



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 Hearing  
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  
April 20, 2021  
(Amended 4/19/21)**

**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](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 (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](http://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](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.

**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](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). **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.**

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

- A. Proclamation Declaring April 19-25, 2021 as Wastewater Workers Recognition Week.
- B. Proclamation Declaring April 2021 as Fair Housing Month.
- C. Proclamation Declaring April 2021 as Local Music Appreciation Month.
- D. Proclamation Declaring April 30, 2021 as Arbor Day.
- E. Proclamation Declaring April 2021 as Child Abuse Awareness and Prevention Month.
- F. Proclamation Declaring the City's Commitment to Monarch and Pollinator Conservation.
- G. Proclamation Declaring April 22, 2021 as Business Ethics Day.

## 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.

- **COMMUNITY REPORT: Representative Joe Neguse - Update on the American Rescue Plan (ARP) and infrastructure.**
- **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 March 2, 2021 Regular meeting.

The purpose of this item is to approve the minutes of the March 2, 2021 Regular Meeting.

2. Second Reading of Ordinance No. 041, 2021, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Transfer to Natural Areas for Restoration of Bobcat Ridge.

This item, unanimously adopted on First Reading on March 16, 2021, appropriates \$75,000 in philanthropic revenue in the General Fund through City Give for transfer to Natural Areas to support fire recovery and ecological restoration efforts at Bobcat Ridge Natural Area as designated by the donor, the D.R. & V. Pulliam Charitable Trust.

3. Second Reading of Ordinance No. 042, 2021, Authorizing the Issuance of the City of Fort Collins, Colorado Tax-Exempt Economic Development Revenue Bond (The Residence At Oakridge Project), Series 2021A and Taxable Economic Development Revenue Bond (The Residence At Oakridge Project), Series 2021B to Refund the City of Fort Collins, Colorado Variable Rate Economic Development Revenue Bonds, Series 2001A (The Residence At Oakridge Project); and Authorizing the Execution and Delivery by the City of a Financing Agreement, Bonds, and Other Documents in Connection Therewith.

This item, unanimously adopted on First Reading on March 16, 2021, authorizes the issuance of its Tax-Exempt Economic Development Revenue Bond (The Residence At Oakridge Project), Series 2021A and Taxable Economic Development Revenue Bond (The Residence At Oakridge Project), Series 2021B (collectively, the "2021 Bonds") to refund the 2001A Bonds to take advantage of current low interest rates. In 2001, the City issued its City of Fort Collins, Colorado Variable Rate Economic Development Revenue Bonds, Series 2001A (The Residence at Oakridge Project), in the original aggregate principal amount of \$3,555,000 (the "2001A Bonds"). The 2001A Bonds financed a portion of the costs of a 68-bed assisted living facility in the Oakridge Business Park (the "Project"). The proceeds of the 2001A Bonds were loaned by the City to The Residence @ Oakridge, LLC, a Florida limited liability company (the "Borrower") which owns the Project. The Borrower has requested that the

City issue its Tax-Exempt Economic Development Revenue Bond (The Residence At Oakridge Project), Series 2021A and Taxable Economic Development Revenue Bond (The Residence At Oakridge Project), Series 2021B (collectively, the “2021 Bonds”) to refund the 2001A Bonds to take advantage of current low interest rates. The Borrower has solicited proposals from various financial institutions and has determined that First American State Bank (the “Lender”) will provide the lowest interest rate and most favorable terms to the Borrower. This Ordinance will authorize the issuance of an amount not to exceed \$2,415,000 of economic development revenue bonds for the Project.

Economic development revenue bonds may be issued by the City pursuant to the County and Municipality Development Revenue Bond Act (the “Act”), constituting §§ 29-3-101 through 29-3-123 of the Colorado Revised Statutes (“C.R.S), for private activity purposes, such as the Project. **These 2021 Bonds are not a financial obligation of the City and will be repaid solely by payments from the Borrower. The issuance of the 2021 Bonds does not require the use of any of the City’s private activity bond allocation from the State. And, there is no fiscal impact on the City in connection with the issuance of the 2021 Bonds and the Borrower will pay all of the City’s costs and attorney fees for the refunding either from proceeds of the 2021 Bonds or its own resources.**

4. Items Relating to Amending City Code Provisions Concerning the City’s Self-Insurance Program and Fund, and Amending Related Code Provisions Concerning the City’s Obligations to Defend and Indemnify its Employees.
  - A. Second Reading of Ordinance No. 043, 2021, Amending Division 3 in Article III of Chapter 8 of the Code of the City of Fort Collins Concerning the City’s Self-Insurance Program and Fund.
  - B. Second Reading of Ordinance No. 044, 2021, Amending Division 6 in Article VII of Chapter 2 of the Code of the City of Fort Collins Concerning the City’s Defense and Indemnity of its Employees in Certain Civil, Criminal and Administrative Matters.

These ordinances, unanimously adopted on First Reading on March 16, 2021, update the City Code provisions concerning the City’s use of its Self-Insurance Program and Fund to pay judgments, settlements, attorney fees and other litigation costs related to the various civil claims that can be brought against the City and its employees and, related to this update, amending the City Code provisions addressing the City’s obligations to defend and indemnify its employees regarding such civil claims and, in some circumstances, to reimburse City employees for the attorney fees and costs they may incur in certain criminal matters related to their City employment.

The amendments to the City’s defense and indemnity obligations include adding provisions to recognize the defense and indemnity obligations the City has to its police officers under two Colorado statutes, including the recent statute enacted under Senate Bill 20-217 creating a new civil claim against police officers for violating a person’s rights under the Bill of Rights in the Colorado Constitution. Also added is a provision to reimburse City employees in some circumstances for the attorney fees and costs they may incur in certain administrative matters related to their City employment.

5. Second Reading of Ordinance No. 045, 2021, Amending Section 23-354 of the Code of the City of Fort Collins Regarding Disposition of Land Bank Property.

This Ordinance, unanimously adopted on First Reading on March 16, 2021, replaces the right of reverter clause in the Land Bank program with a more flexible requirement that can be tailored to each project. Currently, the right of reverter would allow the City to seize property if the Land Banking Code requirements are not met, but this possibility makes it difficult, if not impossible, for developers of affordable housing to obtain financing for their projects on Land Bank parcels. The proposed amendments to City Code in the Ordinance retain the requirement that the City secure permanent affordability to the greatest extent possible, through a deed restriction, covenant or such others instrument or instruments as the City Manager and City Attorney deem appropriate but do not lock the City into one remedy for non-compliance.

6. Second Reading of Ordinance No. 047, 2021, Appropriating Prior Year Reserves in the Light and Power Fund for Electric Utilities Customer Payment Assistance.  
 This Ordinance, unanimously adopted on First Reading on March 16, 2021, appropriates a “one-time cash distribution” of \$468,941 from Platte River Power Authority (PRPA) to be used for utility delinquencies through the Utilities Payment Assistance Program for electric and telecommunication utility customers economically affected by COVID-19 and to address the impact on rates that significant past-due and uncollectible balances may have on all electric and other utility ratepayers. The funds were deposited into the Light & Power Enterprise Fund in December 2020, and may only be used for that utility’s operations, maintenance, repair, replacement, or betterment or for another “specific utility purpose determined by Council to [benefit the utility’s ratepayers]”.
  
7. Second Reading of Ordinance No. 048, 2021, Making Various Amendments to the City of Fort Collins Land Use Code.  
 This Ordinance, unanimously adopted on First Reading on March 16, 2021, amends the Land Use Code (“LUC”) to: (1) clarify the appeal process to the Planning and Zoning Board for minor amendments, changes of use, and basic development review; and (2) allow one additional kitchen within a dwelling unit. These changes were separated out from the annual update in December of 2020 to provide greater public input and refinement of the proposed Code.
  
8. Second Reading of Ordinance No. 049, 2021, Repealing and Reenacting Chapter 2, Article III of the Code of the City of Fort Collins Relating to Boards and Commissions.  
 This Ordinance, unanimously adopted on First Reading on March 16, 2021, updates Chapter 2, Article III of the City Code based on the Council priority to Reimagine Boards and Commissions. These Code changes are intended to reduce barriers to participation, increase consistency and clarity, and avoid redundancy.
  
9. Second Reading of Ordinance No. 050, 2021, Amending Chapter 22 of the Code of the City of Fort Collins to Add a New Article V. Concerning the Establishment of Tourism Improvement Districts.  
 This Ordinance, unanimously adopted on First Reading on March 23, 2021, outlines the requirements to establish a Tourism Improvement District (TID). Visit Fort Collins (VFC) began exploring a TID based on engagement for the Tourism and Destination Master Plan. Due to the COVID-19 pandemic, hoteliers are looking for additional revenue streams. Lodging tax collections are down 47.6% through December 2020. A TID would allow hotels to levy an assessment or fee on all hotels that would allow the TID to undertake activities that would help increase demand for overnight visitation.  
  
 VFC contemplates a TID that would levy an assessment or fee on hotel businesses rather than the underlying property owner. This necessitates a local ordinance outlining the process for forming a TID, the powers of a TID, and TID governance, amongst others. If adopted by Council, VFC contemplates starting the formation process of a TID beginning in April with Council considering the TID in July.
  
10. First Reading of Ordinance No. 051, 2021, Authorizing the City Manager to Accept a Grant Award and Comply with the Terms of the Grant, and Appropriating Unanticipated Grant Revenue in the Cultural Services & Facilities Fund from the Colorado Arts Relief Fund.  
 The purpose of this item is to appropriate unanticipated grant revenue in the Cultural Services & Facilities Fund for the Lincoln Center operations. This appropriation includes \$100,000 of grant revenues awarded on February 7, 2021, provided by the State of Colorado through the Creative Industries Division of the Office of Economic Development to support personnel or business expenses.
  
11. First Reading of Ordinance No. 052, 2021 Appropriating Prior Year Reserves in the Natural Areas Fund for the Purpose of Land Conservation, Visitor Amenities, Restoration and Other Related Natural Areas Stewardship Activities not Included in the 2021 Adopted City Budget.  
 The purpose of this item is to appropriate \$5,000,000 in prior year reserves and unanticipated revenues in the Natural Areas Fund. These appropriations are for land conservation, visitor amenities and restoration of wildlife habitat, as well as other Natural Area Department stewardship activities to benefit the residents of Fort Collins.

12. First Reading of Ordinance No. 053, 2021, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities and Tourism Programming.

The purpose of this item is to appropriate \$252,818, of which \$199,364 is proposed for 2021 Cultural Development and Programming Activities (Fort Fund) and \$53,454 is proposed for 2021 Tourism Programming (Fort Fund) from a combination of Lodging Tax and Prior Year Reserves (unspent appropriations) in the General Fund Lodging Tax Reserves.

Lodging taxes are annually collected by the City for cultural development and tourism programming activities. Anticipated revenue is projected through each Budgeting for Outcomes (BFO) cycle and then adjusted annually as needed based on final actual collections. Due to the 2020 pandemic, lodging tax revenues collected came in \$595,613 below projected 2020 collections.

13. First Reading of Ordinance No. 055, 2021, Authorizing Transfer of Funds from the Nature in the City Program and the Parks Department Operating Budget to the Spring Canyon Park Ponds Project.

The purpose of this item is to transfer \$75,000 in funds that were previously appropriated in the 2021 Budget from the Nature in the City Program in the Capital Projects Fund and \$20,000 in funds that were previously appropriated in the 2021 Budget from the Parks Department operating budget in the General Fund into the Capital Projects Fund for the Spring Canyon Park Urban Ponds Project.

The proposed transfers of funds will pay for the design and construction of a bioswale and natural habitat system within the existing Spring Canyon Park that will improve wildlife habitat, reduce bacterial contamination of Spring Creek, provide an enhanced natural habitat within Spring Canyon Park and serve as an educational opportunity for the public to learn about natural treatment systems and the importance of minimizing waste input into natural streams. The total project cost is \$95,000.

14. First Reading of Ordinance No. 056, 2021, Authorizing the City Manager to Accept a Grant Award and Agree to the Terms of the Grant and Making Supplemental Appropriations for the Can Do Colorado E-Bike Program.

The purpose of this item is to request Council approval to appropriate funds to be later reimbursed by awarded grant funds and to authorize FC Moves to accept an awarded grant from the Can Do Colorado E-Bike Program and comply with the terms of that grant.

15. First Reading of Ordinance No. 057, 2021, Making Supplemental Appropriations of Anticipated Revenue and Prior Year Reserves for the Epic Homes Program.

The purpose of this item is to appropriate \$69,000 in grant funds from Bloomberg Philanthropies as part of the Bloomberg Mayor's Challenge award, and \$8,024 in interest earned on previous Bloomberg Mayor's Challenge grant funds, from the Fort Collins Utilities Light and Power Fund to be expended for the ongoing project management and operations of Epic Homes Program by Utility Services and to pay a sub-grant to Colorado State University for indoor environmental quality research. The Bloomberg Philanthropies funds come from (1) the 2021 grant installment of \$69,000 and (2) \$8,024 in interest earned on advanced Bloomberg Philanthropies funds from the Bloomberg Mayor's Challenge, as of December 31, 2020. Based on terms of the Bloomberg grant agreement, all advanced grant funds are subject to accruing interest, with such interest earned being reported on a semi-annual basis, and with such earnings used to further project goals as demonstrated in the agreement between Bloomberg and the City.

16. First Reading of Ordinance No. 058, 2021, Appropriating Prior Year Reserves and Unanticipated Revenue from Philanthropic Donations Received by City Give for Various Programs and Services as Designated by the Donors.

The purpose of this item is to request appropriation of \$42,264 in philanthropic revenue received through the City Give program. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.



17. First Reading of Ordinance No. 059, 2021, Further Amending the Land Use Code Regarding Exterior Lighting.

**This item has been amended to correct errors on the map designated as Exhibit A to the Ordinance.**

The purpose of this item is to adopt the Lighting Context Area Map that is part of the Exterior Lighting Code unanimously adopted by Council by Ordinance No. 040, 2021, on March 16, 2021, and to insert effective dates in two places in the Exterior Lighting Code. The map is an integral component of the Exterior Lighting Code but was inadvertently excluded in Council materials during its adoption.

18. First Reading of Ordinance No. 060, 2021, Amending Ordinance No. 116, 2020, to Extend the Suspension of 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.

The purpose of this item is to extend the end date described in Ordinance No. 116, 2020, which temporarily suspended certain provisions of the Land Use Code (LUC) to permit the temporary use of certain non-residential buildings for child care operations. The temporary suspension is set to end on May 28, 2021. This item would change the end date to August 31, 2021, to allow flexibility for remote summer school and other summer child care needs.

19. Public Hearing and First Reading of Ordinance No. 062, 2021, Approving the Addition of Permitted Uses Associated with the East Park District Maintenance Facility Major Amendment MJA200003.

*This item is a quasi-judicial matter. If this item is considered on the consent agenda, a public hearing will be deemed to have been open and closed, with the only evidence considered being that set forth in this AIS and the attachments hereto, including the staff report. If this item is considered on the discussion agenda, it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.*

The purpose of this item is to consider the Addition of Permitted Uses (APU) for a development plan located in the Urban Estate Zone District.

- The development plan is for a City of Fort Collins Parks Department maintenance facility comprising a building with office and shop space, an outdoor storage yard, parking, fencing, landscaping, and improvements to adjacent recreation trails. The applicant is the City of Fort Collins Parks Department.
- The Urban Estate Zone does not list the proposed office/shop and outdoor storage uses as Permitted Uses, and so the development plan is required to include a request for Addition of Permitted Uses pursuant to Land Use Code (LUC) Section 1.3.4.
- This APU involves a proposed use permitted in one or more of the City's other zone districts and is proposed based solely on unique circumstances and attributes of the site and site development plan, which may be permitted under LUC Section 1.3.4(B).

Pursuant to Ordinance No. 079, 2020, Council authorized the remote hearing of this item in Resolution 2020-093 and the applicant has consented to having this item heard remotely.

20. First Reading of Ordinance No. 063, 2021, Authorizing the Sale of an 11.4-acre Parcel of Vacant Land Located at Meadow Springs Ranch.

The purpose of this item is to sell 11.4 acres of vacant City-owned land to Daniel R. Thiel, who has offered to purchase it. The fair market value and negotiated purchase price is \$13,680, and the deed contains a restriction prohibiting any advertising signs from being placed on the property. The sale is contingent on approval by Council. The close of escrow is expected to be May 18, 2021. Meadow Springs Ranch is operated by the City's Utilities department, and it has no current or identified future use for this parcel. They concur that it is in the best interest of the City to eliminate potential maintenance and liability issues that may arise with respect to the property by selling it to Mr. Thiel.

21. Items Relating to Post-Fire Watershed Restoration Treatments and Operational Costs.



- A. Second Reading of Ordinance No. 046, 2021, Making Supplemental Appropriations, Appropriating Prior Year Reserves, and Authorizing Transfer of Existing Appropriations for Post-Fire Watershed Restoration Treatments and Operational Costs Associated with Treating Fire-Impacted Water Supplies.
- B. Resolution 2021-037 Authorizing the City Manager to Sign an Intergovernmental Agreement with City of Greeley and Larimer County to Facilitate Cost-Sharing Processes for Post-Fire Watershed Recovery Activities.

This Ordinance, unanimously adopted on First Reading on March 16, 2021, appropriates funds for the unanticipated needs of post-fire watershed restoration treatments and operational costs associated with treating water supplies impacted by the 2020 Cameron Peak wildfire. A change is being made to this Ordinance on Second Reading to clarify that the PILOT proceeds being transferred to the City's General Fund are not being appropriated for spending on post fire watershed treatments. Those proceeds will reside in the General Fund until a future municipal purpose is identified.

The Resolution authorizes an intergovernmental agreement (IGA) with the City of Greeley and Larimer County to facilitate the cost-sharing processes for post-fire watershed recovery activities. Details of this IGA were provided in the first reading Agenda Item Summary for the appropriation ordinance.

22. Resolution 2021-038 Authorizing Certain Quasi-Judicial Land Use Hearings to be Conducted Remotely Pursuant to Ordinance No. 079, 2020, Including the Guardian Self Storage Project Development Plan Appeal, NE Prospect & I-25 Frontage Road Annexation and Zoning, NE Prospect & I-25 Rezone, Fort Collins-Loveland Water District Expansion and Addition of Permitted Use, and Timberline-International Addition of Permitted Use.

The purpose of this item is to consider five exceptions to Ordinance No. 079, 2020, adopted by Council on June 16, 2020, to allow one appeal, one initial zoning, one rezoning 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. Ordinance No. 079, 2020, required that to be heard remotely, "a quorum of the Planning and Zoning Board or Council are present in the hearing room for the respective Quasi-Judicial Hearing Items, and the public may participate in person. Staff requests that Council forego the in-person requirement in authorizing these zoning/rezoning, appeal, and addition of permitted use matters to be heard due to the ongoing COVID-19 pandemic. At this time, Council and all boards and commissions have successfully held fully remote meetings, and the technological concerns that lead to the requirement in Ordinance No. 079, 2020, have been mitigated.

**Appeal:**

- 1. Guardian Self Storage Project Development Plan Appeal (*appeal of Planning & Zoning Board's decision to Council, scheduled for June 1*)

**Initial Zoning:**

- 2. NE Prospect & I-25 Frontage Road Annexation and Initial Zoning (*initiating resolution scheduled for May 4, P&Z recommendation scheduled for May 20, Council first reading scheduled for June 15*)

**Rezoning:**

- 3. NE Prospect & I-25 Rezone (*P&Z recommendation scheduled for May 20, Council first reading scheduled for June 15*)

**Addition of Permitted Use (APU):**

4. Fort Collins-Loveland Water District Expansion and Addition of Permitted Use (*in review and awaiting P&Z recommendation and Council final determination*)
  5. Timberline-International Addition of Permitted Use (*in review and awaiting P&Z review*) and any appeal to City Council of the P&Z decision.
23. Resolution 2021-039 Approving Fort Fund Grant Disbursements.
- The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming Account and the Tourism Programming Account for the selected community events in the Project Support category, based upon the recommendations of the Cultural Resources Board.
24. Resolution 2021-040 Authorizing Execution of an Intergovernmental Agreement with the Colorado Department of Transportation for the FASTER Transit Program Grant for Fiscal Year 2021 to Fund Transfort's Flex Service.
- The purpose of this item is to authorize Transfort to enter into an Intergovernmental Agreement with the Colorado Department of Transportation (CDOT). This agreement will result in the receipt of \$200,000 in grant funds through the Statewide Competitive Pool of the FASTER (Funding Advancement for Surface Transportation and Economic Recovery Act of 2009) Transit program for fiscal year (FY) 2021. City Transfort will be required to match the \$200,000 in grant funds with a \$200,000 local match. Both the grant and local match were appropriated through the 2021 BFO cycle and are accounted for in the approved 2021 Transfort budget.
25. Resolution 2021-041 Supporting the Grant Application by Fort Collins Utilities for the United States Department of the Interior, Bureau of Reclamation's WaterSMART Grants: Small-Scale Water Efficiency Projects 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 to pursue a United States Bureau of Reclamation ("Reclamation") WaterSMART Grant: Small-Scale Water Efficiency Projects 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.
26. Resolution 2021-042 Making an Appointment to the Housing Catalyst Board of Directors.
- The purpose of this item is to appoint one individual to fill a vacancy on the Housing Catalyst Board of Directors that exists due to the term expiration of a previous member.
27. Resolution 2021-043 Ratifying the Appointment of Hongyan Xiang to the Poudre River Public Library District Board of Trustees.
- The purpose of this item is to recommend ratification of the appointment of Hongyan Xiang to the Poudre River Library District Board of Trustees. On January 6, 2021, Mr. Jeremy Rose submitted a letter of resignation, effective immediately. Mr. Rose's term was set to expire on February 28, 2021. The Library Selection Committee determined that Hongyan Xiang, who submitted an application in January 2021, should be appointed to fill the vacancy on the Board of Trustees.
28. Resolution 2021-044 Making an Appointment to the Planning and Zoning Board.
- The purpose of this item is to appoint one individual to fill a vacancy on the Planning and Zoning Board that exists due to the resignation of a previous member.

**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**

- **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.

29. Resolution 2021-045 Adopting a Revised Policy for Reviewing Service Plans of Metropolitan Districts. (staff: Paul Sizemore, Ryan Mounce; 10 minute presentation; 45 minute discussion)

**This item has been amended to include the Exhibits to the Policy.**

The purpose of this item is to revise the City's current policy for reviewing service plans for metropolitan districts adopted by Council in Resolution 2019-016 on February 5, 2019 (2019 Policy). More specifically, to revise the 2019 Policy to require a pre-application meeting with Council as an early step in the approval process, emphasize disclosure and transparency requirements, and add an evaluation points system for the public benefits to be provided by metropolitan districts (Metro Districts) proposed to serve primarily residential development.

30. First Reading of Ordinance No. 064, 2021, Appropriating Prior Year Reserves for the Establishment of a Municipal Immigration Legal Defense Fund. (staff: Kyle Stannert, Caryn Champine; 10 minute presentation; 60 minute discussion)

**This item has been withdrawn from consideration.**

~~The purpose of this item is to respond to a request from some members of Council for an off cycle general fund appropriation to create a Municipal Immigration Legal Fund pilot program. If approved, this appropriation would create a pilot grant program to provide access to immigration legal services for Fort Collins residents seeking citizenship or lawful presence. Grant funds will be awarded to legal service providers based on a competitive process and will be dedicated to program administration, education, and outreach; providing defense for people at risk of deportation; children seeking Special Immigrant Juvenile Status; and for community members seeking pathways to citizenship and lawful presence also known as Affirmative Cases. The Council Finance Committee will review this appropriation request at its April 19, 2021 meeting.~~

- **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. Discussion and possible direction to staff regarding evaluation of City options for 1041 regulatory powers.
- C. Consideration of a Motion to call a Special Meeting at 6:00 p.m. on Tuesday, April 27:  
"I move, pursuant to Section 2-29(a) of the City Code, that the Council call a special meeting of the Council to take place on Tuesday, April 27, 2021, at 6:00 p.m. to consider the following:
  - Organization of new City Council, including swearing in of new Councilmembers and selection of Mayor Pro Tem;
  - Resolutions of Appreciation for outgoing Councilmembers; and
  - A resolution making an Interim Appointment to the Board of Directors of Platte River Power Authority."

- **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.