



January 21, 2025 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, minutes are posted at this link: [Council Minutes](#).

PROCLAMATIONS & PRESENTATIONS
5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

Proclamation read.

REGULAR MEETING
6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL 7-0

E) CITY MANAGER'S AGENDA REVIEW

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.)

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 January 7, 2025 Regular meeting.

The purpose of this item is to approve the minutes of the January 7, 2025 Regular meeting.

Approved.

2. Second Reading of Ordinance No. 001, 2025, Amending Chapters 15 and 23 of the Code of the City of Fort Collins Relating to Small Cell Contractors and Provider Bond Requirements for Operating in the Public Right-of-Way.

This Ordinance, unanimously adopted on First Reading on January 7, 2025, presents a recommendation from the City Planning Development Team to:

1. Increase the bond requirements for all contractors working in the public right-of-way. These bond amounts have not been updated since 1998.
2. Increase the bond requirements for boring contractors stems from damage caused by telecommunication providers to underground facilities.
3. Create a performance bond requirement for all small cell facility installations.

Adopted on Second Reading.

3. Second Reading of Ordinance No. 002, 2025, Authorizing the Conveyance of a Temporary Construction Easement on Whitewater Park to Public Service Company of Colorado for Construction of Infrastructure Improvements at the Poudre River Regulator Station H-111-A.

This Ordinance, unanimously adopted on First Reading on January 7, 2025, authorizes the conveyance of a Temporary Construction Easement (the TCE) on 0.469 acres (the “TCE Area”) being a portion of City property presently known as the Poudre River Whitewater Park and located at 201 East Vine Drive. The TCE will be used by Public Service Company of Colorado d/b/a Xcel Energy (“Xcel”) for required infrastructure improvements at the Poudre River Regulator Station H-111-A.

This Agenda Item Summary addresses questions raised by Council on First Reading; see underlined areas.

Adopted on Second Reading.

4. Second Reading of Ordinance No. 003, 2025, Repealing and Reenacting Chapter 2, Article II, Division 3 of the Code of the City of Fort Collins Pertaining to Appeals Procedure.

This Ordinance, unanimously adopted on First Reading on January 7, 2025, incorporates process improvements to the procedures for addressing appeals and other questions of final decisions that are appealable to Council. The City Code changes address previously identified concerns with the current Council appeals procedure as discussed among Council, administrative staff,

hearing officers, City boards and commissions, and members of the public. The City Code changes also clarify the processes and offer different routes for different types of questions on review.

Adopted on Second Reading.

5. **First Reading of Ordinance No. 004, 2025, Vacating the Riverbend Court Right-of-Way and Approving Easements.**

The purpose of this item is to vacate the public right-of-way at Riverbend Court and create drainage, utility, access, and emergency access easements over the property.

Adopted on First Reading.

6. **First Reading of Ordinance No. 005, 2025, Approving the First Amendment to the PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan.**

The purpose of this item is for Council to consider the First Amendment to the Planned Unit Development (PUD) Master Plan Development Agreement for the Montava PUD Overlay and Master Plan between the City and the Developer. The amendment would extend the five (5)-year contingency for closing of the Developer's purchase from the Anheuser-Busch Foundation for two (2) additional years.

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 2(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148.

Pulled for Individual Consideration.

7. **Resolution 2025-004 Approving the First Amendment to the Development Agreement to Secure Public Benefits for Development of the Montava Planned Unit Development Master Plan.**

The purpose of this item is to consider the First Amendment to the Development Agreement to Secure Public Benefits for Montava Planned Unit Development (PUD) Master Plan (Public Benefits Agreement) between the City and the Developer. The amendment would extend the five (5)-year contingency for closing of the Developer's purchase from the Anheuser-Busch Foundation for two (2) additional years.

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 2(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148.

Pulled for Individual Consideration.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

Adopted 7-0 minus items 6 and 7.

- 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

6. First Reading of Ordinance No. 005, 2025, Approving the First Amendment to the PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan.

The purpose of this item is for Council to consider the First Amendment to the Planned Unit Development (PUD) Master Plan Development Agreement for the Montava PUD Overlay and Master Plan between the City and the Developer. The amendment would extend the five (5)-year contingency for closing of the Developer's purchase from the Anheuser-Busch Foundation for two (2) additional years.

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 2(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148.

Adopted on First Reading 7-0

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This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 2(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148.

Adopted 7-0

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.

8. First Reading of Ordinance No. 006, 2025, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the West Elizabeth Corridor Final Design and Related Art in Public Places.

The purpose of this item is to appropriate additional design/project development funds in the amount of \$5.539M for advancing the design to 100% for the entire corridor, necessary scope additions and design changes such as protected bike/ped infrastructure, BRT routing revisions and right-of-way services. The West Elizabeth travel corridor is currently the highest priority pedestrian/alternative mode corridor for improvement in the City and was highlighted in City Plan and the Transit Master Plan. This appropriation would follow the same minimum grant/local match ratio of 80/20 that would apply to the Small Starts grant. The local funding source identified for the local match is the "2050 tax." Details of the amounts requested for the grant funds and local match fund appropriation are included in the Background/Discussion section of this AIS.

Adopted on First Reading 6-0 (Recuse: Arndt)

9. Items Relating to Adopting Landscaping Amendments to the City Code and Land Use Code.

A. First Reading of Ordinance No. 007, 2025, Amending Chapter 12 of the Code of the City of Fort Collins to Revise Soil Loosening and Amendment Requirements.

B. First Reading of Ordinance No. 008, 2025, Repealing and Reenacting Section 5.10.1 of the Land Use Code and Amending Definitions in Section 7.2.2 of the Land Use Code to Advance Adopted City Policy Goals to Reduce Water Usage in Landscapes to Comply with State Law and to Clarify and Reorganize Landscaping, Tree Protection, and Irrigation Standards.

The purpose of this item is to adopt City Code and Land Use Code amendments related to landscape and soil that help to address Council's adopted priorities for 2021-2023.

The proposed amendments to the Land Use Code are designed to minimize water consumption in landscaping for most new and redeveloped properties; they would not apply to single-unit, duplex, and accessory dwelling unit housing types. The code amendments ensure compliance with Colorado Senate Bill 24-005 (SB 24-005), which prohibits specific landscaping practices.

The proposed City Code amendments on soil amendment and soil loosening requirements aim to enhance clarity for applicability and allow soil amendments to be tailored to specific site conditions, which will support successful vegetation establishment and long-term growth.

Both Ordinances Adopted on First Reading 7-0

10. **First Reading of Ordinance No. 009, 2025, Amending the Land Use Code to Align with Two Adopted State House Bills Concerning Accessory Dwelling Units and Parking for Multi-Unit Dwellings and to Clarify and Correct Certain Provisions.**

The purpose of this item is to propose revisions, clarifications, and organization to the Land Use Code provisions that address specific areas that are the subject of two Colorado State House Bills passed last year. HB24-1152 requires the ability to build an ADU in more areas of the City, and HB24-1304 removes the minimum parking requirements for new multi-unit and residential mixed-use development. This item also includes clean-up to the Land Use Code.

Adopted on First Reading with Amendment 6-1 (Nay: Ohlson)

P) RESUMED PUBLIC COMMENT (if applicable)

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.)

Council supported that the Ethics Committee convene to discuss updates to the Gifts and Honoraria and financial disclosures policy and bring a related policy to Council.

OB 2. Consideration of an Executive Session to Discuss Real Property Acquisition and Sale:

"I move that Council go into executive session to discuss with appropriate City staff potential acquisition and sale of real property for potential court, maintenance and transportation facilities and similar uses, as permitted under:

- City Charter Article Roman Numeral Two, Section 11(3),
- City Code Section 2-31(a)(3) and
- Colorado Revised Statutes Section 24-6-402(4)(a)."

Motion passed.

Entered executive session at 8:20 p.m.

R) ADJOURNMENT

Meeting Adjourned 9:18 p.m.