



City Council Regular Meeting Agenda

March 5, 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

Heather Walls
Interim City Clerk

PROCLAMATIONS & PRESENTATIONS 5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

PP 1. **Declaring March 2024 as Women's History Month.**

REGULAR MEETING 6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

E) CITY MANAGER'S AGENDA REVIEW

- City Manager Review of Agenda
- Consent Calendar Review, including removal of items from Consent Calendar for individual discussion.

F) COMMUNITY REPORTS - None.

G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS (Including requests for removal of items from Consent Calendar for individual discussion.)

*Individuals may comment regarding any topics of concern, whether or not included on this agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process** and not to Council.*

- *Those who wish to speak are required to sign up using the online sign-up system available at www.fcgov.com/council-meeting-participation-signup/*
- *Each speaker will be allowed to speak one time during public comment. If a speaker comments on a particular agenda item during general public comment, that speaker will not also be entitled to speak during discussion on the same agenda item.*

- *All speakers will be called to speak by the presiding officer from the list of those signed up. After everyone signed up is called on, the presiding officer may ask others wishing to speak to identify themselves by raising their hand (in person or using the Raise Hand option on Zoom), and if in person then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).*
- *The presiding officer will determine and announce the length of time allowed for each speaker.*
- *Each speaker will be asked to state their name and general address for the record, and, if their comments relate to a particular agenda item, to identify the agenda item number. Any written comments or materials intended for the Council should be provided to the City Clerk.*
- *A timer will beep one time and turn yellow to indicate that 30 seconds of speaking time remain and will beep again and turn red when a speaker's time has ended.*

*[**For questions about the development review process or the status of any particular development, consult the City's Development Review Center page at <https://www.fcgov.com/developmentreview>, or contact the Development Review Center at 970.221.6760.]*

H) PUBLIC COMMENT FOLLOW-UP

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

CONSENT CALENDAR

The Consent Calendar is intended to allow Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Agenda items pulled from the Consent Calendar by either Council or the City Manager will be considered separately under their own Section, titled "Consideration of Items Removed from Consent Calendar for Individual Discussion." Items remaining on the Consent Calendar will be approved by Council with one vote. The Consent Calendar consists of:

- *Ordinances on First Reading that are routine;*
- *Ordinances on Second Reading that are routine;*
- *Those of no perceived controversy;*
- *Routine administrative actions.*

1. Consideration and Approval of the Minutes of the February 6, 2024 and February 20, 2024 Regular Meetings.

The purpose of this item is to approve the minutes of the February 6, 2024 and February 20, 2024 regular meetings.

2. Second Reading of Ordinance No. 032, 2024, Appropriating Prior Year Reserves and Unanticipated Philanthropic Revenue Received Through City Give for Various Programs and Services as Designated by the Donors.

This Ordinance, unanimously adopted on First Reading on February 20, 2024, appropriates \$18,025.20 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.

3. **Second Reading of Ordinance No. 033, 2024, Appropriating Prior Year Reserves in the Conservation Trust Fund for the Future Design and Construction of the Fossil Creek Trail Spur.**

This Ordinance, unanimously adopted on First Reading on February 20, 2024, appropriates partial funding for the future construction of the Fossil Creek Trail spur. This revenue is contributed from the developer. This trail spur is identified in the South College Corridor Subarea Plan as “City built and maintained.” The easement for the future trail spur was secured during the development review process of the Fort Collins Nissan-Kia project. Per the South College Avenue Access Control Plan, this trail is of regional significance and the Developer agreed to contribute their proportional share of the public access trail project in the amount of \$35,000. The Developer was required to provide the funds prior to issuance of the project’s first building permit. The design and construction date of the future trail spur at this time is unknown.

4. **Second Reading of Ordinance No. 034, 2024, Authorizing Transfers of Appropriations for the Xeriscape Incentive Program.**

This Ordinance, unanimously adopted on First Reading on February 20, 2024, supports businesses, homeowner associations (“HOAs”) and other commercial properties pursuing costly landscape projects that reduce water use long-term through the Xeriscape Incentive Program by utilizing \$75,104 in existing 2024 appropriations to fund the City’s match requirement under this grant project.

5. **Second Reading of Ordinance No. 035, 2024, Authorizing the Release of Restrictive Covenants on Property at 2850 Sykes Drive, Developed by Fort Collins Habitat for Humanity.**

This Ordinance, unanimously adopted on First Reading on February 20, 2024, authorizes the termination of the HOME Investment Partnership Funding Development Contract with Fort Collins Habitat for Humanity (Habitat) and release the Agreement of Restrictive Covenants Affecting Real Property on the single-family home located at 2850 Sykes Drive. Termination of the contract and release of the Agreement of Restrictive Covenants is required for Fort Collins Habitat for Humanity to move forward with the sale of the home to the buyer.

6. **Second Reading of Ordinance No. 036, 2024, Approving the Vacation of a Portion of Two Easements Originally Dedicated in that Certain Replat of Coachlight Plaza PUD.**

This Ordinance, unanimously adopted on First Reading on February 20, 2024, approves the vacation of a 1,077 square foot portion of two easements (8’ Electrical Easement and an 8’ Telephone Easement) (the “Easements”) that are no longer required by the City because they are currently located beneath a newly constructed building envelope.

7. **Second Reading of Ordinance No. 037, 2024, Authorizing the Conveyance to N College 1311, LLC, of a Portion of the City Property Designated as the Future Hickory Detention Pond in Exchange for Adjoining Property and Other Valuable Consideration.**

This Ordinance, unanimously adopted on First Reading on February 20, 2024, permits the conveyance of approximately 1.31 acres (57,064 sf) of City property (the “Conveyed Parcel”) to N College 1311, LLC, (“Owner”), as well as a possible temporary construction easement or license to enter, and acceptance of Natural Habitat Buffer Zone on City property, in exchange for approximately 2.43 acres (105,723 sf) of Owner’s adjoining property (the “Received Parcel”) and other valuable consideration.

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

A. Resolution 2024-025 Authorizing an Amendment to an Existing Intergovernmental Agreement between the City of Fort Collins, Colorado, and the Colorado Department of Transportation for the Laporte Avenue Multimodal Improvement Project.

B. First Reading of Ordinance No. 038, 2024, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Laporte Avenue Multimodal Improvement Project and Related Art in Public Places.

The purpose of this item is to enable the City to receive and expend Colorado Department of Transportation (CDOT) funds for the Laporte Avenue Multimodal Improvement Project (Laporte Project). The funds will be used for construction of improvements along Laporte Ave from Fishback Avenue to Sunset Street. If approved this item will: 1) authorize the Mayor to execute an amendment to the Intergovernmental Agreement (IGA) for the Laporte Project with CDOT; 2) appropriate \$2,500,000 of Transportation Alternative grant funds for the Laporte Project; 3) use \$122,727 from the Bicycle Infrastructure Improvements Community Capital Improvement Program (CCIP Bike Program) as part of the local match; 4) use \$102,273 from the Pedestrian Infrastructure Improvements Community Capital Improvement Program (CCIP Pedestrian Program) as part of the local match; 5) appropriate as part of the local match contribution \$223,425 from the Transportation Capital Expansion Fee Reserves (TCEF); 6) appropriate as part of the local match contribution \$222,750 from General Fund Reserves; 7) appropriate \$1,755 (0.78% of the TCEF amount of the 1% contribution for the artwork portion of APP) from TCEF Reserves to the Art in Public Places Program; 8) appropriate \$495 (0.22% of the TCEF amount of the 1% contribution to APP) from the Transportation Fund Reserves to the Art in Public Places Program; 9) appropriate \$2,250 (1% of the General Fund amount) from the General Fund to the Art in Public Places Program.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

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

L) STAFF REPORTS - None.

M) COUNCILMEMBER REPORTS

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

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.

9. Strauss Lakes Metropolitan Districts Conceptual Review Hearing.

The purpose of this item is to conduct a Conceptual Review Hearing pursuant to the City Policy for Reviewing Service Plans for Metropolitan Districts (Metro District Policy) to allow Council and members of the public to provide preliminary comments in response to an applicant's Letter of Interest so that the applicant may better determine whether or not to submit a formal application and what a formal application should include.

Metropolitan Districts (Metro Districts) must provide exceptional public benefits in a variety of categories to gain Council approval. Staff evaluates the Metro Districts' proposed public benefits guided by the current 2021 Council-approved Metro District Policy, which includes a score card related to housing and residential development. The City's Metro District Policy requires this Conceptual Review Hearing with Council to give the applicant the opportunity to present its proposal and to seek feedback from Councilmembers and the public about the proposed Metro Districts, which the applicant may use to determine whether to submit a formal application.

Hearing Process Overview

The process for reviewing and considering approval of Metro Districts generally proceeds as follows:

1. Applicant submits Letter of Interest
2. Staff reviews Letter of Interest and provides an informal, non-binding response
3. Council Conceptual Review is conducted, where Council considers and discusses the public benefits proposed in the Letter of Interest
4. If Applicant decides to proceed, Applicant submits formal application for Metro District(s) along with Service Plan
5. Staff reviews application and Service Plan
6. Council Finance Committee reviews submittal and provides feedback to applicant
7. Council considers application and Service Plan at a public hearing

As stated in the Metro District Policy, if it so chooses to do so, Council may consider a motion at the conclusion of the hearing to express its opinion whether the service plan of the Strauss Lakes Metro Districts, as proposed, should be brought forward to Council for its formal consideration. That motion may also include any recommendations Council may have concerning what should or should not be included in the applicant's formal application. However, the Policy also clearly states that any such motion adopted and any comments, suggestions, or recommendations made by any Councilmember concerning the proposal will not bind or otherwise obligate any Councilmember or other City decision maker to any course of conduct or decision in any subsequent formal application under the Policy. Sample motions are provided below.

It should be noted that the Council is not required to adopt a motion related to the Metro Districts, and the Conceptual Review Hearing is meant solely for Councilmembers to provide feedback on the proposed Metro Districts and is not meant for the Council to comment on, or make specific recommendation regarding, any development aspects that may later come to Council for review and decision-making.

Strauss Lakes is a proposed mixed-use development at the northeast corner of Horsetooth Road and Ziegler Road proposed by Cottonwood Land and Farms, LLC ("Cottonwood"). On February 5, 2024, Cottonwood submitted a revised Letter of Interest outlining the public benefits to be provided by the proposed Strauss Lakes Metropolitan Districts, pursuant to the City's Metro District Policy. Staff finds the applicant's proposed public benefits generally conform with the requirements of the Metro District Policy, however, all elements of the proposed public benefits will require additional analysis by staff to confirm they meet the requirements of the Metro District Policy. Staff will provide a final assessment and recommendation on the Strauss Lakes Districts upon formal submittal.

P) 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.)

Q) ADJOURNMENT

Every regular Council meeting will end no later than midnight, except that: (1) any item of business commenced before midnight may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting beyond midnight for the purpose of considering additional items of business. Any matter that has been commenced and is still pending at the conclusion of the Council meeting, and all matters for consideration at the meeting that have not yet been considered by the Council, will be deemed continued to the next regular Council meeting, unless Council determines otherwise.

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide advance notice. Requests for interpretation at a meeting should be made by noon the day before.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione aviso previo cuando sea posible. Las solicitudes de interpretación en una reunión deben realizarse antes del mediodía del día anterior.