

March 19, 2024

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 2024 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 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 Kelly Ohlson
Councilmember Melanie Potyondy

STAFF PRESENT

City Manager Kelly DiMartino
City Attorney Carrie Daggett
Interim City Clerk Heather Walls

E) CITY MANAGER'S AGENDA REVIEW

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

- All items on the consent agenda were recommended for approval.
- The items on the discussion agenda were reviewed.

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.)

Nathan Wallace commented on feeling unsafe at the March 5th Council meeting and thanked Council for keeping its focus on local events.

Jan Stallones, on behalf of North College neighborhoods and businesses, acknowledged the Hickory detention pond is generally needed for flood control but expressed concern it is part of steps toward the new 24/7 shelter. Stallones expressed support for a shelter, but noted there are concerns among the Hickory Village residents.

Emily Gallichotte thanked Council and staff for work on making appointments per Consent Item No. 20, *Items Relating to Appointments to Various Boards and Commissions*, specifically citing the Women and Gender Equity Advisory Board to which she will be appointed.

Cheryl Trine discussed Palestinians living under Israeli occupation and commented on murder rates in Gaza. Trine stated people came to Council to request a cease fire resolution to help elevate their voices.

Karen Schwartz urged Council to postpone consideration of Item No. 20, *Items Relating to Appointments to Various Boards and Commissions*, specifically the appointments to the Human Relations Commission. Schwartz stated the Human Relations Commission received a letter that said it enabled violations of constitutional rights and stated the Commission violated its own mandate related to enhancing diversity and embracing inclusion and different ideas and perspectives, and ignored its own bylaws by violating non-discrimination and equal protection laws. Schwartz also stated the Commission has worked in opposition to the City's strategic objectives that call for Fort Collins to build trust with its increasingly diverse community through meaningful engagement.

Isabella Zapata discussed the war in Gaza and stated a cease fire resolution would help put pressure on the state and federal governments to stop letting American tax dollars fund Israel. Zapata questioned how calling for a cease fire would harm the community.

Sterling Linville discussed a 1985 Council resolution related to the apartheid in South Africa and stated the South African delegation to the International Court of Justice has now brought charges against Israel of an apartheid even more extreme than what was suffered in South Africa. Linville suggested Council's moral and legal obligations under federal law, the Genocide Convention Implementation Act, compel it to do everything possible to prevent the crime of genocide or be found complicit and legally liable. Additionally, Linville requested Council bring for a resolution stating that Fort Collins will not do business with persons and corporations that invest in a state engaged in genocide.

Julie Rowen-Zoch stated the cease fire resolution issue is important because this is the Holocaust of our time and it is important the Council listen to its constituents on the issue.

G Inguanta opposed the characterization of those speaking in support of a pro-Palestine cease fire as a fanatical mob and commented on the diversity of the group.

August-Carter Nelson requested Council consider a cease fire resolution and stated the purpose of government should be to listen to people.

Alex Scott requested Council consider a cease fire resolution as recommended by the Human Relations Commission and commented on feeling as though Council does not care about the desires of its constituents.

Derrin Scott Evans suggested Council should require one green initiative and a certain number of trees for all new builds. Additionally, Evans supported Council having a fully remote meeting option for security reasons and stated Council is required to listen to its constituents, but is not required to obey its constituents.

Rich Stave opposed remote meetings and expressed concern there is no notification of the order of speakers in the lobby.

Killian Clear expressed concern about the primary short-term rental Code and stated listing a long-term renter on a trust puts the renter in an ownership position, thereby allowing them to utilize the other part of the home as a short-term rental. Clear stated this situation at a neighboring property has had negative impacts and suggested the long-term renter should at least be required to be the host of the short-term rental.

Laura Lenhart requested Council consider a cease fire resolution.

Brooklyn Hansen, known as Sabbath, stated Council's refusal to consider a cease fire resolution indicates it supports genocide, ethnic cleansing, an apartheid state, forced starvation and displacement, and the brutal killing of 32,000 people.

Hannah (no last name given) opposed Council's refusal to consider a cease fire resolution and stated it is explicitly a local issue as Fort Collins sends over \$2 million a year to fund Israel and Woodward, which manufactures GPS devices for Israeli-American missiles, is located here.

Adam Hirschhorn stated Fort Collins has always been international.

Cheryl Distaso read a statement from Alli Owens regarding attacks and threats she has received from Zionists, including one incident after a Council meeting at City Hall.

Claire K. (no last name given) discussed feeling unsafe at a recent peaceful protest because of the continuous and inaccurate portrayal of the constituents who have been coming to Council peacefully requesting a cease fire resolution.

Blaine (no last name given) discussed feeling fear as a trans individual.

Jack Armstrong stated there have been a lot of assumed statements about how Councilmembers feel and what they believe and stated there are a lot of people who appreciate the work of Council. Armstrong opposed those who accused Council of not caring about genocide occurring.

Sunflower Flores discussed being a pre-school teacher and suggested it would be absurd to show a photo of a child who may be in danger, referencing a Councilmember who showed a photo of her child.

Kimberly Conner stated that not voting for a cease fire resolution is taking a side and is allowing community division to continue. Conner stated fear should not direct our actions.

B. Cunningham commended the midtown infrastructure improvements and suggested using the Hughes Stadium land as a refugee camp.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Potyondy thanked the speakers and clarified no Councilmembers have used the term 'angry mob' to reference the pro-cease fire speakers. Additionally, she stated Council communicating doxing of public officials does not mean it is equating their level of struggle with people living in a war zone and requested people do some reflection before making statements that paint who Councilmembers are as people without having the requisite information to do so.

Councilmember Pignataro stated tree policies will be on next week's work session. She asked if the rental registration program will include aspects that may help a situation such as the one mentioned by Killian Clair. City Manager DiMartino replied the program will not specifically address that topic, though Ginny Sawyer is aware of the situation and there is a service area request in play currently.

Councilmember Pignataro thanked the speakers and noted she encouraged those who have been politically charged to look into running for office at last night's meeting. She commented on seeing a photo of a dead child during the Syrian refugee crisis which affected her deeply and informed her decision to run for office as her next step. She stated the City's immigration legal defense fund translated what can be done locally to help immigrants.

Councilmember Canonico asked if there would be an option for speaker order notification in the Chambers lobby. City Manager DiMartino replied staff will look into some options.

Mayor Pro Tem Francis thanked the speakers and stated the Human Relations Commission fulfilled Council's request to consider the cease fire resolution; however, as the City's Boards and Commissions are advisory, Council is not bound by the Commission's recommendation. She noted the Commission will be moving forward its other business and will no longer be considering the topic.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

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

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

Approved.

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

This Ordinance, unanimously adopted on First Reading on February 20, 2024, appropriates \$18,025.20 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation. In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

Adopted on Second Reading.

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

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

Adopted on Second Reading.

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

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

Adopted on Second Reading.

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

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

Adopted on Second Reading.

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

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

Adopted on Second Reading.

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

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

Adopted on Second Reading.

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

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

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

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

Resolution Adopted. Ordinance Adopted on First Reading.

9. **Items Relating to a State Grant for Clean Energy Vehicles.**

A. *First Reading of Ordinance No. 040, 2024, Making a Supplemental Appropriation in the General Fund of Grant Funds from the Colorado Department of Public Health and Environment and Appropriating Prior Year Reserves in the Water Fund to Support Transitioning City Fossil Fuel Vehicles to Clean Energy Vehicles.*

B. *Resolution 2024-027 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the Colorado Department of Public Health and Environment for the Receipt of Grant Proceeds for Clean Energy Vehicles.*

The purpose of these items is to support the City of Fort Collins (City) in transitioning fossil fuel vehicles to clean energy vehicles as a measure of reducing greenhouse gas emissions to achieve maximum air quality benefits for the people of Fort Collins and Colorado.

The City was awarded \$910,000 from the State's Clean Fleet Vehicle and Technology (CFVT) grant program in support of the City purchasing clean energy vehicles that align with vehicles approved through the State's CFVT grant program. The awarded funds will support purchase of approved vehicles, with the City contributing the remaining needed funds. Based on needs of City departments, Operation Services and departments within City Utilities will be funding the additional funds needed for purchase of approved vehicles.

Approval of these items would support the City in transitioning fossil fuel fleet vehicles to clean energy by:

- *Authorizing the Mayor, by Resolution, to execute an Intergovernmental Agreement (IGA) with the State of Colorado for purchase of approved clean energy fleet vehicles;*
- *Appropriating \$910,000 of unanticipated grant revenue from the State of Colorado's CFVT grant program; and*
- *Appropriating \$96,504 from Water Fund reserves.*

Ordinance Adopted on First Reading. Resolution Adopted.

10. Items Relating to the Power Trail and Harmony Grade Separated Crossing Project.

A. Resolution 2024-028 Authorizing an Intergovernmental Agreement Between the City of Fort Collins, Colorado, and the Colorado Department of Transportation for the Power Trail and Harmony Grade Separated Crossing Project.

B. First Reading of Ordinance No. 041, 2024, Making Supplemental Appropriations in the Capital Projects Fund of Colorado Department of Transportation Alternative Program Grant Funds and the Congestion Mitigation and Air Quality Grant Funds, 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:

- *Authorize the Mayor to execute an Intergovernmental Agreement (IGA) for the Project with the Colorado Department of Transportation (CDOT);*
- *Appropriate \$800,000 of unanticipated Transportation Alternative Program (TAP) grant funds for the Project; and*
- *Appropriate \$2,700,000 of Congestion Mitigation and Air Quality (CMAQ) grant funds for the Project.*

Previously appropriated funds will be used for local match requirements.

Resolution Adopted. Ordinance Adopted on First Reading.

11. **First Reading of Ordinance No. 042, 2024, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and Convention and Visitor Program Services.**

The purpose of this item is to appropriate \$560,178, of which \$392,125 is proposed for Convention and Visitors Bureau, \$140,044 is proposed for Cultural Development and Programming Activities (Fort Fund), and \$28,009 is proposed for Tourism Programming (Fort Fund) all from unanticipated 2023 Lodging Tax revenue collections.

Lodging taxes are annually collected by the City of Fort Collins for Cultural Development and Tourism programming activities. Anticipated revenue is projected through each Budgeting for Outcomes (BFO) cycle and then adjusted annually as needed based on final actual collections. For 2023, total Lodging tax revenues collected came in \$560,178 above projected collections.

Adopted on First Reading.

12. **First Reading of Ordinance No. 043, 2024, Appropriating Prior Years Reserves Received in the General Fund By City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit.**

The purpose of this item is to request appropriation of \$30,000 in philanthropic revenue received by City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit 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.

Adopted on First Reading.

13. **First Reading of Ordinance No. 044, 2024, Appropriating Prior Year Reserves Received By City Give for Fort Collins Police Services for the Safe Futures Initiative.**

The purpose of this item is to request appropriation of \$80,000.00 in philanthropic revenue received by City Give for Fort Collins Police Services for the Safe Futures initiative.

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 First Reading.

14. **First Reading of Ordinance No. 045, 2024, Making a Supplemental Appropriation in the General Fund of the Internet Crimes Against Children Grant in Support of Fort Collins Police Services Cyber Crimes Unit.**

The purpose of this item is to support the Fort Collins Police Services' Cyber Crimes Unit by appropriating \$6,585 of unanticipated grant revenue awarded by the Colorado Springs Police Department.

Adopted on First Reading.

15. **First Reading of Ordinance No. 046, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify Terminology Regarding Control Valves and Water Service and Fire Lines.**

The purpose of this item is to clarify and make consistent certain terminology in City Code. This item will remove “curb stop” from City Code, to be replaced by “control valve.” Replacement of this terminology removes any potential assumption that a water control valve on a service or fire line must have proximity to a street or sidewalk curb to define ownership of the valve and of the line extending from the valve.

Adopted on First Reading.

16. **First Reading of Ordinance No. 047, 2024, Establishing Rental Rates and Delivery Charges for Use of Water Available Under Fort Collins Utilities’ Raw Water Interests for 2024 Through March 2027.**

The purpose of this item is to obtain Council approval for the proposed formulas for calculating rental rates and delivery charges for Fort Collins Utilities’ (Utilities) raw water supplies for the next three years, including proposed rental rates and delivery charges for fully consumable water. The rates and charges would be effective through March 2027. Setting the rates and charges via formula ensures Utilities can recoup the ownership and administrative costs for rented supplies and provides planning certainty for the agricultural rental community.

Proposed formulas for most supply sources remain consistent with those from the previous rental rate and delivery charge ordinance (Ordinance No. 038, 2021). Staff is recommending an increase in the rental rate and delivery charge for fully consumable water to be in line with market conditions for this type of water. In addition, staff is recommending the rental rate for Water Supply and Storage Company supplies to be 130% of assessment versus the prior rate of assessment plus a flat administration fee. These are the only changes to rental rates and delivery charge methods.

Adopted on First Reading.

17. **Items Relating to Water Service for the Northern Colorado Regional Airport’s New Terminal.**

A. Resolution 2024-029 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins, the City of Loveland and the Fort Collins-Loveland Water District for the Purchase of a Water Tap for the New Terminal at the Northern Colorado Regional Airport.

B. First Reading of Ordinance No. 048, 2024 Authorizing the Conveyance of a Permanent Non-Exclusive Domestic Waterline Easement on Property Jointly Owned by the City of Fort Collins and the City of Loveland at the Northern Colorado Regional Airport for the New Airport Terminal Facility.

The purpose of Resolution A is to authorize the City Manager to execute an intergovernmental agreement for the purchase of a water tap from the Fort Collins-Loveland Water District for water service at the Airport’s new terminal. Ordinance B would authorize a conveyance of an easement to the water district to allow for a water service line for the terminal. The easement is over a portion of the Northern Colorado Regional Airport property, which is owned jointly by the City of Fort Collins and the City of Loveland.

Resolution Adopted. Ordinance Adopted on First Reading.

18. Resolution 2024-030 Adopting the City of Fort Collins 2024 Strategic Plan.

The purpose of this item is to formally adopt the 2024 Strategic Plan. The adopted plan will guide the 2025-2026 Budgeting for Outcomes process. All adopted Council Priorities have been included in the 2024 Strategic Plan.

Adopted.

19. Resolution 2024-031 Authorizing the City Manager to Execute an Agreement Between the City of Fort Collins and the State of Colorado Regarding Implementation of Portions of the Fish and Wildlife Mitigation and Enhancement Plan for the Halligan Water Supply Project (Cheat Grass and Big Horn Sheep Collaring).

The purpose of this item is to seek Council approval of a proposed agreement (“Agreement”) between the City and the State of Colorado acting through Colorado Parks and Wildlife (“CPW”) regarding certain aspects of the Halligan Water Supply Project (“Halligan Project”). The purpose of this Agreement is to implement Section 4.2.3.18 (Bighorn Sheep Habitat Improvements) and Section 4.2.3.19 (Bighorn Sheep Collaring Study) of the Halligan Project’s Fish and Wildlife Mitigation and Enhancement Plan (“Mitigation Plan”), under which 1) the City intends to transfer funds to CPW; and 2) habitat treatments and bighorn sheep monitoring are to be started at least two years in advance of construction. Based on the City’s expected construction schedule, the Parties desire to begin implementing those Mitigation Plan sections early in 2024 before a full agreement related to the Mitigation Plan is expected to be completed.

CPW will use the funds for chemical treatment to abate invasive cheat grass. CPW will use its best efforts to treat a minimum of at least 500 acres with a focus on the Lower Unit of the State Wildlife Area. CPW may additionally use the funds for the installation of up to two remote passive water sources on the State Wildlife Area. Any funds not needed for the cheat grass treatment or the water sources installation may be used by CPW for habitat treatment on additional acreage within the State Wildlife Area.

CPW will also use the funds for the purpose of supporting a GPS (global positioning system) collaring and monitoring study of bighorn sheep from the Lone Pine herd that will include tracking their movements and habitat use, and conducting disease testing, before, during, and immediately after Halligan Project construction.

Adopted.

20. Items Relating to Appointments to Various Boards and Commissions.

A. Resolution 2024-032 Making Appointments to the Active Modes Advisory Board.

B. Resolution 2024-033 Making Appointments to the Affordable Housing Board.

C. Resolution 2024-034 Making Appointments to the Air Quality Advisory Board.

D. Resolution 2024-035 Making Appointments to the Art in Public Places Board.

E. Resolution 2024-036 Making Appointments to the Building Review Commission.

F. Resolution 2024-037 Making Appointments to the Citizen Review Board.

G. Resolution 2024-038 Making an Appointment to the Cultural Resources Board.

- H. Resolution 2024-039 Making Appointments to the Disability Advisory Board.
- I. Resolution 2024-040 Making Appointments to the Economic Advisory Board.
- J. Resolution 2024-041 Making Appointments to the Energy Board.
- K. Resolution 2024-042 Making an Appointment to the General Employees Retirement Committee.
- L. Resolution 2024-043 Making Appointments to the Human Relations Commission.
- M. Resolution 2024-044 Making Appointments to the Human Services and Housing Funding Board.
- N. Resolution 2024-045 Making Appointments to the Land Conservation and Stewardship Board.
- O. Resolution 2024-046 Making Appointments to the Natural Resources Advisory Board.
- P. Resolution 2024-047 Making Appointments to the Parks and Recreation Board.
- Q. Resolution 2024-048 Making Appointments to the Senior Advisory Board.
- R. Resolution 2024-049 Making Appointments to the Transportation Board.
- S. Resolution 2024-050 Making Appointments to the Water Commission.
- T. Resolution 2024-051 Making Appointments to the Women and Gender Equity Advisory Board.
- U. Resolution 2024-052 Making Appointments to the Youth Advisory Board.
- The purpose of this item is to fill vacancies on various Boards and Commissions.

In 2023, the City Council adopted a Code of Conduct and updated Boards and Commissions Policy, along with other policies and procedures that apply to service on City boards and commissions. Each board and commission appointee is required to acknowledge and accept these requirements in order to take appointed office. Each Resolution provides that no person appointed may take office until they have completed the required acknowledgement and acceptance of the Code of Conduct and the applicable laws and policies that govern service on City of Fort Collins boards and commissions.

Resolutions A-U Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to approve the recommended actions on items 1-20 on the Consent Calendar.

Mayor Arndt noted there were a record number of applications for Boards and Commissions and encouraged those who were not selected to reapply.

Councilmember Canonico commented on Item No. 10, *Items Relating to the Power Trail and Harmony Grade Separated Crossing Project*, noting the project is now fully funded and construction will begin no later than the spring of 2025.

Councilmember Potyondy thanked the staff who helped coordinate the Boards and Commissions interviews.

The motion carried 7-0.

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

Nays: None.

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

Councilmember Ohlson asked if the Boards and Commissions recommendations mentioned were in the packet for Item No. 10, *Items Relating to the Power Trail and Harmony Grade Separated Crossing Project*, and if they were not, to please include them in a future packet. Additionally, Councilmember Ohlson raised a number of questions regarding Item No. 16, *First Reading of Ordinance No. 047, 2024, Establishing Rental Rates and Delivery Charges for Use of Water Available Under Fort Collins Utilities' Raw Water Interests for 2024 Through March 2027*, including ensuring the City is charging for its rental water what the private sector would be charging and that all costs to administer the program are being recovered. He also requested a staff response to questions raised by the Water Board prior to Second Reading.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Councilmember Potyondy

- Reported on attending an urban and rural forestry event at O'Dell Brewery during which the City Forester spoke.

Clerk's Note: Mayor Arndt called for a 10-minute break at 7:08 p.m. The meeting resumed at 7:21 p.m.

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

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

21. Strauss Lakes Metropolitan Districts Conceptual Review Hearing

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

Metropolitan Districts (Metro Districts) must provide exceptional public benefits in a variety of categories to gain Council approval. Staff evaluates the Metro Districts' proposed public benefits guided by the current 2021 Council-approved Metro District Policy, which includes a score card related to housing and residential development. The City's Metro District Policy requires this

Conceptual Review Hearing with Council to give the applicant the opportunity to present its proposal and to seek feedback from Councilmembers and the public about the proposed Metro Districts, which the applicant may use to determine whether to submit a formal application.

Hearing Process Overview

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

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

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

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

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

Josh Birks, Deputy Director of Sustainability Services, provided a history of the City's metro district policy noting the conceptual review hearing aspect was added to the process in 2021

and noted the purpose of the conceptual review hearing is to allow Council and members of the public to provide preliminary comments in response to the letter of interest.

Birks noted the project site is at the northeast corner of Horsetooth and Ziegler and outlined the metro district policy requirement that extraordinary public benefits be delivered as part of the metro district's activities. He noted staff has not conducted a very deep analysis of the metro district request at this time given the policy is designed to allow Council to have this opportunity to provide feedback to the applicant.

Birks called Council's attention to a few open questions based on staff's initial review of points, including looking at the smaller units through only finished space, not including unfinished basement space, and looking at the different energy efficiency solutions for the affordable housing versus the market rate units. Additionally, Birks noted the metro district policy adopted in 2021 includes reference to specific energy performance standards that the basic Code now surpasses, though the policy still allows for the applicant to receive points under the residential metro district point system for that because it refers to a hard and fast threshold as opposed to a variable one.

Birks outlined staff's preliminary thoughts on the letter of interest, including that the proposal generally conforms with the guidelines, and that by self-assessment at least, the minimum number of points required seems to be provided. He reiterated that staff's detailed analysis would come following a formal application and noted Council is not required to take any formal action this evening; however, guidance is included should Council desire to make a motion.

APPLICANT PRESENTATION

Robert Rogers, White, Bear, Ankele, Tanaka & Waldron, thanked staff for the information that has been provided to this point and introduced the project team. Rogers stated this is the first metro district proposal to come before the City since the 2021 policy adoption and noted the bar for metro districts in Fort Collins is the highest in the State. Rogers stated the proposed metro districts not only meet the new requirements but will qualitatively exceed them.

Bill McDowell, Cottonwood Land and Farms, LLC, property owner, commented on donating land to Fort Collins for natural area properties, Hageman Earthcycle, and the preservation of the Strauss Cabin home site. Additionally, McDowell stated the Strauss Lakes property was originally 515 acres; however, the property has shrunk due to the City's need for two storm drainage channels, the Rigden Water Storage Reservoir, and a park location, the land for which Cottonwood Land and Farms sold the City for \$812,000 less than market rate.

Cathy Mathis, TB Group, provided information on the concept plan for the site, including the mix of product types such as live-work lots, large townhomes, single-family homes, carriage home lots, small townhomes, medium townhomes, CSU community workforce apartments, paired homes, affordable housing apartments, and mixed-use units.

Rogers stated the main reason metro districts are needed is to fill the gap required to fund significant public benefits, including significant regional infrastructure in the estimated amount of \$92 million, and other planned public benefits such as significant carbon footprint reductions and significant affordable housing contributions. Additionally, Rogers stated metro districts will help ensure that growth pays its own way for this development by filling a capital void in funding essential projects that no other public entity is willing or able to fund at the time the improvements are needed, and they can do so at a reduced cost through tax-exempt financing amortized over thirty to forty years. Rogers stated this allows for property owners to pay proportionately for their use of the improvements over the time that they live in the development

rather than through an up front, lump sum payment that increases the cost of the purchase price of individual homes.

Rogers outlined the specific public benefits anticipated for this project and discussed the ways in which it meets the City's requirements. Rogers provided information on the plans for the project to address energy conservation and renewables through energy-efficient ventilation, air tight homes with heater energy recovery, above Code standard thermostats, and installation of 50-70% of the total energy needs in the form of solar for all market rate units. Rogers outlined the energy conservation approach for the affordable units.

Rogers went on to discuss how the project will address indoor and outdoor water conservation, neighborhood livability, and affordable housing.

Arthur McDermott, McDermott Properties, discussed the affordable housing communities McDermott has developed, including one in Fort Collins. McDermott discussed the plan for between 144 and 168 Strauss Lakes affordable apartment units in one-, two-, and three-bedroom configurations with a variety of area median incomes satisfied. He stated McDermott is committed to energy efficiency for the project.

Rogers discussed more specifics of the service plan noting the total anticipated public improvement cost for the project is currently estimated at \$92.5 million for on-site and off-site improvements such as water, sanitary sewer, a lift station, storm sewer, landscaping, parks, and recreation and trail improvements. Rogers noted that dollar amount does not include the significant additional private investment required to subsidize the affordable housing effort and some of the private energy commitments that are going to be made in both the market rate and affordable units. Rogers stated the proposed service plan will conform with the City's model service plan.

Rogers discussed additional public benefits related to environmental sustainability, critical public infrastructure, high-quality smart growth, and strategic priorities.

PUBLIC COMMENT

Rich Stave questioned where the water from the site will go noting aggregate has been removed from the site for decades. Stave also questioned how much infill will need to be added to make basements feasible and stated it is likely the cost of that work will be added into the cost of the units. Additionally, he stated the metro districts will increase the mill levy for the homes which will increase the ownership and rental costs.

Richard Kraemer stated he has no relationship with the developers and commented on the New Urbanist components of the project including small lot sizes and small yards. Kraemer expressed support for the project.

COUNCIL DISCUSSION

Mayor Arndt clarified questions can go to staff and the applicant.

City Attorney Daggett noted this is discussion of the proposed metro district, not the subdivision itself.

Potyondy requested additional information about how costs for homeowners and renters would be impacted by the inclusion of a metro district and, in those agreements, several formulas were applied to limit the total cost for renters, and that includes any mill levy that would be passed on.

Rogers stated the plan is for the rent amounts to be in the 30-60% AMI average and all mill levies will be paid by the property owner.

Councilmember Pignataro asked when the public can provide preliminary public comment. Birks replied that the formal application and service plan consideration will go before Council allowing for public input. Birks noted there is no public engagement process as part of the review, though there will be opportunities for public input through the development review process.

Councilmember Pignataro commented on other metro districts across the state that had issues with residents not understanding what living in a metro district meant, and that is what Fort Collins is attempting to avoid. She asked if more than one metro district is planned. Rogers replied the plan is for multiple districts due to the state requirement that any governmental entity that imposes a tax impose a uniform tax across its boundaries, and due to the number of different product types anticipated, there will be different assessment ratios across the site.

Councilmember Pignataro noted one of the housing types was listed as CSU community and workforce and asked if there is an agreement in place with CSU. McDowell replied former City Manager Atteberry asked him to be involved when the Hughes Stadium site was being sold and McDowell became the third part that allowed an MOU to be structured wherein McDowell would provide some land to CSU for their affordable housing they wanted to put on the Hughes site, CSU was then going to sell the ground to the City, and at the time, that plan was to meet the affordable housing need for this project this evening. However, two months after the MOU was signed, the Board of Governors at CSU decided to move forward with the Hughes sale and McDowell was no longer involved. McDowell stated there are no formal agreements in place, though discussions have occurred.

Mayor Pro Tem Francis commended the decision to extend the energy program to the affordable housing units and noted Council did not like the fact that the affordable housing units were so separate from the community in Northfield; therefore, she requested the affordable housing be more incorporated within the project. She commended the New Urbanism aspects, mix of housing types, wide sidewalks, and small streets. She stated a request was received from Housing Catalyst to shift the AMI to at or below 80%. Birks replied staff has yet to dig into that request and that will be done during the formal application process.

Mayor Arndt asked if the use of grey water has ever been considered. McDowell replied that is being considered for the park areas and rather than having large lawns, the plan is for homes to have small xeriscaped areas. Mayor Arndt noted she was just curious.

Councilmember Gutowsky requested more information on the live-work units. McDowell replied the units have a ground floor space dedicated to an office or in-law suite perhaps with the residential floor space above.

Councilmember Canonico commented on the possibility of a grade-separated crossing and asked if there is a plan for the planned trail that will connect the west subdivisions to the east side park going across Ziegler. McDowell replied options are being evaluated, though the current issues are how close Ziegler is to the Fossil Creek Reservoir Inlet Ditch and groundwater concerns. McDowell stated a light is currently planned at William Neal and Ziegler and stated an overpass, or grade-separated crossing, would be costly and block views.

Birks stated a pedestrian overpass may be something that is better handled as part of the land use conversation, though an overpass or any pedestrian improvement could certainly be funded by a metro district.

Angela Hygh, land use counsel for the applicant, stated these types of improvements will be included in the land use submittals and noted the applicant will work with staff to ensure all requirements are met and options are considered.

Councilmember Potyondy asked if the minimum requirements are already extraordinary as compared to other communities or if there is an expectation that projects exceed the minimum requirements. Birks replied he would like to follow up on that, but stated Fort Collins is unique in having a very clear and stated requirement for extraordinary public benefits in its metro district policy and is unique in having a residential scoring system, which could be considered extraordinary in itself. Birks stated the minimum standard is what staff uses to determine when a project is ready for Council to start providing comment.

Councilmember Gutowsky asked about the improved bus stop on William Neal. McDowell replied the bus line will be extended into the project in order to serve the community park and the stop will include benches and a shelter.

Councilmember Gutowsky asked about the timeline for completion of that part of the project. McDowell replied that part of the project will be the first part off William Neal to be developed, though no formal commitments to builders other than McDermott have been made. Additionally, McDowell noted the affordable housing will be constructed near the beginning of the development and will be placed in the heart of the site.

Councilmember Ohlson commented on the history of metro districts in Fort Collins and asked if the energy requirements will be changed for metro districts given the bar is higher in the Code, though he acknowledged it would be unfair to change the requirements for this project given it is already in process. Birks replied conversations have begun about changing that part of the policy, perhaps in a way that is dynamic to allow it to always stay ahead of the Code.

Councilmember Ohlson asked about the impacts of large property tax increases for metro districts. Birks replied the impacts would be the same as for any governmental entity that collects property taxes, though there is a mill cap and debt cap for metro districts; therefore, those increases would accelerate the metro district paying off the debt it issued with bonds.

Councilmember Ohlson stated he did not believe this should be voted upon this evening, though he will give it a fair and objective look moving forward. He requested the applicant team give the utmost consideration to the protection of natural features and habitats and noted consolidating wetlands is not the best environmental approach.

Mayor Arndt stated this development appears to adhere to Fort Collins' values in terms of open space, the integration of affordable housing, and variety of housing types. She expressed thanks for the work of prior Councils and staff to develop the metro district policy.

Councilmember Ohlson requested affirmation that Council does not need to take any formal action unless desired. Birks replied there is no requirement to take formal action; the purpose of the hearing is for the applicant and staff to get Council's preliminary thoughts for moving forward with the formal application process.

No Action taken.

P) OTHER BUSINESS

OB 1. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers.

Councilmember Pignataro commented on a meeting she recently attended discussing the newly designated pollinator district in Manitou Springs and stated she has information on what it would take to certify Fort Collins as well. She requested a memo to see what would be required. City Manager DiMartino replied staff will put together an assessment and initial memo.

Councilmember Potyondy requested more information on commercial breeding ordinances passed by other municipalities. Mayor Arndt noted a memo had already been provided and asked if additional information is needed.

Councilmember Pignataro stated she is curious to know if shutting down pet stores leads to the closing of puppy mills and stated she would like more information on that topic.

Q) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 8:35 p.m.

Mayor

ATTEST:

Interim City Clerk