



City Council Regular Meeting Agenda

October 15, 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 October 20th as Community Media Day.**
- PP 2. **Declaring October 13th-19th as National Veterinary Technician Week.**
- PP 3. **Declaring the Month of October as Domestic Violence Awareness Month.**
- PP 4. **Declaring the Month of October as Arts and Humanities Month.**

Proclamations read.

REGULAR MEETING 6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

6-0 Absent: Arndt

E) CITY MANAGER'S AGENDA REVIEW

- Deputy 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. Second Reading of Ordinance No. 139, 2024, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Safe Routes to School Zach Elementary School Crossings Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on October 1, 2024, provides supplemental appropriations to the Safe Routes to School (SRTS) Zach Elementary School Crossings Project (Project). If approved, this item appropriates:

- 1. \$176,760 from Transportation Capital Expansion Fee (TCEF) reserves to the Project;
- 2. \$277,750 from Transportation Services Fund reserves to the Project;
- 3. \$4,410 (0.8% of TCEF and Transportation Services Fund reserves contribution) from TCEF reserves (\$1,750) and Transportation Services Fund reserves (\$2,660) to the Art in Public Places (APP) program;
- 4. \$90 (0.2% of TCEF and Transportation Services Funds contribution) for maintenance of art from the Transportation Services Fund reserves to the APP program.

Action Taken: Adopted on Second Reading.

2. Second Reading of Ordinance No. 140, 2024, Making Supplemental Appropriations from the State of Colorado for the Universal Pre-School Program at the Northside Aztlan Community Center.

This Ordinance, unanimously adopted on First Reading on October 1, 2024, appropriates unanticipated revenue of \$30,469 from the State of Colorado in 2024 to help fund the Universal Pre-school (UPK) program at the Northside Aztlan Community Center through the Recreation Fund.

Action Taken: Adopted on Second Reading.

3. Second Reading of Ordinance No. 141, 2024, Appropriating Revenue from a Funding Advancements for Surface Transportation and Economic Recovery Grant and the Colorado Department of Transportation Americans with Disabilities Act Grant and Appropriating Prior Year Reserves and Authorizing Transfers for the US 287 and Triangle Drive Signal Installation Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on October 1, 2024, appropriates the following funds to the US 287 and Triangle Drive Signal Installation Project (Project):

- 1. \$682,211 in Funding Advancements for Surface Transportation and Economic Recovery (FASTER) funds to the Project;
- 2. \$183,843 in CDOT Americans with Disabilities Act (ADA) funds;
- 3. \$688,897 from Transportation Capital Expansion Fee (TCEF) reserves to the Project;
- 4. \$6,686 (0.8% of TCEF contribution) from TCEF reserves to the Art in Public Places (APP) program;
- 5. 0.2% of TCEF contribution for maintenance of art from the Transportation Services Fund reserves to the APP program.

The funds will be used to design and install a new traffic signal as well as bicycle and pedestrian improvements connecting Triangle Drive to the northeast towards the Lakeview on the Rise development. There is severe crash history at this intersection and in 2023 CDOT committed FASTER funding to the City for signal improvements. CDOT has also committed funding for pedestrian improvements to bring the intersection into compliance with ADA requirements.

Action Taken: Adopted on Second Reading.

4. **First Reading of Ordinance No. 142, 2024, Appropriating Philanthropic Revenue Received by City Give in 2024 and Prior Year Reserves for Various Programs and Services as Designated by the Donors.**

The purpose of this item is to request an appropriation of \$53,890 in philanthropic revenue received by 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.

5. **First Reading of Ordinance No. 143, 2024, Making Supplemental Appropriations and Authorizing Transfers of Appropriations for Various Transit Services Grants and Revenue.**

The purpose of this item is to appropriate grant revenue and the corresponding local match for Transfort.

Action Taken: Adopted on First Reading.

6. **First Reading of Ordinance No. 144, 2024, Making a Supplemental Appropriation of Grant Funds from the Edward Byrne Memorial Justice Assistance Grant Program for Fort Collins Police Services.**

The purpose of this item is to support Fort Collins Police Services in work performed as a member of the Northern Colorado Drug Task Force.

The Northern Colorado Drug Task Force is managed by Larimer County Sheriff Department, with both Fort Collins Police Services and Loveland Police being members. These member agencies support a broad range of activities to prevent and control drug-related crimes.

Larimer County applied for and was awarded \$50,647 through the Edward Byrne Memorial Justice Assistance Grant (JAG) program in support of operating the Northern Colorado Drug Task Force (Attachment 3). The City of Fort Collins, City of Loveland and Larimer County entered an intergovernmental agreement (Attachment 2), demonstrating the allocation of the \$50,647 awarded under JAG in support of the Northern Colorado Drug Task Force. Fort Collins Police Services received \$15,807 to support personnel costs and other operating costs directly attributed to the Northern Colorado Drug Task Force.

Action Taken: Adopted on First Reading.

7. **Items Relating to the Safe Streets and Roads for All Grant Awards.**

- A. Resolution 2024-122 Authorizing the Mayor to Sign a Grant Agreement with the Federal Highway Administration under the Fiscal Year 2023 Safe Streets and Roads for All Grant Program.

- B. First Reading of Ordinance No. 145, 2024, Making Supplemental Appropriations for Projects Funded Through the Safe Streets and Roads for All Grant Program.

The purpose of this item is to support FC Moves in expanding on the City's current Active Modes Plan and Vision Zero Plan, specifically through a:

- Bikeway study that serves to identify specific safety concerns and potential countermeasures, and to understand feasibility and network impacts of lane reductions on the arterial network.
- Demonstration activity that tests the effectiveness of temporary vertical protection along Centre Avenue, between Centre Drive/Bay Drive and Worthington Circle, to inform future projects citywide.

FC Moves in collaboration with Traffic Operations, Engineering, and Streets applied to the Federal Highway Administration's Fiscal Year 2023 (FY23) Safe Streets and Roads for All (SS4A) grant program, seeking funds in support of the bikeway study that includes (1) public and stakeholder engagement to understand barriers to active transportation on the corridors bounded by College Avenue, Horsetooth Road, Overland Trail and Laporte Avenue; (2) corridor safety audits to identify crash patterns and infrastructure that reduce the risk of bike and pedestrian crashes; and (3) data analysis and countermeasure selection. In addition, funds in support of the demonstration activity that include installation of temporary flexible posts and curbing along Centre Avenue, and associated data collection were requested under the FY23 SS4A grant program.

In support of funding the required 20% match under the FY23 SS4A grant program, FC Moves requested matching funds under the Colorado Department of Local Affairs Local Match (LOMA) grant program.

Both the Federal Highway Administration and Colorado Department of Local Affairs (DOLA) responded favorably to the requests for funds, with \$964,480 being awarded under the FY23 SS4A grant program and \$241,120 being awarded under DOLA's LOMA grant program. Total project costs for both the bike study and demonstration activity, totaling \$1,205,600, are funded in full through these grant awards from the FY23 SS4A grant program and DOLA's LOMA grant program.

The Resolution for consideration will authorize the Mayor to sign the Intergovernmental Agreement (IGA) with the Federal Highway Administration to receive grant funding to support the bike study and the demonstration activity.

As demonstrated by the LOMA grant agreement (Attachment 3) by accepting the LOMA funding from DOLA, the City agrees to all terms and conditions, including use of the \$241,120 as non-federal match to the FY23 SS4A grant.

The Ordinance for consideration will appropriate the \$964,480 in federal funds from the FY23 SS4A grant program and \$241,120 in state funds from the LOMA grant program.

Action Taken: Resolution and First Reading Adopted

8. First Reading of Ordinance No. 146, 2024, Making a Supplemental Appropriation of Colorado Division of Criminal Justice Grant Revenues for Various Restorative Justice Services Programs.

The purpose of this item is to appropriate grant revenue to fund Restorative Justice programs within Community Development and Neighborhood Services ("CDNS"). Additional grant funds in the amount of \$13,000 have been awarded from the Colorado Division of Criminal Justice ("DCJ") Juvenile Diversion fund for the continued operation of City Restorative Justice programs, including RESTORE for shoplifting offenses and Restorative Justice Conferencing for other offenses. The grant funds are in addition to a grant awarded to Restorative Justice Services earlier this year from DCJ in the amount of \$40,428, for a total award of \$53,428. The first \$40,428 award was included in the Annual Adjustment Ordinance No. 134, 2024, was passed on Second Reading on October 1, 2024. No match is required and the grant period is July 1, 2024, to June 30, 2025.

Action Taken: First Reading Adopted

9. **First Reading of Ordinance No. 147, 2024, Making a Supplemental Appropriation in the 2050 Tax Parks Rec Transit OCF Fund for Evaluation of the Inflation Reduction Act Tax Credits.**

The purpose of this item is to appropriate \$100,000 from 2050 tax revenue to contract with external consultants to evaluate the cost/benefit of the City pursuing Inflation Reduction Act (IRA) tax credits.

Action Taken: First Reading Adopted

10. **First Reading of Ordinance No. 148, 2024, Updating Section 4-142 of the Code of the City of Fort Collins Regarding Sterilization of Adopted Animals to Align with State Law.**

The purpose of this item is to update the local Fort Collins Animal Code to align with Colorado Revised Statutes (C.R.S.) Section 35-80-106.4.

Action Taken: First Reading Adopted

11. **First Reading of Ordinance No. 149, 2024, Approving an Amended and Restated Ground Lease Agreement Between the Cities of Loveland and Fort Collins and Discovery Air, LLC, for Property at the Northern Colorado Regional Airport.**

The purpose of this item is to approve an amended and restated ground lease between the City of Fort Collins, the City of Loveland, and Discovery Air LLC at the Northern Colorado Regional Airport. The parties have an existing ground lease agreement with Discovery Air, LLC, at the Northern Colorado Regional Airport. The parties desire to amend and restate the lease substantially similar to the form attached hereto. Approval of the Amended and Restated Ground Lease between the cities of Loveland and Fort Collins (the "Agreement") is reserved to the City Councils because there are non-standard lease terms in the Agreement.

Action Taken: First Reading Adopted

12. **First Reading of Ordinance No. 150, 2024, Authorizing the Advertisement and Future Sale of the Real Property Located at 945 East Prospect Road.**

The purpose of this item is to authorize the advertisement and future sale of the City-owned property located at 945 East Prospect Road (the "Property"). The Property was originally acquired by the City's Engineering Department for roadway widening purposes, and the City will exclude from the sale of the Property approximately 1540 square feet, being the area necessary to construct the future road improvement project (the "Reserved ROW").

Action Taken: First Reading Adopted

13. **Resolution 2024-123 Authorizing Disabled Resource Services to Retain Community Development Block Grant Funding to Apply Towards the Acquisition of a New Public Facility.**

The purpose of this item is to obtain authorization from Council to allow Disabled Resource Services to sell their current building located at 1017 Robertson, which was acquired with \$385,000 in Community Development Block Grant funding, and to retain the funding provided by the City to re-invest in a new public facility. These funds were provided as a Due on Sale Loan,

which triggers repayment upon the sale of the existing building. Approval by City Council is required to allow Disabled Resource Services to transfer the funding to a new building.

Action Taken: Resolution Adopted

14. Resolution 2024-124 Approving Fort Fund 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 Program Support Grant – September Deadline category, based upon the recommendations of the Cultural Resources Board.

Action Taken: Resolution Adopted

15. Resolution 2024-125 Supporting a Grant Application for Gray and Black-Market Marijuana Enforcement Funding for Fort Collins Police Services.

The purpose of this item is to obtain support for the City to apply for grant money to support enforcement of gray and black-market marijuana activity for Fort Collins Police Services.

Action Taken: Resolution Adopted

16. Resolution 2024-126 Adopting Findings of Fact in Support of the City Council’s Decision on Appeal to Uphold the Planning and Zoning Commission Approval of the College & Trilby Multifamily Community Project Development Plan #PDP220009.

The purpose of this item is to make Findings of Fact and Conclusions regarding Council’s decision at the October 1, 2024, College and Trilby Multifamily Community Project Development Plan appeal hearing dismissing the failure to properly interpret and apply allegations and thereby upholding the Hearing Officer’s decision to approve the Project Development Plan.

Action Taken: Resolution Adopted

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

Consent Calendar Adopted 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

No items pulled.

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.

17. Items Relating to Water Supply Requirement Fee and the Excess Water Use Surcharge, and Pre-1984 Nonresidential Annual Allotments.

A. First Reading of Ordinance No. 151, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Review Miscellaneous Water Fees and Charges, Including the Water Supply Requirement Fee and Excess Water Use Surcharge.

B. First Reading of Ordinance No. 152, 2024, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Annual Water Allotments for Nonresidential Water Services.

The purpose of this item is to seek approval for both the adjustments to the Water Supply Requirement (WSR) fee amount and methodology and assignment of allotments to pre-1984 nonresidential accounts.

Action Taken: Both Ordinances Adopted on First Reading.

18. Sanctuary on the Green Project Development Plan Appeal.

The purpose of this quasi-judicial item is to consider an appeal of the Hearing Officer's decision on July 28, 2024, approving the Sanctuary on the Green Project Development Plan, PDP210018.

The Appellants filed a Notice of Appeal on August 8, 2024, alleging:

- That the Hearing Officer failed to conduct a fair hearing in that they **substantially ignored his previously established rules of procedure.**

The Appellants assert that the Applicant did not diligently pursue approval of their development application as required by Section 2.2.11 of the Land Use Code. The Appellants claim the development application for Sanctuary on the Green should have lapsed on April 17, 2024, as a result. The Appellants further argue that the City's changing interpretation of the lapse date for this development application demonstrated an improper bias benefitting the Applicant.

- That the Hearing Officer failed to conduct a fair hearing in that they **considered evidence relevant to his findings which was substantially false or grossly misleading.**

The Appellants assert that: "The Hearing Officer relied largely on the Staff Report and a letter from the Applicant's lawyer when issuing his decision. Evidence that the plan is in compliance with NSP [Northwest Subarea Plan] is cherry-picked in both of these documents."

- That the Hearing Officer failed to conduct a fair hearing in that they **failed to receive all relevant evidence offered by the Appellants.**

The Appellants assert that: “The City erred in failing to provide the Hearing Officer with 342 pages of public comment in advance of the July 15, 2024, hearing, creating an unfair hearing.” The comments were received and publicly available, but city staff inadvertently did not directly forward those to the hearing officer until staff was made aware of the error.

• That the Hearing Officer **failed to properly interpret and apply relevant provisions of the Land Use Code – specifically the following Land Use Code sections:**

- 2.2.11 – Lapse
- 1.2.2 – Purpose
- 3.5.1 – Building and Project Compatibility
- 4.5(E) – Low Density Mixed-Use Neighborhood Development Standards
Northwest Subarea Plan

Note: The Transitional Land Use Regulations apply to the project, because the project was submitted before May 17, 2024. All references in this AIS to “Land Use Code” or “LUC” refer to sections of the Transitional Land Use Regulations.

Decision Upheld 4-2 (Nays: Gutowsky, Ohlson)

P) RESUMED PUBLIC COMMENT (if necessary)

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. **Consideration of a Motion to Reschedule the Regular meeting scheduled for Tuesday, November 5, 2024 to Monday, November 4, 2024:**

"In accordance with Section 2-28 of the City's Municipal Code, I move to change the date for the first regular Council meeting in November to Monday, November 4, 2024, due to the national election being held on Tuesday, November 5."

Action Taken: Approved

OB 3. **Consideration of a Motion to Call a Special Meeting on Wednesday, November 6, 2024:**

"In accordance with Section 2-29 of the City's Municipal Code, I move that Council call a Special Meeting to be held at on November 6, 2024, at 300 Laporte Avenue, in Council Chambers, starting at 6:00 p.m., for the purpose of hearing the Rescue Mission appeals."

Action Taken: Approved

R) ADJOURNMENT

Meeting adjourned at 9:45 p.m.