



Jeni Arndt, Mayor
 Emily Francis, 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

Kelly DiMartino
 Interim City Manager

Tammi Pusheck
 Interim City Clerk

Regular Meeting September 7, 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 Declaring September 7, 2021 as Housing Catalyst Day.
- B. Proclamation Declaring September 18, 2021 as Historic Homes Tour 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, 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 July 6, July 20 and August 4 Regular Meetings and the July 26 Adjourned Meeting.

The purpose of this item is to approve the minutes of the July 6, July 20 and August 4 Regular meetings and the July 26 Adjourned meeting.

2. Second Reading of Ordinance No. 098, 2021, Appropriating Prior Year Reserves for Use as Contingency Capital Funding of the Broadband System Construction.

This Ordinance, unanimously adopted on First Reading on August 4, 2021, appropriates prior year reserves to fund the continued build of the Broadband system. 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.

3. Second Reading of Ordinance No. 099, 2021, Temporarily Superseding City Code and Setting the Compensation of the Interim City Manager.

This Ordinance, unanimously adopted on First Reading on August 4, 2021, to sets the compensation and terms of the Interim City Manager appointment.

4. First Reading of Ordinance No. 100, 2021, Appropriating Prior Year Reserves and Authorizing a Transfer in the General Fund for the March 2021 Snowstorm Tree and Branch Cleanup.

The purpose of this item is to appropriate \$306,819 in General Fund reserves to cover the unanticipated costs associated with the tree and branch cleanup from the March 13-14 spring snowstorm to various City funds. This appropriation request will be used for the direct costs associated with the cleanup effort but not covered in the operating budget. This includes personnel overtime,

contractor costs, equipment rental and branch drop off site charges that are uniquely and directly related to the snowstorm cleanup.

5. First Reading of Ordinance No. 101, 2021, Appropriating Philanthropic Revenue Received Through City Give for Active Modes to Address the Needs of Populations Disproportionately Harmed by the Impacts of COVID-19.

The purpose of this item is to request an appropriation of \$50,000 in philanthropic revenue received through City Give for Active Modes in the FC Moves Department. A 'Streets for Pandemic Response and Recovery' grant has been awarded and designated by the National Association of City Transportation Officials ("NACTO"), in partnership with Bloomberg Philanthropies, to address the needs of populations disproportionately harmed by COVID-19's public health, social, and economic impacts through community-based partnerships to spark physical or operational changes to public space.

6. First Reading of Ordinance No. 102, 2021, Appropriating Philanthropic Revenue Received Through City Give for Neighborhood Services to Support Healthy Outcomes for Mobile Home Park Residents' Homes and Personal Wellbeing.

The purpose of this item is to appropriate \$23,166.32 in philanthropic revenue in the General Fund for use by the City's Neighborhood Services department.

Neighborhood Services has been awarded a grant of \$23,166 through the 2021 AARP Community Challenge with the designated intent to support healthy outcomes for residents' homes and personal wellbeing through an October 2021 resource fair and community cleanup at two locations: North College and Skyline mobile home communities.

7. First Reading of Ordinance No. 103, 2021, Appropriating Unanticipated Shuttered Venue Operators Grant Revenue in the Cultural Services & Facilities Fund for the Lincoln Center.

The purpose of this item is to appropriate unanticipated grant revenue in the Cultural Services & Facilities Fund for the Lincoln Center operations. This appropriation includes \$1,243,768 of grant revenues awarded on July 15, 2021, provided by the federal government through the Small Business Administration to support personnel or business expenses.

8. Items Related to Local Marijuana Codes.

- A. First Reading of Ordinance No. 104, 2021, Amending Chapter 15, Article XVI of the Code of the City of Fort Collins Regulating Medical Marijuana Businesses to Update, Clarify and Align City Code with State Law.

- B. First Reading of Ordinance No. 105, 2021, Amending Chapter 15, Article XVII of the Code of the City of Fort Collins Regulating Retail Marijuana Businesses to Update, Clarify and Align City Code with State Law.

The purpose of these items is to update and align two City marijuana Code provisions with state law at the request of the industry. Since the adoption of local marijuana regulations in 2010 and 2012, many City requirements are now covered in state law. There are also minor differences that if aligned will be more easily communicated for public awareness and licensing enforcement. Further, staff recommends two other changes to City Code to address additional local control and social equity concerns regarding access to the legal marijuana industry.

9. First Reading of Ordinance No. 106, 2021, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements for the North Mason Stormwater Project and the North Mason Street Alignment from Alpine Street to Hickory Street.

The purpose of this item is to obtain authorization from City Council to use eminent domain, if deemed necessary, to acquire property interests needed to construct improvements from Alpine Street to

Hickory Street for the North Mason Stormwater Project and the North Mason Street alignment.

10. Items Related to the Disconnection of the Poudre School District Prospect Middle and High School Site from the City of Fort Collins.

- A. First Reading of Ordinance No. 107, 2021 Disconnecting Certain Poudre School District Property Located at the Intersection of East Prospect Road and Larimer County Road 5 From the Territory of the City of Fort Collins.
- B. First Reading of Ordinance No. 108, 2021 Approving the Eighth Amendment to the Fort Collins-Timnath Intergovernmental Agreement Regarding Cooperation on Annexation, Growth Management, and Related Issues.

The purpose of this item is to process a request from the Poudre School District to disconnect (de-annex) the Prospect Middle/High School Site from the City of Fort Collins so that it can be annexed into the Town of Timnath. Included in this item are the following actions:

(1) Disconnection of the Prospect Middle/High School property from the Fort Collins City Limits. This Ordinance would not take effect until the Town of Timnath has approved annexation of the property.

(2) Amend the City's intergovernmental agreement with the Town of Timnath regarding cooperation on annexation, growth management and related issues. The amendment would allow for Timnath to annex the property into their municipal limits despite the property's location within the Fort Collins Growth Management Area.

11. First Reading of Ordinance No. 109, 2021, Designating the Thomas Property, 308 Cherry Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to request City Landmark designation for the property at 308 Cherry Street. In cooperation with the property owner, City staff and the Historic Preservation Commission have determined the property to be eligible for designation under Standard 1, Events/Trends for the property's association with Black/African American history in Fort Collins. The owner is requesting designation, which will provide protection of the property's exterior and access to financial incentives for historic property owners. If designated, this would be the first property in Fort Collins to be recognized and protected for association with Black/African American history.

12. Items Related to Golf Professionals and Concessionaire Agreements.

- A. First Reading of Ordinance No. 110, 2021, Authorizing the Purchasing Agent to Enter into a Contract for Services, Professional Services and/or Construction in Excess of Five Years for the Golf Professional at Collindale Golf Course.
- B. First Reading of Ordinance No. 111, 2021, Authorizing the Purchasing Agent to Enter into a Contract for Services, Professional Services and/or Construction in Excess of Five Years for the Golf Professional at Southridge Golf Course.
- C. First Reading of Ordinance No. 112, 2021, Authorizing the Purchasing Agent to Enter into a Contract for Services, Professional Services and/or Construction in Excess of Five Years for the Food and Beverage Concession at Southridge Golf Course.

The purpose of this item is to authorize the Purchasing Agent, pursuant to City Code Section 8-186(a), to enter into contracts greater than five years in length for the Golf Professionals at Collindale and Southridge Golf Courses and to extend the contract for the Food and Beverage Concession at

Southridge Golf Course. These three contracts were originally awarded by competitive purchasing processes in accordance with City Code Section 8-158, Competitive sealed proposals. The contracts for the Golf Professionals include a provision for the City to extend the contracts for up to an additional five years, subject to Council approval. Extending the contracts for the Golf Professionals at these two golf courses and the Food and Beverage Concession at Southridge Golf Course is in the City's best interest.

13. Resolution 2021-082 Approving the Execution of the Fourth Amended Intergovernmental Agreement of the Establishment of the Larimer Emergency Telephone Authority.

The purpose of this item is to approve an agreement to modify, amend and supersede an intergovernmental agreement concerning the implementation of an "E911" Emergency Telephone Service. The City is a party to an Intergovernmental Agreement (the "E-911 IGA") dated November 14, 1990, which established a separate legal entity called the Larimer Emergency Telephone Authority ("LETA"). LETA is responsible for administering the operation of the emergency telephone service program (911) and defining how each of the parties will participate in the Authority. On June 2, 2021, the LETA Board of Directors approved an agreement to modify, amend and supersede the original E-911 IGA, as last amended by the (2009) Third Amendment to the IGA. This Resolution approves the execution of the Fourth Amended Intergovernmental Agreement of the Establishment of the Larimer County Emergency Telephone Authority (the Fourth Amended IGA).

14. Resolution 2021-083 Setting the Dates of the Public Hearings on the 2022 Proposed City of Fort Collins Budget.

The purpose of this item is to set two public hearing dates for the proposed 2022 budget that the City Manager has filed with the City Clerk pursuant to Section 2 of City Charter Article V. Section 3 of City Charter Article V requires Council to set a date for a public hearing on the proposed budget and to cause notice of the hearing to be published. This Resolution sets two public hearing dates for Council's regular meeting on September 21, 2021, and its regular meeting on October 5, 2021. The Resolution also directs the City Clerk to publish the notice of these two hearings, which notice is attached as Exhibit "A" to the Resolution.

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**

Volunteer Services Update (Sue Schafer)

Code Compliance Update (Justin Moore)

● **COUNCILMEMBER REPORTS**

● **CONSIDERATION OF COUNCIL-PULLED CONSENT ITEMS**

● **DISCUSSION ITEMS - No items are scheduled for Discussion.**

● **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.