

September 15, 2020

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

(Secretary's Note: Due to the COVID-19 crisis and state and local orders to remain safer at home and not gather, this meeting has been conducted using a hybrid approach allowing in-person participation with strict protocols and a variety of remote participation options.)

● **ROLL CALL**

PRESENT: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff
STAFF PRESENT: Atteberry, Daggett, Coldiron

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry stated Item No. 7, *Public Hearing and First Reading of Ordinance No. 114, 2020, Adopting the 2020 National Electric Code Standards*, was amended to more clearly depict the proposed changes. Additionally, a staff report related to the Horsetooth Outlet Project and associated mandatory water restrictions has been added to the agenda. He recommended Item No. 15, *Council Consideration of Authorization for Remote Hearings for Historic Preservation Appeal to the Landmark Preservation Commission*, be moved to the Discussion Agenda.

Mayor Troxell and City Clerk Coldiron outlined the citizen participation options.

● **PUBLIC COMMENT**

Adam Eggleston discussed housing affordability and supply issues in Fort Collins. He suggested possible changes to the occupancy ordinance could assist with those issues.

Joshua Judd supported public financing of Council campaigns and stated these 'clean elections' shed light on funding sources and restrict donations to eligible voters only.

Rich Stave commented on Item No. 5, *Second Reading of Ordinance No. 111, 2020, Amending Chapter 25 of the Code of the City of Fort Collins Regarding Economic Nexus and the Obligation of Remote Sellers to Collect and Remit Sales Tax*, stating it is difficult to use the online portal without standardized taxes. He also commented on Item No.7, *Public Hearing and First Reading of Ordinance No. 114, 2020, Adopting the 2020 National Electric Code Standards*, and questioned how the average citizen will be able to access a Code book given their cost. He asked what type of facility is being proposed for the Food Bank building and whether the air handling systems are shared between the proposed shelter area and the Food Bank area.

Wes (no last name given) stated the Fort Collins Police Department should make a symbolic stance about Black Lives Matter. He also suggested murals of those who have lost their lives at the hands of police officers around the country should be painted around town. He stated classes explaining the history of policing and the civil rights movement should be mandatory for all Police officers, random community surveys should occur, and Fort Collins Police Services transparency data should be broken down by race and ethnic categories.

● **PUBLIC COMMENT FOLLOW-UP**

Mayor Troxell summarized the citizen comments.

Mayor Pro Tem Stephens requested some information regarding the available supply of rental units in the community. She stated public campaign financing could be considered by a future Election Code Committee. She also inquired if Code books are available for the public to view. Rich Anderson, Chief Building Official, replied Code books are available free online though the National Fire Protection Association and a hard copy is available in the City Clerk's Office.

Mayor Pro Tem Stephens asked about the air handling at the Food Bank building. Jackie Kozak-Thiel, Chief Sustainability Officer, replied the two areas of the building are separate and both building officials and the Larimer County Health Department have toured the property and ensured public health guidance is followed.

Councilmember Gorgol requested Wes submit an email with his specific questions so they can be addressed.

● **CONSENT CALENDAR**

Mayor Troxell noted Item Nos. 7, *Public Hearing and First Reading of Ordinance No. 114, 2020, Adopting the 2020 National Electric Code Standards*, and 8, *Public Hearing and First Reading of Ordinance No. 115, 2020, Amending the Zoning Map of the City of Fort Collins and Amending Ordinance No. 177, 2017, by Changing the Zoning Classification for Property Known as the Spring Creek Rezoning REZ170001 - Correction of Map Errors*, are public hearings.

Rory Heath withdrew Item No. 14, *Resolution 2020-087 Making an Appointment to the Planning and Zoning Board*, from the Consent Agenda.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gorgol, to adopt and approve all items not withdrawn from the Consent Agenda.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Emily Gorgol, District 6
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

1. **Consideration and Approval of the Minutes of the August 10, 2020 Special Meeting, August 11, 2020 Adjourned Meeting and August 18, 2020 Regular Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the August 10, 2020 Special Meeting, August 11, 2020 Adjourned Meeting and August 18, 2020 Regular Meeting.

2. **Second Reading of Ordinance No. 107, 2020, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Transfer to Social Sustainability in the General Fund for the Equity Indicators Project. (Adopted)**

This Ordinance, unanimously adopted on First Reading on September 1, 2020, appropriates \$20,000 in philanthropic revenue in the General Fund for transfer to Social Sustainability for the support of the Equity Indicators project as designated by the donor, Bohemian Foundation. In a commitment to advance equitable outcomes, the City has selected CUNY Institute for State and Local Governance (ISLG) to lead an Equity Indicators project which will establish a framework for measuring and understanding the inequities that exist in Fort Collins.

3. **Second Reading of Ordinance No. 108, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify Utility Accounts, Billing and Collections. (Adopted)**

This Ordinance, unanimously adopted on First Reading on September 1, 2020, adopts changes to City Code to align with requirements in the 2020-2025 LEAP Vendor Agreement. Under current billing practices, utility bills are treated as a single customer account payment balance, and payments made to an account are applied equally across utility service products on that account. The Code changes will allow for Low-Income Energy Assistance Program (LEAP) payments to be applied only to electric service (as required in the 2020-2025 LEAP Vendor Agreement), even if a customer has other Fort Collins utility services (e.g., water, wastewater, stormwater and/or broadband).

These Code changes will enable Fort Collins Utilities to remain a LEAP Vendor which benefits the 200+ income-qualified customers that receive LEAP in two ways: (1) they get a more accurate benefit amount because Fort Collins Utilities is able to provide Estimated Home Heating Costs (EHHHC) from which LEAP bases benefit calculations, and (2) it is more convenient for the customer because LEAP payments are automatically applied to a customer's utility account.

4. **Second Reading of Ordinance No. 109, 2020, Amending the Code of the City of Fort Collins to Modify and Update Requirements and Procedures for City Elections and Campaign Finance in City Elections. (Adopted)**

This Ordinance, unanimously adopted on First Reading on September 1, 2020, adopts amendments to the City's election campaign Code provisions.

On Second Reading, City staff is proposing minor revisions to the Ordinance concerning the campaign finance violation process. The first revision corrects a minor typographical error in proposed Section 7-143(b)(1). The second revision is in proposed Section 7-145(d)(6)(c), which establishes factors for the City Attorney to consider when determining if the respondent to a campaign finance complaint has substantially complied with their legal obligations under the Code. On First Reading, one factor for the City Attorney to consider was stated as whether the respondent's violation appeared to be an "intentional" attempt to mislead the electorate or election officials. The revision changes "intentional" to "knowing" to maintain consistency with the usage of terms within the campaign finance violation Code provisions. The term "knowing" is used elsewhere within those provisions.

5. **Second Reading of Ordinance No. 111, 2020, Amending Chapter 25 of the Code of the City of Fort Collins Regarding Economic Nexus and the Obligation of Remote Sellers to Collect and Remit Sales Tax. (Adopted)**

This Ordinance was amended on Second Reading to make a minor revision clarifying the effective date on page 6.

This Ordinance, unanimously adopted on First Reading on September 1, 2020, is based on a model ordinance prepared by a working group of municipal attorneys and municipal finance staff, coordinated by the Colorado Municipal League (CML) and requires remote sellers to collect and remit City sales tax. With adoption of the Ordinance, the City Manager will enter into an agreement with the Colorado Department of Revenue to allow such taxpayers to remit tax to the City using the Department's single point of remittance software.

6. **First Reading of Ordinance No. 113, 2020, Making Supplemental Appropriations and Authorizing Transfers of Appropriations for the Northside Aztlan Resilience HUB Project. (Adopted)**

The purpose of this item is to appropriate \$200,000 in Renewable and Clean Energy Challenge grant funds from the Department of Local Affairs (DOLA) for a project to establish the Northside Aztlan Community Center (Aztlan Center) as a resilience hub. The City has been notified of an award of \$200,000 in support of energy and storage measures at the Aztlan Center to improve its function as a resilience hub during community emergencies.

The total project cost is \$425,000, which includes an additional \$200,000 as a required local match, and \$25,000 for non-reimbursable project fees. The structure of the funding for the total project would use the \$200,000 in grant proceeds from DOLA, \$200,000 for the required local match from the 2020 Energy Services budget (already appropriated in the Light & Power Fund), and \$25,000 for the non-reimbursable project fees from the 2020 Municipal Innovation Fund (already appropriated in the Keep Fort Collins Great Fund). The \$200,000 for the local match from the 2020 Energy Services budget is available as a result of anticipated underspend due to the COVID-19 pandemic.

7. **Public Hearing and First Reading of Ordinance No. 114, 2020, Adopting the 2020 National Electric Code Standards. (Adopted)**

This item was amended to reflect the amendments being proposed as compared to the current City Code provisions that adopt the National Electric Code. The amended version of the Ordinance clearly reflects these amendments as compared to the current provisions.

The purpose of this item is to adopt the most up-to-date electrical code that will align the City and the minimum State allowed Electrical Code. The National Electrical Code (NEC) as Adopted by the State of Colorado Department of Regulatory Agencies (DORA) is the standard for all electrical installations in the State. By aligning our local adoptions with DORA, we will be in line with the minimum life safety requirement for electrical installations and repairs.

8. **Public Hearing and First Reading of Ordinance No. 115, 2020, Amending the Zoning Map of the City of Fort Collins and Amending Ordinance No. 177, 2017, by Changing the Zoning Classification for Property Known as the Spring Creek Rezoning REZ170001 – Correction of Map Errors. (Adopted)**

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to make minor corrections to the legal description for a previously approved rezoning. On January 2, 2018, Council approved a rezoning ordinance for the Spring Creek Rezone with six conditions, following a recommendation of approval from the Planning and Zoning Board. In 2019, staff discovered errors in the legal description related to this rezoning action. The revised Ordinance and attachments correct the errors that have been identified. The City of Fort Collins is the applicant for this item.

9. **First Reading of Ordinance No. 116, 2020, Suspending Certain Provisions of the City's Land Use Code to Permit Temporary Use of Certain Non-Residential Buildings for Child Care Centers in Response to the COVID-19 Pandemic. (Adopted)**

The purpose of this item is consideration of an Ordinance exempting certain child care uses from development review and Land Use Code requirements through May 28, 2021. The COVID-19 pandemic has created a need for distributed learning and daycare sites, but the number of buildings already approved for child care in the community is too limited to meet current demands. This Ordinance would allow for child care uses to operate within buildings that have not previously been approved for such use, provided all applicable health and life safety requirements have been met. It would exempt child care centers, as defined in the Land Use Code, from the development review process for a limited timeframe, aligned to the 2020-21 academic school year, to allow for remote learning and daytime care of children. Compliance with building code, fire code, health department requirements, and state licensing would still be required, as applicable.

10. **Resolution 2020-083 Authorizing a Livestock Grazing Lease and Residential Lease on Meadow Springs Ranch with Natural Fort Grazing, LTD. (Adopted)**

The purpose of this item is to seek Council authorization for a grazing lease for up to ten (10) years for grazing rights at Meadow Springs Ranch (MSR). MSR is a 26,500-acre ranch owned by the City wastewater utility with the primary purpose being Biosolids Land Application. MSR also functions as a working cattle ranch and historically has maintained 10-year grazing leases for stability in rangeland management practices. The current lease expires in December 2020.

11. **Resolution 2020-084 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County to Implement the Laramie Foothills Expansion 2020 - Land Conservation Project. (Adopted)**

The purpose of this item is to seek Council approval of a Resolution implementing an Intergovernmental Agreement (IGA) with Larimer County for the "Laramie Foothills Expansion 2020 - Land Conservation Project". The Project will conserve up to 3,533 acres in the Laramie Foothills near Soapstone Prairie Natural Area and adjacent to Red Mountain Open Space or Roberts Ranch Conservation Easement.

12. **Resolution 2020-085 Supporting a Grant Application for Gray and Black Market Marijuana Enforcement Funding for Fort Collins Police Services. (Adopted)**

The purpose of this item is to obtain Council support for the City to apply for grant money to support enforcement of gray- and black- market marijuana activity for Fort Collins Police Services.

13. **Resolution 2020-86 Supporting the Establishment of a Friendship Cities Partnership Between the City of Fort Collins and Vila Nova De Famalicão, Portugal. (Adopted)**

The purpose of this item is to submit a Friendship City application from Vila Nova de Famalicão (VNF) in Portugal. The City partnered with VNF for 18 months through the International Urban Cooperation program and now the two cities would like to establish a long-term agreement through the Council Friendship City process and a related Memorandum of Understanding (MOU).

● **END CONSENT**

● **CONSENT CALENDAR FOLLOW-UP**

Councilmember Cunniff commented on Item No. 11, *Resolution 2020-084 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County to Implement the Laramie Foothills Expansion 2020 - Land Conservation Project*, as being a good news item.

Councilmember Summers commented on Item No. 7, *Public Hearing and First Reading of Ordinance No. 114, 2020, Adopting the 2020 National Electric Code Standards*. He read parts of a letter indicating the adoption of some of these standards will greatly increase the cost of housing.

Mayor Pro Tem Stephens commented on Item No. 9, *First Reading of Ordinance No. 116, 2020, Suspending Certain Provisions of the City's Land Use Code to Permit Temporary Use of Certain Non-Residential Buildings for Child Care Centers in Response to the COVID-19 Pandemic*, as being a good news item.

Mayor Troxell also commented on Item No. 11, *Resolution 2020-084 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County to Implement the Laramie Foothills Expansion 2020 - Land Conservation Project*, as being a good news item.

● **STAFF REPORTS**

A. COVID and CARES CVRF Update (SeonAh Kendall)

SeonAh Kendall, COVID Recovery Manager, discussed the Community Response Assistance Program and additional funding from CDBG funds to specifically benefit low- and moderate-income individuals. She stated Economic Health just launched its Small Business Assistance Program and noted a written update on all the programs will be provided at the end of the month.

Mayor Pro Tem Stephens asked how the CDBG funds will be allocated. Kendall replied the Social Sustainability Department will be working with the City's CDBG Commission.

City Manager Atteberry commended Kendall's work on these issues.

B. Wildfire Smoke Resiliency Efforts (Cassie Archuleta)

Cassie Archuleta, Air Quality Program Manager, noted efforts around this topic are aligned with Council priorities related to air quality and particle pollution and funding is provided by air quality outreach and monitoring resources in the City's environmental services ongoing budget offer.

Megan DeMasters, Air Quality Specialist, stated staff is working from a definition of a 'smoke ready' community which is based on best practice research. The definition involves public buildings having smoke filtration and providing community members with information to understand health risks associated with smoke exposure and have resources to help themselves. She detailed the specific actions Fort Collins is taking to become a 'smoke ready' community.

● HORSETOOTH OUTLET PROJECT AND MANDATORY WATER RESTRICTIONS

Alice Conovitz, Water Conservation Analyst, stated the Horsetooth Outlet Project is an infrastructure repair project on the Soldier Canyon Dam Outlet. During the project, Fort Collins water providers will be relying on water from the Poudre River and a potential backup system that would draw water from another part of the Horsetooth Reservoir. She outlined the mandatory water restrictions that will begin October 1 and stated the combination of the Cameron Peak fire and hot, dry conditions have increased the likelihood the backup system will be used in October and November; therefore, the mandatory restrictions will lower the risk that demand will exceed pump capacity. She noted now is an ideal time to complete this project given spring runoff after the fire.

Mayor Troxell asked if the Fort Collins-Loveland Water District and ELCO have implemented a similar restriction. Conovitz replied there is support and interest among both entities to enact the same restrictions.

Mayor Troxell asked if commercial car washes are restricted. Conovitz replied in the negative.

Councilmember Pignataro requested additional details around the pump system. Mark Kempton, Utilities Interim Deputy Director, replied the project is scheduled to begin on October 15 and in order to ensure demand is down for that start date, October 1 was chosen as the date to begin restrictions. The project should be done by late November and it is that timeframe during which the pump system would be needed if an issue regarding Poudre River water arises.

Councilmember Pignataro asked about the effect on the water supply of this project not occurring for some reason. Kempton replied Northern Water has provided a timeframe of 30 to 45 days to complete the project and the City has planned for 60 days in case of a possible delay.

Mayor Pro Tem Stephens asked when efforts to address the effects of the fire on the watershed will begin. Kempton replied staff is currently coordinating with the Forest Service and other partners in the watershed to start that work. Alice Conovitz noted the topic will be discussed with Council at an October work session.

● **COUNCILMEMBER REPORTS**

Mayor Pro Tem Stephens reported on a visit to local businesses with Congressman Neguse.

Mayor Troxell commented on the proclamations he issued prior to the meeting for Minority Enterprise Development Week, Constitution Week, and Joe Rubenstein Day. He commented on the passing of former Mayor, John Knezovich.

Councilmember Gorgol announced her upcoming listening sessions regarding the budget and stated the Council ad hoc committee on housing will meet on the 17th from 5-7 PM.

Councilmember Gutowsky reported on the recent Behavioral Health Committee meeting during which grant funding was awarded to mental health providers.

● **DISCUSSION ITEMS**

14. **Council Consideration of Authorization for Remote Hearings for Historic Preservation Appeal to the Landmark Preservation Commission. (Adopted)**

The purpose of this item is to consider an exception to Ordinance No. 079, 2020, adopted by Council on June 16, 2020, to allow a historic preservation item to proceed to public hearing using remote technology. A suggested motion is provided on page 2 of this Agenda Item Summary.

Ordinance No. 079, 2020, authorizes Council, Planning and Zoning Board (P&Z), the Landmark Preservation Commission (LPC) and the Building Review Board (BRB) to hear quasi-judicial items but specifically excludes appeals from that authorization. The Ordinance does, however, allow Council, by motion adopted by at least five Councilmembers, to authorize exceptions to that exclusion. To authorize LPC hearings for the listed item using remote technology, Council must find that such a hearing is pressing and requires prompt action and that remote technology will provide for sufficient public participation and input. Staff is requesting Council consider allowing the following item to proceed:

- *Appeal of staff decision to deny a Certificate of Appropriateness for 126 S. Whitcomb Street to demolish an historic garage to construct a new structure (appeal to LPC) on a designated Fort Collins Landmark property.*

Jim Bertolini, Historic Preservation Planner, stated this is a request to hear an appeal regarding a staff decision for a project at 126 South Whitcomb Street, which is a landmarked property. He outlined the staff decision to deny a certificate of appropriateness for a proposed demolition of the garage, which is a designated historic structure. Staff is requesting an exception from Council to hold the appeal hearing before the Landmark Preservation Commission remotely.

Tara Gaffney, property owner, discussed the reasons for the request to demolish the existing garage and replace it with a new structure to provide a secure space for home gym equipment and a home office.

Mayor Troxell asked if the Landmark Preservation Commission meeting will be run to allow in-person participation. Bertolini replied the Commission members would be attending completely

remotely but a conference room would be available for in-person attendance unless permission to hold the hearing completely remotely is granted.

Councilmember Pignataro asked Ms. Gaffney if she is comfortable with a remote meeting. Ms. Gaffney replied in the affirmative.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Pignataro, that Council find this matter to be pressing and requiring prompt action and that remote technology will provide due process to hear it with sufficient public participation and input, and based upon such findings, authorize a quasi-judicial hearing using remote technology by the Landmark Preservation Commission for the appeal of a staff decision regarding the Fort Collins landmarked property at 126 South Whitcomb Street.

RESULT:	MOTION ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Julie Pignataro, District 2
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

15. **Second Reading of Ordinance No. 112, 2020, Amending Section 7-135 of the Code of the City of Fort Collins to Modify and Update Requirements and Procedures for Campaigns in City Elections. (Adopted on Second Reading)**

This Ordinance, adopted on First Reading on September 1, 2020 by a vote of 5-2 (Nays: Summers, Troxell), adopts amendments to the City's election campaign Code provisions.

Councilmember Summers remarked he has been a candidate in seven elections at both the local and state level and stated these items are solutions looking for a problem. LLCs represent the majority of small business owners in Fort Collins and those entities should be considered constituents. He noted the percentage of LLC donations is small and each is limited to \$75. He stated it is important to realize that donations are provided to candidates and are not to change their views. He also noted there were no direct contributions to candidates from political committees during the last election.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Pignataro, to adopt Ordinance No. 112, 2020, on Second Reading.

Mayor Pro Tem Stephens stated LLC owners are constituents and allowing donations from both the entity and owners is a work around of campaign donation limits.

Councilmember Pignataro thanked the Election Code Committee for its work and supported the proposed changes.

Councilmember Cunniff stated he wants to have as much transparency and fairness in the financing of Fort Collins elections as possible. He noted LLCs are not natural persons who vote in elections.

Councilmember Gutowsky expressed support for the changes stating they create a more even playing field.

Mayor Troxell opposed the changes stating it is important to keep the messaging coming from candidates. He stated he would support increasing the maximum donation amounts.

RESULT:	ORDINANCE NO. 112, 2020, ADOPTED ON SECOND READING [5 TO 2]
MOVER:	Kristin Stephens, District 4
SECONDER:	Julie Pignataro, District 2
AYES:	Pignataro, Gorgol, Gutowsky, Stephens, Cunniff
NAYS:	Summers, Troxell

16. Council Consideration of Whether to Authorize, by Motion, Remote Hearings for Appeals to be Heard by the Building Review Board. (Adopted)

The purpose of this item is to consider two exceptions to Ordinance No. 079, 2020, adopted by Council on June 16, 2020, to allow various zoning, development, and historic preservation items to proceed to public hearings using remote technology. A suggested motion is provided on page 3 of this Agenda Item Summary.

*Ordinance No. 079, 2020, authorizes Council, the Planning and Zoning Board (P&Z), the Landmark Preservation Commission (LPC) and the Building Review Board (BRB) to hear quasi-judicial items but specifically **excludes from that authorization** decisions related to zoning/rezoning, appeals, and additions of permitted use (APUs). The Ordinance does, however, allow Council, by motion adopted by at least five Councilmembers, to authorize exceptions to that exclusion. To authorize remote hearings for the listed items, Council must find that such hearings are pressing and require prompt action and that virtual technology will provide for sufficient public participation and input. Staff is requesting Council consider allowing the following items to proceed:*

1. *Appeal of a decision to deny a license to Chris Ufer of Space Solutions, LLC.*
2. *Appeal of a decision of the Building Official to deny a request to waive the exam requirements for a license to Clark Vernon of Summit Builders, LLC.*

Rich Anderson, Chief Building Official, stated this item seeks Council approval for holding remote hearings for certain specific appeals to the Building Review Board related to contractor licenses. He stated the items are tentatively scheduled for the September 24 Building Review Board meeting and outlined the benefits of allowing remote hearings for these appeals. Both appellants are willing to participate in remote appeal hearings and the Board can offer a hybrid hearing approach for public participation.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Pignataro, that the City Council finds that the following quasi-judicial matters are pressing and require prompt action and that virtual technology will provide due process to hear them through sufficient public participation and input, and based upon such findings, authorize quasi-judicial hearings using remote technology by the Building Review Board to proceed for the following items: appeal of the decision to deny a license to Chris Ufer of Space Solutions, LLC, and appeal of a decision of the Building Official to deny a request to waive the exam requirements for a license to Clark Vernon of Summit Builders, LLC.

RESULT:	MOTION ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Julie Pignataro, District 2
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

(Secretary's Note: The Council took a brief recess at this point in the meeting.)

17. Public Hearing #1 on the 2021 Recommended Budget for the City of Fort Collins. (No Action Taken)

This is the first public hearing on the City Manager's 2021 Recommended Budget for the City of Fort Collins. The purpose of this public hearing is to gather public input on the 2021 budget.

In an effort to receive further public input, a second public hearing is scheduled for City Council's Tuesday, October 6, 2020, regular meeting at 6:00 p.m. in Council Chambers (adhering to all social distancing requirements) with the option for remote participation through the online Zoom meeting platform. Both hearings were set by Council adoption of Resolution 2020-081 at its September 1, 2020, meeting. The City Manager's 2021 Recommended Budget can be reviewed at the City Clerk's Office by appointment only and online at fcgov.com/budget.

On May 19, 2020, Council adopted Ordinance No. 067, 2020, suspending the biennial budget term requirement in Code Section 8-1 for fiscal years 2021 and 2022 in order to allow for a one-year budget term for both years, and to return to the biennial budget term required by Code Section 8-1 beginning with fiscal years 2023 and 2024.

City Manager Atteberry stated this is the first of two hearings specifically slated for discussion of the 2021 budget. Additionally, there will be two readings of the budget ordinance during which public participation is also allowed. He noted this is a single-year budget rather than the usual two-year budget given the impact of COVID.

Adam Eggleston expressed concern the budget is too large given projected revenues and the possibility of further economic decline.

Wesley Groves suggested the City should immediately invest in an interactive, user-friendly web tool that can help increase community engagement in Council meetings, invest more in affordable housing, renewable energy, safe injection sites, and housing and rehab systems for homeless individuals. He suggested funding could come from divesting from non-renewable energy agreements and police. He also suggested the City should invest in some type of radio show which would serve to uplift marginalized, anonymous voices and to teach the community how to have difficult, constructive conversations. He stated the structure of Council meetings is outdated and slow.

Brian Farrins discussed the lack of co-responder funding in the budget, particularly given the examination of how policing functions in the community. He also suggested police officers pause their contractual pay raises given the current social unrest related to policing in the community and the impact of COVID on other City employee salaries.

Ryan Brown stated it does not seem like the budget and Council represent the community's racial diversity. He opposed cuts to the Social Sustainability budget. He agreed that raises for police is both symbolically and practically inappropriate.

Cory Wong stated many citizens have called for reinvesting police funding into community services. She questioned specific budget line items and expressed concern that certain language will allow interactions with homeless individuals in a way that implicitly criminalizes homelessness. She stated Community and Special Services funds should be removed from the police budget and placed into Social Sustainability to better serve the community by producing more equitable outcomes for the most marginalized community members.

MJ (no last name given) stated he would like Council to address how priorities were developed and how they align with the City's commitment to equity, diversity, and inclusion. The budget language is elevated and lacks clarity and transparency.

Chrissy Chard stated the entire budget process feels inaccessible and supported the idea of creating a website that enables community engagement. She thanked Councilmember Gorgol for hosting budget listening sessions but proposed a delay in the approval process until true community engagement has occurred. She stated the budget does not truly represent equity and diversity and questioned who decides how equity is tied to the budget outcomes. She further opposed cuts to the Social Sustainability budget.

Johanna (no last name given) opposed the lack of time provided for citizens to give feedback on the budget. She stated the language in the budget is not transparent or clear.

Leena (no last name given) stated the budget is quite inaccessible for citizens given its size. She opposed the funding cuts for the Neighborhood Livability and Social Health category. She suggested the budget item dedicated to graffiti patrol and abatement would be better utilized on anti-racist education.

Gerry Horak discussed the conservation trust fund and its use for maintenance when it was meant to be for capital improvements for the trails and buying open space. He stated maintenance should be at a lower level if there is lower tax revenue.

Mayor Troxell acknowledged the budget is a long document and suggested examining it not from a departmental standpoint but from an outcome standpoint. He further offered to meet with any citizens for as long as necessary to gain community input.

Councilmember Gorgol requested input on the Social Sustainability budget. City Manager Atteberry replied the 43% cut mentioned by several citizens is related to Community Development Block Grant allocations in 2020 versus 2021. Additionally, changes to the police budget were partially due to moving the airport from a General Fund payment to a lease payment for the training facility. Travis Storin, Interim Chief Financial Officer, stated the 43% Social Sustainability budget cut is accurate and due to the CDBG program and associated CARES infusion for 2020. If adjusting for those dollars, the Social Sustainability function would have a modest increase going from \$2.9 million to \$3.2 million. Regarding the budget for the Office of the Police Chief, \$400,000 of the roughly \$1 million increase is the lease payment to the FAA associated with the airport for the police training facility. The remaining budget increase is a reclassification of overtime charges from other departments such as patrol into the Office of the Chief.

Councilmember Gorgol asked about the pay increase for Fraternal Order of Police officers. City Manager Atteberry replied that is a contractual relationship and he is not aware of the ramifications of not honoring that contract.

Councilmember Cunniff stated he would like to see some alternatives developed for park funding regarding the conservation trust dollars.

Councilmember Pignataro thanked the citizens who spoke and noted the Community Impact Committee has been tasked with looking into the Police Services budget. She questioned the plan for revenues being either lower or higher than expected over the next year. City Manager Atteberry noted the Council Finance Committee has discussed a contingency methodology in the event of

further declining revenues and the Committee will further discuss that topic in October. Should revenues come in higher than expected, a mid-year correction could occur, or dollars be available for the 2022 budget process.

Mayor Pro Tem Stephens commended the idea of a web tool for the future as she would like a way to make the budget more accessible. She acknowledged the shortened budget process noting it was one of the unfortunate impacts of COVID. She thanked Storin for clarifying the Social Sustainability budget numbers and noted there still may be additional federal dollars coming into the community. She commented on the importance of co-responder funding and on the importance of ensuring the language in the budget is understandable.

City Manager Atteberry commented on the importance of creating an understandable budget and stated more community engagement is always a positive thing and makes for a better budget. He outlined the remaining opportunities for public input.

Councilmember Gorgol outlined her upcoming budget listening sessions.

Mayor Pro Tem Stephens thanked staff involved with formation of the budget and noted it will be complex by its nature.

- **CONSIDERATION OF CITIZEN-PULLED CONSENT ITEMS**

18. **Resolution 2020-087 Making an Appointment to the Planning and Zoning Board. (Adopted)**

The purpose of this item is to appoint one individual to fill a vacancy on the Planning and Zoning Board that exists due to the resignation of a previous member.

Rory Heath stated selecting the applicant such as the one recommended who has 33 years of professional experience in the field sets a bad example for citizens who may want to apply for these types of citizen-level positions. He stated Boards should not be a place for retired City employees to directly apply their bias into the development process and opposed the recommended appointment.

Councilmember Cunniff stated there were 36 applicants for the single Planning and Zoning Board vacancy and he and the Mayor ultimately ended up interviewing 12 individuals, including Ted Shepard who is recommended for the position. He stated interviewing teams strive to recommend candidates they believe could achieve a consensus of support from Council. He stated he had initially been concerned about a former City employee serving on a Board, however, Mr. Shepard has come with several ideas for changes to Planning and Zoning Board policies and practices that would increase transparency and attention to conflict of interest provisions that would lead to better independence of the Board from the City Attorney's Office. He noted there are two back-up choices should Council disagree.

Mayor Troxell commended the process and the qualifications of the interviewed applicants. He commended Mr. Shepard's ideas and experience.

Councilmember Summers expressed some concern that appointing a former staff member could raise some questions; however, Mr. Shepard's experience could be indispensable. He asked when Mr. Shepard retired to which City Manager Atteberry replied in early 2019.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gorgol, to adopt Resolution 2020-087, appointing Ted Shepard to the Planning and Zoning Board with a term expiring December 31, 2021.

Councilmember Gutowsky asked if there is any information regarding the diversity of the Board. Councilmember Cunniff replied there is currently one woman and five men with this single vacancy.

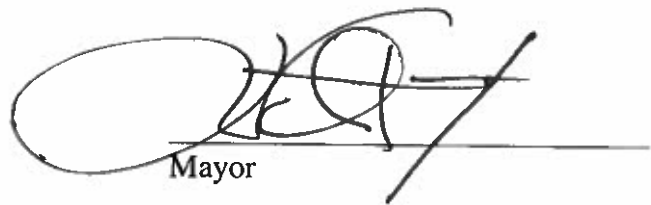
Mayor Pro Tem Stephens noted this appointment is only for a little over a year and there will be an opportunity for additional diversity with future appointments. She stated the 'Reimagining Boards and Commissions' process should include seeking out people with different backgrounds and experience.

Councilmember Pignataro asked if the back-up choices of Kathryn Dubiel and Jerry Gavaldon would automatically be placed on the Board without going through another interview process should another vacancy occur. Mayor Troxell replied in the affirmative.

RESULT:	RESOLUTION 2020-087, ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Emily Gorgol, District 6
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

● **ADJOURNMENT**

The meeting adjourned at 9:22 PM.


Mayor

ATTEST:


City Clerk



