



February 4, 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

None.

**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 21, 2025 Regular meeting.

The purpose of this item is to approve the minutes of the January 21, 2025 Regular meeting.

Approved.

2. Second Reading of Ordinance No. 004, 2025, Vacating the Riverbend Court Right-of-Way and Approving Easements.

This Ordinance, unanimously adopted on First Reading on January 21, 2025, vacates the public right-of-way at Riverbend Court and creates drainage, utility, access, and emergency access easements over the property.

Adopted on Second Reading.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on January 21, 2025, adopts 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 Second Reading.

4. Second 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.

This Ordinance, unanimously adopted on First Reading on January 21, 2025, appropriates 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.

Pulled for Individual Consideration.

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

A. Second 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. Second 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.

These Ordinances, unanimously adopted on First Reading on January 21, 2025, 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 Second Reading.

6. First Reading of Ordinance No. 010, 2025, Appropriating Prior Year Reserves in the Transportation Capital Expansion Fee Fund for Eligible Reimbursement to the Mulberry Metropolitan Districts No. 1– 6, Bloom Filing One Development for Construction of Greenfields Drive, International Boulevard, Sykes Drive, Donella Drive, and Delozier Road Improvements.

The purpose of this item is to appropriate \$2,069,417 of Transportation Capital Expansion Fee (TCEF) Funds for expenditure from the Transportation Capital Expansion Fee Program Budget to reimburse the Bloom Filing One developer's combined metro district, Mulberry Metropolitan District Nos. 1-6 (Developer), for its funding of the oversizing construction of Greenfields Drive, International Boulevard, Sykes Drive, Donella Drive, and Delozier Road. As part of the Bloom Filing One development plans and development agreement and permitted for construction under the Development Construction Permit, the Developer has constructed to City standards Greenfields Drive and International Boulevard, each as a two-lane arterial street, and Sykes Drive, Donella Drive, and Delozier Road as collector streets. Per Section 24-112 of the City Code, the Developer is eligible for reimbursement from TCEF funds for the oversized, non-local portion of Greenfields Drive, International Boulevard, Sykes Drive, Donella Drive, and Delozier Road, not attributed to the local portion obligation.

Adopted on First Reading.

7. **First Reading of Ordinance No. 011, 2025, Making a 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 \$80,790 of unanticipated grant revenue awarded by the Colorado State Patrol.

In December 2024 the Colorado State Patrol awarded Fort Collins Police Services \$80,790 in capacity as a partner agency of the Beat Auto Theft Through Law Enforcement (BATTLE) Task Force. The \$80,790 award is under the BATTLE program's FY25 cycle as provided in the BATTLE Grant Award Letter. These state funds will be used for purchase of a vehicle and equipment to support multiagency and multijurisdictional BATTLE operations to identify, interdict, investigate, enforce, and prosecute motor vehicle theft-related crimes.

Adopted on First Reading.

8. **First Reading of Ordinance No. 012, 2025, Making Supplemental Appropriations from the Colorado Department of Transportation Congestion Mitigation and Air Quality Grant and Authorizing Transfers from the Conservation Trust Fund for the Power Trail and Harmony Grade Separated Crossing Project.**

The purpose of this item is to enable the City to receive and expend federal pass-thru funds for the Power Trail and Harmony Grade Separated Crossing Project (the Project). The funds will be used for construction of a pedestrian and bicycle underpass located approximately 500 feet west of the intersection of Harmony Road and Union Pacific Railroad. If approved this item will appropriate \$3,239,300 of Congestion Mitigation and Air Quality (CMAQ) grant funds for the Project. Additionally, this item will transfer \$1,600,000 in Conservation Trust Funds to the Capital Project Fund for the Project

Previously appropriated funds will be used for local match requirements.

Adopted on First Reading.

9. **First Reading of Ordinance No. 013, 2025, Amending Chapter 12 of the Code of the City of Fort Collins to Adopt Requirements to Reduce Plastic Pollution and to Update and Reenact the City's Disposable Bag Ordinance.**

The purpose of this item is to update municipal code to be consistent with the state's Plastic Pollution Reduction Act (PPRA), in effect on January 1, 2024, that prohibits stores from providing single-use plastic carryout bags and retail food establishments from distributing expanded polystyrene containers. Updating the code to include a new Article XIV, Regulation of Disposable Bags and Mitigation of Other Sources of Single Use Plastic Pollution, and sunsetting the City's existing Disposable Bag Ordinance will expand enforcement against the distribution of plastic carryout bags and establishes enforcement on the ban of expanded polystyrene foam cups and food containers. Additionally, the Code revisions will provide the City Council with the opportunity to enact more stringent policies aimed at reducing single-use plastics within Fort Collins.

Pulled for Individual Consideration.

10. Items Relating to the 2025 City Classified Employee Pay Plan as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

A. First Reading of Ordinance No. 014, 2025, Adopting the 2025 Amended City Classified Employee Pay Plan to Update Classified Positions as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

B. First Reading of Ordinance No. 015, 2025, Appropriating Prior Year Reserves in the General Fund for the Cost of Police Services Salary and Benefit Increases as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.

The purpose of this item is to recommend changes to the 2025 City Classified Employee Pay Plan based on an annual market analysis conducted as agreed upon through the 2025-2027 Collective Bargaining Agreement (the "Agreement") with the Northern Colorado Lodge #3 of the Fraternal Order of Police ("FOP"). The Agreement was approved by Council by Resolution on December 3, 2024. The Agreement specifies a salary data collection method and evaluation process that includes market data as of early January. This data has been collected and analyzed, resulting in the revised 2025 City Classified Employee Pay Plan.

Both Ordinances Adopted on First Reading.

11. First Reading of Ordinance No. 016, 2025, Authorizing the Conveyance of a Permanent Non-Exclusive Utility Easement on Property Jointly Owned by the City of Fort Collins and the City of Loveland at the Northern Colorado Regional Airport to the Fort Collins-Loveland Water District.

The purpose of this item is to authorize a permanent, non-exclusive utility easement over a portion of Northern Colorado Regional Airport property to allow for the installation and maintenance of a waterline to serve the Fort Collins-Loveland Water District's (the "District") public water system. The project will improve reliability and redundancy of the water system that serves the Airport and surrounding area. The Airport will receive fair market value compensation for the easement.

Adopted on First Reading.

12. Resolution 2025-005 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the Fort Collins Downtown Development Authority Regarding the Renovation and Redevelopment of East Mulberry and Chestnut Street Alleys.

The purpose of this item is to request Council adoption of an Intergovernmental Agreement (IGA) between the City and the Downtown Development Authority (DDA) for renovation and redevelopment of the East Mulberry Street and Chestnut Street Alleys. The alley names listed are temporary and only specified for the purpose of this IGA and for identification during design and construction. They will be officially named in the future and with consideration of the City's theme of naming downtown alleys to honor exemplary individuals who reflect the historic and cultural geography of the downtown area.

Adopted.

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

A. Resolution 2025-006 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 2025-007 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 2025-008 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 2025-009 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 2025-010 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.

Resolutions Adopted.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

Adopted 7-0 minus items 4 and 9.

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

4. Second 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.

This Ordinance, unanimously adopted on First Reading on January 21, 2025, appropriates 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 Second Reading 6-0 (Recuse: Arndt)

9. First Reading of Ordinance No. 013, 2025, Amending Chapter 12 of the Code of the City of Fort Collins to Adopt Requirements to Reduce Plastic Pollution and to Update and Reenact the City’s Disposable Bag Ordinance.

The purpose of this item is to update municipal code to be consistent with the state’s Plastic Pollution Reduction Act (PPRA), in effect on January 1, 2024, that prohibits stores from providing single-use plastic carryout bags and retail food establishments from distributing expanded polystyrene containers. Updating the code to include a new Article XIV, Regulation of Disposable Bags and Mitigation of Other Sources of Single Use Plastic Pollution, and sunsetting the City’s existing Disposable Bag Ordinance will expand enforcement against the distribution of plastic carryout bags and establishes enforcement on the ban of expanded polystyrene foam cups and food containers. Additionally, the Code revisions will provide the City Council with the opportunity to enact more stringent policies aimed at reducing single-use plastics within Fort Collins.

Adopted on First Reading 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.

14. Second 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.

This Ordinance, adopted on First Reading on January 21, 2025, by a vote of 6-1 (Nay: Ohlson) adopts 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.

Attached to this AIS is Section 10 of the Ordinance, which shows the changes adopted on First Reading. **Since this Ordinance was adopted on First Reading, staff has identified the need to**

clarify the definitions in Section 7.2.2 of the Land Use Code related to the identification of an ADU. As a result, staff is requesting that Council move to amend the Ordinance on Second Reading to fix these conflicting definitions in the manner described below.

Adopted on Second Reading. (5-2 Nay: Gutowsky, Ohlson)

15. **First Reading of Ordinance No. 017, 2025, Adopting Rooted in Community, Fort Collins' Urban Forest Strategic Plan as a Component of City Plan.**

The purpose of this item is to formally adopt Rooted in Community, Fort Collins' first Urban Forest Strategic Plan. The adopted plan will align and guide future growth strategies for sustaining and growing a healthy and resilient urban forest for the people of Fort Collins and benefit the greater community as a whole.

Staff recommends scheduling second reading of this Ordinance on March 4, 2025, to allow the Planning and Zoning Commission to provide a recommendation during their meeting on February 20, 2025.

Adopted on First Reading. (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.)

OB 2. Consideration of a motion to go into Executive Session to discuss Connexion:

"I move that City Council go into executive session to consider matters pertaining to issues of competition in providing telecommunication facilities and services including matters subject to negotiation, strategic plan, price, sales and marketing, development phasing and any other related matter allowed under Colorado Law, as permitted under Article XII, Section 7(d) of the City Charter and Section 2-31(a)(5) of the City Code."

Motion passed (7-0)

Entered executive session at 8:25 p.m.

Executive Session ended at 9:34 p.m.

R) ADJOURNMENT

Meeting Adjourned 9:35 p.m.