receive and expend federal Highway Safety Improvement Program (“HSIP”) funds and local funds for the Signal Upgrades Project (the “Project”). The funds will be used to enhance and upgrade traffic signals at up to thirty-one locations throughout the City. It is anticipated that the traffic signal upgrades will increase safety and reduce crashes and injuries at these locations.

If approved, the item will: 1) authorize the Mayor to execute an intergovernmental agreement (“IGA”) for the Project with the Colorado Department of Transportation (“CDOT”); 2) appropriate \$606,410 of HSIP grant funds for the Project; 3) appropriate matching funds from the Transportation Services funds reserves, 4) move previously appropriated matching funds from the Transportation Services fund for the Project; and 5) appropriate funds to the Art in Public Places (“APP”) program.

Resolution Adopted.

Ordinance Adopted on First Reading.

25. Items Relating to the Prairie Ridge Conservation Project.

A. Resolution 2024-110 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County and the City of Loveland to Partner on the Purchase of a 142-acre Property in the Loveland Community Separator

B. First Reading of Ordinance No. 131, 2024, Authorizing the Conveyance of Property Rights Relating to the Acquisition of Property in the Loveland Community Separator.

The purpose of this item is to authorize an Intergovernmental Agreement (IGA) with Larimer County and the City of Loveland for the Prairie Ridge Addition. The Project will conserve 142-acres in fee adjacent to Prairie Ridge Natural Area in the Loveland Community Separator. The Ordinance will authorize the conveyance of a conservation easement on the property and a farming lease over the Prairie Ridge property.

Resolution Adopted.

Ordinance Adopted on First Reading.

26. Items Relating to the Pedestrian Intersection Improvements Project.

A. Resolution 2024-111 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the Colorado Department of Transportation for the Pedestrian Intersection Improvement Project.

B. First Reading of Ordinance No. 132, 2024, Making Supplemental Appropriations and Authorizing Transfers of Appropriations for the Pedestrian Intersection Improvements Project and Related Art in Public Places.

The purpose of this item is to enable the City to receive and expend federal Highway Safety Improvement Program (“HSIP”) funds and local funds for the Pedestrian Intersection Improvements Project (the “Project”). The funds will be used to design and install pedestrian improvements at five locations. It is anticipated that these improvements will improve bicycle and pedestrian safety by reducing crashes.

If approved, the item will: 1) authorize the Mayor to execute an intergovernmental agreement (“IGA”) for the Project with the Colorado Department of Transportation (“CDOT”); 2) appropriate \$1,250,326 of HSIP grant funds for the Project; 3) move previously appropriated matching funds from the Community Capital Improvement Program (“CCIP”) Bicycle Program and Transportation Services Fund for the Project; and 4) appropriate funds to the Art in Public Places (“APP”) program.

Resolution Adopted.

Ordinance Adopted on First Reading.

27. Items Relating to the Mulberry Street Traffic Signal Synchronization Project.

A. Resolution 2024-112 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the Colorado Department of Transportation for the Mulberry Street Traffic Signal Synchronization Project.

B. First Reading of Ordinance No. 133, 2024, Making Supplemental Appropriations and Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Mulberry Street Traffic Signal Synchronization Project and Related Art in Public Places.

The purpose of this item is to enable the City to receive and expend federal Congestion Mitigation and Air Quality (“CMAQ”) Improvement Program funds and local funds for the Mulberry Street Traffic Signal Synchronization Project (the “Project”). The funds will be used to gather and evaluate data for existing conditions and install adaptive signal system equipment at appropriate intersections on East Mulberry Street between College Avenue and Greenfields Court. It is anticipated that the synchronization of traffic signals along this corridor will reduce congestion and improve air quality.

If approved, the item will: 1) authorize the Mayor to execute an intergovernmental agreement (“IGA”) for the Project with the Colorado Department of Transportation (“CDOT”); 2) appropriate \$440,000 of CMAQ grant funds for the Project; 3) appropriate matching funds from the Transportation Services Funds Reserves for the Project; and 4) appropriate funds to the Art in Public Places (APP) program.

Resolution Adopted.

Ordinance Adopted on First Reading.

28. Resolution 2024-113 Authorizing the City Manager to Enter into Two Agreements with the Colorado State Forest Service for the Michigan Ditch Pre-Fire Mitigation Project.

The purpose of this item is for Council to authorize the City Manager to execute two agreements with the Colorado State Forest Service (CSFS) for the Michigan Ditch Pre-Fire Mitigation Project: (1) a services agreement to establish roles and responsibilities; and (2) a grant agreement to secure partial funding.

Resolution Adopted.

29. **Resolution 2024-114 Amending the Intergovernmental Agreement for Between the City and the City of Loveland for the Construction, Ownership, Operation, Maintenance and Management of the Northern Colorado Law Enforcement Training Center.**

The purpose of this item is to amend the original intergovernmental agreement (the "IGA") for Northern Colorado Law Enforcement Training Center ("NCLETC") to allow access to existing funds for needed repairs, maintenance and procurement of supplies by the facility manager as well as to clarify some definitions.

Resolution Adopted.

30. **Resolution 2024-115 Endorsing the Nomination of Tricia Canonico to the Board of Directors of the National League of Cities.**

The purpose of this item is to adopt a resolution of support for Councilmember Tricia Canonico as she applies for a leadership position on the Board of Directors of the National League of Cities.

Resolution Adopted.

31. **Resolution 2024-116 Setting the Dates of the Public Hearings on the 2025-26 Proposed City of Fort Collins Budget.**

The purpose of this item is to set two public hearing dates for the proposed 2025-26 budget that the City Manager has filed with the City Clerk pursuant to Section 2 of City Charter Article V. Section 3 of City Charter Article V now requires Council to set a date for a public hearing on the proposed budget and to cause notice of the hearing to be published. This Resolution sets two public hearing dates. The first for Council's regular meeting on September 17, 2024, and the second for its regular meeting on October 1, 2024. The Resolution also directs the City Clerk to publish the notice of these two hearings that is attached as Exhibit "A" to the Resolution.

Resolution Adopted.

32. **Resolution 2024-117 Excusing the Absence of Mayor Jeni Arndt from Attendance at the September 3, 2024, Regular City Council Meeting.**

The purpose of this item is to excuse the absence of Mayor Jeni Arndt from the City Council meeting on September 3, 2024.

Resolution Adopted.

END OF CONSENT CALENDAR

Councilmember Pignataro moved, seconded by Councilmember Gutowsky, to approve the recommended actions on items 1-32 on the Consent Calendar.

Councilmember Potyondy thanked all who came out to speak about Item No. 17, *Second 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*. She stated Councilmembers are cognizant that this will not fix every issue but the ordinance speaks to our values as pet owners in the community and allows any existing businesses to transform their business model.

The motion carried 6-0.

Ayes: Mayor Pro Tem Francis, Councilmembers Gutowsky, Pignataro, Ohlson, Potyondy and Canonico. Nays: none.

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

None.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Councilmember Canonico thanked the volunteers who came to the volunteer appreciation dinner. She stated last week marked the 20,000th Connexion customer and she reported on attending the League of Women Voters dinner.

Councilmember Gutowsky reported on the new alley improvements off Olive Street behind Bohlander Funeral Home and noted this is the 12th of 17 alleys that will be improved.

Councilmember Potyondy reported on the new asphalt art project on Canyon near the Lincoln Center and thanked the members of the community who volunteered to help with the project.

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

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

None.

P) RESUMED PUBLIC COMMENT

None.

Q) 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.)

OB 2. Councilmember Pignataro moved, seconded by Councilmember Canonico, that the City Council go into executive session pursuant to:

- **City Charter Article Roman Numeral Two, Section 11(2),**
- **City Code Section 2-31(a)(2), and**
- **Colorado Revised Statutes Section 24-6-402 subsection (4)(b)**

for the purpose of discussing with the City's attorneys and appropriate management staff specific legal questions related to collective bargaining with the Fraternal Order of Police and the manner in which particular policies, practices or regulations of the City related to collective bargaining and employment may be affected by existing or proposed provisions of federal, state or local law.

And pursuant to:

- **City Charter Article Roman Numeral Two, Section 11(1),**
- **City Code Section 2-31(a)(1)(d), and**
- **Colorado Revised Statutes Section 24-6-402 subsection (4)(f)(I),**

for the purpose of discussing with the City's attorneys and appropriate management staff personnel and strategy matters relating to negotiations with the Fraternal Order of Police."

The motion carried 6-0.

Ayes: Mayor Pro Tem Francis, Councilmembers Gutowsky, Pignataro, Ohlson, Potyondy and Canonico. Nays: none.

(Secretary's Note: Council went into executive session at 7:20 p.m. The Council meeting was reconvened at 8:15 p.m.)


R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 8:15 p.m.



Mayor Pro Tem

ATTEST:



City Clerk

