

March 4, 2025

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PROCLAMATIONS AND PRESENTATIONS

5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

PP 1. Declaring March 8, 2025 as International Women's Day.

PP 2. Declaring March 2025 as Fix-a-Leak Month.

Mayor Jeni Arndt presented the above proclamations at 5:00 p.m.

REGULAR MEETING

6:00 PM

B) CALL MEETING TO ORDER

Mayor Jeni Arndt called the regular meeting to order at 6:00 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado, with hybrid participation available via the City's Zoom platform.

C) PLEDGE OF ALLEGIANCE

Mayor Arndt led the Pledge of Allegiance to the American Flag.

D) ROLL CALL

PRESENT

Mayor Jeni Arndt
Councilmember Susan Gutowsky
Councilmember Julie Pignataro
Councilmember Tricia Canonico
Councilmember Melanie Potyondy
Councilmember Kelly Ohlson

ABSENT

Mayor Pro Tem Emily Francis

STAFF PRESENT

City Manager Kelly DiMartino
City Attorney Carrie Daggett
City Clerk Delynn Coldiron

E) CITY MANAGER'S AGENDA REVIEW

City Manager Kelly DiMartino provided an overview of the agenda, including:

- No changes to the published agenda.
- Items 1-19 on the Consent Calendar are recommended for adoption.
- Discussion Agenda items are due to split votes on respective First Readings.

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.)

Linda Hall requested the termination of the survey related to the Hughes Stadium site stating it has been corrupted. She stated she was selected as a community guide and commented on the two associated training sessions during which she discovered one of the other community guides was a professional actor who was an outspoken advocate for the cycling community. Hall stated she spoke to CSU about her disappointment with the process and spoke about the importance of collecting non-biased information. Additionally, Hall expressed support for a plan related to wild horse management on the site.

Rich Stave expressed questions regarding Item No. 3, *Second Reading of Ordinance No. 019, 2025, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Fort Collins Public Safety Services as Designated by the Donor*. He also noted the County already put in place a tax to fund the behavioral health facility. Additionally, Stave expressed concern about the opt-out fee for Republic trash services and questioned its legality. Further, he stated pdf files can be edited and questioned their placement in Council agendas.

Nicholas Sahwin spoke in support of the Connexion Workers' Coalition and its recognition by the City and City Manager. Sahwin stated an associated petition has collected over 400 signatures and stated they have yet to receive any information as to what it will take for the union to be recognized. He questioned whether Council is ignoring its employees and their interests and stated a framework is needed to assist in recognizing unions.

Robin (no last name given) spoke in support of the Connexion Workers' Coalition and stated the City needs to recognize the union. They also expressed concern about Transfort buses not giving priority to bicyclists at major intersections.

Jonah Salehi spoke in support of the Connexion Workers' Coalition and asked that the City recognize the union and develop a framework for City workers to unionize and achieve collective bargaining rights. He noted the firefighters' union was able to achieve its status without placing a question on the ballot.

Patricia Babbitt expressed concerns about the use of the civic assembly process for the use of the Hughes Stadium site stating the desire of voters was clear. She noted only Fort Collins voters were able to sign the petition that placed that question on the ballot, yet there is now an online survey that can be completed by anyone anywhere in the world. Additionally, she stated she has heard complaints about the accessibility of the survey from a technology and language perspective and questioned how objectively the responses will be interpreted. Babbitt also expressed concern about the transparency of the community guide aspect of the civic assembly process.

Public comment concluded at 6:19 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Canonico thanked the speakers and requested staff input regarding the civic assembly process. Assistant City Manager Rupa Venkatesh replied 26 community guides were selected and their role is to go out into the community to conduct conversations and surveys, though there was limited time for them to do that, which is why the same survey was made available to the public on the City's website. She stated CSU's Center for Public Deliberation will be collating the survey data for themes and perspectives, not in a numerical fashion. Following that, the information will be given to the Information Committee who will be meeting to determine what the assembly will receive. Additionally, the survey is available for anyone to take; however, there are safeguards to ensure people are not responding multiple times.

Councilmember Canonico requested staff input regarding Mr. Stave's questions about Item #3. City Manager DiMartino replied the jail cells were an original part of the building intended to be temporary holding cells, though they have never been used as such. The donation will allow for the space to be reworked into office space.

Councilmember Pignataro requested information regarding Mr. Stave's question about the pdf files and whether they are ever changed. Assistant City Clerk Amani Chamberlin replied City Council's agenda is published for every meeting, and there are no changes made to that published agenda after that time unless it went through an amendment process. Additionally, he noted all pdf files are 'flattened' into a single document which does not allow for editing.

Councilmember Potyondy requested someone from staff reach out to Ms. Hall regarding her concerns about the civic assembly process. Additionally, she noted the Hughes Stadium ballot language did not zone the property as Natural Areas, but as Public Open Lands for use as parks, recreation, and open lands, natural areas, and wildlife rescue and restoration.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the February 18, 2025 Regular meeting.

The purpose of this item is to approve the minutes of the February 18, 2025 Regular meeting.

Approved.

2. Second Reading of Ordinance No. 018, 2025, Appropriating Prior Year Reserves and Unanticipated Philanthropic Revenue Received by City Give for Various Programs and Services as Designated by the Donors.

This Ordinance, unanimously adopted on First Reading on February 18, 2025, appropriates \$88,371.82 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.

Adopted on Second Reading.

3. **Second Reading of Ordinance No. 019, 2025, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Fort Collins Public Safety Services as Designated by the Donor.**

This Ordinance, unanimously adopted on First Reading on February 18, 2025, appropriates \$450,000 in philanthropic revenue received by City Give from the Woodward Charitable Trust per the donor's designated purpose.

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.

Adopted on Second Reading.

4. **Second Reading of Ordinance No. 020, 2025, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Immigration Legal Fund, Neighborhood Services as Designated by the Donor.**

This Ordinance, unanimously adopted on First Reading on February 18, 2025, appropriates \$100,000 in philanthropic revenue received by City Give from the Colorado Health Foundation for the designated purpose of the Immigration Legal Fund.

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.

Adopted on Second Reading.

5. **Second Reading of Ordinance No. 021, 2025, Appropriating Prior Year Reserves of a Development Contribution to Construction and Authorizing Transfers of Appropriations for the Pedestrian Intersection Improvements Project and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on February 18, 2025, appropriates a development contribution to construction from the developer of The Standard at Fort Collins to the Pedestrian Intersection Improvements project (Project). The funds will be used for design and construction of pedestrian crossing improvements at West Prospect Road and Prospect Lane. If approved, this item will 1) appropriate \$20,000 received in 2018 as a development contribution to construction by an adjacent development and 2) appropriate \$200 (1%) of the development contribution to construction to the Art in Public Places (APP) program.

Adopted on Second Reading.

6. **Second Reading of Ordinance No. 022, 2025, Making a Supplemental Appropriation of a Development Contribution to Construction and Authorizing Transfers of Appropriations for the Willow Street Improvements – Linden Street to Lincoln Avenue Project and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on February 18, 2025, appropriates a development contribution to construction from the developer of the Bas Bleu Development to the Willow Street Improvements – Linden Street to Lincoln Avenue capital project (Project). The funds will be used for design services. If approved, this item will 1) appropriate \$29,545 received in 2025 as a development contribution to construction by an adjacent development and 2) appropriate \$295 (1%) of the development contribution to construction to the Art in Public Places (APP) program.

Adopted on Second Reading.

7. Second Reading of Ordinance No. 023, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves and Authorizing Transfers for the College Avenue - Trilby Road Intersection Improvements Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on February 18, 2025, provides supplemental appropriations for the College Avenue - Trilby Road Intersection Improvements Project (Project). The funds will be used for construction of improvements at the intersection of South College Avenue and Trilby Road. If approved this item will: 1) appropriate \$1,294,934 from the Stormwater Reserves fund; 2) appropriate \$1,139,824 from Fort Collins-Loveland Water District (FCLWD) funds; 3) appropriate \$28,838 South Fort Collins Sanitation District (SFCSD) funds; 4) appropriate the unanticipated revenues from the sale of real property at 945 East Prospect Road; 5) transfer \$1,600,000 in Community Capital Improvement Program (CCIP) Arterial Intersection Improvements funds; 6) transfer \$246,503 from the Suniga Improvements project; 7) appropriate \$265,393 in Transportation Capital Expansion Fee (TCEF) reserve funds; and 8) appropriate \$30,789 (1% of additional funding) from the Project to the Art in Public Places (APP) program.

Adopted on Second Reading.

8. Second Reading of Ordinance No. 024, 2025, Authorizing Transfers of Appropriations from the Laporte Avenue Bridges Project to the Laporte Avenue Multimodal Improvements Project.

This Ordinance, unanimously adopted on First Reading on February 18, 2025, transfers funding from the Laporte Avenue Bridges project (Bridges) to the Laporte Avenue Multimodal Improvements project (Project). If approved this item will transfer the remaining \$165,075 from the Bridges to the Project.

Adopted on Second Reading.

9. Second Reading of Ordinance No. 025, 2025, Removing a Condition on the Zoning Classification and Amending the Zoning Map of the City of Fort Collins for that Certain Property Known as the Second Fischer Rezoning.

This Ordinance, unanimously adopted on First Reading on February 18, 2025, removes the condition on the zoning of these two parcels, which condition was part of a 2020 rezoning into the current zone district.

This is a request to rezone 1185 and 1201 Westward Drive to remain in the current zone district, but to remove a previously approved condition for a specific parking requirement in potential future development. Such a condition is currently in place upon the zoning.

Adopted on Second Reading.

10. Second Reading of Ordinance No. 027, 2025, Annexing the Property Known as the Heritage Annexation to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on February 18, 2025, annexes a 24.84-acre property located northeast of the intersection of International Boulevard and Mexico Way. The Initiating Resolution was adopted on January 7, 2025. A related item to zone the annexed property is presented as the next item on this Agenda.

This annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexation, the City of Fort Collins City Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreement Regarding Growth Management.

Adopted on Second Reading.

11. Second Reading of Ordinance No. 028, 2025, Amending the Zoning Map of the City of Fort Collins, Classifying for Zoning Purposes the Property Included in the Heritage Annexation to the City of Fort Collins, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and the Lighting Context Area Map.

This Ordinance, unanimously adopted on First Reading on February 18, 2025, zones the property included in the Heritage Annexation into the Employment (E) zone district and place the property into the appropriate Non-residential Sign District and the LC1 Lighting Context Area.

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.

12. Items Relating to Election Code Changes.

- A. *Second Reading of Ordinance No. 029, 2025, Amending 7-145 of the Code of the City of Fort Collins to Clarify and Revise the Process for Enforcement of Campaign Violations.*
- B. *Second Reading of Ordinance No. 030, 2025, Amending Article V of Chapter 7 of the Code of the City of Fort Collins to Clarify and Revise the Restrictions and Requirements Related to Campaign Contributions in City Elections.*
- D. *Second Reading of Ordinance No. 032, 2025, Amending Section 7-165 of the Code of the City of Fort Collins to Clarify and Revise the Requirements for Petition Circulators.*
- E. *Second Reading of Ordinance No. 033, 2025, Amending Chapter 7 of the Code of the City of Fort Collins to Update Various Sections Related to City Elections for Consistency with the City Charter and Within Chapter 7.*

These Ordinances, unanimously adopted on First Reading on February 18, 2025, adopt amendments to the City Election Code. Ordinance No. 031 (C.) will be presented for second reading adoption under discussion due to a split vote.

A change was made to Ordinance No. 030, 2025 on First Reading with an amendment substituting in Section 2 of the Ordinance, which amends Code Section 7-135(a), "for Denver-Aurora-Lakewood" in the place of "Denver-Boulder-Greeley." This change has been incorporated into the Second Reading version that was published.

In 2015, Council formed an ad hoc committee (Election Code Committee) to review, discuss and recommend the most beneficial changes to the Code and City Charter regarding elections and other related matters. The ad hoc committee was changed to a standing committee in January 2017 for the purpose of identifying and evaluating ideas for improvements to City election laws and practices and anticipating adjustments that may be needed to adapt to a changing legal and technological environment. These items are coming forward for Council consideration based on recommendations by that Committee.

All Ordinances Adopted on Second Reading.

13. First Reading of Ordinance No. 026, 2025, Declaring Certain City-Owned Property at Pelican Marsh Natural Area as Right-of-Way and Approval of Financial Compensation to the Natural Areas Fund.

The purpose of this item is to declare approximately 0.073 acres of Pelican Marsh Natural Area as Right-of-Way (ROW) for the US 287 and Triangle Drive Signal Installation (Project).

The Project would install a new traffic signal, perform utility relocations, and make active modes improvements at the intersection of US 287 and Triangle Drive. The Project would also stripe existing pavement for a northbound left and southbound right turn lanes onto Triangle Drive from US 287. All active modes improvements will meet Americans with Disabilities Act (ADA) requirements and provide pedestrian and bicycle connections between the Ridgewood Hills and Shenandoah neighborhoods west of US 287 to the Lakeview on the Rise Subdivision east of US 287. Pursuant to the Natural Areas Easement Policy (adopted by Council in 2012), adjustments were made to the proposal to minimize impacts to the natural resources, and Engineering will compensate Natural Areas for the property rights (including right of way) needed for the Project.

Adopted on First Reading.

14. Items Relating to Development Contributions to Construction from The Landing at Lemay Development.

A. *First Reading of Ordinance No. 034, 2025, Appropriating a Development Contribution to Construction and Authorizing Transfers of Appropriations for the Cordova Road Corridor Project and Related Art in Public Places.*

B. *First Reading of Ordinance No. 035, 2025, Appropriating a Development Contribution to Construction and Authorizing Transfers of Appropriations for the Vine and Lemay BNSF Overpass Project and Related Art in Public Places.*

The purpose of this item is to appropriate development contributions from The Landing at Lemay development project to the Cordova Road Corridor (Cordova) and Vine and Lemay BNSF Overpass (Vine/Lemay) capital projects. If approved, this item will: 1) appropriate \$226,564 received in 2025 from The Landing at Lemay as a development contribution to construction by an adjacent development to the Cordova project; 2) appropriate \$2,266 (1%) of the development contribution to construction to the Art in Public Places (APP) program; 3) appropriate \$290,163 received in 2025 from The Landing at Lemay as a development contribution to construction by an adjacent development to the Vine/Lemay project; and 4) appropriate \$2,902 (1%) of the development contribution to construction to the Art in Public Places (APP) program. This item also apprises Council of the transfer of \$7,941 (3% of \$264,708) to the Transportation Capital Expansion Fee (TCEF) reserves fund for administering a Landing at Lemay payment to Capstone Cottages, Capstone Collegiate Communities – Fort Collins LLC.

Both Ordinances Adopted on First Reading.

15. First Reading of Ordinance No. 036, 2025, Appropriating a Development Contribution to Construction and Authorizing Transfers of Appropriations for the College Avenue-Drake Road Intersection Improvements Project and Related Art in Public Places.

The purpose of this item is to appropriate a development contribution for construction from the King Soopers 146 – Midtown Gardens Marketplace Development to the College Avenue-Drake Road Intersection Improvements project (Project). The funds will be used for design services. If approved, this item will: 1) appropriate \$100,265 received in 2025 as a development contribution to construction by an adjacent development and 2) appropriate \$1,003 (1%) of the development contribution to construction to the Art in Public Places (APP) program.

Adopted on First Reading.

16. First Reading of Ordinance No. 037, 2025, Making a Supplemental Appropriation and Authorizing Transfer of Appropriations for the Gardens on Spring Creek Internship Program.

The purpose of this item is to support the Gardens on Spring Creek internship program by:

- Appropriating \$9,800 of unanticipated grant revenue awarded by the Colorado Department of Agriculture (CDA) and*
- Utilizing matching funds in the amount of \$9,800 from existing 2025 appropriations into these new grant projects.*

In January 2025 the CDA awarded the City a total of \$9,800 under the CDA's Agricultural Workforce Development Grant Program (AWDP). The Garden's Internship Program aligns with the objective of the AWDP in addressing the shortage of skilled agricultural workers in Colorado by providing training and support through internships. The City will be providing an additional \$9,800 in required matching funds. The award funds and City's matching funds will support hiring two interns for the Garden's' summer 2025 internship program.

The \$9,800 in funds through the CDA's Agricultural Workforce Development Grant Program are state funds and are pursuant to two separate State of Colorado purchase orders, with corresponding terms and conditions. Each award/purchase order provides up to \$4,900 for each paid internship provided through the Garden's summer 2025 internship program. There is no requirement that the City sign an agreement for either award. Rather, upon the City submitting the first request for reimbursement under each award/purchase order to CDA, the City agrees to all terms and conditions of the award.

Adopted on First Reading.

17. Items Relating to the Fort Collins Police Services Victim Services Unit.

- A. First Reading of Ordinance No. 038, 2025, Making a Supplemental Appropriation of Funds Received from the Eighth Judicial District Victim Assistance and Law Enforcement Board in the General Fund for the Fort Collins Police Services Victim Services Unit.*
- B. First Reading of Ordinance No. 039, 2025, Making a Supplemental Appropriation of Funds Received from the Colorado Division of Criminal Justice Under the Federal Victim of Crime Act in the General Fund for the Fort Collins Police Services Victim Services Unit.*

The purpose of these items is to help fund the Victim Services Unit of Fort Collins Police Services for victim advocacy services which are required under the Colorado Victim Rights Amendment for victims of crime and their family members.

The Victim Services Unit has been awarded a \$70,000 VALE grant for the period from January 1, 2025, to December 31, 2025. The VALE grant is awarded through the Eighth Judicial District Victim Assistance and Law Enforcement (VALE) Board to help fund services provided by the Victim Services team. This grant will fund 75% of the salary for a full-time contractual 40-hour per week victim advocate.

The Victim Services Unit has also been awarded a 12-month grant in the amount of \$17,505 for the period from January 1, 2025, to December 31, 2025, by the Colorado Division of Criminal Justice under the Federal Victim of Crime Act (VOCA). This grant will help fund services provided by the Victim Services Unit. These funds will be used to pay 25% of the salary for the victim advocate who provides crisis intervention services for sexual assault victims between the school ages of kindergarten through 12th grade.

Both Ordinances Adopted on First Reading.

18. **First Reading of Ordinance No. 040, 2025, Approving the Intergovernmental Agreement Between the City of Fort Collins and the Fort Collins, Colorado, Downtown Development Authority Governing the Use of a Line of Credit for the Financing of Downtown Development Authority Projects and Programs and Delegating to the Downtown Development Authority Thereunder the Power to Incur Debt in Relation Thereto as Authorized by State Law.**

The purpose of this item is to approve an ordinance to approve and authorize the Mayor to sign an intergovernmental agreement between the City and Downtown Development Authority (DDA) that will govern the processes for administering a line of credit for financing DDA projects and programs for a six-year term from 2025 through 2030 and a maximum pre-draw limit of \$5 million.

The current Line of Credit (LOC) established in 2012 and renewed in 2018 by the City on behalf of the DDA expired at the end of 2024. The City and DDA began taking steps in early 2024 to renew this debt instrument with First National Bank of Omaha (FNBO) for another six-year term, as it will be needed by the DDA to execute its projects and programs beginning in budget year 2025 and continuing through 2030. The renewal of the bank authorized Line of Credit is needed by the DDA to satisfy compliance with C.R.S. § 31- 25-807(3)(a)(II).

On November 6, 2024, the Council Finance Committee reviewed the purpose and approach for bringing forth a third IGA to accommodate the DDA's authorization to use a Line of Credit and satisfy compliance with C.R.S. § 31- 25-807(3)(a)(II). The Council Finance Committee was supportive of advancement of the IGA to Council.

On February 13, 2025, the DDA Board adopted Resolution 2025-02 authorizing the DDA's approval of the IGA and the line of credit promissory note from First National Bank of Omaha. The IGA is now advanced to Council and pursuant to the DDA Act requires adoption by ordinance.

Adopted on First Reading.

END OF CONSENT CALENDAR

Councilmember Pignataro moved, seconded by Councilmember Potyondy, to approve the recommended actions on items 1-19 on the Consent Calendar.

The motion carried 6-0.

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

Councilmember Pignataro asked about the Land Conservation and Stewardship Board's discussion related to Item No. 13, *First Reading of Ordinance No. 026, 2025, Declaring Certain City-Owned Property at Pelican Marsh Natural Area as Right-of-Way and Approval of Financial Compensation to the Natural Areas Fund*. Katie Donahue, Natural Areas Director, replied the Board had a number of questions, including concerns related to setting a precedent. She noted there is a process for how projects like this get reviewed and staff did clarify that process was fully followed. She noted the Board meeting minutes provided were in draft form and additional detail will be provided.

Councilmember Canonico commended the work of the mental health response team in the community and thanked Woodward Charitable Trust for recognizing that work and for the generous donation to make that work more robust, per Item No. 3, *Second Reading of Ordinance No. 019, 2025, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Fort Collins Public Safety Services as Designated by the Donor*.

Councilmember Potyondy concurred and noted the mental health response team provides services that are different from and complimentary to the work being done at the County mental health facility. She also thanked staff for the balance that was found related to the Pelican Marsh item.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Mayor Jeni Arndt

- Attended the ICLEI board meeting in San Francisco and stated she now represents Fort Collins as a board member.

Councilmember Tricia Canonico

- All Councilmembers have been involved in Boards and Commissions interviews – thanks to all who applied, to the City Clerk’s Office, and Public Engagement Specialist Davina Lau for their support in the process.
- Attended the CML Legislative Workshop in Denver.

Councilmember Julie Pignataro

- Thanked those who applied for Boards and Commissions openings.

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

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

20. Second Reading of Ordinance No. 017, 2025, Adopting Rooted in Community, Fort Collins’ Urban Forest Strategic Plan as a Component of City Plan.

This Ordinance, adopted on First Reading on February 4, 2025, by a vote of 6-1 (Nay: Ohlson) adopts Rooted in Community, Fort Collins’ first Urban Forest Strategic Plan.

The Second Reading of this item was delayed to March 4, 2025, to allow the Planning and Zoning Commission to provide a recommendation during their meeting on February 20, 2025.

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 PRESENTATION

None.

PUBLIC COMMENT

None.

COUNCIL DISCUSSION

Councilmember Ohlson stated he would be voting against this item again, but thanked staff for the memo on tree replacement. He commented on the importance of tree replacement in commercial and industrial zones.

Councilmember Ohlson stated he opposed the item, and will again vote against it, because it is unacceptable that the vested economic interests are the ones that are going to have the most impact on what comes to Council for potential policy changes.

Councilmember Pignataro moved, seconded by Councilmember Canonico, to adopt Ordinance No. 017, 2025, Adopting Rooted in Community, Fort Collins' Urban Forest Strategic Plan as a Component of City Plan, on Second Reading.

The motion carried 5-1.

Ayes: Mayor Arndt, Councilmembers Canonico, Gutowsky, Pignataro, and Potyondy.

Nays: Councilmember Ohlson.

21. Second Reading of Ordinance No. 031, 2025, Amending Section 7-103 of the Code of the City of Fort Collins to Remove Write-In Candidates in City Elections.

This Ordinance, adopted on First Reading on February 18, 2025 by a vote of 5-2 (Nays: Ohlson, Gutowsky), adopts an amendment to section 7-103 of City Code to remove write-in candidates in City Elections. Ordinance Nos. 029, 30, 32, 33 are being presented on second reading on the consent calendar (see item 12) because they were adopted unanimously on First Reading.

In 2015, Council formed an ad hoc committee (Election Code Committee) to review, discuss and recommend the most beneficial changes to the Code and City Charter regarding elections and other related matters. The ad hoc committee was changed to a standing committee in January 2017 for the purpose of identifying and evaluating ideas for improvements to City election laws and practices and anticipating adjustments that may be needed to adapt to a changing legal and technological environment. These items are coming forward for Council consideration based on recommendations by that Committee.

STAFF PRESENTATION

Cecilia Good, Senior Deputy City Clerk, discussed the requirements for nomination petitions to have a name added to the ballot, including having 25 signatures 70 days prior to the election. She noted write-in candidates do not currently require a nomination petition or signatures, just an affidavit of intent to run 64 days prior to the election, which in this year's election cycle would actually be 67 days prior due to the Labor Day holiday.

PUBLIC COMMENT

Rich Stave mentioned the City Clerk is not an elected position and stated write-in candidates represent the fundamental form of the democratic process. He expressed some concern about ranked choice voting and stated write-in candidates should be allowed.

COUNCIL DISCUSSION

Councilmember Ohlson asked if the Charter and Code include conflicting language related to whether a write-in candidate who won could not actually be seated. Mayor Arndt replied there is some difference of opinion on that; however, that is the language in the Charter.

Councilmember Ohlson stated he would like to see a follow-up process to allow for write-in candidates again via a Charter language change.

Councilmember Potyondy stated the language is ambiguous enough that the seating of a write-in candidate could be contested.

Councilmember Ohlson asked if there is a commitment or desire to create a process in the future that is not ambiguous or conflicting to add write-in candidates back into the process. Mayor Arndt replied that is fine with her; however, she did not want to bind any future Council. She added that the only difference between a nominated candidate and a write-in candidate is the 25 signatures and nomination petition 70 days prior to the election. She also noted that the ranked choice voting ballot would include blank lines for the number of people who filed an affidavit to be a write-in candidate.

Councilmember Potyondy noted Fort Collins does not use a system that allows for any name to be written on the ballot as a candidate must register in some form, either with or without the 25 signatures. City Clerk Coldiron confirmed there would be no blank line on a ballot if no write-in candidate affidavits are filed.

Councilmember Canonico noted allowing write-in candidates would increase the complexity of the election and may hinder having an accurate, trustworthy election.

Councilmember Ohlson stated he would like to keep the process as is given there is some ambiguity in the language. He stated he would like to see ballots include a blank line for a candidate that did not complete an affidavit.

Councilmember Pignataro provided her support for the City Clerk's Office and commented on the good work that is done in the office.

Councilmember Gutowsky stated that after hearing the discussion, she would be supporting it on Second Reading with the hope that a Charter change could be considered in the future.

Councilmember Pignataro moved, seconded by Councilmember Gutowsky, to adopt Ordinance No. 031, 2025, Amending Section 7-103 of the Code of the City of Fort Collins to Remove Write-In Candidates in City Elections, on Second Reading.

The motion carried 5-1.

Ayes: Mayor Arndt, Councilmembers Canonico, Gutowsky, Pignataro, and Potyondy.

Nays: Councilmember Ohlson.

P) RESUMED PUBLIC COMMENT

None.

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.)

None.

R) ADJOURNMENT

Mayor Arndt noted there will be no Council meeting next week due to the National League of Cities conference.

There being no further business before the Council, the meeting was adjourned at 6:55 p.m.

Mayor

ATTEST:

City Clerk