

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 20, 2020 (Amended 10/19/20)

PUBLIC PARTICIPATION OPTIONS

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

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

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

PUBLIC PARTICIPATION (ONLINE VIA ZOOM):

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

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

In order to participate, you must:

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

PUBLIC PARTICIPATION (VIA PHONE)

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

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

PUBLIC PARTICIPATION (IN PERSON)

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

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

PUBLIC PARTICIPATION (VIA EMAIL)

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

WATCH THE MEETING

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

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

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

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

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

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

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring October 29, 2020 as Aerospace Alley Day.
- B. Proclamation Declaring October 21, 2020 as a Day to Imagine a Day Without Water.
- C. Proclamation Declaring October as Conflict Resolution Month.
- D. Proclamation Declaring October as National Arts and Humanities 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.
- **COMMUNITY REPORTS**
 - A. COVID-19 Update: Tom Gonzales, Larimer County Public Health Director
 - B. Election Security Report: Angela Myers, Larimer County Clerk and Recorder

- **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. Items Pertaining to Annual Adjustment Ordinance.

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

These Ordinances, unanimously adopted on First Reading on October 6, 2020, combine dedicated and additional revenues or prior-year 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 additional revenue is primarily from fees, charges, rents, contributions, donations and grants that have been paid to City departments to offset specific expenses.

Between First and Second Reading of Ordinance No. 117, 2020, its recitals and Section 2.F.1. have been revised to clarify that the \$1.4 million transfer in the Transportation Capital Expansion Fee Fund from lapsing to non-lapsing business units will be used to reimburse the developers of two different projects who installed the following transportation improvements identified in the City's Master Street Plan: (i) Mountain's Edge development constructing a sidewalk and new right turn and merging lane at Drake Road and Overland Trail Road, and (ii) Crowne at Old Town North development constructing portions of Suniga Road and Jerome Street and oversizing a sidewalk on Conifer Street.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on October 6, 2020, clarifies existing City Code language guiding enforcement, prosecution, and Municipal Court regarding violations and penalties for animal disturbance and dangerous animals in the City.

Staff made modifications between First and Second Reading to incorporate a civil rather than a criminal process regarding the dangerous animal permit. The Judge's declaration of a dangerous animal requiring a permanent dangerous animal permit will become a civil order of the court, because the length of jurisdiction in such cases exceeds the court's criminal jurisdiction. Further, after 36 months, and no further animal violations, the owner or keeper of the dangerous animal may prove to the court at a civil hearing by clear and convincing evidence that the animal is no longer dangerous and/or should no longer be subject to certain permit requirements.

3. Second 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.

This item, unanimously adopted on First Reading on October 6, 2020, corrects a long-standing error in Section 7-134 relating to the registration of committees prior to accepting any contributions or making any expenditures.

4. Second 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.

This Ordinance, unanimously adopted on First Reading on October 6, 2020, amends 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.

5. Second 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.

This Ordinance, unanimously adopted on October 6, 2020, authorizes 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.

6. First Reading of Ordinance No. 125, 2020, Extending Short-Term Appointments to City Boards and Commissions to December 31, 2021.

The purpose of this item is to allow Council to extend the one-year interim appointments to advisory boards and commissions that were adopted under Ordinance No. 153, 2019 and are currently set to expire on December 31, 2020. Due to COVID-19, the Reimagine Boards and Commissions public engagement efforts and Council Work Session were delayed resulting in a later implementation timeline, including potential changes to term lengths. This Ordinance would extend these short-term appointments for one additional year with an expiration date of December 31, 2021. This will reduce the number of appointments that need to be filled this year and will allow staff additional time to create a thorough implementation strategy for potential changes due to the Reimagine Boards and Commissions Priority 2021.

7. Resolution 2020-093 Authorizing Certain Quasi-Judicial Land Use Hearings to be Conducted Remotely Pursuant to Ordinance No. 079, 2020.

The purpose of this item is to consider three exceptions to Ordinance No. 079, 2020, adopted by Council on June 16, 2020, to allow one zoning and two Additions of Permitted Use items to proceed to public hearings using remote technology.

Ordinance No. 079, 2020, authorizes Council and boards and commissions such as the Planning & Zoning Board (P&Z) to hear quasi-judicial items but specifically ***excludes from that authorization*** decisions related to zoning/rezoning, appeals, and the addition of permitted uses. Ordinance No. 079, 2020, does, however, allow Council, by motion adopted by at least five Councilmembers, to authorize exceptions to such exclusion. To authorize remote hearings for the listed items, Council must find that such hearings are pressing and require prompt action and that virtual technology will provide for sufficient public participation and input. Staff is requesting that Council allow the following quasi-judicial items (collectively, the "Exception Requests") to be heard remotely:

Zoning:

1. Springer-Fischer Annexation initial Zoning (*in review and awaiting P&Z recommendation and Council final determination*)

Addition of Permitted Use (APU)

2. East Park District Maintenance Facility Addition of Permitted Use (*Urban Estate District, in review and awaiting P&Z recommendation and Council final determination*)
3. Timberline-International Addition of Permitted Use (*Industrial District, in review and awaiting P&Z final decision, no Council decision required except in case of an appeal*)

8. Resolution 2020-094 Authorizing a Partial Reassignment of the City's 2020 Private Activity Bond Allocation from Mercy Housing to Housing Catalyst.

Based on direction from the State, the purpose of this Resolution is to reassign \$5 million in Private Activity Bond (PAB) capacity from Mercy Housing to Housing Catalyst. This reassignment conforms with the State's requirement that all PABs are assigned to entities that have issuing authority. There is no impact on the project's outcome or the City due to this reassignment.

9. Resolution 2020-095 Supporting the Grant Application by Fort Collins Utilities for the United States Department of the Interior, Bureau of Reclamation's WaterSMART Grants: Water and Energy Efficiency Grant for Fiscal Year 2021 and Authorizing the City Manager to Execute Agreements Regarding Such a Grant.

The purpose of this item is to request Council support for Fort Collins Utilities' pursuit of a United States Bureau of Reclamation ("Reclamation") Water and Energy Efficiency Grant for Fiscal Year 2021 ("WaterSMART Grant"). If awarded, Fort Collins Utilities, through its Water Conservation Division ("Water Conservation"), would use the funds to support commercial-scale waterwise transformations in partnership with homeowners' associations ("HOAs") and commercial customers. Reclamation requires a resolution of Council support be submitted as part of the grant application package. The Resolution demonstrates that the applicant has support from its board to carry out the grant agreement, if awarded.

10. Resolution 2020-096 Approving the Acceptance of the Proposed Donation of a Sculpture to be Placed at Sugar Beet Park.

This Resolution accepts the donation of a bronze sculpture entitled, *The Hand That Feeds*, that will be placed at Sugar Beet Park, subject to the donor raising sufficient funds to pay for the sculpture and related project work.

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. Cameron Peak Fire Update - Tom Demint, PFA Fire Chief; Jim Byrne, Director of Emergency Preparedness & Security

● 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

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.

11. Second Reading of Ordinance No. 119, Amending Section 4-94 of the Code of the City of Fort Collins Regarding Animal Disturbance of Peace and Quiet. (staff: Marcy Yoder; 5 minute presentation; 30 minute discussion)

This Ordinance, adopted on First Reading on October 6, 2020 by a split vote of 5-2 (Nays: Pignataro and Summers), clarifies existing City Code language guiding enforcement, prosecution, and Municipal Court regarding violations and penalties for animal disturbance and dangerous animals in the City.

12. Resolution 2020-097 Authorizing Remote Quasi-Judicial Hearings for Certain Appeals Pursuant to City Code Section 2-119(4), to the Building Review Board Pursuant to Ordinance No. 079, 2020. (staff: Rich Anderson, Paul Sizemore; 5 minute presentation; 25 minute discussion)

The purpose of this item is to consider an exception to Ordinance No. 079, 2020 to allow one of the following items to proceed using remote technology:

1. All "appeals" to the Building Review Board (BRB) arising from City Code Section 2-119(4); **or in the alternative, if Council prefers to address pending requests for such "appeals" on a case-by-case basis.**
2. Appeal of a decision of the Building Official to deny a request to waive the exam requirements for a license to Matt Tschetter of Luxury Homes of N. CO by motion (the "Pending Appeal Request").

Ordinance No. 079, 2020 adopted by Council on June 16, 2020, authorizes Council, Planning & Zoning Board (P&Z), the Landmark Preservation Commission (LPC) and the Building Review Board (BRB) to

hear quasi-judicial items but specifically ***excludes appeals from that authorization***. The Ordinance does, however, allow Council, by motion adopted by at least five Councilmembers, to authorize exceptions to that exclusion. To authorize remote hearings for the listed items, Council must find that such hearings are pressing and require prompt action and that virtual technology will provide for sufficient public participation and input.

13. Resolution 2020-098 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Hearing Officer Decision Denying the Modification of Standards Request for 613 South Meldrum Street, MOD 200001. (staff: Clark Mapes, Paul Sizemore; no presentation; 15 minute discussion)

The purpose of this item is to make Findings of Fact and Conclusions regarding the appeal of the Hearing Officer decision to deny the 613 South Meldrum Modifications of Standards. The appeal was heard by Council on October 6, 2020.

- **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 executive session to discuss Broadband issues.

"I move that City Council go into executive session to consider matters pertaining to issues of competition in providing telecommunication facilities and services including matters subject to negotiation, strategic plan, price, sales and marketing, development phasing and any other matter allowed under Colorado Law, as permitted under Article XX, Section 7(d) of the City Charter and Section 2-31(a)(5) of the City Code."

- C. Consideration of a motion to adjourn until 6:00 p.m. on Tuesday, October 27, 2020.

"I move that City Council adjourn this meeting to 6:00 p.m. on Tuesday, October 27, 2020, in order to consider an ordinance related to an inclement weather day shelter."

- **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.