

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

Talisa (Tee) Gula-Yeast
Deputy City Clerk

Regular Meeting
June 15, 2021
(Amended 6/11/21)

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.**

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**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.*

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*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.*

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## Proclamations and Presentations

5:00 p.m.

Please note proclamation time has been moved to a new regular time.

A. Proclamation Declaring June 15, 2021 as Joe Martinez 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.

- **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 May 18, 2021 Regular meeting and the May 25, 2021 Adjourned meeting.

The purpose of this item is to approve the minutes of the May 18, 2021 Regular meeting and the May 25, 2021 Adjourned meeting.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on June 1, 2021, appropriates 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.

3. Second 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.

This Ordinance, unanimously adopted on First Reading on June 1, 2021, adopts 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.

4. First Reading of Ordinance No. 079, 2021, Making Supplemental Appropriations of a Portion of the City's American Rescue Plan Act Funding for Local Fiscal Recovery Related to Response to and Recovery From the COVID-19 Pandemic.

The purpose of this item is to appropriate \$4,217,846 (equivalent to fifteen percent) of the funds the City will receive from the American Rescue Plan Act's Coronavirus State and Local Fiscal Recovery Fund ("ARPA"). The appropriated amount will be used to address immediate and short-term needs in response to the COVID-19 public health emergency and its negative impact to our community's health, social wellbeing and economy.

5. First Reading of Ordinance No. 080, 2021, Making Supplemental Appropriations for the Restorative Justice Services Program.

The purpose of this item is to appropriate grant revenue to fund Restorative Justice Services within Community Development and Neighborhood Services. The City has received a grant in the amount of \$67,612 from the Colorado Division of Criminal Justice Juvenile Division fund for the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, the Restorative Justice Conferencing Program (RJCP), and Reflect Program for all other offenses. No match is required. The grant period is July 1, 2021, to June 30, 2022.

6. First Reading of Ordinance No. 081, 2021, Amending Section 2-34 of the Code of the City of Fort Collins to Designate the City's Website as the Proper Place for Posting of City Council Meeting Notices and Agendas.

The purpose of this item is to amend City Code to designate the proper place for the posting of all public notices and agenda materials related to Council meetings and committees as the City's website at fcgov.com.

7. First Reading of Ordinance No. 082, 2021, Amending Chapter 12 of the Code of the City of Fort Collins Regarding Smoking Materials.

The purpose of this item is to amend Chapter 12 of the City Code to reflect adopted State of Colorado House Bill (HB) actions which equate "vaping" with "smoking" and change age restrictions on selling smokable products from 18 years old to 21. It would also add a local definition of "smoking material" to clearly define what products cannot be sold to persons under 21 years of age for purposes of smoking or vaping.

8. First Reading of Ordinance No. 083, 2021, Authorizing the Conveyance of a Wastewater Easement on Larimer County Landfill Property to Larimer County.

**This item was amended to correct the location map.**

The purpose of this item is to convey a wastewater easement to Larimer County on the Larimer County Landfill property, which is co-owned by Larimer County (25%); the City of Loveland (25%); and the City of Fort Collins (50%). The easement is necessary for the construction of the future Larimer County Behavioral Health Facility on County-owned property directly to the south of the landfill. Approval by all three municipalities is required for the conveyance of the easement, because all three have an ownership interest in the property.

9. First Reading of Ordinance No. 084, 2021, Amending Chapter 24 of the Code of the City of Fort Collins to Adopt the Updated 2021 Larimer County Urban Area Street Standards by Reference.

The purpose of this item is to adopt an updated 2021 version of the Larimer County Urban Area Street Standards (2021 LCUASS). These updates occur on a periodic basis. LCUASS guides the design of both private developments and public engineering capital projects within the City and in the growth management areas of the Cities of Fort Collins and Loveland. The LCUASS are also referenced and used as part of other local jurisdictions road standards. LCUASS was originally adopted on January 2, 2001, by Ordinance No. 186, 2000.

10. Resolution 2021-068 Authorizing the Execution of the First Amendment to Intergovernmental Agreement Regarding the Renovation and Redevelopment of Tenney Court North Alley and West Oak Street Alley.

The purpose of this item is to request Council approval for the first amendment to an existing Intergovernmental Agreement (IGA) between the City of Fort Collins and the Downtown Development Authority (DDA) for renovation and redevelopment of Tenney Court North and West Oak Street Alleys. The Amendment will authorize the DDA to install Alley Enhancements on City-owned property located at 144 North Mason Street, which contains the Civic Center Parking Structure and abuts Tenney Court North Alley.

11. Resolution 2021-069 Authorizing the Execution of a Funding Agreement Between the City and Housing Catalyst for a Loan of Funds from the Affordable Housing Capital Fund for the Oak 140 Development.

The purpose of this item is to consider a Resolution authorizing the execution of a funding agreement between the City of Fort Collins and Fort Collins Housing Authority (Housing Catalyst) for a \$610,000 loan of funds from the Affordable Housing Capital Fund for the construction of the Oak 140 development project.

12. Resolution 2021-070 Authorizing the Execution of an Intergovernmental Agreement between the City of Fort Collins, Colorado, and the Colorado Department of Transportation for a Multi-Modal Option Program Grant to Fund the Purchase of Three Compressed Natural Gas Buses.

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 \$908,091 in grant funds through the Statewide Competitive Pool of the MMOF (Multi-Modal Option Program Funds) for fiscal year (FY) 2021. The MMOF grant funds will be used in part as a local match for a FY 21 Congestion Mitigation and Air Quality (CMAQ) grant of \$950,000 that Transfort was awarded in 2016. Both the MMOF and CMAQ grants were appropriated through the 2021 BFO cycle and are accounted for in the approved 2021 Transfort budget. Collectively, the two grants will fund acquisition of three Compressed Natural Gas (CNG) Buses, including local match as required.

13. Resolution 2021-071 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Planning and Zoning Commission Decision Approving the Guardian Self-Storage Project Development Plan PDP190020.

The purpose of this item is to make findings of fact and conclusions regarding the appeal of the Planning and Zoning Commission decision to approve the Guardian Self-Storage Project Development Plan. The appeal was heard by Council on June 1, 2021.

## 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. Staff Report: Linden Street Project Update (staff: Kyle Lambrecht, Brad Buckman)

B. Staff Report: Connexion Transparency Update (staff: Ginny Sawyer, Erin Shanley)

● **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. Second 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. (staff: Drew Brooks; 5 minute presentation; 10 minute discussion)

This Ordinance, adopted on First Reading on June 1, 2021 by a vote of 5-1 (Nay: Ohlson), appropriates 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.

15. Second 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. (staff: Aaron Harris; 5 minute presentation; 10 minute discussion)

This Ordinance, adopted on First Reading on June 1, 2021 by a vote of 5-1 (Nay: Ohlson), appropriates 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.

16. 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. (staff: Adam Molzer; Beth Rosen; 5 minute presentation; 10 minute discussion)
- A. Second Reading of Ordinance No. 076, 2021, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund.
- B. Second Reading of Ordinance No. 077, 2021, Appropriating Unanticipated Revenue in the HOME Investment Partnerships Program.

These Ordinances, adopted on First Reading on June 1, 2021 by a vote of 4-1 (Nay: Ohlson; Recuse: Canonico) 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.

17. First Reading of Ordinance No. 064, 2021, Appropriating Prior Year Reserves for a Municipal Immigration Legal Fund Pilot Program. (staff: Caryn Champine, JC Ward, Leo Escalante; 10 minute presentation; 60 minute discussion)

The purpose of this item is to appropriate \$250,000 in General Fund Reserves to create a Municipal Immigration Legal Fund pilot program. If approved, this appropriation would create a pilot grant program to fund local access to legal services to assist Fort Collins residents in the complex legal proceedings required to seek citizenship or to formally establish lawful presence. Grant funds would be awarded to legal service providers based on a competitive process and would be dedicated to providing defense and legal support for Fort Collins residents:

- at risk of deportation;
- children seeking Special Immigrant Juvenile Status;
- seeking pathways to citizenship and lawful presence (also known as Affirmative Cases);

and additionally, to pay for program administration, education, and outreach. The Council Finance Committee reviewed this appropriation request at its April 19, 2021, and May 24, 2021, meetings.

● **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 related to the process to fill a vacancy on the Planning and Zoning Commission and possible motion directing staff follow up:

"I move that staff advertise for and receive applications for the current vacancy on the Planning and Zoning Commission, with interviews by a Council panel to follow, in preparation for Council action to name a Commission appointee and an alternate appointee."

**OR**

"I move that staff prepare a resolution for Council consideration on [June 22, 2021 OR July 6, 2021], appointing [Kathryn Dubiel or Jerry Gavaldon] to fill the current vacancy on the Planning and Zoning Commission."

C. Consideration of a motion to go into Executive Session to discuss issues related to Broadband:

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

● **ADJOURNMENT**

A. Consideration of a motion to adjourn to 6:00 p.m. on Tuesday, June 22, 2021 for mid-year review of City Manager, City Attorney and Chief Judge:

"I move that Council adjourn this meeting to 6:00 p.m. on Tuesday, June 22, in order to consider a motion to go into executive session to conduct mid-year performance reviews of the Council's direct report employees, and for such other business as may come before the Council."

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.