

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 August 4, 2021 (Amended 8/2/2021)

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.**

No proclamations are scheduled.

**Regular Meeting
6:00 p.m.**

- **CALL MEETING TO ORDER**
- **PLEDGE OF ALLEGIANCE**
- **ROLL CALL**
- **AGENDA REVIEW: CITY MANAGER**
 - City Manager Review of Agenda.
 - Consent Calendar Review

This Review provides an opportunity for Council and citizens to pull items from the Consent Calendar. Anyone may request an item on this calendar be “pulled” off the Consent Calendar and considered separately.

- Council-pulled Consent Calendar items will be considered before Discussion Items.
- Citizen-pulled Consent Calendar items will be considered after Discussion Items.

- **COMMUNITY REPORT: COVID-19 Update with Tom Gonzales, Larimer County Health Director.**

- **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. Second 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.

This Ordinance, unanimously adopted on First Reading on July 6, 2021, considers 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.

2. Second Reading of Ordinance No. 092, 2021, Appropriating Unanticipated Philanthropic Revenue Received by City Give to Construct a Plaza at Sugar Beet Park for the Hand that Feeds Sculpture Project.

This Ordinance, unanimously adopted on First Reading on July 20, 2021, appropriates of \$67,850 in philanthropic revenue received by City Give for the Capital Projects Fund, Park Planning & Development, Community Services per the intent of the donors: Mujeres de Colores and the Downtown Development Authority. The funds are designated for the construction and installation of a plaza for The Hand That Feeds, a bronze sculpture commemorating Mexican and Hispanic laborers who worked the sugar beet fields of Northern Colorado, that Mujeres de Colores intends to donate to the City.

3. Second Reading of Ordinance No. 093, 2021, Appropriating Unanticipated Philanthropic Revenue Received by City Give for the Art in Public Places Program, Pianos About Town Project.

This Ordinance, unanimously adopted on First Reading on July 20, 2021, appropriates of \$45,193 in philanthropic revenue received by City Give for the Art in Public Places program in the Cultural Services and Facilities Fund. This grant award was received from Bohemian Foundation for the designated purpose of Pianos About Town, a collaborative effort among the City of Fort Collins Art in

Public Places program, the Fort Collins Downtown Development Authority, and the donor, Bohemian Foundation.

4. Second Reading of Ordinance No. 094, 2021, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Drake and College Intersection Improvements Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading, July 20, 2021, appropriates \$498,900 in Transportation Capital Expansion Fee (TCEF) Fund reserves and \$1,100 in Transportation Services Fund reserves to begin design and coordination on the Drake and College intersection (the "Intersection") improvements. This work must be done to run concurrently with several active developments within the Urban Renewal Authority (URA) plan area that are in the vicinity of the Intersection. In addition, this item will authorize the transfer of \$5,000, one percent of the appropriated funds, from the Capital Project Fund to the Cultural Services and Facilities Fund for Art in Public Places (APP).

5. Second Reading of Ordinance No. 095, 2021, Authorizing Conveyance of a Permanent Non-Exclusive Utility Easement on Property Jointly Owned by the City and the City of Loveland at the Northern Colorado Regional Airport for the Discovery Air Development.

This item has been amended to revise the Grant Utility Easement.

This Ordinance, unanimously adopted on First Reading on July 20, 2021, authorizes a permanent non-exclusive utility easement over a portion of Northern Colorado Regional Airport property owned jointly by the Cities of Fort Collins and Loveland and leased by Discovery Air, LLC, to allow for the installation and maintenance of electrical infrastructure for the new Discovery Air development.

The Grant of Utility Easement document has been revised between first and second reading at the request of the Loveland Power Department to clarify the method by which the easement legal description will be updated as utilities are constructed.

6. Second Reading of Ordinance No. 096, 2021, Amending the City's Structure Plan Map to Conform to the Rezoning of the Hughes Stadium Annexation Property to Public Open Lands.

This Ordinance, unanimously adopted on First Reading on July 20, 2021, updates the Structure Plan map to be consistent with the recent voter-directed rezoning of the Hughes Stadium property as Public Open Lands (POL). The Structure Plan map, and its associated land use designations called 'Place Types' are part of *City Plan*, the City's comprehensive plan. The Structure Plan provides a long-term framework for land use and transportation to guide growth and change. This update to the Structure Plan map eliminates the conflict with the POL zoning on the Hughes Stadium property and appropriately represents the community's land use direction.

7. Second Reading of Ordinance No. 097, 2021, Establishing the Fort Collins Tourism Improvement District.

This Ordinance, unanimously adopted on First Reading on July 20, 2021, establishes the Fort Collins Tourism Improvement District (District). The District's purpose is , "...to operate as a [tourism improvement district] charging fees to the lodging businesses included within the District to fund and provide specific tourism services and improvements for the benefit of the feepayers' lodging businesses. These services and improvements will be primarily used to increase room night sales for those lodging businesses." Council will hold a public hearing at second reading for the District on August 4, 2021, if this Ordinance passes on first reading. The petition submitted for establishing the District meets the requirements outlined in Article V of Chapter 22 of the City Code.

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** - None.
- **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.

Note: Item 12: Sam's Club Fuel Station Appeal will be taken out of order and considered at this point of the agenda.

12. Sam's Club Fuel Station Appeal. (staff: Paul Sizemore, Clark Mapes; 10 minute presentation; 2 hour hearing)

This item has been amended.

The purpose of this item is to consider an appeal of the Planning and Zoning Commission (the "Commission") decision on May 20, 2021, denying the Addition of a Permitted Use (APU) for a Sam's Club Fuel Station, which was proposed in conjunction with a development plan for a gasoline station within the parking lot of the existing Sam's Club retail membership warehouse at the southeast corner of Harmony Road and Boardwalk Drive. A Notice of Appeal was filed on June 3, 2021, alleging the Commission failed to conduct a fair hearing and failed to properly interpret and apply the Land Use Code.

On July 30, 2021, the Appellant and Applicant, Sam's Club, and the known party in opposition, Harmony Market Owner's Association, contacted the City Clerk's Office and asked for a continuance of the August 4, 2021, hearing before Council. To achieve such a continuance, after opening the public hearing on Wednesday night a Council Member will need to make a motion to continue the appeal hearing until **October 19, 2021.**

Such a continuance benefits both the City and the parties-in interest to the appeal by providing time for the parties to attempt to resolve/reduce the issues that gave rise to this appeal and may simplify some of the issues on appeal.

The following motion to continue is provided to accomplish this continuance:

"I move to continue the Sam's Club Fuel Station Appeal (MJA#200002) to October 19, 2021."

8. Items Relating to the Appointment of Interim City Manager. (staff: Teresa Roche; 5 minute presentation; 15 minute discussion)
 - A. Resolution 2021-078 Appointing an Interim City Manager.
 - B. First Reading of Ordinance No. 099, 2021, Temporarily Superseding City Code and Setting the Compensation of the Interim City Manager.

The purpose of these two items is to appoint an Interim City Manager and to set the compensation and terms of the Interim City Manager appointment.

9. Resolution 2021-079 Creating a Council Committee to Make Selection Process Recommendations to the Council, and Adopting a Plan and Target Schedule for the Recruitment and Selection of a City Manager. (staff: Teresa Roche; 5 minute presentation; 15 minute discussion)

The purpose of this item is to begin the City Manager recruitment and selection process by appointing Councilmembers to an Ad Hoc Committee known as the City Manager Selection Process Committee to develop recommendations to the Council for the recruitment and selection of a City Manager.

10. Resolution 2021-080 Expressing Gratitude and Appreciation to Darin Atteberry for His Contributions to the City and Community as City Manager.

The purpose of this item is to express gratitude and appreciation to Darin Atteberry for his contributions to the City and community as City Manager.

11. First Reading of Ordinance No. 098, 2021, Appropriating Prior Year Reserves to Allow for the Use of Contingency Capital Funding of the Broadband Build. (staff: Chad Crager, Travis Storin, David Lenz, Cyril Vidergar; 10 minute presentation; 15 minute discussion)

The purpose of this item is to appropriate prior year reserves to fund the continued build of the Broadband network. The original construction budget is approximately 85% spent through the end of June 2021. Increased boring costs, additional premises in the build area, and the construction schedule developed from the design/build framework have contributed to the need to access these funds.

13. Resolution 2021-081 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Planning and Zoning Commission's Decision (Denying/Approving) the Sam's Fuel Station Addition of a Permitted Use and Major Amendment Development Plan.

THIS ITEM HAS BEEN WITHDRAWN.

~~The purpose of this item is to make findings of fact and conclusions regarding the appeal of the Planning and Zoning Commission's decision to deny the Sam's Fuel Station Addition of a Permitted Use and Major Amendment Development Plan. The appeal was heard by Council on August 4, 2021.~~

- **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.)

- **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.