

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 15, 2020
(Amended 9/14/20)

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](mailto: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](http://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.**

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**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.*

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*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.*

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## 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 16, 2020 as Joe Rubinstein Day.
- B. Proclamation Declaring the Week of September 17-23 as Constitution Week.
- C. Proclamation Declaring the Week of September 13-19 as Minority Enterprise Development Week.

## 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](http://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 August 10, 2020 Special Meeting, August 11, 2020 Adjourned Meeting and August 18, 2020 Regular Meeting.

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.

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.

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 (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.

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.

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.

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.

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.

This item was amended to reflect the amendments being proposed as compared to the current City Code provisions that adopt the National Election 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.

*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.

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.

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.

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.

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.

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).

14. Resolution 2020-087 Making an Appointment to the Planning and Zoning Board.

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.

15. Council Consideration of Authorization for Remote Hearings for Historic Preservation Appeal to the Landmark Preservation Commission.

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.

## 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. COVID and CARES Coronavirus Relief Fund Update (SeonAh Kendall)
- B. Wildfire Smoke Resiliency Efforts (Cassie Archuleta)
- C. Horsetooth Outlet Project Impacts: Mandatory Restrictions and the Cameron Peak Fire (Alice Conovitz)

● **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.

16. 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. (staff: Delynn Coldiron, Rita Knoll, Ryan Malarky; no presentation; 5 minute discussion)

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.

17. Council Consideration of Whether to Authorize, by Motion, Remote Hearings for Appeals to be Heard by the Building Review Board. (staff: Richard Anderson, Paul Sizemore, Claire Havelda; 5 minute presentation; 20 minute discussion)

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.

18. Public Hearing #1 on the 2021 Recommended Budget for the City of Fort Collins. (staff: Darin Atteberry, Travis Storin, Lawrence Pollack; no presentation; 45 minute discussion)

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](http://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.

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

- **OTHER BUSINESS**

A. 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.)

- **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.