

August 20, 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 August 26, 2024 as Women's Equality Day.**

PP 2. **Declaring August 17, 2024 International Homeless Animals Day.**

Mayor Pro Tem Emily Francis presented the above proclamations at 5:00 p.m.

**REGULAR MEETING
6:00 PM**

B) CALL MEETING TO ORDER

Mayor Pro Tem Emily Francis 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 Pro Tem Emily Francis led the Pledge of Allegiance.

D) ROLL CALL

PRESENT

Mayor Pro Tem Emily Francis
Councilmember Susan Gutowsky
Councilmember Julie Pignataro
Councilmember Tricia Canonico
Councilmember Kelly Ohlson

ABSENT

Mayor Jeni Arndt - excused
Councilmember Melanie Potyondy - excused

STAFF PRESENT

Deputy City Manager Tyler Marr
City Attorney Carrie Daggett
City Clerk Delynn Coldiron

E) CITY MANAGER'S AGENDA REVIEW

Deputy City Manager Tyler Marr provided an overview of the agenda. There were 26 items on the Consent Agenda and three discussion items, including:

- Ordinance approving reserves for a civic assembly process related to Hughes Stadium site.
- Ordinance banning the retail sale of puppies and kittens.
- Resolution to appoint a member to the Affordable Housing Board.

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.)

All participants were given two minutes for comment.

Mary Roberts spoke in support of the ordinance banning the retail sale of puppies and kittens.

Cherie Trine requested the Hughes Stadium land be given back to the indigenous people. Trine also expressed disappointment there will be no report on peaceful protest training for Police.

Barbara Krupnik-Goldman opposed Platte River Power Authority (PRPA) building a new gas-powered plant and spoke of the escalating climate crisis.

Sam Killmeyer opposed PRPA building a new gas-powered plant and investing in more fossil fuel production. Killmeyer also opposed the City's elected officials voting in support of the plant.

Kevin Cross provided information opposed to PRPA's presentation related to solar costs and stated PRPA can now build its own solar facilities without having to cover profits going to a third party.

Sue McFadden spoke about PRPA and requested a third party evaluate the IRP and the gas plant. McFadden stated the 100% renewable energy goal is doable and should not be aspirational, and there is enough baseload power to join the southwest power pool.

Fred Kirsch, Fort Collins Community for Sustainable Energy, opposed PRPA building a new gas-powered plant and agreed the City should get another opinion related to the IRP efforts.

Leslie Walker expressed concern about the requirement for City residents to get new trashcans as part of the new single hauler program.

Mary Wilkinson spoke in support of the ordinance banning the retail sales of puppies and kittens.

Scott Carman spoke in support of the ordinance banning the retail sales of puppies and kittens. Carman shared information on the puppy mills that supply Pet City.

Cara Thorson spoke in support of the ordinance banning the retail sales of puppies and kittens. Thorson shared information about pop-up puppy and kitten sales in parking lots and out of vehicles that currently are not regulated and encouraged a ban for these as well.

Ella Tyrrell spoke in support of the ordinance banning the retail sales of puppies and kittens. Tyrrell shared information about local breeders who practice humane practices and support the community and stated these, as well as local shelters, provided a much better way to find a pet.

Mickey Pardo spoke in support of the ordinance banning the retail sales of puppies and kittens. Pardo spoke about medical issues that exist in pets from mills and pet store fraud related to the issue.

Jennifer Litzau spoke in support of the ordinance banning the retail sales of puppies and kittens. Litzau shared a story about a wire fox terrier in Pet City that came from a puppy mill in Nebraska and discussed the poor conditions that exist for pets in pet stores.

Sarah Swanty, Animal Friends Alliance, spoke in support of the ordinance banning the retail sales of puppies and kittens stating this is a way for Council to support the health and welfare of pets in this community. Swanty stated more people need to consider adoption versus buying and noted several homeless dogs are currently available.

Roland Halpern, Colorado Voters for Animals, spoke in support of the ordinance banning the retail sales of puppies and kittens. Halpern encouraged adoption over purchasing and spoke to health issues that result from mills.

Molly Obert, Until They're Home, spoke in support of the ordinance banning the retail sales of puppies and kittens. Obert stated that eight states have recently adopted similar legislation, and it is becoming more common.

Ashley Waddel spoke in support of the ordinance banning the retail sales of puppies and kittens and shared examples of businesses that have adapted to similar bans, including shifting to grooming services, providing services to help shelters and rescues find forever homes for homeless pets, and providing food and supplies.

Dani McCoy opposed the ordinance banning the retail sales of puppies and kittens without significant changes to what has been written. McCoy stated this does nothing to take care of the bad actors in this space and would result in retail stores having to shut down. McCoy concurred mills should be regulated but opposed an overly broad ordinance.

Silen Wellington spoke in support of giving the Hughes Stadium property back to the indigenous people stating this would give Fort Collins the chance to right a previous wrong while helping the entire community.

G Inguabta spoke in support of giving the Hughes Stadium property back to the indigenous people stating this would give Fort Collins the chance to right a previous wrong. Inguabta mentioned the beautiful plans for the property.

Kimberly Conner spoke in support of a ceasefire resolution and shared some educational resources related to this. Conner also spoke in support of giving the Hughes Stadium property back to the indigenous people.

Nicole Wilson spoke in support of the ordinance banning the retail sales of puppies and kittens stating there are a wide variety of people in the community who are concerned about this. Wilson stated the adoption of the ordinance would hopefully set a precedent for other municipalities in this regard.

Tory Pappas shared concerns about current Poudre School District policies and funding inequities. Pappas stated there should be a routine review of school boundaries that includes PSD, City staff, families, and Safe Routes to School. Pappas expressed concern about the superintendent agreeing to provide transportation for students to schools of choice stating this would hurt neighborhood schools.

Christinia Eala spoke in support of giving the Hughes Stadium property back to the indigenous people. Eala commented on the landscape and property improvements they want to do and stated the space would provide a location for religious ceremonies.

Edward Behan spoke in opposition to PRPA's decision to move forward with an aeroderivative gas turbine and stated there are other alternatives to help fill the gap during dark calm moments that should be considered. Behan stated that he retired here in 2016 and was drawn here due to community efforts to be carbon free.

Kristin Candella, Habitat for Humanity Director, stated she came straight from a ribbon cutting for a new Habitat for Humanity home thanks to the generosity of neighbors helping neighbors. Candella thanked Council for having a vision in this space and making changes to land use codes that support affordable housing.

Ari Powers opposed the civic assembly process stating it could have the unintended consequence of underrepresenting the voices of black, indigenous, or other people of color. Powers stated the process has already been expensive and suggested the funds could be used in better ways. Powers expressed support for Council giving the land back to the indigenous people.

Linda Vescio spoke about living in a community that is as sustainable as possible and expressed concern about the new requirement for a second set of trashcans for duplexes which have previously shared bins. Vescio opposed being charged to opt out of a service the neighborhood has never had nor needed and questioned how the City expects the residents to keep the bins out of site when there will now be twice as many. Additionally, Vescio questioned how penalizing the residents for producing less trash supports Fort Collins' sustainability goals. Vescio urged the City not to charge them for unneeded trash cans.

Andre Dunn spoke in support of returning the Hughes Stadium property back to the indigenous people and thanked all who have spoken before him related to this topic.

Richard Viktorin spoke about being brutally assaulted in a parking lot behind 120 West Laurel Street four years ago and stated the Police have yet to investigate the assault. Additionally, Viktorin spoke in support of the ordinance banning the retail sales of puppies and kittens.

Elizabeth Hudetz shared concerns about air quality monitoring and PRPA's decision to move forward with another gas-powered plant.

Public comment concluded at 7:11 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Pignataro asked about the date of the next PRPA meeting. Deputy City Manager Marr replied there is a Board meeting a week from Thursday and public comment is allowed at every meeting. Councilmember Pignataro encouraged those who spoke on PRPA to attend and speak at that meeting.

Councilmember Pignataro congratulated the new Habitat for Humanity homeowner and encouraged community members to get involved in the organization.

Councilmember Pignataro asked why the Revive neighborhood was unable to be exempted from the single hauler trash contract. Deputy City Manager Marr replied the neighborhood falls under the new waste contract because there are fewer than eight units per building; however, staff is monitoring the situation and will make changes as needed.

Mayor Pro Tem Francis asked if the provision that allows people to share trash and be exempt from the opt out fee would apply to this situation. Deputy City Manager Marr replied staff could get Council and the residents additional information.

Councilmember Pignataro requested additional information on the Poudre School District's plan to bus students to schools of choice and on the collaboration opportunities Council has with the District. Mayor Pro Tem Francis asked about the status of a study between the City and PSD related to sharing buses. Deputy City Manager Marr replied staff would provide follow up.

Councilmember Ohlson stated he hopes Council would consider a resolution urging PRPA to have an objective third-party evaluation of the proposed new gas plant. Additionally, he echoed the questions related to PSD bussing and the impact of school of choice on neighborhood schools.

Councilmember Gutowsky requested some follow up from staff regarding why the assault mentioned by Richard Viktorin was not investigated. Deputy Police Chief Yeager stated the case was investigated and presented to the District Attorney; however, the District Attorney's Office did not believe there was sufficient evidence to reach a successful prosecution and therefore, there is no further action for the Police Department to take. Deputy Police Chief Yeager provided Viktorin with a case number for record access.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

No items were pulled.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the July 2, 2024, and the July 16, 2024 Regular Meetings.

The purpose of this item is to approve the minutes of the July 2, 2024, and July 16, 2024 regular meeting.

Approved.

2. Items Relating to Golf Enterprise Expenses.

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

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

These Ordinances, unanimously adopted on First Reading on July 16, 2024, appropriate the amount of \$730,930 from Golf Fund Reserves for necessary system replacement and an appropriation of \$350,000 from unanticipated excess revenue to the 2024 budget to address the additional costs in Golf primarily related to higher revenues.

Adopted on Second Reading.

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

This Ordinance, unanimously adopted on First Reading on July 16, 2024, appropriates \$70,000 to Park Planning and Development to conduct a community-scale bike park feasibility study as directed by Council at the June 11 Work Session. The feasibility study will include an evaluation of potential bike park locations, associated capital and on-going costs, identification of park amenities and features, and a community engagement process. This item is in response to public input from the 2021 Parks and Recreation Plan: Recreate, and recent significant community input.

Adopted on Second Reading.

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

This Ordinance, unanimously adopted on First Reading on July 16, 2024, appropriates \$100,000 in philanthropic revenue received by City Give for The Community Center for Creativity as designated by the donor.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

Adopted on Second Reading.

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

This Ordinance, unanimously adopted on First Reading on July 16, 2024, appropriates the amount of \$644,000 in unanticipated revenue in 2024 for expenses related to Artists and Musicians Fees for LC Live shows at the Lincoln Center.

Adopted on Second Reading.

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

This Ordinance, unanimously adopted on First Reading on July 16, 2024, supports the City's commitment to advancing equity and environmental justice for all Fort Collins community members by appropriating \$168,874 of unanticipated grant revenue awarded by the Colorado Department of Public Health and Environment (CDPHE) for the Cultivating Community-Led Resilient Homes project.

Adopted on Second Reading.

- 7. First Reading of Ordinance No. 107, 2024, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Various Programs and Services as Designated by the Donors.**

The purpose of this item is to request an appropriation of \$58,120 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 First Reading.

- 8. First Reading of Ordinance No. 108, 2024, Authorizing Transfer of Appropriations for the Affordable Housing and Planning and Development Process Improvement Project.**

The purpose of this item is to transfer matching funds in the amount of \$55,000 from the Licensing, Permitting, and Code Enforcement operating business unit to the non-lapsing grant business unit for the Affordable Housing Development Review Process grant. On May 21, 2024, City Council

adopted Ordinance No. 059, 2024, appropriating the \$200,000 awarded to the City by the State Department of Local Affairs (DOLA).

Adopted on First Reading.

- 9. First Reading of Ordinance No. 109, 2024, Making Supplemental Appropriations of New Revenue in the 2050 Tax Park Rec Transit OCF Fund for Consulting Work Contributing to the Transfort Optimization Study.**

The purpose of this item is to appropriate 2050 Transit Tax Reserves for additional consulting work for the Transfort Optimization Study.

Adopted on First Reading.

- 10. First Reading of Ordinance No. 110, 2024, Making Supplemental Appropriations of Unanticipated Grant Revenue in the Transit Services Fund and New Revenue From the 2050 Tax Parks Rec Transit OCF Fund for Transfort Consulting Work Related to the West Elizabeth Corridor.**

The purpose of this item is to appropriate unanticipated grant funding and 2050 Transit Tax Reserves for additional consulting work for West Elizabeth design work.

Adopted on First Reading.

- 11. First Reading of Ordinance No. 111, 2024, Appropriating Prior Year Reserves in the Parking Services Fund for Parking Structure Maintenance, Parking Planning, and Safety.**

The purpose of this item is to enable the City to appropriate Civic Center Parking Structure (CCPS) reserve funds and Parking Services reserve funds. The funds will be used for the completion of maintenance projects and for increased security costs. If approved, this item will: 1) appropriate \$1,200,000 in CCPS Reserve funds and 2) appropriate \$395,000 from Parking Services reserves.

Adopted on First Reading.

- 12. First Reading of Ordinance No. 112, 2024, Making a Supplemental Appropriation from the U.S. Department of Energy's Energy Efficiency and Conservation Block Grant in support of the Edora Pool and Ice Center Lighting System Replacement Project.**

The City received \$206,680 in formula funds under the U.S. Department of Energy's Energy Efficiency and Conservation Block Grant ("EECBG") program. The City was required to apply under the EECBGs voucher program, specifically to demonstrate the beneficial use of funds in replacing the fluorescent lighting system in both ice rinks at Edora Pool and Ice Center ("EPIC") with an energy efficient LED lighting system. Based on the City's successful application, this item is to support the project by appropriating \$206,680 of unanticipated revenue from the DOE.

Adopted on First Reading.

- 13. First Reading of Ordinance No. 113, 2024, Making Supplemental Appropriations from Prior Year Reserves and Developer Contributions and Authorizing Transfers of Appropriations for the College Avenue-Trilby Road Intersection Improvements Project and Related Art in Public Places.**

The purpose of this item is to provide supplemental appropriations for the College Avenue-Trilby Road Intersection Improvements Project (Project). The funds will be used for construction of improvements at the intersection of South College Avenue and Trilby Road. If approved this item will appropriate the following ultimate amounts as designated: 1) \$11,781 from a payment-in-lieu (PIL) to the City from a development contribution to construction; 2) \$900,000 from Transportation

Capital Expansion Fee (TCEF) reserves; 3) \$600,000 from Community Capital Improvement Program (CCIP) Arterial Intersection Improvements reserves; 4) \$119 (1% of PIL) from a PIL to the City from a development contribution to construction to the Art in Public Places (APP) program; 5) \$8,820 (0.8% of TCEF Project contribution) from TCEF reserves to the APP program; and 6) \$180 (0.2% of TCEF Project contribution) for maintenance of art from the Transportation Services fund reserves to the APP program.

Adopted on First Reading.

14. First Reading of Ordinance No. 114, 2024, Authorizing Transfer of Appropriations from the South Timberline Mail Creek Trail Underpass Project to the South Timberline Corridor Project.

The purpose of this item is to reappropriate funding from the South Timberline Mail Creek Trail Underpass project ("Underpass") to the South Timberline Corridor project ("Corridor"). No new funding will be appropriated.

Adopted on First Reading.

15. First Reading of Ordinance No. 115, 2024, Making Supplemental Appropriations of Prior Year Reserves from Developer Contributions and Authorizing Transfers for the Future Vine and Timberline Overpass Project and Related Art in Public Places.

The purpose of this item is to enable the City to appropriate development payment-in-lieu (PIL) funds for the Vine and Timberline Overpass Project (Project). The funds will be used for design services and grant application support services. If approved, this item will: 1) appropriate \$273,361 received in 2016 as a development contribution to construction by an adjacent development; and 2) appropriate \$3,318 (1% of PIL) from a PIL to the City from a development contribution to construction to the Art in Public Places (APP) program.

Adopted on First Reading.

16. First Reading of Ordinance No. 116, 2024, Making Supplemental Appropriations of Revenue from Developer Contributions and Authorizing Transfers for the Cordova Road Right-of-Way Acquisition.

The purpose of this item is to appropriate developer contribution funds for the City to acquire right-of-way for Cordova Road as provided in the development agreement for The Landing at Lemay. If approved, this item will appropriate \$500,000 received in July as a development contribution for Cordova Road Right-of-Way Acquisition.

Adopted on First Reading.

17. First Reading of Ordinance No. 117, 2024, Amending Chapters 12 and 19 of the Code of the City of Fort Collins Regarding the Requirements for the Building Energy and Water Scoring Program.

The purpose of this item is to amend City Code Chapters 12 and 19 relating to the Building Energy and Water Scoring (BEWS) program. This amendment would modify service requirements for municipal court citations issued under City Code Section 12-207. This item does not add any new requirements for building owners.

Adopted on First Reading.

18. Items Relating to the Laporte Avenue Multimodal Improvement Project.

A. Resolution 2024-097 Authorizing the Execution of 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. 118, 2024, Making Supplemental Appropriations from Grant Revenue and 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 reappropriate funding from the Laporte Bridges project (“Bridges”) to the Laporte Avenue Multimodal Improvements Project (the “Project”), receive and appropriate Colorado Department of Transportation (“CDOT”) funds, and provide supplemental appropriations to the Project. The CDOT funds will be used for the construction of a Rectangular Rapid Flashing Beacon (“RRFB”) signal at Laporte Avenue and Impala Drive. If approved this item will: 1) authorize the Mayor to execute an amendment to the Intergovernmental Agreement (the “IGA”) for the Project with CDOT; 2) appropriate \$49,500 of Highway Safety Improvement Program (“HSIP”) grant funds to the Project; 3) appropriate \$330,500 from Transportation Capital Expansion Fee (“TCEF”) reserves to the Project; 4) appropriate \$175,000 from Transportation Services Fund reserves to the Project; 5) reappropriate \$517,000 from Bridges to the Project; 6) appropriate \$4,044 (0.8% of TCEF and Transportation Services Project contribution) from TCEF reserves to the Art in Public Places (“APP”) program; 5) appropriate \$1,011 (0.2% of TCEF and Transportation Services Project contribution) for maintenance of art from the Transportation Services Fund Reserves to the APP program.

Adopted Resolution and Ordinance on First Reading.

19. First Reading of Ordinance No. 119, 2024, Making Supplemental Appropriations from Colorado Department of Transportation Revenue for the Intersection Improvements on US-287 (College Avenue) Project.

The purpose of this item is to appropriate Colorado Department of Transportation (CDOT) revenue dedicated to infrastructure improvements complying with the Americans with Disabilities Act (ADA).

Adopted on First Reading.

20. Items Relating to the Rocky Ridge Conservation Project.

A. Resolution 2024-098 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County to Partner on the Purchase of a 484-acre Property in the Wellington Community Separator.

B. First Reading of Ordinance No. 120, 2024, Authorizing the Conveyance to Larimer County of a Conservation Easement and a Right of First Refusal on the Rocky Ridge Property.

The purpose of this item is to authorize an Intergovernmental Agreement (IGA) with Larimer County for the Rocky Ridge Conservation Project. The Project will conserve 484-acres in fee within in the Wellington Community Separator. The Ordinance will authorize the conveyance of a conservation easement and right of first refusal on the property.

Adopted Resolution and Ordinance on First Reading.

21. Items Relating to the Poudre Water Supply Infrastructure Wildfire Ready Action Plan.

A. Resolution No. 2024-099 Authorizing the City Manager to Enter into a Grant Agreement with the State of Colorado Regarding the Poudre Water Supply Infrastructure Wildfire Ready Action Plan.

B. First Reading of Ordinance No. 121, 2024, Making Supplemental Appropriations of Unanticipated Grant Revenue, Prior Year Reserves, and Authorizing Transfers for the Poudre Water Supply Infrastructure Wildfire Ready Action Plan.

The purpose of this item is to support Fort Collins Utilities (Utilities) in developing a Wildfire Ready Action Plan (WRAP) in collaboration with the City of Greeley (Greeley) and the Water Supply and Storage Company (WSSC). The WRAP will help Utilities and its partners mitigate the vulnerability of water supplies and water supply infrastructure in the upper Poudre and Michigan River watersheds to the threat of wildfire. Accordingly, pursuant to Resolution No. 2024-066, the City, Greeley, and WSSC entered into an agreement, dated May 21, 2024, to coordinate their joint efforts related to funding and developing the WRAP. In addition, the City has recently been awarded grant funding from the Colorado Water Conservation Board (CWCB) through the Wildfire Ready Watershed Grant Program to assist in the development of a WRAP. Once adopted, this resolution will authorize Utilities to enter into the Intergovernmental Grant Agreement (IGGA) with the State of Colorado to receive funding to support the development of the WRAP. The Ordinance will: 1) appropriate the grant revenue from the State of Colorado; 2) appropriate monetary contributions from Greeley and WSSC; and 3) appropriate and authorize transfers of Utilities grant match commitments.

Adopted Resolution and Ordinance on First Reading.

22. First Reading of Ordinance No. 122, 2024, Designating the Chavez/Ambriz/Gonzales Property, 724 Martinez Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Fort Collins City Code Chapter 14.

The purpose of this item is to request City landmark designation for the Chavez/Ambriz/Gonzales Property at 724 Martinez Street. In cooperation with the property owners, City staff and the Historic Preservation Commission (Commission) have determined the property to be eligible for designation. The property is significant under City Code 14-22(a) Standard 1, Events/Trends, for association with the early sugar beet industry in Fort Collins, its social history, and its Hispanic history, as well as under Standard 3, Design/Construction, as a rare example of adobe construction in Fort Collins and including a Community Development Block Grant (CDBG)-funded addition. The owners are requesting designation, which will provide protection of the property's exterior and access to financial incentives for owners to use for historic properties.

Adopted on First Reading.

23. Resolution 2024-096 Approving Participation in the Settlement with An Additional Opioid Defendant, Kroger, and a Related Waiver of Claims.

The purpose of this item is to consider a resolution to allow the City to participate in the Colorado Opioids Settlement with Kroger by granting approval to sign an additional participation agreement and waiver of claims for opioid-related damages. This is in follow-up to prior approvals of settlements with multiple other opioid defendants, negotiated through national settlement efforts coordinated through the State of Colorado.

Adopted.

24. Resolution 2024-100 Authorizing a Second Amendment to the Intergovernmental Agreement Between the Poudre River Public Library District, the City of Fort Collins, and Larimer County.

The purpose of this item is to amend the Intergovernmental Agreement (IGA) between the Poudre River Public Library District, the City and Larimer County to change the selection process when there are vacancies on the District board. This amendment would allow the District Trustees to interview applicants and recommend appointments for ratification by Council and the County Board of Commissioners.

Adopted.

25. Items Relating to FLEX Route Regional Transit Services Intergovernmental Agreements.

A. Resolution 2024-101 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 2024-102 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 2024-103 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 2024-104 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 2024-105 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.

Adopted.

26. Resolution 2024-106 Approving Fort Fund Special Events Grant Disbursements.

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming Account and the Tourism Programming Account for the selected community events in the Special Event Grant – July Deadline category, based upon the recommendations of the Cultural Resources Board.

Adopted.

END OF CONSENT CALENDAR

Councilmember Pignataro moved, seconded by Councilmember Gutowsky, to approve the recommended actions on items 1-26, on the Consent Calendar.

Councilmember Pignataro noted Item Nos. 19, *First Reading of Ordinance No. 119, 2024, Making Supplemental Appropriations from Colorado Department of Transportation Revenue for the Intersection Improvements on US-287 (College Avenue) Project*, 21, *Items Relating to the Poudre Water Supply, Infrastructure Wildfire Ready Action Plan*, and 23, *Resolution 2024-096 Approving Participation in the Settlement with An Additional Opioid Defendant, Kroger, and a Related Waiver of Claims*, are good news items.

The motion carried, 5-0.

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

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

Councilmember Ohlson commented on Item No. 8, *First Reading of Ordinance No. 108, 2024, Authorizing Transfer of Appropriations for the Affordable Housing and Planning and Development Process Improvement Project* stating he supports the project but wanted to ensure the dollars being taken from the Licensing, Permitting, and Code Enforcement Operating Business Unit to fund it would not impact code enforcement in neighborhoods. Deputy City Manager Marr replied staff would follow up in writing.

Councilmember Ohlson asked about the anticipated timeframe for the Vine and Timberline overpass project, per Item No. 15, *First Reading of Ordinance No. 115, 2024, Making Supplemental Appropriations of Prior Year Reserves from Developer Contributions and Authorizing Transfers for the Future Vine and Timberline Overpass Project and Related Art in Public Places*. He noted the Vine and Lemay overpass took decades to come to fruition. Deputy City Manager Marr replied that it will depend on development and grant opportunities and noted the same issue arose with the Vine and Lemay overpass. He stated it will likely be a decade before funding is complete. Councilmember Ohlson requested staff provide a more formal timeline when possible.

Councilmember Ohlson commented on Item No. 16, *First Reading of Ordinance No. 116, 2024, Making Supplemental Appropriations of Revenue from Developer Contributions and Authorizing Transfers for the Cordova Road Right-of-Way Acquisition*, stating the developer was not able to acquire the needed right-of-way and will now owe the City \$500,000 to take over that process. He asked how often this type of thing occurs. Deputy City Manager Marr replied staff would follow up in writing.

Councilmember Ohlson asked if there will continue to be an application process like the current one per Item 24, *Resolution 2024-100 Authorizing a Second Amendment to the Intergovernmental Agreement Between the Poudre River Public Library District, the City of Fort Collins, and Larimer County*. Deputy City Manager Marr confirmed that it is staff's understanding that a similar application process will continue and will follow up with additional details in writing.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Councilmember Canonico thanked the neighborhoods involved in Neighborhood Night Out and thanked staff members in Fort Collins and Boulder for their work to host Councilmembers for a field trip to Boulder.

Councilmember Gutowsky reported on the City's employee picnic and commended those involved. She noted the Fort Collins Welcome Center has a new location on Mountain Avenue in a portion of the old Coopersmith's building which will also be housing a new restaurant. Additionally, she stated

a new Poudre Fire Authority station will be opening in Laporte, and it will include a large community center. She reported on attending the ComiCon event at the Senior Center and congratulated Nick Armstrong for organizing the event on an annual basis.

Clerk's Note: Mayor Pro Tem Francis called for a break at 7:31 p.m., noting the meeting would resume at 7:40 p.m.

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

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

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

This Ordinance, adopted on First Reading by a vote of 4-2 (Nays: Ohlson, Gutowsky; Absent: Pignataro) appropriates one-time dollars in the amount of \$150,000 to be used for a Civic Assembly engagement process in relation to the Hughes Site Plan work. Staff is also requesting that City Council approve a sole source exception for Healthy Democracy Fund to provide services related to the design, coordination and implementation of a civic assembly should grant revenue bring the project above \$200,000.

PUBLIC COMMENT

Madeline Grigg urged Council to focus its efforts related to the Hughes property on the preservation of indigenous cultures and education based on the desires and visions of the indigenous communities. Grigg stated trust was broken in the past and harm needs to be repaired.

Laura (no last name provided) urged Council to support the land back initiative and referred to a report that had been done by the People of Sacred Lands Truth, Restoration, and Education Commission of Colorado.

COUNCIL DISCUSSION

Councilmember Ohlson stated he did not support this item on First Reading and feels the same now.

Councilmember Gutowsky also stated that she did not support this item on First Reading and that her opinion had not changed. She stated the voice of the voters was clear in the desire for an open space and suggested Council could place the question on the ballot as to whether it should designate the property as a natural space to be maintained as such in perpetuity. She opposed spending funds on a random sampling of community members in a civic assembly process.

Councilmember Pignataro noted tax dollars of all community members was used to purchase the property whether those members voted in support of the previous ballot measure or not. She stated the civic assembly process is a good opportunity to try something new and see what comes out of a purposeful process that cannot be skewed by organizations that may be more organized than others. She also noted Council is not bound by the results of the civic assembly process.

Councilmember Canonico noted only about 35% of eligible voters voted in the election in which the Hughes item was included. She asked how the demographics will be represented in the civic assembly process. Assistant City Manager Venkatesh replied there will be a stratified lottery used to select the civic assembly members and it will be representative of the community. She stated part of the reason this process is being considered is because there will be a lot of opportunity for

the consultant to work with the Native community, so they are prepared to share their ideas with the assembly.

Mayor Pro Tem Francis expressed support for the item and noted the ballot language outlined several ideas for the land. She stated the civic assembly process will provide opportunities for agreement on how the land should be used.

Councilmember Pignataro moved, seconded by Councilmember Canonico, to adopt on Second Reading, Ordinance No. 106, 2024, Appropriating Prior Year Reserves in the General Fund for a Civic Assembly Process in Relation to the Hughes Stadium Site.

The motion carried, 3-2.

Ayes: Mayor Pro Tem Francis and Councilmembers Pignataro and Canonico

Nays: Councilmembers Gutowsky and Ohlson

Absent: Mayor Arndt and Councilmember Potyondy

28. First Reading of Ordinance No. 123, 2024, Amending Chapter 4 of the Code of the City of Fort Collins to Ban the Retail Sale of Dogs and Cats.

The purpose of this item is to ban the retail sale of dogs and cats from stores within Fort Collins city limits.

STAFF PRESENTATION

Sylvia Tatman-Burruss, Senior Policy and Project Manager, stated the purpose of this ordinance is to ban the retail sales of dogs and cats within Fort Collins city limits. Tatman-Burruss noted Council may modify the ordinance to exempt existing retail stores or to include banning sales from parking lots, roadside areas, outdoor markets, and other events. Additionally, Tatman-Burruss noted NOCO Humane, with whom the City contracts, has stated they can enforce the ordinance within its existing contract.

PUBLIC COMMENT

Grant Wilcox spoke in support of the ordinance banning the retail sale of dogs and cats and commented on some inconsistencies shown on Pet City's website and a lack of transparency by the store.

David Rainey Corbyn stated he is a veterinarian and formed a relationship with Pet City in 1989 which continued until he retired in 2015, during which time he helped ensure the health of its animals. Rainey Corbyn commented on a policy allowing Pet City staff to go to a breeder unannounced, any time, to check on the health of animals, and stated they would only do business with breeders who allowed this. Rainey Corbyn opposed the ordinance banning the retail sale of dogs and cats.

Erin Murray opposed the ordinance banning the retail sale of dogs and cats stating she has been a manager at Pet City for several years. Murray stated this ordinance jeopardizes her employment and that of others and serves as a stark reminder that any business can find itself under threat with little to no warning. Additionally, Murray commented on the importance of personal choice for people who are looking for a pet.

COUNCIL DISCUSSION

Councilmember Pignataro noted one of the speakers mentioned parking lot and out of car sales and asked about the possibility of amending the ordinance to include those items. City Attorney Daggett replied staff is prepared to provide the language that would be needed if Council would

like to add it at First Reading. Alternatively, it could be published with the Second Reading language, or the item could be postponed for consideration.

Councilmember Pignataro stated she would support options one or two.

Councilmember Gutowsky expressed support for the ordinance as written on First Reading with the inclusion of the additional language on Second Reading.

Councilmember Ohlson expressed support for either option one or two.

Mayor Pro Tem Francis asked if the new language could be read so Council could better understand what it was considering.

City Attorney Daggett outlined the suggested changes to the ordinance as published which would include adding a new section that would prohibit the sale of dogs and cats in public places.

Councilmember Gutowsky stated she would be open to adding the new language on First Reading.

Councilmember Pignataro asked about enforcement related to the new piece of language. Deputy City Manager Marr replied NOCO Humane will be handling enforcement under its existing contract.

Councilmember Gutowsky asked if there would be any additional law enforcement. Deputy City Manager Marr replied the City tends to rely on its NOCO Humane partners for enforcement of these Code provisions. City Attorney Daggett replied there are other law enforcement officers of the City who would be legally able to enforce the provisions.

Councilmember Pignataro moved, seconded by Councilmember Gutowsky, to adopt on First Reading, Ordinance No. 123, 2024, Amending Chapter 4 of the Code of the City of Fort Collins to Ban the Retail Sale of Dogs and Cats, with the addition of the language as read by the City Attorney.

Councilmember Pignataro thanked those who have been involved in this issue for over a year now and expressed support for the fact that the language would also ban the sales of animals in parking lots and similar situations.

Councilmember Gutowsky noted this ordinance will not go into effect until May of 2025 which would allow time for Pet City to adopt a different business model to adapt.

City Attorney Daggett clarified that the delayed implementation only applies to retail stores and all other provisions would go into effect on the effective date of the ordinance, or ten days after second reading.

Councilmember Ohlson thanked everyone for work on this item and commented on a newspaper article outlining concerns about the quality of life for animals at puppy mills. He stated it is important to provide a voice to creatures that do not have one and now is the time to move forward with this item.

Mayor Pro Tem Francis noted she was initially skeptical of what this would do because it seems very focused on one business; however, with the additional language, she feels more comfortable adopting the ordinance.

The motion carried, 5-0.

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

Nays: None.

Absent: Mayor Arndt and Councilmember Potyondy

29. Resolution 2024-107 Making an Appointment to the Affordable Housing Board.

The purpose of this item is to fill an existing vacancy on the Affordable Housing Board.

Pursuant to Council policy, the recommended appointee has completed or will complete 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.

PUBLIC COMMENT

None.

COUNCIL DISCUSSION

Councilmember Pignataro requested clarification as to why this item is not on the Consent Calendar. Deputy City Manager Marr replied the interviews for this vacancy were conducted after the Council packet was published, therefore, the Resolution was published with a blank and needed to be considered on the discussion agenda.

Councilmember Pignataro moved, seconded by Councilmember Canonico, to adopt Resolution 2024-107 Making an Appointment to the Affordable Housing Board, inserting the name of Jorja Whyte.

Councilmember Canonico thanked those who applied to fill the vacancy and stated there were many qualified applicants. She stated the chosen candidate is a student at CSU and she is excited to see that population involved in City government.

Mayor Pro Tem Francis thanked the applicants as well as all Board members who serve the City.

The motion carried, 5-0.

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

Nays: None.

Absent: Mayor Arndt and Councilmember Potyondy

P) RESUMED PUBLIC COMMENT

None.

Q) OTHER BUSINESS

None.

R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 8:21 p.m.

Mayor Pro Tem

ATTEST:

City Clerk

DRAFT