

July 16, 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

None scheduled.

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

STAFF PRESENT

City Manager Kelly DiMartino
Deputy City Attorney Jenny Lopez Filkins
City Clerk Delynn Coldiron

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.
- The items on the discussion agenda were reviewed.

- Staff Report regarding the Police Explorers Program.

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.)*

Kimberly Conner discussed two Instagram accounts regarding Palestine and Gaza and requested Council adopt a ceasefire resolution.

Cherie Trine discussed the famine in Gaza and stated Israel is still using bombs from the United States. Trine discussed a peaceful protest at Prospect and I-25 during which a banner was torn down and stolen, and a protestor was struck by the individual's car. Trine discussed the lack of Police response to the issue.

Rachel Griffin spoke in opposition to the concrete batch plant proposed for the Aragon property. Griffin cited air pollution and the negative health impacts of such a plant.

Greg Owsley spoke in opposition to the concrete batch plant proposed for the Aragon property. Owsley discussed studies indicating batch plants near residential communities lead to health damage and premature deaths which far outweigh the economic development benefits. Additionally, Owsley discussed truck traffic and resulting air pollution. Owsley also noted the majority of the neighborhoods that will be disproportionately impacted are of lower income.

Susan Rychel spoke in opposition to the concrete batch plant proposed for the Aragon property. Rychel read a letter from Kent Rychel regarding the effects of the plant on a Blue Heron rookery in Terry Lake that is 200 yards from the proposed batch plant.

Andre Dunn discussed the illegal seizure of CSU land grant parcels from sovereign tribal nations, including the former Hughes Stadium site. Dunn encouraged Council to repatriate the land to the indigenous people enabling them to freely practice their spirituality and heal the land.

Tiffin Vaughn spoke in opposition to the concrete batch plant proposed for the Aragon property and discussed the memo from City Planner Puga outlining the reasons the plant does not fit City policies.

Claire Kopp discussed businesses in Colorado and Fort Collins that support the Israeli army and United States defense contractors. Kopp suggested these are the reasons Council will not support a ceasefire resolution.

Glenna Brissey spoke in opposition to the concrete batch plant proposed for the Aragon property stating it would be an eyesore for the area and is a heavily industrial and dangerous use. Brissey also discussed water, sewer, and air quality concerns and spoke of detrimental impacts to wildlife.

Greg Brissey spoke in opposition to the concrete batch plant proposed for the Aragon property stating the site is not zoned for such a use. Brissey discussed the impacts of increased truck traffic, toxic diesel fumes, and dust and noise issues.

Elizabeth Hudetz discussed PRPA's lack of investment in clean energy initiatives and continued investment in methane fuel generation. Hudetz announced a rally at the PRPA facility on July 17th.

Joe Rowan discussed the limits of governmental restraint and commented on a Supreme Court decision which scolded County Commissioners in California for foisting the cost of visionary plans upon

the future. Rowan discussed Council's decision in 2017 to essentially double the development impact fee through capital expansion fees.

Ann Hutchison, Fort Collins Area Chamber of Commerce, expressed support for the City's street maintenance program and expressed support for referring the extension of the tax measure to the ballot.

Amanda Finch spoke in support of Item No. 10, *Items Relating to Traffic Safety Initiative – Automated Vehicle Identification System (AVIS) Corridors*, and stated the key to a successful program is the signage implementation to make people aware of the zones. Finch stated the goal of the program should be to protect not to profit.

Jerry (no last name given) spoke in opposition to the concrete batch plant proposed for the Aragon property and discussed the several variances that have been requested for the project pertaining to onsite wastewater treatment, fire protection requirements, building height, and others. Additionally, Jerry discussed the large number of conditions for the proposal.

Public comment concluded at 6:48 p.m.

H) PUBLIC COMMENT FOLLOW-UP

None.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

- 1. Second Reading of Ordinance No. 083, 2024, Appropriating Prior Year Reserves in the Redlight Camera Fund Within the General Fund for Additional Staffing for Municipal Court and City Attorney's Office to Support the Increased Police Enforcement Cases.**

This Ordinance, unanimously adopted on First Reading on July 2, 2024, appropriates \$179,122 from the Redlight Camera Fund to add additional staffing for Municipal Court (1 full time equivalent [FTE]) and the City Attorney's Office Prosecution Team (2 FTE's) to support the Traffic Safety initiative and the increased number of enforcement cases that are already occurring. This new staffing will handle increases in police enforcement cases and is in addition to the request for the Automated Vehicle Identification Systems (AVIS) and speed corridors item also being presented to Council on July 2, 2024.

Adopted on Second Reading.

- 2. Second Reading of Ordinance No. 084, 2024, Appropriating Philanthropic Revenue Received Through City Give for the Lincoln Center, Cultural Services.**

This Ordinance, unanimously adopted on First Reading on July 2, 2024, requests an appropriation of \$12,500 in philanthropic revenue designated for the Lincoln Center, Cultural Services designated as a Sponsorship.

Adopted on Second Reading.

3. **Second Reading of Ordinance No. 085, 2024, Appropriating Philanthropic Revenue Received Through City Give for the Community Development and Neighborhood Services 2024 AARP Community Challenge.**

The Ordinance, unanimously adopted on First Reading on July 2, 2024, requests an appropriation of \$20,000 in philanthropic revenue received through City Give for Neighborhood Services, Community Development and Neighborhood Services, Planning, Development and Transportation to support healthy outcomes for residents' homes through three, one-day, homeowner workshops at Skyline, North College, and Harmony Village mobile home communities.

Adopted on Second Reading.

4. **Second Reading of Ordinance No. 086, 2024, Appropriating Philanthropic Revenue Received Through City Give for NextGen, Volunteer Services.**

This Ordinance, unanimously adopted on First Reading on July 2, 2024, is to request an appropriation of \$20,000 in philanthropic revenue received through City Give for the designated support of NextGen, Volunteer Services.

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

Adopted on Second Reading.

5. **Items Relating to the Repeal and Reenactment of Certain Ordinances.**

A. Second Reading of Ordinance No. 087, 2024, Repealing Ordinance No. 074, 2024, and Making Supplemental Appropriations in the Community Development Block Grant Fund.

B. Second Reading of Ordinance No. 088, 2024, Repealing Ordinance No. 075, 2024, and Making Supplemental Appropriations in the HOME Investments Partnerships Grant Fund.

C. Second Reading of Ordinance No. 089, 2024, Repealing Ordinance No. 076, 2024, and Making Supplemental Appropriation for the Charter Review Council Priority from General Fund Reserves.

D. Second Reading of Ordinance No. 090, 2024, Repealing Ordinance No. 077, 2024, and Appropriating Philanthropic Revenue Received Through City Give for the Cultural Community Program Through Cultural Services.

E. Second Reading of Ordinance No. 091, 2024, Repealing Ordinance No. 078, 2024, and Appropriating Prior Year Philanthropic Revenue Reserves Received by City Give for the 9/11 Memorial at Spring Park.

F. Second Reading of Ordinance No. 092, 2024, Repealing Ordinance No. 079, 2024, and Making a Supplemental Appropriation and Authorizing Transfer of Appropriations for The Gardens on Spring Creek Internship Program.

These Ordinances, unanimously adopted on First Reading on July 2, 2024, were requested by staff to repeal each Ordinance as they were adopted on June 18, 2024, due to a publication error. These Ordinances were unanimously adopted on First Reading on June 4, 2024.

All Items Adopted on Second Reading.

6. **Second Reading of Ordinance No. 093, 2024, Calling a Special Election to be Held in Conjunction with the November 5, 2024, Larimer County General Election.**

This Ordinance, unanimously adopted on First Reading on July 2, 2024, calls a Special Municipal Election to be held in conjunction with the November 5, 2024, Larimer County Coordinated Election, and to preserve the opportunity for Council to place initiated or referred issues on the November ballot.

Adopted on Second Reading.

7. **Second Reading of Ordinance No. 094, 2024, Submitting to a Vote of the Registered Electors of the City of Fort Collins Proposed Amendments to Article VIII of the City Charter Relating to Elections.**

This Ordinance, unanimously adopted on First Reading on July 2, 2024, sets ballot language regarding proposed amendments to Article VIII of the City Charter relating to election provisions.

Adopted on Second Reading.

8. **Second Reading of Ordinance No. 095, 2024, Submitting to a Vote of the Registered Electors of the City of Fort Collins Repealing and Reenacting Article IX of the City Charter Relating to Recall.**

This Ordinance, unanimously adopted on First Reading on July 2, 2024, sets ballot language regarding proposed amendments to Article IX of the City Charter relating to recall provisions.

Adopted on Second Reading.

9. **Second Reading of Ordinance No. 096, 2024, Submitting to a Vote of the Registered Electors of the City of Fort Collins Repealing and Reenacting Article X of the City Charter Relating to Initiative and Referendum.**

This Ordinance, unanimously adopted on First Reading on July 2, 2024, sets ballot language regarding proposed amendments to Article X of the City Charter relating to initiative and referendum provisions.

Adopted on Second Reading.

10. **Items Relating to Traffic Safety Initiative – Automated Vehicle Identification System (AVIS) Corridors.**

A. Second Reading of Ordinance No. 097, 2024, Amending the Fort Collins Traffic Code to Implement a New Automated Vehicle Identification System (AVIS) to Replace the Previously-Approved AVIS to Support the Traffic Safety Initiative.

B. Second Reading of Ordinance No. 098, 2024, Designating Speed Corridors Pursuant to Fort Collins Traffic Code Section 1106.

C. Second Reading of Ordinance No. 099, 2024, Making Supplemental Appropriations to Support Additional Staffing and Expenses for Implementation of the Automated Vehicle Identification System Traffic Safety Initiative.

These Ordinances, unanimously adopted on First Reading on July 2, 2024, recommend a proposal from Police Services and Planning, Development and Transportation (PDT), supported by the City Attorney's Office (CAO), and Municipal Court. This proposal stems from recent changes to Colorado law related to the expanded use of unmanned speed enforcement with Automated Vehicle Identification Systems (AVIS), on sections of roadways designated by the Council as

speed corridors. The initiative's primary goal is to promote traffic safety through speed enforcement and supports Vision Zero, the Council's goal of eliminating Fort Collins roadway fatalities and reducing injury crashes.

All Items Adopted on Second Reading.

11. Items Relating to Golf Enterprise Expenses.

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

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

The purpose of these items is to consider an appropriation of \$730,930 from Golf Fund Reserves for necessary system replacement and an appropriation of \$350,000 from unanticipated excess revenue to the 2024 budget to address the additional costs in Golf primarily related to higher revenues.

All Items Adopted on First Reading.

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

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

Adopted on First Reading.

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

The purpose of this item is to request appropriation of \$100,000 in philanthropic revenue received by City Give for The Community Center for Creativity as designated by the donor.

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

Adopted on First Reading.

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

The purpose of this item is to consider an appropriation of \$644,000 in unanticipated revenue in 2024 for expenses related to Artists and Musicians Fees for LC Live shows at the Lincoln Center.

Adopted on First Reading.

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

The purpose of this item is to support the City's commitment to advancing equity and environmental justice for all Fort Collins community members by appropriating \$168,874 of unanticipated grant revenue awarded by the Colorado Department of Public Health and Environment (CDPHE) for the Cultivating Community-Led Resilient Homes project.

Adopted on First Reading.

16. **Resolution 2024-091 Approving the Acquisition and Installation of a Public Asphalt Art Mural on Canyon Avenue.**

The purpose of this item is to approve the acquisition and installation of a work of art at the intersection of Canyon/Magnolia/Sherwood, which exceeds \$30,000 in cost. Council has previously appropriated \$25,000 (appropriated 5/7/24) from the Bloomberg Asphalt Art Innovations Grant which will be used to partially fund the installation. Additional funds to be used for this project will come from the Community Capital Improvement Program for Pedestrian Sidewalk/ADA compliance and Bicycle Infrastructure Improvements, which will support the traffic calming elements of the project. The total project cost of \$56,500 will cover artist honorarium, materials, traffic plans, barricades, installation, ADA materials, site preparation striping and community engagement supplies.

Adopted.

END OF CONSENT CALENDAR

The motion carried 6-0.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to approve the recommended actions on items 1-16 on the Consent Calendar.

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

Councilmember Gutowsky commented on Item No. 16, *Resolution 2024-091 Approving the Acquisition and Installation of a Public Asphalt Art Mural on Canyon Avenue*, and discussed the traffic calming effects of such installations.

Councilmember Ohlson asked if the proposed schedule for Item No. 12, *First Reading of Ordinance No. 102, 2024, Appropriating Prior Year Reserves in the Conservation Trust Fund for Park Planning and Development Funding Community Bike Park Feasibility and Community Engagement*, will work in tandem with the process of outreach on the Hughes Stadium site. City Manager DiMartino replied this item is coming forward now to ensure coordination between the two projects. Ginny Sawyer, Senior Policy and Project Manager, stated the two project teams are working closely together.

Councilmember Gutowsky discussed the bicycle facility survey which showed a bike park to be of a lower priority than other infrastructure and requested clarification. Sawyer replied there was some question as to how people wanted to categorize their bike infrastructure priorities and there may have been some overlap in distinguishing between the two. Sawyer stated it will be further addressed with Parks.

L) STAFF REPORTS

A. Highlight the Explorer Program from Fort Collins Police Services.

The purpose of this item is to highlight and recognize the Fort Collins Police Services' Explorer Program for the volunteer services the members provide to Fort Collins Police Services and the community and to recognize the Explorers who recently participated in a national Explorer competition.

Frank Barrett, Assistant Police Chief, provided an overview of the Explorer Program, which is a volunteer program for youth ages 15-21 who are interested in the criminal justice field. Barrett commented on the leadership, communication, teamwork, and conflict resolution skills provided by the program. Barrett discussed the structure of the program and outlined the services provided by participants in the community. Barrett recognized the Police Officer advisors who work with the Explorers as mentors. Additionally, Barrett discussed a recent national Explorer competition in Topeka, Kansas during which the Fort Collins group placed second overall.

Sage Madden, Explorer Program Lieutenant, and Emily Barrett, Explorer Program Sergeant, discussed working with the Explorer program.

Mayor Arndt asked how long an Explorer can serve. Madden replied Explorers can serve from ages 15-21.

Councilmember Gutowsky commented on an individual who works with security operations within the City who graduated from the Explorer program.

Councilmember Ohlson asked if any graduates of the program have gone on to become Police Officers either in Fort Collins or elsewhere. Assistant Police Chief Barrett replied the program has been very successful in recruiting efforts with Explorers and there are at least four Police Services Officers who started out in the program, as well as one dispatcher and one professional staff member.

Councilmember Potyondy thanked the Explorers for their service to the community.

M) COUNCILMEMBER REPORTS

Councilmember Susan Gutowsky

- Attended the event during which Transfort received a \$2.4 million grant from the Federal Transit Administration to fund its accessibility enhancement project which includes ten new ADA compliant bus stops to help accommodate future service expansion on North College Avenue.

Councilmember Melanie Potyondy

- Visit to the site for an upcoming solar project in Severance that will serve PRPA.

Councilmember Tricia Canonico

- Participated in a workshop in Washington, D.C. that was a collaboration between the National League of Cities and the National Urban Research and Extension Center at Washington State University.
- Reported on her neighbor, John Lambert, who was hit by a car on his bicycle at the end of June and succumbed to his injuries on July 3rd. She reminded everyone to be mindful of vulnerable road users.

(Clerk's Note: Mayor Arndt called for a brief recess at 7:14 p.m. The meeting resumed at 7:30 p.m.)

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

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

17. Items Relating to the Civic Assembly Process.

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

B. Resolution 2024-092 Approving an Exception to the Competitive Purchasing Process to Procure Professional Services from Healthy Democracy Fund Related to a Civic Assembly Process for the Hughes Master Plan.

The purpose of this item is to appropriate one-time dollars in the amount of \$150,000 to be used for a Civic Assembly engagement process in relation to the Hughes Site Plan work. Staff is also requesting that City Council approve a sole source exception for Healthy Democracy Fund to provide services related to the design, coordination and implementation of a civic assembly should grant revenue bring the project above \$200,000.

Rupa Venkatesh, Assistant City Manager, stated the Council Futures Committee learned about civic assemblies at a recent meeting and stated staff is proposing the idea of a civic assembly as one engagement tool in the Hughes Site Master Plan process.

Rahmin Sarabi, American Public Trust, detailed the civic assembly process and stated civic assemblies empower the wisdom of 'we the people' to solve tough public problems and bridge divides. Sarabi stated the Council ultimately has the final say and may choose to accept some of the assembly's recommendations and not accept others. Sarabi noted a civic assembly differs from typical public engagement in terms of who is in the room, what is happening in the room, and how recommendations are generated. Participants are selected through a civic lottery via invitations and recommendations are typically generated with super majority support.

Linn Davis, Health Democracies, further detailed the selection by civic lottery process, which includes sending invitations to random households allowing individuals to opt in to the lottery. Davis noted the key aspect of the lottery is that it creates a representative microcosm of the larger public. Davis discussed the standard compensation and benefits provided to members of the assembly to help decrease barriers to participation. Davis went on to detail the way assembly participation works to create supportive problem solving and discussed the super majority aspect of recommendation generation.

Sarabi stated his organization would assist in this process by helping work with national funders and to support City staff with any local or regional funders to match the City's funds to allow for a fuller, more robust assembly process.

PUBLIC COMMENT:

None.

COUNCIL DISCUSSION:

Mayor Arndt noted the time for the process was referenced as four to eight days and requested additional detail. Davis replied one of the things that makes these processes different is the

cohesion of the panel and building of camaraderie and stated panels are often done over a couple weekends. Davis stated it is not a preference to do evenings for more full-fledged processes.

Councilmember Canonico asked how this process would ensure minority groups are well-represented. Sarabi replied this should not replace any existing engagement spaces the City has created to welcome the minority voice. Additionally, the lottery process is meant to be as inclusive as possible across demographics and key stakeholder groups would provide testimony to assembly members. Davis reiterated the assembly process does not replace any of the other public input processes that make democracy function and stated it is beneficial to have assemblies work in concert with other processes. Venkatesh noted the Equity and Inclusion Office has been doing ongoing work with the indigenous community and that work will continue in conjunction with this process.

Councilmember Gutowsky asked how it will be ensured that all minority groups are represented in the assembly. Ginny Sawyer, Senior Policy and Project Manager, replied there will be check-in points with Council to ensure needs are being met as the process is designed.

Councilmember Potyondy noted the lottery process does involve some stratification and is not a pure lottery process. Additionally, she noted the civic assembly does not take away the opportunity for engagement by all.

Councilmember Gutowsky asked about the overall timeframe for the process. Sawyer replied staff has discussed running the assembly process in the first quarter of next year.

Mayor Pro Tem Francis expressed support for the item stating it is a creative approach to getting a more representative and diverse set of inputs.

Mayor Arndt also expressed support for the item and applauded staff for bringing forth a new idea, particularly citing the fact that the Hughes Stadium site was taken to the ballot.

Councilmember Gutowsky stated she would not support the item and expressed concern about spending the money on a process that is superfluous. She stated voters directed Council to use tax dollars to purchase the property for the purpose stated in the initiative, specifically low-impact activities. She stated she does not believe a civic assembly process is necessary to answer a question that has already been answered.

Councilmember Potyondy stated the decision about the use of the property has yet to be made due to the broad ballot language. She supported the civic assembly process to determine the vision of taxpayers and noted Council will be the ultimate decision maker.

Councilmember Canonico also expressed support for the item stating it will be an opportunity for the community try a new process to provide input as to what exactly should be done with the property.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt on First Reading Ordinance No. 106, 2024, Appropriating Prior Year Reserves in the General Fund for a Civic Assembly Process in relation to the Hughes Stadium site.

The motion carried 4-2.

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

Nays: Councilmembers Gutowsky and Ohlson.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Resolution 2024-092, Approving an Exception to the Competitive Purchasing Process to Procure Professional Services from Healthy Democracy Fund Related to a Civic Assembly Process for the Hughes Master Plan.

The motion carried 4-2.

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

Nays: Councilmembers Gutowsky and Ohlson.

18. Items Relating to the Submission to the Voters of a Ballot Question Extending the Quarter-Cent Sales and Use Tax for the Street Maintenance Program.

The purpose of this item is to set the ballot language and refer the Street Maintenance Program tax renewal to the November 5, 2024, election.

A. Possible Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.

B. Resolution 2024-093 Submitting to the Registered Electors of the City at the November 5, 2024, Regular City Election the Question of the Extension of the Expiring Quarter-Cent Sales and Use Tax Used to Fund the City's Street Maintenance Program.

Any protest of the proposed ballot language must be received no later than Monday, July 17, 2024, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.

Ginny Sawyer, Senior Policy and Project Manager, stated this item would refer a ballot question for the City's street maintenance program. Sawyer outlined the history of the tax, noting this is a renewal, not an increase, and stated staff is recommending a 20-year term on the renewal as opposed to a 10-year term. Sawyer discussed what is funded by the street maintenance tax dollars, provided a history of the city's dedicated taxes, and provided the proposed ballot language.

PUBLIC COMMENT:

None.

COUNCIL DISCUSSION:

Councilmember Ohlson asked why the ¼ cent tax, which would ultimately raise \$10-11 million annually, is listed as \$8.7 million per year. Travis Storin, Chief Financial Officer, replied the portion of the tax that is going directly to the street maintenance program is \$8.7 million, and the remainder is used for traffic signals and other assets.

Councilmember Ohlson questioned why the entire amount is not committed to street maintenance specifically to make things more transparent. Storin replied the language change is to clarify a practice that has been an eligible use for the life of the tax, noting some of those types of assets have been previously funded by the tax.

Councilmember Ohlson expressed concern about the concrete replacement program which has flaws and lacks oversight and expressed concern about the ballot language, particularly the wording 'but not limited to.'

Mayor Pro Tem Francis requested clarification as to whether this is clarifying the ballot language to be more transparent. Storin replied no eligible uses for the tax dollars are being added; however, more specific definitions are being added to historic uses.

Councilmember Canonico noted a significant number of street miles have been added to the network over the past ten years and asked how many more are anticipated over the next twenty years as the city is nearing build out. Storin replied that will largely be driven by the growth management area and annexations rather than construction of new lane miles. He stated specific numbers could be provided in writing.

Mayor Arndt expressed support for the item and the specifics provided in the ballot language.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Resolution 2024-093 Submitting to the Registered Electors of the City at the November 5, 2024, Regular City Election the Question of the Extension of the Expiring Quarter-Cent Sales and Use Tax Used to Fund the City's Street Maintenance Program.

The motion carried 5-1.

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

Nays: Councilmember Ohlson.

19. Resolution 2024-094 Regarding the City's Position on the Northern Integrated Supply Project.

The purpose of this item is to update and clarify the City's position on the Northern Integrated Supply Project (NISP) in light of current project status and the potential that Northern Water may seek a 1041 permit from the City.

Deputy City Manager Tyler Marr noted NISP has been ongoing for decades and stated the City has taken positions on the project since 2008. Marr noted two major things have happened since Council last took a position in 2020: Northern Water was awarded a 404 permit from the Corps of Engineers, which signals the completion of the federal permitting process, and, in May of 2023, Council adopted 1041 regulations which is a set of regulations pertaining to environmental considerations for large infrastructure projects. Marr noted Northern Water may seek a 1041 permit from the City which would require a quasi-judicial process predicated on the notion of a fair and non-prejudicial hearing; therefore, staff is recommending Council rescind its previous positions on NISP.

PUBLIC COMMENT:

None.

COUNCIL DISCUSSION:

Councilmember Potyondy asked if Council's previous statements could be used as reason to say it is not going into the process in a non-biased manner. Marr replied staff believes rescinding the previous positions recognizes the new stage of the project.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Resolution 2024-094 Regarding the City's Position on the Northern Integrated Supply Project.

The motion carried 5-1.

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

Nays: Councilmember Ohlson.

20. Resolution 2024-095 Expressing Opposition to a Concrete Batch Plant Proposed within the City's Growth Management Area.

Larimer County is processing a development application for a proposed concrete batch plant near the intersection of Highway 287 and Terry Lake Road. Planning staff sent comments to County Planning staff on January 29, 2024. Planning staff commented that the development proposal does not align with the vision and plans for Fort Collins in this area. As such, Planning staff do not support the development proposal.

On July 2, 2024, City Council discussed the development proposal during Other Business and requested a resolution to formally express their opposition to the development project.

PUBLIC COMMENT:

Doreen Martinez commented on the importance of keeping up with the science in terms of environmental issues, particularly environmental justice, and noted the populations that are directly adjacent to the proposed concrete plant are primarily lower-income and Spanish speaking. Additionally, Martinez commented on the number of variances and conditions being sought by the proposal.

COUNCIL DISCUSSION:

Mayor Arndt expressed support for the resolution and thanked those who spoke on the topic.

Councilmember Gutowsky asked about the zoning of the property. Clay Frickey, Planning Manager, replied the property is currently zoned in the County, but if it were to be annexed into the City, it would likely be zoned as a commercial property which would not permit heavy industrial uses.

Councilmember Gutowsky asked what impact this resolution would have on the situation. Frickey replied the passage of the resolution would give Council the ability to speak to the County Commissioners when there is a hearing for the project and would also require staff to keep Council updated as to the progress of the project as it goes through the County's development review process. Additionally, Frickey noted the County Land Use Code requires the County to ask the City to provide comments as to whether the plan is in concurrence with the future vision for the City if the property were to be annexed and whether it is eligible for annexation. Frickey noted City planning staff provided information to County planning staff regarding the fact that this project is not in concurrence with the City's vision for the future of the corridor and that the property is not eligible for annexation as it is not contiguous with City limits.

Deputy City Manager Tyler Marr noted adoption of this resolution ups what would normally be done for any standard review and would allow staff to represent Council at any County hearing.

Councilmember Canonico expressed support for the resolution and thanked staff for working quickly to bring it forth.

Councilmember Ohlson expressed support for the resolution but noted it took public comment for Council to be made aware of the issue. He asked what can be done in the future when a County project is opposed by City staff. City Manager DiMartino replied this issue has started to spur some internal dialogue around the threshold for these matters. She noted the process has historically been for the City to provide written comments and only to engage at more of an advocacy level if so directed by Council.

Mayor Pro Tem Francis noted this issue was brought up by staff at Leadership Planning Team.

Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to adopt Resolution 2024-095 Expressing Opposition to a Concrete Batch Plant Proposed within the City's Growth Management Area.

The motion carried 6-0.

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.)

None.

OB 2. Consideration of a Motion to go into Executive Session.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, that the City Council go into executive session pursuant to:

- **City Charter Article Roman Numeral Two, Section 11(2),**
- **City Code Section 2-31(a)(2), and**
- **Colorado Revised Statutes Section 24-6-402 subsection (4)(b)**

for the purpose of discussing with the City's attorneys and appropriate management staff the following:

- 1. specific legal questions related to oil and gas regulatory compliance and enforcement actions pending for the Fort Collins field; and**
- 2. the manner in which the particular policies, practices or regulations of the City and existing or proposed provisions of federal, state or local law may affect oil and gas regulatory compliance and enforcement for the Fort Collins field.**
- 3. specific legal questions related to collective bargaining with the Fraternal Order of Police and the manner in which particular policies, practices or regulations of the City related to collective bargaining and employment may be affected by existing or proposed provisions of federal, state or local law.**

And pursuant to:

- **City Charter Article Roman Numeral Two, Section 11(1),**
- **City Code Section 2-31(a)(1)(d), and**
- **Colorado Revised Statutes Section 24-6-402 subsection (4)(f)(I),**

for the purpose of discussing with the City's attorneys and appropriate management staff personnel and strategy matters relating to negotiations with the Fraternal Order of Police.

The motion carried 6-0.

The Council met in executive session beginning at 8:54 p.m. with a recording made. Present were:

- Mayor Jeni Arndt
- Mayor Pro Tem Emily Francis
- Councilmember Susan Gutowsky

- Councilmember Tricia Canonico
- Councilmember Melanie Potyondy
- Councilmember Kelly Ohlson
- City Manager Kelly DiMartino
- Deputy City Attorney Jenny Lopez Filkins
- Chief Sustainability Officer Jacob Castillo
- Special Counsel Matt Saura
- Assistant City Attorney Ted Hewitt
- City Clerk Delynn Coldiron
- Deputy City Manager Tyler Marr

All the same attendees were present at the conclusion of the first portion of this the executive session at 9:22 p.m.

The Council met in a second discussion executive session beginning at 9:26 p.m. with a recording made. Present were:

- Mayor Jeni Arndt
- Mayor Pro Tem Emily Francis
- Councilmember Susan Gutowsky
- Councilmember Tricia Canonico
- Councilmember Melanie Potyondy
- Councilmember Kelly Ohlson
- City Manager Kelly DiMartino
- Deputy City Attorney Jenny Lopez Filkins
- City Clerk Delynn Coldiron
- Deputy City Manager Tyler Marr
- Police Deputy Chief Greg Yeager
- Human Resources Executive Teresa Rosche

All the same attendees were present at the conclusion of the executive session at 10:14 p.m.

Q) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 10:16 p.m.

Mayor

ATTEST:

City Clerk