

August 18, 2020

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

(Secretary's Note: Due to the COVID-19 crisis and state and local orders to remain safer at home and not gather, this meeting was conducted using a hybrid approach allowing in-person participation with strict protocols and a variety of remote participation options.)

Mayor Troxell outlined the remote participation options.

● **ROLL CALL**

PRESENT: Pignataro (remote), 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**

Jason Knebl stated the level of violence that occurred on August 8th should be unacceptable in Fort Collins. He questioned what Council is going to do to ensure that Fort Collins citizens can exercise their First Amendment rights without having to worry about them being stripped through the threat of force and violence by groups like Antifa.

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

Paul D'Auria thanked Council and previous Council's for the City's open spaces and trail system. He expressed support for law enforcement in general and Fort Collins Police Services in particular and encouraged Council to express its support with a proclamation.

Cory Carroll, Sierra Club Poudre Canyon Group, commended Council's pausing of the Hughes Stadium site rezoning and expressed support for preserving the site as an environmental resource.

Pat (no last name given), Willow Springs Community Association President, discussed Item No. 13, *First Reading of Ordinance No. 106, 2020, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements for the Timberline Capital Improvement Project - Stetson Creek Road to Trilby Road*. She stated the widening of Timberline is needed due to existing traffic congestion and she commended the work of City staff on the project to this point.

● **PUBLIC COMMENT FOLLOW-UP**

Mayor Troxell summarized the citizen comments.

Councilmember Summers noted Item No. 13, *First Reading of Ordinance No. 106, 2020, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements for the Timberline Capital Improvement Project - Stetson Creek*

*Road to Trilby Road*, gives the City the authority to acquire extra right-of-way on both sides of Timberline.

Councilmember Gorgol asked about the community messaging around the events of August 8th. John Feyen, Assistant Chief, commented on the messages sent by the Police Chief related to the desire of Police Services to hear all points of view in a peaceful manner.

Councilmember Gorgol asked about the possibility of a more human-centered approach to community-wide messaging. City Manager Atteberry replied staff is working on a memo addressing some of those issues and it will be provided in Council's Thursday packet.

Mayor Pro Tem Stephens discussed the importance of civil dialogue and noted most of those arrested on August 8th for violent acts were from out of town. She also noted Council expressed its support for the Police and the work they do in the community at the last meeting.

● **CONSENT CALENDAR**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kristin Stephens, District 4
<b>SECONDER:</b>	Susan Gutowsky, District 1
<b>AYES:</b>	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

1. **Consideration and Approval of the Minutes of the July 28, 2020 Regular Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the July 28, 2020 Regular Council meeting.

2. **Second Reading of Ordinance No. 095, 2020, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Transfer to the FC Moves Wayfinding Project. (Adopted)**

This Ordinance, unanimously adopted on First Reading on August 4, 2020, appropriates unanticipated philanthropic revenue in the General Fund to FC Moves, Planning, Development and Transportation to place approximately 100 permanent bicycle wayfinding signs across 4-5 existing low stress routes. The identified locations have generally lower traffic and speed, and/or have dedicated bicycle infrastructure.

3. **Second Reading of Ordinance No. 096, 2020, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Transfer to the Natural Areas Fund for Restoration of Land at 2540 West Vine Drive. (Adopted)**

This Ordinance, unanimously adopted on First Reading on August 4, 2020, appropriates \$76,125 in unanticipated philanthropic revenue in the General Fund for transfer to Natural Areas. The funds represent extraordinary community generosity and create a dedicated fund for the conservation of 38 acres at 2540 West Vine Drive, which was recently purchased by Natural Areas.

4. **Second Reading of Ordinance No. 097, 2020, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for 30% Design of the West Elizabeth Enhanced Travel Corridor Project and Related Art in Public Places. (Adopted)**

This Ordinance, unanimously adopted on First Reading on August 4, 2020, appropriates \$1.5 million in funding to complete thirty percent (30%) design of the West Elizabeth Enhanced Travel Corridor (the "Project"). The Council Finance Committee endorsed staff's recommendation to appropriate \$375,000 in City Transit reserves to satisfy the City's one-half share of the required local match at its May 18, 2020 meeting.

The West Elizabeth travel corridor is currently the highest priority pedestrian/alternative mode area for improvement in the City and was highlighted in City Plan and the Transit Master Plan. The City was awarded a \$750,000 Multimodal Options Fund grant ("MOF" Grant) from the North Front Range Metropolitan Planning Organization (NFRMPO) to help complete 30% design of the Project. (CDOT manages the grant funding for NFRMPO). CSU has agreed to appropriate \$375,000 to help fulfill the grant match requirements. The City will be required to bring \$375,000 in local funds to fulfill the total match and complete the \$1.5 million design.

This Project involves estimated construction costs of more than \$250,000, and as such, Section 23-304 of the City Code requires one percent of qualified appropriations to be transferred to the Cultural Services and Facilities Fund for a contribution to the Art in Public Places (APP) program. One percent (1%) of the total City local match, a total of \$3,750, has been identified as the recommended transfer from the Capital Projects Fund to the Cultural Services and Facilities Fund to meet this Code requirement. Neither the MOF Grant nor the CSU funding is eligible to be used for art and is excluded from the calculation.

5. **Second Reading of Ordinance No. 098, 2020, Amending Section 18-6 of the Code of the City of Fort Collins Regarding Mobile Home Park Management and Livability. (Adopted)**

This Ordinance, unanimously adopted on First Reading on August 4, 2020, presents proposed City Code updates related to the livability issues identified by residents, property managers, and owners of manufactured housing communities. Staff's recommendation includes the following Code changes:

- The establishment of a new requirement for every mobile home park owner to post an onsite manager's name, regular office hours, and emergency contact instructions in both English and Spanish in a conspicuous location near the park entrance or management office in Section 18-6(a).
- The establishment of a new, consistent requirement that trees and tree maintenance costs in mobile home parks in Fort Collins are the responsibility of mobile home park owners and that tree maintenance costs may not be charged to residents in Section 18-6(c).
- The establishment of limitations on property owner or manager-required upgrades or improvements to a mobile home or mobile home lot by residents. Upgrades or improvements related to the mobile home's exterior maintenance, repair, and upkeep under the park's lawful rules are allowed in Section 18-6(e).
- The expansion of protection for organizing homeowners' associations for mobile home parks outlined in Colorado Revised Statute § 38-12-206 to include neighborhood groups that represent residents and renters as well as homeowners and the establishment of protection against retaliation for participating in mobile park homeowner's associations, neighborhood groups, and community meetings in Section 18-6(f).

6. **Second Reading of Ordinance No. 099, 2020, Authorizing the Conveyance of an Emergency Access Easement on 2554 Midpoint Drive to 2536 Midpoint Drive, LLC. (Adopted)**

This Ordinance, unanimously adopted on First Reading on August 4, 2020, authorizes the conveyance of an emergency access easement to 2536 Midpoint Drive, LLC on City-owned real property located at 2554 Midpoint Drive. In exchange, 2536 Midpoint Drive, LLC will convey a similar emergency access easement to the City on its adjacent real property located at 2536 Midpoint Drive. The easements will satisfy regulatory requirements to allow fire trucks and other emergency service vehicles to enter one property and exit from the other.

7. **Second Reading of Ordinance No. 100, 2020, Amending the Land Use Code to Establish a Manufactured Housing Zone District. (Adopted)**

This Ordinance, unanimously adopted on First Reading on August 4, 2020, presents Land Use Code (LUC) updates related to the creation of a new zone district for manufactured housing preservation. The staff recommendation includes the following LUC changes:

- The establishment of a new Manufactured Housing (M-H) zone district in Article 4. The district includes its own unique set of permitted land uses and standards related to density, setbacks, building height, building size, and parking.

- New definitions in Article 5 for 'manufactured home' and 'manufactured housing community' which will replace existing definitions for the terms 'mobile home' and 'mobile home park.'
- Numerous changes throughout Articles 1-4 which serve to reference or classify the new zone district within the context of other general Code standards and process procedures.

8. **Second Reading of Ordinance No. 101, 2020, Extending the Moratorium on Certain Redevelopment Affecting Existing Mobile Home Parks Until December 30, 2020. (Adopted)**

This Ordinance, unanimously adopted on First Reading on August 4, 2020, extends a moratorium, through December 30, 2020, 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 existing mobile home park, to address the issues and concerns identified in the recitals contained in Ordinance No. 099, 2019.

9. **First Reading of Ordinance No. 102, 2020, Appropriating Unanticipated Department of Justice Coronavirus Emergency Grant Revenue in the General Fund for Police Services. (Adopted)**

The purpose of this item is to appropriate funds awarded by the Department of Justice (DOJ) for the formula grant FY 2020 Coronavirus Emergency Supplemental Funding Grant. This grant award of \$100,818 will defray certain expenses the City has incurred responding to the COVID-19 Pandemic, which includes the purchase of personal protective equipment, cleaning supplies, and communication expenses along with overtime associated with the response.

10. **First Reading of Ordinance No. 103, 2020, Appropriating Unanticipated Philanthropic Revenue Received by City Give from The Friends of the Gardens on Spring Creek for Transfer to The Gardens on Spring Creek. (Adopted)**

The purpose of this item is to appropriate \$75,000 in philanthropic revenue in the General Fund for transfer to The Gardens on Spring Creek to support general operating costs as designated by the donor, The Friends of the Gardens on Spring Creek. The Friends of the Gardens on Spring Creek is an independent not-for-profit 501(c)(3) organization established in 1988 whose mission is to support The Gardens through advocacy, community engagement, volunteerism and fundraising.

11. **First Reading of Ordinance No. 104, 2020, Appropriating Unanticipated Philanthropic Revenue Received by City Give from the Urban Agriculture Resilience Program through The Friends of the Gardens on Spring Creek for The Gardens on Spring Creek. (Adopted)**

The purpose of this item is to appropriate \$15,000 in philanthropic revenue in the General Fund for transfer to The Gardens on Spring Creek. Facilitated by The Friends of the Gardens on Spring Creek, the funding award is made from the Urban Agriculture Resilience Program for the designated purpose of urban agriculture and community gardening.

12. **First Reading of Ordinance No. 105, 2020, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Transfer to the Recreation Fund for the Fort Collins Senior Center. (Adopted)**

The purpose of this item is to appropriate \$66,652 in philanthropic revenue in the General Fund for transfer to the Fort Collins Senior Center in the Recreation Fund for support of general operations. The charitable funds are the disbursement of revenue from a Designated Endowment held by the Community Foundation of Northern Colorado to benefit the Fort Collins Senior Center.

13. **First Reading of Ordinance No. 106, 2020, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements for the Timberline Capital Improvement Project - Stetson Creek Road to Trilby Road. (Adopted)**

The purpose of this item is to request Council to authorize the use of eminent domain, if deemed necessary, to acquire property interests needed for construction improvements for the Project.

14. **Resolution 2020-076 Authorizing the City Manager to Sign a Master Lease Agreement with SQF, LLC for Small Wireless Communication Equipment Attachments on City Facilities in Public Rights-of-Way.** (Adopted)

The purpose of this item is to authorize the City Manager to enter into a Master License Agreement with Tilson Tech, through its asset owning affiliate, SQF, LLC, concerning the use of the City's infrastructure and rights-of-way for small cellular equipment and associated uses.

15. **Resolution 2020-077 Authorizing Execution of Resolutions and Agreements to Finalize Transition of City-Sponsored 401(a) Money Purchase Pension Plans, 457(b) Deferred Compensation Plans and Post-Employment Health Plans to Nationwide Retirement Solutions, Inc.** (Adopted)

The purpose of this item is to seek Council authorization to execute resolutions, agreements and a plan document necessary to finalize transition of City-sponsored retirement plans from one recordkeeper to another. The agreements include adoption agreements for City-sponsored 401(a) money purchase pension plans, 457(b) deferred compensation plans and affiliation agreements. The retirement plans were established for City employees based upon employment classifications.

Council is asked to consider and adopt trust agreements for the 401(a) money purchase pension plans and 457(b) deferred compensation plans. Council is also asked to consider and adopt the plan document for post-employment health plans (PEHP), offered through a Voluntary Employees' Beneficiary Association (VEBA) Trust, the PEHP trust agreement and resolutions prepared by Nationwide Retirement Solutions, Inc.

16. **Resolution 2020-078 Authorizing the First Addendum to Assistant Municipal Judge Brandi Nieto's Employment Agreement.** (Adopted)

The purpose of this item is to increase Judge Brandi Nieto's pay rate to eighty-five dollars (\$85) per hour. This pay rate is aligned with similar cities and with the pay rate for the newly-appointed Assistant Municipal Judge, Michelle Kline.

17. **Resolution 2020-079 Making Appointments to Various Boards and Commissions.** (Adopted)

The purpose of this item is to appoint three individuals to fill vacancies on various boards and commissions that exist due to the resignation of previous members.

18. **Resolution 2020-080 Approving Appointment of Directors to the Midtown Business Improvement District Board of Directors.** (Adopted)

The purpose of this item is to appoint John Hoxmeir to the Midtown Business Improvement District Board of Directors and to ratify and reaffirm the previous appointment of Mike Dellenbach, Spiro Palmer, Patrick Bunyard and Carrie Baumgart to the Board.

● **CONSENT CALENDAR FOLLOW-UP**

Mayor Troxell commented on the number of CityGive appropriations that have been on recent Consent Agendas. He stated these appropriations reflect the extraordinary generosity of the community and discussed Item No. 3, *Second Reading of Ordinance No. 096, 2020, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Transfer to the Natural Areas Fund for Restoration of Land at 2540 West Vine Drive*. He stated the fundraising for this item is an exciting example of neighbors giving to their community.

Councilmember Cunniff requested an update regarding the study of the Gardens on Spring Creek admissions costs.

- **STAFF REPORTS**

**Staff Report: COVID Testing of Wastewater** (staff: Jason Graham)

Jason Graham, Director of Wastewater Operations, stated wastewater samples provide a community-wide screenshot of the presence of the SARS COVID-2 virus in the community. He stated the data that is being collected related to the viral load in wastewater can help inform public health officials of next steps should an increase in viral load occur on a micro level, such as in a dorm at a university.

Councilmember Cunniff asked when tracking was able to be started. Graham replied the City samples started about a month ago and baseline data is beginning to accrue now.

**Staff Report: Community Dashboard Metric: Paved Trails - Cumulative Number of Visits** (staff: Mike Calhoon)

Robert Crabb, Senior Parks Manager, stated this metric is in strategic alignment with the key outcome area of culture and recreation, specifically planning, designing, implementing, and maintaining the City's parks and trails systems. There are over 44 miles of paved trails in the Fort Collins system that include 22 motion-sensor counters located on various sections. He discussed the count numbers from the previous 5 years and noted there has been a 29% increase in users when comparing the second quarter of 2019 to the second quarter of 2020.

Councilmember Gorgol asked if there have been impacts from the increased use of trails. Crabb replied there have been a couple Access Fort Collins concerns and some instances wherein rangers have needed to provide education to specific users.

Councilmember Pignataro asked if there are numbers related to the use of electric bikes or scooters on paved trails. Tessa Greeger, FC Moves, replied there have been anecdotal reports of additional E-bike trail use and noted annual trail count data will be collected in September. Previous data has shown about a 1% use of E-bikes.

Councilmember Pignataro asked whether E-bikes and E-scooters can be used in bike lanes. Greeger replied both are allowed to be used in bike lanes and only class 1 and 2 E-bikes are allowed on the paved trails, not E-scooters or class 3 E-bikes.

Councilmember Pignataro asked if there is a threshold for considering a trail to be too crowded and what would be done if that were met. Crabb replied the September data-gathering period will allow staff to intelligently establish a threshold. Greeger replied there may be an opportunity to have some of those discussions as part of the upcoming Parks and Recreation Master Plan update effort.

Councilmember Cunniff stated it feels like there may be some users who are not familiar with the rules of trails, particularly related to audible passing indications and gasoline-powered bikes and scooters. He expressed concern regarding the idea that budget dollars will be shifting from capital construction of trails to more maintenance activities in parks.

Mayor Troxell commented on the dedication of the northwest trail this past week and on trail use of horseback riders for which audible signals are also important.

- **COUNCILMEMBER REPORTS**

Councilmember Cunniff reported the Platte River Power Authority Board is restarting the integrated resource plan process and encouraged Council and citizens to provide comments on the appropriate mix of electric generation.

Councilmember Gorgol reported on the ribbon cutting for the Northwest Trail segment. She also indicated the Community Impact Committee is meeting on Monday at 3:00 pm and reported she and Councilmember Gutowsky have been continually meeting with the School Board and the County to discuss reopening and ensuring students have the services they need.

Mayor Troxell reported on the Northern Colorado Regional Airport open house to gather input regarding its strategic plan and master plan. He also reported on Colorado State University resuming classes and on the importance of education related to coronavirus transmission.

- **DISCUSSION ITEMS**

19. **Resolution 2020-069 Approving an Agreement to Secure Public Benefits for Waters' Edge Development as Provided in the Service Plan for Waters' Edge Metropolitan District Nos. 1 through 5. (Adopted)**

*The purpose of this item is to consider a Resolution adopting an Agreement to Secure Public Benefits for the Waters' Edge Development. The Agreement is contemplated in the Consolidated Service Plan for Waters' Edge Metropolitan Districts Nos. 1-5, approved by City Council on September 18, 2018. Staff has completed its review of the Agreement to ensure it conforms to the service plan adopted by Council. Council considered this item on July 21, 2020 and continued the item to August 18, 2020, to allow for modifications to the Agreement.*

Paul Sizemore, Interim Community Development and Neighborhood Services Director, stated this item is a Resolution for adoption of the public benefits agreement for the Water's Edge Metro District. The proposed Resolution was continued to this meeting in order to allow for Council-requested modifications. He reviewed the proposed Water's Edge project and approved service plan including public benefits to be provided.

Sizemore stated Council previously requested staff work with the developer to further develop two areas of the affordable housing provisions: 1) clarifying the required criteria for affordability should be scalable based on the household size and 2) including additional provisions that further secure the affordable housing not just for the original transaction but also for the full 20 years required in the deed. He outlined the resulting changes that have been made.

Bill Swalling, Water's Edge developer, stated this development will provide a variety of housing types to the community with the aim of meeting City goals. All of the housing types will be accessible and the development will focus on nature in the city. He requested support of the public benefits agreement.

Catherine Hance, attorney at Davis, Graham and Stubbs representing the developer, further detailed the changes made to the agreement noting staff has determined the revised agreement adequately secures the benefits established by the service plan.

Robert Rogers, White Bear and Ankele, metropolitan district counsel, discussed the evolution of the affordable housing provisions in the City's various previously approved public benefits agreements. He requested support of the public benefits agreement.



Councilmember Gorgol asked how the affordable housing units are being financed. Ms. Hance replied the financing will occur once the final determination whether the units will be for sale or for lease has been made. The most likely financing source will be participation through a HUD program.

Councilmember Gutowsky asked if the affordable housing units will be deed restricted. Ms. Hance replied there is a restriction for the 20-year covenant period.

Councilmember Cunniff asked about the duration of the metropolitan district tax collections. Mr. Swalling replied there is a 40-year mill levy term.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Summers, to adopt Resolution 2020-069.

Mayor Pro Tem Stephens thanked staff for making the public benefits more robust. She would have preferred to see a full 10% of the units be affordable; however, the metropolitan district was previously approved, and the agreement comports with the promised public benefits.

Councilmember Summers commended the Water's Edge team for their extra work.

Councilmember Cunniff stated that while the agreement is much improved, he would still be opposing the motion due to the broader policy conversation that needs to occur. He would have liked to have been more deliberate at the time of the metropolitan district formation and at the time of considering metropolitan district policies.

Councilmember Gorgol stated she would have liked to have seen more affordable units; however, the metropolitan district has already been approved and the revisions addressed her concerns. She agreed there is a bigger policy discussion that will be necessary.

Councilmember Gutowsky stated she would support the motion and thanked staff and the developers for addressing Council's concerns.

Mayor Troxell stated he would support the motion and stated this is a needed development providing necessary public benefits in the community.

<b>RESULT:</b>	<b>RESOLUTION 2020-069 ADOPTED [6 TO 1]</b>
<b>MOVER:</b>	Kristin Stephens, District 4
<b>SECONDER:</b>	Ken Summers, District 3
<b>AYES:</b>	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell
<b>NAYS:</b>	Cunniff

20. **Council Consideration of a Motion to Authorize a Remote Hearing for the 613 South Meldrum Street Appeal. (Adopted)**

*The purpose of this item is to consider an exception to Ordinance No. 079, 2020, adopted by Council on June 16, 2020, to allow Council to hear an appeal of a development project decision using remote technology. The action under appeal is a Type 1 Administrative Hearing decision related to the 613 South Meldrum Street Modifications of Standards (MOD200001). A decision was rendered on the project on July 15, 2020 by an administrative hearing officer, and an appeal was timely filed on July 29, 2020. Per City Code, the deadline for Council to hear this appeal is October 14, 2020.*



*Ordinance No. 079, 2020, authorizes Council and various boards and commissions to hear quasi-judicial items but specifically excludes from that authorization decisions related to zoning/rezoning, appeals, and additions of permitted use (APUs). The Ordinance does, however, allow Council, by motion adopted by at least five Councilmembers, to authorize exceptions to that exclusion. In order to authorize a remote hearing for the 613 South Meldrum Street Appeal, Council must find that such hearing is pressing, requires prompt action, and that virtual technology will provide for sufficient public participation and input. A suggested motion is provided at the end of this Agenda Item Summary.*

Rebecca Everette, Development Review Manager, stated this item would authorize a remote or hybrid format hearing for consideration of the appeal of the 613 Meldrum Modification of Standards. She added that the appeal hearing date has been moved to October 6th and summarized the appeal of the decision to deny the modification of standards request.

Everette stated there has been limited community and neighborhood interest in the project and staff feels a remote or hybrid hearing format would provide adequate opportunity for public and applicant participation.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to authorize a remote hearing for the 613 South Meldrum Street appeal.

Councilmember Gorgol stated she would support a hybrid meeting to allow for participation from more citizens.

Councilmember Pignataro stated she would support the motion as the appellant is in favor of a remote hearing.

Mayor Pro Tem Stephens clarified a hybrid meeting is a remote meeting and noted there does seem to be limited public interest; therefore, a remote/hybrid meeting makes sense.

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

● **OTHER BUSINESS**

**Consideration of a motion to adjourn the City Council meeting to conduct the General Improvement District No. 1 meeting then return to the regular City Council meeting.**

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, that Council temporarily adjourn the regular meeting to conduct the General Improvement District No. 1 Board meeting and resume later this evening upon completion of the General Improvement District No. 1 Board meeting.

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

**Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers.**

Councilmember Gorgol stated she has been discussing legal defense funds with City Attorney Daggett and suggested Council direct staff to look more closely at a legal defense fund program to help with evictions.

Councilmember Pignataro asked if pursuing this would push other priorities back. City Attorney Daggett replied in the affirmative but stated it could be done with minimal effort should staff examine ways to contract with other organizations that might be suited to provide these services.

Councilmember Summers questioned who would receive assistance with this program noting rent assistance is being provided with COVID-19 funding. Councilmember Gutowsky replied a number of seniors have expressed concerns in not understanding their rights when faced with eviction. Councilmember Gorgol replied she would like to see the program help provide legal support for evictions.

Councilmember Cunniff stated this would be a good way to help provide assistance to renters who may not know how to approach a landlord with a payment plan or other alternatives to eviction, which could lead to better outcomes for both parties.

Mayor Pro Tem Stephens expressed support for the idea.

Councilmember Summers stated he would prefer to see dollars go to rent assistance as opposed to legal fees.

City Manager Atteberry stated staff will research the topic and return before Council with suggestions.

Councilmember Summers stated there could be benefit to Council making a specific statement of support for law enforcement officers and affirming the rights of citizens to feel secure in peacefully assembling and expressing views.

Councilmember Cunniff supported further discussion and stated it is important to support both the hard work of law enforcement officers and address citizen concerns related to the fairness of how resources are applied.

**Consideration of a motion to adjourn into executive session to discuss a real property acquisition and related legal issues.**

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gutowsky, that the City Council go into Executive Session for the purpose of discussing with City staff real property acquisitions for the provision of congregate and other forms of temporary shelter for persons experiencing homelessness, as permitted under City Charter Article Roman Numeral Two, Section 11(3), Section 2-31(a)(3) of the City Code, and Colorado Revised Statutes Section 24-6-402(4)(a).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kristin Stephens, District 4
<b>SECONDER:</b>	Susan Gutowsky, District 1
<b>AYES:</b>	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

**Consideration of a motion to adjourn into executive session to discuss legal issues and potential litigation.**

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, that the City Council go into executive session for the purpose of meeting with the City's attorneys and staff to discuss specific legal questions related to potential litigation regarding the approval by Larimer County of the Street Media electronic billboard located at 4414 East Harmony Road, as permitted under City Charter Article Roman Numeral Two, Section 11(2), City Code Section 2-31(a)(2), and Colorado Revised Statutes Section 24-6-402(4)(b).

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

Councilmember Cunniff made a motion, seconded by Councilmember Summers, that Council direct the City Attorney, in coordination with the City Manager, to proceed with the filing of a Rule 106 lawsuit in Larimer County District Court to challenge the Larimer County Board of Commissioners' approval of the Street Media electronic billboard located at 4414 East Harmony Road, near the I-25 and Harmony Interchange and within the City's Growth Management Area.

Councilmember Cunniff noted this is essentially an appeal of a decision with which the City does not agree.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Ken Summers, District 3
<b>AYES:</b>	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

● **ADJOURNMENT**

The meeting adjourned at 10:19 PM.



Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



