

June 18, 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 June 17 through 23, 2024, as National Pollinator Week.**

Mayor Pro Tem Francis presented the above proclamation at 5:00 p.m.

**REGULAR MEETING
6:00 PM**

B) CALL MEETING TO ORDER

Mayor Pro Tem Francis 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 Pro Tem Francis led the Pledge of Allegiance to the American flag.

D) ROLL CALL

PRESENT

Mayor Pro Tem Emily Francis
Councilmember Susan Gutowsky
Councilmember Julie Pignataro
Councilmember Tricia Canonico
Councilmember Melanie Potyondy
Councilmember Kelly Ohlson

ABSENT

Mayor Jeni Arndt (Excused)

STAFF PRESENT

Acting City Manager Tyler Marr
City Attorney Carrie Daggett
Interim City Clerk Heather Walls

E) ACTING CITY MANAGER'S AGENDA REVIEW

Acting City Manager Marr provided an overview of the agenda, including:

- All items on the consent agenda were recommended for approval with no changes.

- The item on the discussion agenda was reviewed.

F) COMMUNITY REPORTS

None.

G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS *(Including requests for removal of items from Consent Calendar for individual discussion.)*

Kristin Candella, Director of Habitat for Humanity, thanked Council and the City for supporting funding home ownership in the community for homes in the Harmony Cottages neighborhood.

Cherie Trine spoke in support of Council adopting a Gaza ceasefire resolution and commented on the community support for the resolution. Additionally, Trine encouraged people to attend the court proceedings for the individuals who were charged after protesting at a Council meeting.

William Timpson discussed civic, non-violent protests around the world that have led to dramatic changes in conflicts and wars.

Gene Gobble encouraged Council to oppose any increase in housing density.

Patricia Babbitt expressed concern with the results of the Council discussion on the Hughes Stadium property at its last work session noting voters voted to conserve the area as a public open space without compromising the ecosystems upon which we all depend.

Adam Hirschhorn discussed the climate crisis and wildfire projections.

Ari Powers expressed support for indigenous engagement in the decision-making process for the future of the Hughes Stadium site.

Will Risheill expressed support for returning the Hughes Stadium site to indigenous peoples.

Christinia Eala discussed an indigenous land back initiative and requested the Hughes Stadium property be returned to the indigenous peoples.

Kurt Kniegge discussed the Old Town North neighborhood and stated houses have been built on Osiander Street that have been left unfinished for years. He requested Council take steps to have the issue resolved.

Public comment ended at 6:44 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Ohlson requested a staff response to the Old Town North issue. Acting City Manager Marr replied staff agrees the situation is unacceptable and stated the Building Department has been dealing with the issue since early 2023 when a notice of violation was issued and the builder has since been billed for work done to shore up the properties. Marr also stated new plans have been submitted to hopefully get the project back on track.

Councilmember Potyondy thanked the speakers.

Councilmember Pignataro stated there was some early engagement with the indigenous community when the ballot measure first passed and requested a follow-up memo on future outreach.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the May 21, 2024 and June 4, 2024 Regular Meetings.

The purpose of this item is to approve the minutes of the May 21, 2024 and June 4, 2024 regular meetings.

Adopted.

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

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

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

These Ordinances, unanimously adopted on First Reading on June 4, 2024, appropriate the City's FY2024 Community Development Block Grant (CDBG) Entitlement Grant and FY2024 Home Investment Partnerships Program (HOME) Participating Jurisdiction Grant from the Department of Housing and Urban Development (HUD), and CDBG program income from FY2022 and FY2023 and HOME Program Income from FY2022 and FY2023.

Ordinances Adopted on Second Reading.

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

This Ordinance, unanimously adopted on First Reading on June 4, 2024, appropriates funds to allow work to begin on the City Charter review process included in the Council-adopted Council priorities. The amount appropriated, \$25,000, will be used to fund special legal counsel with municipal charter expertise to take the lead on the review and drafting of Charter provisions to update and modernize the City Charter.

Adopted on Second Reading.

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

This Ordinance, unanimously adopted on First Reading on June 4, 2024, requests an appropriation of \$30,000 in philanthropic revenue received through City Give for Cultural Community Program, a department within the City's Cultural Services area, for live music as designated by the grant award.

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

Adopted on Second Reading.

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

This Ordinance, unanimously adopted on First Reading on June 4, 2024, requests an appropriation of \$12,500 in philanthropic revenue received by City Give for the construction of the 9/11 Memorial at Spring Park, 2100 Mathews Steet, Fort Collins, CO.

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

Adopted on Second Reading.

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

This Ordinance, unanimously adopted on First Reading on June 4, 2024, supports The Gardens on Spring Creek internship program by:

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

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

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

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

Adopted on Second Reading.

7. **First 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.**

The purpose of this item is to appropriate and reappropriate 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 First Reading.

8. **Public Hearing and Resolution 2024-077 Approving the Programs and Projects that will Receive Funds from the Federal Community Development Block Grant Program, the HOME Investment Partnerships Program, the City's Affordable Housing Fund, and the City's Human Services Program.**

The purpose of this item is to approve funding recommendations of the 2024 Spring Cycle of the Competitive Process. This Resolution will complete the 2024 Spring Cycle of the Competitive Process for allocating \$3,772,510 in City financial resources to affordable housing and public facility projects, human service programs, and administration of the programs.

Adopted.

9. **Resolution 2024-078 Approving the Appointment of Delynn Coldiron as City Clerk Effective June 24, 2024.**

The purpose of this item is to approve the appointment of Delynn Coldiron as City Clerk.

Adopted.

10. **Resolution 2024-079 Adopting Findings of Fact in Support of the City Council's Decision to Overturn on Appeal the Historic Preservation Commission Determination that 2601 South College Avenue is Eligible for Fort Collins Landmark Designation.**

The purpose of this item is to make findings of fact and conclusions regarding Council's decision at the June 4, 2024, appeal hearing about the historic landmark eligibility of 2601 South College Avenue (the "Property") that the Historic Preservation Commission (HPC "Commission") failed to properly interpret and apply City Code Section 14-22 and thereby overturned the HPC's April 17, 2024, determination that the Property was eligible for designation as a Fort Collins Landmark.

Adopted.

11. **Resolution 2024-080 Making Appointments to the Downtown Development Authority Board.**

The purpose of this item is to fill vacancies that will exist as of June 30, 2024.

Adopted.

END OF CONSENT CALENDAR

Councilmember Pignataro moved, seconded by Councilmember Potyondy, to approve the recommended actions on items 1-11 on the consent calendar.

The motion carried 6-0.

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

Nays: None.

Absent: Mayor Arndt (Excused).

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

Councilmember Pignataro welcomed former City Clerk Delynn Coldiron back to the position.

Mayor Pro Tem Francis also welcomed Coldiron and thanked Interim City Clerk Heather Walls for her work.

Councilmember Gutowsky commented on Item No. 5, *Second Reading of Ordinance No. 078, 2024, Appropriating Prior Year Philanthropic Revenue Reserves Received by City Give for the 9/11 Memorial at Spring Park*, noting the memorial will soon be opened.

Councilmember Gutowsky commented on Item No. 7, *First 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*.

Councilmember Gutowsky also welcomed Coldiron to the City Clerk position.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Councilmember Gutowsky reported on attending the Police Services graduation, a lunch and learn session at the Chamber of Commerce, the first anniversary celebration at the Teen Activity Center, and the ribbon cutting ceremony for the Morningstar Senior Living facility.

Councilmember Pignataro reported on attending the international Town and Gown Association annual conference.

Councilmember Canonico reported on attending the Colorado Communities for Climate Action annual meeting and the National League of Cities Transportation and Infrastructure Committee meeting, and announced Bike to Work (or wherever) Day on June 26.

Councilmember Potyondy reported on community Juneteenth celebrations and announced a listening session at NoCo Pride on Saturday, June 29.

Councilmember Gutowsky commented on the Multicultural Business and Entrepreneur Center.

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

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

12. 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.

Sylvia Tatman-Burruss, Senior Project Manager, stated this item contemplates changes to the Land Use Code and Municipal Code to comply with House Bill 24-1007, which prohibits residential occupancy limits based on familial relationships, but does offer the ability to limit occupancy based on demonstrated health and safety standards. The effective date of the bill is July 1, 2024.

Tatman-Burruss noted the current occupancy ordinance does limit occupancy based on familial relationships, or no more than three unrelated occupants, and enforcement of that ordinance began in 2005. Tatman-Burruss outlined the proposed Code changes.

PUBLIC COMMENT

Rich Stave expressed disappointment with the state's suppression of home rule and the role that some of the Larimer County representatives played in the introduction and passage of the bill. Stave particularly opposed the elimination of group home regulation and expressed concern the bill increases taxes without fair and open representation.

COUNCIL QUESTIONS/DISCUSSION

Councilmember Ohlson stated the occupancy ordinance came into effect when it became apparent that neighborhoods within one to four miles of the CSU campus were physically deteriorating rapidly. He stated the offense was changed from criminal to civil in 2005, which made it easier to enforce, and the neighborhoods have dramatically improved since that time. He stated the state's change will have a negative impact on affordability and he would have preferred if the state would have allowed home rule cities to maintain control over the issue.

Councilmember Ohlson stated the City's occupancy ordinance was not unconstitutional and did not violate the fair housing act. Additionally, he noted the City is not aware of a single challenge to the occupancy ordinance based on discriminatory practices. He stated he anticipates a future Council will be making changes based on changes the state will make after negative consequences of the legislation are made apparent.

Councilmember Ohlson stated the occupancy ordinance has served Fort Collins well over the past twenty years by improving neighborhoods and helping affordability.

Mayor Pro Tem Francis stated it is difficult to attribute one policy to that many positive changes over the past twenty years. She noted the public nuisance ordinance was passed to help address some of the key problems that did not have anything to do with the number of people living in a home.

Councilmember Pignataro noted the rental registration program is also in place which will provide much more information on poor landlords.

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

The motion carried, 5-1

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

Nays: Councilmember Ohlson.

Absent: Mayor Arndt (Excused).

Councilmember Pignataro moved, seconded by Councilmember Potyondy, to adopt on First 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, 5-1

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

Nays: Councilmember Ohlson.

Absent: Mayor Arndt (Excused).

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.)

Councilmember Potyondy requested Council support to direct staff to draft a City ordinance prohibiting the retail sale of dogs and cats sourced from large-scale commercial breeders, specifically written to limit provisions to dogs and cats, to not impact the operations of small, reputable, in-home breeders, and to provide best practices for the existing pet store to rehome any animals it has and to reimagine its business model should it choose to do so.

Mayor Pro Tem Francis opposed moving forward with an ordinance questioning whether it would actually address a problem and whether it would move a regulated business to an unregulated business. She expressed support for getting a memo on those items before moving straight to an ordinance.

Councilmember Pignataro supported moving straight to an ordinance given information from other communities and knowledge that the local pet store has sold at least four puppies in the last few years from one of the Humane Society's hundred worst puppy mills.

Ginny Sawyer, Project and Policy Manager, noted that information has come from community advocates, not from staff research.

Councilmember Ohlson expressed support for Councilmember Potyondy's proposal.

Councilmember Gutowsky also expressed support for Councilmember Potyondy's proposal.

Councilmember Canonico commented on the City being a data-driven organization and would like to start with a memo rather than an ordinance.

Councilmember Potyondy stated there have already been two staff memos on the issue and asked what other information Councilmembers would like to see. Sawyer noted the City Attorney's Office put together a confidential memo early on that outlines what other communities have done, and that memo was recirculated after the election with a bit of additional information. Sawyer stated staff could look for information coming from a more neutral source.

Councilmember Potyondy stated this type of ordinance does reflect Fort Collins values in terms of pets and animal welfare.

Acting City Manager Marr stated staff has clear direction to bring forward an ordinance for Council consideration on August 20 as well as a memo with additional information prior to that meeting.

Councilmember Ohlson commented on the National Pollinator Week proclamation and suggested the City ultimately develop an internal and external pollinator policy. Acting City Manager Marr stated a memo will be coming forth in July on the collective pollinator work being done as a City organization.

Councilmember Pignataro noted a pollinator policy may be a missing part of the Pollinator City designation for Fort Collins and suggested that be part of the memo.

Q) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 7:15 p.m.

Mayor Pro Tem

ATTEST:

Interim City Clerk