

May 18, 2021

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

● **ROLL CALL**

PRESENT: Pignataro, Gorgol, Arndt, Canonico, Peel, Ohlson, Gutowsky
STAFF: Atteberry, Daggett, Coldiron

● **AGENDA REVIEW: CITY MANAGER**

Spanish interpretation options were outlined.

Mayor Arndt noted the City Manager has terminated the emergency ordinance requiring facial coverings in Fort Collins; however, social distancing and sanitizing stations will remain for Council meetings and in-person participation will continue to take place in a way that limits the number of individuals in Council Chambers.

City Manager Atteberry noted Council is intending on withdrawing Item No. 6, *Second Reading of Ordinance No. 069, 2021, Amending the Zoning Map of the City of Fort Collins By Changing the Zoning Classification of the Hughes Stadium Annexation Property from the Transition District to Public Open Lands as Required by the Citizen-Initiated Ordinance Passed at the April 6, 2021, Regular Municipal Election*, from the Consent Agenda in order to add some provisions related to new lighting standards. Additionally, he stated he intends to postpone Item No. 8, *First Reading of Ordinance No. 072, 2021, Amending Section 2-568 of the Code of the City of Fort Collins Relating to Ethical Rules of Conduct for Quasi-Judicial Commission Members*, for additional staff work.

● **PUBLIC COMMENT**

Robbie Moreland commended the newly elected Councilmembers and discussed election complaints she filed against Blueflower Independent Expenditure Committee which were dismissed. She stated the attorney's response was inadequate and stated Blueflower should have been registered as a political committee as it accepted contributions.

John (no last name given) opposed the formation of an immigrant legal defense fund stating it would be a misappropriation of tax revenue.

Jody Deschene suggested the Election Code Committee begin meeting as soon as possible and commented on one organization being allowed to accept two donations totaling \$100,000. She stated that is not in alignment with the City's legislative declaration. She stated the election complaints filed against Blueflower have yet to be sufficiently addressed.

Allen Turner requested Council consider how to eliminate gun show advertising in the City's bus stop shelters.

Seth Forwood, Fort Collins Rescue Mission Senior Director, commented on the success of the Blue Spruce temporary shelter and on the transition back to the Rescue Mission location. He requested homeless emergency shelter be a priority for Council so 24/7 shelter can continue to be provided.

Nancy Eason expressed concern about the formation of an immigrant legal services fund.

Ernan Patawaran opposed the formation of an immigrant legal defense fund.

Carl Glaser commended Council for wanting to do something but questioned whether forming an immigrant legal defense fund is an appropriate solution.

Michelle Haefele discussed the election complaint filed against Blueflower and stated it should have been registered as a political committee. She requested Council direct staff to reexamine the complaint. She also commented on the need for an immigrant legal services fund.

Jay Knebggl commented on the protests that take place outside Planned Parenthood and suggested Council consider amending the City Code to prohibit protesting within 200 feet of the property line of a medical facility.

John Anderson stated Fort Collins was built to protect illegal immigrants and commented on Item No. 3, *Second Reading of Ordinance No. 066, 2021, Making a Supplemental Appropriation for the State Highway 1/Douglas Road Intersection Improvements Project*, stating other solutions should have been explored first, including expanding bus service. He also stated the use of herbicides and pesticides should be banned if the City truly values pollinators as was mentioned in a previous meeting's proclamation section.

● **PUBLIC COMMENT FOLLOW-UP**

Mayor Pro Tem Gorgol requested the Deputy City Attorney follow up on the comments related to the Planned Parenthood demonstrations. Deputy City Attorney Duval replied the City would need to research litigation and state statutes and staff would need to return to Council with options.

Mayor Pro Tem Gorgol asked how bus shelter advertising works. Deputy City Attorney Duval replied the City has a contract with Lamar Advertising and that contract would need to be examined for possible advertising prohibitions and the possibility of future limitations.

Mayor Pro Tem Gorgol thanked Mr. Forwood for the information he provided.

Councilmember Gutowsky complimented Mr. Forwood and his staff on their work to transition the location of shelter services.

Councilmember Pignataro asked if the election complaints were sent to outside legal counsel. Deputy City Attorney Duval replied in the affirmative. He noted that legal firm would be the prosecutor of any charges relating from violations of Election Code provisions.

● **CONSENT CALENDAR**

Councilmember Pignataro withdrew Item No. 13, *Resolution 2021-060 Making Board and Commission Liaison and Council Committee Assignments and Making Appointments to Various External Boards and Authorities*, from the Consent Agenda.

Councilmember Peel withdrew Item No. 7, *Items Relating to Affordable Housing Fee Credit Requests*, from the Consent Agenda.

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

RESULT:	CONSENT AGENDA ADOPTED [UNANIMOUS]
MOVER:	Emily Gorgol, District 6
SECONDER:	Susan Gutowsky, District 1
AYES:	Pignataro, Gorgol, Arndt, Canonico, Peel, Ohlson, Gutowsky

1. **Consideration and Approval of the Minutes of the April 20, 2021 Regular meeting and the April 27, 2021 Special meeting. (Adopted)**

The purpose of this item is to approve the minutes of the April 20, 2021 Regular meeting and the April 27, 2021 Special meeting.

2. **Second Reading of Ordinance No. 065, 2021, Authorizing the City Manager to Accept a Grant Award and Comply with the Terms of the Grant, and Appropriating Unanticipated Grant Revenue in the Recreation Fund to Support Childcare Needs Due to the COVID-19 Pandemic. (Adopted)**

This Ordinance, unanimously adopted on First Reading on May 4, 2021, accepts and appropriates a \$32,800 Child Care Relief Grant awarded by the State of Colorado into the Recreation Department's 2021 budget. The grant funds will help offset the Recreation Department's financial impacts resulting from the COVID-19 pandemic.

3. **Second Reading of Ordinance No. 066, 2021, Making a Supplemental Appropriation for the State Highway 1/Douglas Road Intersection Improvements Project. (Adopted)**

This Ordinance, unanimously adopted on First Reading on May 4, 2021, enables the City to receive and expend reimbursement funds from Larimer County for constructing intersection improvements associated with the State Highway 1/Douglas Road Intersection Improvements Project and appropriates \$437,376 (to be reimbursed by the County under the IGA) in the Capital Projects Fund for the project. These funds will be used for the construction of a traffic signal and related intersection improvements at the State Highway 1 and Douglas Road intersection. Resolution 2021-051, adopted on May 4, 2021, authorized the Mayor to execute the First Amendment to the Intergovernmental Agreement for the State Highway 1/Douglas Road Signal Project dated May 7, 2019 (IGA) with Larimer County.

4. **Second Reading of Ordinance No. 067, 2021, Annexing the Property Known as the Gil Boyer Annexation to the City of Fort Collins, Colorado. (Adopted)**

This Ordinance, unanimously adopted on First Reading on May 4, 2021, annexes a 9,800 square foot residential parcel located in northwest Fort Collins. The Initiating Resolution was adopted on consent, March 16, 2021. The property abuts North Taft Hill Road to the east and is situated 450 feet northwest of the intersection of Laporte Avenue and North Taft Hill Road. The annexation area consists of a single-family home and several accessory buildings.

5. **Second Reading of Ordinance No. 068, 2021, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Gil Boyer Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and Lighting Context Area Map. (Adopted)**

<i>This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2015-091.</i>

This Ordinance, unanimously adopted on First Reading on May 4, 2021, zones the property included in the Gil Boyer Annexation into the Low Density Mixed-Use Neighborhood (L-M-N) zone district, Neighborhood Sign District, and LC1 Lighting Context Area.

6. **Resolution 2021-056 Finding Substantial Compliance and Initiating Annexation Proceedings for the Northeast Frontage Road Annexation. (Adopted)**

The purpose of this item is to initiate annexation proceedings for the Northeast Frontage Road Annexation. This is a 100% voluntary annexation. The property contained within the annexation area is approximately 4 acres and is located northeast of the intersection of Interstate-25 and East Prospect Road. The requested zoning for this annexation is General Commercial (C-G).

The proposed Resolution makes a finding that the annexation petition substantially complies with the Municipal Annexation Act of 1965, determines that a hearing should be established regarding the annexation, and directs notice be given of the hearing. The hearing will be held at the time of First Reading of the annexation and zoning ordinances, and notice will be published and distributed as required by State law.

This annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins Comprehensive Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreement Regarding Growth Management.

7. **Resolution 2021-057 Approving Fort Fund Grant Disbursements - Organizational Support Category. (Adopted)**

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

8. **Resolution 2021-058 Discontinuing the City's Leadership Committee with Colorado State University. (Adopted)**

The purpose of this item is to discontinue the City/CSU Leadership Committee.

9. **Resolution 2021-059 Reappointing Brandi Lynn Nieto as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement. (Adopted)**

The purpose of this item is to reappoint Brandi Lynn Nieto as Assistant Municipal Judge for the Fort Collins Municipal Court. The City Charter provides for the appointment of judges of the Municipal Court for two (2) year terms. This will be Judge Nieto's second term. Chief Judge Jill A. Hueser recommends that Judge Nieto be reappointed as Assistant Municipal Judge, to serve in the absence of the Chief Judge.

● **COUNCILMEMBER REPORTS**

Councilmember Gutowsky reported on the Traverse Park groundbreaking ceremony.

Mayor Pro Tem Gorgol reported on the Community Services Director hiring process. She also reported on the recent Council retreat.

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

10. **Second Reading of Ordinance No. 069, 2021, Amending the Zoning Map of the City of Fort Collins By Changing the Zoning Classification of the Hughes Stadium Annexation Property from the Transition District to Public Open Lands as Required by the Citizen-Initiated Ordinance Passed at the April 6, 2021, Regular Municipal Election. (Adopted as Amended on Second R)**

On April 6, 2021, Fort Collins' voters passed the citizen-initiated ordinance requiring, among other things, that the City rezone the approximately 164.56-acre property that was subject to the Hughes Stadium Annexation from its current Transition District zoning to the Public Open Lands District. This Ordinance, unanimously adopted on First Reading on May 4, 2021, presented for Council adoption on Second Reading.

Assistant City Attorney Brad Yatabe stated this item has been pulled for Council to consider a proposed amendment that would add language to assign a lighting context area for the property, per the newly adopted lighting code. He noted the omission was unintended. He explained the proposed LC-0 context area corresponds to natural areas and would be consistent with the rezoning. He presented the proposed language changes and noted lighting context areas will be included with all newly zoned properties and rezonings.

Mary Grant stated she assumes this does not change the zoning but expressed disappointment in being surprised about the item coming forward.

Jay (no last name given) commented on the ease of voting in Fort Collins noting any citizen who wanted to see this zoning change would have had the opportunity to do so. He suggested Councilmember Peel should recuse herself from this item as she has expressed her personal opposition to the item and has stated she has had a land dispute with the City.

Melissa (no last name given) stated she was surprised the item was pulled from the Consent Agenda and expressed concern about the ordinance language being changed as it was already approved by a judge.

Elena (no last name given) expressed concern about the ordinance language being modified as it was already approved by a judge. She stated the lighting code modifications could be made without modifying the ordinance language.

Councilmember Ohlson asked about the language omission. Deputy City Attorney Duval replied it was an unintentional oversight resulting from the fact this is a newly adopted standard. He noted there is no change to the court order and the ordinance requiring the prompt rezoning of the property. He also noted lighting context areas will be applied to all rezonings moving forward.

Councilmember Ohlson asked why no attempt was made to contact those who initiated the citizen petition. Deputy City Attorney Duval replied that should likely have occurred.

Mayor Pro Tem Gorgol made a motion, seconded by Councilmember Canonico, to adopt Ordinance No. 069, 2021, as amended, on Second Reading.

RESULT:	ORDINANCE NO. 069, 2021 ADOPTED AS AMENDED ON SECOND READING [UNANIMOUS]
MOVER:	Emily Gorgol, District 6
SECONDER:	Tricia Canonico, District 3
AYES:	Pignataro, Gorgol, Arndt, Canonico, Peel, Ohlson, Gutowsky

11. Items Relating to Affordable Housing Fee Credit Requests. (Adopted on First Reading)

- A. *First Reading of Ordinance No. 070 2021, Authorizing a Fee Credit and Appropriating Prior Year Reserves in the General Fund for the Housing Catalyst Oak 140 Affordable Housing Development.*
- B. *First Reading of Ordinance No. 071 2021, Authorizing a Fee Credit and Appropriating Prior Year Reserves in the General Fund for the Volunteers of America Cadence Affordable Housing Development.*

The purpose of this item is to seek Council consideration of requests from two qualifying development projects for fee credits totaling \$350,000. At the discretion of Council, City Code authorizes a fee credit of \$14,000 per qualifying unit of new affordable housing construction, provided that the proposed credits will not jeopardize the financial interests of the City. Fee credits subsidize the development of affordable housing units serving families that earn up to 30% of AMI (or \$22,600 for a family of two). The Council Finance Committee heard this item at their April 16, 2021, meeting and recommend granting these requests.

Councilmember Peel asked why there was a change from a fee waiver to a fee credit. Sue Beck-Ferkiss, Social Sustainability, replied fee relief has been an iterative improvement process and some fees are waivable while others are not. She stated flat fees were developed for qualifying units as a program improvement to improve predictability and save staff time.

Councilmember Peel asked if the funds will come from general fund reserves. Beck-Ferkiss replied part of the funds will come from general fund reserves and part of the funds will come from the affordable housing capital fund, which have already been appropriated.

Councilmember Peel asked if this will be a detriment to City finances. Beck-Ferkiss replied the Council Finance Committee has recommended approval.

Kristin Fritz, Housing Catalyst, thanked Council for considering this item. She stated the fee credits help to make a difference in serving low-income households.

Mayor Pro Tem Gorgol made a motion, seconded by Councilmember Ohlson, to adopt Ordinance No. 070, 2021, on First Reading. Yeas: Canonico, Arndt, Gorgol, Gutowsky, Pignataro, Ohlson and Peel. Nays: none.

Mayor Pro Tem Gorgol made a motion, seconded by Councilmember Ohlson, to adopt Ordinance No. 071, 2021, on First Reading. Nays: none.

Mayor Pro Tem Gorgol noted these funds will help to build 125 affordable housing units, 55 of which are dedicated to seniors.

RESULT: **ORDINANCE NO. 070, 2021 ADOPTED ON FIRST READING [UNANIMOUS]**
MOVER: Emily Gorgol, District 6
SECONDER: Kelly Ohlson, District 5
AYES: Pignataro, Gorgol, Arndt, Canonico, Peel, Ohlson, Gutowsky

RESULT: **ORDINANCE NO. 071, 2021 ADOPTED ON FIRST READING [UNANIMOUS]**
MOVER: Emily Gorgol, District 6
SECONDER: Kelly Ohlson, District 5
AYES: Pignataro, Gorgol, Arndt, Canonico, Peel, Ohlson, Gutowsky

12. **First Reading of Ordinance No. 072, 2021, Amending Section 2-568 of the Code of the City of Fort Collins Relating to Ethical Rules of Conduct for Quasi-Judicial Commission Members. (Withdrawn)**

The purpose of this item is to amend the Ethical Rules of Conduct in Chapter 2 of the City Code to provide clear guidance and direction to Quasi-Judicial Commission members with respect to activities that call for their recusal from matters coming before them in their decision-making capacity.

RESULT: **WITHDRAWN**

13. **Resolution 2021-060 Making Board and Commission Liaison and Council Committee Assignments and Making Appointments to Various External Boards and Authorities. (Adopted as Amended)**

The purpose of this item is to make Councilmember liaison assignments to City boards and commissions and Council committees as well as make appointments to external boards and authorities on behalf of the City.

Councilmember Pignataro stated Councilmember Peel is interested in taking over the Citizens' Review Board liaison, Councilmember Gutowsky will be taking the Affordable Housing Board liaison, and she and the Mayor will be serving on the PRPA Board.

Alan Braslau, Energy Board, read a letter from the Energy Board expressing concern about the PRPA Board appointments and recommending the appointments represent a strong policy orientation. He outlined the Energy Board's suggestion that a member of City staff is not appointed.

Dan Gould stated the appointment of the second PRPA Board member is of critical importance and should be someone who understands the community and its energy policy and Climate Action Plan.

Kevin Cross, Fort Collins Sustainability Group, expressed support for the proposed appointment of the Mayor and Councilmember Pignataro to the PRPA Board. He agreed the Board should be policy-oriented and should not include Utilities Directors from member entities.

John Fasler expressed support for the proposed appointment of the Mayor and Councilmember Pignataro to the PRPA Board.

Sue McFadden expressed support for the proposed appointment of the Mayor and Councilmember Pignataro to the PRPA Board.

Marge Moore expressed support for the proposed appointment of the Mayor and Councilmember Pignataro to the PRPA Board.

Rick (no last name given) expressed support for the proposed appointment of the Mayor and Councilmember Pignataro to the PRPA Board.

Nick Michell expressed support for the proposed appointment of the Mayor and Councilmember Pignataro to the PRPA Board.

Rich Stave stated he is not interested in paying more for electricity and expressed support for changes to the representation on the PRPA Board as well as a change in the direction the Board is taking.

Phil Friedman expressed support for the proposed appointment of the Mayor and Councilmember Pignataro to the PRPA Board.

Kathryn Dubiel, speaking on behalf of herself and her husband, Paul Patterson, expressed support for the proposed appointment of Councilmember Pignataro to the PRPA Board.

Mayor Arndt thanked the citizens for their support and expressed support for City staff to implement the mission and vision directed by Council aimed at addressing the climate crisis.

Councilmember Peel asked about the reasoning for previously having the Utilities Director on the PRPA Board. City Manager Atteberry replied the Mayor and Utility Directors formed the Board when PRPA was originally formed primarily because of the operational connection. He stated he has a different take on the operational conflicts suggested by many of the speakers. He stated having the Utility Directors and/or City Managers on the Board is important for a peer relationship; however, he expressed support for Council's direction.

Councilmember Peel asked if other cities are moving away from having their Utilities Directors on the Board. City Manager Atteberry replied the three other Utilities Directors are currently on the Board and he has not heard of anticipated changes.

Councilmember Ohlson expressed support for the proposed appointment of the Mayor and Councilmember Pignataro to the PRPA Board stating it is a policy values Board. He stated the historic professionals on the Board have been irresponsibly slow on air quality issues prior to the current climate crisis.

Councilmember Canonico expressed support for the proposed appointment of the Mayor and Councilmember Pignataro to the PRPA Board. She requested clarification in the Resolution language regarding her being the alternate to the Futures Committee.

Councilmember Pignataro made a motion, seconded by Mayor Pro Tem Gorgol, to adopt Resolution 2021-060, as amended. Yeas: Pignataro, Gorgol, Arndt, Canonico, Peel, Ohlson and Gutowsky. Nays: none.

RESULT:	RESOLUTION 2021-060 ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Julie Pignataro, District 2
SECONDER:	Emily Gorgol, District 6
AYES:	Pignataro, Gorgol, Arndt, Canonico, Peel, Ohlson, Gutowsky

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

● **DISCUSSION ITEMS**

14. **Resolution 2021-061 Expressing Council's Intent to Provide Funding to Assist with the Resident Purchase of Hickory Village Mobile Home Park and Directing Development of a Process for Evaluating and Potentially Supporting Similar Future Opportunities. (Adopted)**

The purpose of this item is to demonstrate financial support towards a potential resident purchase of Hickory Mobile Home Park. This Resolution expresses Council's intent to commit \$200,000 of City Funds to support residents of Hickory Village Mobile Home Park (MHP) with assistance such as down payment assistance or rent stabilization in support of a Hickory Village resident-owned community (ROC). If the ROC successfully secures financing, makes an offer to purchase the park and an agreement addressing the use of the funding by the City is reached, staff will present for consideration at a future meeting a formal appropriation ordinance.

On March 3, 2021, the owner of Hickory Village MHP agreed to sell the park to a corporate operator. According to state law, the potential sale triggered a 90-day window for residents to make an offer to purchase the park and become a ROC. With the support of Thistle, a non-profit affordable housing organization which provides technical assistance and helps arrange financing for ROC's in Colorado, the Hickory Village community has formed a co-op and elected a Leadership Board to pursue financing and resident purchase of the MHP. Staff from Neighborhood Services and Planning Departments have been involved in neighborhood engagement alongside Thistle. Even with the high purchase price (\$23 million) and short timeline, Hickory Village residents and Thistle staff have expressed a desire for local support for the formation of a ROC. At the work session on April 13, 2021, Council directed staff to prepare this Resolution and consult with the Council Finance Committee for their recommendation, which occurred on April 19, 2021 and aligned with the overall Council feedback for the item.

The Resolution also directs the City Manager to develop and provide to Council for discussion at a July work session a process for considering and responding to future opportunities to assist with resident purchases.

Kyle Stannert, Deputy City Manager, stated this resolution would express the interest of Council to provide funding in the amount of \$200,000 to assist with the resident purchase of the Hickory Village Mobile Home Park if the purchase attempt is successful. He noted this resolution would not actually expend funds. Stannert went on to provide details regarding the Park and the formation of a resident-owned community. He noted there is alignment in supporting these communities within the City's Housing Strategic Plan. He stated the \$200,000 could assist with up-front fees for residents or as a way of stabilizing rent increases. Stannert noted there will likely be additional requests for this type of funding and stated a process will be needed to ensure the requests are addressed equitably.

William Fulbright, Hickory Village Interim Board of Directors, stated 2/3 of the park residents are interested in making a purchase and they have been made aware of the large rent increase over the next few years. He stated the City's financial assistance will be extremely valuable for residents.

Councilmember Peel expressed concern about the precedent this might set for other mobile home park communities.

Mayor Pro Tem Gorgol made a motion, seconded by Councilmember Gutowsky, to adopt Resolution 2021-061.

Mayor Pro Tem Gorgol stated resident-owned communities are the gold standard and are identified in the Housing Strategic Plan. She noted there were no interested mobile home park sellers during the rezoning process; therefore, the discussion related to supporting resident-owned communities is a new one. She encouraged the development of a process for evaluating future projects.

Mayor Arndt stated she would support the motion as the work had already begun with the previous Council. She discussed the importance of thinking broadly when considering the Housing Strategic Plan and possible subsidies.

Councilmember Gutowsky stated she is supportive of this as an investment in affordable housing, specifically in sustaining affordable housing rather than building it.

Councilmember Peel stated she is not against the resident-owned community; however, she expressed concern about moving forward without a plan for future park purchases. She asked about the residents who are not supportive of the purchase. Stannert replied the law requires 51% of residents to be in support; however, he would follow up on the implications for other residents.

Mayor Pro Tem Gorgol stated it may not be that 1/3 of residents are against it, it just may be difficult to get all residents to meetings to sign paperwork, particularly given the tight timeframe.

The vote on the motion was as follows: Yeas: Pignataro, Gorgol, Arndt, Ohlson, Gutowsky, Canonico and Peel. Nays: none.

Mayor Pro Tem Gorgol encouraged the Legislative Committee to look at working with state representatives on expanding the 90 day timeframe.

RESULT:	RESOLUTION 2021-061 ADOPTED [UNANIMOUS]
MOVER:	Emily Gorgol, District 6
SECONDER:	Susan Gutowsky, District 1
AYES:	Pignataro, Gorgol, Arndt, Canonico, Peel, Ohlson, Gutowsky

● **OTHER BUSINESS**

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.)

Mayor Pro Tem Gorgol requested clarification regarding how operations work in terms of SAR requests and Other Business requests from Council.

B. Consideration of a motion to go into executive session to discuss legal issues as follows:

Mayor Pro Tem Gorgol made a motion, seconded by Councilmember Pignataro, that the City Council go into executive session for the purpose of discussing with the City's attorneys and appropriate management staff: specific legal questions pertaining to potential litigation regarding the City's contract for a new utility customer information system, and the manner in which the particular policies, practices or regulations of the City related to that litigation or the utility customer information system may be affected by existing or proposed provisions of federal, state or local law, pursuant to:

- City Charter Article Roman Numeral Two, Section 11(2),
- City Code Section 2-31(a)(2), and
- Colorado Revised Statutes Section 24-6-402(4)(b).

RESULT:	MOTION ADOPTED [6 TO 0]
MOVER:	Emily Gorgol, District 6
SECONDER:	Julie Pignataro, District 2
AYES:	Pignataro, Gorgol, Arndt, Canonico, Ohlson, Gutowsky, Peel

Secretary's Note: Councilmember Peel withdrew from the following discussion due to a conflict of interest.)

Mayor Pro Tem Gorgol made a motion, seconded by Councilmember Pignataro, that the City Council go into executive session for the purpose of discussing with the City's attorneys and appropriate management staff: specific legal questions pertaining to the potential appeal of the City's litigation regarding the billboard at Interstate 25 and Harmony Road, and the manner in which the particular policies, practices or regulations of the City related to that litigation may be affected by existing or proposed provisions of federal, state or local law, pursuant to:

- City Charter Article Roman Numeral Two, Section 11(2),
- City Code Section 2-31(a)(2), and
- Colorado Revised Statutes Section 24-6-402(4)(b).

RESULT:	MOTION ADOPTED [6 TO 0]
MOVER:	Emily Gorgol, District 6
SECONDER:	Julie Pignataro, District 2
AYES:	Pignataro, Gorgol, Arndt, Canonico, Ohlson, Gutowsky
RECUSED:	Peel

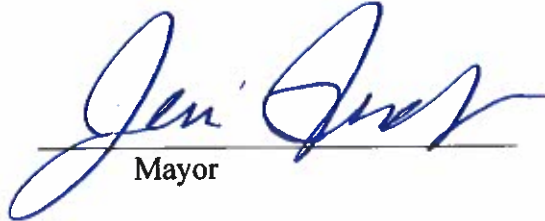
C. Consideration of a motion to adjourn this meeting to 6:00 pm on Tuesday, May 25, 2021:

Mayor Pro Tem Gorgol made a motion, seconded by Councilmember Pignataro, that Council adjourn this meeting to 6:00 p.m. on Tuesday, May 25, to consider any unfinished business on this agenda and other such business as may come before Council.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Emily Gorgol, District 6
SECONDER:	Julie Pignataro, District 2
AYES:	Pignataro, Gorgol, Arndt, Canonico, Ohlson, Gutowsky
ABSENT:	Peel

● **ADJOURNMENT**

The meeting adjourned at 10:07 PM.



Mayor

ATTEST:



City Clerk *Deputy*

