

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
April 21, 2020
6:00 p.m.
(Amended 4/20/2020)

Public Participation for Council Meetings

Public Participation for this remote Council meeting will be available online or by phone. No one will be allowed to attend in person.

View Meeting Agenda

Watch the Meeting: Anyone can view the Council meeting live on Channels 14 and 881 or online at www.fcgov.com/fctv.

Public Participation (Online): Individuals who wish to address Council via remote public participation can do so through Zoom at https://tinyurl.com/cofccouncilmeeting04212020. The link and instructions will also be posted at www.fcgov.com/councilcomments. Individuals participating in the Zoom session should also watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

The meeting will be available beginning at 5:15 p.m., Tuesday. 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:

- Use a laptop, computer, or internet-enabled smartphone.
Please note that using earphones with a microphone will greatly improve your audio.
You need to have access to the internet.
Join the Zoom meeting by clicking on link above. The meeting room will open at 5:15 p.m.
Keep yourself on muted status.
DO NOT Watch/stream FCTV at the same time

Public Participation (Phone): If you do not have access to the internet, call the City Clerk's office at (970) 221-6515 **no later than 3:00 p.m. on the day of the meeting.**

- Please indicate that you want to participate in public participation by phone and give your name and phone number. If you get a voicemail message, please leave the same information.
- Once you have given this information (in person or by message), a staff person will provide you with the phone number that will allow you access to the Zoom meeting.

As listed above, 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 hit *9 to do this.** Staff will be moderating the Zoom session to ensure all participants have an opportunity to address Council. Once you join the meeting:

- DO NOT Watch/stream FCTV at the same time

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.

Individuals not comfortable or able to access the Zoom platform or able to participate by phone are encouraged to participate by emailing general public comments you may have 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.

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.

[View Live Stream](#)

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.

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.

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 April 24, 2020 as Arbor Day.
- B. Proclamation Declaring April 19-25, 2020 as National Volunteer Week.
- C. Proclamation Declaring April 20-26, 2020 as Wastewater Worker Recognition Day.
- D. Proclamation Declaring May 7, 2020 as Lamar's Donuts Day.
- E. Proclamation Declaring May 1, 2020 as Global Love Day.

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 from the March 31, 2020, City Council Adjourned Meeting.

The purpose of this item is to approve the minutes from the March 31, 2020, adjourned Council meeting.

2. Postponement of Second Reading of Ordinance No. 027, 2020, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Soldier Canyon Pump Station Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map to May 19, 2020.

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

Postponement of this item to May 19, 2020, is requested to allow time for the stay-at-home order to be lifted and allow for in-person public participation in quasi-judicial matters.

This Ordinance, unanimously adopted on First Reading on February 4, 2020, zones the property included in the annexation known as the Soldier Canyon Pump Station Annexation. Soldier Canyon Pump Station Annexation, owned by the Platte River Power Authority, is located adjacent to the City of Fort Collins Water Treatment Facility at 4316 Laporte Avenue and is 0.702 acres in size. The proposed zoning for this annexation is Residential Foothills (R-F). The surrounding uses include the existing City Water Treatment Plant to the north, south and west, and Colorado State University Solar Farm to the east. The abutting City limits to the north, south and west are zoned Residential Foothills (R-F). Staff also recommends placement into the Residential Neighborhood Sign District.

3. Postponement of Second Reading of Ordinance No. 029, 2020, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Timberline-International Annexation No. 1 to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map to May 19, 2020.

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

Postponement of this item to May 19, 2020, is requested to allow time for the stay-at-home order to be lifted and allow for in-person public participation in quasi-judicial matters.

This Ordinance, unanimously adopted on First Reading on February 4, 2020, zones the property included in the first of three sequential annexations, known as the Timberline-International Annexation No.1. Timberline-International Annexation No. 1 is located northeast of the North Timberline Road and International Boulevard intersection. The proposed zoning for this annexation is Industrial (I). The surrounding properties are existing industrial land uses currently zoned I-Industrial Zoning District (in Larimer County) to the north, south and west. The abutting City limit to the east is zoned Low Density Mixed-Use Neighborhood (L-M-N) and consists of North Timberline Road right-of-way. Staff also recommends placement into the Residential Neighborhood Sign District.

4. Postponement of Second Reading of Ordinance No. 031, 2020, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Timberline-International Annexation No. 2 to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map to May 19, 2020.

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

Postponement of this item to May 19, 2020, is requested to allow time for the stay-at-home order to be lifted and allow for in-person public participation in quasi-judicial matters.

This Ordinance, unanimously adopted on First Reading on February 4, 2020, zones the property included in the second of three sequential annexations, known as the Timberline-International Annexation No. 2. Timberline-International Annexation No. 2 is located northeast of the North Timberline Road and International Boulevard intersection. The proposed zoning for this annexation is Industrial (I). The surrounding properties are existing industrial land uses currently zoned I-Industrial Zoning District (in Larimer County) to the north, south and west. The abutting City limit to the east is zoned Low Density Mixed-Use Neighborhood (L-M-N) and consists of North Timberline Road right-of-way. Staff also recommends placement into the Residential Neighborhood Sign District.

5. Postponement of Second Reading of Ordinance No. 033, 2020, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Timberline-International Annexation No. 3 to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map to May 19, 2020.

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

Postponement of this item to May 19, 2020, is requested to allow time for the stay-at-home order to be lifted and allow for in-person public participation in quasi-judicial matters.

This Ordinance, unanimously adopted on First Reading on February 4, 2020, zones the property included in the third of three sequential annexations, known as the Timberline-International Annexation No.3. Timberline-International Annexation No. 3 is located northeast of the North Timberline Road and International Boulevard intersection. The proposed zoning for this annexation is Industrial (I). The surrounding properties are existing industrial land uses currently zoned I-Industrial Zoning District (in

Larimer County) to the north, south and west. The abutting City limit to the east is zoned Low Density Mixed-Use Neighborhood (L-M-N) and consists of North Timberline Road right-of-way. Staff also recommends placement into the Residential Neighborhood Sign District.

6. Second Reading of Ordinance No. 042, 2020, Reappropriating Funds Previously Appropriated in 2019 But Not Expended or Not Encumbered in 2019.

Prior to the Second Reading of this Ordinance, the 2020 Reappropriation requests were reviewed again in light of tightening revenue due to COVID-19. The Executive Lead Team evaluated each request to determine if they were either recovery-related or contractually binding. This additional review removed 12 requests and reduced the amount within another one, as detailed in the Background/Discussion section of this Agenda Item Summary. The items being removed from consideration are still important but did not pass the additional scrutiny required in this challenging economic time.

This Ordinance, unanimously adopted on First Reading on March 3, 2020, reappropriates monies in 2020 that were previously authorized by Council for expenditures in 2019 for various purposes. The authorized expenditures were not spent or could not be encumbered in 2019 because:

- there was not sufficient time to complete bidding in 2019 and, therefore, there was no known vendor or binding contract as required to expend or encumber the monies,
- the project for which the dollars were originally appropriated by Council could not be completed during 2019 and reappropriation of those dollars is necessary for completion of the project in 2020, or
- the funds appropriated to be spent in 2019 to carry on some of the programs, services, and facility improvements were not spent or encumbered in 2019 for other reasons but continue to be needed for the same purposes in 2020.

In the above circumstances, the unexpended and/or unencumbered monies lapsed into individual fund balances at the end of 2019 and reflect no change in Council policies.

Monies reappropriated for each City fund by this Ordinance are as follows (updated prior to Second Reading):

General Fund	\$199,008
Keep Fort Collins Great Fund	7,500
Transportation CEF Fund	1,750,000
Transportation Fund	50,000
Data and Communications Fund	214,125
Total	<u>\$2,220,633</u>

7. Second Reading of Ordinance No. 045, 2020, Appropriating Unanticipated Philanthropic Revenue from New Belgium Brewing in the General Fund and Transferring it to the Capital Projects Fund for the Poudre River Reach 4 Feasibility Study.

This item is coming to Council on Second Reading because it is necessary to move the project forward.

This Ordinance, unanimously adopted on First Reading on April 7, 2020, appropriates \$10,000 of philanthropic revenue in the General Fund for transfer to the Capital Projects Fund for the Reach 4 Feasibility Study by Park Planning & Development. The intent of the charitable gift, secured and facilitated by City Give, is designated by the donor, New Belgium Brewing, in support of the Reach 4 Feasibility Study.

The Reach 4 efforts focus on the feasibility of completing the improvements as called out in the Poudre River Downtown Master Plan. The Plan includes a conceptual site plan and cost estimate for Reach 4, located between the Whitewater Park and Linden Street. Reach 4 is particularly sensitive, as it is a former Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site. The study will help determine if/how the concept site plan and cost estimate provided in the Master Plan should be adjusted, based on a more robust analysis of the site conditions and preferred outcomes. These efforts will help inform a design and construction offer in the upcoming BFO process.

8. Second Reading of Ordinance No. 046, 2020, Appropriating Unanticipated Philanthropic Revenue from Veterans Plaza of Northern Colorado in the General Fund and Transferring it to the Capital Projects Fund for the Veterans Plaza Improvement Project.

This item is coming to Council because the appropriation of the funds is the sole source of funding for improvements to Veteran's Plaza. The improvements are to be completed prior to Memorial Day, May 25, 2020, as Veteran's Plaza of Northern Colorado hosts a memorial event at this location annually.

This Ordinance, unanimously adopted on First Reading on April 7, 2020, appropriates \$10,752 of philanthropic revenue in the General Fund for transfer to the Capital Projects Fund to be used for improvements at the Veterans Plaza in Spring Canyon Community Park. The charitable gift, facilitated by City Give, was made by Veterans Plaza of Northern Colorado. The charitable funding will underwrite the costs of improvements to construct a new sidewalk from the parking area to Veterans Plaza and provide other site improvements.

9. Second Reading of Ordinance No. 051, 2020, Authorizing the Sale of Real Property Located Adjacent to the Utilities Service Center at 700 Wood Street.

This item is coming to Council on Second Reading because it is necessary to move the agreement forward in order to complete the transaction and receive the sale proceeds.

This Ordinance, unanimously adopted on First Reading on April 7, 2020, authorizes the sale of City-owned real property located at approximately 525 North Whitcomb Street, adjacent to the City's Utilities Services Center located at 700 Wood Street. The property is a small offsetting portion of the Utility Service Center development and consists of 1,680 square feet. The buyers are the owners of real property at 525 North Whitcomb Street. The sale price is \$6,720 and the proceeds will be placed in the Light and Power Fund.

10. Second Reading of Ordinance No. 052, 2020, Authorizing the Conveyance of a Permanent Sanitary Sewer Line Easement and a Temporary Construction Easement on Soaring Vista Natural Area to South Fort Collins Sanitation District.

This item is coming to Council on Second Reading. Council authorization is the final step after more than a year of negotiations related to easement terms and finalizing the language of the agreement.

This Ordinance, unanimously adopted on First Reading on April 7, 2020, authorizes the conveyance of a permanent sanitary sewer line easement and a temporary construction easement to South Fort Collins Sanitation District (SFCSD) on behalf of Interstate Land Holdings, LLC (ILH) on Soaring Vista Natural Area. The proposed easement area aligns with an existing sewer line easement held by South Fort Collins Sanitation District on the west side of the natural area.

11. Second Reading of Ordinance No. 053, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Adopt a Water Shortage Action Plan (Previously Known as the Water Supply Shortage Response Plan) and Making Various Related Changes.

This Second Reading is necessary to continue the public process and ensure the updated Water Shortage Action Plan can be utilized when responding to future water shortages.

This Ordinance, unanimously adopted on First Reading on April 7, 2020, adopts into City Code by reference an updated Water Supply Shortage Response Plan (WSSRP) for Fort Collins Utilities. The updated plan and updates to City Code Section 26-167(a) include: changing the name to the Water Shortage Action Plan (WSAP); adding new sections to the Plan; changes and additions to various restrictions; changes to the structure of the water restriction levels; and changes to the water rate increases during declared water shortages.

12. Second Reading of Ordinance No. 055, 2020, Appropriating Prior Year Reserves and Unanticipated Revenue in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and Convention and Visitor Program Services.

This item is coming to Council at this time as a Second Reading Ordinance. It relates to funding activities that must move forward in a timely way. Specifically, per the City's contract with Visit Fort Collins for convention and visitor services the payment must be made by the City in May. For Fort Fund, the appropriation fulfills the 2020 grant disbursement requirements. The review is in progress and being reviewed by the Cultural resources Board in April.

This Ordinance, unanimously adopted on First Reading on April 7, 2020, appropriates \$753,709, of which \$441,944 is proposed for 2020 Cultural Development and Programming Activities (Fort Fund), \$48,198 is proposed for 2020 Tourism Programming (Fort Fund), and \$263,567 is proposed for 2020 Convention and Visitors Program activities, from a combination of Unanticipated Revenue (Lodging Tax) and Prior Year Reserves (unspent appropriations) in the General Fund Lodging Tax Reserves.

Lodging taxes are annually collected by the City of Fort Collins for Cultural Development and Tourism programming activities. Anticipated revenue is projected through each Budgeting for Outcomes (BFO) cycle and then adjusted annually as needed based on actual collections. Lodging tax revenue collected in 2019 was \$376,406 above projected collections.

13. Second Reading of Ordinance No. 056, 2020, Making Supplemental Appropriations and a Transfer from the Light & Power Fund to be Expended in Support of the Epic Homes Program.

This item is coming to Council on Second Reading. The appropriation of these grant funds is necessary to enable Utilities and Economic Health to move forward with project management and operations for the Bloomberg Mayors Challenge grant project (the Epic Homes program). Epic Homes is a streamlined, affordable approach for single-family home and rental property energy efficiency upgrades to improve comfort, health and efficiency in Fort Collins.

This Ordinance, unanimously adopted on First Reading on April 7, 2020, appropriates \$118,135 in grant funds from Bloomberg Philanthropies and interest earned on previous grant funds, as part of the Bloomberg Mayor's Challenge, from the Fort Collins Utilities Light and Power Fund to be expended for the ongoing project management and operations of Epic Homes Program by Utility Services and the Economic Health Office (EHO) and to pay a sub-grant to Colorado State University for indoor environmental quality research. The funds paid to the EHO will be accomplished by a transfer from the Light and Power Fund. The Bloomberg Philanthropies funds come from (1) the 2020 grant installment of \$112,000 and (2) \$6,135 in interest earned on advanced Bloomberg Philanthropies funds as of December 31, 2019. Based on terms of the Bloomberg grant agreement, all advanced grant funds are subject to accruing interest, with such interest earned being reported on a semi-annual basis, and with such earnings used to further project goals as demonstrated in the agreement among Bloomberg and the City.

14. Second Reading of Ordinance No. 057, 2020, Amending Section 2-568 of the Code of the City of Fort Collins to Clarify Ethical Rules of Conduct to Address Employee Housing and Purchases from the City.

This item is coming to Council as a Second Reading. It is high priority as it will allow immediate housing of an employee who will serve as a caretaker on a large remote property to help protect the valuable recently acquired assets.

This Ordinance, unanimously adopted on First Reading on April 7, 2020, amends City Code to clarify that the City Charter's prohibition on City employees purchasing property from the City was not intended to prevent employees from compensating the City for the value of housing that they are required to live in as a condition of employment. This would confirm Council's expectations related to this issue and to clarify how these kinds of housing arrangements relate to the Charter requirement.

15. First Reading of Ordinance No. 062, 2020, Appropriating an Unanticipated Charitable Donation to the City from Broadcom, Inc. to be Used for COVID-19 Relief.

While this item is not critical or urgent in nature as related to the COVID-19 emergency, it is being presented to Council now because it provides funds to be used to mitigate the effects of the emergency.

The purpose of this item is to appropriate \$100,000 in unanticipated philanthropic revenue in the General Fund for COVID-19 community relief. The intent of the charitable gift, facilitated and secured by City Give, is designated by the donor, Broadcom Inc., to support the critical and expanded needs of essential community services and organizations.

It is the donor's determination the City possesses unique knowledge of urgent community gaps and can serve as a critical gateway as to how monies can be effectively and immediately applied to local emergency relief. Thus, the City will distribute \$75,000 of the total gift to three community partners: Neighbor to Neighbor, New Belgium Bar & Restaurant Relief Fund and Poudre School District. The remaining \$25,000 will be used to support City efforts across its service areas, departments and programs, to include, without limitation, Adopt-A-Neighbor, Safety & Risk Management, Social Sustainability and to launch childcare for essential employees, specifically police and other first responders.

16. First Reading of Ordinance No. 063, 2020 Appropriating Prior Year Reserves for Natural Areas Land Conservation, Legally Required Water Rights Infrastructure and Urgent Trail Construction Not Included in the 2020 Adopted City Budget.

This is coming to Council now because the Natural Areas Department is mandated by ballot to conserve land and funds are needed for a real estate closing on June 30 as well as anticipated closings throughout the year. Reappropriations also will support the completion of two infrastructure projects. One is legally required for water rights and the other is critical to prevent stormwater overtopping of Prospect Road. The proposed reappropriation for critical trail work is seasonally dependent and even more urgent given skyrocketing visitation due to the COVID-19 pandemic. This item appropriates \$8,770,000 in prior year reserves in the Natural Areas Fund.

17. First Reading of Ordinance No. 064, 2020, Amending the Code of the City of Fort Collins to Delay the December 31, 2020, Implementation Date for Business and Multi-Family Recycling Requirements Included in the Community Recycling Ordinance.

The purpose of this item is to delay the implementation date of the business and multi-family recycling requirement in the Community Recycling Ordinance from December 31, 2020, to June 30, 2021, due to impacts of the COVID-19 response.

18. Resolution 2020-037 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins, the City of Loveland, and the Town of Estes Park for Shared Broadband Technical and Network Support Services.

This item is coming to Council at this time due to the critical importance and timing for establishing a working technical support call center for Estes Park and Loveland.

The purpose of this item is to consider an intergovernmental agreement (IGA) for shared broadband technical and network support services between the City of Fort Collins, Loveland, Estes Park and additional Colorado governmental entities. This IGA is the second step in arranging for such shared services currently operated by the City for its own benefit. Completion of the IGA to share these services will provide revenue to partially support those services benefitting the Fort Collins Connexion.

19. Resolution 2020-038 Approving Emergency Rules and Regulations Enacted by the City Manager Pursuant to the Local COVID-19 Emergency Between April 6 and April 4617, 2020.

The purpose of this item is to approve emergency rules and regulations enacted by the City Manager between April 6 and April 4617, 2020, in response to the COVID-19 emergency. Section 2-

671(a)(6)(a) of the City Code provides that the emergency rules and regulations must be confirmed at the earliest practical time by the City Council. This Resolution seeks Council's approval and ratification of the emergency measures.

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-19 Update (staff: Jim Byrne)

- **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. **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.

20. Resolution 2020-029 Accepting and Adopting Ethics Opinion No. 2020-01 of the Ethics Review Board Finding No Violation of State or Local Ethics Provisions by Councilmember Ken Summers. (staff: Carrie Daggett; 10 minute discussion)

The purpose of this item is consideration of the opinion of the Ethics Review Board to Council for its consideration and possible approval.

21. Postponement of Public Hearing and Second Reading of Ordinance No. 138, 2019, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Hughes Stadium Site Rezoning and Approving Corresponding Changes to the Residential Neighborhood Sign District Map to May 19, 2020. (staff: Cameron Gloss, Tom Leeson; no staff presentation; 5 minute discussion)

Postponement of this item to May 19, 2020, is requested to allow time for the stay-at-home order to be lifted and allow for in-person public participation in quasi-judicial matters.

This Ordinance, adopted on First Reading on November 5, 2019, by a vote of 4-3 (Nays: Cunniff, Gutowsky, Pignataro), rezones 164.55 acres located on the west side of Overland Trail and north of CR32, with one condition, and to place the property into the Residential Sign District. City Council initiated the rezoning on July 16, 2019 and directed City staff to prepare a rezoning application and make a recommendation regarding the appropriate zoning. The site is currently zoned Transition (T) and staff recommends placement into the Residential Foothills (RF) and Low-Density Mixed-Use Neighborhood (LMN) zone districts. A recommended condition of the rezone requires that future development in the portion zoned Residential Foothills district meet the requirements of a Cluster Plan pursuant to Land Use Code Section 4.3(E)(2). The request places the property into the Residential Sign District. The Planning and Zoning Board on a 4-2 vote recommended that City Council not adopt the staff proposed zoning and instead zone the property entirely Residential Foothills.

Second Reading hearing procedure:

1. Announcement of item
2. Consideration of any procedural issues
3. Additional City staff presentation, if any, regarding the rezoning application
4. Additional property owner presentation, if any, regarding the rezoning application
5. Public testimony
6. City staff and property owner rebuttal testimony
7. Councilmember questions of staff, the property owner, and members of the public that provided comments
8. Council decision

Any member of the public, including the property owner of the property being considered for rezoning, who wishes to provide materials to City Council for consideration in relation to this item must provide such information to the City Clerk no later than noon on April 21 as required pursuant to Section 3.g.(2) of the *Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions*.

22. Items Relating to Electric Assisted Bicycles on Paved Trails. (staff: Tessa Gregor; no staff presentation; 5 minute discussion)

This item is coming to City Council as Second Reading of the Ordinances. The one-year pilot program allowing Class 1 and Class 2 e-bikes on paved trails is set to expire on April 30. Subsequent action is needed by City Council to determine future e-bike regulations, based on the pilot program results, prior to the expiration of the pilot program ordinance.

- A. Second Reading of Ordinance No. 058, 2020, Amending Chapter 23 of the Code of the City of Fort Collins to Allow and Regulate the Use of Electrical Assisted Bicycles on the City's Paved Trails.
- B. Second Reading of Ordinance No. 059, 2020, Amending the Fort Collins Traffic Code to Allow and Regulate the Use of Electrical Assisted Bicycles on the City's Paved Trails.

These Ordinances, adopted on First Reading on April 7, 2020 by a vote of 6-1 (Nays: Cunniff) update Fort Collins City and Traffic Code to allow Class 1 and Class 2 e-bikes on City-paved trails. In April 2019, Fort Collins City Council approved a one-year pilot program to allow Class 1 and Class 2 e-bikes on paved trails in Fort Collins. This one-year pilot program began May 1, 2019 and will end April 30, 2020. Data and public input were collected during the pilot program, and staff has found no major issues associated with allowing e-bikes on paved trails at this time. Research and the pilot program indicate e-bikes provide mobility, sustainability, and health benefits, and can help achieve Fort Collins' Climate Action and transportation goals.

In conjunction with the recommendation to continue allowing Class 1 and Class 2 e-bikes on paved trails, staff is also recommending strategies to ensure Fort Collins' trail system remains a positive and safe experience for all users as use increases, and to address concerns raised during the pilot program.

23. Second Reading of Ordinance No. 061, 2020, Amending and Superseding Emergency Ordinance No. 054, 2020, Enacting Temporary Procedures for Remote Participation in Certain Meetings. (staff: Rebecca Everette, Tom Leeson; no staff presentation; 10 minute discussion)

This Ordinance, adopted on First Reading on April 14, 2020, by a vote of 6-1 (nays: Pignataro) authorizes certain types of remote meetings in light of the declared local emergency. The Ordinance will allow remotely conducted City Council meetings and certain quasi-judicial hearings by Council, City boards and commissions and administrative hearing officers. The types of quasi-judicial items that can be considered remotely are limited and exclude zoning decisions, appeals and additions of permitted use. The Ordinance also authorizes remote neighborhood meetings in the Development Review Process. Finally, the Ordinance also permits remote participation by boards and commissions in order to complete essential City business.

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

- **OTHER BUSINESS**

A. Consideration of a motion to adjourn the City Council meeting to conduct the Electric Utility Enterprise Board meeting then return to the regular City Council 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.)

- **ADJOURNMENT**

Consideration of a motion to adjourn to 6:00 p.m., Tuesday, April 28, 2020.

"I move that Council adjourn this meeting to 6:00 p.m., on Tuesday April 28, 2020, for consideration of a possible executive session to discuss the finalists for the selection of the Chief Judge and for such other business as may come before the Council."

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.



Wade Troxell, President
Kristin Stephens, District 4, Vice President
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
Executive Director

Delynn Coldiron
Secretary

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.

Electric Utility Enterprise Board Meeting April 21, 2020 (after the Regular Council Meeting)

- **CALL MEETING TO ORDER**

1. Consideration and Approval of the Minutes from the April 7, 2020 Electric Utility Enterprise Board Meeting.

The purpose of this item is to approve the minutes from the April 7, 2020 Electric Utility Enterprise Board meeting.

2. First Reading of Ordinance No. 011, Authorizing an Intergovernmental Agreement with the Colorado Department of Transportation for the Lease of Fiber Optic Data Transport Capacity. (staff: Erin Shanley; 5 minute presentation, 10 minute discussion)

This item is coming to Council due to its time-sensitive nature related to network operation and continued business activities. Many aspects of Connexion's network design and buildout, already in progress, are dependent upon this nearly completed item.

The purpose of this item is to approve a multi-year Intergovernmental Agreement (IGA) between the City's Electric Utility Enterprise and the Colorado Department of Transportation (CDOT) for the purpose of leasing two dark fiber strands from Fort Collins to Denver. CDOT was chosen to provide this service as it met all requirements at the lowest price available. In addition, this IGA helps to meet requirements detailed in IGAs referenced in Resolutions 2019-072 and 2019-073 (shared regional Broadband Transport and Access services with the City of Loveland and Town of Estes Park) by providing such access between Fort Collins and Denver.

- **OTHER BUSINESS**

- **ADJOURNMENT**