



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 June 1, 2021

PUBLIC PARTICIPATION OPTIONS

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

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

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

PUBLIC PARTICIPATION (ONLINE VIA ZOOM):

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

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

In order to participate, you must:

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

PUBLIC PARTICIPATION (VIA PHONE)

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

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

PUBLIC PARTICIPATION (IN PERSON)

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

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

PUBLIC PARTICIPATION (VIA EMAIL)

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

WATCH THE MEETING

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

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

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

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

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

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

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring June 2021 as Bike Month.
- B. Proclamation Declaring June 2021 as Healthy Homes Month.
- C. Proclamation Declaring June 2021 as LGBTQ Pride Month.

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 May 4, 2021 Regular meeting.

The purpose of this item is to approve the minutes of the May 4, 2021 Regular meeting.

2. Items Relating to Affordable Housing Fee Credit Requests.

- A. Second 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. Second 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.

This Ordinance, unanimously adopted on First Reading on May 18, 2021, considers 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.

3. First Reading of Ordinance No. 073, 2021, Making Supplemental Appropriations of American Rescue Plan (ARP) Act and Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Funding.

The purpose of this item is to appropriate grant revenue allocated to Transfort by the Federal Transit Agency (FTA). Transfort was awarded \$1,509,248 and will net the amount of \$1,284,514 in Section 5307 and 5310 CRRSAA Funding. Additionally, Transfort was awarded \$8,964,773 and will net the

amount of \$7,626,773 in ARP Section 5307 and 5310 Funding through FTA apportionments to urbanized areas. Both CRRSAA and ARP funding is provided at a 100-percent federal share, with no local match required, and is available to support capital, operating, and other expenses to prepare for and respond to COVID-19. Transfort plans to use these funds to pay for what has been previously allocated from the General Fund for operating assistance, preventative maintenance, capital projects, contracted service costs, and enhancing mobility for seniors and those with disabilities.

4. First Reading of Ordinance No. 074, 2021, Authorizing the City Manager to Accept a Grant Award and Comply with the Terms of the Grant and Appropriating Unanticipated Black and Grey Market Marijuana Enforcement Program Grant Revenue in the General Fund for Police Services.

The purpose of this item is to appropriate unanticipated grant revenue in the amount of \$41,564 from the Colorado Department of Local Affairs in the General Fund to support investigation and prosecution of black-market marijuana activity.

5. First Reading of Ordinance No. 075, 2021, Appropriating Prior Year Reserves in the Community Capital Improvement Program Fund for Public Engagement for the Southeast Community Innovation Center and Pool.

The purpose of this item is to appropriate funds to hire a consultant to conduct public outreach that will be used to provide program plan services for the Southeast Community Innovation Center and Pool that was approved in the BOB 2 (Building on Basics) ballot measure in 2015.

6. Items Relating to the Completion of the 2021 Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing and Community Development Activities Utilizing Funds from the Federal Community Development Block Grant (CDBG) Program, Federal HOME Investment Partnerships (HOME) Program, the City's Affordable Housing Fund (AHF) and the City's Human Services Program (HSP), and Appropriating Funding Accordingly.

THIS ITEM HAS BEEN AMENDED TO REVISE THE NUMBERS INDICATED ON PAGE 3.

- A. Public Hearing and Resolution 2021-062 Approving the Programs and Projects that Will Receive Funds from the Federal Community Development Block Grant Program, the HOME Investment Partnerships Program, the City's Affordable Housing Fund, and the City's Human Services Program.
- B. Public Hearing and First Reading of Ordinance No. 076, 2021, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund.
- C. Public Hearing and First Reading of Ordinance No. 077, 2021, Appropriating Unanticipated Revenue in the HOME Investment Partnerships Program.

The purpose of this item is to approve funding recommendations of the 2021 Spring Cycle of the Competitive Process and appropriate federal dollars.

Resolution 2021-062 will complete the 2021 Spring Cycle of the Competitive Process for allocating \$4,103,056 in City financial resources to affordable housing and public facility projects, human service programs and administration of the programs.

Ordinance No. 076, 2021 and Ordinance No. 077, 2021 appropriate the City's FY2021 Community Development Block Grant (CDBG) Entitlement Grant and FY2021 Home Investment Partnerships Program (HOME) Participating Jurisdiction Grant from the Department of Housing and Urban Development (HUD), and CDBG program income from FY2019 & FY2020 and HOME Program Income from FY2019 & FY2020.

7. First Reading of Ordinance No. 078, 2021, Approving Emergency Rule and Regulation No. 2021-01 Permitting Utility Billing Payment Plans for Past Due Amounts on Terms Other Than Those Set Forth in the Fort Collins Municipal Code and Enacted by the City Manager Pursuant to the Local COVID-19 Emergency.

The purpose of this item is to approve Emergency Rule and Regulation No. 2021-01 enacted by the City Manager in response to resuming normal utility business operations after the COVID-19 pandemic. Emergency Rule and Regulation No. 2021-01 suspends the “full-payment” of outstanding balances requirement of City Code Section 26-713(e) and will allow customers to enter a payment plan to have utility services restored immediately upon payment of a portion of their outstanding balances. The Ordinance also expressly suspends that Code Section.

Section 2-671(a)(6)(a) of the City Code provides that emergency rules and regulations must be confirmed at the earliest practical time by the Council. This Ordinance seeks Council’s approval and ratification of Emergency Rule and Regulation No. 2021-01. By enacting this Ordinance ratifying Regulation No. 2021-01, the City’s Utility billing will begin a transition back to normal business practices, as defined by Section 26-713(e) of the Municipal Code which requires that any outstanding balance be paid in full before utility services are restored.

8. Resolution 2021-063 Authorizing the Assignment of the City’s Private Activity Bond Allocation for 2021 to Housing Catalyst to Finance the New Construction and Rehabilitation of Affordable Housing Units.

The purpose of this item is to support the new construction and rehabilitation of affordable housing at two connected locations in the City by assigning the City’s 2021 Allocation of Private Activity Bond (PAB) capacity to Housing Catalyst. PAB capacity is required for development projects using state or federal 4% Low-Income Housing Tax Credit financing.

9. Items Relating to Three Intergovernmental Agreements With the Colorado Department of Transportation for the Award of Settlement Funds and Funding Advancements for Surface Transportation and Economic Recovery Act (FASTER) Capital Funds.

- A. Resolution 2021-064 Authorizing the Execution of Two Intergovernmental Agreements with the Colorado Department of Transportation to Award Volkswagen Settlement Funds for Replacement Electric Vehicle and Infrastructure Purchase.
- B. Resolution 2021-065 Authorizing the Execution of an Intergovernmental Agreement with the Colorado Department of Transportation to Award Funding Advancement for Surface Transportation and Economic Recovery Act of 2009 (“FASTER”) Funds for Replacement Electric Vehicle and Infrastructure Purchase.

The purpose of this item is to authorize the execution of three intergovernmental agreements (IGAs) with the Colorado Department of Transportation (CDOT). Two of these agreements will result in the receipt of two Volkswagen Settlement awards that were applied for, and awarded, through CDOT’s Consolidated Call for Capital Projects in 2019. Additionally, Transfort annually receives the 2021 Funding Advancement for Surface Transportation and Economic Recovery Act of 2009 (“FASTER”) capital award funding. This year’s award will be used for the purchase of one alternatively fueled vehicle and one depot charger. The combined incoming funds for all awards were appropriated through the 2021 BFO cycle and are accounted for in the approved 2021 Transfort budget.

10. Resolution 2021-066 Designating Mayor Jeni Arndt to Replace Former Mayor Wade Troxell to Represent the City on the Colorado Attorney General’s Local Government Opioid Settlement Funds Stakeholder Working Group.

The purpose of this item is to appoint Mayor Jeni Arndt to the Colorado Attorney General’s Local Government Opioid Settlement Funds Stakeholder Working Group to replace former Mayor Wade Troxell.

11. Resolution 2021-067 Expressing the City Council's Support for the Fort Collins LGBTQ+ Community with a Display of Rainbow Lights at City Hall.

The purpose of this item is to express Council's support for the Fort Collins LGBTQ+ community with a display of rainbow lights at City Hall during the month of June, which is Pride month.

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

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. Guardian Self-Storage Project Development Plan Appeal. (staff: Paul Sizemore; 10 minute presentation; 60 minute discussion)

The purpose of this item is to consider an appeal of the Planning and Zoning Commission's Decision, on March 11, 2021, approving the Guardian Self-Storage Project Development Plan #PDP190020, located on the northeast corner of South College Avenue and Fossil Creek Parkway. (The Commission was previously referred to as the Planning and Zoning Board; the current name of Planning and Zoning Commission is used here to avoid confusion.) A Notice of Appeal was filed on March 25, 2021, alleging the Planning and Zoning Commission failed to conduct a fair hearing in that it substantially ignored its previously established rules of procedure regarding staff's recommendation for approval of the project and its possible impact on the decision and that the Commission's decision approving the project is inappropriate because it contradicts adopted plans and policies. The Notice of Appeal further alleged that the Commission failed to properly interpret and apply the South College Corridor Plan, Policy LU 1.4 regarding enclosed storage located away from the South College frontage, and Land Use Code (LUC) Section 3.10.2(A) regarding enclosed storage only permitted below or above ground floor level.

- **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. Motion to designate Mayor Jeni Arndt as the voting delegate for the City at the Colorado Municipal League Annual Business Meeting:

- "I move to designate Mayor Jeni Arndt as the voting delegate for the City at the Colorado Municipal League 2021 Annual Business Meeting."

- **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.