

Jeni Arndt, Mayor
Emily Gorgol, District 6, Mayor Pro Tem
Susan Gutowsky, District 1
Julie Pignataro, District 2
Tricia Canonico, District 3
Shirley Peel, District 4
Kelly Ohlson, District 5

City Council Chambers
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
May 18, 2021
(Amended 5/17/21)

Spanish interpretation is available at this meeting using the following Zoom link:
Interpretación en español está disponible en esta reunión usando el siguiente enlace de Zoom:
https://zoom.us/j/98241416497

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](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.**

A. Proclamation Declaring May 22-29, 2021 as Flood Awareness Week.

**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](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 April 20, 2021 Regular meeting and the April 27, 2021 Special meeting.

The purpose of this item is to approve the minutes of the April 20, 2021 Regular meeting and the April 27, 2021 Special meeting.

2. Second Reading of Ordinance No. 065, 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 Recreation Fund to Support Childcare Needs Due to the COVID-19 Pandemic.

This Ordinance, unanimously adopted on First Reading on May 4, 2021, accepts and appropriates a \$32,800 Child Care Relief Grant awarded by the State of Colorado into the Recreation Department's 2021 budget. The grant funds will help offset the Recreation Department's financial impacts resulting from the COVID-19 pandemic.

3. Second Reading of Ordinance No. 066, 2021, Making a Supplemental Appropriation for the State Highway 1/Douglas Road Intersection Improvements Project.

This Ordinance, unanimously adopted on First Reading on May 4, 2021, enables the City to receive and expend reimbursement funds from Larimer County for constructing intersection improvements associated with the State Highway 1/Douglas Road Intersection Improvements Project and appropriates \$437,376 (to be reimbursed by the County under the IGA) in the Capital Projects Fund for the project. These funds will be used for the construction of a traffic signal and related intersection improvements at the State Highway 1 and Douglas Road intersection. Resolution 2021-051, adopted on May 4, 2021, authorized the Mayor to execute the First Amendment to the Intergovernmental Agreement for the State Highway 1/Douglas Road Signal Project dated May 7, 2019 (IGA) with Larimer County.

4. Second Reading of Ordinance No. 067, 2021, Annexing the Property Known as the Gil Boyer Annexation to the City of Fort Collins, Colorado.

This Ordinance, unanimously adopted on First Reading on May 4, 2021, annexes a 9,800 square foot residential parcel located in northwest Fort Collins. The Initiating Resolution was adopted on consent, March 16, 2021. The property abuts North Taft Hill Road to the east and is situated 450 feet northwest of the intersection of Laporte Avenue and North Taft Hill Road. The annexation area consists of a single-family home and several accessory buildings.

5. Second Reading of Ordinance No. 068, 2021, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Gil Boyer Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and Lighting Context Area 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 2015-091.*

This Ordinance, unanimously adopted on First Reading on May 4, 2021, zones the property included in the Gil Boyer Annexation into the Low Density Mixed-Use Neighborhood (L-M-N) zone district, Neighborhood Sign District, and LC1 Lighting Context Area.

6. Second Reading of Ordinance No. 069, 2021, Amending the Zoning Map of the City of Fort Collins By Changing the Zoning Classification of the Hughes Stadium Annexation Property from the Transition District to Public Open Lands as Required by the Citizen-Initiated Ordinance Passed at the April 6, 2021, Regular Municipal Election.

On April 6, 2021, Fort Collins' voters passed the citizen-initiated ordinance requiring, among other things, that the City rezone the approximately 164.56-acre property that was subject to the Hughes Stadium Annexation from its current Transition District zoning to the Public Open Lands District. This Ordinance, unanimously adopted on First Reading on May 4, 2021, presented for Council adoption on Second Reading.

7. Items Relating to Affordable Housing Fee Credit Requests.

- A. First Reading of Ordinance No. 070 2021, Authorizing a Fee Credit and Appropriating Prior Year Reserves in the General Fund for the Housing Catalyst Oak 140 Affordable Housing Development.
- B. First Reading of Ordinance No. 071 2021, Authorizing a Fee Credit and Appropriating Prior Year Reserves in the General Fund for the Volunteers of America Cadence Affordable Housing Development.

The purpose of this item is to seek Council consideration of requests from two qualifying development projects for fee credits totaling \$350,000. At the discretion of Council, City Code authorizes a fee credit of \$14,000 per qualifying unit of new affordable housing construction, provided that the proposed credits will not jeopardize the financial interests of the City. Fee credits subsidize the development of affordable housing units serving families that earn up to 30% of AMI (or \$22,600 for a family of two). The Council Finance Committee heard this item at their April 16, 2021, meeting and recommend granting these requests.

8. First Reading of Ordinance No. 072, 2021, Amending Section 2-568 of the Code of the City of Fort Collins Relating to Ethical Rules of Conduct for Quasi-Judicial Commission Members.

The purpose of this item is to amend the Ethical Rules of Conduct in Chapter 2 of the City Code to provide clear guidance and direction to Quasi-Judicial Commission members with respect to activities that call for their recusal from matters coming before them in their decision-making capacity.

9. Resolution 2021-056 Finding Substantial Compliance and Initiating Annexation Proceedings for the Northeast Frontage Road Annexation.

The purpose of this item is to initiate annexation proceedings for the Northeast Frontage Road Annexation. This is a 100% voluntary annexation. The property contained within the annexation area is approximately 4 acres and is located northeast of the intersection of Interstate-25 and East Prospect Road. The requested zoning for this annexation is General Commercial (C-G).

The proposed Resolution makes a finding that the annexation petition substantially complies with the Municipal Annexation Act of 1965, determines that a hearing should be established regarding the annexation, and directs notice be given of the hearing. The hearing will be held at the time of First Reading of the annexation and zoning ordinances, and notice will be published and distributed as required by State law.

This annexation request is in conformance 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 Agreement Regarding Growth Management.

10. Resolution 2021-057 Approving Fort Fund Grant Disbursements - Organizational Support Category.

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 Organizational Support category, based upon the recommendations of the Cultural Resources Board.

11. Resolution 2021-058 Discontinuing the City's Leadership Committee with Colorado State University.

The purpose of this item is to discontinue the City/CSU Leadership Committee.

12. Resolution 2021-059 Reappointing Brandi Lynn Nieto as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement.

The purpose of this item is to reappoint Brandi Lynn Nieto as Assistant Municipal Judge for the Fort Collins Municipal Court. The City Charter provides for the appointment of judges of the Municipal Court for two (2) year terms. This will be Judge Nieto's second term. Chief Judge Jill A. Hueser recommends that Judge Nieto be reappointed as Assistant Municipal Judge, to serve in the absence of the Chief Judge.

13. Resolution 2021-060 Making Board and Commission Liaison and Council Committee Assignments and Making Appointments to Various External Boards and Authorities.

The purpose of this item is to make Councilmember liaison assignments to City boards and commissions and Council committees as well as make appointments to external boards and authorities on behalf of the City.

## 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.

14. Resolution 2021-061 Expressing Council's Intent to Provide Funding to Assist with the Resident Purchase of Hickory Village Mobile Home Park and Directing Development of a Process for Evaluating and Potentially Supporting Similar Future Opportunities.

The purpose of this item is to demonstrate financial support towards a potential resident purchase of Hickory Mobile Home Park. This Resolution expresses Council's intent to commit \$200,000 of City Funds to support residents of Hickory Village Mobile Home Park (MHP) with assistance such as down payment assistance or rent stabilization in support of a Hickory Village resident-owned community (ROC). If the ROC successfully secures financing, makes an offer to purchase the park and an agreement addressing the use of the funding by the City is reached, staff will present for consideration at a future meeting a formal appropriation ordinance.

On March 3, 2021, the owner of Hickory Village MHP agreed to sell the park to a corporate operator. According to state law, the potential sale triggered a 90-day window for residents to make an offer to purchase the park and become a ROC. With the support of Thistle, a non-profit affordable housing organization which provides technical assistance and helps arrange financing for ROC's in Colorado, the Hickory Village community has formed a co-op and elected a Leadership Board to pursue financing and resident purchase of the MHP. Staff from Neighborhood Services and Planning Departments have been involved in neighborhood engagement alongside Thistle. Even with the high purchase price (\$23 million) and short timeline, Hickory Village residents and Thistle staff have expressed a desire for local support for the formation of a ROC. At the work session on April 13, 2021, Council directed staff to prepare this Resolution and consult with the Council Finance Committee for their recommendation, which occurred on April 19, 2021 and aligned with the overall Council feedback for the item.

The Resolution also directs the City Manager to develop and provide to Council for discussion at a July work session a process for considering and responding to future opportunities to assist with resident purchases.

- **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 go into executive session to discuss legal issues as follows:

"I move that the City Council go into executive session for the purpose of discussing with the City's attorneys and appropriate management staff:

- specific legal questions pertaining to the potential appeal of the City's litigation regarding the billboard at Interstate 25 and Harmony Road, and the manner in which the particular policies, practices or regulations of the City related to that litigation may be affected by existing or proposed provisions of federal, state or local law,

AND

- specific legal questions pertaining to potential litigation regarding the City's contract for a new utility customer information system, and the manner in which the particular policies, practices or regulations of the City related to that litigation or the utility customer information system may be affected by existing or proposed provisions of federal, state or local law,
- pursuant to:
  - City Charter Article Roman Numeral Two, Section 11(2),
  - City Code Section 2-31(a)(2) and
  - Colorado Revised Statutes Section 24-6-402(4)(b)."

C. Consideration of a motion to adjourn this meeting to 6:00 pm on Tuesday, May 25, 2021:

"I move that Council adjourn this meeting to 6:00 p.m. on Tuesday, May 25, to consider any unfinished business on this agenda and other such business as may come before Council."

● **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.