

Wade Troxell, Mayor
Ross Cunniff, District 5, Mayor Pro Tem
Susan Gutowsky, District 1
Julie Pignataro, District 2
Ken Summers, District 3
Melanie Potyondy, District 4
Emily Gorgol, District 6

Remote Meeting
City Hall West
300 LaPorte Avenue
Fort Collins, Colorado
Cablecast on FCTV
Channel 14 on Connexion
Channel 14 and 881 on Comcast

Carrie Daggett
City Attorney

Darin Atteberry
City Manager

Delynn Coldiron
City Clerk

Regular Meeting
February 2, 2021

AMENDED 2/1/21

PUBLIC PARTICIPATION OPTIONS

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

- Live via the Zoom online meeting,
• Live via the telephone,
• 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 (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.**

None Scheduled.

Regular Meeting 6:00 p.m.

- **CALL MEETING TO ORDER**
- **PLEDGE OF ALLEGIANCE**
- **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 January 5, 2021 Regular Meeting and the January 6, 2021 and January 12, 2021 Special Meetings.

The purpose of this item is to approve the minutes of the January 5, 2021 Regular Meeting and the January 6, 2021 and January 12, 2021 Special Meetings.

2. Second Reading of Ordinance No. 018, 2021, Adopting the 2021 Classified Employee Pay Plan.

This Ordinance, unanimously adopted on First Reading on January 19, 2021, recommends the 2021 Classified Employee Pay Plan for most classified employees. City classified employees' pay and pay ranges will remain the same as in 2020 due to the financial uncertainty caused by COVID-19. In addition, this item recommends changes to the 2021 Classified Employee Pay Plan for employees who are in the collective bargaining unit described in the 2019-2021 Collective Bargaining Agreement (the "Agreement") between the City and the Northern Colorado Lodge #3 of the Fraternal Order of Police. The Agreement was approved by Council by Resolution 2018-095 on October 2, 2018. The Agreement requires the City to complete an annual market analysis for positions in the collective bargaining unit. The Agreement specifies a salary data collection method and evaluation process that includes market data as of early January. This data has been collected and analyzed, resulting in the 2021 Classified Employee Pay Plan.

3. Second Reading of Ordinance No. 019, 2021, Annexing the Property Known as the Springer-Fisher Annexation No. 1 to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on January 19, 2021, annexes the first of two sequential tracts of land known collectively as the Springer-Fisher Annexations. Springer-Fisher Annexation No. 1 consists of 71.34 acres and establishes the required 1/6 contiguity with existing City limits. Springer-Fisher Annexation No. 1, located northwest of the East Mulberry Street and Greenfields Court intersection, would incorporate the property into Fort Collins' municipal boundaries,

as well as incorporating portions of the property into the Residential Neighborhood Sign District. A related item to zone the annexed property is presented as the next item on this Agenda.

This annexation request conforms with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins Comprehensive Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreements.

4. Second Reading of Ordinance No. 020, 2021, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Springer-Fisher Annexation No. 1, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map.

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 2017-017.

This Ordinance, unanimously adopted on First Reading on January 19, 2021, applies zoning to the property included in the first of two sequential annexations. Springer-Fisher Annexation No. 1 is located northwest of the East Mulberry Street and Greenfields Court intersection. The proposed zoning for this annexation is General Commercial (C-G), Neighborhood Commercial (N-C), Employment (E), Low Density Mixed-Use Neighborhood (L-M-N), and Medium Density Mixed-Use Neighborhood (M-M-N). The surrounding properties are existing commercial and industrial land uses currently zoned in Larimer County as C-Commercial and I-Industrial zoning districts to the east, south and west. The abutting City limit to the north is zoned Low Density Mixed-Use Neighborhood (L-M-N). Staff also recommends placement of the portions of the Springer-Fisher Annexation No. 1 that are zoned L-M-N and M-M-N into the Residential Neighborhood Sign District.

5. Second Reading of Ordinance No. 021, 2021, Annexing the Property Known as the Springer-Fisher Annexation No. 2 to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on January 19, 2021, annexes the second of two sequential tracts of land collectively known as the Springer-Fisher Annexations. Springer-Fisher Annexation No. 2 consists of 5.46 acres, establishes the required 1/6 contiguity with the Springer-Fisher Annexation No. 1, and is located northwest of the East Mulberry Street and Greenfields Court intersection. The annexation would incorporate the property into Fort Collins' municipal boundaries. A related item to zone the annexed property is presented as the next item on this Agenda.

This annexation request conforms with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins Comprehensive Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreements.

6. Second Reading of Ordinance No. 022, 2021, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Springer-Fisher Annexation No. 2.

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 2017-017.

This Ordinance, unanimously adopted on First Reading on January 19, 2021, applies zoning to the property included in the second of two sequential annexations, Springer-Fisher Annexation No. 2. Springer-Fisher Annexation No. 2 is located northwest of the intersection of East Mulberry Street and Greenfields Court. The proposed zoning for this annexation is General Commercial (C-G). The surrounding properties are existing commercial and industrial land uses currently zoned in Larimer County as C-Commercial and I-Industrial (I) to the east, south and west.

7. First Reading of Ordinance No. 023, 2021, Appropriating Philanthropic Revenue Received by City Give and Authorizing a Transfer to be Used for Ongoing COVID-19 Community Relief and Recovery.

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

It's the donor's determination the City possess 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 Covid-19 relief and recovery. Per the donor's designation, the City will distribute \$50,000 of the total gift to two community partners: CARE Housing to be used toward eviction prevention and on-site learning hubs to provide Internet access and academic support to K-12 students, and Meals on Wheels in support of their mission to provide meals to homebound seniors. The remaining \$50,000 will be awarded at \$25,000 each to the Utilities Payment Assistance Program in the Utility Customer Service & Admin Fund and to the Digital Access and Equity Program in the General Fund in support of the City's partnership with Code for America.

8. First Reading of Ordinance No. 024, 2021, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund for COVID-19 Response and Recovery.

The purpose of this item is to appropriate unanticipated Community Development Block Grant (CDBG) funding in the amount of \$760,023 from the Department of Housing and Urban Development (HUD) for COVID-19 response and recovery.

9. First Reading of Ordinance No. 025, 2021, Vacating Portions of Grant Avenue Alley Right-of-Way.

The purpose of this item is to vacate a portion of an alley right-of-way (ROW). The original grant of the Grant Avenue alley ROW is contained in the West Side Addition Plat, Book 1, Page 19 of Larimer County Clerk and Recorder Records. The residents of 420 and 428 Grant Avenue have initiated a conceptual review under the City's Development Review process. In this review process, staff became aware that portions of the City's right-of-way for the North Grant Avenue alley had never been opened for public access and remain undeveloped and blocked by fences and well-established landscaping. At this time, only telecommunication lines run through this portion of the alley ROW, and the vacation reserves a utility easement over a portion of the vacated alley ROW to accommodate this existing utility use.

10. Resolution 2021-014 Authorizing and Approving the City's Participation in the Metro Mortgage Assistance Plus Program, and Authorizing the Execution of a Delegation and Participation Agreement with the City and County of Denver in Connection Therewith.

The purpose of this item is to consider a Resolution allowing residents of Fort Collins to participate in a down payment assistance program administered by the City and County of Denver, by approving an agreement between the City of Fort Collins and Denver delegating to Denver the authority to operate the program within Fort Collins. This program expands the range of down payment assistance available in the City to households earning up to \$150K (most current programs administered by City partners only go up to 80% AMI) at no cost to the City. This responds to the Council priority of Affordable and Achievable Housing.

11. Resolution 2021-015 Approving an Exception to the Competitive Purchasing Process for the Purpose of Extending the Contract with the Fort Collins Convention and Visitors Bureau, Inc. for Convention and Visitor Services.

The purpose of this item is for Council to consider approval of an exception to the competitive purchasing process to extend the contract with the Fort Collins Convention and Visitors Bureau, Inc., d/b/a Visit Fort Collins, the City's current Convention and Visitor Services vendor. The current five-year agreement with Visit Fort Collins under RFP 8256 Convention & Visitor Services terminates on March 31, 2021. Due to extenuating circumstances precipitated by the COVID-19 pandemic, this

Resolution seeks an exception to the City Code requirement for use of a competitive purchasing process to extend the agreement for one additional one-year term ending on March 31, 2022. An RFP will be initiated in late 2021 or early 2022 so that a vendor may be selected competitively and a new contract executed before April 1, 2022.

Exception to Competitive Bidding Rationale: Code Section 8-161(d)(1)(b). Although there exists more than one (1) responsible source, a competitive process cannot reasonably be used or, if used, will result in a substantially higher cost to the City, will otherwise injure the City's financial interests or will substantially impede the City's administrative functions or the delivery of services to the public.

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. Remington Street Project (staff: Heather McDowell)

- **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.

12. Resolution 2021-016 Making Council Liaison, Council Committee and City Representative Appointments. (staff: Delynn Coldiron; 5 minute presentation; 15 minute discussion)

AMENDED ON 2/1/21

The purpose of this item is to fill the following vacancies resulting from the resignation of former Mayor Pro Tem Kristin Stephens:

1. Councilmember liaison assignments for the:
 - a. CDBG Commission,
 - b. Transportation Board, and
 - c. Youth Advisory Board, and
2. Ad Hoc Direct Reports Compensation Committee,

3. Council Election Code Committee (Alternate),
4. Council Ethics Review Board,
5. Council Futures Committee (Alternate),
6. Legislative Review Committee (Alternate),
7. Library Trustee Selection Committee,
8. ~~North College Urban Renewal Ad Hoc Committee (Alternate),~~
9. North I-25 Coalition,
10. North I-25 Coalition Working Group: I-25 Funding Committee, and
11. Regional Transportation Coordination Task Force Policy Advisory Committee.

This item also fills a vacant Councilmember seat on the Poudre Heritage Alliance Board due to Councilmember Gutowsky's voluntary resignation.

13. Items Related to Regulation of Disposable Bags and Mitigation of Other Sources of Single Use Plastic Pollution. (staff: Molly Saylor; 5 minute presentation; 55 minute discussion)
 - A. First Reading of Ordinance No. 026, 2021, Amending Chapter 12 of the Code of the City of Fort Collins to Establish Regulations Regarding Disposable Bags and Mitigation of Other Sources of Single Use Plastic Pollution.
 - B. First Reading of Ordinance No. 027, 2021, Approving and Appropriating an Off-Cycle Funding Request, Contingent on the Outcome of the April 2021 Election, to Support Initial Implementation of Ordinance No. 026, 2021, Establishing Regulations Regarding Disposable Bags.

The purpose of this item is to consider adoption of an Ordinance regulating the distribution of disposable bags and future mitigation of other sources of single-use plastic pollution (the "Disposable Bag Ordinance") and Ordinance No. 027, 2021, making an appropriation to support implementation of the Disposable Bag Ordinance with outreach and engagement and provision of free reusable bags to the community (the "Appropriation Ordinance").

The Disposable Bag Ordinance:

- Prohibits distribution of disposable plastic bags by large grocers to customers at point-of sale and imposes a \$0.12 fee on disposable paper bags distributed by large grocers to customers at point-of sale;
- Allocates the \$0.12 fee equally between the vendor and the City, with the City's share of the fee being committed to support the City's plastic pollution mitigation and solid waste and litter reduction program (the "Waste Reduction Program") as defined, and the vendor share being committed to pay the vendor's cost to implement the disposable bag fee program and encourage customer use of disposable bags;
- Includes an exemption from the bag fee for low-income customers; and
- Expressly reserve's Council authority and states Council's intent to make future modifications to address stakeholder input or unforeseen circumstances, regulate single-use plastic items in addition to disposable plastic bags, and extend regulations to other vendors in the City.

The Appropriation Ordinance provides \$87,500 in funding to support initial 2021 roll-out of the Disposable Bag Ordinance and the Waste Reduction Program, including outreach and engagement and making free bags available to the community.

A resolution referring Ordinance No. 026, 2021, to the voters at the April 2021 regular municipal election will be presented for consideration at the time of consideration of second reading of Ordinance No. 026, 2021.

● **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.