

July 2, 2024

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PROCLAMATIONS & PRESENTATIONS

5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

PP 1. **Declaring the Month of July 2024 as Park and Recreation Month.**

Mayor Arndt presented the above proclamation at 5:00 p.m.

REGULAR MEETING

6:00 PM

B) CALL MEETING TO ORDER

Mayor Arndt called the 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 Arndt led the Pledge of Allegiance to the American flag.

D) ROLL CALL

PRESENT

Mayor 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 DiMartino provided an overview of the agenda, including:

- Change to order of slides for the Charter Amendment presentation.
- Protests filed related to Charter Amendments for Item Nos. #13 and #14; therefore, Council will be conducting protest hearings for each of those items.
- All items on the consent agenda were recommended for approval with no changes.

- The item on the discussion agenda was reviewed.
- An executive session will not be considered.

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.)*

Samantha Six commented on an altercation with another individual at Planned Parenthood which resulted in a harassment charge for Six, despite video footage. Six stated protestors at the clinic brag about owning Council, the Police, and judges and stated what is being allowed to occur at Planned Parenthood is reprehensible.

Doreen Martinez, growth management area resident, urged Council to engage in a resolution to stop the proposed concrete batch plant that is seeking to be located at 516 North Highway 287. Martinez commented on the artificial boundary that exists between the City limits and growth management area in terms of air pollution, negative health impacts, and noise. Martinez provided a map indicating that area ranks 94 out of 100 in terms of negative environmental issues such as ozone and diesel particulates. Martinez also provided a demographic map indicating the prevalence of historically marginalized groups in the area.

Tiffin Vaughn submitted a map of the proposed concrete batch plant location noting Terry Lake is immediately adjacent to the site. Vaughn discussed concerns about environmental pollutants, wildlife impacts, particularly for nesting eagles, and noise pollution. Vaughn stated it is a reasonable conclusion that this is not the proper location for the facility.

Galen Trine-McMahan discussed work with families after gun violence and human trafficking and commented on ways crime can be decreased at multi-family developments, specifically citing a recent murder at Northfield Commons. Trine-McMahan suggested the City provide an invitation for developers to be consulted on security and crime prevention.

Jerry White discussed the intergovernmental agreement the City has with Larimer County regarding land use within the growth management area. White discussed the various land use applications that have been sought for the Aragon property since 2020, including a rezone request, application for a concrete batch plant, a second rezoning request to eliminate a number of conditions that were placed on the first application that would allow for a 60-foot concrete silo instead of a 40-foot silo. White stated the dirt on the site is already polluted due to the previous salvage yard and the project will include a 26-foot-tall concrete barrier along Terry Lake. White commended the work of Fort Collins staff which have stated that the proposed development does not align with adopted policies and City plans, including Our Climate Future and the Air Quality Plan.

Cherie Trine discussed Council's efforts to punish free speech in the City and commented on the court hearing for peaceful protestors at a City Council meeting. Trine stated protest needs to happen when government is at fault in immoral wars and stated Police officers do not understand peaceful protest.

Tasha Carr spoke about the proposal for a small cell facility near her property, which she stated is unsuitable due to the extremely small lot size and proximity of her home to the right-of-way. Additionally, Carr noted a new utility structure will need to be installed and stated her home's living room windows and patio are located only fifteen feet from the planned facility which will greatly impede future landscaping and parking plans. Carr stated the guidance is to maximize the use of existing utility structures and to locate the facilities along main corridors and arterials, not on narrow residential streets. Carr requested her property no longer be considered for the proposed facility location.

Kevin Cross, Fort Collins Sustainability Group, thanked Council for removing the methane franchise fee increase from its long-term planning calendar and instead urged Council to consider implementing a large methane user fee, which would not impact residential natural gas consumers. Cross commented on the benefits of such a fee.

Rorey (no last name given) noted the proposed concrete batch plant would be located directly across from Terry Lake Mobile Home Park and very close to five other mobile home parks in the area. Rorey stated the EPA has found the amount of particulate matter dust emitted by concrete batch plants is such that negative health impacts and premature deaths that would, in this case, disproportionately impact low-income residents and residents of color. Rorey urged Council to adopt a resolution opposed to the proposed concrete batch plant.

Jerry Gavaldon discussed the proposed public input process changes and opposed placing public participation at the end of meetings. Gavaldon commended the Police Chief and officers.

Fred Kirsch, Community for Sustainable Energy, thanked City staff for evaluating climate spending priorities prior to asking for additional resources. Kirsch encouraged staff to prioritize projects on a cost-effectiveness basis with a social lens.

Elizabeth Mahon spoke in favor of greater automated traffic enforcement in general and in support 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, specifically.

Emma Freeman discussed her job speaking with Fort Collins residents and read an email from a Peace Corps volunteer who lives in district 6 which expressed concern about the strategy behind imposing a fee on natural gas. The letter expressed concern the fee would unfairly affect individuals who have no control over the type of energy being used in their households and stated the measure does little to encourage homeowners or businesses to switch to alternative energy sources. Additionally, the letter encouraged Council to ensure climate funds are allocated to projects that are strictly most climatologically urgent.

August-Carter Nelson discussed recent actions by the national Republican party and stated Council listening to members of its constituency is a smokescreen for refusing to do more. Nelson commented on the large number of people who support Council adopting a Gaza ceasefire resolution and stated small, incremental changes are not enough.

Julie Rowan-Zoch commended the decision to remove the methane fee from consideration and supported a fee for large methane users. Additionally, Rowan-Zoch requested Council adopt a Gaza ceasefire resolution.

Kimberly Conner requested Council adopt a Gaza ceasefire resolution and highlighted an Israeli human rights organization that is also calling for a ceasefire.

Public comment ended at 6:45 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Canonico requested follow-up on the concrete batch plant and asked what steps are being taken. City Manager DiMartino replied the City provides comments regarding alignment with City standards for any development proposed for the growth management area that could at some point be annexed into the city limits. Staff has reviewed this proposal and submitted written comments identifying a number of ways in which the development does not align with City standards. City Manager DiMartino stated staff does not typically engage further; however, there have been some instances in the past wherein Council has adopted a resolution taking a position on a project.

Councilmember Canonico stated she would bring forward a formal request under Other Business.

Councilmember Pignataro asked about the date for the concrete plant land use hearing. City Manager DiMartino replied the item has yet to be scheduled. Deputy City Manager Marr replied staff anticipates having enough lead time on the scheduling of the hearing for Council to potentially consider a resolution and noted County staff is still compiling comments.

Councilmember Pignataro thanked the speakers and commended Trine-McMahan's recommendation, and suggested Chamber representatives could possibly pass the idea along to developers.

Councilmember Pignataro requested staff follow-up regarding Carr's concerns about the cell facility.

Councilmember Potyondy requested additional information regarding management of the situation at Planned Parenthood and expressed concern the situation is consistently brought up. She also requested staff provide some information regarding the history of the large methane user fee.

Councilmember Ohlson supported fellow Councilmembers on their various topics and requests and also requested follow-up on where the discussion of the large methane user fee may fit now that the dedicated climate tax is in place. Additionally, he reiterated the request for follow-up on the Planned Parenthood situation and requested information on the Police Services training. He thanked staff for providing a memo on Council's options regarding the concrete batch plant and stated he supports all three options.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the June 18, 2024 Regular Meeting.

The purpose of this item is to approve the minutes of the June 18, 2024 regular meeting.

Approved.

2. Second Reading of Ordinance No. 080, 2024, Amending Ordinance No. 107, 2023, and Appropriating Prior Year Reserves Designated for Fire Services in the Fire Protection Capital Expansion Fund for Payment to the Poudre Fire Authority to be Used to Pay for a New Headquarters Building.

This Ordinance, unanimously adopted on First Reading on June 18, 2024, appropriates and reappropriates funds from the Fire Protection Capital Expansion Fund and transfer funds to Poudre Fire Authority (PFA) for purchase of a new Headquarters Building.

Adopted on Second Reading.

3. First 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.

The purpose of this item is to appropriate \$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 First Reading.

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

The purpose of this item is to request and appropriation of \$12,500 in philanthropic revenue designated for the Lincoln Center, Cultural Services designated as a Sponsorship.

Adopted on First Reading.

5. **First 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 purpose of this item is to request an appropriation of \$20,000 in philanthropic revenue received through City Give for Neighborhood Services, Community Development and Neighborhood Services, Planning, Development & 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 First Reading.

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

The purpose of this item 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 First Reading.

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

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

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

C. First 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. First 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. First 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. First 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.

Due to a publication error, staff requests Council repeal each Ordinance as they were adopted on June 18, 2024. These Ordinances were unanimously adopted on First Reading on June 4, 2024.

Ordinances Adopted on First Reading.

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

The purpose of this item is to call 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 First Reading.

9. **Resolution 2024-081 Approving the 2024 Certification to the Larimer County Assessor Pursuant to Colorado Revised Statutes Section 31-25-807(3)(a)(IV)(B) for the Downtown Development Authority Property Tax Increment.**

The purpose of this item is to certify to the Larimer County Assessor the percentages of property tax distributions to be allocated for the Downtown Development Authority by the Assessor as tax increment from the 2024 property taxes payable in 2025 to the City and to all other affected taxing entities.

Adopted.

10. **Items Relating to the Appointment and Reappointment of Assistant Municipal Court Judges.**

A. Resolution 2024-082 Reappointing Brandi Nieto as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

B. Resolution 2024-083 Reappointing Kristin Brown as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

C. Resolution 2024-084 Reappointing Sarah Simchowicz as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

D. Resolution 2024-085 Appointing John William Sierra as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

E. Resolution 2024-086 Appointing Laura Hinojos as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

F. Resolution 2024-087 Appointing Whitney Stark as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

G. Resolution 2024-088 Appointing Linda Cooke as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

H. Resolution 2024-089 Appointing Jana Kaspar as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

The purpose of this item is to reappoint three Assistant Municipal Judges and to appoint five new Assistant Municipal Judges for the Fort Collins Municipal Court. The City Charter provides for the

appointment of judges of the Municipal Court for two-year terms. Chief Judge Jill A. Hueser recommends that John William Sierra, Laura Hinojos, Whitney Stark, Linda Cooke, and Jana Kaspar be appointed as Assistant Municipal Judges, and that Brandi Nieto, Kristin Brown and Sarah Simchowicz be reappointed as Assistant Municipal Judges to serve in the absence of the Chief Judge.

Resolutions Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to approve the recommended actions on items 1-10 on the consent calendar.

The motion carried 7-0.

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

Nays: None.

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

Councilmember Gutowsky discussed Item No. 6, *First Reading of Ordinance No. 086, 2024, Appropriating Philanthropic Revenue Received Through City Give for NextGen, Volunteer Services, and the OtterCares program preparing teens for the workforce.*

Mayor Arndt welcomed the new and returning judges that were appointed per Item No. 10, *Items Relating to the Appointment and Reappointment of Assistant Municipal Court Judges.*

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Councilmember Canonico thanked those who made Bike to Work (or Wherever) Day a huge success. She also reported on attending the World Refugee Day celebration put on by Church World Service Fort Collins and noted she has been appointed to the Front Range Passenger Rail District which is attempting to bring passenger rail to Fort Collins soon.

Councilmember Gutowsky reported on attending the unveiling of the 9/11 memorial along Spring Creek.

Councilmember Potyondy also reported on attending the unveiling of the 9/11 memorial and thanked individuals from the Equity and Inclusion Department and others for work to make NoCo Pride a joyful celebration. Additionally, she reported on attending the recent Colorado Municipal League conference and invited all to participate in the Independence Day festivities.

Mayor Arndt encouraged everyone to enjoy Independence Day but to be safe.

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

None.

Clerk's Note: Mayor Arndt called for a break at 7:03 p.m. The meeting resumed at 7:16 p.m.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

11. Items Relating to Residential Occupancy Ordinance.

A. *First Reading of Ordinance No. 081, 2024, Amending the Land Use Code of the City of Fort Collins to Remove Residential Occupancy Limitations.*

B. *First Reading of Ordinance No. 082, 2024, Amending the Code of the City of Fort Collins to Conform with the Removal of Residential Occupancy Limitations from the Land Use Code.*

The purpose of this item is to consider adoption of changes to the City's Land Used Code and Municipal Code to comply with House Bill 24-1007, which prohibits residential occupancy limits based on familial relationship.

PUBLIC COMMENT:

No public comment.

COUNCIL DISCUSSION:

Councilmember Ohlson stated the State legislature and Governor made a huge overreach on this and other land use issues during the last session. He stated the legislation should have occurred with more respect for home rule and local control and stated the legislation was poorly written and will likely be revisited in the next several years.

Councilmember Ohlson commented on the benefits of the occupancy ordinance in Fort Collins, including improved appearance and functionality of neighborhoods as well as increased affordability. He stated he has spent over twenty years lobbying for, passing, and defending the occupancy ordinance and is proud of that work.

Mayor Arndt expressed appreciation for Councilmember Ohlson's comments and commended the path Fort Collins was on working together as a community. She noted these changes exist to align with the actions of the State and stated everyone is committed to the quality of life in Fort Collins, noting the public nuisance ordinance remains in effect.

Councilmember Gutowsky stated she will vote differently than she did on the First Reading. She concurred with Councilmember Ohlson that the State legislation was an overreach and a cookie cutter solution for occupancy. Additionally, the legislation took away Council's opportunity to deal with Fort Collins issues in its way. She stated she will support the decision, but reiterated concerns about overreach.

Councilmember Pignataro thanked her fellow Councilmembers for their comments and stated this will hopefully put minds at ease for the 1,500 or so households in Fort Collins who have been breaking the occupancy ordinance simply because that is how they need to live in order to have a roof over their heads.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt on Second Reading, Ordinance No. 081, 2024, Amending the Land Use Code of the City of Fort Collins to Remove Residential Occupancy Limitations.

The motion carried, 5-2.

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

Nays: Councilmembers Gutowsky and Ohlson.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt on Second Reading, Ordinance No. 082, 2024, Amending the Code of the City of Fort Collins to Conform with the Removal of Residential Occupancy Limitations from the Land Use Code.

The motion carried, 5-2.

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

Nays: Councilmembers Gutowsky and Ohlson.

12. Items Relating to a City Initiated Charter Amendment Relating to Elections.

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

B. First 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.

The purpose of this item is to set ballot language regarding proposed amendments to Article VIII of the City Charter relating to election provisions.

Any protest of the proposed ballot language must be received no later than Monday, July 1, 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.

STAFF PRESENTATION:

Rupa Venkatesh, Assistant City Manager, stated Mayor Arndt and Councilmembers Canonico and Pignataro were this year's appointments to the Election Code Committee (ECC) and this presentation reflects recommendations from the ECC and staff focusing on the following key themes: modernizing language, simplifying and clarifying process in the Code for both staff and the public, and removing ambiguities.

City Clerk Delynn Coldiron stated the proposed changes are meant to deal with Code inconsistencies, provide clarification, deal with process complexity, and bring the Code more in line with the Colorado Municipal Election Code.

City Clerk Coldiron outlined the proposed changes to Charter Articles VIII, IX, and X, which include adding gender-inclusive language, making language more active, changing references from 'mail' to 'send,' and making changes to time computation. She further detailed the proposed process and language changes to Article VIII, specifically noting no changes related to campaign contributions are being proposed. Additionally, City Clerk Coldiron presented the proposed ballot language.

PUBLIC COMMENT:

None.

COUNCIL DISCUSSION:

Mayor Arndt commended these items as a good start to the overall cleanup of the Charter and noted these changes are not substantive.

Councilmember Canonico noted these changes will bring Fort Collins more in alignment with the Colorado Municipal Election Code.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt on First Reading, 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.

The motion carried, 7-0.

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

Nays: None.

13. Items Relating to a City Initiated Charter Amendment Relating to Recall.

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

B. First 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.

The purpose of this item is to set ballot language regarding proposed amendments to Article IX of the City Charter relating to recall provisions.

Any protest of the proposed ballot language must be received no later than Monday, July 1, 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.

STAFF PRESENTATION:

City Clerk Coldiron outlined the proposed changes to Article IX relating to recalls, including modernizing the language, changing the computation of time, and reorganizing the material, which is what requires the repeal and reenactment. She discussed the protest that was submitted regarding petition submittal and detailed the changes noting the timeframe has not been reduced.

Coldiron detailed the other proposed changes and protest related to adding a 90-120 day time period wherein an election would be scheduled. She noted the proposal is for scheduling an election on the earliest possible Tuesday that the City Clerk could legally and logistically make that happen. She cited the blackout periods for voter registration data that the Secretary of State puts in place around elections. Additionally, City Clerk Coldiron presented the proposed ballot language.

PROTEST HEARING:

Mayor Arndt noted the protestor is not present and no Councilmembers had any questions related to the protest.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, that Council deny the protest based on the information presented.

The motion carried, 7-0.

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

Nays: None.

PUBLIC COMMENT:

None.

COUNCIL DISCUSSION:

Councilmember Pignataro asked when ranked choice voting will be able to be conducted by the City as most elections are now coordinated with the County. City Clerk Coldiron replied ranked choice voting will be implemented through the County in 2025.

Councilmember Pignataro asked if the City would be running a recall election. City Clerk Coldiron replied experts who have ranked choice voting equipment in place would need to be sought if the recall election was not part of a regular November election.

Councilmember Ohlson noted no Councilmember has been recalled in the last 50 years. He thanked the ECC for its work on the issues and asked what is meant by the next available Tuesday for holding a recall election. City Clerk Coldiron replied a full calendar would be laid out and it would be months prior to that election actually occurring.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt on First Reading, 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.

The motion carried, 7-0.

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

Nays: None.

14. Items Relating to a City Initiated Charter Amendment Relating to Initiative and Referendum.

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

B. First 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.

The purpose of this item is to set ballot language regarding proposed amendments to Article X of the City Charter relating to initiative and referendum provisions.

Any protest of the proposed ballot language must be received no later than Monday, July 1, 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.

STAFF PRESENTATION:

City Clerk Coldiron outlined the proposed changes to Article X relating to initiatives and referendums, including modernizing the language, changing the computation of time, and reorganizing the material, which is what requires the repeal and reenactment. She detailed the proposed process updates, including the proposal allowing for the City Clerk to work with the City Attorney to summarize ordinance language for initiative and referendum petitions.

City Clerk Coldiron stated the proposal was to remove the cure period for simplification purposes, which was protested. The current process does allow for an additional 15 days to get more signatures if the petition is not sufficient, and that process has been used in the past. City Clerk Coldiron noted there is no cure period allowed by the Colorado Municipal Election Code. She outlined the possible options, including increasing the initial circulation time to 70 or 77 days and removing the cure period.

City Clerk Coldiron discussed another protest related to election timing noting the protest sought to keep the requirement for having an election within 120 days, though the proposal is to change that to the earliest workable November election. Additionally, City Clerk Coldiron presented the proposed ballot language.

PROTEST HEARING:

Mayor Arndt noted the protestor is not present.

Mayor Pro Tem Francis expressed support for increasing the total time for circulating initiative petitions to either 70 or 77 days. Mayor Arndt concurred.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, in considering Ordinance No. 096, 2024, incorporate modifications to address the concerns raised in the protest about total time for circulating initiative petitions.

The motion carried, 7-0.

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

Nays: None.

PUBLIC COMMENT:

None.

COUNCIL DISCUSSION:

Councilmember Ohlson noted many more signatures are required for an initiative than a referendum and expressed support for increasing the circulation time. He commented on his experience using the cure period for an initiative in 1992.

Councilmember Potyondy also expressed support for extending the initial circulation time and asked if petition circulators are encouraged to acquire a number of signatures over and above the required amount. City Clerk Coldiron replied in the affirmative and outlined a plan for proactive outreach.

City Attorney Daggett discussed the location of the number that would be modified should Council desire to increase the circulation period.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt on First Reading, 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, amending 2(e)(1) to change the circulation period to 77 days.

The motion carried, 7-0.

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

Nays: None.

Clerk's Note: Mayor Arndt called for a break at this point in the meeting. The meeting resumed at 8:19 p.m.

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

- A. *First 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. *First Reading of Ordinance No. 098, 2024, Designating Speed Corridors Pursuant to Fort Collins Traffic Code Section 1106.*
- C. *First 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.*

The purpose of this item is to 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.

STAFF REPORT:

Lieutenant Jerrod Kinsman stated the Traffic Safety Initiative piggybacks on Council's Vision Zero initiative which has the goal of reducing fatal and serious injury accidents to zero. Kinsman discussed the study results from the City's red-light cameras which are operating at six different locations and noted speeding tickets are issued in those locations for speeds exceeding the speed limit by 11 miles per hour or more.

Sergeant Mike Averick provided additional detail on the 11 miles per hour over speed limit number noting state statute requires additional processes, including a warning, for violations that are less than 10 miles per hour over the speed limit. The 11 miles per hour number eliminates that warning period which makes the program more efficient.

Kinsman went on to discuss the corridors recommended for speed corridor consideration in the ordinances that are part of this item. Additionally, Kinsman discussed the court process that occurs with red light camera violations.

PUBLIC COMMENT:

None.

COUNCIL DISCUSSION:

Councilmember Potyondy commended the presentation and stated she would support this item as road safety is a pressing issue.

Councilmember Pignataro asked if the fees that are gathered from the red-light tickets will go back into initiatives that make the community road safer. Kinsman replied in the affirmative and stated

the fees have been earmarked for traffic safety in all aspects of the City, which could include infrastructure improvements, programs, services, or employees related to traffic safety.

Councilmember Canonico commended the presentation and work on the item. She stated her research has shown other communities are using the AVIS infrastructure to detect noise violations and asked if this vendor has that capability. Kinsman replied he was unsure if this vendor has that capability; however, addressing noise issues in the community is on the slate for additional work.

Mayor Arndt commented on the numbers of people who speed in the community and thanked staff for providing the data and commended their work on the issue.

Councilmember Ohlson stated this item speaks to the values and priorities of this Council. He commended the data and graphics provided in the presentation and asked if the level of the regular Police officer traffic enforcement going to stay at least at its current level given the red-light tickets are no points and only \$40. Kinsman replied all current traffic enforcement will continue.

Councilmember Gutowsky commended the work session report and this presentation. She asked some questions from constituents citing speed concerns on South College near Dairy Queen and Whole Foods. Kinsman replied there will be many new areas with this tool that will become good 'catch' areas. He also clarified the state law does not support using AVIS for noise enforcement; therefore, traditional forms of noise enforcement will continue.

Councilmember Gutowsky asked about truck traffic in the downtown area, particularly around Mountain and College. Kinsman replied truck traffic that should not be going through there is addressed and they are fined significantly if they are utilizing the roadway to avoid the highway port.

Councilmember Gutowsky asked under what circumstances large trucks would be allowed in that area. Kinsman replied they would be allowed for local deliveries.

Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to adopt on First Reading, 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.

The motion carried, 7-0.

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

Nays: None.

Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to adopt on First Reading, Ordinance No. 098, 2024, Designating Speed Corridors Pursuant to Fort Collins Traffic Code Section 1106.

The motion carried, 7-0.

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

Nays: None.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt on First Reading, Ordinance No. 099, 2024, Making Supplemental Appropriations to Support Additional Staffing and Expenses for Implementation of the Automated Vehicle Identification System Traffic Safety Initiative.

The motion carried, 7-0.

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

Nays: None.

City Manager DiMartino recognized Lieutenant Jerrod Kinsman who will retire on Friday after 25 years in law enforcement.

16. Resolution 2024-090 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

The purpose of this item is to consider updates to the Council Meeting Rules of Procedure that ensure the public has the opportunity to speak on all agenda items, provide general public comment, and allow the Council to effectively execute the business of the City. The update to the Meeting Rules also includes alignment to Ordinance No. 39, 2024 and clarification as to the purposes of staff, community and Council reports.

STAFF PRESENTATION:

Rupa Venkatesh, Assistant City Manager, stated this update will organize regular Council meetings to ensure people have the opportunity to speak on all agenda items, including general public comment, consent and discussion items, and to allow Council to effectively execute the business of the City, update the rules to align with recent Code changes, and clarify to the public the purpose of community, staff, and Council reports by adding definitions to each of these in the rules of procedure.

Venkatesh noted there have been 31 meetings since October of 2022 when public comment sign-up was first required that 40 or fewer people have signed up to speak; therefore, staff is suggesting that the first general comment period is allocated for 40 speakers, or perhaps more if time allows up to 90 minutes. Venkatesh presented the proposed meeting agenda which would include the aforementioned public comment section as well as a section allowing for public comment for consent items prior to Council consideration of the Consent Calendar. Additionally, public comment would remain for any discussion item and an agenda item would be added to resume general public comment prior to Other Business.

Ginny Sawyer, Senior Policy Manager, stated any individual within the first 40 to sign up would receive a message indicating their place in the queue and any individual beyond the first 40 would receive a message indicating the first public comment portion will conclude after 90 minutes; therefore, their place in the queue may fall later in the meeting. Additionally, Sawyer noted the Mayor may adjust the initial public comment period if desired.

Venkatesh noted individuals will see how many speakers have already signed up when they open the link to do so.

PUBLIC COMMENT:

None.

COUNCIL DISCUSSION:

Councilmember Potyondy expressed support for most of the proposed changes and supported limiting general public comment at the beginning of the meeting because on the occasions wherein many speakers speak during general public comment, an equity issue could arise in terms of people being actively engaged in agenda items at a reasonable time of the evening. She expressed some concern about the equity issues with the first come, first served nature of being

able to sign up on the website and suggested potentially randomizing those who have signed up during the open window.

Mayor Arndt stated that is a good point; however, she noted individuals can speak to any agenda item which does present some predictability.

Councilmember Potyondy expressed concern about losing the voices of those who may not have many organized speakers but may still want to discuss an emergent issue in their neighborhood or in the community.

Councilmember Canonico noted people will always have the opportunity to speak at one point or another and concurred with Mayor Arndt.

Councilmember Pignataro asked if there will be a specific time when public comment sign-up opens. Venkatesh replied that the sign-ups currently open when the agenda gets posted, which has been at random times on Thursdays; however, it has been discussed to post the agendas and open sign-ups at a specific time on Thursdays.

Councilmember Ohlson requested staff clarify some language in the resolution. City Attorney Daggett stated some punctuation items do need to be cleaned up prior to posting. She outlined the options for clarifying the provision in the rule as mentioned by Councilmember Ohlson, including striking the recital and renumbering the others.

Councilmember Ohlson asked about the use of the word 'misusing' stating it is quite broad. City Attorney Daggett replied it is intended to be broad as it is difficult to define what kinds of things someone could be doing in the building that staff does not intend for them to be doing.

Councilmember Ohlson requested a summary of the reason sign-ups are now required for public comment. Sawyer replied the sign-up helps to provide an understanding of how many constituents are speaking versus non-constituents. Additionally, it is helpful to know ahead of time a rough number of speakers and the sign-up helps to manage remote participation as well.

Councilmember Ohlson asked what occurs if a technically challenged person arrives at 5:30 and wants to sign up. Sawyer replied there is not a great deal of leeway; however, staff does try to help people sign up, though there will be times when people do not make the cut-off.

Councilmember Ohlson requested an explanation of the suggestion for the 40 speakers, 90 minutes. Sawyer replied Council has a variety of high-priority jobs, including listening to constituents and doing City business, and City business can only occur at meetings; however, listening to constituents can occur either at meetings, through email, or through listening sessions. Sawyer stated this piece is aimed at providing a balance.

Councilmember Ohlson stated he would support the item; however, it is a difficult decision as it is a large change, though Fort Collins remains one of the best municipalities in the region for in-meeting public participation.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Resolution 2024-090 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions, removing "E".

Mayor Pro Tem Francis stated she will support the item as it provides additional predictability and transparency about business items at an appropriate hour.

Councilmember Pignataro thanked Sawyer for her synopsis and stated Council makes its best decisions when there is a predictable cadence of when the decisions are made. She commented

on changes that have been made to public comments to this point and noted they have been positive.

Councilmember Potyondy stated her biggest concern is ensuring people who have obstacles to engagement have an equal opportunity. She concurred with Sawyer's synopsis of the various ways in which individuals can connect with Councilmembers.

Councilmember Gutowsky thanked Sawyer for the reminder about why the sign-ups have been valuable and stated community comment is her favorite portion of meetings; however, she expressed support for the proposal and balance it provides.

Mayor Arndt thanked staff for the great work.

The motion carried, 7-0.

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

Nays: None.

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.)

Mayor Pro Tem Francis requested and received Council support for having Council consider a resolution regarding the concrete batch plant at its next meeting.

Councilmember Ohlson clarified that there will be a new recreation center in southeast Fort Collins with two or three pools and stated his point of frustration was that the Parks and Recreation refresh tax money would be spent on parts of the complex other than the pools, which he thought would violate how the tax was described to the public.

Councilmember Canonico asked if staff is preparing the requested memo related to the details of what the ballot language stated. City Manager DiMartino replied that was not included in the work session follow-up memo and noted the topic will be addressed holistically in the fall with additional information as to the scope and cost of the project. However, she stated an additional memo could be provided if desired.

OB 2. Consideration of a motion to cancel the Tuesday, August 6, 2024, Regular Council meeting:

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, pursuant to City Code Section 2-28(a), that Council cancel its regular meeting on Tuesday, August 6, 2024, due to Neighborhood Night Out.

The motion carried, 7-0.

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

Nays: None.

Q) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 9:26 p.m.

Mayor

ATTEST:

City Clerk

DRAFT