

April 2, 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 April 2 through 8, 2024 as International Dark Sky Week.**

PP 2. **Declaring April 2024 as Autism Acceptance Month.**

PP 3. **Declaring April 2024 as Fair Housing Month.**

PP 4. **Declaring April 2024 as Sexual Assault Awareness 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 6:01 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

Assistant City Clerk Amani Chamberlin

E) CITY MANAGER'S AGENDA REVIEW

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

- All items on the consent agenda were recommended for approval with no changes.
- Item No. 12, *First Reading of Ordinance No. 049, 2024, Reappropriating Funds Previously Appropriated in 2023 But Not Expended and Not Encumbered in 2023*, was unanimously recommended for approval by the Council Finance Committee.
- The items on the discussion agenda were reviewed.

F) COMMUNITY REPORTS

None.

G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS

Andi Hart noted this Council, less Councilmember Potyondy, passed a ceasefire resolution related to the Ukraine invasion and detailed the number of casualties of civilians and children in that war versus the Israel/Gaza war, the latter of which is much greater. Hart stated it seems Council will not consider a ceasefire resolution for the Israel/Gaza war because it does not deem Palestinians, including children, worthy of life in the same way it did for the Ukrainians.

Michele Gliszinski expressed concern about the language used by the leaders of the NoCo Liberation Coalition at the last Council meeting.

Keith Richardson expressed concern about the proposed Poudre School District's planned school consolidations and closures stating they will impact neighborhood walkability, livability, and safety. Richardson stated these closures would ignore the already overburdened transportation department and increase air pollution. Richardson requested Council be proactive in engaging the School District.

Nate Berg expressed frustration with Council's refusal to consider a Gaza ceasefire resolution and read from the Council adopted ceasefire resolution related to Ukraine.

Tory Pappas expressed concern about the proposed closure of neighborhood elementary schools stating it goes against the City's values, particularly the commitment to active transportation as seen in programs such as Safe Routes to School.

Kate Bedford expressed concern about proposed school closures stating key goals from an urban planning perspective are being overlooked. Bedford also expressed concern about the closure of Beattie Elementary School from an equity perspective. Bedford encouraged the City and School District to work together to arrive at a thoughtful solution for the good of Fort Collins.

Paul Herman, Water Commission member speaking on his own behalf, opposed the NoCo Liberation Organization and condemned its mob-like behavior and anti-Semitic rhetoric.

Alan Braslau expressed support for Safe Routes to School and spoke on behalf of the Energy Board regarding Platte River Power Authority's plans to construct a new natural gas plant. Braslau stated the Board finds those plans to be counterproductive to the climate sustainability goals put forward by Our Climate Future. Additionally, Braslau stated the City's climate action goals, and 100% renewable electricity goal, were never aspirational in nature.

Stephen Tenbrink, Energy Board member, stated there are concerns that Platte River Power Authority has not used an open request for proposals to get wider input for other approaches to solving the dark calm issue that arises when renewable sources are not able to produce power.

Maxfield Martinez expressed support for neighborhood schools and safe routes. Additionally, Martinez expressed support for Council considering a Gaza ceasefire resolution.

Makeeba Helms opposed the closure of Beattie Elementary School stating it would be detrimental to some of the city's most at-risk students. Additionally, Helms stated the elimination of the co-teaching model used at Beattie would be harmful to the future of teachers in Fort Collins.

Laura Lenhart expressed support for a ceasefire resolution and requested the City stop supporting Woodward.

Alex Scott requested Council consider a Gaza ceasefire resolution and commented on the atrocities our tax dollars have funded by providing support to Israel.

August-Carter Nelson requested Council consider a Gaza ceasefire resolution.

Isabella Zapata discussed the situation in Gaza and requested Council consider a ceasefire resolution.

Jason Knebel commented on the war in Ukraine and expressed concern Israeli funding is now being tied to Ukrainian funding.

Adam Hirschhorn commended Redtail Ponds and those who help out there and discussed the Palestinian perspective.

Shirley Peel discussed concerns with the development review process and commented on two small businesses who are attempting to relocate and are hung up in the City process. Peel expressed support for an examination of the development review process to ensure it is efficient and does not place further burden on small businesses.

Kimberly Conner discussed the World Central Kitchen convoy members who were murdered by Israeli missiles in Gaza and commented on the number of Palestinians who have died in the conflict.

Elizabeth Hudetz stated the electric transition is occurring now; however, its dynamics are not being recognized by the infrastructure investments being made by some utilities.

M.L. Johnson, Ph.D., Ed. D., expressed concern about the impacts of the proposed school consolidation, including increased risk for students walking to school and increased bus and car traffic and associated increased pollution. Johnson requested Council to examine the consolidation proposals and consider the impacts to the city.

Lief Youngs requested Council consider a ceasefire resolution.

Cheryl Trine requested Council consider a ceasefire resolution.

Public Comment ended at 6:59 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Mayor Pro Tem Francis concurred the City has an interest in the Poudre School District consolidation issue and asked if there are any updates. City Manager DiMartino stated there are no specific updates, though it was a topic at the last liaison meeting and will be discussed at the next meeting.

Mayor Pro Tem Francis suggested the City should have more involvement in the issue outside of the liaison committee and noted the Leadership Team discussed how to better involve the City. City Manager DiMartino noted the School District is working with an outside facilitator who is leading the engagement process and stated she would reach out to the District.

Councilmember Ohlson concurred with Mayor Pro Tem Francis on the City being involved in the School District consolidation plans and noted the City was involved in a previous effort to close Beattie Elementary School. Additionally, Councilmember Ohlson stated it seems the gas plant issue has been rushed at Poudre River Power Authority (PRPA) and better climate emergency friendly solutions could likely be found. He noted he is in the minority on the ceasefire resolution issue on Council.

Councilmember Potyondy thanked the speakers, particularly former Councilmember Peel who works hard to champion small businesses. She stated District 4, and to some extent District 5, are disproportionately impacted by some of the school consolidation plans, and those issues are related to City priorities and initiatives. She noted schools are part of the master plan of what makes a city great and stated the consolidation process needs to be robust.

Councilmember Canonico requested staff input on former Councilmember Peel's comments. Deputy City Manager Tyler Marr stated he would be happy to connect with any individuals who have had challenges with the development review process. He stated staff has been undergoing an intentional effort to examine how to make the development review process more efficient, particularly for small businesses. He noted the process is inherently complicated; however, staff is confident changes can be made without sacrificing standards that are critical to the community.

Councilmember Canonico concurred it is important for the City to be involved in the Poudre School District consolidation issue. She stated there will be tough decisions that will impact families, but noted the decision team includes a former City Planner and the former City Climate Project Manager.

Councilmember Pignataro noted one of Council's priorities is to pursue an integrated, intentional approach to economic health and stated some of what former Councilmember Peel discussed would fit under that priority. She also concurred on the City being more involved with the Poudre School District issue. Councilmember Pignataro noted the PRPA meetings are open and stated PRPA has been directed by its member entities to be 100 percent carbon neutral by 2030.

Councilmember Gutowsky commented on previous plans to close Beattie, Lopez, and Riffenburgh Elementary Schools and stated she is hopeful that ongoing conversations will lead to a good outcome.

Mayor Arndt stated there is no better investment in the community than in public schools. She also commented on the City's efforts to densify neighborhoods and offer more housing types, noting much of the pushback on those efforts has come from the west side of town where schools are planned to be closed. Additionally, she noted the Black Hollow solar project manager estimated it will be four and a half years until the transmission device needed will be available. She stated the natural gas plant mentioned has requested a permit for possibly being built if technology does not catch up.

Councilmember Ohlson stated the state should have stayed out of local control when it adopted regulations related to eliminating ordinances such as U+2. He stated the reason Beattie Elementary

School was previously set for closure was because anyone who could afford to move out of the area did so because of overoccupancy of buildings and the negative impact it had on neighborhoods.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the February 27, 2024 Adjourned Meeting, March 5, 2024 Regular Meeting, and March 18, 2024 Special Meeting.

The purpose of this item is to approve the minutes of the February 27, 2024 adjourned meeting, March 5, 2024 regular meeting, and March 18, 2024 special meeting.

Approved.

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

This Ordinance, unanimously adopted on First Reading on March 19, 2024, enables the City to receive and expend Colorado Department of Transportation (CDOT) funds for the Laporte Avenue Multimodal Improvement Project (Laporte Project). The funds will be used for construction of improvements along Laporte Avenue from Fishback Avenue to Sunset Street. If approved this item: 1) appropriates \$2,500,000 of Transportation Alternative grant funds for the Laporte Project; 2) uses \$122,727 from the Bicycle Infrastructure Improvements Community Capital Improvement Program (CCIP Bike Program) as part of the local match; 3) uses \$102,273 from the Pedestrian Infrastructure Improvements Community Capital Improvement Program (CCIP Pedestrian Program) as part of the local match; 4) appropriates as part of the local match contribution \$223,425 from the Transportation Capital Expansion Fee Reserves (TCEF); 5) appropriates as part of the local match contribution \$222,750 from General Fund Reserves; 6) appropriates \$1,755 (0.78% of the TCEF amount of the 1% contribution for the artwork portion of APP) from TCEF Reserves to the Art in Public Places Program; 7) appropriates \$495 (0.22% of the TCEF amount of the 1% contribution to APP) from the Transportation Fund Reserves to the Art in Public Places Program; and 8) appropriates \$2,250 (1% of the General Fund amount) from the General Fund to the Art in Public Places Program.

Adopted on Second Reading.

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

This Ordinance, unanimously adopted on First Reading on March 19, 2024, supports the City of Fort Collins (City) in transitioning fossil fuel vehicles to clean energy vehicles as a measure of reducing greenhouse gas emissions to achieve maximum air quality benefits for the people of Fort Collins and Colorado.

The City was awarded \$910,000 from the State's Clean Fleet Vehicle and Technology (CFVT) grant program in support of the City purchasing clean energy vehicles that align with vehicles

approved through the State's CFVT grant program. The awarded funds will support purchase of approved vehicles, with the City contributing the remaining needed funds. Based on needs of City departments, Operation Services and departments within City Utilities will be funding the additional funds needed for purchase of approved vehicles.

Approval of this item will support the City in transitioning fossil fuel fleet vehicles to clean energy by:

- *Appropriating \$910,000 of unanticipated grant revenue from the State of Colorado's CFVT grant program; and*
- *Appropriating \$96,504 from Water Fund reserves.*

Adopted on Second Reading.

4. Second Reading of Ordinance No. 041, 2024, Making Supplemental Appropriations in the Capital Projects Fund of Colorado Department of Transportation Alternative Program Grant Funds and the Congestion Mitigation and Air Quality Grant Funds, for the Power Trail and Harmony Grade Separated Crossing Project.

This Ordinance, unanimously adopted on First Reading on March 19, 2024, enables the City to receive and expend federal pass-thru funds for the Power Trail and Harmony Grade Separated Crossing Project (the Project). The funds will be used for construction of a pedestrian and bicycle underpass located approximately 500 feet west of the intersection of Harmony Road and Union Pacific Railroad. If approved this item will:

- *Appropriate \$800,000 of unanticipated Transportation Alternative Program (TAP) grant funds for the Project; and*
- *Appropriate \$2,700,000 of Congestion Mitigation and Air Quality (CMAQ) grant funds for the Project.*

Previously appropriated funds will be used for local match requirements.

Adopted on Second Reading.

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

This Ordinance, unanimously adopted on First Reading on March 19, 2024, appropriates \$560,178, of which \$392,125 is proposed for Convention and Visitors Bureau, \$140,044 is proposed for Cultural Development and Programming Activities (Fort Fund), and \$28,009 is proposed for Tourism Programming (Fort Fund) all from unanticipated 2023 Lodging Tax revenue collections.

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

Adopted on Second Reading.

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

This Ordinance, unanimously adopted on First Reading on March 19, 2024, requests appropriation of \$30,000 in philanthropic revenue received by City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit as designated by the donor.

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

Adopted on Second Reading.

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

This Ordinance, unanimously adopted on First Reading on March 19, 2024, requests an appropriation of \$80,000.00 in philanthropic revenue received by City Give for Fort Collins Police Services for the Safe Futures initiative.

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

Adopted on Second Reading.

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

This Ordinance, unanimously adopted on First Reading on March 19, 2024, supports the Fort Collins Police Services' Cyber Crimes Unit by appropriating \$6,585 of unanticipated grant revenue awarded by the Colorado Springs Police Department.

Adopted on Second Reading.

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

This Ordinance, unanimously adopted on First Reading on March 19, 2024, clarifies and makes consistent certain terminology in City Code. This item will remove "curb stop" from City Code, to be replaced by "control valve." Replacement of this terminology removes any potential assumption that a water control valve on a service or fire line must have proximity to a street or sidewalk curb to define ownership of the valve and of the line extending from the valve.

Adopted on Second Reading.

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

This Ordinance, unanimously adopted on First Reading on March 19, 2024, obtains Council approval for the proposed formulas for calculating rental rates and delivery charges for Fort Collins Utilities' (Utilities) raw water supplies for the next three years, including proposed rental

rates and delivery charges for fully consumable water. The rates and charges would be effective through March 2027. Setting the rates and charges via formula ensures Utilities can recoup the ownership and administrative costs for rented supplies and provides planning certainty for the agricultural rental community.

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

Adopted on Second Reading.

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

This Ordinance, unanimously adopted on First Reading on March 19, 2024, authorizes the conveyance of an easement to the water district to allow for a water service line for the terminal. The easement is over a portion of the Northern Colorado Regional Airport property, which is owned jointly by the City of Fort Collins and the City of Loveland.

Adopted on Second Reading.

12. **First Reading of Ordinance No. 049, 2024, Reappropriating Funds Previously Appropriated in 2023 But Not Expended and Not Encumbered in 2023.**

The purpose of this item is to reappropriate monies in 2024 that were previously authorized by Council for expenditures in 2023 for various purposes. The authorized expenditures were not spent or could not be encumbered in 2023 because:

- *There was not sufficient time to complete bidding in 2023 and therefore, there was no known vendor or binding contract as required to expend or encumber the monies; or*
- *The project for which the dollars were originally appropriated by Council could not be completed during 2023 and reappropriation of those dollars is necessary for completion of the project in 2024.*

Additionally, there may have been sufficient unspent dollars previously appropriated in 2023 to carry on programs, services, and facility improvements in 2024 for those specific purposes.

In the above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2023 and reflect no change in Council policies.

Monies reappropriated for each City fund by this Ordinance are as follows:

<i>General Fund</i>	<i>\$2,498,249</i>
<i>Cultural Services Fund</i>	<i>55,000</i>
<i>Recreation Fund</i>	<i>251,064</i>
<i>Museum Fund</i>	<i>61,265</i>
<i>Transportation Service Fund</i>	<i>1,288,625</i>

Water Fund	52,500
Date & Communications Fund	<u>390,600</u>

Total \$4,597,303

Adopted on First Reading.

13. **First Reading of Ordinance No. 050, 2024, Approving the Conveyance of a Temporary Construction Easement for the Construction of Permanent Stormwater Improvements on City Property to DHIC-Enclave, LLC.**

The purpose of this item is to approve an Ordinance that would permit the conveyance of a Temporary Construction Easement (the "Easement") on approximately 4.36 acres (189,996 sf) of City property known as the Redwood Detention Pond and the Redwood Channel (collectively, the "City Property") to DHIC – Enclave, LLC ("Developer"), in exchange for the construction of permanent stormwater master plan improvements on the City Property.

Adopted on First Reading.

14. **First Reading of Ordinance No. 051, 2024, Approving the Conveyance of a Permanent Easement for Stormwater Drainage, a Temporary Construction Easement for the Construction of Stormwater Drainage Improvements, and a Temporary Construction Easement for the Construction of Sewer Facilities to PS-Poudre River, LLC.**

The purpose of this item is to approve an Ordinance that would permit the conveyance of one permanent drainage easement (the "Drainage Easement"), one temporary construction easement (the "Drainage TCE") for the modification of current drainage facilities, and one temporary construction easement (the "Sewer TCE") for the installation of public sewer facilities to PS-Poudre River, LLC ("PSPR"), on City Property located at 101 1st Street, which is the current location of Buckingham Park ("Buckingham Park"). Construction pursuant to the Drainage TCE will modify existing floodplain boundaries, and the Drainage Easement will allow PSPR to store additional stormwater on a portion of Buckingham Park. The Sewer TCE is for the installation of public sewer facilities required by the City so that PSPR may proceed with the development of the adjoining lands. The actual conveyance of the easements will be conditional upon PSPR, or its successors and assigns, obtaining City development approval of the contemplated work within the easements.

Adopted on First Reading.

15. **First Reading of Ordinance No. 052, 2024, Approving the Conveyance of One Permanent Easement and One Temporary Construction Easement for the Construction of a Portion of Phemister Trail on City Property to Colorado State University.**

The purpose of this item is to approve an Ordinance that would permit the conveyance of one (1) permanent easement (the "Trail Easement") and one (1) temporary construction easement (the "TCE") to Colorado State University ("CSU"), for the construction, operation, and maintenance of a public multi-modal trail (the "Phemister Trail") on City Property located at 2145 Centre Street, which is the current location of The Gardens on Spring Creek (the "Gardens on Spring Creek").

Adopted on First Reading.

16. **Public Hearing and Resolution 2024-053 Approving the Programs that will Receive a Total of \$400,000 in HOME Investment Partnership Act American Rescue Plan Act Funding (HOME-ARP) for Supportive Services.**

The purpose of this item is to approve the programs recommended for funding with the \$400,000 in HOME Investment Partnership Act American Rescue Plan Act funding (HOME-ARP) designated for Supportive Services.

Adopted.

17. **Resolution 2024-054 Ratifying the Reappointment of Corey Radman and Joshua Fudge and the Appointment of Vicki Woods to the Poudre River Public Library District Board of Trustees.**

The purpose of this item is to fill vacancies on the Poudre River Public Library District Board of Trustees.

Adopted.

18. **Resolution 2024-055 Appointing Amanda Cossey, Troy Erickson, Casey Kittel, Danielle Lowry and Aryell Mattern to the Fort Collins Tourism Improvement District Board of Directors.**

The purpose of this item is to consider the appointments of Amanda Cossey, Troy Erickson, Casey Kittel, Danielle Lowry, and Aryell Mattern to the Fort Collins Tourism Improvement District (the "District") Board of Directors. Amanda Cossey will serve a three-year term to fill a vacancy created by the resignation of another member. Troy Erickson will serve the remainder of a three-year term ending on September 1, 2024, due to early resignation. Casey Kittel will serve the remainder of the term ending January 17, 2026, vacated by a resignation. Danielle Lowry will serve a second term lasting three years starting as soon as appointed by Council. Aryell Mattern will serve a three-year term starting as soon as appointed by Council.

Adopted.

19. **Items Relating to Appointments to Various Boards and Commissions.**

A. Resolution 2024-056 Making Appointments to the Historic Preservation Commission.

B. Resolution 2024-057 Making an Appointment to the Land Use Review Commission.

C. Resolution 2024-058 Making Appointments to the Planning and Zoning Commission.

The purpose of this item is to fill vacancies on various Boards and Commissions.

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

All three Resolutions Adopted.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to approve the recommended actions on items 1-19 on the Consent Calendar.

The motion carried, 7-0.

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

Councilmember Ohlson thanked staff for addressing his questions related to Item No. 10, *Second Reading of Ordinance No. 047, 2024, Establishing Rental Rates and Delivery Charges for Use of Water Available Under Fort Collins Utilities' Raw Water Interests for 2024 Through March 2027*. He also requested follow-up regarding Item No. 13, *First Reading of Ordinance No. 050, 2024, Approving the Conveyance of a Temporary Construction Easement for the Construction of Permanent Stormwater Improvements on City Property to DHIC-Enclave, LLC*, related to the City funding enhanced vegetation and the role of the developer in terms of vegetation and habitat.

Councilmember Ohlson asked why the Parks and Recreation Board did not review Item No. 14, *First Reading of Ordinance No. 051, 2024, Approving the Conveyance of a Permanent Easement for Stormwater Drainage, a Temporary Construction Easement for the Construction of Stormwater Drainage Improvements, and a Temporary Construction Easement for the Construction of Sewer Facilities to PS-Poudre River, LLC*. Additionally, he requested additional information as to how many trees are being discussed and what restoring them means per Item No. 15, *First Reading of Ordinance No. 052, 2024, Approving the Conveyance of One Permanent Easement and One Temporary Construction Easement for the Construction of a Portion of Phemister Trail on City Property to Colorado State University*, and why no City Boards or Commissions reviewed the item.

Mayor Arndt acknowledged those who were appointed to the Library District Board of Trustees, the Fort Collins Tourism District Board of Directors, Historic Preservation Commission, Land Use Review Commissions, and Planning and Zoning Commission. She noted Boards and Commissions applications were up 53 percent this year.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

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

Councilmember Gutowsky reported on an intergenerational event at Compass Charter School and on attending the Natural Areas awards. She noted Councilmember Ohlson's wife was given a special award for her work.

Councilmember Canonico reported on the Bird Whistle Townhomes ribbon cutting event.

Councilmember Gutowsky reported on a tour of ChildSafe and noted the organization has an upcoming fundraising event.

Mayor Arndt reported on serving an Easter meal at the Rescue Mission.

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

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

20. Second Reading of Ordinance No. 039, 2024, Amending the City Code to Provide Additional Procedural Options for the Conduct of City Council Meetings.

This Ordinance, adopted on First Reading with amendments at the March 18, 2024, special meeting, by a vote of 6-1 (Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Gutowsky, Pignataro, Canonico, and Potyondy; Nays: Councilmember Ohlson), updates Code provisions related to the conduct of Council meetings to allow Councilmembers to attend and vote remotely if a meeting has been relocated to a remote mode due to circumstances preventing a meeting from proceeding.

Council amended the Ordinance at the time of adoption on First Reading to remove a provision allowing Council to limit public comment to agenda items only and to correct an obsolete pronoun reference.

Resolution 2024-026 Adopting Amending Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions failed unanimously.

PUBLIC COMMENT

Jason Knebel stated this is another attempt to limit public participation.

COUNCIL DISCUSSION

Councilmember Ohlson noted he voted against this item on First Reading but stated this provision will likely be used rarely and will allow for Council to move a meeting in the event of an emergency.

Mayor Arndt noted public input would also remain if the meeting were to be relocated to a virtual setting.

Councilmember Gutowsky asked if there is a provision for individuals who may not have access to the internet. Assistant City Manager Venkatesh replied that is being examined administratively.

City Attorney Daggett noted individuals would also be able to participate by phone.

Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to adopt Ordinance No. 039, 2024, on Second Reading.

The motion carried, 7-0.

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.)

Q) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 7:37 p.m.

Mayor

ATTEST:

Interim City Clerk

DRAFT