

February 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

None scheduled.

**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 Jeni Arndt led the Pledge of Allegiance to the American Flag.

D) ROLL CALL

PRESENT

Mayor Jeni Arndt
Mayor Pro Tem Emily Francis
Councilmember Susan Gutowsky
Councilmember Julie Pignataro
Councilmember Tricia Canonico
Councilmember Melanie Potyondy
Councilmember Kelly Ohlson

STAFF PRESENT

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

Councilmember Ohlson noted that due to a medical issue he would be watching from the Council conference room and would rejoin the meeting after public comment.

E) CITY MANAGER'S AGENDA REVIEW

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

- Corrected exhibit added to Ordinance No. 014, 2025 for Item No. 10, *Items Relating to the 2025 City Classified Employee Pay Plan as Provided in the Collective Bargaining Agreement with the Fraternal Order of Police.*
- Need to withdraw Item No. 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*, for individual consideration as Mayor Arndt needs to recuse herself.
- Items 1-13, minus 4, on the Consent Calendar recommended for adoption.
- For Item No. 14, staff is requesting Council amend *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* to address conflicting definitions.
- Possible Executive Session to discuss strategic matters related to Connexion.

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.)

Ryan Call discussed plastic pollution and stated he has worked on dozens of waste-related campaigns. Call expressed support for any action the City can take to reduce single-use plastics and packaging as recycling is not going to be sufficient.

Roxanne Griffin shared a slide entitled “Refills Not Landfills” and expressed support for 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*, which aligns with the State’s Plastic Pollution Reduction Act. Griffin discussed efforts to eliminate single-use water bottles and encouraged the City organization to make a formal commitment to eliminate their use.

Mary Anderson supported the “Refills Not Landfills” efforts and 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*. Anderson discussed microplastics, the ways in which individuals are exposed to them, and their negative health impacts. Anderson also discussed mitigation measures that minimize exposure and urged Council to ban single-use plastic items under gallon size.

Guy Turenne supported the “Refills Not Landfills” efforts and provided information regarding the impacts of microplastics on fish and therefore on individuals who consume them as part of their diet. Turenne urged Council to approve 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* as a step in the right direction toward climate and health goals.

Psyche Spangler stated she is proud of the City’s sustainability efforts and encouraged Council to adopt 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* and form a plan to phase out single-use plastic water bottles under a gallon size. Spangler discussed the negative impacts of microplastics on individuals, wildlife, and waterways.

Kimberly Inez Miller applauded the City for banning single-use plastic bags noting there are cost-effective replacements. Miller stated the same is true for water bottled in plastic and noted plastic continues to impact the health of individuals and the environment. Miller urged Council to adopt 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*.

Elizabeth Mahon commented on the Urban Forestry Plan and expressed support for most of the Plan, including planting trees along streets to reduce speeding; however, she expressed concern that those trees could cause visibility issues and urged the City to keep that in mind.

Jerry Gavaldon discussed the year-end report from the Museo de las Tres Colonias noting over 1,000 people attended events throughout the year. Gavaldon stated the Museo will be doing a spring planting of vegetables and flowers again, provided Thanksgiving packages to 21 families in the area in conjunction with the Rotary Club, and provided school supplies for various families with the help of Ray Martinez and other community members.

Rich Stave shared frustration about the Republic trash service and being charged for services he is not receiving. He stated the arrangement is inflexible and questioned what would happen for individuals who may be out of town and not see the bill. Stave stated 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* is inflationary, inconvenient, and prejudicial.

Kimberly Conner discussed the new federal administration and attack on individuals' rights that has been causing mass panic and fear. Conner urged Council to take necessary risks to stand up for people's rights and to keep Fort Collins safe.

Gailmarie Kimmel discussed the need to reduce plastic pollution and urged Council to adopt 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*. Kimmel also urged Council to ban single-use plastics under one gallon size and discussed the plastic pollution in oceans.

Karen Rose, Fossil Creek Meadows HOA Chair, discussed the intersection at Fossil Ridge Drive and Fossil Ridge Drive West, which is dangerous during winter snows and has resulted in several vehicles sliding down a slope into 5336 Fossil Ridge Drive. She urged Council to have the City build a barrier in the location to prevent this from occurring.

Ethnie Treick urged Council to adopt 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* and ban single-use plastics under one gallon in size. Treick discussed the negative impacts of plastic pollution and noted Colorado's plastic recycling rate is low.

Nicholas Sahwin spoke in support of the Connexion Workers' Coalition stating unions offer protections against fascists and provide an economic and social platform to those who may not otherwise have a voice. He stated the City has a moral responsibility to help create a municipal government that protects people in Fort Collins. Additionally, Sahwin urged Council to move forward with a ballot measure similar to Denver's 2U initiative.

Summer Karge spoke in support of the Connexion Workers' Coalition and requested the City recognize the union and move forward with a ballot measure like Denver's 2U initiative.

August-Carter Nelson spoke in support of the City recognizing the Connexion Workers' Coalition and commented on an item on the legislative policy agenda which relates to opposing proposals that require a municipality to collectively bargain with its employees. Nelson also spoke in support of reducing single-use plastics.

Trevor Rothanzl spoke in support of the Connexion Workers' Coalition and encouraged the City to move forward with a ballot item like Denver's 2U. Rothanzl also discussed the legislative policy agenda item and expressed support for reducing single-use plastics.

Laura (no last name given) spoke about the importance of interconnectedness and urged the City to stop criminalizing members of the unhoused community.

Kaori Keyser spoke in support of the Connexion Workers' Coalition and urged the City to recognize the union and introduce something like Denver's 2U. Keyser also questioned the legislative policy agenda item.

Greg Zoda spoke in support of the "Refills Not Landfills" efforts and urged the City to recognize the Connexion Workers' Coalition. Zoda stated the City Manager is union busting and is urging Council to follow in that direction. He commented on the City's training related to creating a workplace that does not need unions.

Jonah Salehi spoke in support of the Connexion Workers' Coalition and asked the City to recognize the union and bargain with these employees. Salehi expressed his frustration with the City not engaging in collective bargaining and urged Council to move forward with a ballot measure like Denver's 2U initiative.

Harry Strharsky supported reducing single-use plastic items in the community and urged Council to adopt 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*. Strharsky discussed the negative impacts of microplastics and shared impacts to humans, wildlife, land and water.

Renga Subramanyam spoke in support of reducing single-use plastic items in the community and discussed the negative impacts of plastics, including health issues for humans. Subramanyam urged Council to ban single-use plastic bottles.

Public comment concluded at 7:08 pm.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Ohlson stated he would be pulling Item No. 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*, to ask some questions.

Councilmember Canonico requested staff input regarding the Fossil Creek HOA roadway item. City Manager DiMartino replied staff will follow up.

Councilmember Potyondy thanked those who spoke and stated she looks forward to the discussion on plastics. She also thanked Jerry Gavaldon for highlighting the work of the Museo, thanked Laura for her comments, and requested additional information regarding the piece of the legislative policy agenda that was referenced. Deputy City Manager Tyler Marr replied that the human resources section of the policy agenda was modified after the 2022 legislative session and the passage of Senate Bill 230 which granted automatic collective bargaining rights to County employees. He noted the City had opposed that Bill in its original form as it included municipalities, and the section of the policy agenda remains in place.

Councilmember Pignataro asked if staff could address the street tree issue that was discussed and stated she was looking forward to discussing plastics.

Councilmember Gutowsky thanked the speakers who spoke regarding the plastics issue. She also thanked Jerry Gavaldon for his report on the Museo and commented on some of the improvements that have been made there since he became President.

Councilmember Potyondy requested additional information regarding avenues that may be available to address the legislative policy agenda. Deputy City Manager Marr replied a resolution could be brought before Council should it wish to take a stance on an issue when a related bill is introduced.

Councilmember Potyondy expressed interest in the City taking a deeper look at the language since other legislation has been approved recently.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

Councilmember Ohlson withdrew Item No. 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*, from the Consent Calendar.

Mayor Arndt noted Item No. 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*, was withdrawn by staff to allow for her recusal.

J) CONSENT CALENDAR

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.

Removed from Consent Calendar – Adopted on Second Reading.

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.

Removed from Consent Calendar – Adopted on First Reading.

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.

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 on First Reading.

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.

All Resolutions adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Ohlson, to approve the recommended actions on items 1-13, minus 4 and 9, on the Consent Calendar.

The motion carried 7-0.

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

None.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Mayor Jeni Arndt

- Attended Destinations International Conference with the Executive Director and Board Chair of Visit Fort Collins – impressed by the work of Visit Fort Collins in being welcoming to tourists while still providing for residents to not feel overwhelmed.

Councilmember Melanie Potyondy

- Announced a listening session Saturday at the Harmony Library at 10:00 a.m.
- Acknowledged the hard work of Sarah Kane who took her place in reading a proclamation at Moby Arena during a CSU basketball game.

Councilmember Susan Gutowsky

- Attended the ribbon cutting at the new King Soopers opened on South College Avenue at the old K-Mart site.
- Attended the Fort Collins Police Services award ceremony.

Councilmember Tricia Canonico

- Attended the Colorado Preservation, Inc. Saving Places Historic Preservation conference – keynote speaker was a retired judge from Denver whose grandfather helped start one of the few Colorado resorts for Black individuals in the 1920’s. Attended sessions on how historic

preservation can be used to preserve and bring about more affordable housing in communities and on funding that is available for brownfield development.

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.

(Secretary's Note: Mayor Arndt withdrew from the discussion on this item due to a conflict of interest.)

Councilmember Pignataro moved, seconded by Councilmember Canonico, to adopt 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, on Second Reading.

The motion carried 6-0. (Recused: 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.

PUBLIC COMMENT

Shirley Whiting spoke in support of the item and noted research has shown that the amount of microplastics in human brains has increased by 50% over the past eight years.

Ellen Richie commented on the need to move in a positive way and noted the plastic bag ban was successful. Richie stated it is important for the City to move forward with this item as it is something that can be controlled.

Doug Simons stated plastics have impacted our lives in countless ways, mostly positively; however, with the evidence of microplastic health and environmental issues, it seems an intelligent choice to limit plastic use and ban single-use plastics.

COUNCIL DISCUSSION

Councilmember Ohlson commented on the research related to microplastics in human brains increasing by 50% over the past eight years. He questioned why no formal recommendation was sought from the Natural Resources Advisory Board and commented on the fact that many items do not include Boards and Commissions recommendations. He discussed the money from the paper bag fee that was remitted to the City noting some of that money was to be spent on programs. He questioned whether those dollars going towards ensuring compliance are still necessary given the 100% compliance rate and discussed a mention of hiring an individual in Environmental Services to oversee compliance.

Amy King, Environmental Services Director, stated the road to getting to 100% compliance involved a great deal of business outreach and work with the tax office to ensure proper reporting. King stated a new position was changed from contractual to FTE classified in the recent budget using restricted revenue from the disposable bag ordinance and that position is meant to help install the best processes in education around this proposed plastic ban which would include retailers and restaurants.

Councilmember Ohlson commented on being involved in the creation of the then Natural Resources Department and requested information as to what the grocers are doing with their 40% share of the disposable bag ordinance fees. He questioned why he has not seen much product out of the Environmental Services Department around plastics. Jacob Castillo, Chief Sustainability Officer, replied movement has been made on waste reduction and recycling, particularly related to plastics, and asked what type of product would be helpful. Councilmember Ohlson stated it would be helpful to seek input from the Natural Resources Advisory Board and stated he would attempt to come up with a more specific recommendation.

King stated staff will follow-up and noted her department has strengthened relationships with other municipalities related to this.

Mayor Pro Tem Francis expressed support for the FTE position and asked if approving this ordinance would allow for a future ban on single-use plastics. Castillo replied in the affirmative noting this would open the door for that action, but it does not include it.

Councilmember Pignataro asked if this item did not go before the Natural Resources Advisory Board as the purpose of the Ordinance is simply to change the Code to align with the State's Plastic Pollution Reduction Act (PPRA). Castillo replied in the affirmative.

Councilmember Pignataro asked about the work that has been done around the Council priority of accelerating zero waste. Castillo replied waste reduction and recycling with a component focused on plastics will be discussed at the April 8th work session. He noted much of the work in the plastics spaces has been in preparation for PPRA compliance and associated work with retailers and restaurants.

Councilmember Potyondy noted the Ordinance includes a provision expanding to address single use polystyrene carry-out containers and asked if there are any provisions in either the State legislation or the local Ordinance that would curtail replacement of polystyrene with an additional single-use plastic. Ted Hewitt, Assistant City Attorney, replied the State legislation and the City Ordinance are limited to regulating expandable polystyrene and do not impact other forms of plastic that are used as food containers. He noted Council could add additional types of plastic to restrict.

King stated options that are recyclable or compostable can be identified and stated it would be valuable to be deliberate about choosing any next product to be banned or limited. Councilmember Potyondy suggested that could be a good topic for the April 8th work session.

Councilmember Canonico expressed support for this item and requested some consumer education be associated with efforts moving forward.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt 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, on First Reading.

The motion carried 7-0.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

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.***

PUBLIC COMMENT

Rich Stave opposed this ordinance specifically citing increased utility requirements and increased costs associated with basic services such as police, fire, and Code enforcement. He stated there are impacts to him from neighbors, including parking, insurance, and neighborhood conflicts. Additionally, he stated the City collects fees from development, but the onus is on property owners to pick up the slack when things happen. Stave questioned why the City is moving forward with these changes.

COUNCIL DISCUSSION

Councilmember Pignataro requested staff input regarding some of the changes that have occurred since First Reading. Noah Beals, Development Review Manager, replied the changes added clarity to definitions and to the fact that a single-unit dwelling could add an attached accessory dwelling unit (ADU).

Councilmember Ohlson requested clarification regarding the intent of the Planning and Zoning Commission related to having utilities, water, or sewer services in an accessory building. Beals replied that was brought forth as an item to help ensure accessory structures are safe and, if they have utilities, water, or sewer services should just be considered an ADU. However, currently, an ADU comes with additional capital expansion fees and development review fees, and the Planning and Zoning Commission did not feel it was appropriate to add that burden to projects that are just adding water and sewer for garages or studios, et cetera. Therefore, staff removed that from the recommendation for this item. He stated staff plans to bring the topic of making a clear distinction between an accessory building with water service and an ADU to the March work session.

Councilmember Ohlson asked why the primary building size went from 1,335 to 1,667. Clay Frickey, Planning Manager, replied the State statute requires permitting accessory dwelling units

between 500 and 750 square feet and the primary building size change allows for the percentages to align with the State requirements.

Councilmember Gutowsky asked if both items are included in a single vote, and that was confirmed. She stated she voted yes on First Reading; however, she has reconsidered that given concerns about removing parking minimums she has heard from constituents.

Mayor Arndt noted this item does relate to alignment with State statute as required by law and stated she would support the item as amended.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt 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, with the following amendment: that Section 22 of Ordinance No. 009, 2025, be amended as follows: one, to the definition of accessory dwelling unit (ADU) detached, add to the end of the second sentence the words ‘as provided in Section 3.1.9,’ two, to add to the definition of accessory dwelling unit (ADU) attached, add to the end of the first sentence the words ‘and attached thereto,’ and add to the end of the second sentence the words ‘as provided in Section 3.1.9,’ three, add to the end of the current Land Use Code definition, dwelling, single-unit, and the phrase ‘whether or not it also contains an attached accessory dwelling unit,’ four, add to the current Land Use Code definition of dwelling, single-unit detached, before the phrase ‘by any means,’ a comma and the phrase ‘whether or not it also contains an attached dwelling unit,’ and five, add to the end of the current Land Use Code definition of dwelling, two-unit, a comma and the phrase ‘not considering any attached accessory dwelling units and meeting the description of a duplex under Section 3.1.5.’

The motion carried 5-2.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Pignataro, Canonico, and Potyondy.

Nays: Councilmembers Ohlson and Gutowsky.

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.

STAFF PRESENTATION

Dean Klingner, Community Services Director, noted this presentation is very similar to that heard by Council at a work session.

Kendra Boot, City Forester, commented on the community engagement process for the Urban Forest Strategic Plan and discussed the importance of trees in the community and the ways in which they support Council priorities related to climate adaptation and mitigation, making active modes of transportation more comfortable, and providing access to recreation and nature. Boot noted staff is recommending adoption of the Urban Forest Strategic Plan as a component of City

Plan and stated staff will be seeking a recommendation from the Planning and Zoning Commission at its next meeting with Second Reading going before Council in early March.

PUBLIC COMMENT

Adam Hirschhorn commented on the acceleration of climate change and the importance of protecting the existing trees to create a more complete interaction of the ecosystems.

COUNCIL DISCUSSION

Councilmember Pignataro requested staff input regarding collaboration with other departments, including Streets. Boot replied Fort Collins is over 150 years old and many Old Town intersections have trees that predated stop signs; however, today, there are efforts through the development review process regarding not planting trees within the site triangle at stop signs or too close to a stop sign or signal. Boot also noted there are staff enforcing those regulations within developments as well.

Councilmember Ohlson thanked staff for their hard work on this effort and stated his concerns are organizational, not individual or departmental. He stated it has taken too long for this and other public good work to occur, yet policies that support developers seem to occur right away. He stated there was too much special interest involved and there are no changes to the tree protection standards, which he wanted to see. He opposed the language related to utilizing feedback from frequent Code users and stated tree users, including wildlife with no voice, are not represented. Councilmember Ohlson stated his comments are not directed at staff, but rather the organization and senior management and he will be opposing the item.

Councilmember Gutowsky thanked staff for the work that has been done and asked about the protections that exist for the larger trees in the community. Boot replied the tree protection and tree mitigation policy is forthcoming and noted staff is attempting to parallel that work with the work around the commercial corridors in the Land Use Code. She stated staff is anticipating a work session in the second quarter.

Councilmember Gutowsky commended the meandering sidewalk at the new King Soopers that incorporated the existing trees.

Mayor Arndt commended the work that has been done on this complex topic and stated this Plan will ensure the beauty of the city will remain. Boot noted there is funding to plant an additional 1,000 trees each year, hopefully for ten years.

Mayor Pro Tem Francis thanked staff for their work on this Plan and stated it is important to have a strategic plan to help prioritize the effective use of resources. She stated it is important to include the Code users as part of those providing input.

Councilmember Canonico thanked staff as well and stated staff has been responsive to what Council has asked for.

Mayor Pro Tem Francis 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 First Reading.

The motion carried 6-1.

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

Nays: Councilmembers 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.)

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

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, 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.

The motion carried 7-0.

R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 9:35 p.m.

Mayor

ATTEST:

City Clerk