

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

Tammi Pusheck
Interim City Clerk

Regular Meeting July 6, 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
5:00 p.m.**

- A. Proclamation Acknowledging Fort Collins' Award in the "Best of the Best" Water Taste Test.

**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 June 1, 2021 Regular meeting.

The purpose of this item is to approve the minutes of the June 1, 2021 Regular meeting.

2. Second 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.

This Ordinance, unanimously adopted on First Reading on June 15, 2021, appropriates \$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 well-being and economy.

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

This Ordinance, unanimously adopted on First Reading on June 15, 2021, appropriates 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.

4. Second 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.

This Ordinance, unanimously adopted on First Reading on June 15, 2021, amends 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.

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

This Ordinance, unanimously adopted on First Reading on June 15, 2021, amends 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.

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

This Ordinance, unanimously adopted on First Reading on June 15, 2021, conveys 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.

7. Second 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.

This Ordinance, unanimously adopted on First Reading on June 15, 2021, adopts 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.

8. First Reading of Ordinance No. 085, 2021, Appropriating Prior Year Reserves from the Public, Educational, and Governmental (PEG) Programming Fund in the General Fund for FC Public Media.

The purpose of this item is to appropriate \$66,844 in restricted Public, Educational, and Governmental (PEG) reserves in the General Fund to Fort Collins Public Access Network (d/b/a FC Public Media) for eligible capital expenditures for their operation.

9. First Reading of Ordinance No. 086, 2021, Appropriating Unanticipated Revenue from Philanthropic Donations Received by City Give to Support the Operations of The Gardens on Spring Creek.

The purpose of this item is to request an appropriation of \$30,000 in philanthropic revenue received through City Give for The Gardens on Spring Creek to support operations as designated by the donor, The Friends of the Gardens on Spring Creek.

10. 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 Type 2 Advisory Board and Quasi-Judicial Commission members with respect to activities that call for their recusal from matters coming before them in their decision-making capacity.

11. First Reading of Ordinance No. 087, 2021 Amending the Code of the City of Fort Collins to Correct and Clarify an Inadvertent Change to the Appeal to the City Council of Final Decisions by the Building Review Commission and the Water Commission.

The purpose of this item is to provide Council with an opportunity to decide whether certain final decisions by the Building Review Commission and the Water Commission that were appealable to City Council prior to repeal and reenactment of Chapter 2, Article II, Division 3 of the City Code (the "Appeals Code") should be reinstated.

12. Items Relating to the Northeast Frontage Road Annexation.

A. Resolution 2021-071 Setting Forth Findings of Fact and Determinations Regarding the Northeast Frontage Road Annexation.

B. Public Hearing and First Reading of Ordinance No. 088, 2021, Annexing the Property Known as Northeast Frontage Road Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to request the 100% voluntary annexation of a former frontage road that was recently vacated by Colorado Department of Transportation (CDOT). The vacated 4-acre tract of land reverted to the adjacent property owner, who is now petitioning for annexation and zoning of the property. The Initiating Resolution was adopted on May 18, 2021. The property is located within the boundary of the I-25 Corridor Plan. A related item to zone the annexed property is presented as the next item on this Agenda.

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 Agreements.

13. Public Hearing and First Reading of Ordinance No. 089, 2021, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Northeast Frontage Road Annexation to the City Of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and Lighting Context Area Map.

The purpose of this item is to zone the property included in the Northeast Frontage Road Annexation into the General Commercial (C-G) zone district and LC2 Lighting Context Area.

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 2019-064.

14. Public Hearing and First Reading of Ordinance No. 090, 2021 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for That Certain Property Known as the Northeast Prospect & I-25 Rezoning and Making Corresponding Changes to the Lighting Context Area Map and Residential Neighborhood Sign District Map.

The purpose of this item is to rezone 4.265-acres in the northeast quadrant of the I-25 and East Prospect Road interchange (parcel # 8715000009). The site is currently zoned Urban Estate (UE) and the request is for placement into the Industrial (I) zone district.

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 2019-064.

- 15. Resolution 2021-072 Approving the 2021 Certification to the Larimer County Assessor Pursuant to Colorado Revised Statutes Section 31-25-807(3)(a)(IV)(B) for the Downtown Development Authority Property Tax Increment.

The purpose of this item is to certify to the Larimer County Assessor the percentages of property tax distributions to be allocated for the Downtown Development Authority by the Assessor as tax increment from the 2021 property taxes payable in 2022 to the City and to all other affected taxing entities.

- 16. Resolution 2021-073 Approving the Appointment of Tammi Pusheck as Interim City Clerk Effective as of June 28, 2021.

The purpose of this item is to appoint Tammi Pusheck as Interim City Clerk following the resignation of City Clerk Delynn Coldiron.

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. COMMUNITY REPORT: West Nile Virus Update with Larimer County Health Director Tom Gonzales

- **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.

- 17. Second Reading of Ordinance No. 064, 2021, Appropriating Prior Year Reserves for a Municipal Immigration Legal Fund Pilot Program. (staff: JC Ward, Caryn Champine; 5 minute presentation; 30 minute discussion)

Changes to this Ordinance on second reading include: 1) clearly identifying the Immigration Legal Fund as a "Pilot Program" throughout; 2) recognizing the economic and family impacts of immigration proceeding on the Fort Collins' community; and 3) specifying metrics to be reported to Council on a quarterly basis.

This Ordinance, adopted on First Reading on June 15, 2021, appropriates \$250,000 in General Fund Reserves to create a Municipal Immigration Legal Fund pilot program. If approved, this appropriation would create a Pilot 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. In recognition of the impacts on children and the financial contributions made by the Fort Collins' immigrant community, 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. Specific metrics including number of clients served, case outcomes, number of Fort Collins' children impacted, number of days spent in deportation proceedings, and income range of clients will be reported back to Council quarterly once the Pilot Program is initiated.

18. First Reading of Ordinance No. 091, 2021, Amending Chapter 26 of the Code of the City of Fort Collins Related to Water, Wastewater and Electric Rates, Fees, and Charges Applied Under the Income-Qualified Assistance Program. (staff: Jamie Gaskill, Brian Tholl; 10 minute presentation; 30 minute discussion)

The purpose of this item is to consider a Code amendment to extend the Income-Qualified Assistance Program (IQAP) pilot rate an additional year (through 2022) and align it with the Fort Collins Utilities' rate ordinances that are considered in the fall. Additionally, this item considers Code amendments that would make administrative modifications to the program's enrollment process.

19. Resolution 2021-074 Expressing Council's Intent and Direction Regarding Remote Work Sessions. (staff: Honore Depew; 2 minute presentation; 15 minute discussion)

The purpose of this item is to adopt a Resolution expressing Council's intent and direction regarding remote work sessions. This Resolution sets a consistent expectation for the format of Council work sessions; Alternative 1 makes remote participation the default format while Alternative 2 makes in-person participation the default.

● **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 reschedule the August 3 Regular meeting to 6:00 p.m. on August 4, 2021:

"I move, pursuant to City Code Section 2-28 (a), that the August 3, 2021, Regular Council meeting be moved to Wednesday, August 4, 2021, so that Councilmembers may participate in the annual "Neighborhood Night Out" community activities that are scheduled for the evening of August 3."

- C. Consideration of a motion to cancel the August 17 Regular meeting:

"I move, pursuant to City Code Section 2-28 (a), that the August 17, 2021, Regular Council meeting be cancelled."

- **ADJOURNMENT**

- A. Consideration of a Motion to Adjourn to 8:00 p.m. on Tuesday, July 13, 2021:

“I move that this meeting be adjourned to 8:00 p.m. on Tuesday, July 13, 2021, or such time thereafter as the Council completes the work session scheduled for 6:00 p.m. that evening, for an Executive Session to discuss issues related to telecommunications services and facilities, 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.