



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 October 5, 2021

*Spanish interpretation is available at this meeting using the following Zoom link:
Interpretación en español está disponible en esta reunión usando el siguiente enlace de Zoom:
<https://zoom.us/j/98241416497>*

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 (VTDD: 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 (VTDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

A) Proclamations and Presentations

5:00 p.m.

- A. Proclamation Declaring October as Conflict Resolution Month.
- B. Proclamation Declaring October as Local Literary Arts Month.
- C. Proclamation Declaring October as National Disability Employment Awareness Month.
- D. Proclamation Declaring October as CyberSecurity Month.
- E. Proclamation Declaring the Week of October 3-9 as Public Power Week.

Regular Meeting

6:00 p.m.

B) PLEDGE OF ALLEGIANCE

C) CALL MEETING TO ORDER

D) ROLL CALL

E) 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.

F) OPPORTUNITY FOR COUNCILMEMBERS TO PULL CONSENT CALENDAR ITEMS (COUNCIL-PULLED CONSENT ITEMS will be considered *before* Discussion Items.)

G) OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO PULL CONSENT CALENDAR ITEMS (PUBLIC-PULLED CONSENT ITEMS will be considered *after* Discussion Items.)

H) 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.]

I) PUBLIC COMMENT FOLLOW-UP

J) 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 September 7 and September 21 Regular Meetings.

The purpose of this item is to approve the minutes of the September 7 and September 21 Regular meetings.

2. Items Pertaining to the Annual Adjustment Ordinance.

- A. Second Reading of Ordinance No. 113, 2021, Making Supplemental Appropriations in and Authorizing Transfers of Appropriations from Various City Funds.
- B. Second Reading of Ordinance No. 114, 2021, Appropriating Prior Year Reserves in Various City Funds.

These Ordinances, unanimously adopted on First Reading on September 21, 2021, appropriate dedicated and additional revenues or prior year reserves that need to be appropriated before the end of the year to cover related expenses that were not anticipated, and therefore, not included in the 2021 annual budget appropriation. The additional revenue is primarily from fees, charges for service, rents, contributions, donations, and grants that have been paid to City departments to offset specific expenses.

3. Second Reading of Ordinance No. 115, 2021, Appropriating Prior Year Reserves and Making Supplemental Appropriations in the Natural Areas Fund for Bobcat Ridge Natural Area Dump Clean-up Not Included in the 2021 Adopted City Budget.

This Ordinance, unanimously adopted on First Reading on September 21, 2021, appropriates \$1,388,000 in 2021 unanticipated revenues and reserves in the Natural Areas Fund to clean-up the dump at Bobcat Ridge Natural Area to protect the natural area and as required by Colorado Department of Public Health and Environment. Reserves and unanticipated revenues need to be appropriated into the budget before they can be used. This Ordinance appropriates \$1,000,000 in unanticipated 2021 dedicated sales tax revenues and \$388,000 in reserves in the Natural Areas Fund for use in 2021 for clean-up of the dump at Bobcat Ridge Natural Area.

4. Second Reading of Ordinance No. 116, 2021, Making a Supplemental Appropriation of Grant Funds to Apply Toward the Purchase of an Electric Street Sweeper and Charging Station.

This Ordinance, unanimously adopted on Second Reading on September 21, 2021, appropriates \$275,373 of unanticipated grant revenue in the Equipment Fund as funding support for the July 2021 purchase of an electric street sweeper and charging station.

5. Second Reading of Ordinance No. 117, 2021, Making Supplemental Appropriations for the Debt Service Payment for the Northern Colorado Drug Task Force Facility.

This Ordinance, unanimously adopted on First Reading on September 21, 2021, appropriates unanticipated revenue in the amount of \$67,487 in the General Fund to pay for the debt service on the Northern Colorado Drug Task Force Building.

6. Second Reading of Ordinance No. 118, 2021, Making Supplemental Appropriations, Appropriating Prior Year Reserves, and Authorizing Transfers of Appropriations for the Siphon Overpass Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on September 21, 2021, enables the City to receive and expend Multimodal Options Fund (“MMOF”) grant funds from the Colorado Department of Transportation (“CDOT”), to appropriate those funds and Transportation Capital Expansion Fee (“TCEF”) Fund reserves for the Siphon Overpass Project (the “Project”), and to appropriate Transportation Services Fund reserves to satisfy the City’s Art in Public Places (“APP”) program contribution requirements. These funds will be used to design and construct a trail overpass spanning the existing railroad tracks near the southeast corner of the Willow Springs neighborhood, and to satisfy the APP contribution requirements via a transfer of \$5,050 from the Project to the Cultural Services and Facilities Fund.

7. Items Relating to Updates to Fort Collins Utilities Water Supply Requirements.

- A. Second Reading of Ordinance No. 119, 2021 Amending Chapter 26 of the Code of the City of Fort Collins to Make Various Changes to the Requirements and Fees for Water Service.
- B. Second Reading of Ordinance No. 120, 2021 Making Various Amendments to the City of Fort Collins Land Use Code Regarding Landscape Water Use.

These Ordinances, unanimously adopted on First Reading on September 21, 2021, adopt changes to Fort Collins Utilities (Utilities) Water Supply Requirements (WSR) calculations. Updates require changes to Chapter 26 of City Code and Section 3.2.1 of the Land Use Code (LUC). The goals of these changes include increasing the precision and equity of the calculations, while encouraging water efficient designs in developments by accounting for more development site characteristics (e.g., business type, landscape type) when calculating WSRs.

8. First Reading of Ordinance No. 124, 2021, Appropriating Philanthropic Revenue Received by City Give for the Golf Division's Youth Golf Scholarship Fund.

The purpose of this item is to appropriate \$7,500 in philanthropic revenue received from Ted and Marguerite Garfield by City Give for the Golf Division's Youth Golf Scholarship Fund. The designated purpose of the gift is to generate enthusiasm, increase access, and promote participation in the game of golf among junior golfers (ages 17 and under) in the local community through City golf courses.

9. First Reading of Ordinance No. 126, 2021, Amending Chapter 25 of the Code of the City of Fort Collins Relating to Sales and Use Tax to Advance Gender Equity.

The purpose of this item is to establish an exemption from the City's sales and use tax for menstrual care products, which is one of the 2021-2023 Council priorities to advance gender equity in the City's Sales Tax Code.

10. First Reading of Ordinance No. 127, 2021, Amending Certain Sections of Chapter 25 of the Code of the City of Fort Collins Relating to the Imposition, Collection and Enforcement of the City's Sales and Use Tax and Requiring Marketplace Sellers and Marketplace Facilitators to Collect Lodging Tax.

The purpose of this item is to amend four sections in Chapter 25 of the City Code to provide clarification of certain enforcement mechanisms for untimely or deficient sales and use tax returns, and to establish that marketplace sellers and marketplace facilitators are required to collect and remit the City's lodging tax.

11. First Reading of Ordinance No. 128, 2021, Amending Chapter 26 of the Code of the City of Fort Collins to Make Various Updates Regarding the Wastewater Utility Pretreatment Program.

The purpose of this item is to gain approval for recommended Wastewater City Code updates for industrial discharges because of a U.S. Environmental Protection Agency ("EPA") approved local limits study. Second reading is scheduled for November 16, 2021 to permit a 30-day period for public comment.

12. First Reading of Ordinance No. 129, 2021, Designating the Portner Property, 201 South Loomis Avenue, 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 landmark designation for the property at 201 South Loomis Avenue. In cooperation with the property owner, staff and the Historic Preservation Commission have determined the property to be eligible for designation under Standard 3, Design/Construction for the property's significance as a strong example of Free Classic Queen Anne architecture in the Loomis Addition. The owner is requesting designation, which will protect the property's exterior and access to financial incentives for historic property owners.

13. First Reading of Ordinance No. 130, 2021, Adopting the City's Wireless Telecommunications Master Plan as an Element of City Plan.

The purpose of this item is to seek adoption of the Wireless Telecommunications Master Plan (the "Plan") to address the growing demand for wireless service in the community and align local policies and regulations to be subsequently adopted with community preferences and recent state and federal legislation. The Plan provides goals, policies, and implementation strategies to inform recommended updates to the City's Land Use Code and administrative policies to ensure the community can be more strategic during the review of new wireless communication infrastructure.

14. First Reading of Ordinance No. 131, 2021, Vacating Portions of Stuart Street Right-of-Way, and Vacating All of Alabaster Court and Coromandel Circle Rights-of-Way, all as Dedicated on The Pulse P.U.D. Filing One.

The purpose of this item is to vacate portions of Stuart Street right-of-way and vacate all Alabaster Court and Coromandel Circle rights-of-way that were originally intended to be built in connection with the Pulse P.U.D. Filing One development. Pulse P.U.D. Filing One would have extended Stuart Street from its current termination west of Shields Street into its development but was never constructed and has since expired. With the approval of The Quarry by Watermark project in place of Pulse P.U.D. Filing One, private roadways instead of public streets would be constructed, no longer requiring the street rights-of-way.

15. Resolution 2021-90 Authorizing Execution of Adoption Agreements to Finalize Plan Changes to the 457(b) Deferred Compensation Plan and Service Directors' and Council Employees' Plan 401(a) Plan.

The purpose of this item is to seek Council authorization to execute updated adoption agreements of the 457(b) Deferred Compensation Plan and the 401(a) Service Directors' and Council Employees' Plan. Council is asked to consider and approve the updated adoption agreements prepared by Nationwide Retirement Solutions, Inc. on behalf of the City.

16. Resolution 2021-091 Adopting the Recommendations of the Council Committee Regarding the Recruitment and Selection of a City Manager.

The purpose of this item is to review and consider the ad hoc Council Committee's recommendations regarding the recruitment and selection of a City manager. Council will consider adoption of a plan and schedule for City Manager recruitment and selection process.

17. Resolution 2021-092 Making an Appointment to the Land Conservation and Stewardship Board.

This item has been amended to update the beginning and expiration date of the term.

The purpose of this item is to fill a vacancy on the Land Conservation & Stewardship Board due to the resignation of Kelly Ohlson upon his election to City Council.

END CONSENT

VOTE ON CONSENT CALENDAR

K) CONSENT CALENDAR FOLLOW-UP

This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.

L) STAFF REPORTS - None

M) COUNCILMEMBER REPORTS

N) CONSIDERATION OF CITY MANAGER AND COUNCIL-PULLED CONSENT ITEMS

O) 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.

18. Public Hearing #2 on the 2022 Recommended Budget for the City of Fort Collins. (staff: Kelly DiMartino, Travis Storin, Lawrence Pollack; no presentation; 45 minute discussion)

This is the second public hearing on the City Manager's 2022 Recommended Budget (the "2022 Budget") for the City of Fort Collins. The purpose of this public hearing is to gather public input on the 2022 Budget. The first public hearing was conducted at Council's Tuesday, September 21, 2021, regular meeting. Both hearings were set by Council adoption of Resolution 2021-083 at its September 7, 2021, meeting. The 2022 Budget can be reviewed at the City Clerk's Office by appointment only and online at fcgov.com/budget.

19. Items Relating to Updated Council Meeting Rules and Procedures. (staff: Ginny Sawyer, Tammi Pusheck, Carrie Daggett; 5 minute presentation; 15 minute discussion)

- A. First Reading of Ordinance No. 132, 2021, Amending Article II, Division 2 of Chapter 2 of the Code of the City of Fort Collins Pertaining to the Conduct of City Council Meetings.
- B. Resolution 2021-093, Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

The purpose of this item is to update the Rules of Procedure for Council meetings and work sessions to simplify and update meeting procedures, to modify provisions for removal and consideration of items from the consent calendar and to clarify when the use of remote technologies is permitted.

20. Resolution 2021-094 Establishing a New Standing Council Committee Known as the Compensation Policy Committee. (staff: Teresa Roche; 10 minute presentation; 20 minute discussion)

The purpose of this item is to establish a standing Compensation Policy Committee to review, discuss and recommend the total compensation strategy for Council's direct reports, review high-level total compensation policy matters for the City organization, particularly with respect to matters that bear directly on budgetary and financial decisions of the Council; and learn more about the comparative market for and evaluate the compensation paid under the City Charter to members of Council. The Resolution also appoints the members of the Committee, to be determined by Council.

21. Resolution 2021-095 Recognizing and Expressing Gratitude to City Employees for Delivering Exceptional City Service to the Community During a Pandemic and Nearby Forest Fires and Authorizing a One-Time Payment to Eligible City Employees. (staff: Kelly DiMartino; Teresa Roche; 10 minute presentation; 20 minute discussion)

The purpose of this item is to recognize and express gratitude to all eligible City employees in the form of a one-time payment.

22. Mountain Ridge Farms HOA Appeal of Excess Water Use Surcharge. (Staff: Wendy Serour, Gretchen Stanford; 1 hour estimated total time)

The purpose of this item is to consider the “on the record” appeal of the Mountain Ridge Farm Homeowners Association (HOA), brought by the HOA’s property manager Touchstone Property Management (Touchstone), regarding Fort Collins Utilities’ (Utilities) decision (final decision, dated July 9, 2021), upholding the application of the Excess Water Use Surcharge (surcharge) to one of the HOA’s sprinkler accounts, located at 1103 Wabash Street for water use in 2020. The appeal was filed on July 23, 2021.

P) CONSIDERATION OF PUBLIC-PULLED CONSENT ITEMS

Q) 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.)

R) 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.