



Wade Troxell, Mayor
Kristin Stephens, District 4, Mayor Pro Tem
Susan Gutowsky, District 1
Julie Pignataro, District 2
Ken Summers, District 3
Ross Cunniff, District 5
Emily Gorgol, District 6

City Council Chambers
City Hall West
300 LaPorte Avenue
Fort Collins, Colorado

Cablecast on FCTV Channel 14
and Channel 881 on the Comcast cable system

Carrie Daggett
City Attorney

Darin Atteberry
City Manager

Delynn Coldiron
City Clerk

Regular Meeting September 1, 2020 (Amended 8/31/20)

PUBLIC PARTICIPATION OPTIONS

There will be four options for people who would like to participate in the meeting:

- Live via the Zoom online meeting,
- Live via the telephone,
- Live in Council Chambers,
- By submitting emails to Council at CityLeaders@fcgov.com.

All options will be available for those wishing to provide general public comment, as well as public comment during individual discussion items.

PUBLIC PARTICIPATION (ONLINE VIA ZOOM):

Individuals who wish to address Council via remote public participation can do so through Zoom at <https://zoom.us/j/98241416497>. (The link and instructions are also posted at www.fcgov.com/councilcomments.) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

The Zoom meeting will be available beginning at 5:15 p.m. on the day of the meeting. Participants wanting to ensure their equipment setup is working should join prior to 6:00 p.m. For public comments, the Mayor will ask participants to click the "Raise Hand" button to indicate you would like to speak at that time. Staff will moderate the Zoom session to ensure all participants have an opportunity to address Council.

In order to participate, you must:

- Have an internet-enabled smartphone, laptop or computer. Using earphones with a microphone will greatly improve your audio experience.
- Join the Zoom meeting using the link on the front page of the agenda or on the City's home webpage at www.fcgov.com.
- If you use the City's home page, simply click on the "Participate remotely in Council Meeting" link shown near the top of the page.

PUBLIC PARTICIPATION (VIA PHONE):

- Dial the public participation phone number, **1-346-248-7799**, and then enter the Meeting ID **982 4141 6497** followed by the pound sign (#).
- The meeting will be available beginning at 5:15 p.m. Please call in to the meeting prior to 6:00 p.m., if possible. For public comments, the Mayor will ask participants to indicate if you would like to speak at that time – **phone participants will need to press *9 to do this**. Staff will be moderating the Zoom session to ensure all participants have an opportunity to address Council.

When participating online or by phone, DO NOT Watch/stream FCTV at the same time due to streaming delay and possible audio interference.

PUBLIC PARTICIPATION (IN PERSON):

To participate in person, individuals should come to City Hall and be prepared to follow strict social distancing, sanitizer and facial covering guidelines.

- A limited number of individuals will be allowed in Council Chambers. Therefore, staging for individuals who wish to speak will occur in the City Hall lobby and outside (weather permitting).
- Individuals will be required to wear masks while inside City Hall and any other City buildings being utilized.
- Individuals who wish to speak will line up at one of the two podiums available in Council Chambers, maintaining physical distancing by standing on the lines marked on the floor. Facial coverings need to stay in place while speaking.
- Once a speaker has provided comments, he or she will be asked to leave Council Chambers to make room for the next speaker.

PUBLIC PARTICIPATION (VIA EMAIL):

Individuals not comfortable or able to access the Zoom platform or participate by phone are encouraged to participate by emailing general public comments to CityLeaders@fcgov.com. If you have specific comments on any of the discussion items scheduled, please make that clear in the subject line of the email and send prior to the meeting Tuesday evening.

WATCH THE MEETING

Anyone can view the Council meeting live on Channels 14 and 881 or online at www.fcgov.com/fctv. **Note: Only individuals who wish to address Council should use the Zoom link or call in by phone. Anyone who wants to watch the meeting, but not address Council, should view the FCTV livestream.**

Documents to Share: *If residents wish to speak to a document or presentation, the City Clerk needs to be emailed those materials by 4 p.m. the day of the meeting.*

*Persons wishing to display presentation materials using the City's display equipment under the Citizen Participation portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City's display technology **no later than two (2) hours prior to the beginning of the meeting** at which the materials are to be presented.*

NOTE: *All presentation materials for appeals, addition of permitted use applications or protests related to election matters must be provided to the City Clerk no later than **noon** on the day of the meeting at which the item will be considered. See [Council Rules of Conduct in Meetings](#) for details.*

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 221-6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

Proclamations and Presentations 5:45 p.m.

The Mayor will share highlights of each proclamation listed below but will not read proclamations in their entirety.

- A. Proclamation Declaring September as Shift Your Ride Month.

Regular Meeting 6:00 p.m.

- **PLEDGE OF ALLEGIANCE**

- **CALL MEETING TO ORDER**

- **ROLL CALL**

- **AGENDA REVIEW: CITY MANAGER**
 - City Manager Review of Agenda.
 - Consent Calendar Review

This Review provides an opportunity for Council and citizens to pull items from the Consent Calendar. Anyone may request an item on this calendar be “pulled” off the Consent Calendar and considered separately.

- Council-pulled Consent Calendar items will be considered before Discussion Items.
- Citizen-pulled Consent Calendar items will be considered after Discussion Items.

- **PUBLIC COMMENT**

Individuals may comment regarding items scheduled on the Consent Calendar and items not specifically scheduled on the agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process** and not to the Council.

- Those who wish to speak are asked to sign in at the table in the lobby (for recordkeeping purposes).
- All speakers will be asked by the presiding officer to identify themselves by raising their hand, and then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).
- The presiding officer will determine and announce the length of time allowed for each speaker.
- Each speaker will be asked to state his or her name and general address for the record, and to keep comments brief. Any written comments or materials intended for the Council should be provided to the City Clerk.
- A timer will beep once and the timer light will turn yellow to indicate that 30 seconds of speaking time remain, and will beep again and turn red when a speaker’s time to speak has ended.

[**For questions about the development review process or the status of any particular development, citizens should consult the Development Review Center page on the City’s website at fcgov.com/developmentreview, or contact the Development Review Center at 221-6750.]

- **PUBLIC COMMENT FOLLOW-UP**

Consent Calendar

The Consent Calendar is intended to allow the City Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Anyone may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately. Agenda items pulled from the Consent Calendar will be considered separately under Pulled Consent Items. Items remaining on the Consent Calendar will be approved by City Council with one vote. The Consent Calendar consists of:

- Ordinances on First Reading that are routine;
- Ordinances on Second Reading that are routine;
- Those of no perceived controversy;
- Routine administrative actions.

If the presiding officer determines that the number of items pulled from the Consent Calendar by citizens is substantial and may impair the Council's ability to complete the planned agenda, the presiding officer may declare that the following process will be used to simplify consideration of the Citizen-Pulled Consent Items:

- (1) All citizen-pulled items (to be listed by number) will be considered as a group under the heading "Consideration of Citizen-Pulled Consent Items."
- (2) At that time, each citizen wishing to speak will be given a single chance to speak about any and all of the items that have been moved to that part of the agenda.
- (3) After the citizen comments, any Councilmember may specify items from the list of Citizen-Pulled Consent Items for Council to discuss and vote on individually. Excluding those specified items, Council will then adopt all "Citizen-Pulled Consent Items" as a block, by a single motion, second and vote.
- (4) Any Citizen-Pulled Consent Items that a Councilmember has asked to be considered individually will then be considered using the regular process for considering discussion items.

1. Consideration and Approval of the Minutes of the July 21, 2020 and August 4, 2020 Regular Council Meetings.

The purpose of this item is to approve the minutes from the July 21, 2020 and August 4, 2020 Regular Council Meetings.

2. Second Reading of Ordinance No. 102, 2020, Appropriating Unanticipated Department of Justice Coronavirus Emergency Grant Revenue in the General Fund for Police Services.

This Ordinance, unanimously adopted on First Reading on August 18, 2020, appropriates funds awarded by the Department of Justice (DOJ) for the formula grant FY 2020 Coronavirus Emergency Supplemental Funding Grant. This grant award of \$100,818 will defray certain expenses the City has incurred responding to the COVID-19 Pandemic, which includes the purchase of personal protective equipment, cleaning supplies, and communication expenses along with overtime associated with the response.

3. Second Reading of Ordinance No. 103, 2020, Appropriating Unanticipated Philanthropic Revenue Received by City Give from The Friends of the Gardens on Spring Creek for Transfer to The Gardens on Spring Creek.

This Ordinance, which was unanimously adopted on First Reading on August 18, 2020, appropriates \$75,000 in philanthropic revenue in the General Fund for transfer to The Gardens on Spring Creek to support general operating costs as designated by the donor, The Friends of the Gardens on Spring Creek. The Friends of the Gardens on Spring Creek is an independent not-for-profit 501(c)(3) organization established in 1988 whose mission is to support The Gardens through advocacy, community engagement, volunteerism and fundraising.

4. Second Reading of Ordinance No. 104, 2020, Appropriating Unanticipated Philanthropic Revenue Received by City Give from the Urban Agriculture Resilience Program through The Friends of the Gardens on Spring Creek for The Gardens on Spring Creek.

This Ordinance, unanimously adopted on First Reading on August 18, 2020, appropriates \$15,000 in philanthropic revenue in the General Fund for transfer to The Gardens on Spring Creek. Facilitated by The Friends of the Gardens on Spring Creek, the funding award is made from the Urban Agriculture Resilience Program for the designated purpose of urban agriculture and community gardening.

5. Second Reading of Ordinance No. 105, 2020, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Transfer to the Recreation Fund for the Fort Collins Senior Center.

This Ordinance, unanimously adopted on First Reading on August 18, 2020, appropriates \$66,652 in philanthropic revenue in the General Fund for transfer to the Fort Collins Senior Center in the Recreation Fund for support of general operations. The charitable funds are the disbursement of revenue from a Designated Endowment held by the Community Foundation of Northern Colorado to benefit the Fort Collins Senior Center.

6. Second Reading of Ordinance No. 106, 2020, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements for the Timberline Capital Improvement Project - Stetson Creek Road to Trilby Road.

This Ordinance, which was unanimously adopted on First Reading on August 18, 2020, requests Council authorization for the use of eminent domain, if deemed necessary, to acquire property interests needed for construction improvements for the Project.

7. First 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.

The purpose of this item is to appropriate \$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.

8. First 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.

The purpose of this item is to adopt 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 (EHHC) 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.

9. First 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.

The purpose of this item is to consider proposed amendments to the City's election campaign Code provisions.

10. Resolution 2020-081 Setting the Dates of the Public Hearings on the 2021 Proposed City of Fort Collins Budget.

The purpose of this item is to set two public hearing dates for the proposed 2021 budget that the City Manager has filed with the City Clerk pursuant to Section 2 of City Charter Article V. Section 3 of City Charter Article V now requires Council to set a date for a public hearing on the proposed budget and to cause notice of the hearing to be published. This Resolution sets two public hearing dates. The first for Council's regular meeting on September 15, 2020, and the second for its regular meeting on October 6, 2020. The Resolution also directs the City Clerk to publish the notice of these two hearings that is attached as Exhibit "A" to the Resolution.

11. Resolution 2020-082 Making Appointments to Various Boards and Commissions.

The purpose of this item is to appoint four individuals to fill vacancies on the Affordable Housing Board, Landmark Preservation Commission, Human Relations Board and the Economic Advisory Board that exist due to the resignation of previous members.

END CONSENT

● **CONSENT CALENDAR FOLLOW-UP**

This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.

● **STAFF REPORTS**

A. Staff Report: COVID-19 Update - Discuss women in the workforce related to COVID-19, school choice, and childcare. (Josh Birks)

● **COUNCILMEMBER REPORTS**

● **CONSIDERATION OF COUNCIL-PULLED CONSENT ITEMS**

Discussion Items

The method of debate for discussion items is as follows:

- Mayor introduces the item number, and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests citizen comment on the item (three minute limit for each citizen)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all citizens have an opportunity to speak. **If attending in person, please sign in at the table in the back of the room.** The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

12. Emergency Ordinance No. 110, 2020 Suspending Certain Provisions of the City's Land Use Code to Permit Temporary Use of the Property at 1301 Blue Spruce Drive as a Homeless Shelter. (staff: Beth Sowder, Ingrid Decker; 5 minute presentation; 30 minute discussion)

The purpose of this item is for Council to consider approving an emergency ordinance to allow a temporary overnight shelter at 1301 Blue Spruce Drive. The number of shelter beds available in Fort Collins has been reduced due to the need for social distancing because of COVID-19. While homeless shelters are a permitted use in the Industrial Zone District where this property is located, this would allow the use to occur immediately rather than undergoing the development review process for the proposed change in use. Emergency ordinances are authorized under the Charter in emergency circumstances and require the affirmative vote of at least five (5) members of the Council for passage.

13. First 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. (staff: Jennifer Poznanovic; 10 minute presentation; 20 minute discussion)

The purpose of this item is to discuss the proposed adoption of an Ordinance to require remote sellers to collect and remit City sales tax. The Ordinance 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). 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.

14. First Reading of Ordinance No. 112, 2020, Amending Section 7-135 of the Code of the City of Fort Collins to Amend Requirements and Procedures Related to Campaigns and Campaign Finance in City Elections. (staff: Delynn Coldiron, Rita Knoll, Ryan Malarky; 10 minute presentation; 30 minute discussion)

The purpose of this item is to consider proposed amendments to the City's election campaign Code provisions.

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

- **OTHER BUSINESS**

- A. Consideration of a motion to adjourn the City Council meeting to conduct the General Improvement District No. 1 meeting then return to the regular City Council meeting.

"I move that Council temporarily adjourn this regular meeting to conduct the General Improvement District No. 1 Board meeting, to be resumed later this evening upon the completion of that GID Board meeting."

- B. 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.)

1. Discussion and possible action to direct staff work regarding a Councilmember-proposed resolution related to support for law enforcement and the right to peacefully assemble.

2. Initiation of other new ordinances and/or resolutions.

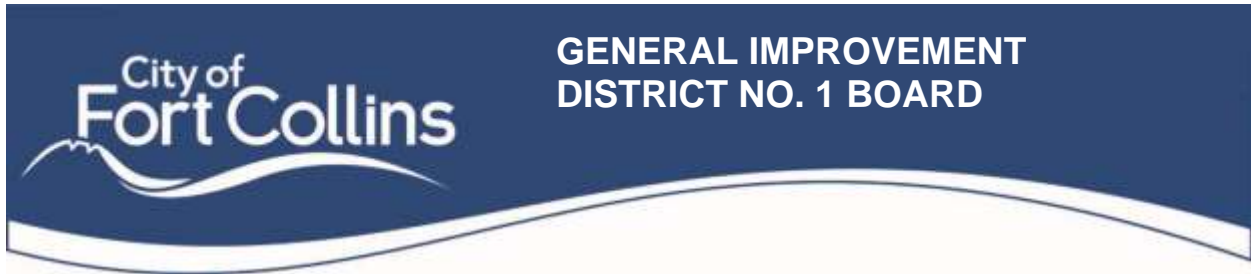
C. Consideration of a motion to adjourn into an executive session to discuss real property acquisition and legal issues related to Hughes Stadium annexation property.

"I move that the City Council go into executive session for the purpose of discussing the Hughes Stadium property with City staff and the City's attorneys, and particularly to discuss:

1. Real property acquisition and disposition related to the Hughes Stadium property, as permitted under:
 - City Charter Article Roman Numeral Two, Section 11(3),
 - Section 2-31(a)(3) of the City Code and
 - Colorado Revised Statutes Section 24-6-402(4)(a); and
2. Specific legal questions related to potential litigation regarding the Hughes Stadium property and the manner in which the particular policies, practices or regulations of the City related to the acquisition or development of the Hughes Stadium property may be affected by existing or proposed provisions of federal, state or local law, as permitted under:
 - City Charter Article Roman Numeral Two, Section 11(2),
 - City Code Section 2-31(a)(2) and
 - Colorado Revised Statutes Section 24-6-402(4)(b)."

● **ADJOURNMENT**

Every Council meeting will end no later than 10:30 p.m., except that: (1) any item of business commenced before 10:30 p.m. may be concluded before the meeting is adjourned and (2) the City Council may, by majority vote, extend a meeting until no later than 12:00 a.m. for the purpose of considering additional items of business. Any matter which has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting which have not yet been considered by the Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.



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The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

General Improvement District No. 1 Board Regular Meeting September 1, 2020 (after the Regular Council Meeting)

- **CALL MEETING TO ORDER**
- **ROLL CALL**

1. Second Reading of Ordinance No. 073, Appropriating Prior Year Reserves for Downtown Parks Maintenance.

This Ordinance, unanimously adopted on First Reading on August 18, 2020, appropriates \$175,000 in fiscal year 2020 in the General Improvement District No. 1 ("GID") for downtown parks maintenance. This funding will come from GID reserves, which at the end of 2019 were about \$900,000. Due to the COVID-19 impact on City priorities, we expect lower than budgeted spending for the GID in 2020, therefore, the estimated impact of this item is an additional \$58,000 over the 2020 Budget.

The GID can support an additional \$175,000 expense without reducing the current level of service for construction and reconstruction of sidewalks, curbs, gutters and streets and/or funding for downtown holiday lights. The City Manager recommends this appropriation and determined the funds are available with previously unappropriated funds from the GID's prior year reserves and will not cause the total amount appropriated in the GID's prior year reserves fund to exceed the current estimate of actual and anticipated revenues to be received in that fund during this fiscal year.

- **OTHER BUSINESS**
- **ADJOURNMENT**