

Fort Collins City Council Agenda

Regular Meeting

6:00 p.m., Tuesday, July 16, 2024

City Council Chambers at City Hall, 300 Laporte Avenue, Fort Collins, CO 80521

Zoom Webinar link: <https://zoom.us/j/98241416497>

NOTICE:

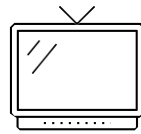
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

How to view this Meeting:



Meetings are open to the public and can be attended in person by anyone.



Meetings are televised live on Channels 14 & 881 on cable television.



Meetings are available through the Zoom platform, electronically or by phone.



Meetings are livestreamed on the City's website, fcgov.com/fctv

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.

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There are in person and remote options for members of the public who would like to participate in Council meetings:

Comment in real time:

During the public comment portion of the meeting and discussion items:



In person attendees can address the Council in the Chambers. The public can join the Zoom webinar and comment from the remote meeting, joining online or via phone.



All speakers are required to sign up to speak using the online sign up system available at www.fcgov.com/agendas. Staff is also available outside of Chambers prior to meetings to assist with the sign up process for in person attendees.

Full instructions for online participation are available at fcgov.com/councilcomments.

Join the online meeting using the link in this agenda to log in on an internet-enabled smartphone, laptop or computer with a speaker and microphone. Using earphones with a microphone will greatly improve audio experience.

To be recognized to speak during public participation portions of the meeting, click the 'Raise Hand' button.

Participate via phone using this call in number and meeting ID:

Call in number: 720 928 9299

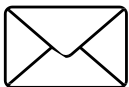
Meeting ID: 982 4141 6497

During public participation opportunities in the meeting, press *9 to indicate a desire to speak.

Submit written comments:



Email comments about any item on the agenda to cityleaders@fcgov.com



Written comments can be mailed or dropped off at the City Manager's Office at City Hall, at 300 Laporte Ave, Fort Collins, CO 80521

Documents to Share during public participation: *Persons wishing to display presentation materials using the City's display equipment under the Public Participation portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City's display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.*

NOTE: *All presentation materials for appeals, addition of permitted use applications or protests related to election matters must be provided to the City Clerk no later than noon on the day of the meeting at which the item will be considered. See Council Rules of Conduct in Meetings for details.*



City Council Regular Meeting Agenda

July 16, 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

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**

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 **prior to 5:30 p.m.** 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 be able 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. The first 40 speakers will speak plus additional speakers that can be heard in a total of 90 minutes. If, at the end of 90 minutes of public comment, there are speakers who did not have the opportunity to speak, public comment will resume after Council has considered items scheduled for discussion.
- 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. 083, 2024, Appropriating Prior Year Reserves in the Redlight Camera Fund Within the General Fund for Additional Staffing for Municipal Court and City Attorney's Office to Support the Increased Police Enforcement Cases.**

This Ordinance, unanimously adopted on First Reading on July 2, 2024, appropriates \$179,122 from the Redlight Camera Fund to add additional staffing for Municipal Court (1 full time equivalent [FTE]) and the City Attorney's Office Prosecution Team (2 FTE's) to support the Traffic Safety initiative and the increased number of enforcement cases that are already occurring. This new staffing will handle increases in police enforcement cases and is in addition to the request for the Automated Vehicle Identification Systems (AVIS) and speed corridors item also being presented to Council on July 2, 2024.

2. **Second Reading of Ordinance No. 084, 2024, Appropriating Philanthropic Revenue Received Through City Give for the Lincoln Center, Cultural Services.**

This Ordinance, unanimously adopted on First Reading on July 2, 2024, requests an appropriation of \$12,500 in philanthropic revenue designated for the Lincoln Center, Cultural Services designated as a Sponsorship.

3. **Second Reading of Ordinance No. 085, 2024, Appropriating Philanthropic Revenue Received Through City Give for the Community Development and Neighborhood Services 2024 AARP Community Challenge.**

The Ordinance, unanimously adopted on First Reading on July 2, 2024, requests an appropriation of \$20,000 in philanthropic revenue received through City Give for Neighborhood Services, Community Development and Neighborhood Services, Planning, Development and Transportation to support healthy outcomes for residents' homes through three, one-day, homeowner workshops at Skyline, North College, and Harmony Village mobile home communities.

4. **Second Reading of Ordinance No. 086, 2024, Appropriating Philanthropic Revenue Received Through City Give for NextGen, Volunteer Services.**

This Ordinance, unanimously adopted on First Reading on July 2, 2024, is to request an appropriation of \$20,000 in philanthropic revenue received through City Give for the designated support of NextGen, Volunteer Services.

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.

5. **Items Relating to the Repeal and Reenactment of Certain Ordinances.**

A. Second Reading of Ordinance No. 087, 2024, Repealing Ordinance No. 074, 2024, and Making Supplemental Appropriations in the Community Development Block Grant Fund.

B. Second Reading of Ordinance No. 088, 2024, Repealing Ordinance No. 075, 2024, and Making Supplemental Appropriations in the HOME Investments Partnerships Grant Fund.

C. Second Reading of Ordinance No. 089, 2024, Repealing Ordinance No. 076, 2024, and Making Supplemental Appropriation for the Charter Review Council Priority from General Fund Reserves.

D. Second Reading of Ordinance No. 090, 2024, Repealing Ordinance No. 077, 2024, and Appropriating Philanthropic Revenue Received Through City Give for the Cultural Community Program Through Cultural Services.

E. Second Reading of Ordinance No. 091, 2024, Repealing Ordinance No. 078, 2024, and Appropriating Prior Year Philanthropic Revenue Reserves Received by City Give for the 9/11 Memorial at Spring Park.

F. Second Reading of Ordinance No. 092, 2024, Repealing Ordinance No. 079, 2024, and Making a Supplemental Appropriation and Authorizing Transfer of Appropriations for The Gardens on Spring Creek Internship Program.

These Ordinances, unanimously adopted on First Reading on July 2, 2024, were requested by staff to repeal each Ordinance as they were adopted on June 18, 2024, due to a publication error. These Ordinances were unanimously adopted on First Reading on June 4, 2024.

6. **Second Reading of Ordinance No. 093, 2024, Calling a Special Election to be Held in Conjunction with the November 5, 2024, Larimer County General Election.**

This Ordinance, unanimously adopted on First Reading on July 2, 2024, calls a Special Municipal Election to be held in conjunction with the November 5, 2024, Larimer County Coordinated

Election, and to preserve the opportunity for Council to place initiated or referred issues on the November ballot.

7. **Second Reading of Ordinance No. 094, 2024, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article VIII of the City Charter Relating to Elections.**

This Ordinance, unanimously adopted on First Reading on July 2, 2024, sets ballot language regarding proposed amendments to Article VIII of the City Charter relating to election provisions.

8. **Second Reading of Ordinance No. 095, 2024, Submitting to a Vote of the Registered Electors of the City of Fort Collins Repealing and Reenacting Article IX of the City Charter Relating to Recall.**

This Ordinance, unanimously adopted on First Reading on July 2, 2024, sets ballot language regarding proposed amendments to Article IX of the City Charter relating to recall provisions.

9. **Second Reading of Ordinance No. 096, 2024, Submitting to a Vote of the Registered Electors of the City of Fort Collins Repealing and Reenacting Article X of the City Charter Relating to Initiative and Referendum.**

This Ordinance, unanimously adopted on First Reading on July 2, 2024, sets ballot language regarding proposed amendments to Article X of the City Charter relating to initiative and referendum provisions.

10. **Items Relating to Traffic Safety Initiative – Automated Vehicle Identification System (AVIS) Corridors.**

A. Second Reading of Ordinance No. 097, 2024, Amending the Fort Collins Traffic Code to Implement a New Automated Vehicle Identification System (AVIS) to Replace the Previously-Approved AVIS to Support the Traffic Safety Initiative.

B. Second Reading of Ordinance No. 098, 2024, Designating Speed Corridors Pursuant to Fort Collins Traffic Code Section 1106.

C. Second Reading of Ordinance No. 099, 2024, Making Supplemental Appropriations to Support Additional Staffing and Expenses for Implementation of the Automated Vehicle Identification System Traffic Safety Initiative.

These Ordinances, unanimously adopted on First Reading on July 2, 2024, recommend a proposal from Police Services and Planning, Development and Transportation (PDT), supported by the City Attorney's Office (CAO), and Municipal Court. This proposal stems from recent changes to Colorado law related to the expanded use of unmanned speed enforcement with Automated Vehicle Identification Systems (AVIS), on sections of roadways designated by the Council as speed corridors. The initiative's primary goal is to promote traffic safety through speed enforcement and supports Vision Zero, the Council's goal of eliminating Fort Collins roadway fatalities and reducing injury crashes.

11. **Items Relating to Golf Enterprise Expenses.**

A. First Reading of Ordinance No. 100, 2024, Appropriating Prior Year Reserves for the Golf Enterprise.

B. First Reading of Ordinance No. 101, 2024, Appropriating Prior Year Reserves in the Golf Fund for the Replacement of Necessary Systems at the Southridge and Collindale Golf Courses.

The purpose of these items is to consider an appropriation of \$730,930 from Golf Fund Reserves for necessary system replacement and an appropriation of \$350,000 from unanticipated excess revenue to the 2024 budget to address the additional costs in Golf primarily related to higher revenues.

12. **First Reading of Ordinance No. 102, 2024, Appropriating Prior Year Reserves in the Conservation Trust Fund for Park Planning and Development Funding Community Bike Park Feasibility and Community Engagement.**

The purpose of this item is to request an appropriation of \$70,000 to Park Planning and Development to conduct a community-scale bike park feasibility study as directed by Council at the June 11 Work Session. The feasibility study will include an evaluation of potential bike park locations, associated capital and on-going costs, identification of park amenities and features, and a community engagement process. This item is in response to public input from the 2021 Parks and Recreation Plan: Recreate, and recent significant community input.

13. **First Reading of Ordinance No. 103, 2024, Appropriating Philanthropic Revenue Received by City Give for the Renovation of the Historic Carnegie Library as Designated by the Donor.**

The purpose of this item is to request appropriation of \$100,000 in philanthropic revenue received by City Give for The Community Center for Creativity as designated by the donor.

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.

14. **First Reading of Ordinance No. 104, 2024, Appropriating Unanticipated Revenue in the Cultural Services and Facilities Fund for Artist and Musicians' Fees for Shows at the Lincoln Center.**

The purpose of this item is to consider an appropriation of \$644,000 in unanticipated revenue in 2024 for expenses related to Artists and Musicians Fees for LC Live shows at the Lincoln Center.

15. **First Reading of Ordinance No. 105, 2024, Making a Supplemental Appropriation of Funds from the Colorado Department of Public Health and Environment, Environmental Justice Grant for the Cultivating Community-Led Resilient Homes Project and Approving a Related Intergovernmental Agreement.**

The purpose of this item is to support the City's commitment to advancing equity and environmental justice for all Fort Collins community members by appropriating \$168,874 of unanticipated grant revenue awarded by the Colorado Department of Public Health and Environment (CDPHE) for the Cultivating Community-Led Resilient Homes project.

16. **Resolution 2024-091 Approving the Acquisition and Installation of a Public Asphalt Art Mural on Canyon Avenue.**

The purpose of this item is to approve the acquisition and installation of a work of art at the intersection of Canyon/Magnolia/Sherwood, which exceeds \$30,000 in cost. Council has previously appropriated \$25,000 (appropriated 5/7/24) from the Bloomberg Asphalt Art Innovations Grant which will be used to partially fund the installation. Additional funds to be used for this project will come from the Community Capital Improvement Program for Pedestrian

Sidewalk/ADA compliance and Bicycle Infrastructure Improvements, which will support the traffic calming elements of the project. The total project cost of \$56,500 will cover artist honorarium, materials, traffic plans, barricades, installation, ADA materials, site preparation striping and community engagement supplies.

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

Highlight the Explorer Program from Fort Collins Police Services.

The purpose of this item is to highlight and recognize the Fort Collins Police Services' Explorer Program for the volunteer services the members provide to Fort Collins Police Services and the community and to recognize the Explorers who recently participated in a national Explorer competition.

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.

17. Items Relating to the Civic Assembly Process.

A. First Reading of Ordinance No. 106, 2024, Appropriating Prior Year Reserves in the General Fund for a Civic Assembly Process in Relation to the Hughes Stadium Site.

B. Resolution 2024-092 Approving an Exception to the Competitive Purchasing Process to Procure Professional Services from Healthy Democracy Fund Related to a Civic Assembly Process for the Hughes Master Plan.

The purpose of this item is to appropriate one-time dollars in the amount of \$150,000 to be used for a Civic Assembly engagement process in relation to the Hughes Site Plan work. Staff is also requesting that City Council approve a sole source exception for Healthy Democracy Fund to

provide services related to the design, coordination and implementation of a civic assembly should grant revenue bring the project above \$200,000.

18. Items Relating to the Submission to the Voters of a Ballot Question Extending the Quarter-Cent Sales and Use Tax for the Street Maintenance Program.

The purpose of this item is to set the ballot language and refer the Street Maintenance Program tax renewal to the November 5, 2024, election.

A. Possible Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.

B. Resolution 2024-093 Submitting to the Registered Electors of the City at the November 5, 2024, Regular City Election the Question of the Extension of the Expiring Quarter-Cent Sales and Use Tax Used to Fund the City's Street Maintenance Program.

Any protest of the proposed ballot language must be received no later than Monday, July 17, 2024, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.

19. Resolution 2024-094 Regarding the City's Position on the Northern Integrated Supply Project.

The purpose of this item it to update and clarify the City's position on the Northern Integrated Supply Project (NISP) in light of current project status and the potential that Northern Water may seek a 1041 permit from the City.

20. Resolution 2024-095 Expressing Opposition to a Concrete Batch Plant Proposed within the City's Growth Management Area.

Larimer County is processing a development application for a proposed concrete batch plant near the intersection of Highway 287 and Terry Lake Road. Planning staff sent comments to County Planning staff on January 29, 2024. Planning staff commented that the development proposal does not align with the vision and plans for Fort Collins in this area. As such, Planning staff do not support the development proposal.

On July 2, 2024, City Council discussed the development proposal during Other Business and requested a resolution to formally express their opposition to the development project.

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. Possible Consideration of a Combined Motion for Executive Session:

“I move 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 the following:

1. specific legal questions related to oil and gas regulatory compliance and enforcement actions pending for the Fort Collins field; and
2. the manner in which the particular policies, practices or regulations of the City and existing or proposed provisions of federal, state or local law may affect oil and gas regulatory compliance and enforcement for the Fort Collins field.
3. 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.”

R) 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.

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