

September 17, 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 the Week of September 15-21 as Fort Collins Co-Responders Week.**

PP 2. **Declaring the Week of September 17-23 as Constitution Week.**

PP 3. **Declaring the Week Leading up to the Games on Saturday, September 27, 2024 as Canvas Community Classic Week.**

PP 4. **Declaring the Month of September 2024 as National Preparedness 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 Melanie Potyondy

Councilmember Kelly Ohlson

STAFF PRESENT

City Manager Kelly DiMartino

City Attorney Carrie Daggett

City Clerk Delynn Coldiron

E) CITY MANAGER'S AGENDA REVIEW

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

- Public hearing on the 2025-2026 recommended budget; and
- Item approving the second amended and restated Intergovernmental Agreement between the City of Fort Collins and Poudre Fire Authority.
- Spanish interpretation is available.

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.)*

Each person was given three minutes to speak.

Kevin Cross, Fort Collins Sustainability Group, discussed global warming and expressed concern Fort Collins will miss its 2026 and 2030 climate pollution reduction goals. Cross stated we should not be complacent about projected shortfalls and stated it is important to fund the budget offers recommended by the City Manager as well as the five other climate-related offers that were not recommended.

Barbara Krupnik-Goldman opposed the proposed PRPA methane gas turbine plant and requested Council adopt a resolution requiring independent third-party review of the plan. Krupnik-Goldman asked if existing gas turbines will be shut down or whether they alone offer enough insurance for dark and windless days. Additionally, Krupnik-Goldman stated the climate crisis is not the same thing as climate change.

Doug Henderson, Sierra Club, opposed the proposed PRPA methane gas turbine plant and stated PRPA is falling behind many other utilities in transitioning to clean energy. Henderson reminded Council of its goal of 100% clean energy by 2030, which was also set by PRPA at that time, though PRPA has consistently resisted meeting the goal, underinvested in clean energy, and refused public transparency about critical assumptions in its modeling. Henderson encouraged Council to require an independent third-party review to determine whether the proposed gas plant is needed.

Elizabeth Hudetz commented on damaging rains in central Europe and fires northeast of us noting these are examples of climate chaos. Hudetz opposed the proposed PRPA methane gas turbine plant stating it will feed the climate chaos. Hudetz requested Council require an independent third-party review of the proposal.

Dolores Williams opposed the proposed PRPA methane gas turbine plant and shared examples of various weather events that are occurring due to climate change. Williams expressed concern insurance coverage will begin to be eliminated and urged Council to require PRPA to move forward with renewable energy sources.

Fred Kirsch opposed the proposed PRPA methane gas turbine plant and shared concerns about the engineer who resigned from PRPA, which Kirsch stated was even more of a reason for requiring a third-party review.

Kimberly Connor shared videos related to the Israel/Palestine conflict and urged Council to call for a cease fire and arms embargo.

Anna Lai expressed support for Resolution 2024-118 related to alternative sentencing for Municipal Court and shared benefits of these programs versus incarceration. Lai stated these programs will help eliminate social stigma and recidivism and praised Fort Collins use of the innovative approach.

Ed Behan, Larimer Alliance for Health, Safety, and the Environment, opposed the proposed PRPA methane gas turbine plant and expressed skepticism that the plant would remain idle unless needed during dark calm periods. Additionally, Behan stated PRPA is last among Colorado power utilities in establishing a truly renewable energy resource for its member communities at a time when air quality in our region remains some of the least healthy in the state. Behan urged Council to require a third-party review of the Integrated Resource Plan.

Colin Gerety stated the City's goals to reduce vehicle miles traveled have generally failed primarily due to poor road design that encourages speeding and ensures the community will always be auto dependent. Gerety suggested Council should pass an ordinance requiring a reduction in lane width and having no more than one lane in each direction.

Amy Hoeven noted she serves on the Citizen Review Board but was speaking for herself. Hoeven thanked Council for its ongoing support of the immigration and eviction legal funds and shared information about DACA and work authorization students being supported by the assistance. Hoeven stated financial stability is vital in keeping families and communities secure, healthy, and self-sufficient. Hoeven urged Council to continue to support the funds in the upcoming budget.

Sam Killmeyer opposed the proposed PRPA methane gas turbine plant and associated rate increases for a plant that will worsen air quality and contribute to climate change. Killmeyer urged Council to require a third-party review of the Integrated Resource Plan and stated PRPA is the poorest performer in the state in adopting clean energy plans.

Debbie Mayer, Colorado Poverty Law Project, spoke in support of the eviction and immigration legal funds and discussed the work her organization has been able to complete with support from the funds to help get ahead of evictions. Mayer urged Council to continue to support the funds in the upcoming budget.

River Heide, Colorado Poverty Law Project, spoke in support of the eviction and immigration legal funds and discussed the work her organization has been able to complete with support from the funds. Heide urged Council to continue supporting the funds stating there is ongoing need for this type of assistance.

Arpi Miller, ISAAC Northern Colorado, thanked Council for meeting with her and spoke in support of the immigration and legal defense funds as well as other affordable housing initiatives that remain unfunded. Miller stated that the budget seems out of sync with the values of the community and noted 48 leaders from 27 local non-profits signed on in favor of supporting the immigration and legal defense funds and preserving equity funding in the budget.

Patricia Alvarez Harrell, Alianza NORCO, expressed support for the immigration and legal defense funds and Council's commitment to this segment of the community. Alvarez Harrell shared information about eviction prevention and work that has been done with the legal defense fund. Alvarez Harrell thanked Council for its efforts related to this work thus far and encouraged funding of the budget offers.

Michele Pullaro, citizen and downtown business owner, discussed issues with being targeted by homeless and transient men and chronic criminal behavior in the downtown area. Pullaro suggested the Public Nuisance Ordinance should be able to be used to address troubling behavior on public property.

Adam Hirshhorn opposed activities that are occurring related to the Israel/Palestine conflict and asked Councilmembers to raise their hands if they were ready to acknowledge various items in support of Palestine.

Public comment concluded at 6:57 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Potyondy noted that public comment is not an opportunity for dialogue with Councilmembers. She thanked the speakers, particularly those from community non-profit organizations.

Mayor Arndt provided a correction on an email she sent out related to submission of the PRPA Integrated Resource Plan and read information related to the requirements and related modeling and emission reductions.

Councilmember Ohlson noted he still supports a third-party review of the PRPA Integrated Resource Plan and asked if it takes three or more Councilmembers to do this. City Attorney Daggett replied the topic could be brought up under Other Business and would require the support of three Councilmembers.

Councilmember Ohlson stated he would support the item if it were brought up under Other Business. He also expressed appreciation for the comments offered by Colin Gerety regarding road design and noted a new book is out related to road design and safety, entitled Killed by a Traffic Engineer by Wes Marshall.

Councilmember Canonico discussed the Council priority related to advancing the 15-minute city by accelerating the shift to active modes and requested an update from staff. City Manager DiMartino stated many projects are underway and noted the City recently received a \$1.7 million grant for active modes projects and stated staff would follow up with additional detail.

Councilmember Pignataro thanked the student who spoke in support of the resolution on alternative sentencing.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the August 20, 2024, and September 3, 2024, Regular Meetings.

The purpose of this item is to approve the minutes of the August 20, 2024, and September 3, 2024, regular meetings.

Approved.

2. Second Reading of Ordinance No. 124, 2024, Appropriating Prior Year Reserves in the General Fund and Authorizing Transfer of Appropriations to the Recreation Fund for the Purchase of a Bus for Use by the Recreation Department's Childcare Programs.

This Ordinance, unanimously adopted on First Reading on September 3, 2024, appropriates funds designated for childcare projects to purchase a full-size bus committed to Recreation Department's childcare programs.

Adopted on Second Reading.

3. Second Reading of Ordinance No. 125, 2024, Making Supplemental Appropriation from the Colorado Auto Theft Prevention Authority Grant for the Fort Collins Police Services Property Crimes Unit.

This Ordinance, unanimously adopted on First Reading on September 3, 2024, supports the Fort Collins Police Services' Property Crimes Unit by appropriating \$50,000 of unanticipated grant revenue awarded by the Colorado State Patrol.

In July 2024 the Colorado State Patrol awarded Fort Collins Police Services \$50,000 in capacity as a partner agency of the Beat Auto Theft Through Law Enforcement (BATTLE) Task Force. The \$50,000 award is under the BATTLE program's FY25 cycle. These state funds will be used for overtime pay for Fort Collins Police Services personnel to support multiagency and multijurisdictional BATTLE operations to identify, interdict, investigate, enforce, and prosecute motor vehicle theft-related crimes.

Adopted on Second Reading.

4. Second Reading of Ordinance No. 126, 2024, Appropriating Prior Year Reserves in the General Fund for the Grocery Tax Rebate Program.

This Ordinance, unanimously adopted on First Reading on September 3, 2024, appropriates \$442,460 from General Fund reserves to fulfill the FY2024 Grocery Tax Rebate Program rebate and personnel budget obligations.

Adopted on Second Reading.

5. Second Reading of Ordinance No. 127, 2024, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Various Programs and Services as Designated by the Donors.

This Ordinance, unanimously adopted on First Reading on September 3, 2024, appropriates \$189,390 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.

6. Second Reading of Ordinance No. 128, 2024, Amending the City Plan Structure Plan Map in Conformance with the East Mulberry Plan Update.

This Ordinance, unanimously adopted on First Reading on September 3, 2024, updates the Structure Plan Map following the recommended Place Type changes outlined in the East Mulberry Plan. The proposed changes encompass approximately 500 acres and reflect the changes previously presented and discussed with the Planning and Zoning Commission leading up to the adoption of the East Mulberry Plan in December 2023. Proposed changes are summarized in the following sections of this report and do not deviate from what was included within the adopted version of the 2023 East Mulberry Plan.

Adopted on Second Reading.

7. Second Reading of Ordinance No 129, 2024, Making Supplemental Appropriations and Authorizing Transfers of Appropriations for the William Neal and Ziegler Intersection Improvements Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on September 3, 2024, enables the City to receive and expend federal Transportation Alternatives Program ("TAP") funds and local funds for the William Neal and Ziegler Intersection Improvements Project (the "Project"). The funds will be used to design and install an at-grade bicycle and pedestrian crossing at the intersection of William Neal Parkway and Ziegler Road. It is anticipated that a new at-grade crossing at this intersection will provide a safe crossing point between the Rendezvous Trail and Rigden Farm to the west and the Poudre River Trail extension and the future East Community Park to the east.

If approved, the item will: 1) authorize the Mayor to execute an intergovernmental agreement (“IGA”) for the Project with the Colorado Department of Transportation (“CDOT”); 2) appropriate \$603,624 of TAP grant funds for the Project; 3) move previously appropriated matching funds from the Sustainable Funding 2050 Tax and Community Capital Improvement Program (CCIP) Bicycle Program for the Project; and 4) appropriate funds to the Art in Public Places (APP) program.

Adopted on Second Reading.

8. Second Reading of Ordinance No. 130, 2024, Making Supplemental Appropriations of Prior Year Reserves and Highway Safety Improvement Program Grant Funds and Authorizing Transfers for the Signal Upgrades Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on September 3, 2024, enables the City to receive and expend federal Highway Safety Improvement Program (“HSIP”) funds and local funds for the Signal Upgrades Project (the “Project”). The funds will be used to enhance and upgrade traffic signals at up to thirty-one locations throughout the City. It is anticipated that the traffic signal upgrades will increase safety and reduce crashes and injuries at these locations.

If approved, the item will: 1) authorize the Mayor to execute an intergovernmental agreement (“IGA”) for the Project with the Colorado Department of Transportation (“CDOT”); 2) appropriate \$606,410 of HSIP grant funds for the Project; 3) appropriate matching funds from the Transportation Services funds reserves, 4) move previously appropriated matching funds from the Transportation Services fund for the Project; and 5) appropriate funds to the Art in Public Places (“APP”) program.

Adopted on Second Reading.

9. Second Reading of Ordinance No. 131, 2024, Authorizing the Conveyance of Property Rights Relating to the Acquisition of Property in the Loveland Community Separator.

This Ordinance, unanimously adopted on First Reading on September 3, 2024, authorizes an Intergovernmental Agreement (IGA) with Larimer County and the City of Loveland for the Prairie Ridge Addition. The Project will conserve 142-acres in fee adjacent to Prairie Ridge Natural Area in the Loveland Community Separator. The Ordinance will authorize the conveyance of a conservation easement on the property and a farming lease over the Prairie Ridge property.

Adopted on Second Reading.

10. Second Reading of Ordinance No. 132, 2024, Making Supplemental Appropriations and Authorizing Transfers of Appropriations for the Pedestrian Intersection Improvements Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on September 3, 2024, enables the City to receive and expend federal Highway Safety Improvement Program (“HSIP”) funds and local funds for the Pedestrian Intersection Improvements Project (the “Project”). The funds will be used to design and install pedestrian improvements at five locations. It is anticipated that these improvements will improve bicycle and pedestrian safety by reducing crashes.

If approved, the item will: 1) authorize the Mayor to execute an intergovernmental agreement (“IGA”) for the Project with the Colorado Department of Transportation (“CDOT”); 2) appropriate \$1,250,326 of HSIP grant funds for the Project; 3) move previously appropriated matching funds from the Community Capital Improvement Program (“CCIP”) Bicycle Program and Transportation Services Fund for the Project; and 4) appropriate funds to the Art in Public Places (“APP”) program.

Adopted on Second Reading.

11. Second Reading of Ordinance No. 133, 2024, Making Supplemental Appropriations and Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Mulberry Street Traffic Signal Synchronization Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on September 3, 2024, enables the City to receive and expend federal Congestion Mitigation and Air Quality (“CMAQ”) Improvement Program funds and local funds for the Mulberry Street Traffic Signal Synchronization Project (the “Project”). The funds will be used to gather and evaluate data for existing conditions and install adaptive signal system equipment at appropriate intersections on East Mulberry Street between College Avenue and Greenfields Court. It is anticipated that the synchronization of traffic signals along this corridor will reduce congestion and improve air quality.

If approved, the item will: 1) authorize the Mayor to execute an intergovernmental agreement (“IGA”) for the Project with the Colorado Department of Transportation (“CDOT”); 2) appropriate \$440,000 of CMAQ grant funds for the Project; 3) appropriate matching funds from the Transportation Services Funds Reserves for the Project; and 4) appropriate funds to the Art in Public Places (APP) program.

Adopted on Second Reading.

12. Items Pertaining to the Annual Adjustment Ordinance.

A. First Reading of Ordinance No. 134, 2024, Making Supplemental Appropriations in Various City Funds.

B. First Reading of Ordinance No. 135, 2024, Appropriating Prior Year Reserves in Various City Funds.

C. First Reading of Ordinance No. 136, 2024, Authorizing Transfers of Appropriations in Various City Funds.

D. First Reading of Ordinance No. 137, 2024, Authorizing Transfer of Appropriations for the Fossil Creek Trail Spur Project.

The purpose of these Annual Adjustment Ordinances is to appropriate additional revenues or prior year reserves that need to be appropriated before the end of the year to cover related expenses that were not anticipated, and therefore, not included in the 2024 annual budget appropriation. The additional revenue is primarily from fees, charges for service, rents, contributions, donations, and grants that have been paid to City departments to offset specific expenses.

Adopted on Second Reading.

13. First Reading of Ordinance No. 138, 2024, Appropriating Unanticipated Philanthropic Revenue Received by City Give for the Parks Department Designated Toward Improvements at Veterans Plaza of NoCo, Spring Canyon Community Park.

The purpose of this item is to request an appropriation of \$25,050 in philanthropic revenue received by City Give to be used for improvements at the Veterans Plaza in Spring Canyon Community Park.

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.

14. Resolution 2024-118 Authorizing an Intergovernmental Agreement Between the Alternative Sentencing Department of Larimer County, Colorado, for use of Alternative Sentencing in Municipal Court.

The purpose of this item is to authorize an intergovernmental agreement (the "IGA") with the Alternative Sentencing Department of Larimer County so that prosecutors have the option to use these programs in plea agreements and municipal judges have the option of sentencing defendants to work release, mid-week, and weekender programs.

Adopted on Second Reading.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to approve the recommended actions on items 1-14 on the Consent Calendar.

The motion carried, 7-0.

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

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

None.

Clerk's Note: Mayor Arndt called for a break at 7:05 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

15. Public Hearing #1 on the 2025-26 Recommended Budget for the City of Fort Collins.

This was the first public hearing on the City Manager's 2025-26 Recommended Budget for the City of Fort Collins. The purpose of this public hearing was to gather public input on the 2025-26 budget. To receive further public input, a second public hearing is scheduled for Council's Tuesday, October 1, 2024, regular meeting at 6:00 p.m. in Council Chambers with the option for remote participation through the online Zoom meeting platform. Both hearings were set by Council adoption of Resolution 2024-116 at its September 3, 2024, meeting. The City Manager's 2025-26 Recommended Budget can be reviewed at the City Clerk's Office by appointment only and online at fcgov.com/budget.

PUBLIC COMMENT

None.

City Manager DiMartino noted that there will be another public hearing on October 1st with first reading of the budget scheduled for November 4th, which is a Monday due to the election, and second reading on November 19th.

COUNCIL DISCUSSION

None.

16. **Resolution 2024-119 Approving the Second Amended and Restated Intergovernmental Agreement Establishing the Poudre Fire Authority.**

The purpose of this item was to seek approval of an amended and restated Intergovernmental Agreement (“IGA”) establishing the Poudre Fire Authority (the “Authority”) between the City of Fort Collins (the “City”) and the Poudre Valley Fire Protection District (the “District”). This includes the Funding Formula and Revenue Allocation Formula, and Support Services provided by the City to the Authority and by the Authority to the City.

Dave Lenz, Director of Financial Planning and Analysis, outlined the history of the agreement between the City and Poudre Fire Authority and stated this update has focused on the agreement, the support services provided under the agreement by each entity, and the revenue allocation formula. Lenz noted this new agreement would also provide for an administrator from each entity who would be able to adjust the support services provided. Lenz provided additional details around the amended agreement and noted the new language also includes adjustments for annexations to ensure the Authority is not financially harmed from those inclusions to the city limits.

PUBLIC COMMENT

None.

COUNCIL QUESTIONS

Councilmember Ohlson expressed support for the examination of the fairness issue related to which entity funds what and asked if there is a similar agreement with the Library District to ensure the City covers its costs. Travis Storin, Chief Financial Officer, replied in the affirmative and stated it is more of an allocated, volume-based approach.

Councilmember Ohlson asked if the City assists the Library District with human resources. Storin replied in the affirmative and noted IT services are shared between the City, Library District, and PFA.

Councilmember Ohlson asked if the City recovers its cost from the Library District for the human resources assistance. Storin replied in the affirmative.

Councilmember Ohlson asked about the City contribution being reduced by the net cost of services provided. Storin outlined the rationale behind the approach and stated the formula is correct to cover the City’s costs today.

Councilmember Ohlson suggested it may be time to redo the formula and asked if that would be considered. Storin replied discussions have occurred regarding how both organizations may go about that and stated staff would look to Council and the PFA Board to provide direction on embarking on a benchmarking study for the cost of service.

Councilmember Ohlson noted PFA gets some subsidies from the City and questioned why the Natural Areas Program gets charged for items that are subsidized for organizations that are not directly part of the City. He stated all cost recovery levels should be the same.

Mayor Pro Tem Francis asked if the \$435,888 number is the cost of services provided to PFA by the City. Lenz replied in the affirmative.

Mayor Pro Tem Francis requested clarification on the two different methodologies used between slides 13 and 15. Lenz explained the methodology and stated the goal is to memorialize what has been considered to be a fair share throughout the years while addressing things that have changed and allowing for the number to expand or contract depending on future circumstances.

Mayor Pro Tem Francis stated she feels very comfortable with this agreement and thanked staff from both organizations for doing this work.

Councilmember Ohlson asked that it be highlighted that the money is being added back in to the City's contribution and stated the City is not contributing \$435,888 less than had been done before. Lenz noted that the underlying principle for doing this is that the assessment has shown that the formula is fair. Storin provided additional clarification.

Mayor Arndt stated this body of work represents a lot of thought and stated she appreciated everyone's efforts.

Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to adopt Resolution 2024-119 Approving the Second Amended and Restated Intergovernmental Agreement Establishing the Poudre Fire Authority.

The motion carried, 6-1.

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

Nays: Councilmember Ohlson.

P) OTHER BUSINESS

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

(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

None.

Q) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 7:55 p.m.

Mayor

ATTEST:

City Clerk