

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 June 2, 2020 Revised 05/29/20

### PUBLIC PARTICIPATION FOR COUNCIL MEETINGS

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

- Live via the telephone,
- Live via the Zoom online meeting,
- Live in Council Chambers,
- By submitting emails to [CityLeaders@fcgov.com](mailto: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 (PHONE OPTION):

- Dial public participation phone number, **1-346-248-7799**.
- Enter the Meeting ID for the **June 2** meeting: **933 9088 8185** followed by the pound sign (#).
  - You can also find this information for participating by phone on the City's home webpage by clicking on the "Remote Public Participation Instructions" link shown near the top of the page.
- 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. Once you join the meeting:
  - DO NOT Watch/stream FCTV at the same time due to streaming delay and possible audio interference.

#### PUBLIC PARTICIPATION (ONLINE):

Individuals who wish to address Council via remote public participation can do so through Zoom at <https://tinyurl.com/fococouncilmeeting060220>. The link and instructions are also posted at [www.fcgov.com/councilcomments](http://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 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.
  - You can find the link on the front page of the agenda or on the City’s home webpage at [www.fcgov.com](http://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.
- Please remember to not watch/stream FCTV at the same time due to delays and possible feedback issues.

**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.

- No more than 10 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).
- Only one speaker at a time will be allowed to enter Council Chambers.
- Individuals will be required to wear masks while inside City Hall and any other City buildings being utilized.
- 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 able to participate by phone are encouraged to participate by emailing general public comments you may have 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).

**Documents to Share:** If residents wish to speak to a document or presentation, the City Clerk needs to be emailed those materials by 4:00 p.m. the day of the meeting.

**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.*

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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.

## 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 the Month of June 2020 as Men's Health Month.
- B. Proclamation Declaring the Week of June 1-7, 2020 as CPR-AED Awareness 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 May 5, 2020 Regular Council Meeting.

The purpose of this item is to approve the minutes from the May 5, 2020 Regular Council meeting.

2. Second Reading of Ordinance No. 071, 2020, Making Supplemental Appropriations for the College Avenue-Trilby Road Intersection Improvements Project.

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- Priority 6 - Items that relate to funding, operation and business activities that the city must continue despite the current crisis.
- Priority 7 - Items that are required to comply with federal or state legal or other requirements.

This Ordinance, unanimously adopted on First Reading on May 19, 2020, appropriates state and federal funded grants:

- from the Highway Safety Improvement Program (HSIP) for safety related improvements (\$2,250,000),
- Congestion, Mitigation and Air Quality Improvements (CMAQ) program (\$387,371) and the
- Funding Advancements for Surface Transportation & Economic Recovery (FASTER) (\$1,500,000) for the College Avenue and Trilby Road Intersection Project.

3. Second Reading of Ordinance No. 072, 2020, Relating to the Extraction of Hemp within Dwellings.

This item meets the following COVID-19 emergency priority for being on the Council agenda:

- Priority 7 - Items that are required to comply with federal or state legal or other requirements.

This item is required in order to comply with state law allowing the cultivation, extraction, processing, and manufacturing of industrial hemp and industrial hemp products, and the International Fire Code which permits and regulates the extraction of hemp.

This Ordinance, unanimously adopted on First Reading on May 19, 2020, amends Article XII, Chapter 12 of the City Code as it relates to the extraction of industrial hemp to clarify that the prohibition on the use of inherently hazardous substances in the extraction process only applies to dwellings, not to commercial businesses.

4. Second Reading of Ordinance No. 074, 2020, Authorizing the Conveyance of a Permanent Waterline Easement and a Temporary Construction Easement on Maxwell Natural Area to the Fort Collins Loveland Water District.

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- Priority 4 - Items that are substantially complete, have completed significant public process, and are ready for Council consideration.

This Ordinance, unanimously adopted on May 19, 2020, authorizes the conveyance of a permanent waterline easement and a temporary construction easement to the Fort Collins Loveland Water District (FCLWD) on Maxwell Natural Area. The proposed easement area will traverse Maxwell Natural Area over a new alignment and vacate in-place a portion of the original waterline alignment presently held by FCLWD on the east side of the natural area. Replacing the existing failing waterline is crucial for water service to residents supplied by the waterline.

5. Second Reading of Ordinance No. 075, 2020, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge.

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- Priority 5 - Items that must move forward based on a Council directed timeline, i.e., completion of a pilot project or the end of a moratorium.
- Priority 6 - Items that relate to funding, operation and business activities that the City must continue despite of the current crisis.

This Ordinance, unanimously adopted on First Reading on May 19, 2020, sets the base salary of the Chief Judge at \$165,000 effective July 6, 2020.

6. First Reading of Ordinance No. 077, 2020, Appropriating Unanticipated Grant Revenue and Authorizing Transfers in the General Fund for the Emergency Management Performance Grant.

This item meets the following COVID-19 emergency priority for being on the Council agenda:

- Priority 2 – Emergency-related items that are not urgent but require Council approval.

The purpose of this item is to appropriate unanticipated grant revenue in the General Fund for the Emergency Management Performance Grant - Special Projects. This appropriation includes \$10,000 of grant revenue provided by the Colorado Division of Homeland Security and Emergency Management (DHSEM) to support emergency management programs. The grant directly supported purchasing an emergency management credentialing system (Salamander) and required a local match of \$10,951. Matching funds were appropriated and unexpended in the 2020 Emergency

Preparedness and Security operating budget and will be transferred to the Emergency Management Performance Grant - Special Projects program.

7. First Reading of Ordinance No. 078, 2020 Making a Supplemental Appropriation in the General Fund for the Restorative Justice Services Program.

This item meets the following COVID-19 emergency priority for being on the Council agenda:

- Priority 6 - Items that relate to funding, operation and business activities that the City must continue despite the current crisis.

The purpose of this item is to appropriate grant revenue to fund Restorative Justice Services within Community Development and Neighborhood Services (CDNS). The City has received an amendment to an existing grant providing \$12,474 in additional funds from the Colorado Division of Criminal Justice (DCJ) Juvenile Diversion fund to support Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program (RJCP) and Reflect Program for all other offenses. The amendment to the existing grant provides additional funds for a specific project - the creation of videos and other outreach materials to increase awareness for Restorative Justice Services. No match is required. The additional funds were awarded from extra funds the state grant funding agency made available toward the end of the grant cycle (7/1/2019-6/30/2020) and the funds must be spent by June 30, 2020, the end of the current grant cycle.

8. First Reading of Ordinance No. 079, 2020, Amending and Superseding Ordinance No. 061, 2020 Enacting Temporary Procedures for Remote Participation in Certain Meetings.

The purpose of this item is to amend and supersede Ordinance No. 061, 2020, in order to allow Council to conduct business that has been postponed due to the local emergency set forth in the Ordinance. This Ordinance will also allow boards and commissions to conduct business remotely using technology set in place for Council meetings.

9. Emergency Ordinance No. 080, 2020, Approving Emergency Rules and Regulations Enacted by the City Manager Pursuant to the Local COVID-19 Emergency.

**THIS ITEM HAS BEEN REVISED.**

The purpose of this item is to approve an emergency rule and regulation enacted by the City Manager in response to the COVID-19 emergency. Section 2-671(a)(6)(a) of the City Code provides that emergency rules and regulations must be confirmed at the earliest practical time by the Council. This Emergency Ordinance seeks Council's approval and ratification of all the emergency measures that have been enacted to date. Adoption by ordinance will ensure that each of the regulations is enforceable to the fullest extent of the law.

10. Resolution 2020-051 Approving Fort Fund Grant Disbursements.

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- Priority 4 - Items that are substantially complete, have completed significant public process, and are ready for Council consideration. These items are being brought forward to help ensure that work does not have to be redone and can continue to move forward.
- Priority 6 - Items that relate to funding, operation and business activities that the City must continue despite the current crisis.

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming and Tourism Programming Accounts for the selected community and tourism events, based upon the recommendations of the Cultural Resources Board.

11. Resolution 2020-052 Authorizing the Assignment of the City's Private Activity Bond Allocation for 2020 to Housing Catalyst and Mercy Housing to Finance the New Construction and Rehabilitation of Affordable Housing Units.

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- Priority 7 - Items that are required to comply with federal or state legal or other requirements.

The purpose of this item is to support the new construction and rehabilitation of affordable housing at several locations in the City by assigning the City's 2020 Allocation of Private Activity Bond (PAB) capacity. PAB capacity is required for development projects using state or federal 4% Low-Income Housing Tax Credit financing.

12. Resolution 2020-053 Making Appointments to Various Boards and Commissions of the City of Fort Collins.

This item meets the following COVID-19 emergency priority for being on the Council agenda:

- Priority 4 - Items that are substantially complete, have completed significant public process, and are ready for Council consideration.

The purpose of this item is to appoint individuals to fill vacancies on various boards and commissions that exist due to the expiration of terms of certain members and the resignation of previous board 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. COVID-19 Update: Small Business Perspective - Josh Birks
- B. Horsetooth Outlet Project Water Demand Management Update - Alice Conovitz, Mark Kempton  
**THIS ITEM HAS BEEN REVISED.**

- **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.

13. Resolution 2020-050 Approving an Agreement to Secure Public Benefits for the Northfield Development. (staff: Josh Birks, Rachel Rogers; 5 minute staff presentation, 30 minute discussion)

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- Priority 4 - Items that are substantially complete, has completed significant public process, and is ready for Council consideration. This item is being brought forward to help ensure that work does not have to be redone and can continue to move forward.

This item is vital to secure necessary project financing and is also related to Council's previous action of approving a metropolitan district service plan to be used in this project to help fund certain public benefits, i.e., much-needed affordable and attainable housing. The project will also provide additional economic benefits of construction employment and significant permit fee revenue to the City. These benefits are material, especially in the midst of the pending economic slowdown as a result of the COVID-19 pandemic.

The purpose of this item is to consider Resolution 2020-050, which will approve the Agreement to Secure Public Benefits for the Northfield Development (attached as Exhibit A to the Resolution) (Public Benefits Agreement). The Agreement is contemplated in the Consolidated Service Plan for Northfield Metropolitan Districts Nos. 1-3, approved by City Council on October 1, 2019. Staff has completed its review of the Public Benefits Agreement to ensure it conforms to the service plan that was approved by Council.

14. Public Hearing and Resolution 2020-054 Approving the Programs and Projects that will receive COVID-19 Response and Recovery Funding from the Federal Community Development Block Grant Program. (staff: Beth Rosen; 5 minute presentation, 10 minute discussion)

**THIS ITEM HAS BEEN REVISED.**

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- Priority 1 - Urgent items specifically related to COVID-19 activities that are critical in nature and must receive Council consideration as soon as possible
- Priority 6 - Items that relate to funding, operation and business activities that the City must continue despite the current crisis
- Priority 7 - Items that are required to comply with federal or state legal or other requirements.

The purpose of this item is to approve the projects and activities recommended for funding from the \$649,203 Community Development Block Grant program for COVID-19 response and recovery (CDBG-CV).

15. First Reading of Ordinance No. 076, 2020, Appropriating Prior Year Reserves in the Light and Power Fund, the Water Fund, the Wastewater Fund, and the Stormwater Fund, and Authorizing the Transfer of Previously Appropriated Funds in the Broadband Fund for the Utilities Customer Information and Billing System Project. (staff: Mike Beckstead, Lisa Rosintoski, Kevin Wilkins, Colman Keane; 10 minute presentation; 30 minute discussion)

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- Priority 6 - Items that relate to funding, operation and business activities that the City must continue despite of the current crisis

The purpose of this item is to appropriate an additional \$950,000 to purchase a Customer Information System with an Operational Support System (CIS/OSS) for electric, water, wastewater, stormwater and broadband billing services, replacing the legacy billing system. The CIS/OSS is the billing system that will collect revenues for utility and broadband services, serving as the accounting ledger for Utilities revenue, which currently generates over \$212 million in annual total revenue through an average of 84,400 monthly utility bills and service requests for residential and commercial customers.

The City signed a Master Professional Services Agreement (MPSA) and Software License Agreement with Open International LLC (Open) in August 2018 to implement Open SmartFlex (OSF). The CIS/OSS will be the system interface customers rely on for accurate utility billing that includes a robust customer self-service web-portal interface for utility and broadband services that will assist customers towards understanding utility usage and costs in order to make energy and water conservation/efficiency investments, as well as Connexion product offerings.

The project was scheduled into two phases. Phase I implementation focused on functionality to support Connexion, and Phase II implementation focused on functionality supporting our existing four Utilities. Multiple factors have led to the extension of Utilities Go-Live from June 2020 to QIV 2020, and the additional cost of \$3.3 million in order to complete the project. Therefore, Open and City of Fort Collins Utilities negotiated a cost-share distribution of the \$3.3 million, recognizing the partnership and long-term relationship needed for OSF as follows:

- City of Fort Collins Utilities incurs 55%, for a total of \$1.7 million.
- Open incurs 45%, for a total of \$1.4 million.
- City of Fort Collins Utilities reimburses additional contingency/living expenses, estimated up to \$200,000.

Our existing four Utilities and Connexion will split the City of Fort Collins Utilities share (\$1.9 million), thus totaling \$950,000 each for Connexion and the four utilities. Connexion has appropriated funding within the Connexion project. This funding request will be shared across the four utilities.

Staff recognizes there is a potential for future risks, primarily related to employee turnover and illness, due to the pandemic environment that continues into the foreseeable future. As such, there is a degree of risk to meeting the fourth quarter Utilities Go-Live date. Therefore, staff is working with the vendor to develop mitigating actions that will minimize vendor resource costs on the project in order to eliminate and/or reduce those costs if there needs to be an extension of the project.

16. Northside Aztlan Community Center Options - Consideration of a motion giving direction concerning continued use of the Northside Aztlan Center as a homeless shelter during the COVID-19 Local Emergency. (staff: Beth Sowder, Jackie Kozak-Thiel, Kelly DiMartino; 10 minute presentation, 45 minute discussion)

This item meets the following COVID-19 emergency priority for being on the Council agenda:

- Priority 1 - Urgent items specifically related to COVID-19 activities that are critical in nature and must receive Council consideration as soon as possible.
- Priority 6 - Items that relate to funding, operation and business activities that the City must continue despite the current crisis.

The purpose of this item is to provide Council with detailed information about the temporary homeless shelter services being provided at Northside Aztlan Community Center (NACC), plan for exit from NACC, childcare, summer camp, and other recreational programming plans and impacts, and analysis of potential options so that Council can provide direction regarding steps to move forward.

- **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.