

June 4, 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 June 2024 as LGBTQ+ Pride 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 Tricia Canonico
Councilmember Melanie Potyondy
Councilmember Kelly Ohlson

ABSENT

Councilmember Julie Pignataro (Excused/Remote)

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:

- Item #9, *Second Reading of Ordinance No. 073, 2024, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the I-25 & Mulberry Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and Lighting Context Area Map*, now includes the Planning and Zoning Commission's recommendation of approval.
- All items on the consent agenda were recommended for approval with no changes.
- 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.)

August-Carter Nelson, speaking on his own behalf, urged Council to adopt a ceasefire resolution.

Adam Hirschhorn commented on propaganda and ensuring the safety of those living north of the Poudre River.

Will Risheill stated the Hughes Stadium site should be returned to indigenous people.

Alex Scott urged Council to adopt a ceasefire resolution.

Kimberly Connor urged Council to adopt a ceasefire resolution.

JP Hurst commented on being involved in a minor bus accident and stated there was no choice but to file legal action which was refused to be received by the City Attorney's Office. Hurst also urged Council to require City staff to register under DOLA.

Paul Herman opposed the adoption of a ceasefire resolution.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Potyondy thanked the speakers.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

Councilmember Ohlson withdrew Item #8, *Second Reading of Ordinance No. 072, 2024, Annexing the Property Known as the I-25 & Mulberry Annexation to the City of Fort Collins, Colorado*, and Item #9, *Second Reading of Ordinance No. 073, 2024, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the I-25 & Mulberry Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and Lighting Context Area Map*, from the Consent Calendar due to concerns with metro district policies and concerns that the items should not have been on the Consent Calendar.

J) CONSENT CALENDAR

1. **Consideration and Approval of the Minutes of the April 16, 2024, and May 7, 2024, Regular Meetings.**

The purpose of this item is to approve the minutes of the April 16, 2024, and May 7, 2024, regular meetings.

Approved.

2. **Second Reading of Ordinance No. 066, 2024, Making a Supplemental Appropriation and Appropriating Prior Year Reserves to Develop a Digital Accessibility Roadmap.**

This Ordinance, unanimously adopted on First Reading on May 21, 2024, requests an appropriation of \$150,000 in General Funds in order to work with a consultant to develop a comprehensive and actionable Digital Accessibility Roadmap. The purpose of this roadmap is to provide a strategy for compliance with both Colorado and federal laws and regulations pertaining to digital accessibility requirements, including both the Americans with Disabilities Act and Colorado House Bill 21-1110.

Adopted on Second Reading.

3. **Second Reading of Ordinance No. 067, 2024, Making a Supplemental Appropriation from the Colorado Department of Transportation Colorado Highway Safety Office Click It or Ticket Grant for the Fort Collins Police Services Traffic Enforcement Unit.**

This Ordinance, unanimously adopted on First Reading on May 21, 2024, appropriates \$16,529 of unanticipated federal grant revenue from the Colorado Department of Transportation, Colorado Highway Safety Office (HSO), to support Fort Collins Police Services' Traffic Enforcement Unit work toward traffic safety and reducing serious injuries and fatal crashes through the enforcement of traffic laws and specifically those related to driver and passenger restraint system use.

Adopted on Second Reading.

4. **Second Reading of Ordinance No. 068, 2024, Appropriating Prior Year Reserves in the Transportation Capital Expansion Fee Fund for Eligible Reimbursement to the Waters Edge Second Filing Developer for Construction of Turnberry Road, Brightwater Drive, and Morningstar Way Improvements.**

This Ordinance, unanimously adopted on First Reading on May 21, 2024, appropriates \$612,027 of Transportation Capital Expansion Fee (TCEF) Funds for expenditure from the Transportation Capital Expansion Fee Program Budget to reimburse the Waters Edge Second Filing developer, Waters Edge Development Inc. (Developer), for its oversizing construction of Turnberry Road, Brightwater Drive, and Morningstar Way. As part of the development plans and development agreement for Waters Edge Second Filing and permitted for construction under the Waters Edge Third Filing Development Construction Permit, the Developer has constructed to City standards Turnberry Road as a two-lane arterial, and Brightwater Drive and Morningstar Way as collectors as part of its development requirements. Per Section 24-112 of the City Code, the Developer is eligible for reimbursement from TCEF funds for the oversized, non-local portion of Turnberry Road, Brightwater Drive, and Morningstar Way not attributed to the local portion obligation.

Adopted on Second Reading.

5. **Second Reading of Ordinance No. 069, 2024, Making a Supplemental Appropriation from the Colorado Department of Early Childhood in Support of Licensed City Childcare Programs.**

This Ordinance, unanimously adopted on First Reading on May 21, 2024, supports licensed City childcare programs by appropriating \$21,069 of unanticipated grant revenue awarded by the Colorado Department of Early Childhood (CDEC).

Through the CDEC's Childcare Stabilization Grants program the City was awarded \$21,069 in federal pass-through funds to provide enhancements in licensed City Childcare programs.

Adopted on Second Reading.

6. **Second Reading of Ordinance No. 070, 2024, Correcting Ordinance No. 003, 2024, Authorizing Transfers and Reappropriating Funds Previously Approved for the Utilities' Grid Flexibility Programs.**

This Ordinance, unanimously adopted on First Reading on May 21, 2024, appropriates \$200,000 of prior year reserves in the Light and Power Fund to support Ordinance No. 003, 2024, which authorized transfers and reappropriation of funds previously appropriated for the Utilities' Grid Flexibility Programs. The ordinance, as adopted, omitted the need for \$200,000 of prior year reserves to fully fund the requested appropriation, since those funds had technically lapsed at the end of fiscal year 2023.

Adopted on Second Reading.

7. **Second Reading of Ordinance No. 071, 2024, Approving the First Amendment to the Hangar Ground Lease Agreement with IC Loveland, LLC, for the Aero FNL Hangar Development at the Northern Colorado Regional Airport.**

This Ordinance, unanimously adopted on First Reading on May 21, 2024, approves an amendment to an existing hangar ground lease between the City of Fort Collins, the City of Loveland, and IC Loveland, LLC, to allow for subleasing and fractional ownership of multi-unit aircraft hangar buildings.

Adopted on Second Reading.

8. **Second Reading of Ordinance No. 072, 2024, Annexing the Property Known as the I-25 & Mulberry Annexation to the City of Fort Collins, Colorado.**

This Ordinance, unanimously adopted on First Reading on May 21, 2024, annexes a 46.92-acre property located at the NE Corner of the I-25 and East Mulberry interchange. A specific project development plan proposal is not included with the annexation application. The Initiating Resolution was adopted on April 16, 2024. A related item to zone the annexed property is presented as the next item on this Agenda.

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

Pulled from Consent for Discussion.

9. **Second Reading of Ordinance No. 073, 2024, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the I-25 & Mulberry Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and Lighting Context Area Map.**

This Ordinance, unanimously adopted on First Reading on May 21, 2024, zones the property included in the I-25 & Mulberry Annexation into the Industrial (I), and General Commercial (CG) zone districts and place the property into the LC2 Lighting Context Area and Non-residential Sign District.

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2015-091.

Because the Planning and Zoning Commission did not make a recommendation on the annexation zoning until after the agenda materials were available for first reading, the information in the ordinance was subsequently updated with the Commission's recommendation for second reading.

Pulled from Consent for Discussion.

10. **Items Relating to the Appropriation of Federal Funds in the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program Funds.**

- A. *First Reading of Ordinance No. 074, 2024, Making Supplemental Appropriations in the Community Development Block Grant Fund.*

- B. *First Reading of Ordinance No. 075, 2024, Making Supplemental Appropriations in the HOME Investments Partnerships Grant Fund.*

The purpose of this item is to appropriate the City's FY2024 Community Development Block Grant (CDBG) Entitlement Grant and FY2024 Home Investment Partnerships Program (HOME) Participating Jurisdiction Grant from the Department of Housing and Urban Development (HUD), and CDBG program income from FY2022 and FY2023 and HOME Program Income from FY2022 and FY2023.

Adopted on First Reading.

11. **First Reading of Ordinance No. 076, 2024, Making Supplemental Appropriation for the Charter Review Council Priority from General Fund Reserves.**

The purpose of this item is to appropriate funds to allow work to begin on the City Charter review process included in the Council-adopted Council priorities. The amount appropriated, \$25,000, will be used to fund special legal counsel with municipal charter expertise to take the lead on the review and drafting of Charter provisions to update and modernize the City Charter.

Adopted on First Reading.

12. **First Reading of Ordinance No. 077, 2024, Appropriating Philanthropic Revenue Received Through City Give for the Cultural Community Program Through Cultural Services.**

The purpose of this item is to request an appropriation of \$30,000 in philanthropic revenue received through City Give for Cultural Community Program, a department within the City's Cultural Services area, for live music as designated by the grant award.

In 2019, the City of Fort Collins launched City Give, a formalized enterprise-wide initiative to create a transparent, non-partisan governance structure for accepting and appropriating charitable gifts.

Adopted on First Reading.

13. First Reading of Ordinance No. 078, 2024, Appropriating Prior Year Philanthropic Revenue Reserves Received by City Give for the 9/11 Memorial at Spring Park.

The purpose of this item is to request an appropriation of \$12,500 in philanthropic revenue received by City Give for the construction of the 9/11 Memorial at Spring Park, 2100 Mathews Steet, Fort Collins, CO.

A partnership between the City of Fort Collins and Poudre Fire Authority (PFA), the 9/11 Memorial will be located in midtown Fort Collins, and will honor firefighters, emergency medical technicians, law enforcement officers, and nearly 3,000 others who lost their lives on September 11, 2001.

Adopted on First Reading.

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

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

- *Appropriating \$4,200 of unanticipated grant revenue awarded by the Colorado Department of Agriculture (CDA) and*
- *Utilizing matching funds in the amount of \$4,200 from existing 2024 appropriations into to this new grant project.*

In May 2024 the Colorado Department of Agriculture (CDA) awarded the City of Fort Collins (City) \$4,200 under the CDA's Agricultural Workforce Development Grant Program (Attachment 2). The City will be providing an additional \$4,200 in required matching funds. The award funds and City's matching funds will support hiring an intern for The Gardens' summer 2024 internship program.

The \$4,200 in funds through the CDA's Agricultural Workforce Development Grant Program are federal pass-through funds.

As presented per Attachment 2, the \$4,200 is provided pursuant to a State of Colorado Purchase Order, with corresponding terms and conditions. There is no requirement that the City sign an agreement. Rather upon the City submitting the first request for reimbursement to CDA, the City agrees to all terms and conditions of the award.

Adopted on First Reading.

15. Resolution 2024-072 Authorizing the Mayor to Execute City-sponsored 401(a) Restated Adoption Agreements.

The purpose of this item is to authorize the Mayor to execute restated adoption agreements for City-sponsored 401(a) and Police 401(a) plans to designate a new Special Trustee.

Adopted.

16. **Resolution 2024-073 Authorizing the Assignment of the City's Private Activity Bond Allocation for 2024 to Housing Catalyst to Finance the Construction and Rehabilitation of Affordable Housing Units.**

The purpose of this item is to support the new construction of affordable housing at several locations in the City by assigning the City's 2024 Allocation of Private Activity Bond (PAB) capacity. PAB capacity is required for development projects using four percent (4%) Low-Income Housing Tax Credit financing.

Adopted.

17. **Resolution 2024-074 Authorizing the Execution of a Discretionary Aviation Grant Resolution (CDAG No. 24-FNL-01) with the City of Loveland to Accept Grant Funds from the State for the Construction of the New Terminal and the Rehabilitation of Certain Taxiways at the Northern Colorado Regional Airport.**

The purpose of this item is for Council to authorize the Mayor or City Manager to execute a Colorado Department of Transportation (CDOT)-provided resolution to secure state grant funding for the construction of the new terminal at the Northern Colorado Regional Airport and for the rehabilitation of pavement for Taxiways B and D.

Adopted.

18. **Resolution 2024-075 Authorizing the City Manager to Execute a Grant Agreement (AIG Project No. 3-08-0023-045-2024) Between the City of Fort Collins, the City of Loveland, and the Federal Aviation Administration for the Construction of the New Terminal at the Northern Colorado Regional Airport.**

The purpose of this item is for Council to authorize the City Manager to execute a grant agreement with the City of Loveland and the Federal Aviation Administration (FAA) to secure federal funding for the construction of the new terminal at the Northern Colorado Regional Airport. These funds were budgeted as part of the initial project funding and came available for application in 2024 as part of the Bipartisan Infrastructure Law Airport Improvement Grant program and were appropriated in the 2024 Airport budget for expenditure in this project.

Adopted.

19. **Resolution 2024-076 Making Appointments to the Youth Advisory Board.**

The purpose of this item is to fill existing vacancies on the Youth Advisory Board.

Pursuant to Council policy, the recommended appointees have 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.

Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to approve the recommended actions on items 1-19, minus items 8 and 9, on the consent calendar.

The motion carried 6-0.

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

Nays: None.

Absent: Councilmember Pignataro.

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

None.

- L) STAFF REPORTS**

None.

- M) COUNCILMEMBER REPORTS**

Councilmember Potyondy announced a listening session Saturday at the Harmony Library.

Councilmember Gutowsky reported on the Poudre Fire Authority's EMS survivors' event and graduation. Additionally, she reported on the FoCo EcoFest, the FoCo Kindness Expo, and the Recycle Summit.

Councilmember Canonico reported on the Lincoln Center's season announcement and on attending the EPA's local government advisory committee meeting in Washington, D.C.

Mayor Arndt reported on the U.S. Climate Mayors western mayors' meeting regarding water.

Councilmember Potyondy reported on the opening of the Origami Exhibit at the Gardens on Spring Creek.

Councilmember Gutowsky reported on the Emma Malaby Grocery building being restored into a grocery museum by Historic Larimer County.

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

- 8. Second Reading of Ordinance No. 072, 2024, Annexing the Property Known as the I-25 & Mulberry Annexation to the City of Fort Collins, Colorado.**

This Ordinance, unanimously adopted on First Reading on May 21, 2024, annexes a 46.92-acre property located at the NE Corner of the I-25 and East Mulberry interchange. A specific project development plan proposal is not included with the annexation application. The Initiating Resolution was adopted on April 16, 2024. A related item to zone the annexed property is presented as the next item on this Agenda.

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

PUBLIC COMMENT

Carolynne White, land use counsel for the landowner, stated the team is available for questions.

COUNCIL COMMENT

Councilmember Ohlson stated this item should not have been on the Consent Calendar and should first have gone to the Council Finance Committee. He requested the County be urged to develop or improve their metro district policy and expressed concern about the questions raised in the Agenda Item Summary (AIS) that have yet to be discussed.

Kai Kleer, City Planner, stated the applicant team was opposed to presenting to the Council Finance Committee and it was assumed Council would pull the item off Consent if there were concerns about the difference between the County and City metro district policies.

Councilmember Ohlson stated staff could choose to bring the issue before the Council Finance Committee.

Kleer stated internal policy shifts could be made regarding the Finance Committee and noted this is the first metro district the City could annex. He stated there is a gap in the intergovernmental agreement with the County and County staff has shown support for amending the IGA.

Councilmember Ohlson suggested annexation should not occur unless the metro district policies align.

Josh Birks, Deputy Sustainability Director, stated staff does want to be able to talk to the County about working more closely on metro districts within the growth management area and on updating their metro district policy. Additionally, he concurred these types of issues should be brought to the Council Finance Committee. He noted the zoning for this property would be commercial and industrial which has a different set of standards within the metro district policy.

Mayor Arndt thanked Councilmember Ohlson for bringing forth the questions and comments and concurred staff should make the decision to bring an item to Council Finance Committee.

Mayor Pro Tem Francis asked if it would be possible to postpone consideration of this item on Second Reading to bring it before the Finance Committee. City Attorney Daggett replied there would be an issue with postponing the item as the annexation statute governs the process and it does not allow for continuation of the hearing unless there has first been one hour of testimony. She stated staff could vote the item down.

Birks reviewed the metro district process which requires that the governing jurisdiction in which the metro district is created review and evaluate it for consistency with the statute and any policy it may have. In this case, the County Commissioners reviewed and approved the metro district and service plan as it exists.

City Attorney Daggett stated there is a process through which the metro district can request that Council become the approving authority rather than the County Commissioners as an existing metro district that has been annexed. However, that is an action that the district needs to take, and it is not a party to the annexation; the property owner is the requesting party for the annexation.

Councilmember Gutowsky stated she would like to get more information and suggested the item be voted down to allow it to go before Council Finance.

Mayor Arndt stated she is willing to move forward with this item with the knowledge the process will change in the future.

Councilmember Ohlson stated he is not requesting the item be voted down by others, though he will be voting in the negative due to his concerns.

Birks stated any of the suggested actions within the staff report will require a willing partner on the other side of the table. He noted metro districts are subsections of government, and once created, have their own sovereignty.

Councilmember Ohlson noted the application of the metro district policy, even in a commercial setting, could have valuable implications.

Mayor Pro Tem Francis stated she is comfortable moving forward with the knowledge that policy changes will be made.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Ordinance No. 072, 2024, on Second Reading.

The motion carried 5-1.

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

Nay: Councilmember Ohlson.

Absent: Councilmember Pignataro.

9. **Second Reading of Ordinance No. 073, 2024, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the I-25 & Mulberry Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and Lighting Context Area Map.**

This Ordinance, unanimously adopted on First Reading on May 21, 2024, zones the property included in the I-25 & Mulberry Annexation into the Industrial (I), and General Commercial (CG) zone districts and place the property into the LC2 Lighting Context Area and Non-residential Sign District.

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2015-091.

Because the Planning and Zoning Commission did not make a recommendation on the annexation zoning until after the agenda materials were available for first reading, the information in the ordinance was subsequently updated with the Commission's recommendation for second reading.

PUBLIC COMMENT

None.

COUNCIL COMMENT

Councilmember Ohlson asked if the Planning and Zoning Commission suggested any changes to this item. Kai Klee, City Planner, replied there were no changes recommended by the Commission and its recommendation of approval was not part of the First Reading staff report due to a scheduling issue.

Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to adopt Ordinance No. 073, 2024, on Second Reading.

The motion carried 6-0.

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

Nays: None.

Absent: Councilmember Pignataro.

(Clerk's Note: Mayor Arndt called for a brief recess at this point in the meeting. The meeting resumed at 7:15 p.m.)**

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

20. Appeal of the Historical Preservation Commission's Decision Finding 2601 South College Avenue Eligible for Landmark Designation.

The purpose of this quasi-judicial item is to consider an appeal of the decision of the Historic Preservation Commission ("HPC") on April 17, 2024, determining that the property at 2601 South College Avenue (the "Property," historically, the Ghent Auto Dealership) is eligible for designation as a Fort Collins Landmark.

The Appellant, Dracol, LLC, the owner of the Property, raises one issue on appeal: that the HPC failed to properly interpret and apply provisions of City Code Section 14-22, which establishes standards for determining the eligibility of structures for designation as landmarks or landmark districts. Specifically, Appellant alleges that the HPC failed to properly establish historic significance under either Standard 1 (Events/Trends) or Standard 3 (Design/Construction), and further failed to establish clear historic integrity; before making a ruling on whether the Property met the standards for significance and integrity required for Landmark designation under the Code.

City Attorney Daggett provided an overview of the appeal process and outlined Council's role.

Paul Sizemore, Community, Development and Neighborhood Services Director, outlined the various steps in the finding of eligibility for the property and discussed how a determination of eligibility would affect the larger process of development. Sizemore discussed the process utilized by the Historic Preservation Commission to determine eligibility and outlined the Commission's decision. Sizemore noted the decision maker on any redevelopment of the property moving forward would be the Planning and Zoning Commission, and a finding of eligibility being upheld for the property would necessitate adaptive reuse and limit exterior changes that could be made to the building moving forward.

Sizemore outlined the notice of appeal which alleges that the Historic Preservation Commission did not properly interpret and apply applicable Codes as there is no evidence to show historic significance under standards one or three and the property lacks integrity to show any significance.

Mayor Arndt noted she knows the Ghent family but does not believe that is a reason for recusal.

Councilmember Potyondy and Mayor Arndt stated they are familiar with the appearance of the property.

Carolynne White, counsel for the appellant, introduced herself.

Meg Dunn introduced herself as a party-in-interest opposed to the appeal.

Mayor Arndt outlined the time allotments for presentations and rebuttals.

APPELLANT PRESENTATION

White introduced Kris Spradley and Bill Barr, the property owners, and Natalie Feinberg Lopez, historic preservation expert with Built Environment Evolution. She discussed the 2017 determination of eligibility for the property, which was then appealed to the former Landmark Preservation Commission and Council, which found in April of 2018 that the property was not eligible for landmark designation. She noted that determination expired in April of 2023 and the development application for the site then triggered the need for staff's subsequent review. White requested Council adopt a resolution overturning the Historic Preservation Commission's determination of eligibility.

Kris Spradley, property owner, discussed his history with the property and noted it is no longer feasible to operate the property as a new car dealership. Additionally, he stated the building is quite inefficient and he is hoping to move forward with the development proposal that aligns with City Plan and the Midtown Plan.

White stated the criteria for significance and integrity have not fundamentally changed since the determination of ineligibility was made by Council in 2018. She noted Natalie Feinberg Lopez' Colorado Cultural Resource Survey found that the property did not meet the Code standards for significance and integrity and is therefore not eligible for landmark designation.

Natalie Feinberg Lopez discussed her background and employment in historic preservation. She detailed her findings that the property is not eligible for landmark designation.

White stated the Structure Plan for this area discusses moving away from auto-oriented uses and toward vertical, high-density development. She outlined comments made by the Commissioners during the HPC hearing that demonstrate there is some question in their minds about the degree to which the policies and purposes of the Code are advanced by historic designation of the site.

OPPONENT PRESENTATION

Meg Dunn discussed her history on the HPC and noted Fort Collins is a certified local government; therefore, the HPC is required to have members with certain areas of expertise, including architects, builders, historians, and preservationists. She stated the proposed development project has been supported by the Commission and historic preservation staff and the section of the Code requiring retaining the historic buildings does not negatively impact the developers' ability to construct substantial amounts of housing on what is now a vast parking lot behind the structures.

Dunn discussed the requirement for adaptive reuse and stated the buildings could be used for a proposed bank or gas station, or for more housing. She stated the buildings have been properly found to be significant and to have the integrity to convey that significance.

APPELLANT REBUTTAL

Feinberg Lopez stated she is considered one of the specialists in the United States on conserving materials, specifically from mid-century modern structures, and reiterated the materials on these buildings are at the end of their life and there would be an extreme expense associated with reusing the materials. Additionally, replacing the materials would result in a loss of integrity.

White noted potential future adaptive reuse is not one of the criteria for eligibility and stated the buildings are located right in the center of the property which would make development around it costly and difficult. She stated there is not sufficient evidence in the record to support the conclusions reached by the HPC for eligibility under significance and integrity; therefore, the Commission did not properly apply the Code.

OPPONENT REBUTTAL

Dunn commented on the Lucky's Market adaptive reuse of the Safeway building at Mulberry and College and stated the landmarking of the buildings would provide significant credits for redevelopment. Additionally, she stated the buildings could be improved from an energy standpoint and noted the primary role of the Historic Preservation Commission is to apply this Code, which she stated was done appropriately in this instance.

COUNCIL QUESTIONS

Councilmember Gutowsky requested clarification regarding the aspects of integrity. Maren Bzdek, Historic Preservation Manager, replied it is not a requirement for all seven aspects of integrity to be met for eligibility, though the evaluation process considers all seven aspects.

Councilmember Gutowsky requested additional information regarding the Commission's finding on workmanship. Bzdek replied workmanship is typically considered in terms of how the building is constructed, what types of techniques are applied to the construction, and evidence of a particular style.

Councilmember Gutowsky asked if a modification to materials could cause a building to lose historic integrity. Bzdek replied that can occur and materials are examined with a focus on character-defining features.

Jim Bertolini, Senior Historic Preservation Planner, stated the character-defining features in this case include the large open windows, stone veneer, and roof framing. He acknowledged some of the materials are deteriorating, but noted historic integrity is not the same as building condition. He stated the deteriorating materials may need to be repaired or replaced in kind. In terms of detractors of materials itself, the main issues were the loss of the overhead garage doors in the service bays and the replacement of the original roof material.

Councilmember Gutowsky asked if the building can be demolished if it is considered eligible for designation. Bzdek replied there is special consideration for retention of the historic resources as part of the development review process if a property is found to be eligible. She noted the development applicant can request a modification of standard for an eligible property and that could allow modification up to demolition.

Councilmember Gutowsky asked why other car dealerships have not been found to be eligible. Bertolini replied a comparative study was conducted as part of the survey and it was found that at least four of the car dealerships that reflected the shift to a car-centric Fort Collins were either demolished or heavily modified.

Mayor Pro Tem Francis asked if landmark designation is possible if Council upholds the decision of the HPC. Bzdek replied in the affirmative.

Councilmember Potyondy clarified the property owners would have had the latitude to modify or demolish the property during the five years after it was determined ineligible. She asked if anything has changed with the property since the 2018 decision. Bzdek replied nothing has changed

although the reevaluation process is in place to address any changes to the property or available information that might have happened during that five-year period.

COUNCIL DISCUSSION

Councilmember Potyondy stated she loves mid-century modern architecture; however, she does not see the historic significance or architectural uniqueness in this property.

Mayor Pro Tem Francis concurred with Councilmember Potyondy and stated the standards for significance for events were not met given the movement toward a car-centric society is not unique to Fort Collins. Additionally, she stated the building is not a good example of mid-century modern architecture.

Councilmember Canonico also concurred and stated the property owner should not be penalized due to the five-year period lapsing, particularly given the unique circumstances of the last five years.

Councilmember Gutowsky supported upholding the decision of the Commission noting it is composed of highly qualified individuals in historic preservation. She stated she believes it is possible to both provide housing and preserve the building.

Councilmember Ohlson also concurred with the staff recommendation and HPC finding of eligibility. He stated he could support finding only the main showroom building eligible. He commented on the successful adaptive reuse of what is now Taco Bell at Prospect and College.

Mayor Arndt supported adaptive reuse; however, she stated she does not believe this property meets the test of significance under the standards for events or design.

Councilmember Ohlson noted the Lucky's Market building is not landmarked. Bzdek replied the building was determined to be eligible more than five years ago but is not landmarked.

Mayor Pro Tem Francis made a motion, seconded by Councilmember Potyondy, that Council overturn the Historic Preservation Commission's decision that 2601 South College Avenue is eligible for historic landmark designation because the Historic Preservation Commission failed to properly interpret and apply City Code Section 14-22(a) in finding that 2601 South College Avenue possesses significance in that it did not properly individually contribute significantly to Fort Collins history and does not embody mid-century modern architecture and lacks artistic value. Further, except as so stated, based on the evidence in the record and presented at this hearing, any other issues raised in the appeal are hereby found to be without merit and are denied.

The motion carried 4-2.

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

Nays: Councilmembers Gutowsky, and Ohlson.

Absent: Councilmember Pignataro.

P) OTHER BUSINESS

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

None.

OB 2. Consideration of a motion to adjourn this meeting until after the completion of the Electric Utility Enterprise Board business:

"I move that Council adjourn this meeting until after the completion of the Electric Utility Enterprise Board business."

(Clerks Note: The Mayor adjourned the meeting to go into the EUE meeting at 8:30 p.m. and reconvened at 8:36 p.m.)**

Q) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 8:37 p.m.

Mayor Pro Tem

ATTEST:

Interim City Clerk

DRAFT