

July 18, 2017

**COUNCIL OF THE CITY OF FORT COLLINS, COLORADO**

**Council-Manager Form of Government**

**Regular Meeting – 6:00 PM**

● **ROLL CALL**

PRESENT: Martinez, Stephens, Overbeck, Cunniff, Horak

ABSENT: Summers, Troxell

Staff Present: Atteberry, Daggett, Winkelmann, Knoll

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry stated a discussion regarding a possible Charter amendment that would modify the types of cases heard by Municipal Court will be discussed under Other Business.

● **CITIZEN PARTICIPATION**

Eric Sutherland discussed the Municipal Court item added to Other Business and stated the City does not understand the mechanics of being a home rule city.

Gavin Kaszynski, Associates in Family Medicine Chief Financial Officer, announced the opening of the CSU Health and Medical Center. He discussed the value of the Center as a community resource and announced the open house.

Debra James opposed changes to Transfort routes 6 and 12.

Nadine Dirksen supported adoption of the Community Trust Ordinance.

Sarah Wernsing supported adoption of the Community Trust Ordinance.

Frances Gaebler supported adoption of the Community Trust Ordinance.

Nathan Howard supported adoption of the Community Trust Ordinance.

Kimberly Baker-Medina, immigration attorney, supported adoption of the Community Trust Ordinance.

Kevin Cross, Fort Collins Community Action Network, supported adoption of the Community Trust Ordinance.

Kelly Connor supported adoption of the Community Trust Ordinance.

Olivia Brown-Fisher supported adoption of the Community Trust Ordinance.

Nevan Mandel supported adoption of the Community Trust Ordinance.

● **CITIZEN PARTICIPATION FOLLOW-UP**

Mayor Pro Tem Horak requested staff input regarding the Transfort routes mentioned by Ms. James. Jeff Mihelich, Deputy City Manager, replied no changes are planned for routes 6 and 12 this year.

Mayor Pro Tem Horak requested staff input regarding the Community Trust Ordinance. He noted the staff report has been released and asked when a recommendation will come forward. Jackie Kozak-Thiel, Chief Sustainability Officer, stated staff has received direction from the Leadership Planning Team to draft a resolution for Council consideration, which could occur in August. Mihelich replied staff will prepare a memorandum for Council consideration which includes potential recommendations from the City Manager's Office, including a draft resolution.

Kozak-Thiel stated staff has researched other cities' resolutions and the next step will involve getting feedback from Council regarding the report.

Councilmember Cunniff stated he wants to ensure a public and transparent process.

● **CONSENT CALENDAR**

A citizen withdrew Item No. 11, *First Reading of Ordinance No. 098, 2017, Annexing the Property Known as the Blehm-Homestead Annexation to the City of Fort Collins, Colorado*, from the Consent Agenda.

Councilmember Cunniff made a motion, seconded by Councilmember Overbeck, to adopt and approve all items not withdrawn from the Consent Agenda.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Bob Overbeck, District 1
<b>AYES:</b>	Martinez, Stephens, Overbeck, Cunniff, Horak
<b>ABSENT:</b>	Summers, Troxell

1. **Second Reading of Ordinance No. 085, 2017, Appropriating Prior Year Reserves in the Natural Areas Fund for the Purpose of Land Conservation, Public Improvements and Related Natural Areas Programming Not Included in the 2017 Adopted City Budget. (Adopted)**

This Ordinance, unanimously adopted on First Reading on July 5, 2017, appropriates \$10,790,000 in prior year reserves and unanticipated revenues in the Natural Areas Fund for the purpose of land conservation, construction of public improvements, restoration of wildlife habitat and other Natural Area Department programs to benefit the citizens of Fort Collins.

2. **Second Reading of Ordinance No. 086, 2017, Appropriating Prior Year Reserves in the General Fund for Transfer to Various City Funds for Tree and Branch Cleanup Expenses. (Adopted)**

This Ordinance, unanimously adopted on First Reading on July 5, 2017, appropriates \$143,563 in General Fund reserves to cover the unanticipated costs associated with the tree and branch cleanup from the May 18 and 19 spring snowstorm to various City funds. This appropriation request will be used for the incremental costs (direct costs) associated with the cleanup effort but not covered in the operating budget. This includes personnel overtime and planned "work for other departments" costs

that cannot be recouped, as well as other incremental costs associated with contractors, equipment rental, fuel, etc. that are uniquely and directly related to the snowstorm cleanup.

3. **Second Reading of Ordinance No. 087, 2017, Authorizing the Release of a Collateral Assignment of Note and Deed of Trust which Secures Performance of Certain Obligations Related to the 1999 Restoration of the Northern Hotel. (Adopted)**

This Ordinance, unanimously adopted on First Reading on July 5, 2017, authorizes the release of a collateral assignment of the Note and Deed of Trust made by Funding Partners/NDC, in favor of the City of Fort Collins which secures performance obligations contained within the Northern Hotel Restoration Agreement, dated November 15, 1999. The release of the collateral assignment is requested by the property owner, an affiliate of Funding Partners and the National Development Council, in order to facilitate the sale and transfer of ownership of the Northern Hotel to an affiliate of Hendricks Communities LLC, an affordable housing developer with a strong local presence.

4. **Second Reading of Ordinance No. 089, 2017, Authorizing the Conveyance of an Amended Access Easement and a Utility Easement on City-Owned Property at Gustav Swanson Natural Area to Public Service Company of Colorado in Exchange for the Dedication of Land for Trail Purposes. (Adopted)**

This Ordinance, unanimously adopted on First Reading on July 5, 2017, authorizes conveyance of a utility easement and an amended access easement to Public Service Company on Gustav Swanson Natural Area. Public Service Company provides natural gas service to a large portion of Fort Collins residents from a downtown regulator station along the Poudre River. The City has asked Public Service to realign its access easement to the regulator station and formalize its utility easements as part of the pending Whitewater Park project. Public Service is also dedicating almost 2,000 square feet of land for trail purposes.

5. **Second Reading of Ordinance No. 090, 2017, Reappropriating Funds Previously Appropriated in 2016 But Not Expended and Not Encumbered in 2016. (Adopted)**

This Ordinance, unanimously adopted on First Reading on July 5, 2017, reappropriates 2016 appropriations authorized by City Council that lapsed at the end of 2016. The authorized expenditures were not spent or could not be encumbered in 2016 because:

- there was not sufficient time to complete bidding in 2016 and, therefore, there was no known vendor or binding contract as required to expend or encumber the monies
- the project for which the dollars were originally appropriated by Council could not be completed during 2016 and reappropriation of those dollars is necessary for completion of the project in 2017
- to carry on programs, services, and facility improvements in 2017 with unspent dollars previously appropriated in 2016.

6. **First Reading of Ordinance No. 091, 2017, Appropriating Unanticipated Revenue Relating to a Federal Emergency Management Agency Grant for Acquisition and Remediation of Property Adjoining the Downtown Whitewater Park Area. (Adopted)**

The purpose of this item is to appropriate a \$232,509 Federal Emergency Management Agency (FEMA) grant. The total budget approved by FEMA is \$265,725 which includes \$33,216 that has been previously appropriated by the City. The funds will pay for the acquisition and remediation of a property adjoining the downtown whitewater park area.

7. **First Reading of Ordinance No. 094, 2017, Amending Part 18 of the Fort Collins Traffic Code Regarding the Towing and Impounding of Vehicles on Public Rights-of-Way. (Adopted)**

The purpose of this item is to amend the Traffic Code to allow for the immediate removal and impoundment of vehicles on public streets and alleys as a means of enforcing violations to the

Residential Parking Permit Program (RP3) for Colorado State University (CSU) major stadium events. The Code change would also allow the City to create new tow-away zones, if needed in the future.

8. **First Reading of Ordinance No. 095, 2017 Amending Section 19-65 of the Code of the City of Fort Collins Regarding the Citation Procedure for Civil Infractions to Include an Exception for Parking on Yards. (Adopted)**

The purpose of this item is to consider an Ordinance that allows for immediate ticketing for parking on yards during Colorado State University (CSU) game days and major stadium events.

9. **First Reading of Ordinance No. 096, 2017, Calling a Special Municipal Election To Be Held In Conjunction With the November 7, 2017 Larimer County Coordinated Election. (Adopted)**

The purpose of this item is to call a Special Municipal Election to be held in conjunction with the November 7, 2017 Larimer County Coordinated Election, and to preserve the opportunity for Council to place initiated or referred issues on the November ballot. If Council decides to place any measures on the ballot relating to Charter amendments, it would need to do so no later than August 29 in order to meet statutory requirements for publication. If Council does not take action by ordinance or resolution before the statutory deadline (September 8) to certify ballot language to Larimer County, the election will be cancelled and the provisions of this Ordinance will be of no further force and effect.

This Ordinance does not submit a specific measure to the November 7, 2017 ballot. Adoption of this Ordinance is a required step in preserving the option for City Council to submit any ballot measures that Council may desire, at the November 7, 2017 Coordinated Election.

10. **First Reading of Ordinance No. 097, 2017, Vacating a Portion of Lincoln Avenue Right-of-Way Dedicated on the Fort Collins Original Town Plat Dated January 17, 1873, with the Reservation of a Drainage and Utility Easement. (Adopted)**

The purpose of this item is to vacate a portion of Lincoln Avenue that is no longer necessary or desirable to retain for street purposes. During the design process for the Lincoln Corridor Improvements Project - Phase I, it was determined that there was a portion of right-of-way that was no longer necessary to retain. The request to vacate was made by the City of Fort Collins Engineering Department.

11. **First Reading of Ordinance No. 099, 2017, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Blehm-Homestead Annexation to the City of Fort Collins, Colorado and Approving Corresponding Changes to the Sign District Map. (Adopted)**

*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 2017-017.*

The purpose of this item is to zone the property included in the Blehm-Homestead enclave annexation into the Urban Estate (UE), zone district and Residential Neighborhood Sign District.

12. **Resolution 2017-066 Finding Substantial Compliance and Initiating Annexation Proceedings for the Newton First Annexation. (Adopted)**

The purpose of this item is to initiate annexation proceedings for the Newton First Annexation. This is a voluntary annexation. The applicants, Jim and Diana Newton, have submitted a written petition requesting two sequential annexation tracts. Newton First Annexation is the first Resolution of this series of sequential annexations, for a total of 1.4463 acres. Newton First Annexation is located at 1516 West Vine Drive just east of Lincoln Middle School. The requested zoning for this annexation is

Urban Estate (UE), which is in compliance with the City of Fort Collins Structure Plan and the Northwest Subarea Plan.

13. **Resolution 2017-067 Finding Substantial Compliance and Initiating Annexation Proceedings for the Newton Second Annexation. (Adopted)**

The purpose of this item is to initiate annexation proceedings for the Newton Second Annexation. This is a voluntary annexation. The applicants, Jim and Diana Newton, have submitted a written petition requesting two sequential annexation tracts. Newton Second Annexation is the second and last Resolution of this series of sequential annexations. Newton Second Annexation is located at 1516 West Vine Drive just east of Lincoln Middle School. The requested zoning for this annexation is Urban Estate (UE), which is in compliance with the City of Fort Collins Structure Plan and the Northwest Subarea Plan.

14. **Resolution 2017-068 Approving the Assignment of the Purchase and Sale Agreement Between the City and the Housing Authority of the City of Fort Collins for the Purchase of 1506 West Horsetooth Road, Fort Collins, Colorado, to Village on Horsetooth, LLLP. (Adopted)**

The purpose of this item is to consider a request from Fort Collins Housing Authority, dba Housing Catalyst (Authority) to assign its interest in the Purchase and Sale Agreement for the purchase of 1506 West Horsetooth Road, to Village on Horsetooth, LLLP. On March 1, 2016, City Council adopted Ordinance No. 025, 2016, authorizing the conveyance of the property to the Authority. The Ordinance specifically authorized the sale to the Authority.

15. **Resolution 2017-069 Authorizing the City Manager to Execute an Agreement between the City of Fort Collins and New Belgium Brewing Company, Inc. Regarding Temporary Authorization to Use a Portion of Pretreated Wastewater in Cooling Towers. (Adopted)**

The purpose of this item is to consider an agreement to allow New Belgium Brewing Company, Inc. (NBB) to use a portion of pretreated wastewater from its on-site water treatment plant to run through cooling towers for a 12-month pilot period. NBB has requested permission to gather more data in order to determine the feasibility of operating the system on a long-term basis. This pilot period also allows Utilities an opportunity to evaluate this type of system for long term program development. This system was also tested for a period of 30 days last year in October pursuant to a separate agreement authorized under Resolution 2016-061. During that test period NBB and Utilities gathered positive data and NBB would like the opportunity to fine tune the system. NBB agrees to abide by all local and state regulation for the test period and the plan has been reviewed extensively by City staff.

16. **Resolution 2017-071 Supporting the Grant Application for an Inspire Grant From the State Board of Great Outdoors Colorado Trust Fund. (Adopted)**

The purpose of this item is for Council to offer its support of an implementation grant application submitted by the City for Great Outdoors Colorado (GOCO) Inspire Initiative, a funding opportunity that focuses on connecting youth and their families to the outdoors in underserved communities. GOCO requires a resolution by City Council supporting the implementation grant application.

17. **Resolution 2017-070 Approving Fort Fund Grant Disbursements. (Adopted)**

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming and Tourism Programming Accounts for the selected community and tourism events, based upon the recommendations of the Cultural Resources Board.

18. **Resolution 2017-072 Appointing Arsineh Hecobian to the Air Quality Advisory Board of the City of Fort Collins. (Adopted)**

The purpose of this item is to appoint Arsineh Hecobian to fill a vacancy that currently exists on the Air Quality Advisory Board due to the resignation of Robert Kirkpatrick. Arsineh Hecobian's term is to begin immediately and is set to expire on December 31, 2018.

● **END CONSENT**

● **STAFF REPORTS**

Jon Haukaas, Water Engineer and Field Services Manager, introduced Owen Randall, Chief Engineer. Randall stated the Michigan Ditch project was completed October 27, 2016, and came in under budget. He discussed the tunnel boring procedure and showed photos and a time-lapse video of the process.

Mayor Pro Tem Horak asked why this project is important for Fort Collins citizens. Randall replied the water from the Michigan Ditch is very valuable to the Water Utility and when the water was not available, the Utility was unable to access about 90% of the water to which it was entitled.

Councilmember Stephens asked why wood was used in the tunnel. Randall replied that technology is tried, true, efficient, and much cheaper.

Councilmembers expressed their gratitude for work on the project.

● **COUNCILMEMBER REPORTS**

Councilmember Overbeck reported on a meeting with the Downtown Business Association regarding New West Fest.

Mayor Pro Tem Horak reported on a meeting Police Services held with the City Park neighborhood regarding a recent homicide. He briefly discussed I-25 projects and funding options.

Councilmember Overbeck reported on a neighborhood meeting with the Buckingham neighborhood regarding events at breweries.

● **DISCUSSION ITEMS**

19. **First Reading of Ordinance No. 100, 2017, Amending Portions of Chapter 17 of the Code of the City of Fort Collins Regulating Trespass and the Obstruction of a Highway or Passageway. (Adopted on First Reading)**

*The purpose of this item is to consider changes to Section 17-128 of the City Code regarding obstructing a highway or passageway, including adding restrictions around obstructing public fixtures. A minor change to Section 17-40(b) of the City Code (Trespass) is also included, which adds lying or "otherwise occupying" to the already prohibited list of climbing, sitting or standing on or in objects on public or private property not designed for such use, and adds planters to the list of examples of such objects.*

Jeff Mihelich, Deputy City Manager, stated staff has considered the obstruction ordinance as an offshoot of public outreach regarding the appropriate use of public spaces ordinances. The proposed modifications would prohibit the blocking and passage of public fixtures, including pedestrian walk signals, benches, and water fountains. The minor amendment to the trespass ordinance addresses flower beds.

Lynn Thompson, Fort Collins Homeless Coalition, disagreed that the proposed changes are too minor for a public outreach process. She expressed concern the changes overly-broaden the obstruction ordinance and stated the 20-foot distance is poorly related to the idea of creating clear passage.

Debra James opposed the proposed changes as being discriminatory to homeless citizens.

Kelly Connor opposed the proposed changes stating they will harm more people than they will help.

Andy Auer opposed the proposed changes.

Nevan Mandel opposed the proposed changes.

Nicholas Mouton stated the proposed changes should be subject to public comment.

Cheryl Distaso, Fort Collins Homeless Coalition, expressed concern regarding the proposed changes.

Fran Levine opposed the proposed changes.

Katie Simota opposed the proposed changes.

Nancy York opposed the proposed changes and stated they may lead to illegal discrimination.

Councilmember Stephens asked how the 20-foot distance was determined. Mihelich replied the 20-foot obstruction from a business entrance has been part of the ordinance for many years and is not a new provision. He discussed the likely reasons for the provision, such as allowing for deliveries or mobility devices.

Councilmember Stephens asked if any progress on a day shelter has occurred. Mihelich replied that idea is still being examined; however, there are many existing multi-purpose facilities such as Catholic Charities and Murphy Center.

Councilmember Stephens asked if these changes are necessary if the 20-foot distance and keeping off flower beds are already part of existing regulations. Mihelich replied the language in the Code regarding flower beds relates to destruction of planter contents. These changes will also prohibit causing damage to planters.

Councilmember Cunniff asked if some of the planters were designed for edge seating. Mihelich replied in the affirmative.

Councilmember Cunniff asked if the proposed changes are necessary given some of the planters are designed for seating. Mihelich replied these regulations would only be enforced in the instance of inappropriate sitting or lying within the flower beds.

Councilmember Martinez asked about the width of downtown sidewalks. Mihelich replied they are 15 feet wide; however, there are many places throughout downtown, particularly on corners, where not only the sidewalk is in the right-of-way.

Councilmember Martinez asked how many people responded to the questionnaire regarding the appropriate use of public space ordinance. Mihelich replied there was a tremendous public outreach effort, and as a result, Council clearly directed staff to forego exploring the appropriate use of public space ordinance but rather to dig deeper and look at the obstruction ordinance.

Mihelich stated language clarification could be inserted prior to Second Reading regarding planters designed for seating; however, he noted placement of belongings on flower beds is also damaging.

City Attorney Daggett clarified the trespass provision makes clear that, to the extent there are objects in the right-of-way on the sidewalk that are not intended to be sat or laid upon, that action is not permitted. However, if there are planters or other types of objects designed and intended to be sat upon, that is not prohibited. She noted the term "entrance" is defined as part of these proposed changes.

Councilmember Overbeck requested a map showing the areas in the city to which the 20-foot regulation would apply. He asked why these changes were not brought before boards and commissions. Mihelich replied the public outreach regarding the topic of unwanted behaviors and movement along the sidewalks was intense and boards and commissions weighed in heavily at that time.

Councilmember Overbeck suggested lowering the 20-foot distance.

Councilmember Stephens asked about specific ADA requirements. Mihelich replied staff would return with that information.

Councilmember Cunniff made a motion, seconded by Councilmember Martinez, to adopt Ordinance No. 100, 2017.

Councilmember Cunniff noted this Ordinance is the direct result of Council direction and stated sidewalks need to be available for their intended purpose. He expressed support for the Ordinance as written.

Councilmember Overbeck made a motion, seconded by Councilmember Stephens, to amend the motion to reduce the distance from 20 feet to 15 feet in the appropriate ordinance sections.

Councilmember Stephens agreed this was requested by Council; however, she stated she is more comfortable with 15 feet.

City Attorney Daggett displayed the ordinance language with the distance change.

Councilmember Stephens supported this ordinance as a compromise.

Councilmember Martinez asked how enforcement of a 15-foot distance would occur. Kevin Cronin, Assistant Police Chief, replied the primary concern is accessibility for all as well as the use of Old Town. He stated events with alcohol could cause issues with a 15-foot distance.



Councilmember Martinez stated people with disabilities should not be restricted in their movement and supported the 20-foot distance as a necessity.

Councilmember Cunniff stated he supports the creation of a map, but stated Police feedback is important and opposed the motion to reduce the distance at this time.

The vote on the motion to amend was as follows: Yeas: Overbeck and Stephens. Nays: Cunniff, Horak and Martinez.

**THE MOTION FAILED.**

Councilmember Overbeck stated he will not support the Ordinance until he sees the map identifying the community impact.

Councilmember Martinez stated he would support the motion.

Councilmember Stephens stated she would not support the motion as the entire 15-foot width of the sidewalk should be plenty.

<b>RESULT:</b>	<b>ORDINANCE NO. 100, 2017, ADOPTED ON FIRST READING [3 TO 2]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Ray Martinez, District 2
<b>AYES:</b>	Martinez, Cunniff, Horak
<b>NAYS:</b>	Stephens, Overbeck
<b>ABSENT:</b>	Summers, Troxell

(Secretary's Note: The Council took a brief recess at this point in the meeting.)

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

20. **First Reading of Ordinance No. 098, 2017, Annexing the Property Known as the Blehm-Homestead Annexation to the City of Fort Collins, Colorado. (Adopted on First Reading)**

*The purpose of this item is to annex an enclave area of approximately 109 acres in southeast Fort Collins. The Initiating Resolution was adopted on consent, June 6, 2017. The property is situated between South Timberline and Ziegler Roads, and bisected by Kechter Road. The 28-parcel enclave consists of the Blehm Subdivision, two abutting properties to the east of the Blehm Subdivision, Homestead PUD, and one abutting property to the west of the Homestead PUD.*

Kai Kleer, Planning Services, stated this annexation is approximately a 109-acre enclave annexation in southeast Fort Collins between south Timberline and Ziegler. The recommended zoning is Urban Estate based on the Structure Plan and Fossil Creek Reservoir Area Plan. The annexation meets the 3-year eligibility requirements as outlined by Colorado Statutes and is consistent with the policies contained within the intergovernmental agreements between the City and Larimer County.

John Baum requested a reduction in stormwater fees after annexation until a property is modified in such a way to significantly affect stormwater runoff. He stated the properties in his neighborhood absorb water rather than contribute to runoff. He stated his second request is for

the Utilities Executive Director to reduce the fees should Council opt not to do so.

Brad Ardt stated the lots in the subdivision have a very low percentage of hardscape cover and requested a reduction in stormwater fees.

James Ott requested a reduction in stormwater fees given most of each lot is pasture land which will absorb stormwater rather than contribute to runoff.

Eric Sutherland commented on City Utility fees.

Jon Haukaas, Water Engineer and Field Operations Manager, stated staff considered this request and determined the Code does recognize variability in lot sizes and these fees provide a collective benefit for flood mitigation and other city-wide systems.

Councilmember Cunniff asked if PILOTs have been discussed with the other water and sanitation districts. Haukaas replied it has not been part of the collaboration discussion to date but he will look into the topic.

Councilmember Cunniff made a motion, seconded by Councilmember Overbeck, to adopt Ordinance No. 098, 2017, on First Reading.

Mayor Pro Tem Horak noted the agenda materials state a \$37 monthly fee while some of the speakers indicated a higher dollar amount. Haukaas replied the agenda item summary included that example to show some of the reductions and calculations for a 100,000-square foot, or 2.5 acre, lot. The amount is not only based on impervious surface but lot size as well.

<b>RESULT:</b>	<b>ORDINANCE NO. 098, 2017 ADOPTED ON FIRST READING [UNANIMOUS]</b>
<b>MOVER:</b>	Bob Overbeck, District 1
<b>SECONDER:</b>	Ross Cunniff, District 5
<b>AYES:</b>	Martinez, Stephens, Overbeck, Cunniff, Horak
<b>ABSENT:</b>	Summers, Troxell

● **OTHER BUSINESS**

Mayor Pro Tem stated a possible Charter amendment would modify the jurisdiction of the Municipal Court to eliminate the potential for civil claims, which would instead go to District Court.

Councilmember Cunniff stated he would like to have additional public discussion and sub-committee work on the topic prior to placing the Charter amendment on the ballot.

City Attorney Daggett stated the Charter places original jurisdiction over any matters arising over the City Charter or Code with the Municipal Court. A land use decision made by Council was recently appealed to the Municipal Court by parties-in-interest and the case is proving to be somewhat difficult for the Court given alleged conflict of interest issues and the type of case. This amendment would eliminate, in the future, continued use of the Municipal Court as the means of challenging Council decisions or civil claims.

Councilmembers Martinez and Stephens supported moving forward with placing the item on a Council agenda for consideration.

Councilmember Overbeck asked if a public outreach process can occur. City Manager Atteberry replied the timeline is limited; however, staff could have some outreach per Council direction.

Councilmember Cunniff noted this will not affect the trajectory of the current case and suggested the item could be placed on the April ballot.

Mayor Pro Tem Horak suggested discussing the item at next week's work session.

*Consideration of a motion to amend the Call of Special Meeting for 6:00 p.m., Tuesday, August 8, 2017.*

Councilmember Cunniff made a motion, seconded by Councilmember Stephens, pursuant to Section 2-29a of the City Code, that the City Council add to the subjects to be discussed at the Special Meeting of the Council called by motion of the Council on June 6, 2017 for 6:00 PM on Tuesday, August 8, 2017, for the purpose of considering matters related to broadband and other telecommunication services in Fort Collins and taking related actions on the following items:

- Consideration of a resolution approving comments on the Northern Integrated Supply Project (NISP) wildlife mitigation plan
- Consideration on First Reading of an ordinance appropriating funds for the cost of the November 7<sup>th</sup> Special Municipal Election
- Consideration on First Reading of an ordinance appropriating funds for the construction of the Gardens on Spring Creek
- Consideration on First Reading of an ordinance setting a Charter amendment and related ballot language to be presented to the voters at the November 7<sup>th</sup> special municipal election.

Councilmember Cunniff made a friendly amendment to eliminate the last item from the motion. The friendly amendment was accepted by Councilmember Stephens.

Councilmember Cunniff stated he would like to receive public comment on the NISP item. Mayor Pro Tem Horak stated boards which have previously weighed in on the topic will be presented with information as soon as possible.

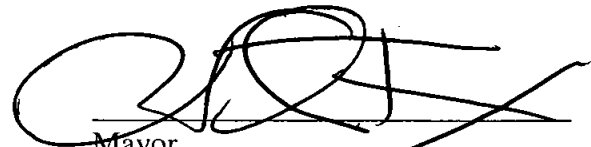
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Kristin Stephens, District 4
<b>AYES:</b>	Martinez, Stephens, Overbeck, Cunniff, Horak
<b>ABSENT:</b>	Summers, Troxell

• **ADJOURNMENT**

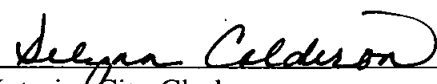
Councilmember Cunniff made a motion, seconded by Councilmember Stephens, to adjourn to 6:00 PM on Tuesday, July 25, 2017, for the purpose of conducting the mid-year evaluation of the Municipal Judge and considering such matters as may come before the Council.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Kristin Stephens, District 4
<b>AYES:</b>	Martinez, Stephens, Overbeck, Cunniff, Horak
<b>ABSENT:</b>	Summers, Troxell

The meeting adjourned at 8:29 PM.

  
Mayor

ATTEST:

  
Interim City Clerk

