

February 16, 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, Potyondy, Gutowsky, Summers, Troxell, Cunniff
STAFF: Atteberry, Daggett, Coldiron

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry noted Spanish interpretation is available for this meeting. He stated a second staff report formally recognizing Lucinda Smith for an outstanding individual achievement award she recently received from the U.S. Environmental Protection Agency has been added to the agenda. Additionally, the language in the motion to adjourn was updated to add specifics on what Council would be considering at its adjourned meeting.

● **PUBLIC COMMENT**

Mayor Troxell outlined the public participation options.

Patricia Miller discussed the need for a legal defense fund for Fort Collins immigrants and requested the City work to provide that fund to help increase access to pro bono legal representation and due process.

Gayla Maxwell Martinez discussed the need for a legal defense fund for Fort Collins immigrants and requested the City work to provide that fund.

Max (indecipherable last name) discussed the need to be supportive and empathetic to immigrant community members and announced the March 7 screening of a documentary related to the importance of a legal defense fund.

Claudia Perez discussed the need for a legal defense fund for Fort Collins immigrants and requested the City work to provide that fund.

Cassandra (indecipherable last name) discussed the need for a legal defense fund for Fort Collins immigrants and requested the City work to provide that fund.

Adriana Quintaro discussed the need for a legal defense fund for Fort Collins immigrants and requested the City work to provide that fund.

Hilda Yanez discussed the need for a legal defense fund for Fort Collins immigrants and requested the City work to provide that fund.

Melita Quantz discussed the need for a legal defense fund for Fort Collins immigrants and requested the City work to provide that fund.

Kristin (no last name given) discussed the need for a legal defense fund for Fort Collins immigrants and requested the City work to provide that fund.

Yenny (no last name given) discussed the need for a legal defense fund for Fort Collins immigrants and requested the City work to provide that fund.

Amy Hoeven discussed the need for a legal defense fund for Fort Collins immigrants, particularly students, and requested the City work to provide that fund.

Paige Noon discussed the need for a legal defense fund for Fort Collins immigrants and requested the City work to provide that fund.

Alyssa Espizito discussed the need for a legal defense fund for Fort Collins immigrants and requested Council hold a work session on the topic and the City work to provide that fund.

Joshua Stallings discussed the need for a legal defense fund for Fort Collins immigrants and requested Council hold a work session on the topic and the City work to provide that fund.

Sara Rossiter requested the assignment of an alphanumeric code to each ballot measure.

Rich Stave discussed the increase in the City's electric rates and electricity demand imbalances in Texas. He questioned where the City provides information on how electricity is being used within the city and commented on the request made by City Utilities to reduce power use during the extreme cold last weekend.

Eric Sutherland stated the public received a tax-funded business plan related to Connexion in advance of the election and nothing like that has been provided since. He stated the business plan was not followed with the exception of the amount of money borrowed and the terms for that loan. He stated Connexion is going to be the biggest public policy failure in Colorado municipal history and suggested another business plan should be provided.

Ingrid Justin discussed the need for a legal defense fund for Fort Collins immigrants and requested Council hold a work session on the topic and the City work to provide that fund.

Melina Divas discussed the need for a legal defense fund for Fort Collins immigrants and requested the City work to provide that fund.

● **PUBLIC COMMENT FOLLOW-UP**

Mayor Troxell summarized the citizen comments and noted Council has received a memo from staff regarding the legal defense fund and possibility of a work session.

Councilmember Gutowsky commented on the need for low-cost legal services to be provided to all immigrants in the community.

Caryn Champine, Director of Planning, Development, and Transportation, thanked the community members who spoke regarding the need for a legal defense fund. She stated staff has determined taking additional time to conduct research to fully understand challenges and circumstances of immigrants in northern Colorado would be prudent prior to holding a work session. She stated staff would also like to research immigration defense funds in other communities.

Councilmember Potyondy expressed support for Council moving forward with a work session on the topic. She thanked the community members who spoke and stated this is the time to seize on a real need around community equity.

Councilmember Pignataro asked if staff has been waiting for direction since providing a memo in October or if work has been done since that time. Champine replied staff has been awaiting direction to confirm it should proceed with next steps.

Councilmember Pignataro expressed support for moving forward and thanked the speakers. She asked if there are any rules around ballot measure identification. City Attorney Daggett replied Council has adopted provisions related to the sequencing of items on the ballot by type, but there is no provision that speaks directly to the question of numbering. She stated that could be addressed in the Code. Councilmember Pignataro suggested the Election Code Committee could take up the topic.

Councilmember Pignataro commented on the need for business plans to be agile and she asked if that is an appropriate interpretation of the Connexion plan. City Manager Atteberry opposed Mr. Sutherland's characterization that the business plan was scrapped. He suggested it may be beneficial for Council to receive a presentation regarding the early due diligence and business plan development versus the current status of Connexion. Councilmember Pignataro suggested that could be in the form of a memo or included in the next periodic report.

Councilmember Summers noted it is not uncommon for business plans to change and cited the fact that Connexion will be built out sooner than the five years predicted in the plan. He stated initial take rate data is encouraging.

Councilmember Gorgol expressed support for moving forward with action on a legal defense fund and stated she also was under the impression action had already been taken on a staff level per the October memo. Champine clarified staff has moved forward with convening partners and some case study research. She also noted that staff is ready to move forward with a work session in a March or April timeframe.

City Manager Atteberry commented on the three types of memos he sends to Council and stated this conversation has been helpful in terms of clarification.

Mayor Pro Tem Cunniff agreed with Councilmember Pignataro's request for Connexion information. He commented on Platte River Power Authority's request, and subsequent pass-through request of the City Utilities, to reduce power use during the extremely cold weekend as mentioned by Mr. Stave. He stated there has been some community assumption that request was needed because of an overreliance on unreliable energy sources. Alyssa Clemens, Platte River Power Authority Chief Strategy Officer, replied natural gas was unavailable for some time over the weekend; therefore, the five combustion turbines were unavailable. Additionally, the wind turbines were not moving and the solar sources were covered in snow. She commented on the diversity of the power portfolio and stated the request to conserve power was not due to an overreliance on non-carbon resources but was due to concerns about market prices and an uncertain peak load given the nationwide cold and storms.

Mayor Pro Tem Cunniff asked if Platte River staff will be discussing what was learned and what is known. Ms. Clemens replied in the affirmative and commented on extreme power challenges

and outages in southern states. She also commented on the likelihood of conservation and use encouragement signals increasing in the future.

Mayor Troxell commented on being well-positioned with investment in distribution grid infrastructure and on building rate structures that can respond to both producers and consumers. He stated future investments will lead to an even more reliable grid.

● **CONSENT CALENDAR**

Eric Sutherland withdrew Item No. 6, *First Reading of Ordinance No. 034, 2021, Appropriating Prior Year Reserves for Phase One of the Land Use Code Update to Reorganize the Land Use Code and Complete Housing Revisions as an Implementation Action Recommended in City Plan (2019) and the Housing Strategic Plan (2021)*, from the Consent Agenda.

Mayor Pro Tem Cunniff 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:	Ross Cunniff, District 5
SECONDER:	Julie Pignataro, District 2
AYES:	Pignataro, Gorgol, Potyondy, Gutowsky, Summers, Troxell, Cunniff

1. **Consideration and Approval of the Minutes of the January 19, 2021 Regular meeting. (Adopted)**

The purpose of this item is to approve the minutes from the January 19, 2021 Regular Council meeting.

2. **Second Reading of Ordinance No. 023, 2021, Appropriating Philanthropic Revenue Received by City Give and Authorizing a Transfer to be Used for Ongoing COVID-19 Community Relief and Recovery. (Adopted)**

This Ordinance, unanimously adopted on First Reading on February 2, 2021, appropriates \$100,000 in philanthropic revenue in the General Fund City Give Reserves for COVID-19 community relief and recovery received from donor Broadcom, Inc. The intent of the charitable gift, facilitated and secured by City Give and as designated by Broadcom Inc., is to support the critical and expanded needs of essential community services and organizations resulting from the pandemic.

It is the donor's determination the City possess unique knowledge of urgent community gaps and can serve as a critical gateway as to how monies can be effectively and immediately applied to local COVID-19 relief and recovery. Per the donor's designation, the City will distribute \$50,000 of the total gift to two community partners: CARE Housing to be used toward eviction prevention and on-site learning hubs to provide Internet access and academic support to K-12 students, and Meals on Wheels in support of their mission to provide meals to homebound seniors. The remaining \$50,000 will be awarded at \$25,000 each to the Utilities Payment Assistance Program in the Utility Customer Service & Admin Fund and to the Digital Access and Equity Program in the General Fund in support of the City's partnership with Code for America.

3. **Second Reading of Ordinance No. 024, 2021, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund for COVID-19 Response and Recovery. (Adopted)**

This Ordinance, unanimously adopted on First Reading on February 2, 2021, appropriates unanticipated Community Development Block Grant (CDBG) funding in the amount of \$760,023 from the Department of Housing and Urban Development (HUD) for COVID-19 response and recovery.

4. **Second Reading of Ordinance No. 025, 2021, Vacating Portions of Grant Avenue Alley Right-of-Way. (Adopted)**

This Ordinance, unanimously adopted on First Reading on February 2, 2021, vacates a portion of an alley right-of-way (ROW). The original grant of the Grant Avenue alley ROW is contained in the West Side Addition Plat, Book 1, Page 19 of Larimer County Clerk and Recorder Records. The residents of 420 and 428 Grant Avenue have initiated a conceptual review under the City's Development Review process. In this review process, staff became aware that portions of the City's right-of-way for the North Grant Avenue alley had never been opened for public access and remain undeveloped and blocked by fences and well-established landscaping. At this time, only telecommunication lines run through this portion of the alley ROW, and the vacation reserves a utility easement over a portion of the vacated alley ROW to accommodate this existing utility use.

5. **First Reading of Ordinance No. 029, 2020, Appropriating Unanticipated Philanthropic Revenue in the General Fund Received by City Give for Transfer to the Parks Department for Upgrades to Water's Way Park. (Adopted)**

The purpose of this item is to appropriate \$6,105 in philanthropic revenue in the General Fund and authorizing a transfer to the Parks Department for amenity upgrades to Water's Way Park as designated by the donors, friends and family of Willy Mergenthaler.

6. **Items Related to Sales Tax and Lodging Tax Code Updates, the Elimination of the Utilities Refund Program, and an Exception to the Outdoor Vendor License Requirement. (Adopted)**

A. First Reading of Ordinance No. 030, 2021, Amending Certain Sections of Chapter 25 of the Code of the City of Fort Collins Relating to the Imposition, Collection and Enforcement of the City's Sales, Use and Lodging Taxes.

B. First Reading of Ordinance No. 031, 2021, Amending Chapter 15 of the Code of the City of Fort Collins to Establish an Exception for Minor Businesses to the Outdoor Vendor License Requirement.

C. First Reading of Ordinance No. 032, 2021, Amending Certain Sections of Chapter 26 of the Code of the City of Fort Collins Eliminating the Utility Refund Program.

The purpose of this item is to amend City Code to eliminate rebate programs in accordance with the City's 2021 budget, to clarify certain existing provisions, to allow for notice to taxpayers by electronic mail, and to create an exception to the sales tax license and outdoor vendor license requirements for temporary commercial enterprises operated by minors.

7. **Resolution 2021-017 Authorizing Certain Quasi-Judicial Land Use Hearings to be Conducted Remotely Pursuant to Ordinance No. 079, 2020, Including the 738 Campfire Drive Appeal, Boyer Annexation and Initial Zoning, W Willox Lane Rezone, 1516 Remington Street Addition of Permitted Use, and Sam's Club Fuel Station Major Amendment and Addition of Permitted Use. (Adopted)**

The purpose of this item is to consider five exceptions to Ordinance No. 079, 2020, adopted by Council on June 16, 2020, to allow one appeal, one initial zoning, one rezoning and two addition of permitted use items to proceed to public hearings using remote technology.

Ordinance No. 079, 2020, authorizes Council and boards and commissions such as the Planning & Zoning Board (P&Z) to hear quasi-judicial items, but specifically *excludes from that authorization* decisions related to zoning/rezoning, appeals, and the addition of permitted uses. Ordinance No. 079, 2020, does, however, allow Council, by motion adopted by at least five Councilmembers, to authorize exceptions to such exclusion. To authorize remote hearings for the listed items, Council must find that such hearings are pressing and require prompt action and that virtual technology will provide for sufficient public participation and input. Ordinance No. 079, 2020, required that to be heard remotely,

"a quorum of the Planning and Zoning Board or Council are present in the hearing room for the respective Quasi-Judicial Hearing Items, and the public may participate in person. Staff requests that Council forego the in-person requirement in authorizing the zoning/rezoning, appeals, and addition of permitted use matters to be heard due to the ongoing COVID-19 pandemic. At this time, Council and all boards and commissions have successfully held fully remote meetings, and the technological concerns that lead to the requirement in Ordinance No. 079, 2020, have been mitigated.

Appeal:

1. 738 Campfire Drive Appeal (*appeal of a hearing officer's decision to Council, scheduled for March 16*)

Initial Zoning:

2. Boyer Annexation and Initial Zoning (*in review and awaiting P&Z recommendation and Council final determination*)

Rezoning:

3. W Willox Lane Rezone (*in review and awaiting P&Z recommendation and Council final determination*)

Addition of Permitted Use (APU):

4. 1516 Remington St Fraternity-Sorority Addition of Permitted Use (*in review and awaiting P&Z recommendation and Council final determination*)
5. Sam's Club Fuel Station Major Amendment and Addition of Permitted Use (*in review and awaiting P&Z review*)

**8. Items Relating to FLEX Route Regional Transit Services Intergovernmental Agreements.
(Adopted)**

- A. Resolution 2021-018 Approving an Intergovernmental Agreement with the City of Loveland for Flex Route Regional Transit Services.
- B. Resolution 2021-019 Approving an Intergovernmental Agreement with the Town of Berthoud for Flex Route Regional Transit Services.
- C. Resolution 2021-020 Approving an Intergovernmental Agreement with the County of Boulder for Flex Route Regional Transit Services.
- D. Resolution 2021-021 Approving an Intergovernmental Agreement with the City of Boulder for Flex Route Regional Transit Services.
- E. Resolution 2021-022 Approving an Intergovernmental Agreement with the City of Longmont for Flex Route Regional Transit Services.

The purpose of this item is to enter into agreements with Transfort's FLEX Partners whereby the parties will contribute funds toward the operating cost of the FLEX regional bus route that travels from Fort Collins, through Loveland, Berthoud, and Longmont, to Boulder. Each entity contributes a percentage of funds based on the ridership in each jurisdiction. The FLEX Partners will further the goals of regional connectivity through transit.

● **STAFF REPORTS**

A. Mail Creek Stream Rehabilitation Project (staff: Jason Stutzman)

City Manager Atteberry stated the Mail Creek stream rehabilitation project supports Council's priorities around stormwater and river health as a holistic approach to enhancing our urban stream corridors.

Jason Stutzman, Utilities Project Manager, commented on the location of this recently completed rehabilitation project and discussed the issues that made this a priority project, including severe erosion, high-discharge flows, and tall vertical banks. He stated the primary goals for the project were to stabilize the channel banks to handle surging flows, preserve as much of the existing vegetation as possible, replace the existing grid control structures to promote native fish passage and improve aquatic riparian habitats, and to develop relationships and buy-in from adjacent neighbors on these goals.

Stutzman detailed the construction process and showed photos of the project, which was complete in early March of 2020. He noted the project was finished under budget and ahead of schedule with high levels of public support.

Councilmember Pignataro commended the work on the project.

Mayor Pro Tem Cunniff commended the project and thanked staff and Council for prioritizing this work.

Councilmember Gutowsky commended the project and asked about the total timeline. Stutzman replied the work started in mid-November 2019 with a scheduled end near the end of April 2020; however, that was accelerated to be complete by the first week of March.

City Manager Atteberry commended Stutzman on his highly effective project management and leadership.

B. Recognizing Lucinda Smith, Director Of Environmental Sustainability, as a Recipient of the Thomas W. Zosel Outstanding Individual Achievement Award for Clean Air Excellence.

City Manager Atteberry announced Lucinda Smith, Director of Environmental Sustainability, was awarded the Thomas W. Zosel Outstanding Individual Achievement Award for Clean Air Excellence by the United States Environmental Protection Agency on January 12. He stated she received the award for her career dedicated to working on environmental programs at the municipal level. He noted Smith started her work to implement air quality and climate action programs in Fort Collins in 1996 and she will retire later this year.

Smith commented on the honor of receiving this award and stated it illustrates the long commitment to environmental sustainability Fort Collins has had. She thanked City Manager Atteberry for his kind words and commended the team with which she has worked over the years.

Mayor Pro Tem Cunniff commended Smith on her professionalism, resourcefulness, and compassion and stated she will be missed.

Mayor Troxell commended Smith on her creative and innovative programs that have distinguished Fort Collins.

City Manager Atteberry stated Smith is the quintessential example of civility in local government.

● **COUNCILMEMBER REPORTS**

Councilmember Gutowsky reported on the Library's Story Stroll program that runs through the end of the month.

Councilmember Pignataro reported on the Empty Bowls event benefitting the Food Bank and the Women Give luncheon. She also reported on the Colorado Municipal League legislative review session.

Councilmember Summers discussed the ongoing mental health crisis that has resulted from the pandemic.

Mayor Troxell reported Jake Sherlock's CSU journalism class is joining the meeting via Zoom. He also reported on a visit to the new joint police training facility during which he and others executed the 'first shot' at the facility. He announced an upcoming strategy and operational planning session for the Northern Colorado Regional Airport.

● **DISCUSSION ITEMS**

9. **First Reading of Ordinance No. 028, 2021, Making Supplemental Appropriations for Year 2 of the Home2Health Project. (Adopted on First Reading)**

The purpose of this item is to complete the second and final appropriation of unanticipated grant revenue in the amount of \$363,513 awarded by the Colorado Department of Public Health and Environment (CDPHE) through its Health Disparities Grant Program (HDGP). In 2019, Fort Collins was awarded a reimbursable grant of \$795,657 from CDPHE to support the Home2Health initiative. The first appropriation of \$397,828 was approved on consent via Ordinance No. 090, 2019.

This item is listed on discussion to allow Councilmember Gorgol to recuse herself.

(Secretary's Note: Councilmember Gorgol withdrew from the discussion of this item due to a conflict of interest.)

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Potyondy, to adopt Ordinance No. 028, 2021, on First Reading.

RESULT:	ORDINANCE NO. 028, 2021 ADOPTED ON FIRST READING [6 TO 0]
MOVER:	Ross Cunniff, District 5
SECONDER:	Melanie Potyondy, District 4
AYES:	Pignataro, Potyondy, Gutowsky, Summers, Troxell, Cunniff
RECUSED:	Gorgol

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

10. **First Reading of Ordinance No. 033, 2021 Adopting the Housing Strategic Plan as an Element of the City's Comprehensive Plan. (Adopted as Amended on First Re)**

The purpose of this item is to consider adoption of the Housing Strategic Plan and highlight key implementation steps post-adoption.

Jackie Kozak-Thiel, Chief Sustainability Officer, discussed the Council goals and priorities that led to the formation of the Housing Strategic Plan.

Lindsay Ex, Interim Housing Manager, stated this work has been a critical advancement of the City's strategic objectives and Council's priority for affordable and achievable housing strategies. She noted this work advances key action items from City Plan, including the need to create more opportunities for housing choices and to improve access to housing. Ex outlined the eight-step process that was used to develop the Housing Strategic Plan and noted the grounding vision is that everyone has healthy, stable housing they can afford.

Meaghan Overton, Senior Planner, outlined the public participation, including Boards and Commissions input, that has occurred since the draft Plan was released in mid-January. She detailed the ways in which that input has changed the final Plan that is being presented for adoption. Overton discussed last week's ad hoc committee meeting and analysis of the Plan.

In terms of immediate next steps, Overton stated a community summit is planned for the spring which will inform the development of the overall implementation plan, which will be presented to Council this summer. Additionally, Overton noted Land Use Code changes are on this agenda and staff is proposing a two-year implementation cycle that begins with assessing progress, reevaluating priorities, and finishing with a design summit.

Caryn Champine, Director of Planning, Development, and Transportation, discussed important dates moving forward.

John Elder thanked staff for their work on the Plan. He expressed concern about the deed restriction tool stating it is difficult to target the housing subsidy to those who really need it. He also stated deed restrictions create a binding price ceiling. He suggested the calculations on affordability in the Plan should be standardized.

Joe Rowan congratulated staff on their work on the Plan and expressed appreciation for the way in which input was sought and incorporated.

Emily Gallishotte thanked staff for forming the Plan. She expressed support for a reform of the You Plus Two ordinance and for exploring the option of a mandated rental license and registry program. She encouraged Council or staff to edit the Plan to recognize the impact the failed healthcare system has on one's ability to pay for housing.

Rich Shannon, Colorado Foundation for Universal Healthcare, discussed the healthcare policy statement adopted by Council in 2019 and stated the fact that the current healthcare system does not allocate the cost of healthcare proportionally to individuals' ability to pay is one of the main reasons so many people in the community do not have more income available to pay for housing. He suggested the Plan include an eighth challenge related to the high cost of healthcare reducing disposable income that could be used for housing.

Paul Anderson stated the You Plus Two ordinance is not a barrier to affordable housing and stated there are ramifications to eliminating it such as giving investor landlords incentive to buy larger homes, putting more pressure on single families attempting to rent a home, and reducing the incentive to build student housing apartment complexes. He stated You Plus Two provides a good balance for neighborhoods.

Sara Rossiter requested acceleration of You Plus Two reform particularly given the pandemic. She also questioned how the City weighs its investment in and responsibility to provide safe,

healthy housing everyone can afford for people who already live in Fort Collins versus those who aspire to live here.

Jerry Gavaldon commended staff on the Plan and stated deed restrictions can work if properly applied. He also stated You Plus Two should remain intact.

Mayor Troxell asked about deed restrictions versus Section 8 housing. Ex replied deed restriction and affordable housing subsidies are important steppingstones for community members who may be moving from a rental into a first home ownership opportunity.

Mayor Troxell asked staff to comment on healthcare costs in the context of the report. Ex replied staff received several comments on possibly amending the Plan to reflect the reality of the cost of healthcare. She noted staff has prepared some changes if Council would like to consider those.

Mayor Troxell asked about the recent changes to Denver's rental housing limits. Overton replied Denver opted to allow an expansion of the number of unrelated people that can live together, up from three. Champine noted the original proposal was for eight unrelated people; however, the adopted language allows for five unrelated people.

Mayor Troxell commented on the impact of historic preservation regulations on housing affordability. He questioned whether the Secretary of Interior historic preservation guidelines take precedent over the Land Use Code, which he stated he would oppose. Overton replied staff would want to ensure the Land Use Code and other regulations work together to help achieve affordability goals. Champine replied the Secretary of Interior establishes the criteria by which properties are evaluated for preservation and those standards and the Land Use Code are integrated and work together to address historic preservation. She stated she would not characterize one as preempting the other.

Mayor Pro Tem Cunniff suggested not making any changes to the You Plus Two ordinance until Denver's changes can be observed. He also commented on having a similar experience to Mr. Anderson in his neighborhood. He suggested implementing a way people could streamline the process for extra occupancy rentals and commented on the expansive definition of 'family' in the Code. He commended the Plan but cautioned against making sweeping changes. He noted a deliberate choice about the inclusion of the Secretary of Interior standards related to historic preservation has been made and a future Council could change it. He supported moving forward with rental licensing and stated he believes safeguards can be put in place to address issues with deed restrictions as it can be a valuable tool.

Councilmember Summers expressed support for the Plan and agreed the extra occupancy process should be made simpler. He supported some type of You Plus Two reform and questioned how many landlords rent by the room. He also opposed rental licensing stating it does not solve any issues.

Councilmember Potyondy thanked staff for their hard work on the Plan. She stated there are legitimate situations wherein flexibility with You Plus Two makes sense. She suggested strengthening systems should address issues in neighborhoods where rentals occur.

Councilmember Gorgol thanked staff for their work on the Plan and noted it only includes language around having a conversation about You Plus Two, which would be a one- to two-year process. She commended the report as helping to provide more stability for renters.

Councilmember Pignataro thanked staff for the intentionality of the Plan and noted there will be negatives and positives about any changes. She asked about the calculations of affordability mentioned by Mr. Elder. Overton replied there were two different down payment calculation assumptions used in the Plan and making those consistent can occur prior to Second Reading.

Councilmember Pignataro commended staff on their work to incorporate feedback and supported the two-year implementation timeline.

Councilmember Gutowsky commended staff on their work and expressed appreciation for immediate and future strategies.

Mayor Pro Tem Cunniff stated rental licensing is intended to be more than a record of who owns properties. He stated it is a way for the City to get a handle on health and safety concerns as well as provide tools to address nuisance properties.

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gorgol, to adopt Ordinance No. 033, 2021, on First Reading.

Mayor Pro Tem Cunniff stated he would like to see staff's changes related to healthcare costs to determine whether they should be included. Ex replied staff identified two areas of the Plan wherein the impact of healthcare costs, which is part of the Legislative Policy Agenda, could be integrated: recognizing the high cost of healthcare in the introduction and within strategy 5 that seeks to advocate for housing-related legislation at state and federal levels. She outlined the proposed language.

Mayor Troxell suggested just recognizing healthcare costs in the introduction and stated the two places identified seem appropriate.

Mayor Pro Tem Cunniff stated he would consider those amendments as friendly.

Councilmember Gorgol noted there are other cost issues that may affect one's ability to afford housing and are also part of the adopted Legislative Policy Agenda, including childcare.

Councilmember Summers agreed there are many costs facing families and questioned whether it is necessary to include those details.

Councilmember Gorgol accepted the language related to healthcare as being friendly.

Councilmember Pignataro supported the proposed changes as they speak to connecting housing to the adopted Legislative Policy Agenda in a holistic manner.

Councilmember Potyondy supported language changes related to healthcare and childcare as they are both part of the Legislative Policy Agenda.

Mayor Pro Tem Cunniff and Councilmember Gorgol accepted language changes related to including childcare expenses as also being a significant barrier for families as being a friendly amendment.

Mayor Pro Tem Cunniff commended the Plan and stated it adds significant tools that can be used to achieve goals related to affordable and attainable housing.

Councilmember Gorgol commended the Plan and its incorporation of community feedback.

Mayor Troxell commended the Plan and stated it provides a good basis for housing goals over the next few years.

RESULT:	ORDINANCE NO. 033 ADOPTED AS AMENDED ON FIRST READING [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Emily Gorgol, District 6
AYES:	Pignataro, Gorgol, Potyondy, Gutowsky, Summers, Troxell, Cunniff

11. **Second Reading of Ordinance No. 026, 2021, Amending Chapter 12 of the Code of the City of Fort Collins to Establish Regulations Regarding Disposable Bags and Mitigation of Other Sources of Single Use Plastic Pollution. (Adopted as Amended on Second Reading)**

This Ordinance, adopted on First Reading by a vote of 5-2 (Nays: Troxell, Summers), regulates the distribution of disposable bags and future mitigation of other sources of single-use plastic pollution (the "Disposable Bag Ordinance"). Changes to the Ordinance made by Council on First Reading are included in the Ordinance attached for Second Reading.

In addition to the changes made by Council to the Ordinance on First Reading, the following changes to the Ordinance have been made since first reading to improve clarity:

- *Section 12-301 Definitions: The definition of "large grocer" has been changed to refer to "at least four of the following typical grocery departments:" instead of "all of the majority of the following typical grocery departments:"*
- *Section 12-301 Definitions: The definition of "waste reduction program" has been changed to include as part of subpart 7, added during first reading deliberations, the highlighted clarification as follows: "providing assistance to members of the public in need of assistance to access and use reusable bags and to enable and facilitate knowledge about and participation in waste reduction programs and strategies".*

The Disposable Bag Ordinance:

- *Prohibits distribution of disposable plastic bags by large grocers to customers at point-of sale and imposes a \$0.12 fee on disposable paper bags distributed by large grocers to customers at point-of sale;*
- *Allocates the \$0.12 fee equally between the vendor and the City, with the City's share of the fee being committed to support the City's plastic pollution mitigation and solid waste and litter reduction program (the "Waste Reduction Program") as defined, and the vendor share being committed to pay the vendor's cost to implement the disposable bag fee program and encourage customer use of disposable bags;*
- *Includes an exemption from the bag fee for low-income customers; and*
- *Expressly reserve's Council authority and states Council's intent to make future modifications to address stakeholder input or unforeseen circumstances, regulate single-use plastic items in addition to disposable plastic bags, and extend regulations to other vendors in the City.*

City Attorney Daggett outlined the Ordinance wording changes that have occurred since First Reading.

Molly Saylor, Sustainability Services, noted addressing plastics pollution is a Council priority and the proposed Ordinance aligns with strategic objectives around achieving zero waste goals and around maintaining and improving the health of the Poudre River. She discussed key details of the Ordinance and outlined possible changes that could be made, including removing the section

affirming Council's right to make changes to the items covered or to the types of retailers impacted as that right is maintained regardless, and making the ordinance contingent upon the repeal of the state preemption.

Leif Youngs supported the plastic bag ban and fee but expressed concern with the exemption of small grocers and those who do not have the ability to pay. He stated exemptions should not exist as reusable bags are easy to come by.

Emily Gallishotte opposed the proposed ordinance due to equity and justice concerns. She stated there are community members for whom plastic is the only option due to mobility or disability issues. She stated the Be Our Guest policy should apply to plastic bags as well as paper.

Rich Stave expressed concern the Ordinance is too complex and questioned why certain grocers are exempt. He also questioned the fee structure stating the City should not be collecting taxes to turn over to private corporations. He stated the City should not be profiting from this.

Councilmember Potyondy expressed support for the plastic bag ban but agreed having a plastic option may be a good idea.

Councilmember Pignataro noted there are many options other than paper or plastic for holding groceries and requested Saylor address the fee structure per Mr. Stave's comments. Saylor replied the twelve cent paper bag fee, which was established through the fee study, would be split 50/50 between the City and the grocer and plans will be made for the fee revenue with grocers to better understand their costs and address solutions. She stated the City's portion of the fee will allow for recovery of both direct and systems costs.

Councilmember Pignataro expressed support for the flexibility provided in the Ordinance.

Councilmember Summers asked how the twelve-cent fee was determined and stated it will have to be raised if the program is successful and people start using reusable bags rather than paying for paper bags. Saylor discussed the fee study and cost recovery plan, starting with the most direct costs and expanding to systems costs. She stated the twelve-cent fee is the minimum staff believes would cover the first direct costs. She also noted the common range for other communities that have enacted a fee is between ten and twenty cents.

Councilmember Summers questioned the \$260,000 cost of administering the program and stated it would make more sense to start the fee at ten cents and increase it if necessary. He expressed support for making the ordinance contingent upon the repeal of the state preemption.

Mayor Troxell also expressed support for making the ordinance contingent upon the repeal of the state preemption.

Councilmember Pignataro asked what would need to happen for the state to challenge a municipality on the preemption. City Attorney Daggett replied the likely sequence of events would be the City taking enforcement action against a grocer subject to the ordinance who then would challenge the City's authority to have the provision in place.

Councilmember Summers noted grocers could technically file a lawsuit tomorrow if desired should this ordinance pass on Second Reading.

Councilmember Gorgol asked about the possibility of including an 'ask for plastic' option for a year as a transition. City Attorney Daggett replied the ordinance includes language that recognizes there may be a need to refine and evaluate issues related to exceptions or handling of certain circumstances.

Councilmember Gutowsky asked about the provisions made for low-income consumers. City Attorney Daggett discussed the relevant provisions of the ordinance that address exemptions.

Councilmember Gutowsky expressed concern about the dignity effects of having to prove need for a fee exemption. She suggested having reusable bags available to all as an alternative.

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Pignataro, to adopt Ordinance No. 026, 2021, on Second Reading.

Mayor Troxell made a motion, seconded by Councilmember Summers, to amend the motion to make the ordinance contingent upon repeal of the state preemption.

City Attorney Daggett outlined the proposed language that relates to making the ordinance contingent upon repeal of the state preemption.

Mayor Troxell stated the contingency is essential to keep the City from being culpable of knowingly passing an ordinance that violates state statute.

Mayor Pro Tem Cunniff noted it is unclear whether the Colorado Legislature statement preempts other provisions of the Colorado Constitution about home rule cities; therefore, he disagreed with the assertion passing this ordinance would knowingly violate state law.

Councilmember Summers noted the sponsors of the bill to repeal the preemption feel that current bag fee ordinances are in violation of state law.

Councilmember Pignataro requested legal input regarding the varying interpretations of the state law and stated she would not support the amendment. City Attorney Daggett replied there is a statute that prohibits local governments from regulating plastic products and containers and there is a widely held belief that the statute prohibits local governments from enacting the kind of ban that is in this ordinance. However, there is some difference of opinion and there are some arguments to be made, such as the question as to whether this is a matter of state-wide concern, a question about the intended scope of the list of kinds of activities that are prohibited in the statute, and there are a few municipalities that have adopted plastic bag bans in the face of the existing statute.

Councilmember Summers requested more context as to the depth of discussion and context of City Attorney Daggett's statements. City Attorney Daggett replied there has been discussion over a few years in the municipal law community about this statutory provision and whether it precludes cities from taking this kind of action.

The vote on the motion to amend was as follows: Yeas: Summers and Troxell. Nays: Cunniff, Gorgol, Pignataro, Potyondy and Gutowsky.

THE MOTION FAILED.

Mayor Pro Tem Cunniff requested City Attorney Daggett explain a suggested language amendment to subsection 7. City Attorney Daggett replied she worked with staff to rework the subsection so it takes a broader approach to the concept of providing assistance. She provided a list of items that could be included in the City's waste reduction program to further the objectives and that list would include assisting members of the public who face barriers to participation to support widespread inclusion and participation in waste reduction programs and strategies.

Councilmember Summers noted the voters will ultimately make this decision and stated he does not have a problem with the desired approach; however, he stated the EPA estimates plastic bags represent 0.3% of landfill waste. He noted citizens were not asked if they already use reusable bags and commented they have been readily available for years. He stated he believes there is a better way to reach the desired outcome and expressed disappointment the City has not had a more effective community outreach campaign about not using plastic bags.

Councilmember Potyondy noted the choice that is healthier systemically is not always the easier choice, and to enact behavior changes, the better choice needs to be made easier. She stated this change will help people to enable the habit of using reusable bags.

Mayor Pro Tem Cunniff and Councilmember Pignataro accepted the language mentioned by City Attorney Daggett related to subsection 7 as a friendly amendment to the main motion.

Councilmember Pignataro stated she would support eliminating Section 12-307(B) to reduce redundancy, as was outlined in the Council packet. Mayor Pro Tem Cunniff stated he would consider that a friendly amendment.

Councilmember Gutowsky commented on seeing several plastic bags in trees recently.

Mayor Pro Tem Cunniff stated this has been a good debate and noted everyone on Council has a desire to reduce plastics pollution, though they may not agree on how to get there. He stated this regulation does not regulate individual behavior, but is about regulating big businesses. He noted this would be a compelling argument for the state legislature if passed by the voters.

Councilmember Summers stated not providing any alternative would very quickly modify behavior.

Mayor Troxell stated the amount of effort for the desired outcome is disproportionate. He stated the timing of this is bad given COVID and it is bad policy as it does not improve waste reduction and does not address equity, particularly given the lack of engagement with historically underrepresented groups. He also cited the state preemption as a reason to not move forward.

RESULT:	ORDINANCE NO. 026, 2021 ADOPTED AS AMENDED ON SECOND READING [5 TO 2]
MOVER:	Ross Cunniff, District 5
SECONDER:	Julie Pignataro, District 2
AYES:	Pignataro, Gorgol, Potyondy, Gutowsky, Cunniff
NAYS:	Summers, Troxell

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

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gutowsky, to suspend the rules to continue past 10:30 PM to consider the remaining agenda items.

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

12. **Resolution 2021-023 Referring Ordinance No. 026, 2021, Amending Chapter 12 of the Code of the City of Fort Collins to Establish Regulations Regarding Disposable Bags and Mitigation of Other Sources of Single Use Plastic Pollution to a Vote of the Registered Electors of the City at the Next Regular Municipal Election on April 6, 2021. (Adopted as Amended)**

The purpose of this item is to refer Ordinance No. 026, 2021 to the voters at the April 2021 regular municipal election.

Any protest of the proposed ballot language must be submitted on the Notice of Protest form located at <https://www.fcgov.com/elections/ballot-title-protest> and received no later than Tuesday, February 16, 2021, at 9:00 a.m. (due to the President's Day holiday). The protest(s) shall be heard, considered, and resolved by Council prior to adoption of any Resolution that is the subject of a protest. If protests are received, copies will be included in Council's "Read-before" packet provided the day of the meeting.

Martha Zook suggested the possibility of crediting those who bring in reusable bags rather than charging for non-reusable bags.

Rory Heath concurred with Ms. Zook's comment and stated rewarding citizens for good behavior is a better option.

Tom Farnsworth stated plastic bags are recyclable and requested ballot measures be given alpha-numeric identifiers.

Mayor Pro Tem Cunniff asked if the ordinance gives Council the ability to implement programs such as a refund for reusable bags, should the ordinance be approved by voters. City Attorney Daggett replied in the affirmative.

Mayor Pro Tem Cunniff requested input as to the City Code provisions related to the ordering and titling of ballot measures. City Attorney Daggett noted the City Charter describes the process for the expectations around titling of ballot measures and she described the historic process. City Clerk Coldiron outlined the required order of items on the ballot.

City Attorney Daggett stated there is no prescribed way of handling ballot measure numbering in the City's provisions; however, there are rules in state elections. She suggested having a more systematic approach to number or lettering could be beneficial to consider.

City Attorney Daggett noted there is a required change to this submission clause due to the change that was made to the ordinance.

Mayor Pro Tem Cunniff expressed concern that numbering or lettering ballot initiatives could appear as electioneering.

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Pignataro, to adopt Resolution 2021-023.

City Attorney Daggett presented the necessary language change to address the section that was eliminated due to a friendly amendment in the adoption of the ordinance. Mayor Pro Tem Cunniff and Councilmember Pignataro accepted the amendment as friendly.

Councilmember Summers questioned whether the language relates only to plastic bags and large retailers or whether it allows for future Councils to ban all things plastic.

Mayor Pro Tem Cunniff commented on the use of the paper bag fee being to mitigate other sources of single-use plastic pollution, which is why the title language is written as it is.

City Attorney Daggett noted the ordinance will be subject to voter approval and does not mean Council's hands are completely tied from a legal standpoint, but that Council is requesting voter input on the issue.

The vote on the motion was as follows: Yeas: Cunniff, Pignataro, Gorgol, Gutowsky, Summers and Potyondy. Nays: Troxell.

RESULT:	RESOLUTION 2021-023 ADOPTED AS AMENDED [6 TO 1]
MOVER:	Ross Cunniff, District 5
SECONDER:	Julie Pignataro, District 2
AYES:	Pignataro, Gorgol, Potyondy, Gutowsky, Summers, Cunniff
NAYS:	Troxell

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

13. **Resolution 2021-024 Amending Resolution 2020-105 to Revise, as Ordered by the Larimer County District Court, the Citizen-Initiated Ordinance and Its Ballot Title and Submission Clause Concerning the Hughes Stadium Property and to Submit them to a Vote of the Registered Electors of the City at the Regular Municipal Election on April 6, 2021. (Adopted)**

The purpose of this item is to amend Resolution 2020-105, adopted by Council on November 17, 2020 (Resolution 105), to revise, as recently ordered by the Larimer County District Court (District Court), the citizen-initiated ordinance (Initiated Ordinance) and its ballot title and submission clause (Ballot Measure) the Council provisionally and conditionally submitted in Resolution 105 to the City's registered electors concerning the Hughes Stadium Property at the April 6, 2021 election. Resolution 105 provisionally and conditionally submitted the Initiated Ordinance and Ballot Measure so that some of the provisions in them could be reviewed by the District Court for its determination whether some of the provisions were administrative matters not properly subject to a citizen initiative under the Colorado Constitution and City Charter. On February 3, 2021, the District Court issued its order determining some of the Initiated Ordinance's provisions are administrative and must be severed from the Ordinance. On February 7, 2021, the District Court issued its second order setting the wording of the Ballot Measure to be consistent with the Court's February 3rd order.

This Resolution 2021-024 amends Resolution 105 by revising the Initiated Ordinance and Ballot Measure as ordered by the District Court and submits them as so revised to a vote of the City's registered electors at the regular municipal election on April 6, 2021.

Any protest of the proposed ballot language must be submitted on the Notice of Protest form located at <https://www.fcgov.com/elections/ballot-title-protest> and received no later than Tuesday, February 16, 2021, at 9:00 a.m. (due to the President's Day holiday). The protest(s) shall be heard, considered, and resolved by Council prior to adoption of any Resolution that is the subject of a protest. If protests

are received, copies will be included in Council's "Read-before" packet provided the day of the meeting. However, since the District Court has ordered the specific wording to be used for the Ballot Measure, the Ballot Measure cannot be further revised without the District Court's consent.

City Clerk Delynn Coldiron provided a review of the process to this point and noted the City received notice on February 3rd regarding its declaratory judgement action request that the citizen-initiated ballot language regarding the requirement for the Hughes Stadium property to be purchased by the City should be retained. The Judge also ordered that sections 5, 6, and 7 of the citizen-initiated ordinance should be removed as those items were considered administrative. On February 7, the judge issued an additional order that provided a modification to reflect that the City did not concede that the requirement for the City to purchase the property is legislative; however, he decided that language should remain on the ballot and determined the ballot title and submission clause that should be used.

City Clerk Coldiron stated Council will consider a resolution to adopt the revised initiated ordinance removing sections 5, 6, and 7, and the revised ballot title and submission clause. She noted no protests were received; therefore, the language remains as presented per the order of the court.

Tom Farnsworth noted Council has the responsibility to support and enhance democracy in Fort Collins and not diminish it. He stated assigning an alpha-numeric identifier to each ballot measure would aid in this effort.

Martha Zook stated the election web page still does not display the proposed citizen-initiated ordinance related to the former Hughes Stadium property. She also suggested alpha-numeric identifiers should be provided for each ballot measure.

Rory Heath agreed with Ms. Zook and requested alpha-numeric identifiers be assigned to each ballot measure.

Sara Rossiter thanked Council for their work and noted it was not possible to assign a number to the initiative until this evening; however, she encouraged that to occur. She commented on the importance of the democratic process and encouraged Council to adopt this resolution without contest.

Joe Rowan stated Council choosing to refer the measure to the electorate shows an appalling level of arrogance and duplicity. He stated the resources that would be required to purchase this land, which the Natural Resources Director has stated is not valuable, could be otherwise used to address affordable housing needs.

Mary Alice Grant supported sending this initiative to the citizens for a vote and encouraged the assignment of an alpha-numeric identifier to the measure.

Melissa (no last name given) requested Council not appeal the recent ruling by the judge to include the acquisition language in the Hughes initiative. She also requested Council adopt a resolution agreeing to not appeal the ruling before or after the election.

Eric Sutherland stated the circumstances around the Hughes property and how it might be developed and zoned provide evidence of a complete catastrophic failure and immeasurable incompetence of planning staff. He also stated he believes the court has erred in its interpretation of the Charter.

Mayor Pro Tem Cunniff noted Council does not have the discretion to not refer this to the ballot and, if the measure is adopted by the voters, the City has no choice but to zone the land Public Open Lands and pursue purchase from Colorado State University. City Attorney Daggett replied that characterization is correct.

Mayor Pro Tem Cunniff asked about the practice of providing guidance to petitioners regarding legislative versus administrative matters. City Attorney Daggett replied her staff tries to avoid providing legal advice to petitioners but stated she did have some interactions with the attorney for the PATHS group in the summer and noted the acquisition piece of the petition came as somewhat of a surprise as it was not included in those interactions.

Mayor Pro Tem Cunniff asked if it would be possible to create a document for petitioners in the future outlining administrative versus legislative matters. City Attorney Daggett replied the City Clerk's Office has guidelines addressing the initiative process and that could be included there.

Mayor Pro Tem Cunniff noted the reason this item did not receive a ballot number is because that is not the practice related to citizen-initiated ordinances. He suggested it could be considered by a future Council but stated it is inappropriate for the practice to change prior to this election.

Councilmember Gorgol requested additional input regarding the City's litigation efforts. City Attorney Daggett replied the City explored who it was required to name in the declaratory judgement action to have as little impact as possible. Deputy City Attorney John Duval stated the City's Charter has a provision related to naming the petition representatives as being the proper parties for making any decisions about the petition. The declaratory judgement was sought to determine the legal issue of whether certain parts of the initiated ordinance were administrative or not.

Councilmember Pignataro stated the Election Code Committee will work to address the alphanumeric identifier issue. She noted there is a great deal of passion around this issue and it should not be difficult to find on the ballot, but it will be addressed for user friendliness.

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gutowsky, to adopt Resolution 2021-024.

Mayor Troxell stated he would support the motion and commented on the history of the zoning issue on the property. He noted the property is owned by a state entity and is not under the jurisdiction of the City. He stated the result of the election may not matter as there may be an unwilling property seller. He also noted the property has not been a priority to purchase by the Open Space Program and its reclamation would likely cost millions. Regarding the proposal for the property, he stated it meets the City's goals of affordable housing, a transit hub, and others. He encouraged citizens to oppose the ballot measure.

Mayor Pro Tem Cunniff disagreed with the Mayor that there is an unbounded price and suggested resources could be pooled or a land swap could be considered. He also noted the zoning question, which is still pending, could be determined by the outcome of the ballot measure. He encouraged voters to use their judgement and vote accordingly.

RESULT:	RESOLUTION 2021-024 ADOPTED [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Susan Gutowsky, District 1
AYES:	Pignataro, Gorgol, Potyondy, Gutowsky, Summers, Troxell, Cunniff

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

14. **First Reading of Ordinance No. 034, 2021, Appropriating Prior Year Reserves for Phase One of the Land Use Code Update to Reorganize the Land Use Code and Complete Housing Revisions as an Implementation Action Recommended in City Plan (2019) and the Housing Strategic Plan (2021), (Adopted)**

The purpose of this item is to request an off-cycle general fund appropriation in the amount of \$290,000 for Phase 1 of the Land Use Code (LUC) update. This appropriation will enable staff to draft critical LUC changes and complete a code reorganization that will implement City Plan, implement the Housing Strategic Plan and a quicker win identified by the Ad Hoc Housing Committee, improve housing supply and affordability in Fort Collins, and consolidate, simplify, and increase the user-friendliness of the LUC. Project funding will be supplemented by \$60,000 of grant funds received for the Home2Health initiative for a total project budget of \$350,000. The Council Finance Committee reviewed this appropriation request at its January 25, 2021 meeting and indicated support for consideration by the full Council.

Eric Sutherland stated the City systematically disregards the Land Use Code and citizens have no advocacy or support in vindicating their rights under the Code. He stated the Planning Department operates as a concierge service for developers and making Land Use Code updates is meaningless.

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 034, 2021, on First Reading.

RESULT:	ORDINANCE No. 034, 2021 ADOPTED [UNANIMOUS]
MOVER:	Ross Cunniff, District 5
SECONDER:	Susan Gutowsky, District 1
AYES:	Pignataro, Gorgol, Potyondy, Gutowsky, Summers, Troxell, Cunniff

● **OTHER BUSINESS**

Mayor Troxell noted the Leadership Planning Team will begin discussions around a legal defense fund for immigrants.

Mayor Troxell requested and received Council support to direct the City Manager to examine the impact of historic preservation requirements on affordable housing. Councilmember Pignataro stated that information could fit into the Housing Strategic Plan.

Councilmember Pignataro requested clarification regarding the types of memos sent by staff. City Manager Atteberry replied he does not believe there is a chronic issue; however, he noted clarity matters a great deal. He stated he typically sends three types of memos: (1) a for-your-information type; (2) an indication staff is moving forward with an action; and (3) a request for additional clarity from Council. He will review the memo in question and discuss the matter with the Executive Team.

Mayor Pro Tem Cunniff commented on the tracking of Other Business items and suggested that may help with the memo issue.

Mayor Troxell noted individuals can take positions on ballot issues; however, the City as an organization cannot.

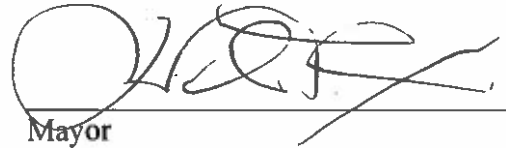
● **ADJOURNMENT**

Consideration of a motion to adjourn this meeting to 6:00 p.m. on Tuesday, February 23:

Mayor Pro Tem Cunniff made a motion, seconded by Councilmember Gutowsky, that Council adjourn this meeting to 6:00 p.m. on Tuesday, February 23, to consider a Resolution approving Ethics Opinion 2021-01 and such other business that may come before the Council.

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

The meeting adjourned at 11:56 PM.


Mayor

ATTEST:


City Clerk



