

AGENDA ITEM SUMMARY

June 16, 2020

City Council

STAFF

Delynn Coldiron, City Clerk

SUBJECT

Consideration and Approval of the Minutes of the May 12, 2020 Adjourned Council Meeting and May 19, 2020 Regular Council Meeting.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes from the May 12, 2020 Adjourned Council Meeting and the May 19, 2020 Regular Council meeting.

ATTACHMENTS

1. May 12, 2020 (PDF)
2. May 19, 2020 (PDF)

May 12, 2020

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Adjourned 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 and staff attended the meeting remotely, via teleconference.)

● **ROLL CALL**

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

1. Consideration of a motion to go into executive session to discuss water service issues and potential water supply agreements related to the Montava development.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gutowsky, that the City Council go into executive session for the purpose of meeting with the City's attorneys and City management staff to discuss the following matters as permitted under City Charter Article II, Section 11(2), City Code Section 2-31(a)(2) and Colorado Revised Statutes Section 24-6-402(4)(b):

1. Specific legal questions related to potential litigation regarding water utility service arrangements with East Larimer County Water District and the Montava development; and
2. The manner in which the particular policies, practices or regulations of the City related to water utility service arrangements with East Larimer County Water District and the Montava development may be affected by existing or proposed provisions of federal, state or local law.

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

(Council went into executive session at this time and returned at 7:51 pm)

2. Consideration of a motion to go into executive session to discuss environmental issues at the landfill.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gutowsky, that the City Council go into executive session for the purpose of meeting with the City's attorneys and City management staff to discuss the following matters as permitted under City Charter Article II, Section 11(2), City Code Section 2-31(a)(2) and Colorado Revised Statutes Section 24-6-402(4)(b):

1. Specific legal questions related to potential litigation regarding environmental remediation of conditions at the Larimer County Landfill; and
2. The manner in which the particular policies, practices or regulations of the City related to environmental conditions at the Larimer County Landfill may be affected by existing or proposed provisions of federal, state or local law.

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

(Council went into executive session at this time and returned at 9:28 p.m.)

● **ADJOURNMENT**

The meeting adjourned at 9:28 PM.

Mayor

ATTEST:

City Clerk

May 19, 2020

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

(Secretary's Note: Due to the COVID-19 crisis and state and local orders to remain safer at home and not gather, Councilmember Pignataro, staff, and some citizens attended the meeting remotely, via teleconference.)

Mayor Troxell and City Clerk Coldiron outlined the various methods of public participation available.

- **ROLL CALL**

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

- **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry stated there will not be a COVID-19 update this evening. Additionally, Item Nos. 20, *Resolution 2020-050 Approving a Development Agreement to Secure Public Benefits for Development of the Northfield Metropolitan District Development Agreement*, and 21, *First Reading of Ordinance No. 076, 2020, Appropriating Prior Year Reserves in the Light and Power Fund, the Water Fund, the Wastewater Fund, and the Stormwater Fund, and Authorizing the Transfer of Previously Appropriated Funds in the Broadband Fund for the Utilities Customer Information and Billing System Project*, have been postponed to June 2.

- **PUBLIC COMMENT**

Stacy Lynne stated there has been inconsistent Police enforcement related to Council's policies around parks. The homeless population at Northside Aztlan Center has not been social distancing or wearing masks and all remain healthy.

Jerry Gavaldon made suggestions related to upcoming City budget shortfalls including pay cuts for all employees.

Kathryn Dubiel requested Council enact temporary changes to the process for the collection of petition signatures that mirror those being proposed by Governor Polis to collect signatures electronically. She questioned whether a citizen initiative can enact zoning for a property if approved by a majority of voters in an election. She also questioned whether a citizen initiative and subsequent vote could change the zoning on a property after it has been established by Council.

Rory Heath opposed Council considering items that do not need immediate decisions and expressed concern about the requirement for in-person testimony.

Eric Sutherland discussed the new Poudre School District schools stating Timnath is paying very little toward the construction of the schools in property taxes because of abuses of tax increment financing.

Doug Henderson, Sierra Club Poudre Canyon Group, expressed support for the City's Climate Action Plan and efforts to reduce greenhouse gases. A complete accounting of all greenhouse gases is necessary for the credibility of the Plan and City government. Broadcom's emissions are not part of the accounting and account for 8-9% of Fort Collins' total emissions.

Tamara Mirror expressed concern with the remote technology and stated the quasi-judicial items are not urgent and consideration should be postponed until the COVID-19 crisis is over.

Nancy York stated the City must address the climate crisis and suggested City resources should be reallocated to affordable and attainable housing. She also suggested funds dedicated to road expansions should be reallocated to greenhouse gas emissions control.

Kevin Cross, Fort Collins Sustainability Group, encouraged the City to include Broadcom's emissions in its accounting.

- **PUBLIC COMMENT FOLLOW-UP**

Mayor Troxell summarized the citizen comments.

Councilmember Cunniff stated he plans to bring up the Broadcom emissions issue under Other Business. He also discussed the technology issues with citizen comments.

Councilmember Gutowsky discussed Mr. Gavaldon's comments and stated she would be happy to do without her stipend in order to help save jobs.

Mayor Pro Tem Stephens discussed Ms. Lynne's comments and stated the City does not have unconstitutional policies. She requested clarification regarding policies related to skate parks and other City amenities. There will be robust discussions around the budget and requested input regarding Ms. Dubiel's questions. City Attorney Daggett replied there have been legal challenges to the action the Governor has taken regarding electronic collection of petition signatures. The ability for Council or the City Manager to make changes to many election procedures is extremely limited and most changes would require voter approval to move forward. Regarding the initiative and referendum questions, she stated Article 10 of the City Charter describes the power to pursue an initiative. There is a great deal of opportunity for citizens to do so and generally zoning is not something that is excluded under the Charter language.

Mayor Pro Tem Stephens acknowledged the frustrations with the technology but stated the business of the City needs to move on, particularly given there are no assurances as to when things will change.

Councilmember Gorgol stated she visited the temporary shelter at the Northside Aztlan Center and conditions are not filthy as claimed by Ms. Lynne. People are not social distancing or wearing masks, however. This is a better system than having a dispersed site because the current service providers cannot handle the capacity.

Councilmember Pignataro requested input regarding the status of dog parks. She asked if the electronic petition signature topic could be placed on the Election Code Committee agenda.

Councilmember Cunniff agreed things will not be returning to normal soon and there will be continued need for hybrid Council meetings. He encouraged staff to continue to work on best practices for remote attendees.

Mayor Troxell requested staff input regarding the reopening of City parks and facilities. City Manager Atteberry replied it is important for the City to have a consistent philosophy around reopening that ensures public and staff safety. The City is trying to be consistent in honoring and respecting the requirements or suggestions of public health officials.

John Stokes, Community Services Deputy Director, stated staff has concerns regarding physical distancing at skate parks and dog parks. Both can be considered for reopening per state and county regulations.

City Manager Atteberry stated Jim Byrne, Emergency Operations Manager, is working closely with staff to have opening plans for each City facility.

Mayor Pro Tem Stephens asked if physical distancing has been successful at the City's pickleball courts. Stokes replied managers have reported successful physical distancing with some of the activities that are currently allowed.

● **CONSENT CALENDAR**

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

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

1. **Consideration and Approval of the Minutes from the April 21, 2020 Regular Council Meeting and the April 28, 2020 Adjourned Council Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the April 21, 2020, Regular Council meeting and the April 28, 2020, Adjourned Council meeting.

2. **Second Reading of Ordinance No. 027, 2020, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Soldier Canyon Pump Station Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map. (Adopted)**

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 2019-064.

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- This item is on Second Reading.
- This item is required to comply with federal or state legal or other requirements.

This Ordinance, unanimously adopted on First Reading on February 4, 2020, zones the property included in the annexation known as the Soldier Canyon Pump Station Annexation. Soldier Canyon Pump Station Annexation, owned by the Platte River Power Authority, is located adjacent to the City of Fort Collins Water Treatment Facility at 4316 Laporte Avenue and is 0.702 acres in size. The proposed zoning for this annexation is Residential Foothills (R-F). The surrounding uses include the existing City Water Treatment Plant to the north, south and west, and Colorado State University Solar Farm to the east. The abutting City limits to the north, south and west are zoned Residential Foothills (R-F). Staff also recommends placement into the Residential Neighborhood Sign District.

3. **Second Reading of Ordinance No. 029, 2020, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Timberline-International Annexation No. 1 to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map. (Adopted)**

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 2019-064.

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- This item is on Second Reading.
- This item is required to comply with federal or state legal or other requirements.

This Ordinance, unanimously adopted on First Reading on February 4, 2020, zones the property included in the first of three sequential annexations, known as the Timberline-International Annexation No.1. Timberline-International Annexation No. 1 is located northeast of the North Timberline Road and International Boulevard intersection. The proposed zoning for this annexation is Industrial (I). The surrounding properties are existing industrial land uses currently zoned I-Industrial Zoning District (in Larimer County) to the north, south and west. The abutting City limit to the east is zoned Low Density Mixed-Use Neighborhood (L-M-N) and consists of North Timberline Road right-of-way. Staff also recommends placement into the Residential Neighborhood Sign District.

4. **Second Reading of Ordinance No. 031, 2020, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Timberline-International Annexation No. 2 to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map. (Adopted)**

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 2019-064.

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- This item is on Second Reading.
- This item is required to comply with federal or state legal or other requirements.

This Ordinance, unanimously adopted on First Reading on February 4, 2020, zones the property included in the second of three sequential annexations, known as the Timberline-International Annexation No. 2. Timberline-International Annexation No. 2 is located northeast of the North Timberline Road and International Boulevard intersection. The proposed zoning for this annexation is Industrial (I). The surrounding properties are existing industrial land uses currently zoned I-Industrial Zoning District (in Larimer County) to the north, south and west. The abutting City limit to the east is zoned Low Density Mixed-Use Neighborhood (L-M-N) and consists of North Timberline Road right-of-way. Staff also recommends placement into the Residential Neighborhood Sign District.

5. **Second Reading of Ordinance No. 033, 2020, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Timberline-International Annexation No. 3 to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map. (Adopted)**

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 2019-064.

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- This item is on Second Reading.
- This item is required to comply with federal or state legal or other requirements.

This Ordinance, unanimously adopted on First Reading on February 4, 2020, zones the property included in the third of three sequential annexations, known as the Timberline-International Annexation No.3. Timberline-International Annexation No. 3 is located northeast of the North Timberline Road and International Boulevard intersection. The proposed zoning for this annexation is Industrial (I). The surrounding properties are existing industrial land uses currently zoned I-Industrial Zoning District (in Larimer County) to the north, south and west. The abutting City limit to the east is zoned Low Density Mixed-Use Neighborhood (L-M-N) and consists of North Timberline Road right-of-way. Staff also recommends placement into the Residential Neighborhood Sign District.

6. **Postponement of Second Reading of Ordinance No. 044, 2020, Updating the Harmony Corridor Plan for the Gateway Area and the Harmony Corridor Standards and Guidelines to June 16, 2020. (Adopted)**

Given the anticipated length of the Hughes Stadium Site Second Reading item, the continued high level of community interest in the Harmony Corridor Plan amendments and potential for considerable Council hearing discussion, staff is requesting that the item be considered at the June 16th hearing. Impacted property owners have indicated that they have no objection to the item being moved to June 16, 2020.

This Ordinance, adopted on First Reading on March 3, 2020, by a vote of 4-2 (Nays: Summers, Troxell; Gorgol absent) amends the Harmony Corridor Plan and the Harmony Corridor Standards and Guidelines by adopting revised Plan polices, standards and guidelines pertaining to the “gateway” area located west of I-25.

7. **Second Reading of Ordinance No. 065, 2020, Appropriating Unanticipated Revenue in the Community Development Block Grant Fund for COVID-19 Response and Recovery. (Adopted)**

This item meets the following priorities for items to be considered by Council during the COVID-19 emergency: (1) urgent items specifically related to COVID-19 activities that are critical in nature and must receive Council consideration as soon as possible; (6) items that relate to funding, operation and business activities that the City must continue despite the current crisis; and (7) items that are required to comply with federal or state legal or other requirements.

This Ordinance, unanimously adopted on First Reading on May 5, 2020, appropriates unanticipated Community Development Block Grant (CDBG) funding in the amount of \$649,203 from the Department of Housing and Urban Development (HUD) to be used for COVID-19 response and recovery.

8. **Second Reading of Ordinance No. 066, 2020, Appropriating Prior Year Reserves and Authorizing the Transfer of Previously Appropriated Funds in the Light and Power Fund for the 700 Wood Street Remodel Project and Related Art in Public Places. (Adopted)**

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- Priority 5 - Items that must move forward based on a council-directed timeline, i.e., completion of a pilot project or the end of a moratorium.
- Priority 6 - Items that relate to funding, operation and business activities that the City must continue despite of the current crisis.

This Ordinance, unanimously adopted on First Reading on May 5, 2020, appropriates funds necessary for completion of the joint control room and associated 700 Wood Street remodel project for Fort Collins Connexion and Electric Utility/Light & Power (L&P) operations. L&P is requesting an appropriation of \$900,000 from uncommitted reserves, which has been included in the Utilities’ financial rate strategy and 2019 Capital Improvement Plan. Since this appropriation request is for the purpose of capital construction, City Code also requires a \$9,000 contribution (1% of the amount being appropriated) to the Art in Public Places program. This amount is also being requested from uncommitted L&P reserves, bringing the total use of L&P reserves in this request to \$909,000. In addition to the appropriation from available reserves, L&P is requesting a transfer of \$770,000 in funds previously appropriated for the Substation capital parent account to obtain the remaining funds for the 700 Wood Street remodel project. Council Finance Committee considered and supported this approach on April 20, 2020.

9. **Second Reading of Ordinance No. 067, 2020 Suspending for Fiscal Years 2021 and 2022 the Biennial Budget Term Required by City Code Section 8-1 and Approving the Temporary Revision of the City's Budgeting Process for the 2021 and 2022 Budgets. (Adopted)**

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- Priority 2 - Emergency-related items that are not as urgent but need Council consideration.

This Ordinance, unanimously adopted on First Reading on May 5, 2020, modifies the City's biennial budgeting process due to the current unknowns of the depth and duration of the COVID-19 Pandemic and impacts to the local economy and City revenue streams.

10. **Second Reading of Ordinance No. 068, 2020, Designating the Brown-Gooding Property, 425 Mathews Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins. (Adopted)**

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

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- Priority 6 - Items that relate to funding, operation and business activities that the City must continue despite the current crisis.

This Ordinance, unanimously adopted on First Reading on May 5, 2020, designates the Brown Gooding Property located at 425 Mathews Street as a Fort Collins Landmark. The owners of this property, Sarah Breseke and Wouter Montfroofij, have a pending Landmark Rehabilitation Loan for which funds have been requested and obligated but cannot be released without the Landmark designation in place. The single-family residence and garage are eligible for recognition as a Landmark due to their significance to Fort Collins under Designation Standard 3, Design/Construction and their historic integrity.

11. **Second Reading of Ordinance No. 069, 2020, Designating the Horsley/Delta Zeta Property, 201 East Elizabeth Street, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins. (Adopted)**

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

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- Priority 6 - Items that relate to funding, operation and business activities that the City must continue despite the current crisis.

This Ordinance, unanimously adopted on First Reading on May 5, 2020 designates the Horsley/Delta Zeta Property, 201 East Elizabeth Street, as a Fort Collins Landmark. The owner of this property, Stephanie Walter, has a pending Landmark Rehabilitation Loan for which funds have been requested and obligated but cannot be released without the Landmark designation in place. The property is eligible for recognition as a Landmark due to its significance to Fort Collins under Designation Standards 1. Events, and 3. Design/Construction and its historic integrity.

12. **Items Relating to the College Avenue/Trilby Road Intersection Improvements Project. (Adopted)**

- A. Resolution 2020-046 Approving the Intergovernmental Agreement with the Colorado Department of Transportation for Road Intersection Improvements - College Avenue-Trilby Road.

- B. First Reading of Ordinance No. 071, 2020, Making Supplemental Appropriations for the College Avenue-Trilby Road Intersection Improvements Project.

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- Priority 6 - Items that relate to funding, operation and business activities that the city must continue despite the current crisis.
- Priority 7 - Items that are required to comply with federal or state legal or other requirements.

The purpose of this item is to authorize the Mayor to sign an intergovernmental agreement (IGA) between the City and the Colorado Department of Transportation (CDOT) to accept previously awarded federal grants needed for the design, right-of-way acquisition and construction of necessary improvements to the College Avenue and Trilby Road intersection. Ordinance No. 071, 2020 will appropriate the following state and federal funded grants:

- Highway Safety Improvement Program (HSIP) for safety related improvements (\$2,250,000)
- Congestion, Mitigation and Air Quality Improvements (CMAQ) program (\$387,371)
- Funding Advancements for Surface Transportation & Economic Recovery (FASTER) (\$1,500,000)

13. **First Reading of Ordinance No. 072, 2020, Relating to the Extraction of Hemp within Dwellings. (Adopted)**

This item meets the following COVID-19 emergency priority for being on the Council agenda:

- Priority 7 - Items that are required to comply with federal or state legal or other requirements.

This item is required in order to comply with state law allowing the cultivation, extraction, processing, and manufacturing of industrial hemp and industrial hemp products, and the Uniform Fire Code which permits and regulates the extraction of hemp.

The purpose of this item is to amend Article XII, Chapter 12 of the City Code as it relates to the extraction of industrial hemp to clarify that the prohibition on the use of inherently hazardous substances in the extraction process only applies to dwellings, not to commercial businesses.

14. **Emergency Ordinance No. 073, 2020 Approving Emergency Rules and Regulations Enacted by the City Manager Pursuant to the Local COVID-19 Emergency. (Adopted)**

The purpose of this item is to approve an emergency rule and regulation enacted by the City Manager in response to the COVID-19 emergency. Section 2-671(a)(6)(a) of the City Code provides that emergency rules and regulations must be confirmed at the earliest practical time by the Council. This Emergency Ordinance seeks Council's approval and ratification of all the emergency measures that have been enacted to date. Adoption by ordinance will ensure that each of the regulations is enforceable to the fullest extent of the law.

15. **First Reading of Ordinance No. 074, 2020, Authorizing the Conveyance of a Permanent Waterline Easement and a Temporary Construction Easement on Maxwell Natural Area to the Fort Collins Loveland Water District. (Adopted)**

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- Priority 4 - Items that are substantially complete, have completed significant public process, and are ready for Council consideration.

The purpose of this item is to authorize the conveyance of a permanent waterline easement and a temporary construction easement to the Fort Collins Loveland Water District (FCLWD) on Maxwell Natural Area. The proposed easement area will traverse Maxwell Natural Area over a new alignment and vacate in-place a portion of the original waterline alignment presently held by FCLWD on the east side of the natural area. Replacing the existing failing waterline is crucial for water service to residents supplied by the waterline.

16. **Resolution 2020-047 Approving the First Amendment to November 5, 2019, Intergovernmental Agreement with Larimer County, for Taft Hill Road Improvements – Horsetooth to Harmony Project. (Adopted)**

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- Priority 6 - Items related to funding, operation, and business activities that the City must continue despite the current crisis.
- Priority 7 - Items required to comply with federal or state legal or other requirements.

The Taft Hill Improvements Project - Horsetooth to Harmony (Project) is funded with Larimer County (County) Regional Transportation Capital Expansion Fee (Regional TCEF) funds and federal Surface Transportation Block Grant (STBG) funds. The existing intergovernmental agreement (IGA) with the County allows the County to provide the Regional TCEF funds to the City.

The purpose of this item is to clarify that the County will purchase right-of-way associated with the Project and enable the City to reimburse the County for costs associated with right-of-way acquisition. This item will authorize the Mayor to sign an IGA amendment (Amendment) for the IGA that was previously signed by the Mayor as part of Resolution 2020-001. Right-of-way acquisition will support the Project which will improve Taft Hill Road from Horsetooth Road to Brixton Road (south of Harmony Road). The City will be reimbursing the County for applicable expenses using County Regional TCEF and STBG funds.

Amending the IGA is critical to keeping the Project on schedule. It will allow early involvement of right-of-way acquisition agents through the County.

17. **Resolution 2020-048 Reappointing Teresa Ablao as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement. (Adopted)**

Consideration of this item is necessary at this time because the current appointment of Assistant Judge Ablao expires June 30, 2020, prior to the retirement of Chief Judge Lane.

The purpose of this item is to reappoint Teresa Ablao as the Assistant Municipal Judge for the Fort Collins Municipal Court. The City Charter provides for the appointment of Assistant Municipal Judges to serve in the absence of the Chief Judge. Teresa Ablao has served in this capacity since mid-2012. Chief Judge Kathleen M. Lane recommends that Ms. Ablao be reappointed as one of the Assistant Municipal Judges. Judge Ablao's experience and familiarity with the Court will be a great resource for the new Chief Judge.

● **CONSENT CALENDAR FOLLOW-UP**

Mayor Pro Tem Stephens discussed Item No. 12, *Items Relating to the College Avenue/Trilby Road Intersection Improvements Project*, which will provide funding for improvements to the Trilby and College intersection.

● **COUNCILMEMBER REPORTS**

Councilmember Gorgol stated the Northside Aztlan Center shelter will be closing at the end of the month and she has concerns regarding the relocation of individuals using the facility which she will bring up under Other Business.

Mayor Troxell reported on the proclamation recognizing high school and college graduates.

Mayor Pro Tem Stephens commended the 2020 graduates.

Councilmember Gutowsky commended the 2020 graduates and their commitment to online work. She also mentioned the generosity of Grant Farms in providing food bags for distribution to seniors in need.

● **DISCUSSION ITEMS**

18. **Public Hearing and Second Reading of Ordinance No. 138, 2019, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Hughes Stadium Site Rezoning and Approving Corresponding Changes to the Residential Neighborhood Sign District Map. (Defeated on Second Reading)**

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- *Priority 3 - Second Reading Ordinances.*
- *Priority 4 - Items that are substantially complete, have completed significant public process, and are ready for Council consideration. These items are being brought forward to help ensure that work does not have to be redone and can continue to move forward.*

This Ordinance, adopted on First Reading on November 5, 2019, by a vote of 4-3 (Nays: Cunniff, Gutowsky, Pignataro), rezones 164.55 acres located on the west side of Overland Trail and north of CR32, with one condition, and to place the property into the Residential Sign District. Council initiated the rezoning on July 16, 2019 and directed staff to prepare a rezoning application and make a recommendation regarding the appropriate zoning. The site is currently zoned Transition (T) and staff recommends placement into the Residential Foothills (RF) and Low-Density Mixed-Use Neighborhood (LMN) zone districts. A recommended condition of the rezone requires that future development in the portion zoned Residential Foothills district meet the requirements of a Cluster Plan pursuant to Land Use Code Section 4.3(E)(2). The request places the property into the Residential Sign District. The Planning and Zoning Board on a 4-2 vote recommended that Council not adopt the staff-proposed zoning and instead zone the property entirely Residential Foothills.

Second Reading hearing procedure:

1. *Announcement of item*
2. *Consideration of any procedural issues*
3. *Additional City staff presentation, if any, regarding the rezoning application*
4. *Additional property owner presentation, if any, regarding the rezoning application*
5. *Public testimony*
6. *City staff and property owner rebuttal testimony*
7. *Councilmember questions of staff, the property owner, and members of the public that provided comments*
8. *Council decision*

Any member of the public, including the property owner of the property being considered for rezoning, who wishes to provide materials to Council for consideration in relation to this item must provide such information to the City Clerk no later than noon on May 19 as required pursuant to Section 3.g.(2) of the Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

Mayor Pro Tem Stephens recused herself from the discussion of this item noting another ethics complaint has been filed regarding her participation. The wording of the complaint is almost identical to the previous two and she was not found to have committed an ethics violation in either of those complaints.

Mayor Troxell stated he was also named in the new complaint and he too was cleared in the previous two complaints. He does not have a financial or personal conflict regarding the item and he will participate in the discussion and vote.

Cameron Gloss, Planning Manager, outlined the rezoning request and the staff recommendation for the zoning of the property, which includes a section of Low-Density Mixed-Use Neighborhood and a section of Residential Foothills zoning. Gloss outlined the public input received thus far regarding the parcel and noted the vast majority of comments supported leaving the site as open and low-density as possible.

Gloss stated the Planning and Zoning Board made a recommendation on a 4-2 vote that disagreed with the staff recommendation. The Board's recommendation was for the entire site to be zoned Residential Foothills with the requirement that the property be cluster developed. Gloss outlined the criteria by which Council needs to evaluate this item: whether the amendment is consistent with City Plan, whether the amendment is compatible with the existing and proposed character of the surrounding area, whether there would be any significant impacts on the natural environment, and whether it would result in a logical and orderly development pattern.

Melissa Rosas played a video from a representative of the Northern Colorado Wildlife Center indicating support for preserving open space on the parcel to help preserve a wildlife corridor and allow space for a wildlife rehabilitation center.

Mary Grant expressed support for the Planning and Zoning Board recommended zoning of Residential Foothills for the entire parcel.

Martha Zook noted Fort Collins residents have consistently expressed a desire to leave the parcel as open space or as open as possible. Affordable and attainable housing is better suited near public transit options.

Beth Bensheit stated she has written multiple emails to all Councilmembers and has only received unsatisfactory replies from two. She expressed concern about traffic levels should Council approve zoning for hundreds of homes.

Paul Patterson requested Council support the recommendation of the Planning and Zoning Board to zone the entire parcel Residential Foothills. He would prefer to have a lower density, clustered development if development must occur.

Kathryn Dubiel requested a motion be made to stay the vote on this ordinance due to the ethics complaint that was filed. She questioned what negotiations took place between the City and CSU regarding the development of the property.

Jason Nebo agreed with Ms. Dubiel that the vote should be stayed based on the ethics complaint filed yesterday. He also suggested Councilmember Gorgol recuse herself from the vote given campaign donations from Mayor Pro Tem Stephens as an employee of CSU.

Becca LaPool stated there is a full-time need for a wildlife rehabilitation center in northern Colorado. She supported the recommendation of the Planning and Zoning Board as there is no area in Fort Collins with higher conservation value and that affords such unique recreational opportunities as this property. She requested Council stay this vote in light of the recently filed ethics complaint.

Talon Nightwalker, Northern Colorado Wildlife Center President, stated this parcel would provide an excellent location for a wildlife rehabilitation center.

Bob Nightwalker stated natural areas create a good quality of life and discussed the services a wildlife rehabilitation center would provide to the community.

Jerry Gavaldon expressed concern about the issues the traffic redevelopment of this parcel would create. He expressed support for the zoning recommended by the Planning and Zoning Board.

Lupe Sandoval encouraged Council to stay the vote on this topic given the recent ethics complaint and supported a 100% Residential Foothills zoning. She stated the open spaces in Colorado have been helpful during the pandemic and she encouraged Council to listen to its constituents.

Scott McKenzie requested Council listen to the citizens and expressed concern about community livability and traffic.

Rory Heath stated there are far fewer people commenting this evening than there were during First Reading, which Council should take as meaning the public comment is not equitable. He questioned why this matter is being fast-tracked and suggested the issue should be referred to the voters.

Alana Lopez played a video from a representative of the Northern Colorado Wildlife Center indicating support for preserving open space on the parcel to help preserve a wildlife corridor and allow space for a wildlife rehabilitation center.

Patricia Babbitt discussed the importance of open lands in Fort Collins and supported the use of the parcel for a wildlife rehabilitation center.

Karen Kalavity opposed allowing Lennar Homes to develop the parcel.

Jennifer (no last name given) supported leaving the space as a natural area with a wildlife rehabilitation center. She stated the environment and wildlife should be prioritized over monetary gain.

Tamara (no last name given) opposed the staff-recommended zoning for the parcel stating promises were made about the density of the foothills area in the 1980s. She questioned what would occur should the annexation of this parcel not occur before the deadline and questioned why City planners still do not support the Planning and Zoning Board recommendation. She thanked Mayor Pro Tem Stephens for recusing herself from this vote.

Mary Wemhoff supported the Planning and Zoning Board's recommendation of 100% Residential Foothills zoning.

Nicholas Frye stated he filed the most recent ethics complaint and thanked Mayor Pro Tem Stephens for recusing herself from the discussion of this item. He discussed the importance of appearances and the ability of engendering trust in one's constituents, particularly during this pandemic.

Tom Farnsworth stated the Hughes Stadium property is a one-of-a-kind site at the edge of the foothills and the Residential Foothills zoning as recommended by the Planning and Zoning Board best represents this unique property.

Lisa (no last name given) expressed support for as much open space as possible or 100% Residential Foothills zoning. This space has been invaluable during the pandemic and housing as presented will not help lower income residents.

Ted Walkup stated Fort Collins residents are seeking meaningful oversight from Council and they do not want developers determining the future of Fort Collins and its natural environment.

Rich Stave echoed the previous comments and stated high-density development does not fit the potential of the site.

Nancy York discussed the asset of the foothills in Fort Collins and noted the distance potential residents of the property would have to travel would add enormous amounts of greenhouse gases to the environment, as will disturbing the terrain and building with cement.

Jonathan (no last name given) stated it is important that we have a functional and open government during this time; however, he expressed concern COVID-19 will not be the last respiratory pathogen to spread through the globalized world. The community needs to be protected with risk assessment and avoidance and adding this housing site to the community increases the concentration of people in Fort Collins.

David Brown supported leaving most of the parcel as open space but a small corner of the site could be zoned LMN in order to provide some affordable housing. He also supported locating a wildlife rehabilitation center on the property.

Scott VanScotter supported the 100% Residential Foothills zoning.

Addie (no last name given) opposed CSU's business dealings in this situation. CSU was granted this land and developing it at this time would not serve the public interest.

Dave Theobald supported the use of the property as open space and Residential Foothills zoning for the entire property. He supported affordable housing; however, stated this property does not support affordable living as it fails to have strong linkages with employment, schools, shopping, and so forth.

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

Mayor Troxell asked if any additional public comment was received that was not included in Council's read before packet. City Clerk Coldiron replied staff received phone calls from Julia Dean, Deanna Munoz, Sage Dalriddle, Chris Otten, and Mary Bowling expressing opposition to the zoning, an email from Maria Razutack expressing a need for balance and a request to slow growth, emails from Martha Zook, Mary DeLong, Jason Wollington, and Heather Thurston expressing opposition to the zoning, a phone call from Mike Hooker supporting the zoning, two letters from Tamara Muir expressing opposition to the zoning, an email from Rory Heath requesting that all documents related to the City's Ethics Review Board be included in the record, and an email from Eric Sutherland providing an argument that Council is exceeding its authority.

Councilmember Gutowsky asked if Lennar Homes is still an interested party in the proposed sale of the Hughes Stadium property. City Manager Atteberry replied staff has not heard anything to the contrary.

Councilmember Cunniff asked if Colorado State University still owns the property. City Manager Atteberry replied in the affirmative.

Mayor Troxell noted the owner of the parcel is not necessarily the University itself. Gloss replied staff is of the understanding there is still a contract on the property, and despite the pandemic, there is a full intention to continue with the contract.

Mayor Troxell noted many speakers were instructing Council to utilize the property in a specific way and clarified it is not the City's property. John Stokes, Interim Community Services Director, stated the property does abut and connect to Natural Areas and open space. The City has not had direct conversations with CSU about acquiring the property; however, it is his understanding that CSU has not been interested in selling the property for open space purposes and, given the thousands of acres of open space already owned by the City on this side of town, staff has not felt purchasing the land was something the City should pursue. He reiterated CSU has not expressed a willingness to sell the property to the City.

City Manager Atteberry discussed a conversation he had with former CSU President Tony Frank indicating CSU donating the property does not seem like the right fiduciary action for state residents and the University.

Mayor Troxell noted the City is still very much committed to natural areas, the Nature in the City program, and other open space initiatives. He requested staff input regarding the 1980s discussions related to the foothills. Gloss replied there was a foothills study conducted in 1982 that took into account parcels west of Overland Trail and considered them for inclusion in the Urban Growth Area. The Hughes Stadium site was not included in that study, nor in the 1986 City Council discussion; therefore, there does not seem to be evidence it was ever considered to be protected under the Residential Foothills zone district.

Mayor Troxell requested clarification as to whether a project plan exists for the parcel, and if not, what would need to be done to do so. Gloss replied a formal development plan has not yet been submitted and any developer would need to go through a multi-stage review process with a required neighborhood meeting and public hearing. There was a preliminary pre-application meeting wherein an initial concept was presented showing a greater number of residential units than would be allowed under the staff proposed zoning.

Councilmember Gutowsky asked if Lennar Homes would continue to be an interested party if the number of residential units allowed was decreased. Gloss replied he could not speculate on specific numbers; however, there are some ways to negotiate in the contract between CSU and Lennar.

Councilmember Gorgol made a motion, seconded by Councilmember Summers, to adopt Ordinance No. 138, 2019, on Second Reading.

Councilmember Gorgol stated she would remain supportive of this item and discussed the need for more housing options which would be provided by this zoning. It is misleading to state Council is voting for a Lennar development as this is a land use hearing.

Councilmember Gutowsky stated she would oppose the staff recommendation as there are too many negatives connected to the resulting development, including additional vehicular traffic, air pollution, the loss of dark skies, disruption to wildlife habitat and migration, loss of natural areas, and stress from overcrowding. There is no guarantee of affordable development in the area and there are more deliberate ways to build affordable housing with predictable outcomes. She urged fellow Councilmembers to take into account the overwhelming public input expressing a desire for clustered development with as much open space as possible.

Councilmember Summers expressed appreciation for the citizen input but noted the property is owned by CSU, not the City, and there is no development proposal on the table. Council is subject

to litigation should it make a zoning decision that devalues the property. He stated he would support the zoning recommendation.

Councilmember Pignataro stated she would oppose the recommended zoning and she sees the situation as a balance of compromise and risk. She has lost trust in staff and is frustrated by the fact this meeting is even happening.

Councilmember Cunniff stated he would oppose the staff recommendation. The desire for more attainable housing is laudable; however, growth does not necessarily lead to more attainable housing. The Planning and Zoning Board recommendation of Residential Foothills zoning is a better fit for the property and he suggested the City should attempt to partner with the ultimate property owner to buy a 10 to 30 acre parcel on the western side to join Pineridge and Maxwell Natural Areas.

Mayor Troxell noted this is a rezoning from a Transition zoning for an applicant who is participating voluntarily in the process as CSU is a state entity. City processes and plans should be trusted. The role of the Planning and Zoning Board is not to be visionary but to follow Code, which it did not do in this case. He opposed individuals utilizing ethics complaints to attempt to garner their own desires and stated he is representing the citizens of Fort Collins in his vote to support the staff recommendation.

Councilmember Cunniff stated campaign contributions from one elected official to another do not represent a conflict of interest and there is no merit to such allegations. Mayor Troxell agreed.

RESULT:	ORDINANCE NO. 138, 2019, DEFEATED [3 TO 3]
MOVER:	Emily Gorgol, District 6
SECONDER:	Ken Summers, District 3
AYES:	Gorgol, Summers, Troxell
NAYS:	Pignataro, Gutowsky, Cunniff

Councilmember Cunniff made a motion, seconded by Councilmember Pignataro, to direct staff to return with a City Plan change and Residential Foothills designation through the process to the Planning and Zoning Board.

City Attorney Daggett clarified a revision to City Plan would be appropriate for a hearing before the Planning and Zoning Board.

Councilmember Cunniff stated he would like to revise City Plan in order to reconsider the zoning on the parcel.

Beth (no last name given) stated no one has acknowledged this development being up against a mountain with the only egress being to the east on three streets.

Tamara (no last name given) thanked Councilmember Gutowsky for her comments and thanked Councilmembers Pignataro and Cunniff for their support. She supported Councilmember Cunniff's suggestion as being a compromise for all interested parties. The Planning and Zoning Board has heard the citizen comments and questioned why Council could not simply zone the property Residential Foothills.

Alena Lopez thanked Councilmembers Cunniff, Pignataro, and Gutowsky for their thoughtful comments. She expressed support for Councilmember Cunniff's proposal and stated citizens have overwhelmingly asked for open space on the property to benefit the entire community.

Rory Heath thanked Councilmembers Cunniff, Pignataro, and Gutowsky for their comments and supported Councilmember Cunniff's proposal.

Mary Alice Grant thanked Councilmembers Cunniff, Pignataro, and Gutowsky for their comments and supported Councilmember Cunniff's proposal as being a good compromise.

Kathryn Dubiel supported Councilmember Cunniff's proposal as being a good compromise.

Tom Farnsworth noted the Hughes site was not part of City limits until just recently.

Nicholas (no last name given) supported Councilmember Cunniff's proposal as being a good compromise. He opposed Councilmember Gorgol's comments.

Martha Zook supported Councilmember Cunniff's proposal as being a good compromise and questioned why there is a Planning and Zoning Board if its recommendations are not utilized.

Lisa (no last name given) thanked Councilmembers Cunniff, Pignataro, and Gutowsky for their comments. She expressed support for Councilmember Cunniff's proposal and his argument that additional development will not necessarily result in affordable and attainable housing.

Melissa (no last name given) supported Councilmember Cunniff's proposal as being a good compromise. She thanked Councilmembers Cunniff, Pignataro, and Gutowsky for their comments.

Jonathan (no last name given) opposed Councilmember Gorgol's comments.

Talon Nightwalker supported Councilmember Cunniff's proposal.

Melody Nicholas supported Councilmember Cunniff's proposal.

Councilmember Gorgol stated she is not upset with public participation; however, she has been disappointed with the way people have conducted themselves, primarily with threats against her and misinformation about her.

Councilmember Gutowsky supported Councilmember Cunniff's proposal, noting leaving it as Transitional zoning is a move backwards.

Councilmember Summers noted points of egress are determined as part of a development proposal and have nothing to do with zoning. He questioned how Councilmember Cunniff's proposal is a compromise. Councilmember Cunniff replied his guess is that the speakers' references are to a compromise between no development and some development.

Mayor Troxell stated the failure of the previous motion puts the property back in the Transition zone and there should be a broader community discussion rather than remanding the issue back to the Planning and Zoning Board to have it reaffirm its position. He stated he would not support the motion.

Councilmember Summers noted Council is not obligated to take the recommendations of the Planning and Zoning Board.

RESULT:	MOTION DEFEATED [3 TO 3]
MOVER:	Ross Cunniff, District 5
SECONDER:	Julie Pignataro, District 2
AYES:	Gutowsky, Pignataro, Cunniff
NAYS:	Troxell, Summers, Gorgol
RECUSED:	Stephens

Councilmember Cunniff asked about the next steps in the process.

City Attorney Daggett clarified the property will remain in the Transition zone until an action is initiated to begin the zoning process again. That action could either be an applicant's development proposal, a property owner's initiation, or a Council initiation. She stated staff would not typically initiate a review of a Comprehensive Plan as the result of a Council discussion.

Gloss stated there is a process for amending the Comprehensive Plan that involves community engagement and a hearing before the Planning and Zoning Board for a recommendation prior to a Council hearing.

Councilmember Summers asked about the process for de-annexing the property. City Attorney Daggett replied there is a statutory process for de-annexation and she would provide that information to Council. She stated that process is typically initiated by the property owner.

(Secretary's Note: Mayor Pro Tem Stephens rejoined the meeting at this point.)

19. **Items Relating to the Appointment, Salary, Oath of Office and Employment Contract of the Chief Judge. (Adopted)**

- A. *Resolution 2020-049 Appointing Jill Hueser as Chief Judge, Approving the Chief Judge's Employment Agreement and Direction Regarding Administration of Oath of Office for the Chief Judge.*
- B. *First Reading of Ordinance No. 075, 2020, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge.*

This item meets the following COVID-19 emergency priorities for being on the Council agenda:

- *Priority 5 - Items that must move forward based on a Council directed timeline, i.e., completion of a pilot project or the end of a moratorium.*
- *Priority 6 - Items that relate to funding, operation and business activities that the City must continue despite of the current crisis.*

The purpose of the Resolution is to appoint Jill Hueser as the new Chief Judge effective July 6, 2020, and to approve the employment agreement of the Chief Judge. Another purpose is to direct the City Clerk to administer the Chief Judge oath of office to Jill Hueser on July 6, 2020. The Ordinance sets the salary of the Chief Judge effective July 6, 2020.

Theresa Roche, Chief Human Resources Officer, stated these actions will welcome the new Chief Judge, Jill Heuser, adopt her employment contract, set her salary, and set a process for the administration of her oath of office. Roche outlined the process utilized to determine the salary range and stated the Oath of Office will be administered on July 6.

Mayor Pro Tem Stephens thanked her fellow Councilmembers for their work on the search committee and employment contract committee. She welcomed Ms. Heuser.

Councilmember Gutowsky commended the large pool of high-quality candidates for the position and commented on the unique position of Council to be able to appoint a new Chief Judge for the first time in 38 years.

Councilmember Pignataro commended the work of the ad hoc search committee and Human Resources staff. She welcomed Ms. Heuser to her new position.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gutowsky, to adopt Resolution 2020-049.

Councilmember Cunniff commended the process and stated Ms. Heuser will make an excellent Chief Judge.

Mayor Troxell congratulated Ms. Heuser on her appointment and thanked staff and the ad hoc search and employment contract committees.

RESULT:	RESOLUTION 2020-049 ADOPTED [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Susan Gutowsky, District 1
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gorgol, to adopt Ordinance No. 075, 2020, on First Reading with the salary amount of \$165,000 annually.

Councilmember Cunniff stated he would support the motion as the salary range is fair and right in the middle of the advertised range.

Councilmember Gutowsky thanked Roche and her team for their work.

Mayor Pro Tem Stephens stated this salary is fair and does fall in the middle of the advertised range. She noted Ms. Heuser has a great deal of experience with the City and in a judicial capacity.

RESULT:	ORDINANCE NO. 075, 2020, ADOPTED ON FIRST READING [UNANIMOUS]
MOVER:	Kristin Stephens, District 4
SECONDER:	Emily Gorgol, District 6
AYES:	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

● **OTHER BUSINESS**

(Secretary's Note: Councilmember Summers left at this point in the meeting.)

Councilmember Cunniff requested Council support to direct staff to adjust the City's emissions accounting to include Broadcom's f-gas contributions with the assumption that their contribution in 2005 was zero.

Mayor Pro Tem Stephens stated she would be willing to look into it further but wanted assurance the numbers are accurate.

Mayor Troxell stated he would like a staff recommendation on the issue and he would prefer to focus on data from now into the future rather than on 2015 numbers when Broadcom was at its peak production. He noted the information is included in state data.

Jackie Kozak-Thiel, Chief Sustainability Officer, stated staff's recommendation was to continue the inventory that Climate Action Plan goals were set against while also having an inventory that reflects the impacts from industrial emissions. Kozak-Thiel noted the City's goals were set without the inclusion of the industrial emissions. The City is in the midst of Our Climate Future, the integrated planning process of climate action, energy policy, and road to zero waste. This would be a near-term opportunity to examine the inventory moving forward. She also noted there would be differing timelines for the data depending on whether the industrial emissions were included.

Councilmember Cunniff asked if staff would assume the baseline 2005 number is zero for the Broadcom emissions. Kozak-Thiel replied staff is considering something between zero and the linear approach mentioned by Mr. Cross.

Councilmember Cunniff stated he would be comfortable with staff making a recommendation related to 2005 numbers and the data could be reported with a footnote of the numbers without the industrial emissions.

Councilmember Pignataro suggested the Election Code Committee could examine what is happening at the state level in terms of collecting petition signatures electronically for the November election. Councilmember Cunniff expressed support for the examination.

Mayor Pro Tem Stephens asked what would be involved in making this change. City Attorney Daggett replied she believes a Charter change would be required and that would need to be done by a special election in November.

Councilmember Summers noted there is still a great deal of discussion on this topic at the state level.

Councilmember Pignataro asked if there will be a COVID-19 update at the next work session and stated she would like to pursue outdoor dining options. City Manager Atteberry replied he could provide an update at the work session. He discussed the multi-disciplinary team that is working on outdoor dining options.

Motion to Extend the Meeting past 10:30 p.m.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to continue the meeting past 10:30 PM to discuss additional Other Business items and adjourn.

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

Councilmember Gorgol asked if there has been any consideration given to extending the shelter space at Northside Aztlan Center. City Manager Atteberry replied the Aztlan Center has been an incredible asset over the last couple months and there is an agreement with providers that the use of the space will expire and the building will return to being a recreation center for the community. He also noted a great deal of work has been put into finding an alternative location. Staff noted there are competing community interests and requested some time gather information and provide a memo to Council.

Councilmember Gorgol expressed concern this is the last regular Council meeting prior to the current expiration date for the use of the space. City Attorney Daggett replied staff had discussed bringing the topic before Council next week for action on the extension.

City Manager Atteberry asked how an extension can be provided knowing the upcoming Council meetings and timeline. City Attorney Daggett stated Council can adjourn to May 26.

City Manager Atteberry stated the use of this facility for this purpose has been an amazing accomplishment on the part of the providers and the City. He has no trepidation in extending its use for a couple weeks but has scheduling concerns for a further extension.

● **ADJOURNMENT**

Consideration of a motion to adjourn to 6:00 p.m. on Tuesday, May 26, 2020 for mid-year review of City Manager and City Attorney.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adjourn to 6:00 PM on Tuesday, May 26, to consider a motion to go into executive session to conduct mid-year performance reviews of the Council's direct report employees and for such other business as may come before the Council.

City Attorney Daggett noted Emergency Regulation 2020-002 relates to the use of the Northside Aztlan Center as a temporary shelter and states that it shall remain so until further notice; therefore, it appears the City Manager would have the authority to extend the use of the facility without Council direction.

Councilmember Pignataro asked if reviews are still ongoing throughout the City organization. Theresa Roche, Chief Human Resources Officer, replied quarterly performance alignment reviews are still being encouraged.

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

The meeting adjourned at 10:53 PM.

Mayor

ATTEST:

City Clerk