

January 5, 2021

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, all Councilmembers, staff, and citizens attended the meeting remotely, via teleconference.)

● **ROLL CALL**

PRESENT: Pignataro, Gorgol, Gutowsky, Summers, Troxell, Cunniff

STAFF: Atteberry, Daggett, Coldiron

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry stated Item No. 14, *Resolution 2021-004 Expressing Gratitude and Appreciation to Kristin Stephens for her Contributions to the Community as City Councilmember and Mayor Pro Tem*, was amended to correct a date error. Additionally, a motion to call a Special Meeting at 6:00 PM on Tuesday, January 12, was amended to include consideration of an appropriation of Small Business Relief Program funds and to authorize a related agreement. Item No. 13, *Resolution 2021-003 Making Appointments to Various Boards, Commissions, and Authorities of the City of Fort Collins*, was amended to remove appointments for the Planning and Zoning Board for separate consideration. City Manager Atteberry noted there were no protests received on the ballot language for the proposed Charter amendments.

● **PUBLIC COMMENT**

Mayor Troxell outlined the public participation options.

Rory Heath stated it had previously been determined that the City's ethics review policies need to be updated and stated there was an intentional delay by the City Attorney's Office to keep changes off the April ballot.

Rich Stave commented on access issues associated with Council meetings. He stated the City's website access to FCTV is faulty.

Nick Fry stated Council should recognize the importance of making changes to the Ethics Review Board. He commented on the appearance of conflicts of interest related to the Hughes Stadium property rezoning. He suggested the Ethics Review Board should not be made of members of Council.

● **PUBLIC COMMENT FOLLOW-UP**

Mayor Troxell summarized the citizen comments and noted there was a work session on the ethics review process on December 22. He opposed the comments made about the City Attorney.

City Manager Atteberry stated staff would get in touch with Mr. Stave regarding the FCTV issues.

Councilmember Pignataro stated the City's ethics rules are not part of the City Charter and would therefore not need to go on a ballot for consideration. City Attorney Daggett confirmed that statement and noted the Ethics Review Board structure is all in the Code and can be modified at

Council’s discretion. She mentioned the delays in the discussion of ethics issues and stated she did not intend to delay Council’s action.

Councilmember Pignataro noted the work session discussion highlighted several options for moving forward.

Councilmember Gutowsky commented on Item No. 13, *Resolution 2021-003 Making Appointments to Various Boards, Commissions, and Authorities of the City of Fort Collins*, and complemented the quality of the interviewed applicants. She encouraged those who were not appointed to apply again.

● **CONSENT CALENDAR**

Councilmember Summers withdrew Item No. 8, *First Reading of Ordinance No. 007, 2021, Authorizing the Conveyance to the Colorado Department of Transportation of Various Property Interests on City-Owned Property at Running Deer Natural Area, Archery Range, and Arapaho Bend Natural Area to be Used as Right-of-Way for Interstate 25 and Related Facilities*, from the Consent Agenda.

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Susan Gutowsky, District 1
<b>AYES:</b>	Pignataro, Gorgol, Gutowsky, Summers, Troxell, Cunniff

1. **Consideration and Approval of the Minutes of the November 24, 2020 Adjourned Meeting and the December 1, 2020 Regular Meeting. (Adopted)**

The purpose of this item is to approve the minutes of the November 24, 2020 Adjourned Meeting and the December 1, 2020 Regular Meeting.

2. **Second Reading of Ordinance No. 161, 2020, Making Various Amendments to the City of Fort Collins Land Use Code. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 15, 2020, amends the Land Use Code (“LUC”). There are proposed revisions, clarifications and additions to the LUC that address specific subject areas that have arisen since the last update was initiated in the Fall of 2019.

3. **Second Reading of Ordinance No. 162, 2020, Conveying a Replacement Telecommunications Easement to Qwest Corporation d/b/a CenturyLink QCon at the City’s Foothills Activity Center. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 15, 2020, conveys a replacement telecommunications easement to Qwest Corporation d/b/a CenturyLink QCon (CenturyLink) at the City-owned Foothills Activity Center (“FAC”) as a result of an obligation associated with the replatting of the Foothills Mall and to replace a “blanket” easement granted in 1975. The easement accurately depicts CenturyLink’s existing telecommunication line on the FAC parcel.

4. **Second Reading of Ordinance No. 163, 2020, Approving the First Amendment to Ground Lease Agreement Between the Cities of Loveland and Fort Collins and Discovery Air, LLC, for Property at the Northern Colorado Regional Airport. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 15, 2020, adopts an amendment to the long-term aviation land lease agreement between the Cities of Fort Collins and Loveland (Cities) and Discovery Air, LLC signed in January of 2019. The lease terms included a (50) year lease for a large-scale aviation development project. The project has progressed since the execution of the original lease, and Discovery Air has obtained the necessary development approvals to continue pursuit of their development. Discovery Air has since determined it necessary to pursue a phased approach to its development and accordingly has requested that the Cities amend the original Lease. Due to the complexity and unique provisions of the original lease and this proposed amendment, the Northern Colorado Regional Airport Commission does not have the authority to approve and sign the Lease Amendment. The two Cities must each approve in accordance with their respective Municipal Codes and Charters. The Northern Colorado Regional Airport Commission reviewed the lease agreement amendment at its November 12, 2020, meeting, and unanimously recommended approval by the Councils.

The proposed Airport development includes the construction of corporate aircraft hangar facilities and associated office space, a potential aircraft support center, a restaurant, and all infrastructure to support these facilities. This lease amendment will allow success of the public-private partnership.

The Airport has approximately 200 acres of space available for aeronautical development. This proposal will use approximately 10% of the available land for what is considered to be the highest and best use of the property, which is in accordance with the Council adopted Airport Master Plan and Airport Commission Adopted Strategic Plan. The Airport will create revenues through lease payments from the property in addition to other revenues from the operations of the campus. The new buildings will create jobs and enhance the regional economic impact of the Airport.

5. **First Reading of Ordinance No. 001, 2021, Appropriating Unanticipated Grant Revenue and Authorizing Transfers in the General Fund for the Environmental Services Radon Program. (Adopted)**

The purpose of this item is to appropriate unanticipated grant revenue in the General Fund for the Environmental Services Radon Program. This appropriation includes \$9,000 of grant revenues provided by the Colorado Department of Public Health and Environment (CDPHE) to support radon testing and mitigation programs. The grant directly supports radon activities identified in the Environmental Services Department's core budget offer and requires a local match of \$6,000. Matching funds are appropriated and unexpended in the 2021 Environmental Services operating budget and will be transferred to the Environmental Services Radon Program.

6. **Items Relating to the Fort Collins Police Services Victim Services Unit. (Adopted)**

A. First Reading of Ordinance No. 002, 2021, Appropriating Unanticipated Grant Revenue from the Eighth Judicial District Victim Assistance and Law Enforcement Board in the General Fund for the Fort Collins Police Services Victim Services Unit.

B. First Reading of Ordinance No. 003, 2021, Appropriating Unanticipated Grant Revenue from the Colorado Division of Criminal Justice under the Federal Victims of Crime Act in the General Fund for the Fort Collins Police Services Victim Services Unit.

The purpose of this item is to fund the Victim Services Unit of Fort Collins Police Services for victim advocacy services under the Colorado Victim Rights Amendment for victims of crime and their family members. The Fort Collins Police Services Victim Services Unit has been awarded two grants. The VALE grant is a 12-month grant in the amount of \$26,000 for the period from January 1, 2021 to December 31, 2021, by the Eighth Judicial District Victim Assistance and Law Enforcement (VALE) Board to help fund services provided by this team. These funds will be used for a portion of the victim

advocate salary who provides crisis intervention services during weekday hours and is housed in the Victim Services office. These funds will also pay for a portion of the operational expenses needed to provide 24-hour, 7-days/week services to victims of crime in the community.

The VOCA grant is a 24-month grant in the amount of \$49,101 for the period from January 1, 2021 to December 31, 2022, by the Colorado Division of Criminal Justice under the Federal Victims of Crime Act (VOCA), to help fund services provided by this team. The VOCA Grant will provide \$24,551 in calendar year 2021 to the City with the remainder of \$24,550 expected in calendar year 2022. These funds will be used for a portion of the victim advocate salary who provides crisis intervention services for sexual assault victims between the school ages of kindergarten through 12th grade.

7. **Items Relating to Various Routine Amendments to City Code Chapter 26 Pertaining to Utility Services. (Adopted)**

- A. First Reading of Ordinance No. 004, 2021, Amending Chapter 26 of the Code of the City of Fort Collins to Make Various Updates Regarding the Wastewater Utility.
- B. First Reading of Ordinance No. 005, 2021, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify Water and Sewer Plant Investment Fees.
- C. First Reading of Ordinance No. 006, 2021, Amending Chapter 26 of the Code of the City of Fort Collins to Update Provisions Regarding the City's Utility Enterprise Boards.

The purpose of this item is to adopt a variety of revisions, clarifications, and additions to update portions of City Code Chapter 26 pertaining to Utility Services

8. **First Reading of Ordinance No. 008, 2021, Authorizing Conveyance of a Permanent Non-Exclusive Drainage Easement on Property Jointly Owned by the City and the City of Loveland at the Northern Colorado Regional Airport for the New Veterans' Affairs Clinic. (Adopted)**

The purpose of this item is to authorize a permanent non-exclusive drainage easement over a portion of the Northern Colorado Regional Airport property owned jointly by the Cities of Fort Collins and Loveland for the benefit of a new Veteran's Affairs (VA) clinic planned for constructed adjacent to the east side of the Airport (the "VA Project") by Byrd Drive Development, LLC, ("Developer").

9. **First Reading of Ordinance No. 009, 2021 Authorizing the Conveyance of an Easement to Larimer County for Remediation Activities on Cathy Fromme Prairie Natural Area in Accordance with the City's Intergovernmental Agreement with Larimer County and Loveland for Corrective Measures Related to the Larimer County Landfill. (Adopted)**

The purpose of this item is to consider adoption of an Ordinance authorizing the conveyance of a future easement to Larimer County for remediation activities on Cathy Fromme Prairie Natural Area. Council adopted Resolution 2020-119, approving an Intergovernmental Agreement by and among the City, Larimer County and the City of Loveland regarding their mutual commitments and responsibilities related to the remediation of environmental contamination at and from the Landfill, and that Agreement requires the City Manager to present for Council approval this Ordinance authorizing a future easement.

10. **Resolution 2021-001 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the Fort Collins Downtown Development Authority Regarding the Renovation and Redevelopment of Tenney Court North Alley and West Oak Street Alley. (Adopted)**

The purpose of this item is to request Council adoption of an Intergovernmental Agreement (IGA) between the City and the Downtown Development Authority (DDA) for renovation and redevelopment of Tenney Court North and West Oak Street Alleys. The alley names listed are temporary and only specified for the purpose of this IGA and for identification during design and construction. They will be

officially named in the future and with consideration of the City's theme of naming downtown's alleys to honor exemplary individuals who reflect the historic and cultural geography of the downtown area.

11. **Resolution 2021-002 Authorizing the Execution of an Intergovernmental Agreement to Continue the Operations of the Northern Colorado Bomb Squad from January 1, 2021, to December 31, 2025. (Adopted)**

The purpose of this item is to authorize the City Manager to execute an Intergovernmental Agreement ("IGA") between the City, Larimer County and the City of Loveland to continue the operations of the Northern Colorado Bomb Squad from January 1, 2021 to December 31, 2025.

12. **Resolution 2021-003 Making Appointments to Various Boards, Commissions, and Authorities of the City of Fort Collins. (Adopted)**

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

● **CONSENT CALENDAR FOLLOW-UP**

Mayor Troxell concurred with Councilmember Gutowsky's comments on Boards and Commissions appointees and commended the applicants.

● **COUNCILMEMBER REPORTS**

Councilmember Gutowsky reported on visiting the Museum of Discovery's mental health exhibit, the Gardens on Spring Creek holiday lights, and the Downtown holiday lights. She also reported on the drive-by event honoring former Mayor Pro Tem Stephens.

Councilmember Gorgol reported on a joint meeting between the City, Poudre School District, and the County regarding the plans to reopen schools. She stated there is also a plan for summer learning to assist students that may have fallen behind with the challenges of remote learning.

Mayor Troxell commented on the parade event honoring former Mayor Pro Tem Stephens.

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

13. **First Reading of Ordinance No. 007, 2021, Authorizing the Conveyance to the Colorado Department of Transportation of Various Property Interests on City-Owned Property at Running Deer Natural Area, Archery Range, and Arapaho Bend Natural Area to be Used as Right-of-Way for Interstate 25 and Related Facilities. (Adopted on First Reading)**

*The purpose of this item is to seek Council's approval of the Colorado Department of Transportation's requested purchase of one right-of-way parcel on Arapaho Bend Natural Area, two right-of-way parcels and four temporary easements on Running Deer Natural Area and the Archery Range for the purpose of widening Interstate 25 and relocating the Port of Entry.*

Councilmember Summers stated he would like to get some additional information on this item and determine whether there have been any updates since the AIS was distributed.

John Moreland commented on the wetland value of the archery range area and stated he would hope the wetlands would not be destroyed by moving the weigh station.

Mark Sears, Natural Areas Senior Manager, stated City staff members have been working closely with CDOT and there has been no additional information since the distribution of the AIS. He stated staff will be bringing Council the appraisal information prior to Second Reading and noted

the impact to the archery range is minimal, just a few hundred square feet at the entrance road. He stated most of the impact to City-owned land is to the north of the archery range, which is currently a hayfield, and certain setbacks from I-25 to the Poudre River will be diminished.

Councilmember Summers asked if staff has approached CDOT with the possibility of a long-term lease rather than a purchase. Sears replied the proposed improvements are permanent and include a port of entry, frontage road realignment, and new bridge over the Poudre River.

Councilmember Summers asked why it is necessary to relocate the port of entry. Sears replied the relocation allows for a safer distance from the Prospect interchange for truck traffic and I-25 traffic.

Councilmember Summers asked if other sites were considered for the port of entry. Sears replied he was unaware of other locations being considered.

Councilmember Summers stated he was surprised this was not further scrutinized given the sensitivity with which Natural Areas are typically considered.

Councilmember Cunniff noted this was not unanimously recommended by the Land Conservation and Stewardship Board. He stated there is a benefit to the habitat and wildlife given the lengthening of the bridge over the Poudre River; however, he would like to have answers to the questions raised by Councilmember Summers prior to Second Reading.

Mayor Troxell expressed concern about the seemingly temporary port of entry structures that do not seem to account for the viewshed to the west. He encouraged additional follow-up regarding the design of the features related to the point of entry.

Councilmember Cunniff made a motion, seconded by Councilmember Gorgol, to adopt Ordinance No. 007, 2021, on First Reading.

City Manager Atteberry noted staff will get additional information regarding the structure prior to Second Reading.

<b>RESULT:</b>	<b>ORDINANCE NO. 007, 2021 ADOPTED ON FIRST READING [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Emily Gorgol, District 6
<b>AYES:</b>	Pignataro, Gorgol, Gutowsky, Summers, Troxell, Cunniff

● **DISCUSSION ITEMS**

14. **Resolution 2021-004 Expressing Gratitude and Appreciation to Kristin Stephens for her Contributions to the Community as City Councilmember and Mayor Pro Tem. (Adopted)**

*The purpose of this item is to express gratitude and appreciation to Kristin Stephens for her contributions to the community as Councilmember and Mayor Pro Tem.*

Mayor Troxell read *Resolution 2021-004, Expressing Gratitude and Appreciation to Kristin Stephens for her Contributions to the Community as City Councilmember and Mayor Pro Tem.*

Carol Cochran thanked Kristin Stephens for her service.

Melanie Potyondy thanked Kristin Stephens for her service and congratulated her on her position as County Commissioner.

Dylan (no last name given) thanked Kristin Stephens for her service.

Jessica Dyrdaahl thanked Kristin Stephens for her service and for sparking her interest in local politics.

Veronica Olivas congratulated Kristin Stephens on her new position as County Commissioner and thanked her for her service.

Councilmember Pignataro thanked Kristin Stephens for her service and encouragement and wished her luck in her new position.

Councilmember Cunniff commended Kristin Stephens' perseverance and wished her luck in her new position.

Councilmember Gorgol thanked Kristin Stephens for her support, advocacy, and mentorship. She congratulated her on her new position.

Councilmember Gutowsky commended Kristin Stephens' compassion and wished her luck in her new position.

Mayor Troxell thanked Kristin Stephens for her service and commended her authentic leadership. He wished her the best in her new role.

Councilmember Summers commended Kristin Stephens on her new position.

City Manager Atteberry commended Kristin Stephens on being a model of civility and accessibility. He stated she has been a great person with whom to work and she inspires her direct reports to work harder. He stated he is looking forward to working with her in her new role as County Commissioner.

City Attorney Daggett agreed with City Manager Atteberry and stated she looks forward to interacting with Kristin Stephens in her new role.

Kristin Stephens thanked those who spoke and commended the professionalism and dedication of City staff. She stated she is eager to continue her work in her new role and commented on the importance of keeping government accessible to all.

<b>RESULT:</b>	<b>RESOLUTION 2021-004 ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Emily Gorgol, District 6
<b>SECONDER:</b>	Ross Cunniff, District 5
<b>AYES:</b>	Pignataro, Gorgol, Gutowsky, Summers, Troxell, Cunniff

15. **Items Related to Appointments to Fill Key Vacancies Left by the Resignation of Mayor Pro Tem Stephens. (Adopted)**

A. *Selection of new Mayor Pro Tem.*

B. *Resolution 2021-005 Making Appointments to the Poudre Fire Authority Board, the North Front Range Metropolitan Planning Organization Planning Council, the General Employee's Retirement Committee, and the Ad-Hoc Strategic Housing Committee.*

*The purpose of the first item is to provide Council with an opportunity to select a new Mayor Pro Tem. The purpose of the second item is to fill vacant Councilmember seats on the Poudre Fire Authority Board, the North Front Range Metropolitan Planning Organization Planning Council, the General Employees' Retirement Committee and the Ad-Hoc Strategic Housing Committee due to the resignation of former Mayor Pro Tem Kristin Stephens.*

Rory Heath expressed support for Councilmember Cunniff serving as Mayor Pro Tem.

Councilmember Cunniff expressed interest in serving as Mayor Pro Tem to help Council reach its goals.

Councilmember Gorgol expressed interest in serving as Mayor Pro Tem and commented on her service and the value of succession planning.

Councilmember Gutowsky made a motion, seconded by Councilmember Summers, to appoint Councilmember Cunniff as Mayor Pro Tem.

Councilmember Pignataro stated she would support the motion but agreed with Councilmember Gorgol's points about succession planning and the 6-month calendar continuing to reflect Council's priorities.

Councilmember Cunniff stated he and Councilmember Gorgol have discussed succession planning and stated Council should be deliberate in developing processes and procedures to ease the April transition.

Councilmember Gorgol stated she would support the motion and encouraged Council to be intentional about the April transition.

Mayor Troxell stated Councilmember Cunniff has served Council well and will do a good job as Mayor Pro Tem. He also commended Councilmember Gorgol.

Mayor Troxell discussed the committees on which the former Mayor Pro Tem served and requested Councilmembers discuss any interest in those appointments.

Councilmember Gutowsky expressed interest in being the Metropolitan Planning Organization representative noting she previously served in that role.

Mayor Troxell stated he had been working as the alternate for the Metropolitan Planning Organization (MPO) representative and suggested perhaps he move into the representative role with Councilmember Gutowsky serving as the alternate.

Councilmember Gutowsky asked if the alternate can attend meetings. Mayor Troxell replied in the affirmative.



Councilmember Gorgol expressed interest in the Poudre Fire Authority Board position.

Councilmember Pignataro expressed interest in the Poudre Fire Authority Board position stating it is the only one of these appointments for which she could regularly attend meetings. She also stated she would like to be involved with the hiring of the new Fire Chief.

Councilmember Gorgol stated this is also one of the only appointments for which she could regularly attend meetings and she noted she had expressed interest in the position a year and a half ago.

Mayor Pro Tem Cunniff stated he would be willing to serve as the liaison to the General Employee's Retirement Committee.

Mayor Troxell asked Councilmember Summers if he would be willing to serve on the ad hoc Housing Committee. Councilmember Summers replied in the affirmative.

Mayor Pro Tem Cunniff asked if an alternate could be appointed to the Poudre Fire Authority (PFA) Board. City Attorney Daggett replied there is an organic contract with PFA that sets the Board membership, in contrast with the MPO organic contract which calls for an alternate.

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gutowsky, that Council adopt Resolution 2021-005 as amended to include Ross Cunniff serving as the liaison to the General Employee's Retirement Committee, appointing Ken Summers to the Council's ad hoc Strategic Housing Committee through April 6, 2021, appointing Mayor Wade Troxell to serve on the North Front Range Metropolitan Planning Organization Planning Council, and appointing Susan Gutowsky to serve as the alternate on that Planning Council.

Councilmember Summers made a motion, seconded by Mayor Pro Tem Cunniff, to amend the motion to appoint Councilmember Gorgol to the PFA Board.

Councilmember Pignataro asked Councilmember Summers if he would have any interest in stepping down from the PFA Board early. Councilmember Summers expressed some hesitation given the ongoing search for a new Fire Chief.

Mayor Pro Tem Cunniff stated either Councilmember Gorgol or Councilmember Pignataro would do a good job in the position and asked them to describe how they would help advance Council's interest by serving in the position.

Councilmember Gorgol replied this position would be similar to serving on the Housing Catalyst in that it would be serving on the Board of an organization while representing the City.

Councilmember Pignataro stated Councilmember Gorgol should take the position and she noted there will be another opening in April.

Mayor Troxell stated either Councilmember would serve the position well.

Councilmember Gutowsky asked if this appointment would be until April. City Attorney Daggett replied the new appointments are typically made in May or June after the Council election in April.

The vote on the motion to amend was as follows: Yeas: Gorgol, Summers, Cunniff, Troxell, Pignataro, and Gutowsky. Nays: none.

THE MOTION CARRIED.

The vote on the motion was as follows: Yeas: Summers, Cunniff, Troxell, Pignataro, Gutowsky, and Gorgol. Nays: none.

THE MOTION CARRIED.

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

<b>RESULT:</b>	<b>RESOLUTION 2021-005 ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Susan Gutowsky, District 1
<b>AYES:</b>	Pignataro, Gorgol, Gutowsky, Summers, Troxell, Cunniff

16. **District 4 Council Vacancy. (No Action Taken)**

*The purpose of this item is to provide opportunity for the public to offer comments on the applicants for the District 4 Council vacancy, to give Councilmembers an opportunity to identify finalists who will move forward to the interview process, and to consider changes to the established process to fill the vacancy, if desired.*

*Applications for the District 4 Vacancy were received from:*

- |                            |                            |
|----------------------------|----------------------------|
| 1. <i>Jessica Dyrdaahl</i> | 5. <i>Shirley Peel</i>     |
| 2. <i>Erin Hottenstein</i> | 6. <i>Melanie Potyondy</i> |
| 3. <i>Philip Jensen</i>    | 7. <i>Sidna Rachid</i>     |
| 4. <i>Veronica Olivas</i>  | 8. <i>William Wright</i>   |

City Clerk Coldiron stated this is an opportunity for the public to provide comments on the applicants, for the applicants to address Council, and for Council to discuss the process of filling the vacant Council seat. She noted Council did previously discuss and agree on a process; therefore, it is not necessary for action to be taken this evening. She stated interviews will be held tomorrow evening and Council will consider a Special Meeting for January 12 during which the new member would be selected. The new member will be sworn in January 19.

Stacey Suniga endorsed Erin Hottenstein for the vacant Council seat.

Robin Ross (no last name given) endorsed Shirley Peel for the vacant Council seat.

Pamela Norris endorsed Jessica Dyrdaahl for the vacant Council seat.

Jeff (no last name given) endorsed Shirley Peel for the vacant Council seat.

Carol Cochran endorsed Jessica Dyrdaahl for the vacant Council seat.

Dr. Brooke Schneider endorsed Dr. Melanie Potyondy for the vacant Council seat.

Laura Druse endorsed Dr. Melanie Potyondy for the vacant Council seat.

Ryan (no last name given) endorsed Jessica Dyrdaahl for the vacant Council seat.

Gaye Digregorio endorsed Jessica Dyrdaahl for the vacant Council seat.

Scott Denning endorsed Erin Hottenstein for the vacant Council seat.

Charlie Ross endorsed Dr. Melanie Potyondy for the vacant Council seat.

Dr. (no first name given) Schrader endorsed Jessica Dyrdaahl for the vacant Council seat.

Will Sharp endorsed Jessica Dyrdaahl for the vacant Council seat.

Shirley Peel discussed her candidacy and stated she believes she has the organizational, communication, and cooperative skills needed to fill the position.

Becky Eisen endorsed Dr. Melanie Potyondy for the vacant Council seat.

April (no last name given) endorsed Erin Hottenstein for the vacant Council seat.

Rory Heath suggested Council should question the candidates on open space, foliage and trees, and metro districts.

Cole Weis endorsed Jessica Dyrdaahl for the vacant Council seat.

Emily Galishote endorsed Dr. Melanie Potyondy for the vacant Council seat.

Sidna Rachid discussed her motivations for running for the vacant Council seat.

Rachel (no last name given) endorsed Dr. Melanie Potyondy for the vacant Council seat.

Julie (no last name given) endorsed Dr. Melanie Potyondy for the vacant Council seat.

Dylan Lindsay endorsed Dr. Melanie Potyondy for the vacant Council seat.

Leslie Taylor endorsed Jessica Dyrdaahl for the vacant Council seat.

Jess Veer endorsed Jessica Dyrdaahl for the vacant Council seat.

Sharon Bloyer endorsed Sidna Rachid for the vacant Council seat.

Wendy Bergman endorsed Dr. Melanie Potyondy for the vacant Council seat.

Jill Ayers endorsed Dr. Melanie Potyondy for the vacant Council seat.

Chris O'Grady endorsed Dr. Melanie Potyondy for the vacant Council seat.

Dr. Melanie Potyondy discussed her qualifications for the vacant Council seat and stated her values and skills make her a good fit.

Sonia Koetting endorsed Sinda Rachid for the vacant Council seat.

Mavi Graves endorsed Dr. Melanie Potyondy for the vacant Council seat.

Jeff Larson endorsed Dr. Melanie Potyondy for the vacant Council seat.

Nicole Rate endorsed Veronica Olivas for the vacant Council seat.

Veronica Olivas discussed her candidacy and skills that would make her a good fit for the vacant Council seat.

Adam Macy endorsed Shirley Peel for the vacant Council seat.

Liz Hicks endorsed Dr. Melanie Potyondy for the vacant Council seat.

Teagan Alberts endorsed Dr. Melanie Potyondy for the vacant Council seat.

Dr. Amy Molina endorsed Dr. Melanie Potyondy for the vacant Council seat.

Cherice (no last name given) endorsed Shirley Peel for the vacant Council seat.

Erin Hottenstein thanked former Mayor Pro Tem Stephens for her service and discussed her wide variety of leadership skills that would make her a good candidate for the Council seat.

Mitch (no last name given) endorsed Jessica Dyrdaahl for the vacant Council seat.

Aaron (no last name given) endorsed Dr. Melanie Potyondy for the vacant Council seat.

Kaitlyn Patterson endorsed Dr. Melanie Potyondy for the vacant Council seat.

Mahala Hentschel endorsed Jessica Dyrdaahl for the vacant Council seat.

Sara Olson endorsed Jessica Dyrdaahl for the vacant Council seat.

Tamara Muir encouraged Council to support the candidate who would best stand up for the citizens of the community, support open space, be open-minded, hold developers accountable, and support local businesses.

Renee Forsythe endorsed Dr. Melanie Potyondy for the vacant Council seat.

Sia Rounsaville endorsed Jessica Dyrdaahl for the vacant Council seat.

Mayor Troxell thanked the speakers and noted the process will continue tomorrow with the candidate interviews.

Mayor Pro Tem Cunniff stated he would like Council to go over the proposed interview questions.

Councilmember Pignataro thanked the speakers and other citizens for their engagement and stated all eight candidates are excellent.

Mayor Pro Tem Cunniff suggested not reducing the candidate pool. Mayor Troxell agreed and outlined the general format for the interview process.

City Clerk Coldiron provided the proposed list of questions.

Councilmember Pignataro suggested some of the questions could be altered to include more Council priorities.

Mayor Pro Tem Cunniff suggested rephrasing one of the questions related to completing or amending Council priorities.

Councilmember Summers suggested asking which of the current Council priorities are the most important to each candidate. Mayor Pro Tem Cunniff stated he would support that change.

Councilmember Gutowsky supported the question related to completing and amending priorities noting the person who is appointed will be jumping into the ongoing work.

Councilmember Summers questioned what type of response would be expected. Councilmember Gutowsky replied she would look for a response related to how each candidate would support the ongoing work.

Councilmember Pignataro stated she would prefer to leave the third question as is and suggested any form of the fourth question that involves Council's priorities will likely be adequate.

Mayor Pro Tem Cunniff agreed there should be some discussion of existing Council priorities.

Councilmember Gorgol suggested asking candidates how they would approach Council priorities. Mayor Pro Tem Cunniff and Councilmember Gutowsky supported that wording.

<b>RESULT:</b> <b>NO ACTION TAKEN</b>
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17. **First Reading of Ordinance No. 010, 2021 Adopting the Update to the Parks and Recreation Master Plan as an Element of the City's Comprehensive Plan. (Adopted on First Reading)**

*The purpose of this item is to consider adoption of an update to the Parks and Recreation Master Plan and highlight key implementation steps post-adoption.*

John Stokes, Interim Community Services Director, discussed the team of individuals that has worked on the Parks and Recreation Master Plan and commented on the four words on its cover: Recreate, Renew, Rethink, and Reimagine. He stated the Plan is meant to be suitable for the next twenty years and staff believes it is both pragmatic and visionary.

Stokes discussed the public outreach effort and key components of the Plan, including a series of updated guidelines for park and recreational design and funding tools and concepts. He discussed next steps.

Mayor Troxell commended the Council engagement and overall framework of the Plan.

Mayor Pro Tem Cunniff concurred with Mayor Troxell's comments and stated he would support the Plan. He suggested including a different photo of a development on page 259.

Councilmember Gorgol asked about the process related to incorporating equity through engaging communities in the master planning of new or refreshed parks. Stokes replied there are multiple public meetings for every new or refreshed park and noted this Plan calls for the formation of a master plan for each major refresh, which provides for an enhanced opportunity for the public to

be engaged. He noted a framework for each park that identifies the park amenities will also be influenced by public engagement. He commented on the public engagement utilized for recent parks, including Sugar Beet Park on North Lemay Avenue.

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Pignataro, to adopt Ordinance No. 010, 2021, on First Reading.

City Manager Atteberry commended the team who worked on this Plan and noted this action is legacy work.

<b>RESULT:</b>	<b>ORDINANCE NO. 020, 2021 ADOPTED ON FIRST READING [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Julie Pignataro, District 2
<b>AYES:</b>	Pignataro, Gorgol, Gutowsky, Summers, Troxell, Cunniff

18. **Items Relating to Placing Proposed Charter Amendments on the April 6, 2021 Ballot. (Adopted on First Reading)**

- A. *Possible Public Hearing and Motions Regarding Protest(s) of Ballot Language.*
- B. *First Reading of Ordinance No. 011, 2021 Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 4 of Article II of the City Charter Updating the Provision for Election of a Mayor Pro Tem.*
- C. *First Reading of Ordinance No. 012, 2021 Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 8 of Article VIII of the City Charter Pertaining to Restrictions on Campaign Contributions.*
- D. *First Reading of Ordinance No. 013, 2021 Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 9, Article V of the City Charter Clarifying Revenues that May be Appropriated.*
- E. *First Reading of Ordinance No. 014, 2021 Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 17 or Article II of the City Charter Revising the Deadline to Publish Notice of the Annual Independent Financial Audit.*
- F. *First Reading of Ordinance No. 015, 2021 Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Section 5 of Article VIII of the City Charter Updating the Reference to "Chief Judge" in the Board of Elections Provision.*

*The purpose of these items is to submit individual Charter amendments to the voters at the April 6, 2021 Regular Election ballot.*

*Any protest of the proposed ballot language must be received no later than Monday, January 4, 2021, at*

*noon. The protest(s) shall be heard, considered, and resolved by Council prior to adoption of any Ordinance that is the subject of a protest. If protests are received, copies will be included in Council's "Read-before" packet.*

City Clerk Coldiron stated this item involves consideration of five possible Charter amendments that would move forward to the April 6 ballot if approved by Council. She noted no protests were received on any of the amendments. She detailed the five proposed amendments: one related to the Mayor Pro Tem selection date, one related to the limit on contributions to candidates, one

related to supplemental appropriations, one related to the deadline to publish the notice of audit, and one related to the Board of Elections that would change the reference from the Municipal Judge to the Chief Judge. City Clerk Coldiron noted all five of these items were discussed at a December work session and there was support for bringing them all forward. She stated staff will continue to work on other discussed amendments for future elections.

Councilmember Pignataro stated five items for the ballot seems excessive and expressed support for limiting the number to two or three. She questioned what would occur if none of these items pass. City Attorney Daggett replied there would be ways to work around most of the items and none of the items would create highly significant issues if they did not move forward.

Councilmember Gutowsky asked if the item related to campaign contributions includes alignment with state statute. City Attorney Daggett replied the changes that were made earlier this year were all Council-made changes to City Code and are not affected by this item.

Mayor Pro Tem Cunniff expressed support for moving all of the items to the ballot but expressed concern regarding the likely approval of the campaign contribution item.

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 011, 2021, on First Reading.

<b>RESULT:</b>	<b>ORDINANCE NO. 011, 2021 ADOPTED ON FIRST READING [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Susan Gutowsky, District 1
<b>AYES:</b>	Gorgol, Gutowsky, Summers, Troxell, Cunniff, Pignataro

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gorgol, to adopt Ordinance No. 012, 2021, on First Reading.

<b>RESULT:</b>	<b>ORDINANCE NO. 012, 2021 ADOPTED ON FIRST READING [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Susan Gutowsky, District 1
<b>AYES:</b>	Gorgol, Gutowsky, Summers, Troxell, Cunniff, Pignataro

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 013, 2021, on First Reading.

<b>RESULT:</b>	<b>ORDINANCE NO. 013, 2021 ADOPTED ON FIRST READING [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Susan Gutowsky, District 1
<b>AYES:</b>	Gorgol, Gutowsky, Summers, Troxell, Cunniff, Pignataro

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gorgol, to adopt Ordinance No. 014, 2021, on First Reading.

Councilmember Pignataro stated she will be opposing this motion and the next as she feels three items on the ballot is enough.

<b>RESULT:</b>	<b>ORDINANCE NO. 014, 2021 ADOPTED ON FIRST READING [5 TO 1]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Susan Gutowsky, District 1
<b>AYES:</b>	Gorgol, Gutowsky, Summers, Troxell, Cunniff
<b>NAYS:</b>	Pignataro

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 015, 2021, on First Reading.

<b>RESULT:</b>	<b>ORDINANCE NO. 015, 2021 ADOPTED ON FIRST READING [5 TO 1]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Susan Gutowsky, District 1
<b>AYES:</b>	Gorgol, Gutowsky, Summers, Troxell, Cunniff
<b>NAYS:</b>	Pignataro

19. **First Reading of Ordinance No. 016, 2021, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify Utilities' Right of Entry into Buildings and onto Premises to Access Utilities Equipment, Facilities, and Appurtenances for Utilities Purposes. (Adopted on First Reading)**

*The purpose of this item is to adopt a variety of revisions, clarifications, and additions to update portions of City Code Chapter 26 pertaining to Utility Services. More specifically, the purpose of this item is to further explain and put bounds on the right of entry in the City Charter (Art. XII, Sec. 2), which states:*

*The directors and employees of city-owned utilities shall have authority in the necessary discharge of their duties to enter upon any lands, properties or premises, within or without the city limits, for the examination or survey thereof, or for the purpose of repairing, inspecting, removing, or connecting the service, reading meters, or any other purpose whatever in connection with the water, wastewater, electric, and other utilities.*

*Various aspects of Sections 26-22, 26-98, 26-99, 26-219, 26-399, and 26-577 have been clarified and modified to more clearly articulate Fort Collins Utilities' ("Utilities") right of entry and the corresponding rights of customers and the owners/occupants of such buildings and premises. Language has also been added to allow for procedures for disputes to be resolved by the Municipal Court when necessary and to allow the Utilities Executive Director to petition the Municipal Court to secure the right to enter specific buildings and premises for Utilities purposes as described in Section 26-22.*

Andrew Gingerich, Utilities Civil Engineer, stated these Code updates were separated from the others on the Consent Agenda due to Utilities Services' commitment to deliver utilities services 24/7, 365 days of the year. He stated the changes would articulate the right of entry and corresponding rights of customers and owners and occupants of buildings on premises. He stated the language is also being proposed to be modified to include the ability for the Utilities Executive Director to petition to the Municipal Court to secure the right to enter specific buildings and premises for the purposes of utilities.

Gingerich discussed the utilities equipment that requires access by Utilities staff and discussed the right of entry process. He stated staff is recommending adoption of this ordinance.

Rich Stave expressed concern with some of the wording of the ordinance stating Fort Collins Utilities customers are also owners. He expressed concern with the use of the word 'reasonable' as it is not defined within the document.



Melissa Rosas agreed with Mr. Stave's concerns regarding wording.

Jessica Dyrdaahl asked if there is data related to how many access issues have been unresolved.

Gingerich stated Utilities staff are most often invited onto properties for issues; however, he cited an example of the 25,000 water meters that are within private property and need occasional standard maintenance. He stated it is rare that staff goes through the certified mailing process to gain entry, and he could provide those exact statistics prior to Second Reading.

Mayor Troxell stated he views this as much as being a protection for property owners as it is for utilities staff.

Councilmember Summers thanked Gingerich for his presentation and concurred with Mayor Troxell. He commented on the important services provided by utilities staff.

Mayor Pro Tem Cunniff asked if the list of utilities equipment is intended to be exhaustive. City Attorney Daggett replied the language is intended to be comprehensive.

Mayor Pro Tem Cunniff asked who pays for foliage trimming that might be necessary to access a piece of equipment. Gingerich replied the Code puts that responsibility on homeowners; however, Utilities staff may do some trimming, with permission, and take on that responsibility.

Mayor Troxell asked if this language would also address issues related to the Arthur Ditch. Gingerich replied the infrastructure related to the Ditch is maintained by the City when it is within City right-of-way. Eric Potyondy, Assistant City Attorney, stated the Arthur Ditch is owned and operated by the Arthur Ditch Company and there is a Colorado Statute that puts maintenance responsibility on the county or municipality to maintain the bridge where ditches cross public roads.

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gorgol, to adopt Ordinance No. 016, 2021, on First Reading.

Mayor Pro Tem Cunniff stated he would support the item and stated the concerns mentioned by citizens are more operational in nature.

<b>RESULT:</b>	<b>ORDINANCE NO. 016, 2021 ADOPTED ON FIRST READING [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Emily Gorgol, District 6
<b>AYES:</b>	Pignataro, Gorgol, Gutowsky, Summers, Troxell, Cunniff

Motion to Suspend the Rules to Continue Past 10:30 PM.

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Pignataro, to suspend the rules to continue past 10:30 PM to consider such other business as may come before Council.

<b>RESULT:</b>	<b>MOTION ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Julie Pignataro, District 2
<b>AYES:</b>	Pignataro, Gorgol, Gutowsky, Summers, Troxell, Cunniff

● **OTHER BUSINESS**

Councilmember Gorgol asked if the City is working on an eviction response plan.

Mayor Troxell and Mayor Pro Tem Cunniff agreed a plan with service providers would be beneficial.

Councilmember Gutowsky expressed concern Council has not clearly defined its goals regarding equity and inclusion nor has it agreed upon definitions for diversity, equity, and inclusion. She requested staff provide some information at a work session regarding a calendar of events and the working vocabulary.

Mayor Troxell questioned whether these items are being considered by the committee.

Councilmember Gorgol asked if those definitions are part of Principles of Community. Jackie Kozak-Thiel, Chief Sustainability Officer, replied the Principles of Community are an effort being led out of the City Manager's Office and defining those terms as an organization would fit well with that work.

Mayor Pro Tem Cunniff suggested staff start with a memo then perhaps consider a work session or Council action.

City Manager Atteberry requested additional details from Councilmember Gutowsky on what information she would like to see. Councilmember Gutowsky replied she would like everyone to agree on definitions for terms such as diversity and equity, particularly given those terms will be embedded in every department of the City organization.

Councilmember Pignataro agreed a memo may be a good place to start.

Mayor Pro Tem Cunniff stated Council recently received a letter from the Center for Family Outreach about rents for City facilities. He requested a memo on current rents and related City policies as well as options should Council choose to weigh in on directing staff to suspend rental increases for a prescribed time, for example.

Councilmember Gorgol requested the memo also include the City policy on building maintenance and upgrades as well. She supported receipt of such a memo.

Councilmember Pignataro also supported receipt of such a memo.

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

(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

B. Consideration of a motion to call a Special Meeting at 6:00 p.m. on Tuesday, January 12, 2021, for matters related to filling a Council vacancy:

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gutowsky, pursuant to Section 2-29(a) of the City Code, that the Council call a special meeting of the Council to take place on Tuesday, January 12, 2021, at 6:00 p.m. for consideration of:

1. Matters related to the selection and appointment to fill a vacancy in the District 4 Council seat, including taking testimony and possible action to select finalist candidates or select a District 4 Councilmember; and
2. First Reading of an Ordinance appropriating Small Business Relief program funds to be administered and distributed by the City and authorization for a related agreement with Larimer County.

<b>RESULT:</b>	<b>MOTION ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Susan Gutowsky, District 1
<b>AYES:</b>	Pignataro, Gorgol, Gutowsky, Summers, Troxell, Cunniff

● **ADJOURNMENT**

The meeting adjourned at 10:47 PM.

  
Mayor

ATTEST:

  
City Clerk



