

June 21, 2022

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

- **ROLL CALL**

PRESENT: Pignataro, Francis, Arndt, Canonico, Peel, Ohlson, Gutowsky
STAFF: Marr, Daggett, Hollingshead

- **AGENDA REVIEW: CITY MANAGER**

Interim Deputy City Manager Marr and interpreters outlined the Spanish interpretation options. The video outlining public participation options was played.

Interim Deputy City Manager Marr stated some ordinance language was modified in Item No. 20, *Items Relating to a City-Initiated Charter Amendment Relating to the Conduct of City Elections to Use a Ranked Voting Method*, to reflect the conversation at last week's Election Code Committee meeting. Additionally, he noted no protests were received prior to today's noon deadline for protesting of the proposed ballot language.

- **PUBLIC COMMENT ON ANY TOPIC OR ITEMS**

Frank Ladonne commented on the need for a traffic light at the corner of Triangle and South College, citing two recent fatalities in the area.

Pete Eberle, Northern Chapter of the Colorado Renewable Energy Society, spoke in favor of Council establishing an interim goal for reducing greenhouse gases by 50% below 2005 levels by 2025.

Amanda Finch spoke regarding the need for adding City staff teams to help support Council.

Oliver Richardson thanked the Councilmembers for their service and asked about the status of a lawsuit involving the City. He also asked if any of the dollars in the immigration defense fund have been spent yet and spoke against ranked choice voting.

Jessica MacMillan thanked Council for supporting funding for parks and recreation maintenance and refresh efforts.

Bill Timpson commended the City's work on sustainability and encouraged additional reporting. He also encouraged Council to consider changing its sign-up mechanism for public input to ensure local residents are heard prior to individuals from other communities.

John Parks, Northern Colorado Chapter of Climate Reality, commended Council's work on sustainability and on setting aggressive greenhouse gas reduction goals. He also supported considering setting an interim 2025 goal. Additionally, he stated the Economic Advisory Board supports the idea of a contracted single-provider residential waste hauler program. He expressed support for ranked choice voting.

Gailmarie Kimmel expressed support for establishing a strong interim greenhouse gas reduction goal.

John McDonagh, Larimer Alliance for Health, Safety and Environment, expressed support for establishing an interim greenhouse gas reduction goal.

Kathleen Schmidt, League of Women Voters of Larimer County Election Reform Team, expressed support for ranked choice voting.

Eric Fried expressed support for ranked choice voting and for establishing interim goals for greenhouse gas reduction.

Joe Rowan thanked Council for its discussion and general support for making changes to the Land Use Code, now proposed to be referred to as the Land Development Code, that will encourage more affordable housing.

Doug Henderson, Sierra Club Poudre Canyon Group, expressed support for establishing interim goals for greenhouse gas reduction.

Adam Eggleston expressed support for the proposed changes to the Land Development Code.

John Kloster-Prew, Audubon Rockies, supported Fort Collins' application for a Bird City USA designation.

John Ryan discussed the need for action regarding the increased crime and other police interactions in the Library Park neighborhood.

David Roy discussed the importance of reducing greenhouse gas emissions and supported establishing an interim reduction goal.

Rose Lew expressed support for establishing an interim greenhouse gas reduction goal.

Steve Lucas, No Ranked Choice Voting for Fort Collins Chair, opposed ranked choice voting and discussed issues with exhausted ballots not being counted.

John Woran stated ranked choice voting is more complicated, expensive and has been proven to disenfranchise minority and low-income voters.

Carol Cochran expressed support for ranked choice voting.

Ed Haynes opposed ranked choice voting and spoke regarding the honest and fair elections that currently occur.

Sue Hughes supported establishing interim greenhouse gas reduction goals.

Rick Casey, Fort Collins Sustainability Group volunteer, supported establishing interim greenhouse gas reduction goals.

Rex Anderson requested an update from Council regarding a nuisance issue at a home in his neighborhood.

Keith Ela supported establishing interim greenhouse gas reduction goals and expressed support for ranked choice voting.

Elizabeth Hudetz supported establishing attainable interim greenhouse gas reduction goals and stated it should be ensured that any new growth uses healthy, sustainable practices.

Sally Dowiat supported establishing attainable interim greenhouse gas reduction goals.

Ed Behan supported establishing interim greenhouse gas reduction goals.

Ray Martinez opposed ranked choice voting stating close to 70% of ranked choice voting elections did not produce a majority winner.

Jerry Gavaldon expressed concern about traffic back-ups on South College Avenue at drive-through restaurants in midtown.

Tim Gosar supported establishing interim greenhouse gas reduction goals and supported the City working with the County to garner real-time air quality data.

Steve Yurash, Colorado Center Party, expressed support for ranked choice voting and encouraged the City to publish a 'blue book' for municipal elections.

Nick Haws expressed support for the proposed changes to the Land Development Code and opposed ranked choice voting stating the current system, at least locally, is not broken.

Luke Doescher supported ranked choice voting noting Councilmember Peel won her election with only 30% of the vote.

Matthew Twyman supported establishing interim greenhouse gas reduction goals.

Evan Senie supported ranked choice voting and establishing interim greenhouse gas reduction goals.

Hannah Clark supported establishing interim greenhouse gas reduction goals and supported ranked choice voting. She also concurred with Mr. Gavaldon's comments regarding the traffic stacking issue on South College Avenue.

Connor Flynn, Democratic Socialists of America Fort Collins Chapter, expressed support for ranked choice voting, moving elections to November, and paying Council fairly for its work. He also supported establishing interim greenhouse gas reduction goals.

Clara Feigelson supported establishing interim greenhouse gas reduction goals.

Torin Kaletsky supported establishing interim greenhouse gas reduction goals. He disagreed that ranked choice voting leads to disenfranchisement of BIPOC voters and cited sources to that effect.

Kevin Cross, Fort Collins Sustainability Group, supported establishing an interim greenhouse gas reduction goal of 50% below 2005 levels by 2025.

Duane Hanson supported the placement of ranked choice voting onto the ballot and supported the adoption of the Land Development Code.

Dee Dee Vicino commended the Fort Collins Juneteenth celebration and opposed ranked choice voting stating it disenfranchises minorities and suppresses their votes.

Tom Green opposed ranked choice voting stating it will lead to more division and disenfranchisement of voters.

Yvonne Piez opposed ranked choice voting.

Erin Hottenstein supported establishing interim greenhouse gas reduction goals, supported ranked choice voting, supported moving municipal elections to November, and supported raising the pay of Councilmembers.

Wade Troxell opposed ranked choice voting and stated Fort Collins' election system is fair and works well.

Nick Armstrong supported the placement of ranked choice voting on the ballot and read a letter from his son regarding the poor conditions at Crescent Park.

Judy Papenfuss opposed ranked choice voting.

Kim Miller supported establishing interim greenhouse gas reduction goals and supported the placement of ranked choice voting on the ballot.

Casey Seetash, Fort Collins Sustainability Group, supported establishing an interim greenhouse gas reduction goal of 50% below 2005 levels by 2025.

Nancy York supported establishing an interim greenhouse gas reduction goal of 50% below 2005 levels by 2025 and supported ranked choice voting.

Julian (no last name given) opposed ranked choice voting.

LeRoy Poff supported establishing interim greenhouse gas reduction goals.

Lewis (no last name given) opposed ranked choice voting.

Stephen (indcipherable last name) questioned how ranked choice voting ballots are counted, and whether the candidate with the most number of votes wins. He opposed ranked choice voting.

Sonya Thompson opposed ranked choice voting stating it is more like a runoff election.

Jamie Golden supported establishing interim greenhouse gas reduction goals and supported ranked choice voting.

Cory Carroll supported establishing interim greenhouse gas reduction goals.

- **PUBLIC COMMENT FOLLOW-UP**

Councilmember Ohlson stated he would support establishing an interim greenhouse gas reduction goal. He expressed frustration with the City not addressing the traffic back-ups at Raising Cane's and other businesses on South College Avenue and requested the City provide the necessary tools to deal with Mr. Anderson's concerns about the nuisance property in his neighborhood. Additionally, he stated the City needs to act to deal with the issues in the Library Park neighborhood on a systemic level.

Caryn Champine, Director of Planning, Development and Transportation, stated staff has been doing a great deal of work with Raising Cane's to help improve the backup durations, which have

improved on a monthly basis. She stated there is still some trouble with the backup durations at Starbucks and staff continues to work directly with that business to see what can be done to improve that circumstance. Additionally, she stated staff is looking at the possibility of using the nuisance ordinance to address those issues. Regarding Mr. Anderson's concerns, Champine stated she spoke with Paul Sizemore, Director of Community Development and Neighborhood Services, and he has been working with the Code Compliance staff to do some research on the situation. They will be reaching out to Mr. Anderson this week to schedule another inspection of the property.

Interim Deputy City Manager Marr stated there is a follow-up meeting with the Library Park neighborhood on July 13. He noted staff responds to each call reporting an issue and enforcement occurs where tools allow. Additionally, the public nuisance ordinance is planned to be used as a tool in the fourth quarter of the year.

Councilmember Peel concurred with Councilmember Ohlson's frustration on the three issues. She stated she understands police and other staff are responding to issues in Library Park; however, she does not believe the root of the problem is being addressed.

Councilmember Pignataro spoke regarding Ms. Finch's comments and stated Council is looking at expanding its staff, including a new Assistant City Manager who works directly with Council.

Councilmember Peel discussed meetings with neighbors regarding Triangle and South College and stated the fifth filing of Ridgewood Hills must be built before triggering a traffic light at the intersection; however, she is having conversations about accelerating that.

Interim Deputy City Manager Marr noted the next phase of Ridgewood Hills that would require the traffic light is currently in final development review; however, if it does not move forward, staff is looking at prioritizing the stoplight in a different fashion.

Mayor Pro Tem Francis noted there is currently an October work session scheduled, per Council's request, regarding the formation of a roadmap for implementing and reaching the 2030 greenhouse gas reduction goal. She asked if that includes interim goals. Interim Deputy City Manager Marr replied the work session is planned to discuss the major pathways necessary to achieve the 2030 goals. He stated setting an interim goal was potentially part of Council's priorities; therefore, staff is prepared to have that conversation in October.

Councilmember Gutowksy supported Mr. Anderson's concerns regarding the nuisance property in his neighborhood. She questioned what is preventing the City from being able to correct the situation. Additionally, Councilmember Gutowsky noted the Library Park concerns have been ongoing for years and staff has done a good job of attempting to address the issues. She stated she believes the July 13 meeting may hold some answers for concerned neighbors.

Mayor Arndt discussed the agenda items related to election changes and agreed the production of an election 'blue book' could be beneficial.

Councilmember Canonico requested staff feedback on the Crescent Park issue. Mike Calhoon, Parks Director, replied the Parks Department is having difficulty finding seasonal staff and is currently 28 hourly positions down and 8 classified positions down. He stated staff is committed

to every park and is working as hard as possible to keep up with maintenance. He stated the department is working to provide incentives for new employees.

Councilmember Canonico and Mayor Arndt thanked the Parks staff for their work.

- **CONSENT CALENDAR**

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

RESULT:	CONSENT CALENDAR ADOPTED [UNANIMOUS]
MOVER:	Emily Francis, District 6
SECONDER:	Tricia Canonico, District 3
AYES:	Pignataro, Francis, Arndt, Canonico, Peel, Ohlson, Gutowsky

1. **Second Reading of Ordinance No. 065, 2022, Making a Supplemental Appropriation of Fiscal Recovery Funds from Larimer County to the Cultural Services and Facilities Fund for Paid Interns. (Adopted on Second Reading)**

This Ordinance, unanimously adopted on First Reading on June 7, 2022, appropriates unanticipated grant revenue in the Cultural Services and Facilities Fund for paid internships at the Gardens on Spring Creek, Neighborhood Services Department and Volunteer Services Division. This appropriation includes \$149,559 of grant revenues awarded on April 1, 2022, by the Larimer County Economic and Workforce Development Department. The Workforce Innovation Grant's funding source is the federal American Rescue Plan Act and will be available until December 31, 2024.

2. **Second Reading of Ordinance No. 066, 2022, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the 215 North Mason Street Renovation for Municipal Court and the City Attorney's Office and Related Art in Public Places. (Adopted on Second Reading)**

This Ordinance, unanimously adopted on First Reading on June 7, 2022, appropriates \$700,000 from General Fund Reserves to address urgent renovation needs on the first floor at 215 North Mason Street. Municipal Court and the City Attorney's Office are jointly requesting this appropriation.

3. **Second Reading of Ordinance No. 067, 2022, Making Supplemental Appropriation and Authorizing Transfers from the General Fund of the State Historical Fund Grant to Produce a Historic Context Report of Civil Rights in Fort Collins. (Adopted on Second Reading)**

This Ordinance, unanimously adopted on First Reading on June 7, 2022, appropriates \$86,600 in grant funding received from the State Historical Fund, awarded by History Colorado on March 7, 2022, and \$7,530 in required matching funds from the 2022 Historic Preservation Division survey grants budget to produce a history of civil rights in Fort Collins, a preliminary list of associated, significant properties for planning purposes, and a prioritized list of related future projects.

4. **Items Relating to the Appropriation of Federal Funds in the Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Program Funds. (Adopted on Second Reading)**

- A. Second Reading of Ordinance No. 068, 2022, Making Supplemental Appropriations in the Community Development Block Grant Fund.
- B. Second Reading of Ordinance No. 069, 2022, Making Supplemental Appropriations in the HOME Investment Partnerships Grant Fund.

This Ordinance, unanimously adopted on First Reading on June 7, 2022, appropriates the City's FY2022 Community Development Block Grant (CDBG) Entitlement Grant and FY2022 Home Investment Partnerships Program (HOME) Participating Jurisdiction Grant from the Department of

Housing and Urban Development (HUD), and CDBG program income from FY2020 & FY2021 and HOME Program Income from FY2020 & FY2021.

5. **Second Reading of Ordinance No. 070, 2022, Repealing Sections 23-90 to 23-95 and Amending Section 24-1 of the Code of the City of Fort Collins Regarding Neighborhood Entry Signs. (Adopted on Second Reading)**

This Ordinance, unanimously adopted on First Reading on June 7, 2022, deletes City Code redundancy. The City's Sign Code was adopted in 2017 as part of the Land Use Code. This makes City Code Sections 23-90 to 23-95 and 24-1(4)-(5) unnecessary.

6. **First Reading of Ordinance No. 071, 2022, Appropriating Philanthropic Revenue Received Through City Give for the Art in Public Places Program, Pianos About Town Project. (Adopted on First Reading)**

The purpose of this item is to appropriate \$39,991 in philanthropic revenue for Art in Public Places, Cultural Services. The grant award is received from Bohemian Foundation for the designated purpose of Pianos About Town, a collaborative effort among the City of Fort Collins Art in Public Places, the Fort Collins Downtown Development Authority, and the donor, Bohemian Foundation.

7. **Items Relating to Appropriations for Southridge Golf Course Irrigation System Installation and Fleet Shop Expansion. (Adopted on First Reading)**

A. First Reading of Ordinance No. 072, 2022, Making Supplemental Appropriations in the Golf Fund from Anticipated Lease Financing Proceeds and Authorizing Transfers from the Golf Fund for the Southridge Golf Course Irrigation Project and Related Art in Public Places.

B. First Reading of Ordinance No. 073, 2022, Making Supplemental Appropriations from Anticipated Lease Financing Proceeds and Prior Year Reserves in the Equipment Fund and Authorizing Transfers From the Equipment Fund for the Fleet Shop Expansion Project and Related Art in Public Places.

The purpose of this item is to consider two ordinances related to the appropriation for Southridge Golf Course Irrigation System Installation and Fleet Shop Expansion, in order to allow work to proceed expeditiously in light of increasing costs. Council has previously approved Ordinance No. 062, 2022, authorizing the issuance of 2022 COPS for the financing of these projects. Payments paid with the 2022 appropriation will be reimbursed with the proceeds from the 2022 COPs and put back in the appropriate reserve fund. Council has adopted Resolution 2022-058 to declare City's official intent to reimburse the applicable City funds for initial expenditures with the proceeds from the issuance of the 2022 COPs.

8. **First Reading of Ordinance No. 074, 2022, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Linden Street Renovation Project and Related Art in Public Places. (Adopted on First Reading)**

The purpose of this item is to appropriate additional funding for the Linden Street Renovation project (the "Project"). The Project is experiencing inflationary pressures and the cost to complete the work now exceeds the appropriated budget requiring either: (1) delay final delivery of the Project; and/or (2) securing additional funds to complete the Project. To reduce the scope of the Project means delivering a project that fails to meet established City standards for urban design and landscaping. To delay final delivery until funding becomes available will negatively impact other transportation capital projects currently in the delivery pipeline. Staff recommends supplemental appropriation of \$500,000 to allow for completion of the Project as intended when construction commenced. This request is being made to Council now to avoid additional negative cost impacts due to potentially pausing and restarting an active construction project.

9. **First Reading of Ordinance No. 075, 2022, Appropriating Prior Year Reserves and Making Supplemental Appropriations and Authorizing Transfers of Appropriations for the South Timberline Corridor and Related Art in Public Places. (Adopted on First Reading)**

The purpose of this item is to appropriate additional funding for the South Timberline Corridor project (the "Project"). The Project is experiencing inflationary pressures and the cost to complete the work now exceeds the appropriated budget requiring either: (1) reduction in scope of the Project; (2) delay final delivery of the Project; and/or (3) secure additional funds to complete the Project. To reduce the scope of the Project means delivering a project that fails to meet established City standards for urban design and landscaping. To delay final delivery until funding becomes available will negatively impact other transportation capital projects currently in the delivery pipeline. Staff recommends a total supplemental appropriation of \$2,332,770 to allow for completion of the Project as intended when construction commenced. The total includes \$2,148,000 in new funding plus \$184,770 in developer contributions committed to the project scope. This request is being made to Council now to avoid additional negative cost impacts due to potentially pausing and restarting an active construction project.

10. **First Reading of Ordinance No. 076, 2022, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Vine and Lemay BNSF Intersections Improvement Project and Related Art in Public Places. (Adopted on First Reading)**

The purpose of this item is to appropriate additional funding for the Vine/Lemay BNSF Intersection Improvements project (the "Project"). The Project is experiencing inflationary pressures and the cost to complete the work now exceeds the appropriated budget requiring either: (1) delay of final delivery of the Project; and/or (2) securing additional funds to complete the Project. To reduce the scope of the Project means delivering a project that fails to meet established City standards for urban design and landscaping. To delay final delivery until funding becomes available will negatively impact other transportation capital projects currently in the delivery pipeline. Staff recommends a total supplemental appropriation of \$2,142,260 to allow for completion of the Project as intended when construction commenced. The total supplemental appropriation includes \$1,380,000 in new funding plus \$762,620 for traffic signals that has yet to be appropriated. This request is being made to Council now to avoid additional negative cost impacts due to potentially pausing and restarting an active construction project.

11. **First Reading of Ordinance No. 078, 2022, Amending Chapter 27 of the Code of the City of Fort Collins Relating to Forestry. (Adopted on First Reading)**

The purpose of this item is to gain Council approval for amendments and updates to Chapter 27, the forestry-related chapter of City Code. This Ordinance identifies all trees within the City as important community infrastructure and makes a variety of other amendments to Chapter 27.

12. **First Reading of Ordinance No. 077, 2022, Amending Article VIII of Chapter 7.5 of the Code of the City of Fort Collins to Create an Administrative Process for Awarding Fee Credits for Certain Affordable Housing Units to be Constructed in the City. (Adopted on First Reading)**

The purpose of this item is to simplify the way affordable housing fee credits are provided to developers of qualifying new affordable homes. Through iterative process improvements, flat amounts for fee credits have been established and codified for new construction and adaptive reuse creating affordable homes targeting households making no more than 30% area median income (AMI) - the lowest wage-earners in the City. This Code change would allow staff to administratively award fee credits up to the amount of funds that are available and that have been appropriated for such purpose. Any requests for more than available funds will still be subject to Council discretion and appropriation.

13. **Resolution 2022-061 Supporting the Celebration of World Migratory Bird Day and the City's Application to be Certified as a Bird City to Help Bird Species Recover. (Adopted)**

The purpose of this item is to adopt a Resolution expressing Council's priority to help bird species recover by confirming the City's commitment to celebrating World Migratory Bird Day in 2022 and in the future. The Resolution also strongly supports the City organization and community partners in applying for Bird City certification.

14. **Public Hearing and Resolution 2022-063 Approving the Programs and Projects that Will Receive Funds from the Federal Community Development Block Grant Program, the HOME Investment Partnerships Program, the City's Affordable Housing Fund, and the City's Human Services Program.** (Adopted)

The purpose of this item is to approve funding recommendations of the 2022 Spring Cycle of the Competitive Process. This Resolution will complete the 2022 Spring Cycle of the Competitive Process for allocating \$3,987,130 in City financial resources to affordable housing and public facility projects, human service programs and administration of the programs.

15. **Resolution 2022-062 Amending the Recommended Funding Allocations and Uses for Programs and Projects Receiving COVID-19 Response and Recovery Funding from the Federal Community Development Block Grant Program.** (Adopted)

The purpose of this item is to increase the Community Development Block Grant Coronavirus (CDBG-CV) funding allocation to Neighbor to Neighbor and to expand the eligible uses to include housing stabilization services and mortgage assistance for low-income households.

16. **Resolution 2022-064 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 for the selected community events in the Organizational Support category, based upon the recommendations of the Cultural Resources Board.

17. **Resolution 2022-065 Authorizing the Mayor to Execute City-Sponsored 401(a) Restated Adoption Agreements.** (Adopted)

The purpose of this item concerns an administrative requirement to restate adoption agreements and related documents for City-sponsored 401 (a) plans. Current plan documents must be updated to align with the latest restatement cycle, referred to as the "Third Cycle Restatement." This is necessary to incorporate all legislative and regulatory changes in the law since the last restatement, known as the Pension Protection Act Restatement ("PPA"). This IRS requirement applies to all 401(a) plans using preapproved plan documents. The City uses 401(a) plan documents preapproved by the IRS. Restating the plans is an administrative action and will have no financial impact on the City or on benefits provided to participating employees. Pursuant to IRS regulations, plan sponsors like the City using preapproved plan documents must have those documents restated every six years. The City's deadline to restate its plan documents is July 31, 2022.

18. **Resolution 2022-066 Making Appointments to the Downtown Development Authority Board.** (Adopted)

The purpose of this item is to appoint individuals to fill vacancies that will exist as of June 30, 2022, on the Downtown Development Authority Board.

- **CONSENT CALENDAR FOLLOW-UP**

Councilmember Ohlson discussed Item No. 11, *First Reading of Ordinance No. 078, 2022, Amending Chapter 27 of the Code of the City of Fort Collins Relating to Forestry*, and asked if the updates were more technical in nature and not consisting of the larger improvements that are part of Council's priorities. Interim Deputy City Manager Marr replied this item is partially intended to address some of Council's priority but is not all-encompassing. He stated he would provide additional information prior to Second Reading.

Councilmember Ohlson discussed Item No. 13, *Resolution 2022-061 Supporting the Celebration of World Migratory Bird Day and the City's Application to be Certified as a Bird City to Help Bird Species Recover* and asked if there will be additional items for Council to consider regarding improving bird habitat and increasing and diversifying Fort Collins bird species. Interim Deputy City Manager Marr replied additional information will be provided and noted Council is due to receive a comprehensive update on its priorities.

Councilmember Gutowsky discussed Item No. 6, *First Reading of Ordinance No. 071, 2022, Appropriating Philanthropic Revenue Received Through City Give for the Art in Public Places Program, Pianos About Town Project*, mentioning the Bohemian Foundation grant that is enabling the pianos to be repainted. She also commented on the three new Downtown Development Authority members per Item No. 18, *Resolution 2022-066 Making Appointments to the Downtown Development Authority Board*.

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

- **COUNCILMEMBER REPORTS**

Councilmember Canonico reported on the recent retreat for the Board of Directors for the Colorado Communities for Climate Action.

Councilmember Peel commended Fort Collins Police Services for going above and beyond by helping out with a lost horse in her neighborhood.

Councilmember Gutowsky reported on attending the Juneteenth celebration at the Foothills Mall.

Mayor Arndt announced tomorrow's Bike to Work (or Wherever) Day and the upcoming Independence Day events. Additionally, she noted many Councilmembers and staff will be attending the Colorado Municipal League conference this week.

- **DISCUSSION ITEMS**

19. **First Reading of Ordinance No. 079, 2022, Amending Chapter 7 of the Code of the City of Fort Collins to Clarify, Revise and Strengthen Restrictions and Requirements for Campaign Finance in City Elections. (Adopted on First Reading)**

The purpose of this item is to consider amendments to Chapter 7 of City Code related to clarifying, revising and strengthening restrictions and requirements for campaign finance in City elections.

City Clerk Hollingshead detailed the Election Code Committee's proposed amendments to campaign finance provisions, including increasing the requirements for registering as a campaign committee, clarifying campaign restrictions and requirements as they apply to contributions-in-kind, making several changes related to violations and complaints and associated penalties, prohibiting committees from assisting or supporting each other, clarifying references to time periods, requiring committee reports to include cumulative totals on each report, and looking at various changes to improve the clarity of existing provisions.

Councilmember Peel asked how 'taking actions in furtherance of an intent' is evaluated. City Attorney Daggett replied this would apply to groups that are soliciting contributions for Fort Collins elections, groups that are forming themselves, giving themselves names, gathering a group

together with the goal of carrying out election-related activities. She stated this is a change to the current language which was somewhat circular and contains a timing conflict.

Councilmember Peel expressed concern the language seems subjective. City Attorney Daggett replied the language could be edited to be more definite in defining triggering actions. She noted the Election Code Committee may have another meeting next week and could discuss the matter and make suggestions prior to Second Reading.

Councilmember Peel asked about the reason behind prohibiting someone from giving someone a purchased mailing list. Councilmember Canonico replied the Committee was attempting to refer to how political parties or other entities might provide access to mailing lists that have a monetary value. City Attorney Daggett noted some mailing lists may be worth more than the threshold for contributions.

Councilmember Peel asked if someone will be monitoring the validity of complaints that are posted. City Attorney Daggett replied there is a formal complaint process that involves providing notice to the subject of the complaint and an opportunity to correct the defect. If not corrected, it moves on to potential prosecution by a special outside counsel.

Councilmember Pignataro thanked the Election Code Committee and staff for their work. She asked why thresholds for reporting independent expenditures and converting a small-scale issues committee to a full committee registration are listed together. City Attorney Daggett replied there is an existing set of requirements that apply to small-scale issue committees and this change is included to make the threshold triggering numbers match at \$250 and \$2,500.

Councilmember Pignataro suggested highlighting portions of the minutes that apply to specific discussions in the future. She stated she does believe the proposed changes meet the goal of there being room for errors to be made without them being fatal flaws for candidates, possibly with the exception of some of the in-kind donation items. She asked the members of the Committee if their opinion is that this set of changes will complicate or simplify the campaign finance provisions.

Councilmember Ohlson stated the changes were meant to improve the provisions and increase transparency. He stated there were several cracks that could be slipped through and none of the changes should be difficult items with which to comply. He commented on the goal of treating contributions made by professionals that may be worth a great deal more than the contribution limit versus contributions made by volunteers.

Councilmember Canonico stated the Committee wanted to keep from putting up barriers for candidates while still ensuring everyone is on a level playing field with the same rules across the board. She also discussed the goal of ensuring in-kind donations do not exceed the donation threshold.

Councilmember Pignataro questioned how to determine the line between volunteering for a campaign and providing services. She asked if the Committee considered using tax ID numbers to discern between volunteers and individuals providing a service. Mayor Arndt replied the Committee discussed whether the individual was currently employed in the arena of the service provided, market rate should be charged to the campaign.

Councilmember Ohlson also commented on an example wherein a restaurant donates thousands of dollars of food and drink for a campaign fundraising event.

Councilmember Pignataro expressed concern these details could be tactics used to slow down someone's campaign, particularly in the case of an individual who is running for office that may have friends with less money but more skills that they could volunteer.

Mayor Pro Tem Francis noted the nature of work is changing and stated it is going to be difficult to track and enforce this. She cited an example of a contract worker who may not be currently employed, but who has a skill set that could be valuable to a campaign and who could donate their time.

Councilmember Peel stated she understands the intent of these changes but expressed concern they would negatively impact candidates who have friends who could provide services.

Councilmember Ohlson suggested some type of changes need to be made before the second reading.

Mayor Arndt suggested a possible distinction based on a service versus a tangible item.

Councilmember Ohlson stated he would prefer to address the issue from an individual versus a company perspective.

City Attorney Daggett stated the current Code language would exempt services from the definition of contribution unless someone is being paid to provide the services, in which case, the person paying is making a contribution. She stated the idea of trying to recognize particular kinds of services that may be a bit easier to value and more like a contribution that would not be exempted could possibly be done in a narrower way, perhaps by looking at whether a licensed professional is providing the service. She stated the proposed language would not allow someone who makes their living in a certain manner and uses their free time to provide that same service to a campaign would be making a contribution.

Councilmember Peel questioned whether it would be an interference of an individual's freedoms if they were prevented from freely volunteering their time. Councilmember Ohlson noted individuals could volunteer in many ways; however, if they own a sign company and want to put up billboards at no charge, that would not be allowed because that value far exceeds the allotted donation amount.

Mayor Pro Tem Francis asked if the current language would allow the example cited by Councilmember Ohlson. City Attorney Daggett replied there may be an argument that there was an obligation to value the billboards accurately. Language describing contributions-in-kind and how they are valued has been added to beef up the obligation to use market and other information when reporting the value of an in-kind contribution. She clarified, if Council does not want to make the change about an individual volunteering their services, there is language that would need to be changed in the ordinance.

Councilmember Ohlson opposed having a company pay its employees to provide local campaign services in the scale of thousands of dollars; however, he stated he could accept volunteer services provided by an individual who may work for the company but is not getting paid by the company.

City Attorney Daggett stated the reason the language is being changed is to make clear to the committees that they need to accurately report the value of contributions.

Councilmember Canonico suggested the language around services may need additional work by the Committee. City Attorney Daggett suggested certain language changes that would need to be made to the ordinance for the time being.

Mayor Arndt suggested attempting to work on the language prior to Second Reading. City Attorney Daggett replied she would work with the Committee on language and stated Council could either adopt the language as is or make a change for First Reading.

Mayor Pro Tem Francis stated she would not support the motion simply because she disagrees with the language included currently, despite the fact it will likely change.

Councilmember Canonico made a motion, seconded by Councilmember Ohlson, to adopt Ordinance No. 079, 2022, on First Reading.

RESULT:	ORDINANCE NO. 079, 2022 ADOPTED ON FIRST READING [4 TO 3]
MOVER:	Tricia Canonico, District 3
SECONDER:	Kelly Ohlson, District 5
AYES:	Arndt, Canonico, Ohlson, Gutowsky
NAYS:	Pignataro, Francis, Peel

20. **Items Relating to a City-Initiated Charter Amendment Relating to the Conduct of City Elections to Use a Ranked Voting Method. (Adopted on First Reading)**

A. *Possible Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.*

B. *First Reading of Ordinance No. 080, 2022, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to the City Charter Concerning the Use of a Ranked Voting Method to Elect Future Mayors and Councilmembers of the City of Fort Collins.*

The purpose of this item is to submit a City-initiated Charter Amendment to the registered electors of the City at the November 8, 2022 special election. This Charter amendment proposes to amend various provisions of the Charter to require the use of a ranked voting method beginning in 2025.

Any protest of the proposed ballot language must be received no later than Tuesday, June 21, 2022, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.

City Clerk Hollingshead stated this item relates to the Committee's recommendations regarding ranked choice voting and a potential Charter amendment. She presented the proposed language for the ballot question and stated the Committee has voted to recommend adoption by the full Council to place the question on the November special election ballot. She stated the Committee considered voter participation, potential costs, and the professional administration of elections when determining whether to move this ballot question forward.

City Clerk Hollingshead outlined ranked choice voting, which gives the opportunity for voters to rank candidates in order of preference and provides the potential to express preferences for more than one candidate in a single election. She noted equipment can be used to tabulate ranked choice voting elections, though tabulation can also be done by hand. She noted it is critical with either process to be able to ensure that all results can be replicated.

Robbie Moreland expressed support for referring this item to the ballot. She thanked the Election Code Committee for studying this topic and for being open to the possibilities of utilizing ranked

choice voting. She presented postcards from 1,000 residents who support moving this item to the ballot.

Jody DesChenes expressed support for referring this item to the ballot. She disagreed ranked choice voting leads to disenfranchisement of voters and noted the Fort Collins BIPOC Alliance supports ranked choice voting. She stated ranked choice voting is instant runoff voting and will further improve Fort Collins' high-performing government.

Jonah Noel requested the slides explaining ranked choice voting be made public as they offer a good visual explanation.

Makayla Griffith expressed support for referring this item to the ballot.

Brianna Faulkner expressed support for referring this item to the ballot.

Eric Solgrin opposed ranked choice voting.

Emily Gallichotte expressed support for ranked choice voting and for referring this item to the ballot.

Gavin Miller expressed support for referring this item to the ballot.

Councilmember Canonico supported referring this item to the ballot.

Councilmember Peel thanked the Election Code Committee for its work and thanked individuals on both sides of the issue who took time to meet with her. She stated, as a citizen, she has concerns about ranked choice voting; however, as a Councilmember, she will vote against referring this item to the ballot as it should have been a citizen-led ballot initiative. She also expressed concern about the timing of this as final costs are not available and the City is struggling to fund current services and projects. Additionally, she expressed concern about the low confidence in elections at this time.

Mayor Arndt noted that while she had initially supported this coming forward as a citizen-initiated ballot measure, she now supports Council referring it to the ballot as there could potentially be conflicts between language prepared by residents and existing requirements in the Charter relating to election conduct this item and others being asked of voters. She noted this is written such that, if passed, ranked choice voting would not be implemented until after January 1, 2025. She expressed support for ranked choice voting.

Councilmember Gutowsky stated there is passion on both sides of this issue and she will support referring the item to the ballot for voters to decide.

Mayor Pro Tem Francis asked if any budget dollars are being considered for voter education in case this ballot measure does pass. City Clerk Hollingshead replied implementation would not occur until 2025; therefore, at this point, additional funds are not being contemplated. If it does pass, some level of voter education and engagement would need to occur; however, that is also contingent upon what occurs with the second potential ballot question regarding coordinated elections. Interim Deputy City Manager Marr suggested this would be a good candidate for a mid-cycle funding opportunity.

Mayor Pro Tem Francis expressed concern a mid-cycle funding opportunity could be too late. Additionally, it could be a different Council at that time that may not have interest in funding ranked choice voting education. She stated she would support referring this item to the ballot.

Councilmember Ohlson stated he was originally in favor of this taking effect in 2023 if passed; however, he was convinced 2025 was better given the educational aspect. He expressed support for ranked choice voting.

Councilmember Pignataro thanked the speakers and stated she would support referring this item to the ballot.

Mayor Pro Tem Francis made a motion, seconded by Councilmember Pignataro, to adopt Ordinance No. 080, 2022, on First Reading.

RESULT:	ORDINANCE NO. 080, 2022 ADOPTED ON FIRST READING [6 TO 1]
MOVER:	Emily Francis, District 6
SECONDER:	Julie Pignataro, District 2
AYES:	Pignataro, Francis, Arndt, Canonico, Ohlson, Gutowsky
NAYS:	Peel

21. **Items Relating to a City-Initiated Charter Amendment Relating to the Timing of Regular City Elections. (Adopted on First Reading)**

A. *Possible Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.*

B. *First Reading of Ordinance No. 081, 2022, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to the City Charter Shifting the City's Regular Municipal Election from each Odd-Year April to each Odd-Year November.*

The purpose of this item is to submit a City-initiated Charter Amendment to the registered electors of the City at the November 8, 2022 special election. This Charter amendment proposes to shift the date of regular City elections to be held in November of odd years instead of April. This shift would also allow for coordinating elections with Larimer County.

Any protest of the proposed ballot language must be received no later than Tuesday, June 21, 2022, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.

City Clerk Hollingshead outlined this item relating to shifting municipal elections from April to November. She presented the ballot language recommended for approval by the Committee and discussed voter turnout and expense considerations. She also discussed considerations related to the elections being coordinated with the County or run by Fort Collins as a municipal election and discussed how the current Council terms would be affected by this change and the timing shift for candidate declaration.

Emily Gallichotte expressed support for this change stating the current system puts an extra burden on voters with the sheer number of elections. She stated consolidating elections helps to reduce barriers to voting and supported referring this item to the ballot.

Councilmember Pignataro stated the data shown regarding turnout numbers does not necessarily reflect timing but rather the items on the ballot. She stated this is an inelegant and unfair solution

given the fact the proposal as written would allow the entire City electorate to vote on extending terms for members for whom they may not normally be allowed to vote. She stated this proposal and associated term extensions would be a disservice to the residents in her district, to her opponents, and to those who may want to run for Council in April. She stated she could support the switch to November elections if the implementation was changed to November of 2027 so voters would be aware those Council terms would be seven months longer.

Councilmember Peel asked about the cost estimates not being known until September of 2023. City Clerk Hollingshead replied the City does not receive any cost estimates from Larimer County for a coordinated November election until September of the same year.

Councilmember Peel asked if expenses are expected to be more or about the same as an April election if ranked choice voting does not pass. City Clerk Hollingshead replied costs vary tremendously depending on how many jurisdictions are participating and whether there are any state or county ballot questions.

Mayor Arndt noted, if this does pass, the elections could still be held on a municipal level and would not be required to be coordinated with the County. Additionally, she noted that could be valuable if ranked choice voting does pass given the complications that could arise if the ballot is coordinated and only City items are ranked choice.

Councilmember Canonico noted not coordinating the November election would result in two separate ballots being sent to voters in November. City Clerk Hollingshead confirmed that and stated there would need to be some level of working together with the County given ballot boxes have recently been combined.

Councilmember Ohlson stated he originally expressed support for this change and the proposed cadence given the 7% higher vote total in November elections. He also noted voters will be the ultimate decision makers.

Mayor Arndt supported the proposal as written given voters will be the ultimate decision makers. She stated she does not believe the extra time on these terms will be an issue and having set dates for elections and swearing in will help for planning for candidates.

Mayor Pro Tem Francis stated there are benefits to having municipal elections with a specific focus on those items. Additionally, she stated the change may have an impact on candidate donations. She stated she would like to see an increase in voter turnout and wished that had been the Council priority from the beginning; however, there is not a wholistic view of how to increase voter turnout currently. She stated she would ultimately support referring the issue to the ballot in the hopes that it will increase voter turnout and she thanked the Election Code Committee for its work.

Councilmember Canonico agreed with Mayor Pro Tem Francis that a better Council priority may have been to increase voter turnout. She also concurred with Councilmember Pignataro that this change, which would increase Council terms by seven months, is not what voters originally intended. However, she stated pushing the implementation out to 2027 could hinder voters from getting the immediate change they'd anticipated. She stated she would support referring the issue to the ballot.

Councilmember Gutowsky asked if the ballot language or other education indicate to voters the Council terms will be extended by seven months. Mayor Arndt replied in the affirmative.

Councilmember Ohlson stated the change to November would help alleviate the issue of new Council members having to go straight into their retreat and the budget dealings. He also noted 26 or 27 of the largest municipalities in Colorado have November elections.

Councilmember Peel stated she can see both sides of this issue but has no serious concerns about referring it to the ballot.

Mayor Pro Tem Francis made a motion, seconded by Councilmember Canonico, to adopt Ordinance No. 081, 2022, on First Reading.

RESULT:	ORDINANCE NO. 081, 2022 ADOPTED ON FIRST READING [6 TO 1]
MOVER:	Emily Francis, District 6
SECONDER:	Tricia Canonico, District 3
AYES:	Francis, Arndt, Canonico, Peel, Ohlson, Gutowsky
NAYS:	Pignataro

22. **Items Relating to a City-Initiated Charter Amendment Relating to the Compensation of the Mayor and Councilmembers of the City of Fort Collins.** (Adopted on First Reading)

A. *Possible Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.*

B. *First Reading of Ordinance No. 082, 2022, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Article II of the City Charter Concerning Compensation of the Mayor and Councilmembers of the City of Fort Collins.*

The purpose of this item is to minimize compensation as a barrier to service on Council and to recognize the increasing size of Fort Collins and the growing complexity of matters coming before Council has increased time commitments.

Council would like to consider changing Council compensation using the Average Median Income AMI, for a single-person household for the Fort Collins/Loveland Metropolitan Statistical Area, as determined and adjusted annually by the U.S. Department of Housing and Urban Development, and to offer the option to participate in the City organization's healthcare-related benefits on the same terms those benefits are available to City employees.

The proposed effective date is January 2023 and the compensation for members of the Council shall be paid biweekly and adjusted annually as follows:

- (1) For the Mayor: seventy-five percent (75%) of Area Median Income.*
- (2) For the Mayor Pro Tem: sixty percent (60%) of Area Median Income.*
- (3) For all other Councilmembers: fifty percent (50%) of Area Median Income.*

Any protest of the proposed ballot language must be received no later than Tuesday, June 21, 2022, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.

Teresa Roche, Human Resources Executive Director, stated this item would place a question on the November ballot asking voters to amend the Charter to modify Council pay and benefits. She stated the reasons that have been discussed in favor of this change relate to minimizing compensation as a barrier to service on City Council and to recognize the increasing size of Fort Collins and greater complexity of items coming before the Council. Additionally, Roche stated the last time an external analysis was done on Council pay and benefits was 24 years ago. She discussed the proposed recommendations to offer 75% of the single-person AMI for the Mayor,

60% for the Mayor Pro Tem, and 50% for other Councilmembers. Members would also be able to participate in the benefits package offered to City employees.

Emily Gallichotte supported this measure stating it will help ensure Council reflects the average people of Fort Collins.

Councilmember Ohlson stated he supported this change as Councilmembers have generally historically been employed by understanding employers, retired, people who are reasonably well off, or those with spousal support. He noted the proposed numbers are still a fraction of what is made by state legislators and county commissioners and would also be less than all but one of the City's current full-time classified and unclassified management employees.

Councilmember Canonico concurred with Councilmember Ohlson and stated the current pay requires special circumstances for those who are able to serve.

Councilmember Peel asked if state legislator and county commissioners get health benefits. Councilmember Ohlson replied in the affirmative.

Councilmember Peel noted this issue has not been addressed for 24 years. She supported the pay increase but questioned the benefits inclusion.

Mayor Arndt noted this change would not require Councilmembers to utilize the benefits but would allow the choice.

Councilmember Pignataro asked if Councilmembers who opt out of the benefits package would receive extra pay. Roche replied in the negative and stated the City pays an amount for each employee or person eligible for healthcare-related benefits regardless of whether they accept the benefits package.

Councilmember Pignataro stated she would support the benefits option and expressed concern about lowering the proposed numbers. She stated she would support referring this item to the ballot.

Mayor Pro Tem Francis also supported keeping the percentages as proposed to help make it more feasible for more community members to run for office and provide more diverse viewpoints on Council. She noted there are costs associated with being on Council and having an increase in pay will make things more equitable.

Councilmember Gutowsky noted this would be a 400% raise, despite the fact this has not been adjusted since 1998. She commented on asking voters making less than the AMI, such as first-year teachers, to support a 400% raise and stated it seems there is a penalty for not taking the benefits. Additionally, she noted an increase in salary comes with an increase in expectations.

Councilmember Ohlson stated he believes this is the right thing to do to help expand the number of people who can run for the office.

Councilmember Canonico stated she would like the community to recognize the work done by Councilmembers outside regular Tuesday meetings. She stated she would like to provide the greatest opportunity possible for people of lesser means to run.

Mayor Arndt also noted Council work is year-round and voters will ultimately make the decision.

Councilmember Gutowsky stated she will always consider how her constituents would feel when looking at a ballot measure. She asked if this would apply in January of 2023 if it passes. Roche replied in the affirmative.

Councilmember Gutowsky stated several references have been made to retired, older community members and those individuals do very hard work and should be appreciated. Additionally, she stated there may be a way for Councilmembers to use their time more efficiently, such as by increasing staff assistance.

Councilmember Pignataro noted many of the events and time requirements may not be able to be made more efficient with additional staff.

Councilmember Ohlson stated the workload of this Council and future Councils will not decrease, nor should it. He stated he does not want Council managing the City, nor does he want managers governing the City.

Mayor Arndt concurred she does not anticipate any diminishing of the public's expectations of their elected officials.

Councilmember Canonico stated the contributions made by retirees to the community are hugely valuable and they tend to step up because they have time to serve. She stated she would like to ensure anyone who has the desire to serve can do so.

Mayor Pro Tem Francis made a motion, seconded by Councilmember Peel, to adopt Ordinance No. 082, 2022, on First Reading.

RESULT:	ORDINANCE NO. 082, 2022 ADOPTED ON FIRST READING [6 TO 1]
MOVER:	Emily Francis, District 6
SECONDER:	Shirley Peel, District 4
AYES:	Pignataro, Francis, Arndt, Canonico, Peel, Ohlson
NAYS:	Gutowsky

• **OTHER BUSINESS**

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

Mayor Pro Tem Francis suggested the interim greenhouse gas reduction goals should be discussed at the scheduled October work session.

Councilmember Ohlson stated Council should direct staff to bring forth interim goals at the work session. Honore Depew, Climate Program Manager, confirmed considering interim greenhouse gas reduction goals is part of the adopted Council priorities to address the climate emergency locally, and the road map to 2030 goals. The October work session discussion will include options for interim goals based partially on the Fort Collins Sustainability Group suggestions.

Mayor Arndt commended the work of the Election Code Committee and staff and thanked the members of the public who spoke.

- **ADJOURNMENT**

The meeting adjourned at 11:30 p.m.

Mayor

ATTEST:

City Clerk

DRAFT