

May 20, 2025

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PROCLAMATIONS AND PRESENTATIONS

5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

PP 1. Declaring the Week of May 18-24, 2025 as EMS Week

PP 2. Declaring the Week of May 25-31, 2025 as Flood Awareness Week

PP 3. Declaring the Month of May 2025 as Asian, Pacific Islander, Desi American and Native Hawaiians Heritage Month

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

REGULAR MEETING

6:00 PM

B) CALL MEETING TO ORDER

Mayor Jeni Arndt called the regular meeting to order at 6:00 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado, with hybrid participation available via the City's Zoom platform.

C) PLEDGE OF ALLEGIANCE

Mayor Jeni Arndt led the Pledge of Allegiance to the American Flag.

D) ROLL CALL

PRESENT

Mayor Jeni Arndt

Mayor Pro Tem Emily Francis

Councilmember Susan Gutowsky

Councilmember Julie Pignataro

Councilmember Tricia Canonico

Councilmember Melanie Potyondy

Councilmember Kelly Ohlson

STAFF PRESENT

City Manager Kelly DiMartino

City Attorney Carrie Daggett

City Clerk Delynn Coldiron

E) CITY MANAGER'S AGENDA REVIEW

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

- No changes to the published agenda.
- Withdraw Item No. 12, *Items Relating to the Vine Drive and Jerome Street Intersection Improvements Project*, to make revisions and go before Council for consideration on June 3rd.
- Items 1-13, less Item 12, recommended for adoption.
- Consideration of an Executive Session.

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.)*

Eddie Arthur requested clarification regarding the proposed Code changes related to vehicle noise, particularly related to whether all Police Officers will be enforcing the Code or if it will just be a task force. He also asked who would be responsible for educating the public about the new noise ordinances and suggested the placement of signs in the Old Town area. Additionally, he questioned how muffler laws are enforced and noted nothing was mentioned in the packet about fines. He expressed support for the changes.

Johnny West noted he has been a resident of Fort Collins since 1934 and expressed concern about the trash hauling contract and opt out fees because he hauls his own trash to a dumpster and has permission to do so. He stated he recently received a bill from Republic for \$99 for services he is not receiving.

Griffin Cole, dentist, expressed support for ceasing water fluoridation stating there are no positive impacts to drinking fluoride; its impacts are only topical. He stated there is no correlation between fluoridation and tooth decay; however, he stated there are studies that show a correlation between fluoridation and declining IQ.

Pati Thomas expressed support for ceasing water fluoridation stating fluoride is a known neurotoxin. She discussed recent studies that have shown fluoride is not effective and can be harmful to babies and children. She encouraged Council to cease water fluoridation.

Zoelle Lane spoke in favor of the Connexion union and stated unions are key to ensuring employees have a strong voice to advocate for themselves. She encouraged the City to support the union to adhere to the City's values.

Kaori Keyser spoke in favor of the Connexion union and discussed a letter Council received yesterday regarding employee unionization procedures in cities that have a pathway to unionization, such as Denver. She urged Council to ask thoughtful questions of City attorneys and management during Executive Session and do what it can to protect public servants.

Greg Zoda spoke in favor of the Connexion union and commented on Boulder's municipal workers voting to unionize. He shared frustration about the City's process of recognizing only those unions that have been approved by voters and urged Council to add a Charter amendment to the ballot that would be similar to Denver's 2U.

Public comment concluded at 6:25 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Pignataro thanked Mr. Arthur for his comments and questions and noted the Second Reading of changes to the trash hauler contract was recently approved; therefore, Mr. West may be exempt from the opt-out fee. She requested staff follow up with him.

Councilmember Potyondy thanked the speakers and expressed appreciation to those who sent in research to help inform the Executive Session.

Mayor Arndt thanked the speakers.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the May 6, 2025 Regular meeting.

The purpose of this item is to approve the minutes of the May 6, 2025 Regular meeting.

Approved.

2. Second Reading of Ordinance No. 074, 2025, Appropriating Unanticipated Philanthropic Revenue, Appropriating Prior Year Reserves and Authorizing Transfer of Appropriations for Various Gifts Received Through City Give.

This Ordinance, unanimously adopted on First Reading on May 6, 2025, requests an appropriation of \$42,325 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

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

Adopted on Second Reading.

3. Second Reading of Ordinance No. 075, 2025, Making a Supplemental Appropriation of Colorado Department of Transportation Colorado Highway Safety Office Click It or Ticket Grant Funds for the Fort Collins Police Services Traffic Enforcement Unit.

This Ordinance, unanimously adopted on First Reading on May 6, 2025, appropriates \$20,000 of unplanned revenue from the Colorado Department of Transportation (CDOT) for Police Services to conduct the Click It Or Ticket program.

Adopted on Second Reading.

4. **Second Reading of Ordinance No. 076, 2025, Making a Supplemental Appropriation of Federal Emergency Management Administration's Building Resilient Infrastructure and Communities Program Grant Funds and Authorizing Transfers for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project.**

This Ordinance, unanimously adopted on First Reading on May 6, 2025, enables the City to receive and expend federal funds for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project (Project). The Colorado Division of Homeland Security and Emergency Management, through the Colorado Department of Public Safety (CDPS), awarded the City of Fort Collins \$398,431 of unanticipated revenue to develop the Project. This award is part of the Federal Emergency Management Administration's (FEMA's) Building Resilient Infrastructure and Communities (BRIC) 2023 program, with the \$398,431 awarded to the City being federal funds. The City has a required cost share of \$245,641 that will be met through City staff time. City staff time will be used through the life of the grant funded Project, from 2025 through October 23, 2027. Based on City staff time being part of annual ongoing fund budgets, the City will utilize budgets as appropriated by City Council each annual fiscal year associated with such City staff time to meet the required cost share requirement of this grant.

Grant funds will enable the City in developing plans to support developers who seek to utilize nature-based solutions and natural habitat design standards in their neighborhood developments in Fort Collins. The purpose of this item is to support development of the Project by:

- *Appropriating \$398,431 of unanticipated revenue awarded through FEMA's BRIC program;*
- *Utilizing matching funds in the amount of \$85,378 from existing 2025 appropriations in the Community Development and Neighborhood Services operating budget in the General fund into this grant Project for staff time;*
- *Utilizing matching funds in the amount of \$11,841 from existing 2025 appropriations in the Stormwater Engineering operating budget in the Stormwater fund into this grant Project for staff time.*
- *Utilizing matching funds in the amount of \$5,957 from existing 2025 appropriations in the Communications and Public Involvement operating budget in the General Fund into this grant Project for staff time.*

This item authorizes the Mayor to accept the grant funds and to commit the City to comply with the terms and conditions of the intergovernmental grant agreement.

Adopted on Second Reading.

5. **Second Reading of Ordinance No. 077, 2025, Replacing Ordinance No. 040, 2025, and Approving the Intergovernmental Agreement Between the City of Fort Collins and the Fort Collins, Colorado, Downtown Development Authority Governing the Use of a Line of Credit for the Financing of Downtown Development Authority Projects and Programs and Delegating to the Downtown Development Authority Thereunder the Power to Incur Debt in Relation Thereto as Authorized by State Law.**

*This Ordinance, unanimously adopted on First Reading on May 6, 2025, approves an ordinance to authorize the Mayor to sign an intergovernmental agreement between the City and Downtown Development Authority (DDA) that will govern the processes for administering a line of credit for financing DDA projects and programs for a six-year term from 2025 through 2030 and a maximum pre-draw limit of \$5 million. **This item was previously approved by Ordinance No. 040, 2025; however, the Exhibits A, B, and C-1 to C-5 attached to and part of the intergovernmental agreement were not included in the meeting packet on March 18, 2025, for the second reading of the Ordinance. The only changes on this item for its approval and replacement***

of Ordinance No. 040, 2025, other than updating the dates, are the inclusion of the intergovernmental agreement attachments.

The current Line of Credit (LOC) established in 2012 and renewed in 2018 by the City on behalf of the DDA expired at the end of 2024. The City and DDA began taking steps in early 2024 to renew this debt instrument with First National Bank of Omaha (FNBO) for another six-year term, as it will be needed by the DDA to execute its projects and programs beginning in budget year 2025 and continuing through 2030. The renewal of the bank authorized Line of Credit is needed by the DDA to satisfy compliance with C.R.S. § 31- 25-807(3)(a)(II).

On November 6, 2024, the Council Finance Committee reviewed the purpose and approach for bringing forth a third IGA to accommodate the DDA's authorization to use a Line of Credit and satisfy compliance with C.R.S. § 31- 25-807(3)(a)(II). The Council Finance Committee was supportive of advancement of the IGA to Council.

On February 13, 2025, the DDA Board adopted Resolution 2025-02 authorizing the DDA's approval of the IGA and the line of credit promissory note from First National Bank of Omaha. The IGA is now advanced to Council and pursuant to the DDA Act requires adoption by ordinance.

Adopted on Second Reading.

6. **First Reading of Ordinance No. 078, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for Broadband Buildout to Multi-Dwelling Units and Customer Installations and Related Art in Public Places and Modifying the Terms of Repayment for Prior Appropriations from the Light and Power Fund.**

The purpose of this item is to request appropriation of \$12 million of prior year reserves from the Light & Power Fund for use in Broadband's (herein referred to as "Connexion") efforts to continue new customer installations, including building out to multi-dwelling units (MDU's) and mobile home parks, and providing for asset management. These funds from Light & Power provide a significant portion of the total funding need over the next 4 years and will be reimbursed to the Light & Power Fund, including interest, from the cash flows generated by Connexion operations.

Adopted on First Reading.

7. **First Reading of Ordinance No. 079, 2025, Authorizing Transfers of Appropriations for the Shields Street Protected Infrastructure – Lake Street to Stuart Street Project and the Shields Street Separated Bike Lanes – Mulberry Street to Mountain Avenue Project.**

The purpose of this item is to transfer Active Modes Plan Implementation funding to the Shields Street Protected Infrastructure – Lake Street to Stuart Street and the Shields Street Separated Bike Lanes – Mulberry Street to Mountain Avenue capital projects.

Adopted on First Reading.

8. **First Reading of Ordinance No. 080, 2025, Making a Supplemental Appropriation of an Additional Award from the Colorado Auto Theft Prevention Authority Grant for the Fort Collins Police Services Property Crimes Unit.**

The purpose of this item is to appropriate \$19,011 of unanticipated revenue received from the Colorado State Patrol Department of Public Safety as a modification to the previously awarded FY 2025 BATTLE (Beat Auto Theft Through Law Enforcement) grant.

Adopted on First Reading.

9. Items Relating to Civic Center Master Plan: Municipal Court Renovation & Parking Services Move.

A. First Reading of Ordinance No. 081, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Parking Services Department Relocation Project and Related Art in Public Places

B. First Reading of Ordinance No. 082, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Municipal Court Expansion Project and Related Art in Public Places

The purpose of these items is to provide context for two related requested appropriations for projects in the Civic Center Master Plan. The first will expand City service capacity by moving Parking Services to the Civic Center Parking Structure in order to vacate space in the 215 North Mason Street building to allow for the expansion of the City Municipal Court. The second recommended appropriation provides initial construction costs for the expansion of the Municipal Court in the 215 North Mason Street building.

Appropriation recommendations:

- *\$450,000 from reserves in the Parking Fund to the Capital Projects Fund for the relocation of Parking Services to the Civic Center Parking Structure*
- *\$400,000 from General Government Capital Expansion Fee reserves within the Capital Expansion Fund for the relocation of Parking Services as a condition precedent to the Municipal Court construction and expansion*
- *\$8,500 transfer from the Capital Projects Fund to the Art in Public Places Program in the Cultural Services & Facilities Fund for the relocation of Parking Services.*
- *\$4,300,000 from General Governmental Capital Expansion Fee reserves within the Capital Expansion Fund for the Municipal Court construction and expansion project*
- *\$43,000 transfer from the Capital Projects Fund to the Art in Public Places Program in the Cultural Services & Facilities Fund for the Municipal Court construction and expansion project.*

Both Ordinances Adopted on First Reading.

10. First Reading of Ordinance No. 083, 2025, Amending Sections 20-21 and 20-25 of the Code of the City of Fort Collins for the Purpose of Clarifying Exceptions to the Noise Ordinance for Agricultural Activities.

The purpose of this item is to further clarify the alignment of the municipal noise ordinance with Colorado statutes relating to exceptions for agricultural operations.

Adopted on First Reading.

11. First Reading of Ordinance No. 084, 2025, Designating as Non-Lapsing and Transferring the Prior Appropriation of Philanthropic Revenue Received Through City Give by Ordinance No. 055, 2025, for the Payment Assistance Fund.

The purpose of this item is to request that the lapsing appropriation approved by Council on its passage of Ordinance No. 055, 2025, of \$443,600 in philanthropic revenue received through City Give, be designated by this Ordinance as non-lapsing. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

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

Adopted on First Reading.

12. Items Relating to the Vine Drive and Jerome Street Intersection Improvements Project.

A. Resolution 2025-057 Authorizing the Execution of an Intergovernmental Agreement Regarding a Grant of Funds for Improvements to the Intersection of Vine Drive and Jerome Street Between the City of Fort Collins and the Downtown Development Authority.

B. First Reading of Ordinance No. 085, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Vine Drive and Jerome Street Intersection Improvements Project and Related Art in Public Places.

The purpose of these items is to enable the City to receive and expend Downtown Development Authority (DDA) grant funds and Urban Renewal Authority (URA) funds for the Vine Drive and Jerome Street Intersection Improvements project (Project). The funds will be used for outreach, design, right-of-way acquisition, and construction for improvements at the intersection of Vine Drive and Jerome Street. If approved, the items will: 1) authorize the Mayor to execute an Intergovernmental Agreement (IGA) for the Project with the DDA; 2) transfer \$135,200 of Community Capital Improvement Program (CCIP) Bicycle Program funds to the Project; 3) transfer \$67,756.77 of Community Capital Improvement Program (CCIP) Pedestrian Program funds to the Project; 4) appropriate \$293,076 in URA funds to the Project; 5) transfer \$146,472.87 in remaining 2050 Tax – Our Climate Future funds from previous appropriations to the Project; 6) appropriate \$144,000 of DDA grant funds to the Project; 7) appropriate \$4,283.34 in Transportation Capital Expansion Fee (TCEF) funds to the Project; 8) appropriate \$87.42 of Transportation Services Fund reserves to the Project; and 9) appropriate \$4,370.76 (1%) of the DDA grant and URA funds to the Art in Public Places (APP) program. The Conservation Trust Fund will contribute \$165,000 towards the Project as part of the 2026 annual budget process.

Ordinance and Resolution Postponed to June 3rd Council Meeting.

13. Resolution 2025-058 Approving Fort Fund Grant Disbursements.

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming Account and the Tourism Programming Account for the selected community events in the Program Support Grant – March Deadline category, based upon the recommendations of the Cultural Resources Board.

Approved.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to approve the recommended actions on items 1-13, minus Item No. 12, on the Consent Calendar.

The motion carried 7-0.

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

Councilmember Ohlson stated he would be withdrawing Item No. 12, *Items Relating to the Vine Drive and Jerome Street Intersection Improvements Project*, from the future agenda so he could vote against

it. He stated he believes the item is an inappropriate use of climate future funds and suggested other funds could be used for the project.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Councilmember Susan Gutowsky

- Attended Poudre Fire Authority event recognizing first responders who saved lives during which the first responders were able to meet the people they saved.
- Attended employee breakfast and awards ceremony.

Councilmember Melanie Potyondy

- Attended reception for Asian American Native Hawaiian Pacific Islander Heritage Month.
- Attended graduation for City Works 101.

Councilmember Tricia Canonico

- Thanked District 1 Police Officers for allowing her to attend a walk-along and ride-along.
- Front Range Passenger Rail District Board holding an online open house for the future of passenger rail.

Mayor Jeni Arndt

- Congratulated CSU graduates.
- Thanked a resident for bringing a dangerous situation to her attention which was immediately remedied by staff.
- Thanked an officer who redirected her on a running trail and informed her there may be a dangerous person on the path ahead while not being alarming.
- Met an individual who moved to Fort Collins after watching City Council broadcasts.

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

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

14. **Second Reading of Ordinance No. 051, 2025, Amending Chapter 9 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Fire Code and Adopting the 2024 International Fire Code, with Amendments.**

*This Ordinance, unanimously adopted on First Reading on March 18, 2025, repeals the 2021 International Fire Code and adopts the 2024 International Fire Code (IFC) with local amendments. The International Code Council (ICC) publishes code updates every three years. The Poudre Fire Authority (PFA) Board of Directors has reviewed and approved this code package and is requesting the code be adopted as amended. **Staff is requesting that Council make the following motion to postpone Second Reading of this Ordinance to June 17, 2025, to allow further time for the Building Review Commission to consider the proposed Code changes, as well as the proposed amendments attached to this AIS:***

"I move to postpone consideration of the Second Reading of Ordinance No. 051, 2025, Amending Chapter 9 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Fire Code and Adopting the 2024 International Fire Code, with Amendments, to June 17, 2025."

PUBLIC COMMENT

None.

COUNCIL QUESTIONS/DISCUSSION

Mayor Arndt thanked Poudre Fire Authority for bringing this forward and working through the process with Boards and Commissions.

Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to postpone consideration of the Second Reading of Ordinance No. 051, 2025, Amending Chapter 9 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Fire Code and Adopting the 2024 International Fire Code, with Amendments, to June 17, 2025.

The motion carried 7-0.

15. Public Hearing and Resolution 2025-059 Approving a First Amendment to the Amended and Restated Service Plan for Foothills Metropolitan District.

Per the City's Financial Management Policy 10 – Metro Districts (the "Policy"), authorized by Resolution 2021-045, the procedures for conducting a hearing on metropolitan district service plan or plan amendment will be in accordance with the Council's adopted procedures and Section 3.K. of the Policy, which sets the order of the proceedings on such a public hearing as follows:

- 1. Announcement of item;*
- 2. Consideration of any procedural issues;*
- 3. Explanation of the application by City staff;*
- 4. Presentation by the applicant;*
- 5. Public testimony regarding the application;*
- 6. Rebuttal testimony by the applicant;*
- 7. Councilmember questions of City staff and the applicant; and*
- 8. Motion, discussion and vote by City Council.*

In 2012, the District was organized to redevelop the then existing Foothills Mall (approval of the formation of the District and its original Service Plan by City Council was by Resolution 2012-084). Council approved the current Amended and Restated Service Plan for the Foothills Metropolitan District (the "District") on May 7, 2013 (Resolution 2013-044).

Since the District's formation and redevelopment, some of the planned activation has been successful. However, several factors have affected the commercial leasing of all property, which has impacted the revenues dedicated for debt service payment. To address the underperforming aspects, MXD Fort Collins, LLC (the "Current Developer") is currently designing a new redevelopment plan. The First Amendment supports this new approach to redevelopment by:

- 1. Increasing the maximum amount of debt the District can have outstanding.*
- 2. Extending the length of the debt the District is allowed to incur and clarifying refunding.*

3. Making other changes to ensure consistency with the new redevelopment plan.

The First Amendment expands the list of eligible improvements but does not expand the list of eligible improvements for which the City or the Fort Collins Urban Renewal Authority (the "Authority") are obligated to participate in or contribute revenues to finance. This item is related to another item on the agenda, Resolution 2025-060, Approving a Development Agreement to Secure Public Benefits for Foothills Mall Redevelopment, which, if adopted, would approve a Public Benefits Agreement that would be effective upon the effective date of this Resolution 2025-059.

Mayor Arndt opened the public hearing on this item.

STAFF PRESENTATION

Josh Birks, Deputy Director of Sustainability, stated this resolution would allow for the service plan to be changed such that it would include the ability to issue additional debt and ultimately support another round of investment in what was formerly the Foothills Mall site. He discussed the history of the Foothills Metropolitan District and outlined the current revenue sources for the District, which are just sufficient to fund debt service, though are weakening. He noted this resolution would allow for refunding of the existing debt and the issuance of additional debt.

Birks discussed how the Foothills Mall project has evolved over time and noted a policy was adopted to guide the metro district service plan analysis in 2021, though staff is recommending not adhering strictly to that policy in this case as the district predates the policy and the district serves primarily as a financial conduit for the revenue sources coming together to support redevelopment. Birks also noted the change does not alter in any way the obligations of the City or the Authority and the property tax increment remains 100% pledged until 2038.

Birks stated the funds would be used to refund the existing debt and issue new debt for a total of about \$166.1 million, which would give the District \$75 million to use for new public improvements.

APPLICANT PRESENTATION

Will Little, McWhinney, commented on McWhinney's purchase of the Foothills Mall in 2021 and forthcoming focus on redevelopment of the interior mall building. He discussed the plan to utilize the requested funds for new outdoor park areas, new parking, and new streets.

Dan Dougherty, McWhinney, discussed reimagining the mall space to right size the retail. He noted some of the existing unleased retail will be redeveloped with additional roadways, parks, and walkway space, with a bit of commercial space and some additional housing, including the affordable component. He discussed the adaptive reuse of the mall building which will involve removing the roof while still allowing some walls to remain. Dougherty provided renderings of the proposed project and noted the parking garage and Foothills Athletic Club will be retained.

COUNCIL QUESTIONS/DISCUSSION

Councilmember Pignataro asked if the affordable housing would be a for sale product. Dougherty replied the townhomes will be for sale, and it has yet to be determined what partner and product type will be selected for the affordable housing component.

Councilmember Pignataro asked if there are 300 additional housing units being contemplated. Little replied that the original strategy for the site was for a higher density of rental units than what is currently there; however, it has been determined that financing apartments on the site would

be very difficult; therefore, the plans have shifted to either for rent or for sale single-family attached or detached homes.

Councilmember Pignataro asked if the Foothills Activity Center is currently rented. Birks replied the City owns the space outright, though the site is subject to covenants similar to other properties on the site.

Councilmember Pignataro asked if there are plans to update the Activity Center. Birks replied the Activity Center is constructed with the Macy's building wrapping around it; therefore, when the Macy's building comes down, there will likely be some opportunity for improvements to the façade. Little noted they have yet to determine specifics about the demolition of the Macy's building, but there will be work done on the façade.

Councilmember Pignataro asked about the risks to adopting this resolution. Birks replied there is an existing risk that the metro district is not generating sufficient revenue to pay the debt, and that is an indirect concern to the City. A risk of moving forward is that additional time during which the residents and consumers of the site will be paying for public infrastructure would be authorized, and there are risks associated with development. From a financial perspective, the risk to the City has not significantly changed.

Mayor Pro Tem Francis asked about the anticipated number of affordable housing units. Little replied the plan is for 50 to 60 units. Birks clarified the requirement is for a dedication to contribute, either through donation or contribution, into a partnership, 30,000 square feet of land for affordable units which is adjacent to the parking structure, thereby keeping the project from needing additional parking.

Mayor Pro Tem Francis asked about the difference between the two ways to fulfill the affordable housing obligation and expressed concern about the lack of a requirement to have the affordable housing component built by a certain time. Little replied that requirement is not part of the agreement at this time, but the requirement is to either contribute the land or donate it, and the selected partner for that development would determine which of the means of fulfillment would be used. Birks discussed the two ways to fulfill the affordable housing obligation, one of which would be the execution of a contract for the donation or contribution of the affordable housing parcel and one of which references a reservation of the parcel which would put some type of covenant on the land requiring the property to be developed as affordable housing.

Mayor Pro Tem Francis expressed concern about the affordable housing units actually being delivered and asked what assurances exist that it will actually be built. Little stated his expectation is that there will be more engagement from the Colorado Housing and Finance Authority for a 50–60-unit project than a 15-unit project. He acknowledged there is no timeline for the development of the affordable units and reiterated that McWhinney would be partnering with others who have experience in that market to get this completed.

Birks acknowledged this agreement does not bear a timeline similar to that of other metro districts.

Councilmember Ohlson stated his trust level is low for the City organization and this project and asked why the agreement could not include a date certain to deed the land to the City for use as affordable housing to allow the City to set a timetable and work with the Housing Authority. Birks replied staff has had conversations with the developer and what is in this proposal is what they have asked to put before Council.

Councilmember Ohlson stated he does not trust the outcome and urged Council to not vote in favor of the item due to the affordable housing component. He noted there is no recommendation from staff for approval of this item, just for consideration. He also expressed concern about the

PIF being permanent and increasing to 3%. Birks replied the original conversation Council had about PIF was when Front Range Village came through, and staff at that time was under the impression that public improvement fees needed to be authorized by Council; however, the reality is that public improvement fees are a privately imposed covenant or lease term that can happen without Council being engaged at all, though that does not mean Council may not be involved in how those fees are used. He stated the AIS was trying to convey that developers can impose a public improvement fee without Council involvement, though there have been occasions, and this is one, where the developer is willing to limit what they can otherwise do through a contractual agreement through the service plan redevelopment and reimbursement agreement.

Councilmember Ohlson asked if the Foothills Mall URA Plan Area will still expire on the same date. Birks replied in the affirmative and stated it will expire in 2038.

Councilmember Ohlson asked if what is being voted on with this item takes more money from the City of Fort Collins, Poudre School District, or County according to the URA and tax increment financing (TIF) agreements. Birks replied this agreement does not take any more money through the pledge of tax increment from those entities as the pledge remains as it was agreed upon in 2013. He stated the changes are that the metro district can collect its extra property tax for longer and the PIF will exist longer.

Councilmember Potyondy concurred she would feel more comfortable voting for this if there were more assurances and specificity around the affordable housing piece. Regarding the retail space, she asked about the peak occupancy of the new mall before people knew it was going to be redeveloped. Little replied they have worked with every tenant to limit costs and keep them in place, and they have benefited from the additional traffic brought in by the College Avenue shops. He stated there has not been a huge loss of retailers in the last 12 to 18 months.

Councilmember Potyondy commended the reuse components of the plan and asked if there are retailers interested in coming in after redevelopment. Little replied one of the trends seen nationally is too much space; therefore, one of the strategies being pursued is the reduction of the general leasable area of the mall. He stated the sales being generated by the College Avenue shops are a good tool for soliciting new tenant interest. He stated he does believe there will be incoming tenants, and the catalyst for that will be an anchor store, which is still being sought.

Councilmember Gutowsky asked if temporary office space is still being considered. Little replied in the affirmative and noted space for artist rentals will also be considered.

Councilmember Gutowsky asked what key changes will make this redevelopment successful. Little replied this plan includes a significant departure from what has been a historic indoor mall experience that no longer works well across the country. He stated the key is reducing the size.

Councilmember Gutowsky also expressed concern regarding the lack of assurance and specificity around the affordable housing piece.

Councilmember Canonico commented on visiting a similarly developed property to the one planned and asked if there are any assurances there will be at least 300 residences planned, as that will be a large part of the success of the project. Little replied McWhinney would likely partner with another entity to build a for sale product, but the total number of dwellings provided will end up being a function of the final site plan. He stated finding successful retailers to land here is the most important piece. He stated there will be a shift from apartments to townhomes and condos, which is the reason for the decrease in density from previous plans.

Councilmember Canonico asked what is anticipated for the residential component if an anchor store leaves the project. Little replied that is a risk of retail business in general and retail is constantly evolving. He stated it is important to have the flexibility to repurpose the anchor space for a new use.

Councilmember Canonico asked if a 3% PIF would keep people from shopping at the facility. Little replied they have projects with a variety of PIF amounts that are a function of what the market will bear. He added that the most scrutiny placed on PIF amounts is by retailers.

Councilmember Canonico asked how the demolition process will be handled to help meet the City's zero waste goals. Little replied demolition contractors are good at identifying recyclable materials and that is something that will be considered during the design and construction process.

Councilmember Canonico also echoed concerns about the lack of assurance and specificity around the affordable housing piece. She stated she would like to see the number of housing units maximized overall.

Mayor Arndt asked what would occur under a 'do nothing' scenario. Birks replied the service plan would remain as is, and in 2038, the project would have to stop collecting the mills associated with the debt that is being collected by the metro district and would not be able to issue new debt that would have a maturity of longer than 25 years. He stated it would be difficult for the metro district to refund without any change in available revenue or any change in the project that could be perceived as changing the amount of revenue coming in.

Mayor Arndt noted another developer and project would need to be sought if this project is not successful, and the financial component of this item is what she is considering; therefore, she will be supporting the amendment.

City Attorney Daggett noted this item is solely the amendment of the service plan, and the next item relates to the public benefits agreement. She recommended Council add language to the end of Section 5 that makes approval of the service plan amendment subject to full execution of the approved public benefits agreement between the City and the developer addressing the commitments that support the approval of the first amendment.

Councilmember Pignataro asked about the staff recommendation of consideration rather than approval. Birks replied staff was aware there would likely be questions about the affordable housing component; therefore, the recommendation was for consideration.

Councilmember Ohlson asked how much support for the retail has been provided by the existing housing units. Little replied they cannot track that exactly, though the general consensus about the location is that there is retail demand, though the experience offered is different from what is desired by consumers, which is evidenced by the disparity between sales at the College Avenue shops versus the mall.

Clerk's Note: Mayor Pro Tem Francis called for a break at 8:13 p.m., noting the meeting would resume at 8:33 p.m.

Birks stated there is still additional work that needs to be done related to the PIF.

City Attorney Daggett noted the redevelopment agreement is not being changed and commented on ensuring the terminology and the way the permissions are written are all consistent among various documents.

Mayor Arndt stated it seems the City does not have a role in the PIF and it should be up to the developer and retailers to work through that themselves.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to continue the public hearing and postpone Resolution 2025-059 Approving a First Amendment to the Amended and Restated Service Plan for Foothills Metropolitan District to July 1, 2025.

The motion carried 7-0.

16. Resolution 2025-060 Approving the Development Agreement to Secure Public Benefits for the Foothills Mall Redevelopment.

The purpose of this item is to seek approval of a Development Agreement to Secure Public Benefits for Foothills Mall Redevelopment. This item is related to another item on the agenda, Resolution 2025-059 Approving a First Amendment to the Amended and Restated Service Plan for Foothills Metropolitan District.

Mayor Pro Tem Francis reiterated the desire to have more assurances for the affordable housing piece and encouraged the developer to work to determine more accurately how many units could be supported by the site.

Mayor Pro Tem Francis moved, seconded by Councilmember Ohlson, to postpone Resolution 2025-060 Approving the Development Agreement to Secure Public Benefits for the Foothills Mall Redevelopment to July 1, 2025.

The motion carried 7-0.

17. Items Relating to Motor Vehicle Noise.

A. *First Reading of Ordinance No. 086, 2025, Adopting Section 1418, Unreasonable Vehicle Noise Prohibited in the Fort Collins Traffic Code.*

B. *First Reading of Ordinance No. 087, 2025, Amending Section 17-129 of the Code of the City of Fort Collins to Remove all Reference to Traffic Noise.*

C. *First Reading of Ordinance No. 088, 2025, Amending Section 225 of the Fort Collins Traffic Code to Clarify the Different Types of Equipment Violations Related to Mufflers.*

D. *First Reading of Ordinance No. 089, 2025, Amending Section 1-15 of the Code of the City of Fort Collins to Allow Some Specified Traffic Violations to be Designated as a Misdemeanor Offense.*

The purpose of these items is to present recommended changes to the City Code and Fort Collins Traffic Code to address enforcement of unreasonable noise in the city related to Motor Vehicles.

STAFF PRESENTATION

Police Chief Jeff Swoboda commented on recent efforts by staff to work to better address noise in the city.

Assistant Police Chief Kristy Volesky discussed work that has been done in terms of looking at muffler noise and other behavior noise, including radios, tire squealing, and engine revving. She outlined the four items for Council consideration, including a new Code section related to unreasonable vehicle noise which would allow officers to use their discretion to address issues, an amended code section that would remove references to the traffic code, an amended code section clarifying the different types of equipment violations related to mufflers, and an amended

code section that would allow for some specified traffic violations to be designated as misdemeanors.

COUNCIL QUESTIONS/DISCUSSION

Mayor Pro Tem Francis asked if this will be enforced by all officers, not just a task force. Assistant Chief Volesky replied in the affirmative. She added the department knows the importance of this issue to the community and stated the Traffic Unit will lead the way, though any officer can write a ticket.

Mayor Pro Tem Francis asked if there are plans for signage in the downtown area. Assistant Chief Volesky replied there are signs planned that read 'noise ordinance enforced,' which will include traffic noise; however, there are no plans for quiet-zone specific signage. She also noted that there are existing signs related to this in the downtown area.

Mayor Pro Tem Francis asked about the fine amounts. Assistant Chief Volesky replied the range for a misdemeanor is up to \$3,000 and 180 days in jail, and the sentence is set by the court; violations would require a court appearance.

Mayor Pro Tem Francis supported studying utilizing speed cameras to monitor sound.

Councilmember Pignataro asked about the plan for updating Council on how things are going, assuming adoption of the ordinances. Chief Swoboda replied updates could be provided as desired by Council.

Chief Swoboda noted these changes will not solve the issue of noise in the community but will provide an additional enforcement tool.

Councilmember Potyondy commended the work on this item.

Councilmember Ohlson commended staff work on the issue and stated the changes are long overdue.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Ordinance No. 086, 2025, Adopting Section 1418, Unreasonable Vehicle Noise Prohibited in the Fort Collins Traffic Code, on First Reading.

The motion carried 7-0.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Ordinance No. 087, 2025, Amending Section 17-129 of the Code of the City of Fort Collins to Remove all Reference to Traffic Noise, on First Reading.

The motion carried 7-0.

Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to adopt Ordinance No. 088, 2025, Amending Section 225 of the Fort Collins Traffic Code to Clarify the Different Types of Equipment Violations Related to Mufflers, on First Reading.

The motion carried 7-0.

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 089, 2025, Amending Section 1-15 of the Code of the City of Fort Collins to Allow Some Specified Traffic Violations to be Designated as a Misdemeanor Offense, on First Reading.

The motion carried 7-0.

18. First Reading of Ordinance No. 090, 2025, Amending Section 9-23 of the Code of the City of Fort Collins Regarding the Use of Fireworks.

The purpose of this item is to present recommended changes to the Fort Collins City Code Section 9-23 to address enforcement for violations related to fireworks.

STAFF PRESENTATION

Police Chief Jeff Swoboda commented on issues related to fireworks in the community and stated this change would ensure officers do not have to catch a person in the act of lighting off a firework and would hold those accountable who are hosting parties during which fireworks are being ignited.

Assistant Police Chief Kristy Volesky stated the current penalty is a misdemeanor with a \$1,000 fine and the change would mirror the nuisance gathering ordinance.

COUNCIL QUESTIONS/DISCUSSION

Councilmember Potyondy commended the proposed change and asked about the strategy for people lighting fireworks in public spaces or commercial spaces. Assistant Police Chief Volesky replied there will be officers assigned to do fireworks abatement around the July 4th holiday somewhat based upon community complaints.

Councilmember Canonico asked when a report will be provided to Council. Chief Swoboda replied a report could be ready by the end of July.

Mayor Pro Tem Francis commended the work on this item and noted Poudre Fire Authority has yard signs that can be displayed indicating the impacts of fireworks on veterans or pets who may be living at a property.

Councilmember Ohlson suggested education also be centered around urban fire impacts as well as impacts to veterans and pets.

Councilmember Pignataro asked about fireworks outside of city limits. Assistant Police Chief Volesky replied they are allowed unless there is a fire ban in place.

Councilmember Pignataro asked if possession of fireworks within the city limits will then be illegal. Chief Swoboda replied there are some fireworks that are illegal and others that are not, and the illegal fireworks would be confiscated.

Chief Swoboda stated the education campaign will include information as to what types of fireworks are specifically disallowed.

Councilmember Canonico asked if the City has thought about switching to a drone fireworks show. City Manager DiMartino replied that is significantly more expensive and is not being pursued.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Ordinance No. 090, 2025, Amending Section 9-23 of the Code of the City of Fort Collins Regarding the Use of Fireworks, on First Reading.

The motion carried 7-0.

P) RESUMED PUBLIC COMMENT

None.

Q) OTHER BUSINESS

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

Mayor Pro Tem Francis requested and received Council support to bring forward the Remington/Oak parking lot development to Council for a work session.

OB 2. Consideration of a motion to go into Executive Session for Legal Advice related to public employee associations:

Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, 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 specific legal questions related to public employee associations and the manner in which particular policies, practices or regulations of the City related to public employee associations may be affected by existing or proposed provisions of federal, state or local law.

The motion carried 7-0.

R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 10:23 p.m.

Mayor

ATTEST:

City Clerk