



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 October 6, 2020 (Amended 10/5/2020)

PUBLIC PARTICIPATION OPTIONS

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

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

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

PUBLIC PARTICIPATION (ONLINE VIA ZOOM):

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

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

In order to participate, you must:

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

PUBLIC PARTICIPATION (VIA PHONE)

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

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

PUBLIC PARTICIPATION (IN PERSON)

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

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

PUBLIC PARTICIPATION (VIA EMAIL)

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

WATCH THE MEETING

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

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

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

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

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

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

Proclamations and Presentations 5:45 p.m.

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

- A. Proclamation Declaring the Week of October 4-10 as Public Power Week.
- B. Proclamation Declaring October 7 as Energy Efficiency Day.
- C. Proclamation Declaring the Month of October as National Cybersecurity Month.
- D. Proclamation Declaring October as Domestic Violence Awareness Month.

Regular Meeting 6:00 p.m.

- **PLEDGE OF ALLEGIANCE**
- **CALL MEETING TO ORDER**
- **ROLL CALL**
- **AGENDA REVIEW: CITY MANAGER**
 - City Manager Review of Agenda.
 - Consent Calendar Review

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

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

- **PUBLIC COMMENT**

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

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

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

- **PUBLIC COMMENT FOLLOW-UP**

Consent Calendar

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

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

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

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

1. Consideration and Approval of the Minutes of the September 1, 2020 Regular Council Meeting.

The purpose of this item is to approve the minutes from the September 1, 2020 Regular Council Meeting.

2. Second Reading of Ordinance No. 113, 2020, Making Supplemental Appropriations and Authorizing Transfers of Appropriations for the Northside Aztlan Resilience Hub Project.

This Ordinance, unanimously adopted on First Reading on September 15, 2020, appropriates \$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.

3. Second Reading of Ordinance No. 114, 2020, Adopting the 2020 National Electric Code Standards.

This Ordinance, unanimously adopted on First Reading on September 15, 2020, adopts 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.

4. Second 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 Ordinance, unanimously adopted on First Reading on September 15, 2020, makes 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.

5. Second 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.

This Ordinance, unanimously adopted on First Reading on September 15, 2020, will exempt 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.

6. Items Pertaining to Annual Adjustment Ordinance.

- A. First Reading of Ordinance No. 117, 2020, Appropriating Unanticipated and Anticipated Revenue and Authorizing Transfers of Appropriations in Various City Funds.
- B. First Reading of Ordinance No. 118, 2020, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations in Various City Funds.

The purpose of these Annual Adjustment Ordinances is to combine dedicated and unanticipated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and, therefore, not included in the 2020 annual budget appropriation. The unanticipated revenue is primarily from fees, charges, rents, contributions, donations and grants that have been paid to City departments to offset specific expenses.

7. Items Relating to Control of Animals.

- A. First Reading of Ordinance No. 119, 2020, Amending Section 4-94 of the Code of the City of Fort Collins Regarding Animal Disturbance of Peace and Quiet.
- B. First Reading of Ordinance No. 120, 2020, Amending Various Sections of Chapter 4 of the Code of the City of Fort Collins Regarding Dangerous and Vicious Animals.

The purpose of this item is to clarify existing City Code language to guide enforcement, prosecution and the Municipal Court regarding violations and penalties for animal disturbance and dangerous animals in the City.

8. First Reading of Ordinance No. 121, 2020, Amending the Code of the City of Fort Collins to Correct an Error in Section 7-134 Relating to the Registration of Committees During Election Campaigns.

The purpose of this item is to correct a long-standing error in Section 7-134 relating to the registration of committees prior to accepting any contributions or making any expenditures.

9. Public Hearing and First Reading of Ordinance No. 122, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification of that Certain Property Known as the Fischer Rezoning.

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 amend the City's Zoning Map to change the zoning designation on two existing single family residential properties, 1185 and 1201 Westward Drive, from RL, Low Density Residential, to NCB, Neighborhood Conservation Buffer. 1185 Westward abuts the single family property at the southwest corner of Shields Street and Westward Drive, and 1201 abuts 1185. The rezoning would merge the two properties into a larger NCB-zoned area along South Shields Street that abuts the properties on two sides.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 4-2 to recommend approval of the request with one condition as recommended in the staff report with agreement from the petitioner.

10. First Reading of Ordinance No. 123, 2020, Authorizing the Conveyance of a Permanent Waterline Easement and a Temporary Construction Easement on Meadow Springs Ranch to the Northern Colorado Water Association.

The purpose of this item is to authorize the conveyance of a permanent waterline easement and a temporary construction easement to the Northern Colorado Water Association (NCWA) on Utilities' Meadow Springs Ranch. The proposed easement area will traverse Meadow Springs Ranch (MSR) over an alignment that City staff previously worked on, and agreed to, with NCWA in 2009. The primary purpose of the pipeline is to provide a redundant transmission main to assist in providing a reliable water supply to NCWA's existing and future customers.

11. Emergency Ordinance No. 124, 2020, Approving Updated Emergency Rule and Regulation No. 2020-17A Regarding Temporary Outdoor Expansion Permits.

The purpose of this item is to update Emergency Rule and Regulation No. 2020-17 enacted by the City Manager on May 28, 2020, 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 Council. This Emergency Ordinance seeks Council's approval and ratification of Updated Emergency Rule and Regulation No. 2020-17A, replacing Regulation No. 2020-17 and extending

Outdoor Expansion Permits to terminate when the declared local emergency ends (rather than September 27, 2020 as currently provided).

The City Charter provides for the adoption of emergency ordinances as immediately necessary, to preserve the public property, health, peace, or safety, and requires that for adoption an emergency ordinance must be approved by an affirmative vote of five Councilmembers.

12. Resolution 2020-088 Authorizing a Conservation Agriculture Lease on Flores del Sol Natural Area to Poudre Valley Community Farms.

The purpose of this item is to consider a 10-year lease to Poudre Valley Community Farms (PVCF) for a conservation agriculture project on Flores del Sol Natural Area. Conservation agriculture on natural areas represents a slight shift in land management for the Natural Areas Department (Department). The approach aligns agricultural management practices with the Department's conservation mission, while supporting the City's local, sustainable agriculture goals.

13. Resolution 2020-089 Authorizing the Mayor to Execute a Revised Intergovernmental Agreement with Colorado State University Related to Canvas Stadium.

The purpose of this item is to approve a Resolution authorizing the City Manager to sign the CSU - City of Fort Collins Stadium Operations Intergovernmental Agreement. In 2015, the City and CSU entered into an Intergovernmental Agreement (IGA) to address the construction and opening of the new stadium. The 5-year term of this agreement concluded this year and both parties agreed to a new 5-year IGA. The fundamental structure and intention of the new IGA is the same as the previous version, with the purpose of the original agreement to ensure the stadium experience continues to be of benefit to the community.

14. Resolution 2020-090 Approving and Authorizing the City Manager to Execute, and Amend from Time to Time, an Intergovernmental Agreement with Colorado State University for Purchase of Transportation Services.

The purpose of this item is to approve an Intergovernmental Agreement ("IGA") between Colorado State University, the Associated Students of Colorado State University (collectively "CSU"), and City of Fort Collins Transfort in which CSU will fund the use of Transfort services by CSU students. CSU supports those efforts and will fund the use of Transfort services by University faculty and staff, as well as the provision by Transfort of additional services for the benefit of the students, CSU and its campuses. The parties will further the goals of public transportation in and for CSU and the City of Fort Collins.

15. Resolution 2020-091 Authorizing a Livestock Grazing Lease, Sublease and Residential Lease on Soapstone Prairie Natural Area with Folsom Grazing Association, LLC.

The purpose of this item is to consider a 10-year grazing lease with Folsom Grazing Association (FGA) at Soapstone Prairie Natural Area (SPNA). The outcome associated with the lease is the cultivation and maintenance of a healthy grassland ecosystem. Grazing is an essential conservation management tool. The current lease agreement between the City and FGA expires in December 2020.

16. Resolution 2020-092 Deferring Payment of the Stormwater Plant Investment Fee for the Poudre R-1 School District's School Site Located on East Prospect Road.

The purpose of this item is to seek Council's approval on the deferral of Stormwater Plant Investment Fees for the current development of the Poudre School District Prospect Site pending de-annexation from the City of Fort Collins and annexation into the Town of Timnath.

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. Community Dashboard Metric: Cumulative Lane Miles of Roadway Pavement Improved. (Larry Schneider)

● **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.

17. Public Hearing #2 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 second 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. The first public hearing was conducted at Council's Tuesday, September 15, 2020, regular meeting. Both hearings were set by Council adoption of Resolution 2020-081 at its September 1, 2020, meeting. The City Manager's 2021 Recommended Budget can be reviewed at the City Clerk's Office by appointment only and online at fcgov.com/budget.

On May 19, 2020, Council adopted Ordinance No. 067, 2020, suspending the biennial budget term requirement in Code Section 8-1 for fiscal years 2021 and 2022 in order to allow for a one-year budget term for both years, and to return to the biennial budget term required by Code Section 8-1 beginning with fiscal years 2023 and 2024. Both hearings provided the public the option for in-person comment or remote participation through the online Zoom platform.

18. Consideration of an Appeal of the Hearing Officer Decision Regarding the 613 South Meldrum Carriage House Modifications of Standards. (staff: Clark Mapes, Paul Sizemore; 15 minute presentation; 1 hour discussion)

The purpose of this item is to consider an Appeal of the Hearing Officer Decision, dated July 15, 2020, denying the request for five Modifications of Standards for a "carriage house" (i.e., a single-family detached dwelling) located behind a street-facing dwelling-in the Neighborhood Conservation (NCB) zoning district. On July 28, 2020, a Notice of Appeal was filed alleging that the administrative hearing

officer failed to properly interpret and apply relevant provisions of the Land Use Code in rendering a final decision.

- **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.)

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

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

1. Real property acquisition and disposition related to the Hughes Stadium property, as permitted under:

- City Charter Article Roman Numeral Two, Section 11(3),
- Section 2-31(a)(3) of the City Code and
- Colorado Revised Statutes Section 24-6-402(4)(a); and

2. Specific legal questions related to potential litigation regarding the Hughes Stadium property and the manner in which the particular policies, practices or regulations of the City related to the acquisition or development of the Hughes Stadium property may be affected by existing or proposed provisions of federal, state or local law, as permitted under:

- City Charter Article Roman Numeral Two, Section 11(2),
- City Code Section 2-31(a)(2) and
- Colorado Revised Statutes Section 24-6-402(4)(b)."

C. Consider a motion to move the regular Council meeting scheduled for 6:00 pm on Tuesday, November 3, 2020, to 6:00 pm on Wednesday, November 4, 2020, due to the General Election:

"I move that the regular Council meeting scheduled for Tuesday, November 3, 2020, be moved to Wednesday, November 4, 2020, pursuant to City Code Section 2-28(a), because November 3 is the day of the General Election."

- **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.