

AGENDA ITEM SUMMARY

August 20, 2019

City Council

STAFF

Delynn Coldiron, City Clerk

SUBJECT

Consideration and Approval of the Minutes of the July 2 and July 16, 2019 Regular Council Meetings and the July 30, 2019 Special Council Meeting.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes from the July 2 and July 16, 2019 Regular Council meetings and the July 30, 2019 Special Council meeting.

ATTACHMENTS

1. July 2, 2019 (PDF)
2. July 16, 2019 (PDF)
3. July 30, 2019 (PDF)

July 2, 2019

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

● **ROLL CALL**

PRESENT: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff
Staff Present: Atteberry, Daggett, Coldiron

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry stated there were no changes to the published agenda.

● **PUBLIC COMMENT**

Stacy Lynne discussed the City's biohazard liability risk at public restrooms. She also mentioned a lawsuit involving a City employee.

Martin Bates encouraged Council to consider adopting a climate emergency resolution.

Don Butler discussed north Fort Collins and its residents and opposed a proposed homeless shelter in the area.

Elizabeth Hudetz discussed the Fort Collins Sustainability Group's goals and encouraged Council to consider adopting a climate emergency resolution.

Bill Greenlee requested the City slow down in considering a homeless shelter on North College.

Joel Nevison encouraged Council to consider adopting a climate emergency resolution.

Kathryn Dubiel stated the City's development review newsletter has ceased being distributed, the website link to "this week in development review" has not been updated, and the updated Council agenda was not posted on the website.

Liz Tufte encouraged Council to consider adopting a climate emergency resolution and mandate indigenous representation in all planning committees.

William Kutcher encouraged Council to work toward finding affordable childcare options.

Jamie Stein encouraged Council to consider adopting a climate emergency resolution.

E. Donavon Falzel encouraged Council to consider adopting a climate emergency resolution.

Viviana Montalvo encouraged Council to consider adopting a climate emergency resolution and accept leadership from indigenous individuals on the Climate Action Plan committee.

Shirley Mancannon encouraged Council to consider adopting a climate emergency resolution and include representation and input from indigenous individuals.

Jeremy (no last name given) encouraged Council to consider adopting a climate emergency resolution and include representation and input from indigenous individuals.

Chester McQueary encouraged Council to consider adopting a climate emergency resolution.

Adam Lovell encouraged Council to consider adopting a climate emergency resolution and to hire indigenous individuals to provide input on all environmentally-related decisions.

Paul Patterson commended the City for working with other public agencies to complete the North College Avenue sidewalks and thanked the City for moving the publicly-available mulch to the recycling facility.

Nick (no last name given) encouraged Council to consider adopting a climate emergency resolution.

Josh Beard opposed a proposed homeless shelter on North College Avenue.

Maggie (no last name given) encouraged Council to declare a climate emergency and noted the climate directly affects the economy.

Leeann Sullivan encouraged Council to consider adopting a climate emergency resolution.

Zach Heath encouraged Council to consider adopting a climate emergency resolution.

Dennis Nader opposed a proposed homeless shelter on North College Avenue, stating relocation will not solve the problem.

Will Rishell encouraged Council to consider adopting a climate emergency resolution and encouraged Council to seek outside guidance.

Tom Rhodes, Sierra Club Poudre Canyon Group Chair, encouraged Council to consider adopting a climate emergency resolution.

Nick Francis, Fort Collins Partners in Climate Action, encouraged Council to set minimum standards for energy efficiency and affordable housing in metro districts and supported adoption of the climate emergency resolution.

Mary Elise Delphs stated declaring a climate emergency is long overdue and encouraged adoption of the climate emergency resolution.

Susan McFadden encouraged Council to adopt the Partners in Climate Action goals for affordable housing and energy efficiency for metro districts.

Charlie Masserlian opposed a proposed homeless shelter on North College Avenue.

Kevin Cross stated it was a major oversight to not include input from indigenous individuals in the development of the Climate Action Plan and encouraged Council to direct staff to include representatives of indigenous communities on the advisory committee.

Debra James discussed her time being homeless and stated homeless residents need safe places to exist and clean restrooms to use.

Nancy York encouraged Council to step up the Climate Action Plan goals and include indigenous communities in the committees. She also urged Council to provide leadership regarding the climate emergency.

Kate Weimer urged Council to declare a climate emergency.

Daryll Kettles opposed a proposed homeless shelter on North College Avenue.

Diggs Brown, Veterans' Plaza of Northern Colorado founder, discussed the features of Veterans' Plaza and thanked the City for its support.

● **PUBLIC COMMENT FOLLOW-UP**

Mayor Troxell summarized the citizen comments noting Council will not be taking action on a climate emergency resolution this evening and there is no proposal for a homeless shelter on North College Avenue at this time.

Councilmember Pignataro thanked the speakers and requested Josh Birks look at the memo provided regarding metro district requirements.

Councilmember Gorgol thanked the speakers and noted affordable childcare options are among Council's priorities. She requested an update on the proposed homeless shelter and next steps for community engagement. City Manager Atteberry replied there have been conversations about the shelter location. Jackie Kozak-Thiel, Chief Sustainability Officer, replied Council will receive a high-level overview in its Thursday packet and will receive a process outline in the coming weeks.

City Manager Atteberry committed to a robust process on the issue.

Councilmember Summers asked if Council will have a work session on the overall concept of a new homeless center. City Manager Atteberry replied in the affirmative.

Councilmember Summers commented on the need for community action in terms of climate issues and noted the City does prioritize the issue.

Mayor Pro Tem Stephens asked how the restroom issues are being addressed. City Manager Atteberry stated staff is examining options for additional cleaning.

Mayor Pro Tem Stephens asked if sharps containers are available in those restrooms. City Manager Atteberry replied he would look into the issue.

Mayor Pro Tem Stephens also noted affordable childcare is one of Council's priorities and requested an update on sidewalk repair and construction. She thanked Ms. York for her climate-related suggestions such as "bus to work month" and commended the Veterans' Plaza space.

Councilmember Cunniff stated there may be a need for a community conversation around consolidated services for homeless residents and possible ways that need can be addressed.

Councilmember Gutowsky noted there will be a great deal of public outreach about changes to consolidated services for the homeless.

Councilmember Summers thanked Mr. Brown for his comments on Veteran' Plaza and stated it is a project worthy of ongoing community support.

Mayor Troxell thanked the speakers.

● **CONSENT CALENDAR**

Mayor Troxell noted Item No. 9, *First Reading of Ordinance No. 088, 2019, Designating the Maneval/Mason/Sauer Property, 100 1st Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins*, involves a public hearing.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gorgol, to adopt and approve all items on the Consent Agenda.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Emily Gorgol, District 6
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

1. **Consideration and Approval of the Minutes of the June 4, 2019 Regular Council Meeting. (Adopted)**

The purpose of this item is to consider and approve the minutes from the June 4, 2019 regular Council meeting.

2. **Second Reading of Ordinance No. 075, 2019, Making Appropriations and Authorizing Transfers of Appropriations for the Drake Water Reclamation Facility Sidestream Treatment Project and Related Art in Public Places. (Adopted)**

This Ordinance, unanimously adopted on First Reading on June 4, 2019, appropriates additional funding for the Drake Water Reclamation Facility (DWRf) Sidestream Treatment Project. This request is necessary to complete the permit-required project within the required timeframe to meet DWRf's National Pollution Discharge Elimination System (NPDES) phosphorus compliance schedule deadline of December 31, 2020. Successful operation of this infrastructure will also earn regulatory credits to delay future capital project expenses by upwards of 10 years.

3. **Second Reading of Ordinance No. 076, 2019, Approving, Affirming and Ratifying Funding of the Non-City Share of the NECCO Project by Offering to Owners and Developers of Property Within the NECCO Area a Proportionate Buy-In to Connect to the NECCO Project. (Adopted)**

This Ordinance, unanimously adopted on First Reading on June 4, 2019, adopts the cost share concept whereby development and redevelopment draining into the Northeast College Corridor Outfall (NECCO) stormwater system are required to pay their proportional cost share of the NECCO improvements if they choose to use the NECCO system in lieu of constructing separate stormwater facilities. The NECCO stormwater system (or NECCO Project) was designed to provide an adequate stormwater outfall for the area north of Vine Drive and east of College Avenue in order to alleviate existing drainage problems and to facilitate development and redevelopment in the area.

4. **Second Reading of Ordinance No. 079, 2019, Authorizing Execution of a Deed of Dedication to the City of Loveland for the Extension of Rockwell Avenue Across Jointly Owned City and City of Loveland Property at the Northern Colorado Regional Airport. (Adopted)**

The purpose of this item is to dedicate to the City of Loveland the right-of-way for extension of Rockwell Avenue across jointly owned Airport property. In connection with development of real property adjacent to the Airport, the City of Loveland wishes to extend Rockwell Avenue from its current terminus over and across a portion of the jointly owned Airport property, requiring dedication of approximately 1.3 acres for right-of-way purposes. The cost of constructing approximately 700 feet of the anticipated future extension will be borne by the developer of the adjacent property, with no financial contribution by the Airport.

5. **Items Relating to Regulating Electric Scooters. (Adopted)**

- A. Second Reading of Ordinance No. 082, 2019, Amending the Fort Collins Traffic Code Relating to Electric Scooters.
- B. Second Reading of Ordinance No. 083, 2019, Amending Chapter 24 of the Code of the City of Fort Collins Relating to Parking of Electric Scooters.

These Ordinances, unanimously adopted on First Reading on June 4, 2019, amend the Traffic Code and City Code relating to the regulation of the operation and parking of electric scooters. These amendments will treat electric scooters the same as bicycles and electrical assisted bicycles (with three exceptions) and adds a definition of electric scooter that is consistent with HB 19-1221 and regulates the parking of electric scooters.

6. **First Reading of Ordinance No. 084, 2019, Appropriating Unanticipated Grant Revenues From Bloomberg Philanthropies and Authorizing Transfers of Appropriations in the Light and Power Fund for Residential Efficiency Project Loans. (Adopted)**

The purpose of this item is to appropriate \$193,650 of \$682,000 in grant award revenues from Bloomberg Philanthropies, as part of the Bloomberg Mayor's Challenge, into the Fort Collins Utilities Light and Power fund and Economic Health Office for the purposes of ongoing project management and operations of Epic Homes and a sub-grant to Colorado State University for indoor air quality research. The remaining \$488,350 of the 2019 balance of funds will be appropriated for Epic Loan capital in alignment with pending third-party capital agreements.

7. **Items Relating to Various Amendments to the City of Fort Collins Land Use Code. (Adopted)**

- A. First Reading of Ordinance No. 077, 2019, Making Various Amendments to the City of Fort Collins Land Use Code.
- B. First Reading of Ordinance No. 078, 2019, Amending the City of Fort Collins Land Use Code Regarding Community Development and Neighborhood Services Director Variances to Certain Land Use Code Standards.

The purpose of this item is to adopt a variety of revisions, clarifications and additions to the Land Use Code that are generally routine in nature that have been identified since the last update in February 2019. The proposed change to allow the Community Development and Neighborhood Services Director to process certain variances is presented as a separate ordinance because the change is not necessarily routine in nature and would allow the Director to process certain variances currently reviewed by the Zoning Board of Appeals.

8. **Items Related to Sales Tax Code Updates. (Adopted)**

- A. First Reading of Ordinance No. 085, 2019, Amending Article XVIII of Chapter 15 of the Code of the City of Fort Collins Relating to Short-Term Rental Licenses.

- B. First Reading of Ordinance No. 086, 2019, Amending Article II of Chapter 25 of the Code of the City of Fort Collins Relating to the City's Tax Rebate Programs.
- C. First Reading of Ordinance No. 087, 2019, Amending Article III 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 Taxes.

The purpose of this item is to amend City Code sections in Chapter 15 and 25 to provide clarification for definitions and the application of various sections of the Code.

9. **First Reading of Ordinance No. 088, 2019, Designating the Maneval/Mason/Sauer Property, 100 1st Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins. (Adopted)**

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

The purpose of this item is to consider the request for landmark designation of the Maneval/Mason/Sauer Property, 100 1st Street. This is a voluntary designation at the property owner's request. The Landmark Preservation Commission unanimously recommends approving this landmark designation.

10. **Resolution 2019-075 Approving the 2019 Certification to the Larimer County Assessor Pursuant to Colorado Revised Statutes Section 31-25-807(3)(a)(IV)(B) for the Downtown Development Authority Property Tax Increment. (Adopted)**

The purpose of this item is to certify to the Larimer County Assessor the percentages of property tax distributions that are to be allocated for the Downtown Development Authority by the Assessor as tax increment from the 2019 property taxes payable in 2020 to the City and to all other affected taxing entities.

● **END CONSENT**

● **CONSENT CALENDAR FOLLOW-UP**

Councilmember Cunniff commented on Item No. 5, *Items Relating to Regulating Electric Scooters*, noting the ordinances specifically prohibit the use of electric scooters on trails.

Mayor Pro Tem Stephens noted Item No. 6, *First Reading of Ordinance No. 084, 2019, Appropriating Unanticipated Grant Revenues From Bloomberg Philanthropies and Authorizing Transfers of Appropriations in the Light and Power Fund for Residential Efficiency Project Loans*, is a good news item that will help advance the Climate Action Plan.

Mayor Troxell also commented on Item No. 6 noting it is related to thermal energy.

● **COUNCILMEMBER REPORTS**

Councilmember Gutowsky reported on a cycling and adaptive recreation event at the Northside Atzlan Center.

Mayor Pro Tem Stephens reported on the Colorado Municipal League conference in Breckenridge and stated Mayor Troxell received a lifetime achievement award for his service to the League. She

also reported on the National League of Cities Leadership Conference and the Larimer County transportation funding regional taskforce committee meeting during which the possibility of a ¼ cent sales tax measure for transportation funding was discussed.

Councilmember Pignataro announced a listening session Saturday at the Foothills Activity Center and reported on a women-owned business listening session and the annual statewide conference for the Colorado Foundation for Universal Healthcare.

Councilmember Gorgol reported on the recent Open Streets event, Bike to Work Day, and a forum with the Board of Realtors about affordable housing options.

Councilmember Gutowsky discussed a meeting with a delegation from Portugal related to sustainability challenges.

Mayor Troxell reported on the Colorado Municipal League conference and stated Fort Collins is frequently recognized for its leadership in a number of areas. He also reported on the National League of Cities conference.

Councilmember Gutowsky reported on a La Familia listening session.

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

● **DISCUSSION ITEMS**

11. **Consideration of an Appeal of the Planning and Zoning Board Decision Regarding the Sunshine House at Bucking Horse Major Amendment (MJA#190001). (Planning and Zoning Board Decision Upheld)**

The purpose of this item is to consider an appeal of the Planning and Zoning Board Decision on April 18, 2019, approving the Sunshine House at Bucking Horse Major Amendment, MJA#190001. The appeal was filed on May 2, 2019.

The appellant has raised the following issues on appeal:

- A. *Whether the Planning and Zoning Board failed to conduct a fair hearing because it:*
 - 1. *Considered evidence relevant to its findings that was substantially false or grossly misleading;*
 - 2. *Improperly failed to receive all relevant evidence offered by the appellant; and/or*
 - 3. *Was biased against the appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with the Board's independence of judgment.*

- B. *Whether the Planning and Zoning Board failed to properly interpret and apply relevant provisions of the City Code, Land Use Code, and Charter, including the following Code sections:*
 - 1. *City Code Section 10-81-Specific standards for Poudre River five-hundred-year floodplain and zone x shaded areas;*
 - 2. *Land Use Code Sections 1.2.2(M) – Purpose, and 5.1.2 - Definitions; and*
 - 3. *Land Use Code Section 4.2.B(3)(c)1 - Urban Estate Zone District Permitted Uses, 1.2.2(M) – Purpose, and 5.1.2 – Definitions.*

Mayor Troxell discussed the quasi-judicial role of Council in this hearing.

City Attorney Daggett reviewed the appeal process and allegations and defined the parties-in-interest.

Tom Leeson, Community Development and Neighborhood Services Director, discussed the proposed project and the appeal allegations.

Mayor Troxell asked Councilmembers to disclose any potential conflicts of interest.

Councilmember Cunniff disclosed the fact that a former Planning and Zoning Boardmember contacted him about the possibility of providing testimony; however, he did not respond to the text and does not believe the receipt of the text will affect his ability to fairly judge the facts of the case.

Mayor Troxell noted he attended a Planning and Zoning Board work session along with former Councilmember Martinez at the request of the Leadership Planning Team to remind the Planning and Zoning Board of their responsibility to look specifically at the Land Use Code in its consideration of items. He stated that experience will not affect his ability to fairly judge the appeal.

Mayor Troxell noted no official site visit occurred and no Councilmembers disclosed any visit to the site.

Councilmember Cunniff noted the applicant was briefly present at a Council farewell event for outgoing Councilmembers.

Parties-in-interest supporting the appeal and opposing the appeal identified themselves.

Mayor Troxell outlined the time allotments for presentations and rebuttals and asked for procedural issues to be discussed.

Rachel Smith, party-in-interest, asked why a Planning and Zoning Boardmember was told he could not speak. City Attorney Daggett replied the Code clearly outlines who can be a party-in-interest and members of the Board that made the decision that is being appealed are not included as parties-in-interest. She noted attorneys are allowed to represent parties-in-interest.

Lucia Liley, attorney for the applicant, stated the appellant's presentation contains some new slides that would be considered new evidence; however, she did not object to the inclusion of that evidence.

APPELLANT PRESENTATION

Arnold Robinson, appellant, stated the site of the proposed day care is in a FEMA floodplain.

Rachel Smith stated this project is a blatant bait and switch that significantly changes the character of the neighborhood and will result in a loss of property value for residents and an increase in nuisances such as traffic and noise. The appellants also believe the decisions made were procedurally biased and building in a FEMA floodzone and within the required buffer for a sewage plant puts children at risk.

Ms. Smith discussed the original plan for the site of a working farm and noted the lots bordering the farm were being sold at a \$100,000 premium. She argued the majority of the homes sold in Bucking Horse Estates were done so under false pretenses as Gino Campana had been working with Sunshine House since 2017.

Sam Jeng stated the appellants feel there was a lack of due process for the flood zone variance approved by the Water Board. Members of the Water Board referred to the project as being “fast tracked” and noted no public notifications were sent out for the Water Board meeting.

Mr. Jeng also stated appellants are concerned about the approval of the alternative compliance plan for a habitable structure to be less than 1,000 feet from the wastewater treatment facility.

Ms. Liley objected to the considerable discussion about the waiver from the sewer facility buffer, which is not present in the appeal.

Mr. Robinson stated it was addressed on the final page relating to concerns about variances and waivers.

Ms. Liley stated the concerns about the FEMA floodplain included specific Code citations and descriptions and there was no specific information about the sewer facility buffer waiver.

Mayor Troxell requested the appellants cite specific items within the Land Use Code for the balance of their presentation.

Mr. Jeng stated the issue was raised extensively at the Planning and Zoning Board meeting.

City Attorney Daggett stated it has been noted for the record that this line of argument is outside the scope of the notice of appeal; however, the appellants may continue to use their time to discuss the issue.

Mr. Jeng questioned whether the proposed mitigation measures related to the sewer facility buffer are sound and sufficient despite being listed in the Code. He thanked Council for being willing to hear the concerns of citizens.

Mr. Robinson requested permission to read a letter from a member of the Planning and Zoning Board.

Ms. Liley stated she has not seen the letter nor was it submitted in the packet as required. She stated she does not believe the evidence is permissible.

Mayor Troxell requested the appellants put any evidence in the form of an argument.

Mr. Arnold stated the letter is in support of the appeal and asserts the hearing process was flawed as the presence of Mayor Troxell and then Councilmember Martinez at the Planning and Zoning Board work session could have been perceived as an attempt to influence the outcome of the major amendment. Mr. Arnold noted the Boardmember who wrote the letter submitted a formal complaint to the Human Resources Department and nothing has come of that complaint.

APPLICANT PRESENTATION

Ms. Liley reviewed the history of the Bucking Horse neighborhood noting the working farm was originally approved through the addition of a permitted use process. She stated Mr. Campana, the developer, went through many steps to make the farm a reality, including site work and the installation of a shared parking lot. She stated it then became apparent that the cost to the neighborhood through HOA fees to operate the farm would be unmanageable in the long term.

Ms. Liley reviewed the proposed day care project noting the closest property line is 134 feet away. She discussed the floodplain issues and Water Board approval of the variance, which was not appealed and is not subject to further review.

Ms. Liley stated there is no Land Use Code prohibition against changing the character of a project through a major amendment, which is exactly the process the Land Use Code outlines for a project change which could be considered a change in character. She stated this change of use to a day care use meets the relevant Article 3 and 4 Land Use Code standards as shown by the record.

Ms. Liley noted the Planning and Zoning Board's decision must be based on the Land Use Code and stated the appellant cited no evidence that the proposed major amendment failed to meet any relevant standard. She discussed Mayor Troxell and former Councilmember Martinez's visit to the Planning and Zoning Board work session, stating that visit was solely to remind the Board of its role in following the Land Use Code.

Genesis Stephens, Sunshine House, stated affordable childcare and quality early education are community needs and values that deserve support. She discussed the need for childcare in Fort Collins and requested Council uphold the Planning and Zoning Board's approval of the project.

APPELLANT REBUTTAL

Ms. Smith stated she was told Senior City Planner Ted Shepard voluntarily removed himself from the project and was not asked to recuse himself. She also noted the HOA mentioned is run by Mr. Campana, despite him not living in the neighborhood and stated a day care was originally planned for the commercial area of the neighborhood.

Ms. Smith stated there was not a staff recommendation of approval for the floodplain variance and questioned how they could appeal the Water Board decision when they knew nothing about the hearing. She also noted there has been no statement that this daycare facility will provide affordable care.

Mr. Jeng stated he recalled a community member asking Mr. Shepard, at a neighborhood meeting, what recourse the neighborhood might have, and Mr. Shepard provided no response. He also stated the community's need for daycare does not have anything to do with the Land Use Code. He questioned whether it makes sense for a developer with financial and potentially political ties to do as he wishes in a neighborhood that is not his own.

APPLICANT REBUTTAL

Ms. Liley stated one of the specific criteria for the granting of a modification is whether the proposed use fulfills or meets a stated City policy, plan, or priority, and daycare is a priority; therefore, it was legally and necessarily addressed at the Planning and Zoning Board hearing. She also noted Council's decision, just like the Planning and Zoning Board's decision, must be bound by the rules Council has set for itself.

COUNCIL QUESTIONS AND DELIBERATION

Councilmember Cunniff asked if the Water Board hearing is the only place the floodplain determination can be made. City Attorney Daggett replied in the affirmative.

Councilmember Cunniff asked what provisions of the Code directed Mayor Troxell and Councilmember Martinez to attend a Planning and Zoning Board work session during a particular Land Use Code decision. City Attorney Daggett replied there is no provision for Councilmembers to participate in or influence the Planning and Zoning Board specifically related to an application and it is her understanding that that conversation was not intended to be specifically about this particular application but was generally about the Board's function and some questions that the Board had asked.

Councilmember Cunniff stated his belief is that Mayor Troxell and Councilmember Martinez were not intending to give direction on the particular item, but questioned whether the message may have been misunderstood by Boardmembers. He questioned whether Council should remand the decision to the Board and ask them to disregard the work session attendance of Mayor Troxell and Councilmember Martinez. City Attorney Daggett noted there was one Planning and Zoning Boardmember who recused himself from the decision because of his sense of the effect of the work session discussion; however, other Boardmembers who participated specifically felt they were not influenced in a way that made them unable to make a fair decision.

Councilmember Cunniff stated many of these questions could be cleared up if the Board was specifically asked to reconsider the item without taking the work session discussion into account.

Councilmember Summers stated he was unsure he wanted to remand the item as he did not want to send the message that Council assumed there was some bias.

Councilmember Pignataro asked how the Water Board rules differ from other boards. City Attorney Daggett replied the floodplain variance process is specifically laid out in Chapter 10 of the City Code. The Water Board conducts a quasi-judicial hearing and makes a decision which is then subject to appeal within two weeks. The notice requirements are not the same as those set out in the Land Use Code; however, the appeal period is the same.

Councilmember Pignataro asked if Mayor Troxell and Councilmember Martinez were present when Boardmembers were asked if they felt like they had a bias. City Attorney Daggett replied that question took place at the April Planning and Zoning Board hearing and she did not believe any Councilmembers were present.

Councilmember Pignataro asked how the current makeup of the Board would differ from that when the decision was made. City Attorney Daggett replied there has been one Boardmember who has resigned, though that member was not present at the April hearing, and one Boardmember who did recuse himself.

Mayor Pro Tem Stephens stated the Boardmembers clearly and articulately expressed why they were supporting the project and noted conditions were applied to help address some of the neighborhood disruption. She stated she found no evidence the Board seemed pressured to make the decision it did.

Councilmember Pignataro asked about the letter of complaint from the Planning and Zoning Boardmember to Human Resources. City Attorney Daggett replied the complaint was initially reviewed, the complainant was contacted, and the complainant eventually withdrew the complaint.

Councilmember Gutowsky stated this comes down to a legal issue versus a feelings issue. She acknowledged decisions must be made based on the rules, but she felt unsettled by the ethics.

Mayor Troxell asked if it is typical for a developer to play a key role in the homeowner's association initially with a transition in the future. Leeson replied that is generally accurate and a homeowner's association would typically be transferred to the homeowners after a certain number of lots are sold.

Mayor Troxell asked about City support of citizens through development projects. Mr. Leeson replied Neighborhood Services has an individual who acts as a liaison to the neighborhoods to help answer questions about the process and provide information.

Mayor Troxell stated he was at the Planning and Zoning Board work session less than 20 minutes, at the direction of the Leadership Planning Team, to provide support for following the Land Use Code standards. He stated he has done similar things before other boards and commissions.

Councilmember Cunniff stated his concern was that the message may not have been received by the Board in the same way it was delivered by Mayor Troxell and Councilmember Martinez. The Board was never specifically asked if members had concerns or felt they could provide fair judgement after Mayor Troxell and Councilmember Martinez' visit to the work session but were rather asked about an issue related to allegations by Boardmember Pardee and rebuttal by Mr. Campana. Mr. Leeson confirmed that was the case.

City Attorney Daggett noted Boardmember Hobbs detailed his concerns about the work session discussion with Councilmember Martinez and Mayor during that discussion, and there were Boardmembers who continued to respond and state they could be impartial at that point; therefore, it could be interpreted Boardmembers were all having a conversation about whether they could be fair and impartial with the specific work session discussion being brought to light.

Councilmember Cunniff stated that is a plausible interpretation, but may not be the only one. He acknowledged he is unsure what would be different if Council remanded the decision, but that is his current preference.

Councilmember Summers made a motion, seconded by Mayor Pro Tem Stephens, that the Council determine that the Planning and Zoning Board conducted a fair hearing in its consideration of the Sunshine House at Bucking Horse Major Amendment MJA190001, and finding that the Board did not consider evidence relevant to its decision that was substantially false or grossly misleading, did not improperly fail to receive all relevant evidence offered by the appellant, and was not biased against the appellant by reason of a conflict of interest or other close business, personal, or social relationship that interfered with the Board's independence of judgement, and further, that the Council find that, based on the evidence in the record and presented at this hearing, the allegation that the Board did not conduct a fair hearing is hereby found to be without merit and is denied.

Mayor Pro Tem Stephens stated the HOA survey mentioned at the Planning and Zoning Board hearing is not relevant to the decision, noted all evidence was received by the Board and Council, the bias piece does not apply to the planner, and while the timing of the work session visit by Mayor Troxell and Councilmember Martinez may not have been the best, reminding the Board of its duty to follow the Code is important. She stated this was a fair hearing.

Councilmember Cunniff stated he disagrees with the conclusion.

Councilmember Gutowsky stated she would support the motion, but with great reservation. She questioned whether the \$100,000 lot premium might be refunded to homeowners as they will not have the proposed working farm.

Councilmember Pignataro stated she would not support the motion as more time should have lapsed so as to allow a more unbiased decision to be made.

Councilmember Gorgol stated she would support the motion as Boardmembers had the opportunity to recuse themselves and there was further opportunity through the Human Resources complaint which was withdrawn. It is important to reflect neighborhood decisions in planning and this is an unfortunate situation; however, the Land Use Code was followed, and it was a fair hearing.

Mayor Pro Tem Stephens stated it is important that residents have a say in what happens in their neighborhoods; however, this use is clearly allowed in UE and other residentially zoned neighborhoods because it is a community priority.

Mayor Troxell stated this was a fair hearing and he would support the motion.

RESULT:	PLANNING AND ZONING BOARD HELD A FAIR, UNBIASED HEARING [5 TO 2]
MOVER:	Ken Summers, District 3
SECONDER:	Kristin Stephens, District 4
AYES:	Gorgol, Summers, Stephens, Troxell
NAYS:	Pignataro, Cunniff

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Summers, that Council uphold the decision of the Planning and Zoning Board approving the Sunshine House at Bucking Horse major amendment MJA190001, finding that the Board properly interpreted and applied the relevant provisions of the City Code and Land Use Code cited in the appeal notice, and further, that Council, based on the evidence in the record and presented at this hearing, find that the appeal is hereby found to be without merit and is denied.

Councilmember Cunniff stated he would like to support this motion as the decision does fit the Land Use Code; however, there is some amount of interpretation in the Land Use Code, and based on his previous concern about the hearing, he does not know if the same decision would have been made had events not transpired as they did.

Councilmember Gutowsky stated she does not believe this is the right location for a childcare center, and despite it being legal, she will not support the motion.

Mayor Troxell stated he would support the motion as the project falls within the Land Use Code regulations.

RESULT:	PLANNING AND ZONING BOARD DECISION UPEHLD [4 TO 3]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ken Summers, District 3
AYES:	Gorgol, Summers, Stephens, Troxell
NAYS:	Pignataro, Gutowsky, Cunniff

12. **Resolution 2019-076 Adopting the 2019-2021 City Council Priorities. (Adopted)**

The purpose of this item is to consider formal adoption of City Council's priorities for 2019-2021.

Tyler Marr, Policy and Project Manager, stated this Resolution adopts the Council's priorities which are a result of the Council retreat and work session. He discussed how the priorities fit within the City's strategic cadence, noting Council will develop and adopt a Strategic Plan in winter of 2020. He stated clarifying work sessions will be forthcoming and updates will be provided in the form of the quarterly dashboard.

Eric Sutherland stated legislative processes require legislative initiative to accomplish anything and questioned what Council is doing with this resolution.

Councilmember Cunniff asked about the alleyway strategy enabling access for accessory dwelling units or affordable housing options and whether those options would be compatible with City Plan statements. Mayor Troxell replied in the affirmative, stating making alleyways more vibrant and active is the primary goal.

Councilmember Cunniff asked if staff interprets strategies relating to plastic pollution to include potential resolutions and ordinances as appropriate. Marr replied in the affirmative.

Councilmember Pignataro asked how Council's priorities work with scheduling. Marr replied staff begins work on all priorities with initial action plans which will be reported in the quarterly dashboard. He stated calendar conversations occur with the Executive Leadership Team and the Leadership Planning Team.

Mayor Troxell noted the Leadership Planning Team plays a key role in ensuring items come forward in a timely manner.

City Manager Atteberry noted this is a two-year priority list and he is concerned about the ability to accomplish all that is listed, particularly in the area of Sustainability Services, without time and resource allocations.

Councilmember Summers thanked Marr and staff for their work and stated addressing them as efficiently as possible is a good approach.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Resolution 2019-076.

RESULT:	RESOLUTION 2019-076 ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

13. **Items Relating to Delivery of Telecommunication Services by Fort Collins Connexion. (Adopted on First Reading)**

- A. *First Reading of Ordinance No. 089, 2019, Amending Chapter 26 of the Code of the City of Fort Collins to Further Authorize and Implement the City's Provision of Telecommunication Facilities and Services as Provided in City Charter Article XII, Section 7.*
- B. *First Reading of Ordinance No. 091, 2019, Authorizing the Purchasing Agent to Enter into Licensing Contracts with a Term Length in Excess of Five Years for the Acquisition of Video Content Rights in Furtherance of Fort Collins Connexion's Delivery of Telecommunication Services.*

The purpose of Ordinance No. 089, 2019, is to adopt a variety of revisions, clarifications and additions to City Code Chapter 26 pertaining to Utility Services to accommodate telecommunication services. These revisions include:

1. *Creation of basic authority and an operational framework for the provision of telecommunication facilities and services (broadband) (new Article VIII of Chapter 26).*
2. *Amendments to add the "telecommunication services division" (broadband or Connexion) as a division of the electric utility, and a part of the existing electric utility enterprise (as authorized by Section 7, Article XII of the City Charter) and to separate administration and supervision of the telecommunication services division under the direction of the City Manager from that of the electric utility under the direction of the Utilities Executive Director.*
3. *Amendments to customer billing and collection provisions to address the existence and treatment of the telecommunication services division.*

Ordinance No. 091, 2019, will approve long-term licensing agreements with a term of up to seven years for video content to be delivered to Connexion's subscribers. City Code Section 8-186(a) limits the term of contracts for services to a total of five years unless authorized by Council by ordinance.

Colman Keane, Broadband Executive Director, discussed the history of the Connexion Broadband Utility to this point. Ordinance No. 089, 2019 amends City Code and adds additional articles for the provisioning of the Fort Collins Broadband Connexion services. This allows rates and fees to be set by the City Manager within certain boundaries and allows the City Manager to develop terms and conditions of service. Ordinance No. 091, 2019 provides for the City's Purchasing Agent to enter into long-term licensing agreements for video services.

Eric Sutherland stated Colorado Revised Statutes Section 24-6-402 clearly prohibits a public entity in the state from going into executive session to discuss competition with private enterprise. He stated these Ordinances are not ready for prime time and opposed the way in which Council has adopted legislation related to the Broadband Utility.

Councilmember Cunniff requested follow-up prior to Second Reading regarding the wording issues brought up by Mr. Sutherland. City Attorney Daggett replied staff has made note of those changes and will provide Council with information related to any additional changes made prior to Second Reading.

Councilmember Cunniff asked how Council/City Manager interactions will develop related to terms of use and requested information prior to Second Reading regarding whether terms of use will have been considered violated if people are using the network for criminal purposes or for purposes deemed criminal in the future. He also requested consideration of some periodic accountability reports on rates. City Manager Atteberry stated he is in full agreement and anticipates an evolution of terms of use and other policies.

Mayor Pro Tem Stephens stated rates for lower income residents should be part of the rate structure. City Manager Atteberry replied there will be subsequent conversations around that as appropriate roles for the Broadband Utility and the General Fund are fleshed out.

Councilmember Pignataro stated she is confident the City has done its due diligence in studying both successful and unsuccessful broadband models around the country. She is pleased that net neutrality is now in the hands of the City

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Summers, to adopt Ordinance No. 089, 2019, on First Reading.

Councilmember Cunniff expressed support for the broadband effort moving forward.

Mayor Troxell stated the community is excited for this upcoming service.

RESULT:	ORDINANCE NO. 089, 2019, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ken Summers, District 3
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 091, 2019, on First Reading.

Councilmember Cunniff stated the City is getting into providing content as its competitors do both content and networking.

Mayor Pro Tem Stephens stated this makes sense in terms of the ability to provide bundled service.

Mayor Troxell agreed this is helpful from a competitive standpoint.

RESULT:	ORDINANCE NO. 091, 2019, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

Motion to Suspend the Rules

Councilmember Cunniff made a motion, seconded by Mayor Pro Tem Stephens, for Council to suspend its rules to continue the meeting past 10:30 p.m. to finish all the items currently on the agenda and such other business as may come before the Council.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Ross Cunniff, District 5
SECONDER: Kristin Stephens, District 4
AYES: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

14. **Items Relating to the Completion of the 2019 Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing and Community Development Activities Utilizing Funds from the Federal Community Development Block Grant (CDBG) Program, Federal HOME Investment Partnerships (HOME) Program, the City’s Affordable Housing Fund (AHF) and the City’s Human Services Program (HSP), and Appropriating Funding Consistently Therewith. (Adopted on Second Reading)**

- A. *Second Reading of Ordinance No. 080, 2019, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund.*
- B. *Second Reading of Ordinance No. 081, 2019, Appropriating Unanticipated Revenue in the HOME Investment Partnerships Fund.*

Ordinance No. 080, 2019, appropriates the City’s FY2019 Community Development Block Grant (CDBG) Entitlement Grant and CDBG program income and CDBG reconciled funds from FY2017 and FY2018. Ordinance No. 081, 2019 appropriates the City’s FY2019 HOME Participating Jurisdiction Grant from the Department of Housing and Urban Development (HUD). Both Ordinances were adopted on First Reading on June 4, 2019 by a vote of 5-0 (Gorgol recused; Troxell absent).

Councilmember Gorgol withdrew from the discussion of this item due to a conflict of interest.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 080, 2019, on Second Reading.

RESULT: ORDINANCE NO. 080, 2019, ADOPTED ON SECOND READING [6 TO 0]
MOVER: Kristin Stephens, District 4
SECONDER: Ross Cunniff, District 5
AYES: Pignataro, Gutowsky, Summers, Stephens, Troxell, Cunniff
RECUSED: Gorgol

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 081, 2019, on Second Reading.

RESULT: ORDINANCE NO. 081, 2019, ADOPTED ON SECOND READING [6 TO 0]
MOVER: Kristin Stephens, District 4
SECONDER: Susan Gutowsky, District 1
AYES: Pignataro, Gutowsky, Summers, Stephens, Troxell, Cunniff
RECUSED: Gorgol

15. **First Reading of Ordinance No. 090, 2019, Appropriating Unanticipated Grant Revenue in the General Fund for Updating Policies, Codes and Regulations Affecting the Quality and Quantity of Affordable Housing in Fort Collins. (Adopted on First Reading)**

The purpose of this item is to appropriate unanticipated grant revenue awarded by the Colorado Department of Public Health and Environment (CDPHE) through its Health Disparities Grant Program (HDGP) to implement critical updates to policies, codes and regulations affecting the quality and quantity of affordable housing with a specific lens on reducing health inequities in Fort Collins. This

housing affordability and health equity project will use CDPHE grant funds in the amount of \$795,657 in reimbursable grant funding over a two-year grant cycle (State Fiscal Year 2020-2021).

Councilmember Gorgol withdrew from the discussion of this item due to a conflict of interest.

Councilmember Summers asked about the verbiage that health outcomes are not just related to housing, but rather to quality housing. Meaghan Overton, City Planner, replied there is ample evidence that the safety and habitability of housing is directly tied to the health of its inhabitants. All of the language in the Resolution is the beginning of a multi-year grant process that will be heavy on community engagement to try to create some solutions that work toward the overall affordability of housing in the community.

Councilmember Summers asked if the focus is on the Hispanic community in order to have more of a definitive group. Overton replied it is difficult to separate health impacts from socio-economic status and race. There are parts of the community where people are experiencing more negative health outcomes.

Councilmember Summers asked about using the Housing First effort which has housed homeless residents as a study population. Overton replied the Housing First initiatives were not a specific focus of this grant application; the target population for this grant is people making up to 120% of area median income who are spending more than 30% of their income on housing. She noted there is a formal evaluation process required as part of this grant.

Councilmember Summers stated it would be interesting to look at oral health as an important determinant of overall health as part of this project and stated he would like to add a section including an annual reporting requirement.

Councilmember Summers made a motion, seconded by Councilmember Pignataro, to adopt Ordinance No. 090, 2019, on First Reading.

Councilmember Summers requested the inclusion of language related to an annual written and/or work session report. City Attorney Daggett read suggested language which was accepted as being a friendly amendment by Councilmembers Summers and Pignataro.

Mayor Pro Tem Stephens stated this is a good news item and she looks forward to supporting it.

RESULT:	ORDINANCE NO. 090, 2019, ADOPTED ON FIRST READING [6 TO 0]
MOVER:	Ken Summers, District 3
SECONDER:	Julie Pignataro, District 2
AYES:	Pignataro, Gutowsky, Summers, Stephens, Troxell, Cunniff
RECUSED:	Gorgol

● **OTHER BUSINESS**

Councilmember Cunniff requested Council support to direct the City Manager and City Attorney to bring back a voluntary zoning initiation resolution for the Hughes Stadium property at the next regular meeting on July 16.

Mayor Troxell stated this would be a new step for Council and stated the usual process would involve the developer and provide Council an opportunity to vote on the proposed zoning.

Councilmember Cunniff stated the reason he feels this is an appropriate course of action is that this is the largest redevelopment plot and annexation of a transitional-zoned property in recent memory, and it is worthwhile for Council to consider it strictly within the framework of City Plan and other planning documents rather than waiting for a developer to propose a zoning.

City Attorney Daggett stated the Land Use Code specifies who is authorized to initiate a zoning action, and Council is specifically identified as one of those parties.

Mayor Pro Tem Stephens requested a brief outline of the usual zoning process. Tom Leeson, Community Development and Neighborhood Services Director, replied zoning is typically initiated as part of annexation and is typically established based on the underlying Structure Plan. Transitional zoning allows the underlying property owner to propose a zoning in conjunction with a development. The proposed zoning and development would then be evaluated for consistency with the Structure Plan and Land Use Code.

Mayor Troxell asked if the Project Development Plan phase occurs after the zoning has been determined. Leeson replied it can be concurrent with the development proposal.

Councilmember Pignataro stated, as a community member, she would prefer elected officials determine what zoning is appropriate rather than a developer. This would hopefully help to avoid a future appeal.

Leeson noted the Structure Plan, which was adopted as part of City Plan, establishes place types, and there are two different place types on the Hughes property. The western portion is considered a suburban neighborhood place type with two applicable and consistent zone districts, and the eastern portion is considered a mixed neighborhood place type with two applicable zone districts.

Councilmember Cunniff stated his purpose is to clearly separate the zoning question from the development review question, though it may result in the same conclusion.

Councilmember Summers asked if CSU still owns the property. Leeson replied in the affirmative.

Councilmember Summers asked if any proposals for the property have come forward. Leeson replied CSU put out a request for proposal for a master developer of the site and chose Lennar. The City has had an initial review with Lennar where a conceptual preliminary development plan was submitted, and the City provided a significant number of comments in response. The next step is the submittal of a formal development application, part of which would be proposed zone districts.

Councilmember Gorgol asked what types of community engagement would occur should Council take on the zoning initiation and asked what any appeal of that decision would look like. Leeson replied a normal zoning and community engagement process would occur and would involve a staff recommendation to the Planning and Zoning Board, which would then provide a recommendation to Council, and Council would have two hearings and act in a quasi-judicial fashion. He stated there would also likely be a neighborhood meeting.

Councilmember Gutowsky asked if it would be possible for the developer to back out of the project should it disagree with Council's zoning decision. Leeson replied that is a possibility as the developer would want the zoning to correspond to their investment-backed expectations.

Mayor Troxell expressed concern about possible negative impacts on the project timeline and expectations and noted there are guidelines that should make the processes predictable, repeatable, and understandable. Leeson replied the schedule of the developer may be affected as they may wait to move forward to see about the outcome of the zoning process; however, a Council-initiated zoning process would not affect any City schedules.

Councilmember Cunniff received support for his request.

Councilmember Gorgol requested and received Council support to direct staff to bring forward an option for a moratorium on the redevelopment of mobile home parks while Council is exploring the topic.

Mayor Troxell asked about the definition of a mobile home park. Rebecca Everette, Development Review Manager, replied there are a few zone districts that allow manufactured housing and mobile home development. It is defined as a parcel of land which has been planned, improved, or is currently used for the placement of mobile homes and contains more than one mobile home lot.

Councilmember Pignataro requested and received Council support to direct staff to bring forth a resolution related to declaring a climate emergency while ensuring no changes in policy would be necessary.

Mayor Troxell questioned the definition of 'emergency' in this context. Councilmember Pignataro replied she would like that definition to be part of the resolution. She would like the resolution to be goal-driven yet realistic.

Councilmember Summers stated the City already has goal-driven, yet realistic climate plans and he has no interest in using a community-initiated special interest group resolution as a Council policy. He cited the heavy winter precipitation and stated governments, not corporations, use the majority of energy.

Councilmember Gutowsky stated the citizen comments reflect more than just a few passionate people, but rather what can be heard nationally and internationally as being a global concern. She suggested this could be examined as an imperative to recognize and support community concerns.

Councilmember Cunniff stated he supports the use of the word "emergency" as it directs action to be taken on an emerging issue. The City's current Climate Action Plan is based on the understanding that climate change is an emergency and one of its components is to provide leadership and pressure on other City partners and state and federal legislators to treat climate change with the same level of urgency.

Councilmember Gorgol expressed support and requested the inclusion of indigenous individuals.

Mayor Troxell stated he was part of Council that unanimously adopted in the Climate Action Plan in 2015 and he stands by that vote and the City's subsequent actions toward meeting goals. The City needs to be aspirational in its goals but pragmatic in achieving them. No solutions were

presented as part of the citizen comments and adopting this type of resolution will detract from the successes and path the City is currently on. Councilmember Summers agreed.

Councilmember Cunniff stated he believes both can be done simultaneously. Mayor Troxell replied that is not the case if the resolution is about making grandstanding statements or policy changes.

Councilmember Pignataro reiterated she does not believe policy changes should be part of this resolution, but the resolution would be another tool to illustrate community values. She stated she would be happy to work with staff to draft language.

Mayor Troxell stated he would support a resolution that outlines and reaffirms the City's proactive approach.

Mayor Pro Tem Stephens asked if there is Council support for exploring some of the metro district policies with an eye for slightly more prescriptive language around affordable housing and energy efficiency. City Manager Atteberry replied that information will be forthcoming.

- **ADJOURNMENT**

The meeting adjourned at 11:45 PM.

Mayor

ATTEST:

City Clerk

July 16, 2019

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

● ROLL CALL

PRESENT: Pignataro, Gorgol, Summers, Stephens, Troxell, Cunniff
ABSENT: Gutowsky
Staff Present: Atteberry, Daggett, Coldiron

● AGENDA REVIEW: CITY MANAGER

City Manager Atteberry requested Item No. 5, *Items Relating to Delivery of Telecommunication Services by Fort Collins Connexion*, be pulled from the Consent Agenda and moved to discussion to highlight revisions to the Ordinance.

● PRESENTATION

Housing Catalyst Presentation to Councilmember Cunniff.

Kristin Fritz, Housing Catalyst, thanked Councilmember Cunniff for his commitment to affordable housing and to the community's most vulnerable people. She presented him with an award.

Councilmember Cunniff stated it has been a pleasure serving Housing Catalyst and the citizens of Fort Collins. He thanked Jake Joseph, Housing Catalyst Board of Commissioners Chair, for his service.

● PUBLIC COMMENT

Stacy Lynne expressed concern the City's insurance attorney is leading Fort Collins down a troublesome path.

Eric Sutherland discussed the fact that citizens cannot discuss development proposals with Council. He stated Mayor Troxell did not follow this rule when he attended a Planning and Zoning Board work session during which the Board was discussing a development review in process.

Patricia Miller requested Council express support to uphold the articles of UN convention relating to the status of refugees and speak out against family separation policies. She requested Council condemn the federal government's treatment of asylum seekers.

Ryan Barone requested Council denounce family separations and treatment in detention centers.

Kristin Psaki, Foothills Unitarian Church minister, discussed the importance of affirming and promoting the inherent worth and dignity of every person. She encouraged Council to support closing the detention centers.

Monica Rivera stated she often feels overwhelmed and hopeless as a queer mom in the country's current socio-political context. She stated she and her family have volunteered to be a host home for an asylum-seeker and as part of that process, she needs to speak about the safety of Fort Collins for asylum-seekers, specifically trans-identified asylum-seekers.

Johanna Ullon Givon requested Council make a statement from the City of Fort Collins against family separations. The impacts of the federal government's tactics have a direct negative impact on Fort Collins.

Ethan Solomon opposed the conditions of detention centers and Fort Collins needs to make a public statement against the federal government's stance on the detainments.

Paul Patterson commented on the disparity in the support that staff gives applicants versus appellants and requested Council direct the City Manager to provide a greater level of support to citizens involved in the development process. He also requested changes to Code to ensure hearing notices go to interested citizens.

Debra James discussed the importance of placing affordable housing on the Hughes Stadium site and opposed the jail expansion stating more emphasis should be placed on mental health.

Vedra Osborn requested Council denounce border detainment facilities and not let the City's silence speak for itself.

William Cutcher opposed references to border detainment facilities as concentration camps and stated funding needs to be addressed on a national level. The root cause of the problem should be addressed. He opposed Fort Collins becoming a sanctuary city.

Johanna Jones, Early Headstart Program, discussed the sensitivity of children to their relationships with their parents and requested Council speak up against what is happening on the border stating it will have a lifelong impact on the affected children. She stated silence is complicity.

Martha Roden urged Council to uphold the articles of the UN convention and condemned the government's use of detention camps in the United States.

Fred Kirsch discussed the possibility of Fort Collins Utilities leasing space for solar panels and suggested it would benefit the City and rate payers.

Betty Aragon stated Fort Collins is a town of immigrants. The situation in border detention facilities is not acceptable and she encouraged Council to not stay silent.

Pete Donovan stated the situation at the border equates to injustice, tyranny, and genocide. He requested the City decry the action.

Christina Aiella discussed her immigrant lineage and historical separation of children from their families in the United States. She encouraged Council to speak out against the conditions at the border.

Will Rishell opposed the conditions at border detention facilities and stated the community should speak up as a group.

Tim Dolan read the Martin Niemoller quote "First They Came For".

- **PUBLIC COMMENT FOLLOW-UP**

Mayor Troxell summarized the citizen comments.

Councilmember Gorgol noted the funds for the County mental health facility were released four months ago and the construction will begin soon. There is a community input session regarding the appeal process upcoming. City Clerk Coldiron stated the session will be Monday, July 22, at 6 PM.

Councilmember Gorgol stated the Council needs to discuss the border detention center issue and how it wants to speak out as a community.

Mayor Pro Tem Stephens thanked the speakers and personally denounced what is occurring in border detention centers. She wanted to make a statement about it as a Council a year ago but received little support. She believes making a stand against things that are against what the country is about is important. She agreed with the speakers that silence can equate to complicity and there comes a time when leaders, regardless of their position, need to speak out.

Councilmember Cunniff stated he has personally attended protests, written letters to congresspeople, provided donations for legal defense, and has spoken in person when given the opportunity about border detention activities. This is not just a legal policy issue, but a moral and defining character issue for the country.

Councilmember Cunniff noted information is being gathered regarding the ex parte communication policy and the policy could likely be edited to provide for reasonable legal protection for the City and would like some follow-up on Mr. Kirsh's comments prior to next week's work session.

Councilmember Summers stated Congress has failed to provide adequate funding for border security and stated individuals who have had their day in court and are found to be in the country illegally should be deported.

Councilmember Pignataro stated the appeal process will be discussed by Council September 17. She would like to receive information related to Mr. Kirsh's comments. She was compelled to run for office when she found out what was happening at the border a year ago.

Mayor Troxell thanked the speakers.

- **CONSENT CALENDAR**

Eric Sutherland withdrew Item Nos. 1, *Items Relating to Various Amendments to the City of Fort Collins Land Use Code*, and 3, *Items Relating to Sales Tax Code Updates*, from the Consent Agenda.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Pignataro, to adopt and approve all items not withdrawn from the Consent Agenda.

RESULT:	CONSENT CALENDAR ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Julie Pignataro, District 2
AYES:	Pignataro, Gorgol, Summers, Stephens, Troxell, Cunniff
ABSENT:	Gutowsky

2. **Second Reading of Ordinance No. 084, 2019, Appropriating Unanticipated Grant Revenues From Bloomberg Philanthropies and Authorizing Transfers of Appropriations in the Light and Power Fund for Residential Efficiency Project Loans. (Adopted)**

This Ordinance, unanimously adopted on First Reading on July 2, 2019, Appropriates The purpose of this item is to appropriate \$193,650 of \$682,000 in grant award revenues from Bloomberg Philanthropies, as part of the Bloomberg Mayor's Challenge, into the Fort Collins Utilities Light and Power fund and Economic Health Office for the purposes of ongoing project management and operations of Epic Homes and a sub-grant to Colorado State University for indoor air quality research. The remaining \$488,350 of the 2019 balance of funds will be appropriated for Epic Loan capital in alignment with pending third-party capital agreements.

3. **Second Reading of Ordinance No. 088, 2019, Designating the Maneval/Mason/Sauer Property, 100 1st Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins. (Adopted)**

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

This Ordinance, unanimously adopted on First Reading on July 2, 2019, considers the request for landmark designation of the Maneval/Mason/Sauer Property, 100 1st Street. This is a voluntary designation at the property owner's request. The Landmark Preservation Commission unanimously recommends approving this landmark designation.

4. **First Reading of Ordinance No. 092, 2019, Appropriating Prior Year Reserves in the General Fund for the Police Interview Room Camera Replacement. (Adopted)**

The purpose of this item is to appropriate funds from the Fort Collins Police Services Asset Forfeiture federal and state accounts (in the amount of \$101,000) to partially fund the purchase of a replacement interview room recording system at the Fort Collins Police Services building, 2221 South Timberline Road. These funds will be used in conjunction with other identified funds from core budget and contract savings.

5. **Items Relating to 2018 International Code Amendments. (Adopted)**

A. First Reading of Ordinance No. 094, 2019, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Enacting Local Amendments to the *2018 International Building Code*.

B. First Reading of Ordinance No. 095, 2019, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Enacting Local Amendments to the *2018 International Residential Code*.

The purpose of this item is to revise two Code requirements first proposed in both the International Building Code (the "IBC") and the International Residential Code (the "IRC"). The first proposed change relates to an asphalt shingle roof covering requirement exemption where compliance is difficult given certain circumstances.

The second proposed change relates to an electric vehicle charging (EV ready) conduit requirement that was submitted to be included in the 2018 codes as adopted in January but was missed and not included in the final ordinance version as intended. Adopting these two Ordinances will make the above changes in both the IRC, which applies to residential property, and the IBC, which applies to commercial property.

6. **First Reading of Ordinance No. 096, 2019, Approving the Waiver of Certain Fees for the Mason Place Affordable Housing Project. (Adopted)**

The purpose of this item is to present Housing Catalyst's request for affordable housing fee waivers for the Mason Place permanent supportive housing project under development at 3750 South Mason Street, currently the site of the Midtown Arts Center. All 60 units of this project target residents making no more than 30% area median income (AMI) and therefore qualify for discretionary fee waivers. The request is to approve the waiver of 100% of the waivable fees up to the amount of \$330,000.

7. **First Reading of Ordinance No. 097, 2019, Approving and Authorizing Execution of the Second Amendment to Permanent Easement dated April 27, 2006, to Public Service Company of Colorado Related to the Northside Aztlan/Poudre River Site. (Adopted)**

The purpose of this item is to amend an existing easement located on City property that includes the Northside Aztlan/United Way parcel, 226 Willow Street, and a portion of the Gustav Swanson Natural Area (the "City Property"), sometimes referred to as the Aztlan/Poudre River EPA Removal Action Site, at 112 Willow Street.

8. **First Reading of Ordinance No. 098, 2019, Authorizing the Execution of First and Second Amended and Restated Conservation Easements on the Hazelhurst Property and Assignment of a Conservation Easement to Larimer County. (Adopted)**

The purpose of this item is to authorize the execution of a First Amended and Restated Conservation Easement on the Hazelhurst property located at 2887 West Trilby Road. The amended and restated conservation easement will allow for the subdivision of the 45-acre property into two parcels: a 5-acre parcel to be retained by Glenn and Margaret Hazelhurst and a 40-acre parcel to be purchased in fee by the Natural Areas Department. Staff is also seeking authorization to subsequently enter into a Second Amended and Restated Conservation Easement that will split the Conservation Easement into two agreements, one that will apply to the 5-acre tract the Hazelhursts retain and a the other encumbering the 40-acre parcel purchased by the City, so that the conservation easement can be managed separately on each parcel. The conservation easement on the City's parcel would then be assigned to and held by Larimer County through its Open Lands department.

9. **Items Relating to the Fossil Creek Reservoir Area Plan-Transfer of Density Units Program Closure. (Adopted)**

- A. Resolution 2019-077 Amending the Fossil Creek Reservoir Area Plan to Close the Transfer of Density Units Program.
- B. Resolution 2019-078 Approving and Authorizing the Mayor to Execute Amendment Number Two to the Intergovernmental Agreement Between the City and Larimer County Regarding Cooperation on Managing Urban Development Within the Fort Collins Growth Management Area to Close the Transfer of Density Units Program and Update Certain References.

The purpose of this item is to consider closure to the Fossil Creek Reservoir Transfer of Density Units (TDU) Program, adopted September 22, 1998, by the Larimer County Board of Commissioners. The TDU Receiving Area is essentially annexed and built out, with only one remaining parcel with limited development potential. This item includes amendments to both the Fossil Creek Reservoir Area Plan and the Intergovernmental Agreement Regarding Cooperation on Managing Urban Development.

10. **Resolution 2019-079 Authorizing the City Manager to Execute an Agreement with Numerous Stakeholders Regarding a Joint Study of the Boxelder Creek Watershed Dams. (Adopted)**

The purpose of this item is to enter into an agreement with key stakeholders to study a series of key flood control dams upstream of Fort Collins known as the “Boxelder Creek Watershed Dams.” The stakeholders that will be parties to this agreement are: Larimer County, the Town of Wellington, the Town of Timnath, and the North Poudre Irrigation Company. The study will be used as the basis for subsequent discussions and potential agreements related to the dams, including capital improvements and long-term operations and maintenance needs and responsibilities.

11. **Resolution 2019-080 Approving an Artwork to be Placed at the Poudre River Whitewater Park. (Adopted)**

The purpose of this item is to approve artwork that will be placed in the Poudre River Whitewater Park to mark the Cache la Poudre River National Heritage Area.

12. **Resolution 2019-081 Approving Fort Fund Grant Disbursements. (Adopted)**

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

13. **Resolution 2019-083 Making an Appointment to the Northern Colorado Regional Airport Commission. (Adopted)**

The purpose of this item is to reappoint Thomas Fleming to a three-year term on the Northern Colorado Regional Airport Commission.

● **CONSENT CALENDAR FOLLOW-UP**

Mayor Pro Tem Stephens mentioned Item No. 8, *First Reading of Ordinance No. 096, 2019, Approving the Waiver of Certain Fees for the Mason Place Affordable Housing Project*, was a good news item. This will be permanent supportive housing for individuals who have experienced chronic homelessness.

Mayor Troxell mentioned Item Nos. 13, *Resolution 2019-080 Approving an Artwork to be Placed at the Poudre River Whitewater Park*, and 14, *Resolution 2019-081 Approving Fort Fund Grant Disbursements*, was good news items. He also noted Thomas Fleming was appointed to the Northern Colorado Regional Airport Commission.

City Manager Atteberry noted the September 17 discussion of the appeal process has been moved to October 15 due to Planning and Zoning Board scheduling issues.

● **STAFF REPORTS**

Business Trespass and College Avenue Traffic Safety. (staff: John Feyen)

John Feyen, Assistant Chief of Patrol Division, stated Police Patrol Services attempts to align itself with the City’s priorities, including the strategic alignment with safe communities and community involvement and improving safety for all travel modes. He discussed the need for occasional patrol enforcement of business trespasses and College Avenue traffic safety related to “cruising”. He outlined intervention techniques utilized and discussed citations issued. He thanked Officer Brian Grosshans for his efforts in this program.

Councilmember Cunniff thanked Feyen and stated he is looking forward to seeing statistical results of the program.

Councilmember Gorgol asked if courts provide alternative sentencing options for youth. Grosshans replied most citations are first-time offenses which result in year-long deferred sentences and some type of fine. There have only been a few repeat offenders and the sentencing for those individuals has yet to play out.

Mayor Pro Tem Stephens requested additional information regarding alternative sentencing options for youth.

City Manager Atteberry stated it is important for Council and the community to see that City resources are being aligned with Council and community concerns.

Mayor Pro Tem Stephens thanked staff for the work on this program.

Councilmember Cunniff stated he would like to ensure statistics are being collected to confirm equity.

Neighborhood Services Regarding Block Party Trailer. (staff: Marcy Yoder)

J.C. Ward, Neighborhood Services, stated the block party trailer has already been a success and it is intended to create and strengthen connections with neighborhoods, between neighbors, and with the City, by providing a welcoming and safe space and reducing barriers to dialogue and participation. She discussed the priorities, principles and policies of the City with which the program aligns.

Mayor Pro Tem Stephens stated this allows all neighborhoods to have parties and fun together.

Councilmember Gorgol commended the program and its commitment to equity. She asked how the City has gotten the word out to neighborhoods. Marcy Yoder, Neighborhood Services Manager, replied that is a passion of staff and they have also used a lemonade stand as a pop-up engagement opportunity.

Councilmember Gorgol asked if the trailer will be available on weekdays in the future. Yoder replied this has been a pilot year and expanding opportunities will be evaluated at the end of the year.

Mayor Troxell thanked Yoder and staff for their work and efforts at improving the community.

● **COUNCILMEMBER REPORTS**

Councilmember Cunniff reported on speaking at the Soapstone Prairie 10th anniversary celebration.

Councilmember Summers reported the bison herd at Soapstone is growing quicker than expected. He also reported on a Forbes Magazine list of best places to work which included OtterBox, UC Health, the City of Fort Collins, CSU, Larimer County, and other organizations with representation in Fort Collins.

Councilmember Pignataro reported on her first listening session and recent Futures Committee meeting about the future of transportation in Northern Colorado.

Councilmember Gorgol reported on a breakfast at CSU with the new president. She also noted the Larimer County Behavioral Health Policy Council met and appropriated funds for mental health needs for the next year.

Councilmember Gorgol reported on Joe Neguse's visit to the Housing Catalyst project and announced a listening session Thursday.

Mayor Pro Tem Stephens reported on the Metropolitan Planning Council meeting and stated there is an initiative by the Governor for zero emission vehicles. She also reported on the Women in Philanthropy event with CSU's new president.

Mayor Pro Tem Stephens reported on a recent neighborhood meeting regarding a possible cyclocross facility at Rossborough Park.

Mayor Troxell reported on the recent Futures Committee meeting, the groundbreaking of the new Elevations Credit Union on East Mountain, and a celebration at Lee Martinez Farm with the Martinez family.

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

14. **Items Relating to Delivery of Telecommunication Services by Fort Collins Connexion. (Adopted as Amended on Second Reading)**

- A. *Second Reading of Ordinance No. 089, 2019, Amending Chapter 26 of the Code of the City of Fort Collins to Further Authorize and Implement the City's Provision of Telecommunication Facilities and Services as Provided in City Charter Article XII, Section 7.*
- B. *Second Reading of Ordinance No. 091, 2019, Authorizing the Purchasing Agent to Enter into Licensing Contracts with a Term Length in Excess of Five Years for the Acquisition of Video Content Rights in Furtherance of Fort Collins Connexion's Delivery of Telecommunication Services.*

These Ordinances were unanimously adopted on First Reading on July 2, 2019. Ordinance No. 089, 2019 adopts a variety of revisions, clarifications and additions to City Code Chapter 26 pertaining to Utility Services to accommodate telecommunication services. Ordinance No. 091, 2019 approves long term licensing agreements with a term up to seven years for video content to be delivered to Connexion's subscribers.

The following changes to Ordinance No. 089, 2019 have been made since First Reading:

1. *Section 26-575(a): removed reference to agreement by subscriber to abide by terms and conditions of service and rules and regulations; replace with mandatory language (shall be subject to...);*
2. *Section 26-576(d): substituted defined term "telecommunication subscriber" for "telecommunication customer" for consistency;*
3. *Section 26-579(c): adjusted definitions of Code violation to exclude nonpayment by a subscriber so failure to pay is not punishable as a criminal violation, leaving termination of service and other legal recourse such as collection as enforcement mechanisms for nonpayment.*

4. *Section 26-583(a): clarified language regarding relationship of franchise fees to PILOT by indicating all franchise fees paid shall be a credit against the PILOT amounts due, and to provide that PILOT shall be paid by the telecommunication division and may (not must) be charged directly to subscribers.*

City Attorney Daggett read ordinance changes made since First Reading into the record.

Eric Sutherland stated this ordinance was not posted online five days in advance as required by the City Charter and this ordinance is not ready for consideration. He recommended Council form an advisory group to oversee the broadband program.

Rich Stave stated he found the reporting structure odd and questioned why internet service would be shut off if other utility bills are unpaid. He also expressed concern regarding privacy and surveillance issues.

Mayor Troxell requested staff address Mr. Stave's questions. City Manager Atteberry replied he has made a decision that Coleman Keane, Broadband Executive Director, is a direct report to the City Manager, which could change over time. He noted Kevin Gertig, the Utilities Services Executive Director who has four direct reports, is a direct report to Deputy City Manager Jeff Mihelich.

Coleman Keane, Broadband Executive Director, noted Fort Collins Connexion needs to rely on partners within the City organization to provide various aspects of its service.

City Attorney Daggett noted voter-approved charter language allowed Council to chose whether to establish the broadband service as a separate utility or to do it under the umbrella of the City's electric utility, or to change that over time.

Councilmember Cunniff asked if the privacy issues will be addressed in the administrative terms of use and other regulations. Keane replied privacy concerns are taken very seriously but noted the utility needs some ability to monitor network usage in order to manage network performance. He stated staff is bound by law to intercept traffic and pass it to a federal or state agency as appropriate if a lawful intercept warrant is issued.

Senior Assistant City Attorney Judy Schmidt noted there are basic privacy provisions already included in the Code related to utility records.

Councilmember Cunniff discussed the importance of trust in the City organization and stated it will be important for Connexion to not engage in any of the traffic throttling practices of its competitors. He supports the changes in the Ordinance as presented.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 089, 2019, as amended to include the language changes as read, on Second Reading.

City Attorney Daggett requested a friendly amendment to the motion reflecting a section number change. Mayor Pro Tem Stephens and Councilmember Cunniff accepted the amendment as being friendly.

RESULT:	ORDINANCE NO. 089, 2019, ADOPTED AS AMENDED ON SECOND READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Summers, Stephens, Troxell, Cunniff
ABSENT:	Gutowsky

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 091, 2019, on Second Reading.

RESULT:	ORDINANCE NO. 091, 2019 ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Summers, Stephens, Troxell, Cunniff
ABSENT:	Gutowsky

● **DISCUSSION ITEMS**

15. **Second Reading of Ordinance No. 090, 2019, Appropriating Unanticipated Grant Revenue in the General Fund for Updating Policies, Codes and Regulations Affecting the Quality and Quantity of Affordable Housing in Fort Collins. (Adopted on Second Reading)**

This Ordinance, adopted on First Reading on July 2, 2019 by a vote of 6-0 (Gorgol recused). Appropriates unanticipated grant revenue awarded by the Colorado Department of Public Health and Environment (CDPHE) through its Health Disparities Grant Program (HDGP) to implement critical updates to policies, codes and regulations affecting the quality and quantity of affordable housing with a specific lens on reducing health inequities in Fort Collins. This housing affordability and health equity project will use CDPHE grant funds in the amount of \$795,657 in reimbursable grant funding over a two-year grant cycle (State Fiscal Year 2020-2021).

Councilmember Gorgol withdrew from the discussion of this item due to a conflict of interest.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 090, 2019, on Second Reading.

RESULT:	ORDINANCE NO. 090, 2019, ADOPTED ON SECOND READING [5 TO 0]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Summers, Stephens, Troxell, Cunniff
ABSENT:	Gutowsky
RECUSED:	Gorgol

16. **Resolution 2019-082 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Planning and Zoning Board's Decision Approving the Sunshine House at Bucking Horse Major Amendment MJA190001. (Adopted)**

The purpose of this item is to make findings of fact and conclusions of law regarding the appeal of the Sunshine House at Bucking Horse Major Amendment (MJA#190001). The hearing for the appeals was held July 2, 2019.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Summers, to adopt Resolution 2019-082.

Mayor Troxell noted this Resolution documents the outcome of the appeal hearing at Council's last meeting.

Councilmember Cunniff stated he did not support Council's finding; however, he agrees that was the outcome and will therefore support the motion. He stated he looks forward to upcoming discussions related to appeals and boards and commissions.

RESULT:	RESOLUTION 2019-082 ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ken Summers, District 3
AYES:	Pignataro, Gorgol, Summers, Stephens, Troxell, Cunniff
ABSENT:	Gutowsky

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

**17. Resolution 2019-084 Initiating the Rezoning of the Hughes Stadium Annexation Property.
(Adopted)**

The purpose of this item is to initiate the rezoning of the Hughes Stadium Annexation property that amends the City of Fort Collins Zoning Map from the current Transition (T) zone district and directs City staff to prepare a rezoning application on behalf of the City and make a recommendation to the Planning and Zoning Board (the "Board") and City Council regarding the appropriate zoning.

Tom Leeson, Director of Community Development and Neighborhood Services, stated this Resolution initiates the rezoning of the Hughes Stadium site from the Transition zone to another zone district based on the direction of Council.

Cameron Gloss, Planning Manager, noted the Transition zone provides no development rights and was the specific request of CSU. He stated the City will be following the development review process as outlined in the Land Use Code. Following the rezoning initiation, a neighborhood meeting will occur, the Planning and Zoning Board will conduct a public hearing and make a recommendation, and the recommendation will then come before Council to make a final decision.

Gloss noted the neighborhood meeting has been set for August 8 at the Drake Center, the Planning and Zoning Board hearing has been tentatively scheduled for September 19, and the Council hearing has been tentatively scheduled for October 1. He stated a development plan could be submitted after any rezoning and that process would also include a neighborhood meeting; however, the Planning and Zoning Board would make the final decision on any development plan.

Eric Sutherland stated a neighborhood meeting already occurred at which Lennar Homes showed a project plan layout that would not be compatible with any of the City's existing zoning. He argued any subsequent plan put forth would clearly be an improvement. He questioned why staff has not been asked to develop a unique zoning designation that will work for the site and embody the City's aspirational thinking.

Mary Grant, PATHS, stated she understands the Hughes property needs to be transformed and it deserves serious consideration. She suggested a public/private/philanthropic project that is economically viable and embodies community values.

Kevin Jones, Fort Collins Area Chamber of Commerce, requested Council not adopt this Resolution and, in the best interest of attainable workforce housing, that Council allow the development process already in place to continue.

Renee Walkup, PATHS, Planning Actions to Transform Hughes Sustainably, discussed extensive previous public input indicating people want open space and affordable housing on the site. She requested Council recommend a public Planning and Zoning Board hearing to allow her group to make a case for ideal zoning and a plan that will benefit everyone in the community.

Dennis Hemstreet expressed concern about the number of homes proposed as it will result in traffic, pollution, and open space pressure problems.

Mark DeGregorio stated the proposed development is in direct opposition to City plans and goals. He questioned why the City never attempted to purchase the property as open space.

Martha Zook, PATHS, discussed signed petitions the group has obtained regarding the property and stated the group would like the Planning and Zoning Board to hold a public hearing to obtain public input.

Ray Mease discussed the value of the property as an open space and stated the City benefits financially from visitors to the area. The space needs to be protected for the enjoyment of all.

Melissa Rosas discussed the PATHS petitions requesting a more sustainable, community-friendly alternative to the high-density plan shown by Lennar Homes.

Ann Baron discussed previous public input regarding the property which found that citizens most desire open space and affordable housing on the site.

Calvin Erickson supported adoption of this resolution and stated this unique property is worth extensive consideration by the City.

Rich Feller discussed necessary fire evacuation routes should this property develop. He requested Council adopt the resolution to let citizens' voices be heard.

Anna Goldetsky noted there are no services near the property; therefore, all new residents would need to travel for all needs. The site is unsuited for hundreds of homes.

Ted Walkup stated this rezoning resolution opens the door for substantive action toward the City's three core values: livability, community, and sustainability.

Justin Pless, attorney for clients who are business owners in Fort Collins, opposed Council initiating the rezoning process stating it deviates from the normal process and the City should not use zoning to disapprove or influence specific development projects. This sets a bad precedent and leads to uncertainty.

Nick Lieurance stated he does not want to see the property be lost to an overcrowded housing development.

Mac Hester commended Council and the City on their conservation of open space and natural areas and stated there is a threatened species in Maxwell and Pineridge which exists only in Larimer and Boulder counties.

Jill Vesty requested the property be preserved as an open space and suggested the City should focus on increased density and less sprawl. This is not a good location for affordable housing as residents would need to purchase vehicles.

Tim Dolan expressed concern regarding safety, emergency response access, and evacuation routes.

Susan McFadden stated this should be a two-step process with extensive public input. She suggested affordable housing and energy efficiency should be built into the plan.

Tamara Meure stated there is no way to support a large development with services, schools, and existing roadways on the west side of town. She expressed concern about emergency response access.

Mike Robinson stated Council has an opportunity to affect this unique property which is bordered on two sides by open space and natural areas.

Councilmember Cunniff noted he received a notice of the neighborhood meeting but that does not affect his impartiality. Internal discussions have occurred regarding a Natural Areas purchase of the property and he requested input regarding the staff recommendation. John Stokes, Natural Areas Program Director, replied it has been the understanding of Natural Areas staff that CSU's desire is to monetize the value of the property to the extent that it can. The Natural Areas program considered the viability of this property as a potential acquisition and noted many considerations come into play, including an equal distribution of resources across the growth management area. He noted there are over 4,000 acres of conserved land and ten miles of trails in this area.

Councilmember Cunniff stated he does not personally see that a Natural Areas purchase is the best use of funds at this time and there are other ways to ensure the development is compatible with City plans and documents.

Councilmember Summers asked if there was any consideration of a Natural Areas purchase of part of the property. Stokes replied that was not considered, noting development regulations address buffers to adjoining natural areas.

Mayor Troxell asked about the differences between this process and the typical rezoning process. Gloss replied the rezone would be required to have development rights created. Applicants can consolidate a zoning and development application or separate the proposed zoning application from the proposed development plan application.

Mayor Troxell asked when public input would occur in the current process. Gloss replied both processes require at least one neighborhood meeting, a Planning and Zoning Board public hearing, a Council hearing for the zoning portion, and another Planning and Zoning Board hearing for the development application. He noted any of the aforementioned meetings are open to the public, but mailings are sent to both owners and renters of properties within 1,000 feet. Other public advertisements of the meeting occur in signage on the property and on the City's website.

Mayor Troxell asked what goes into the zoning recommendation. Gloss replied the Land Use Code has criteria for compliance with the City's Comprehensive Plan, or City Plan, and for compatibility to the surrounding area.

Mayor Troxell asked how the public input would differ between this method and the traditional method to just consider the rezoning. Gloss replied there would be two separate neighborhood meetings with this process and there is a potential for only one neighborhood meeting if a developer submitted a consolidated application. Both processes would involve public hearings before the Planning and Zoning Board and Council.

Councilmember Gorgol asked if this process eliminates the ex parte communication issue. City Attorney Daggett replied ex parte communications reference communications that are outside of the process, or side conversations, and do not refer to any of the opportunities members of the public have to provide comments, interact with staff, or submit information and concerns throughout the process.

Councilmember Summers asked if there is any more influence by the public, or opportunity for citizens to address their concerns, whether Council initiates the rezoning or it goes through the more typical process. City Attorney Daggett replied the process is not different except that if the zoning process goes through separately from the development process, there would be two separate rounds of meetings and hearings. Leeson agreed and stated the process would be longer with more opportunity for public comment if the processes were separate.

Councilmember Gorgol asked if the process is different because Council is initiating it. Leeson replied the normal planning process with the same constraints of ex parte communication would occur.

Councilmember Gorgol asked if Council initiating this rezoning would reallocate time or funds. City Manager Atteberry replied Council's policy agenda would not be disrupted and no additional budget would be required.

Councilmember Gorgol asked if notices are sent to renters and owners. Gloss replied in the affirmative.

Councilmember Gorgol commented that more than one neighborhood meeting may be necessary if Council initiates the rezoning.

Mayor Pro Tem Stephens asked Councilmember Cunniff to reiterate the value he sees in going through this process. Councilmember Cunniff replied this would be a more obvious and clean decision about zoning related to City Plan and its policies rather than for it to be tied with a development proposal. The number of Transitional-zoned properties wherein this could occur is very limited.

Mayor Troxell asked about the frequency of the use of the Transition zone. Gloss replied it is rarely used and there are only a handful of Transition properties, most of which were created when the Land Use Code was adopted in 1997. Those properties were to receive new zoning when they were developed based on the Land Use Code.

Mayor Troxell asked if the City has ever before separated the zoning from the development review with a Council-initiated process. Gloss replied staff cannot recall a time where this condition existed.

Councilmember Pignataro stated she would support the resolution and even if this does set a precedent, that would not be a huge issue given the number of Transition properties in the city. She thanked the citizens who spoke.

Councilmember Cunniff made a motion, seconded by Councilmember Pignataro, to adopt Resolution 2019-084.

Mayor Troxell stated predictability is important in the development review process and suggested this introduces some level of uncertainty. He questioned what impact the longer process would have on affordable housing and the applicant. Leeson replied uncertainty increases risk and risk increases cost; however, the timeline of a formal application is unknown, and it could be that the zoning process is resolved prior to the submittal of an application. He acknowledged that the applicant likely cannot move forward on any kind of design until the zoning is known.

Mayor Troxell asked about the plan that has been submitted by Lennar Homes. Leeson replied it is a very preliminary conceptual plan that is not considered a formal development application. He noted staff had 23 pages of comments on the preliminary conceptual plan and all of that would be reviewed and analyzed as part of the normal development review process.

Councilmember Summers stated it seems like community members may have more time to make comments if this were to go through the developer-initiated process given it is unknown when the developer may submit a proposal.

Councilmember Cunniff stated there is probably more certainty as to what could be developed if the zoning were in place. Leeson replied that is a fair interpretation and stated there is some risk to a developer to do a combined application.

Mayor Pro Tem Stephens agreed with Councilmember Cunniff and noted that even though this may not be the typical process, it is still process-driven and provides adequate opportunity for public feedback.

Councilmember Gorgol stated she would support the motion as the process sets out good transparency for highlighting City priorities.

Councilmember Summers stated the precedent of this is dangerous and expressed concern it communicates a sense of uncertainty for developers.

Mayor Troxell stated he would not support the motion as it is important this process is being used for the right reasons.

RESULT:	RESOLUTION 2019-084 ADOPTED [4 TO 2]
MOVER:	Ross Cunniff, District 5
SECONDER:	Julie Pignataro, District 2
AYES:	Pignataro, Gorgol, Stephens, Cunniff
NAYS:	Summers, Troxell
ABSENT:	Gutowsky

18. **First Reading of Ordinance No. 099, 2019 Imposing a Moratorium Until August 30, 2020, Upon Certain Development of Existing Mobile Home Parks. (Adopted on First Reading)**

The purpose of this item is to impose a moratorium upon the City's acceptance of any application for development of any kind that, if granted, could result in the partial or total closing or reduction in capacity of any mobile home park in existence on the effective date of this Ordinance, and would remain in effect through the earlier of August 30, 2020, or until City Council adopts an ordinance containing regulations that address the identified issues and concerns.

Tom Leeson, Community Development and Neighborhood Services Director, stated this item places a moratorium on certain development affecting existing mobile home parks. He discussed the goals of City Plan related to increasing the supply of affordable housing and the prevention or mitigation of displacement impacts for affordable housing, specifically mobile home parks.

Leeson stated the purpose of the moratorium is to provide staff and Council time to research policy options for this unique affordable housing type, to further City Plan policies, and to uphold the principles of the Mobile Home Act, and to protect Fort Collins citizens. The moratorium would be imposed on the acceptance of applications for development that could result in the partial or total closing or reduction in capacity of any mobile home park and would remain in effect until August 30, 2020, or until Council adopts an ordinance containing regulations that address the identified issues, whichever occurs first.

Councilmember Summers asked about the zoning of a mobile home park. Leeson replied they are allowed as a use-by-right in two zone districts, the Low-Density Mixed-Use Neighborhood, and the Employment zones. Mobile home parks in other zone districts would be considered legally non-conforming uses.

Councilmember Summers asked if the redevelopment of a mobile home park has occurred recently. Leeson replied in the negative and he is not aware of any pending application. City Manager Atteberry replied the Grape Street mobile home park was affected by the North College King Soopers development and others have occurred.

Councilmember Summers asked about the identified issues and concerns. Leeson replied Council has indicated affordable housing as a top priority and mobile home parks offer a population that is more at risk and has some unusual hardships if displacement were to occur because of the ownership structure. Mobile home parks are in zone districts that are ripe for redevelopment.

City Manager Atteberry stated staff is hearing rumors that there may be some movement in this space, and this would allow time to do some planning work with public input that could result in a number of different options with no predetermined outcome. He noted many residents are reliant on this type of housing and the risk of losing it has become an important issue.

Councilmember Summers asked if this would include looking at areas of redevelopment and zoning for expansion of mobile homes. Leeson replied there is no predetermined outcome, but all options would be considered.

Councilmember Summers expressed concern about the message a moratorium may send and suggested the dynamic around trust needs to be changed moving forward.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Pignataro, to adopt Ordinance No. 099, 2019, on First Reading.

Mayor Troxell suggested the inclusion of language related to relationships and incentives in order to provide a balanced perspective. City Manager Atteberry noted staff is currently working with property and unit owners.

Councilmember Gorgol noted she brought this item forward and the expectation is that there will be delicate and controversial conversations about mobile home parks. The moratorium provides the room to have those conversations without frightening residents or property owners.

City Manager Atteberry stated he will report to Council what the engagement process would look like. Mayor Troxell replied in support of that idea.

Mayor Pro Tem Stephens stated she never thought of this Ordinance as being punitive and she would like to see incentive-based options come forward. This should provide an opportunity to develop partnerships and relationships.

Councilmember Cunniff stated he would support the motion and thanked Councilmember Gorgol for bringing it forward.

City Attorney Daggett asked if Council would like the ordinance to reflect the requirement that the City Manager bring back a plan and schedule for Second Reading of the Ordinance. Mayor Troxell replied in support.

RESULT:	ORDINANCE NO. 099, 2019, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Julie Pignataro, District 2
AYES:	Pignataro, Gorgol, Summers, Stephens, Troxell, Cunniff
ABSENT:	Gutowsky

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

19. **Items Relating to Various Amendments to the City of Fort Collins Land Use Code. (Adopted on Second Reading)**

- A. *Second Reading of Ordinance No. 077, 2019, Makes Various Amendments to the City of Fort Collins Land Use Code.*
- B. *Second Reading of Ordinance No. 078, 2019, Amends the City of Fort Collins Land Use Code Regarding Community Development and Neighborhood Services Director Variances to Certain Land Use Code Standards.*

These Ordinances, unanimously adopted on First Reading on July 2, 2019, adopt a variety of revisions, clarifications and additions to the Land Use Code.

Eric Sutherland discussed substantive changes made between First and Second Reading of an ordinance on another item that he stated were never published. He questioned whether engineering standards exist for broadband fiber optic cable installation and, if they do not, why they are mentioned in the Land Use Code.

Mayor Troxell asked if publishing requirements were met for this item. Noah Beals, Senior Planner, replied in the affirmative.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 077, 2019, on Second Reading.

RESULT:	ORDINANCE NO. 077, 2019, ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Summers, Stephens, Troxell, Cunniff
ABSENT:	Gutowsky

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 078, 2019, on Second Reading.

RESULT:	ORDINANCE NO. 078, 2019, ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Summers, Stephens, Troxell, Cunniff
ABSENT:	Gutowsky

20. **Items Relating to Sales Tax Code Updates. (Adopted on Second Reading)**

- A. *Second Reading of Ordinance No. 085, 2019, Amends Article XVIII of Chapter 15 of the Code of the City of Fort Collins Relating to Short-Term Rental Licenses.*
- B. *Second Reading of Ordinance No. 086, 2019, Amends Article II of Chapter 25 of the Code of the City of Fort Collins Relating to the City's Tax Rebate Programs.*
- C. *Second Reading of Ordinance No. 087, 2019, Amends Article III 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 Taxes.*

These Ordinances, unanimously adopted on First Reading on July 2, 2019, amend City Code sections in Chapter 15 and 25 to provide clarification for definitions and the application of various sections of the Code.

Eric Sutherland discussed requirements related to ordinances, stating they were met in this case, and stated Fort Collins is one of the few communities in Colorado to still tax food.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 085, 2019, on Second Reading.

RESULT:	ORDINANCE NO. 085, 2019, ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Summers, Stephens, Troxell, Cunniff
ABSENT:	Gutowsky

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 086, 2019, on Second Reading.

Councilmember Cunniff noted conversations have occurred regarding the sales tax rebate program and how to ensure outreach. He stated this is the most reasonable alternative given the fact the City does tax food.

Mayor Pro Tem Stephens stated she would like to reexamine the food tax and look at the pink tax.

RESULT:	ORDINANCE NO. 086, 2019, ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Summers, Stephens, Troxell, Cunniff
ABSENT:	Gutowsky

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Ordinance No. 087, 2019, on Second Reading.

RESULT:	ORDINANCE NO. 087, 2019, ADOPTED ON SECOND READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Summers, Stephens, Troxell, Cunniff
ABSENT:	Gutowsky

● **OTHER BUSINESS**

Mayor Pro Tem Stephens asked if there is support for Council making a statement on the conditions at border detention facilities.

Mayor Troxell suggested a more fact-finding option to which Council could respond.

Councilmember Gorgol stated she would support some type of statement, but would like to know about options and what any statement would set forth.

Councilmember Summers stated any letter to the delegation should address funding. Fact-finding would be important as there is a great deal of contradiction about what is occurring. Council should be cautious to rush to judgement.

Councilmember Pignataro asked how Council responded to and addressed the Paris Climate Accord. Mayor Troxell replied he wrote a letter on behalf of Council, in consultation with the Legislative Review Committee, describing specific things Fort Collins was doing relating to its Climate Action Plan and reinforcing what was occurring at the local level. Council also opted to write a letter regarding President Trump's decision not to sign onto the Accord.

Mayor Pro Tem Stephens stated there are definitely proved human rights abuses happening at the border, which she denounces, and would support having the Legislative Review Committee examine the issue.

Councilmember Cunniff stated it makes sense for the Legislative Review Committee to examine this issue and he would be interested to know if the City has business relationships with any of the companies contracted to provide detention services.

Councilmember Summers stated he is opposed to family separations and abuse; however, it is inaccurate to characterize that is all that is happening. Council should speak out against abuses to the extent they are occurring. Congress needs to ensure full funding is available to correct the situations that are not right.

Councilmember Cunniff stated he agrees 100% that the policies with respect to family separation are not legal, moral or ethical, and Council should continue to press for a rational, well-reasoned, humane immigration policy discussion because that does have a nexus to Fort Collins.

Councilmember Gorgol stated issues related to humane treatment of people at the border must be examined and she does not agree that funding is the solution. She asked when the Legislative Review Committee meets next and about the turn-around time for getting something back to the community. Councilmember Cunniff replied a special meeting could be called at any time with information available by the August 20 meeting.

Councilmember Summers stated it is a false narrative to state these issues are the fault of the United States rather than human traffickers and drug cartels.

Mayor Pro Tem Stephens stated no one ever stated other parties are not at fault; however, the United States has the obligation to act better than cartels and act better than treating humans worse than some would treat animals. These abuses could be stopped by government and there is a moral obligation to do so.

Consideration of a motion to call a Special Meeting, 6:45 p.m., Tuesday, July 30, 2019.

Mayor Troxell stated this meeting is being called to keep options open related to the possibility of a special election in coordination with the Larimer County November election.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, pursuant to Section 2-29(a) of the City Code, that Council call a special meeting of the Council to take place on Tuesday, July 30, 2019, at 6:45 p.m. for the following purposes:

1. Consideration of a motion for an executive session to discuss certain matters related to City telecommunications facilities and services.
2. Consideration of First Reading of an Ordinance calling a Special Election for November 5, 2019 in Conjunction with the Larimer County Coordinated Election.

Mayor Pro Tem Stephens stated there is some benefit to having public discussion about telecommunications before going into executive session.

Councilmember Cunniff asked if it would be possible to convene the meeting at 6:00 p.m. for the purposes of hearing anything other than the executive session and then adjourn the meeting until after the work session for Council to consider an executive session. City Attorney Daggett replied that is a possibility.

Councilmember Cunniff suggested convening at 6:00 p.m. with the aforementioned structure.

Mayor Pro Tem Stephens accepted the amendment.

Eric Sutherland requested some clarification as to what might be considered for a special election. He noted Council cannot discuss strategy or matters related to competition in executive sessions per state law.

Mayor Troxell stated the special election item would be related to transportation and/or transit options for the City.

Mayor Pro Tem Stephens requested staff input as to the executive session. City Attorney Daggett replied Mr. Sutherland has previously raised his concern and disagreement with the Charter provision, approved by voters, allowing executive sessions for Council to discuss competitive matters related to telecommunications services and facilities.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Summers, Stephens, Troxell, Cunniff
ABSENT:	Gutowsky

Consideration of a motion to cancel the August 6, 2019 Regular Council Meeting for Neighborhood Night Out.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, that Council cancel its regular meeting of August 6, 2019, pursuant to City Code Section 2-28(a), due to Neighborhood Night Out.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Ross Cunniff, District 5
AYES:	Pignataro, Gorgol, Summers, Stephens, Troxell, Cunniff
ABSENT:	Gutowsky

Discussion Regarding a City Position on the Governor’s Electric Vehicle Plan and Possible Action to Direct Staff Regarding Follow Up Actions.

Lucinda Smith, Environmental Services Director, stated the City is currently participating with two coalitions to support the adoption of zero emission vehicle standards that are being considered at the Air Quality Control Commission. She discussed the two coalitions and their goals noting both coalitions have obtained party status and have submitted hearing statements in alignment with the City's Legislative Policy Agenda items that call for improvements in air quality and public health, rapid attainment of the ozone standard, and supporting electric vehicles.

Mayor Pro Tem Stephens thanked Smith for the update.

Mayor Troxell and Council directed Smith to proceed.

Motion to Suspend the Rules to continue past 10:30 p.m.

Councilmember Cunniff made a motion, seconded by Councilmember Pignataro, that Council suspend its rules to consider such other business as may come before Council as well as to complete the remainder of the Electric Utility Enterprise Board agenda.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Julie Pignataro, District 2
AYES:	Pignataro, Gorgol, Summers, Stephens, Troxell, Cunniff
ABSENT:	Gutowsky

● **ADJOURNMENT**

The meeting adjourned at 10:47 PM.

Mayor

ATTEST:

City Clerk

July 30, 2019

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Special Meeting – 6:00 PM

● ROLL CALL

PRESENT: Pignataro, Gorgol, Gutowsky, Summers, Troxell, Cunniff
ABSENT: Stephens
Staff Present: Atteberry, Daggett, Coldiron

● AGENDA REVIEW

City Manager Atteberry stated staff is recommending an indefinite postponement of Item No.1, *First Reading of Ordinance No. 100, 2019, Calling a Special Municipal Election to be Held in Conjunction with the November 5, 2019 Larimer County Coordinated Election*, as the County has made some significant changes to its proposal that address some of the City's concerns, including changes to their tax revenue distribution to include transit, ensuring there are infrastructure projects that provide benefit to Fort Collins, and changes to the proposed governance structure.

City Manager Atteberry stated staff has determined an executive session is not needed on this item at this time as mentioned in Item No. 3, *Consideration of motion to adjourn into executive session*.

● DISCUSSION ITEMS

1. **First Reading of Ordinance No. 100, 2019, Calling a Special Municipal Election to be Held in Conjunction with the November 5, 2019 Larimer County Coordinated Election. (Postponed Indefinitely)**

The purpose of this item is to call a Special Municipal Election to be held in conjunction with the November 5, 2019 Larimer County Coordinated Election and preserves the opportunity for Council to place Council-initiated or referred issues on the November ballot. If Council decides to place any measures on the ballot, it would need to do so no later than at its September 3 meeting. If Council does not take action by ordinance or resolution before the statutory deadline (September 6) 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 5, 2019 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 5, 2019, Coordinated Election.

Councilmember Pignataro made a motion, seconded by Councilmember Summers, to postpone consideration of Ordinance No. 100, 2019, indefinitely.

RESULT:	FIRST READING OF ORDINANCE NO. 100, 2019, POSTPONED INDEFINITELY [UNANIMOUS]
MOVER:	Julie Pignataro, District 2
SECONDER:	Ken Summers, District 3
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Troxell, Cunniff
ABSENT:	Stephens

Consideration of motion to adjourn into executive session.

RESULT:	WITHDRAWN
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● **ADJOURNMENT**

The meeting adjourned at 6:05 PM.

Mayor

ATTEST:

City Clerk