

July 5, 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**

Spanish interpretation options were outlined and the video outlining public participation options was played.

Interim Deputy City Manager Tyler Marr stated the agenda was amended after publication to add Item No. 13A, *First Reading of Ordinance No. 085, 2022, Making Supplemental Appropriations of Grant Funds from the Pools Special Initiative 2022 Program*, which is time sensitive. Additionally, Item No. 13, *Resolution 2022-070 Expressing the Council's Support for Protection of Reproductive Rights and Concern about the Threat to Them Presented by Recent U.S. Supreme Court Action*, has been moved to the Discussion Agenda.

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

Bonnie McKnight opposed Council adopting a resolution in support of the protection of reproductive rights.

Dick Decook opposed Council adopting a resolution in support of the protection of reproductive rights.

Robbie Moreland supported Council adoption of a resolution in support of the protection of reproductive rights.

Amy Hoeven supported Council adopting a resolution in support of the protection of reproductive rights.

Phoebe McWilliams opposed Council adoption of a resolution in support of the protection of reproductive rights.

Oliver Richardson asked about the state of the lawsuit with Ms. Cerette and her attorney and asked how much of the immigration legal defense fund has been spent. Additionally, he questioned the meaning of net zero carbon.

Mark James questioned the effect of the passage of Council adopting a resolution in support of the protection of reproductive rights. He opposed Council adopting such a resolution.

An unidentified individual opposed Council adopting a resolution in support of the protection of reproductive rights.

Luke Doescher supported Council adopting a resolution in support of the protection of reproductive rights. He also supported ranked choice voting.

Jenny Waytassek opposed Council adopting a resolution in support of the protection of reproductive rights.

Kim Patawaran opposed Council adopting a resolution in support of the protection of reproductive rights.

Jennifer Wade opposed Council adopting a resolution in support of the protection of reproductive rights.

Abby Wales supported Council adopting a resolution in support of the protection of reproductive rights.

Ray Martinez spoke in opposition to ranked choice voting.

John (no last name given) opposed Council adopting a resolution in support of the protection of reproductive rights.

Andrew Larue spoke facetiously in support of Council adopting a resolution in support of the protection of reproductive rights.

Louise Cutler opposed Council adopting a resolution in support of the protection of reproductive rights.

Andrea Rogers opposed Council adopting a resolution in support of the protection of reproductive rights.

Joellen Mitchell opposed Council adopting a resolution in support of the protection of reproductive rights.

Virginia Herndon opposed ranked choice voting and opposed Council adopting a resolution in support of the protection of reproductive rights.

Rob Green opposed Council adopting a resolution in support of the protection of reproductive rights.

Kevin Cross supported Council adopting a resolution in support of the protection of reproductive rights.

Ryan Carter opposed Council adopting a resolution in support of the protection of reproductive rights.

Matthew Twyman, Fort Collins Sustainability Group, stated it is important to put an interim greenhouse gas reduction goal in place prior to the October work session on the topic.

Kurt Kastein opposed Council adopting a resolution in support of the protection of reproductive rights.

Emily Gallichotte, Fort Collins Sustainability Group, stated it is important to put an interim greenhouse gas reduction goal in place prior to the October work session on the topic.

Kirlene Gomez opposed Council adopting a resolution in support of the protection of reproductive rights.

Wendy Thomas opposed Council adopting a resolution in support of the protection of reproductive rights.

Audrey Tool opposed Council adopting a resolution in support of the protection of reproductive rights.

Kristy Neely opposed Council adopting a resolution in support of the protection of reproductive rights.

Kelly Krupes opposed Council adopting a resolution in support of the protection of reproductive rights.

Caleb Larson opposed Council adopting a resolution in support of the protection of reproductive rights.

Jody DesChenes supported Council adopting a resolution in support of the protection of reproductive rights.

Scott Horak opposed Council adopting a resolution in support of the protection of reproductive rights.

Sara Tarr supported ranked choice voting.

Meliyanty Salim opposed Council adopting a resolution in support of the protection of reproductive rights.

Nick Armstrong supported Council adopting a resolution in support of the protection of reproductive rights.

Megan Thorburn, Sierra Club Poudre Canyon Group, stated it is important to put an interim greenhouse gas reduction goal in place prior to the October work session on the topic.

Sean McCoy supported Council adopting a resolution in support of the protection of reproductive rights.

Torin Kaletsky supported Council adopting a resolution in support of the protection of reproductive rights. Additionally, he supported ranked choice voting and the establishment of interim greenhouse gas reduction goals.

Kaori Keyser supported Council adopting a resolution in support of the protection of reproductive rights.

Melanie Potyondy supported Council adopting a resolution in support of the protection of reproductive rights.

- **PUBLIC COMMENT FOLLOW-UP**

Councilmember Pignataro asked how the consideration of Resolution 2022-070 ended up on the Consent Agenda. Interim Deputy City Manager Marr replied it was mistakenly placed on the Consent Agenda.

Councilmember Pignataro thanked the speakers for their civility. She also requested staff discuss Item No. 11, *Resolution 2022-068 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions*, following adoption of the Consent Agenda. She requested staff input on how adding interim greenhouse gas reduction goals would impact the budget process. Interim Deputy City Manager Marr replied the budget lead team begins deliberating the City Manager’s recommended budget this week and the team is aware of Council’s goals related to the climate emergency. He outlined the timeline for budget consideration and noted most of the deliberations will take place in the fall around the time of the October work session.

Jackie Kozak-Thiel, Sustainability Services Director, stated the Climate Executive Team met today and heard the analysis and overview of all budget offers across outcome areas that impact progress toward climate goals and the implementation of Our Climate Future for resilience, equity, and mitigation. She stated the budget lead team will be informed by the data collected thus far and by staff recommendations.

Councilmember Peel asked why Mr. Richardson’s questions have not been addressed as he was here at a prior meeting. Interim Deputy City Manager Marr connected Mr. Richardson with staff to answer his questions.

Councilmember Ohlson reiterated Resolution 2022-070 was placed on the Consent Agenda accidentally. He thanked the speakers for communicating in a respectful and appropriate manner. He acknowledged former Councilmember Kastein and his service. He questioned Council’s hesitancy regarding adoption of interim greenhouse gas reduction goals and stated he would like to receive a staff memo on the item and would like to consider adoption of a resolution supporting interim greenhouse gas reduction goals.

Councilmember Gutowsky concurred with Councilmember Ohlson’s statements regarding interim greenhouse gas reduction goals.

Mayor Arndt thanked the speakers and noted Resolution 2022-070 does not have any regulatory or policy impact but is just a message of support for the state legislature’s action.

- **CONSENT CALENDAR**

Mayor Pro Tem Francis made a motion, seconded by Councilmember Pignataro, to adopt and approve items 1-12 and 13A on the Consent Agenda.

Councilmember Peel commented on Resolution 2022-070 stating her belief that pre-born babies are entitled to the same rights and protections as all humans. She stated she would not support adoption of the resolution as she does not believe the City is in the position to promote state laws preserving the right to abortion.

<b>RESULT:</b>	<b>CONSENT CALENDAR ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Emily Francis, District 6
<b>SECONDER:</b>	Julie Pignataro, District 2
<b>AYES:</b>	Pignataro, Francis, Arndt, Canonico, Peel, Ohlson, Gutowsky

1. **Consideration and Approval of the Minutes of the June 7, 2022 Regular Meeting. (Adopted)**

The purpose of this item is to approve the minutes of the June 7, 2022 Regular meeting.

2. **Second 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 Second Reading)**

This Ordinance, unanimously adopted on First Reading on June 21, 2022, appropriates \$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.

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

A. Second 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. Second 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.

These Ordinances, unanimously adopted on First Reading on June 21, 2022, consider two appropriations 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.

4. **Second 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 Second Reading)**

This Ordinance, unanimously adopted on First Reading on June 21, 2022, appropriates 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.

5. **Second 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 Second Reading)**

This Ordinance, unanimously adopted on First Reading on June 21, 2022, appropriates 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.

6. **Second 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 Second Reading)**

This Ordinance, unanimously adopted on First Reading on June 21, 2022, appropriates 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.

7. **Second 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 Second Reading)**

This Ordinance, unanimously adopted on First Reading on June 22, 2022, simplifies 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.

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

This Ordinance, unanimously adopted on First Reading on June 21, 2022, considers adoption of 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.

9. **First Reading of Ordinance No. 083, 2022, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Property Rights Necessary for Phase 2 (Construction) and Phase 3 (Operations and Maintenance) of the Halligan Water Supply Project. (Adopted on First Reading)**

The purpose of this item is to seek authorization from Council to use eminent domain to acquire property rights for construction (Phase 2) and long-term maintenance and operations access (Phase 3) of the Halligan Water Supply Project (Halligan Project) across private property that provides the primary access point to Halligan Reservoir. This property is jointly owned by Geo A. Henderson Co., Inc. and Chris Vandemoer (collectively, Vandemoer), and is encumbered by two conservation easements held by The Nature Conservancy (TNC). The parties are currently in eminent domain litigation for Phase 1 of the Project and have had productive conversations regarding a global settlement for all three phases of the Halligan Project. The acquisition will include:

- a temporary access easement for construction
- a permanent access easement for ongoing maintenance and operations
- a permanent easement for flood/high water events
- fee title to approximately 5.48 acres of land for inundation

To meet near-term project timelines, prompt acquisition of the property rights is necessary. Staff fully intends to continue negotiating in good faith with the affected property owners and is requesting authorization to, in consultation with the City Attorney's Office, use eminent domain as necessary to acquire the needed property rights. To effectuate a possible global settlement in the City's eminent domain litigation with Vandmoer, the City needs Council's authorization of eminent domain to include Phase II and Phase III, so that all property rights needed from Vandemoer for the entire project can be acquired at one time.

This action would ensure the City can secure all access rights required to complete the final two phases of the Halligan Project over the primary access route to the Halligan Dam and Reservoir:

- Phase 1 - permitting and design (site visits and data collection related to permitting processes and preliminary design work for the reservoir enlargement and for the diversion structure replacement)
- Phase 2 - construction (construction work related to replacement of dam and diversion structure)
- Phase 3 - long-term maintenance and operations of the dam and reservoir (including permanent maintenance of measuring devices on the reservoir and diversion structure and environmental monitoring requirements under governmental permits)

10. **Resolution 2022-067 Authorizing the Assignment of the City's 2022 Private Activity Bond Allocation to Housing Catalyst to Finance New Construction and Rehabilitation of Affordable Homes. (Adopted)**

The purpose of this item is to support the new construction and rehabilitation of affordable housing at one specific location and one or more other planned projects developed by Housing Catalyst in the City by assigning the City's 2022 Allocation of Private Activity Bond (PAB) capacity to Housing Catalyst (HC). PAB capacity is required for development projects using federal 4% Low-Income Housing Tax Credit financing.

11. **Resolution 2022-068 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions. (Adopted)**

The purpose of this item is to update Council meeting rules to reflect and clarify desired procedures including order of business, signing in for public comment, and manner of addressing comments.

12. **Resolution 2022-069 Reappointing Michelle Kline as an Assistant Municipal Judge of the Fort Collins Municipal Court and Authorizing the Execution of an Employment Agreement. (Adopted)**

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

13. **Resolution 2022-070 Expressing the Council's Support for Protection of Reproductive Rights and Concern about the Threat to Them Presented by Recent U.S. Supreme Court Action. (Pulled from Consent)**

This item was pulled from the Consent Agenda to allow for discussion.

13A. **First reading of Ordinance No. 085, 2022, Making Supplemental Appropriations of Grant Funds from the Pools Special Initiative 2022 Program. (Adopted on First Reading)**

The purpose of this item is to appropriate funding received by the Colorado Department of Local Affairs to recruit and retain public swimming pool employees.

• **CONSENT CALENDAR FOLLOW-UP**

Councilmember Pignataro requested staff follow-up regarding some of the details related to Item No. 11, *Resolution 2022-068 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions*. Ginny Sawyer, Senior Policy and Project Manager, replied the item attempts to simplify the norms around public comment and addresses civility and shows of support or disagreement. City Attorney Daggett stated additional ways of sharing this information to the public have been discussed, such as the video that is shown at the start of meetings.

Councilmember Ohlson stated he is comfortable with not always using official titles, as mentioned in the resolution, and is also comfortable with allowing members of the public to state their opinions regarding the performance of Council.

Mayor Arndt clarified the spirit of the language related to ‘personal’ is in reference not to performance, but truly personal issues. Additionally, she stated the use of formal titles is due to the fact members of Council were elected to be Councilmembers and to show respect to voters.

Sawyer noted some of the language around meeting rules is also directed at protecting members of the public.

• **STAFF REPORTS**

A. Staff Report: Camping Enforcement and Response.

John Feyen, Assistant Chief of Police, discussed a recent situation wherein a number of campers were addressed along Blue Spruce, Red Cedar, and Bristlecone. He detailed the work with service providers to educate individuals living in the area to ensure no one was taken by surprise. He stated the day of the encampment cleanup resulted in six citations issues, four for parking and two for roadway obstruction. He noted constant monitoring has occurred to ensure the situation does not become an issue again.

Brittany Depew, Homelessness Lead Specialist, stated homelessness initiatives are a current Council priority and the City’s role are around funding, policy, convening, and support of community organizations that provide services. She noted there has been a 1% decrease in homelessness in Fort Collins since 2019 and discussed ways in which gaps in the shelter system could be addressed. Additionally, she discussed the need for a housing first model which asserts that the answer to homelessness is permanent housing without pre-conditions. She commented on the need for homelessness solutions to be multi-dimensional and cross-sector.

Councilmember Ohlson commented on destructive behavior that impacts wildlife and safety in taxpayer-funded natural areas and along the river. He asked about the status of encampments along the Poudre River. Feyen replied the City has a website it uses when encampments are found and Natural Areas encampment cleanup program staff provide 24-hour notices and then remove any remaining debris. He stated 112 encampments have been cleaned this year. He shared staff attempts to blend compassion with consequences when addressing these issues.



Mayor Pro Tem Francis asked if short-term and mid-term solutions are slated to come before Council for consideration. Depew replied there is no current plan for that; however, that could occur if so desired.

Mayor Pro Tem Francis asked if the figure related to the cost to the City of an individual experiencing homelessness has been updated. Depew replied she does not have a cost per person but noted the winter overflow shelter budget increases annually and has only been able to be funded because of the American Rescue Plan Act funds.

- **COUNCILMEMBER REPORTS**

Mayor Pro Tem Francis commended the City's Fourth of July celebration and associated events.

Councilmember Canonico reported on the Colorado Municipal League's annual conference.

- **CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION**

13. **Resolution 2022-070 Expressing the Council's Support for Protection of Reproductive Rights and Concern about the Threat to Them Presented by Recent U.S. Supreme Court Action. (Adopted)**

*The purpose of this item is to bring a Resolution, after consultation with the Mayor and Mayor Pro Tem, expressing concern regarding the recent United States Supreme Court decision in Dobbs v. Jackson Women's Health Organization, and expressing support for protection of reproductive rights, privacy, dignity, and self-determination.*

Alicia (no last name given) opposed Council adopting a resolution in support of the protection of reproductive rights.

Emily Gallichotte supported Council adopting a resolution in support of the protection of reproductive rights.

Ray Martinez opposed Council adopting a resolution in support of the protection of reproductive rights citing a lack of public outreach.

Nancy Eason opposed Council adopting a resolution in support of the protection of reproductive rights.

Noah (inaudible last name) supported Council adopting a resolution in support of the protection of reproductive rights.

Mayor Pro Tem Francis stated this is a city issue as well as a state issue because state leaders look to city representatives to provide guidance around the thoughts of constituents. She stated this issue is not about children but about a woman's right to choose what is best for her body. She stated women deserve better and should be treated as equal to male counterparts. She expressed support for the resolution.

Councilmember Canonico commented on having two abortions that saved her life and stated women should also have the choice to decide what to do with embryos in storage. She expressed support for the resolution.

Councilmember Pignataro commended the civility of the discussion. She stated women should have the right to determine what happens with their bodies and agreed this action is within the realm of Council's purview.

Councilmember Gutowsky stated Colorado has already codified the right for women to make their own reproductive decisions and she therefore does not believe Council needs to create a resolution on the issue and she will not be supporting it.

Councilmember Peel commended the civility of the discussion and stated voices of pre-born children are missing from the conversation.

Mayor Arndt noted Colorado voters have repeatedly and resoundingly defeated a personhood amendment. She stated the Supreme Court decision has forced the consideration of federal politics at a local level.

Mayor Pro Tem Francis made a motion, seconded by Councilmember Pignataro, to adopt Resolution 2022-070.

<b>RESULT:</b>	<b>RESOLUTION 2022-070 ADOPTED [5 TO 2]</b>
<b>MOVER:</b>	Emily Francis, District 6
<b>SECONDER:</b>	Julie Pignataro, District 2
<b>AYES:</b>	Pignataro, Francis, Arndt, Canonico, Ohlson
<b>NAYS:</b>	Peel, Gutowsky

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

- **DISCUSSION ITEMS**

14. **Second 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 as Amended on Second Reading)**

*This Ordinance, adopted on First Reading on June 21, 2022 by a vote of 4-3 (Nays: Francis, Peel, Pignataro), considers amendments to Chapter 7 of City Code related to clarifying, revising and strengthening restrictions and requirements for campaign finance in City elections. Based on the discussion at First Reading, potential amendments to the proposed ordinance have been prepared to address the issues outlined during deliberations. Councilmembers may choose to make one or more of these amendments to the proposed ordinance before potentially adopting the ordinance.*

City Clerk Hollingshead outlined the proposed amendments to the campaign finance code that were discussed by the Election Code Committee since the ordinance was adopted on First Reading: excluding volunteer services from the definition of contribution unless those services are being paid for, refining the definition of mailing lists that are excluded from contribution, adding a requirement that candidates, candidate committees, and political committees obtain certifications of value for all purchases and contributions and establishing a violation for a false certification, and eliminating the requirement that a civil violation be knowing.

Nick Armstrong commended the Election Code Committee for its work on this issue and supported the changes.

Councilmember Pignataro commended the Election Code Committee and asked about the responsibilities of alternate committee members. City Attorney Daggett replied the standard practice has been that alternate members receive information and invitations to the meetings, particularly if a member is going to be absent. She stated there may have been a mix-up in this particular case as it was scheduled at the last minute. Interim Deputy City Manager Marr stated staff would work on ensuring a well-defined and understood process is in place.

Councilmember Pignataro asked about the difference between a natural person and an individual. City Attorney Daggett replied the term ‘natural person’ refers to an individual human being whereas ‘person’ is more broadly defined to include organizations and corporations.

Councilmember Peel asked who holds the burden of proof regarding knowing violations. City Attorney Daggett replied an act must be a knowing act, even for a civil violation, in the existing language. She stated the proposed change makes the candidate or committee responsible whether or not they were aware of making a violation. She outlined the language related to correcting issues.

Mayor Pro Tem Francis stated she opposed this ordinance on First Reading due to the language around what is considered a contribution. She thanked the Committee for its work in clarifying the language and stated she would now support it.

Mayor Pro Tem Francis made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 079, 2022, as amended to include amendments 1-4 as outlined in the agenda item summary.

<b>RESULT:</b>	<b>ORDINANCE NO. 079, 2022, ADOPTED AS AMENDED ON SECOND READING [UNANIMOUS]</b>
<b>MOVER:</b>	Emily Francis, District 6
<b>SECONDER:</b>	Susan Gutowsky, District 1
<b>AYES:</b>	Pignataro, Francis, Arndt, Canonico, Peel, Ohlson, Gutowsky

15. **Second 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. (Adopted on Second Reading)**

*This Ordinance, adopted on First Reading on June 21, 2022 by a vote of 6-1 (Nay: Peel), submits 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.*

Nancy Eason questioned how a ranked choice election would be run simultaneously with a traditional election if the municipal election is moved to November.

Robbie Moreland expressed support for ranked choice voting and its placement on the ballot.

Emily Gallichotte expressed support for ranked choice voting and its placement on the ballot.

Camie Larson opposed ranked choice voting and expressed concern about the cost of its implementation and voter education.

Nick Armstrong supported ranked choice voting and its placement on the ballot. He commented on the importance of voter and candidate education.

Kaori Keyser expressed support for ranked choice voting and its placement on the ballot.

Councilmember Pignataro asked City Clerk Hollingshead for a cost estimate from the community in which she previously worked. City Clerk Hollingshead replied the comparison is not equivalent as equipment was not able to be used for tabulation and that factor greatly impacts overall cost. She stated the module that would need to be added to the rental tabulation equipment is about \$35,000 and voter education would also increase cost. Additionally, she noted there are escalating costs related to supplies. She stated it is possible to have a mixed format ballot and equipment is programmed to process them.

Councilmember Pignataro supported placing ranked choice voting on the ballot.

Councilmember Peel asked if all items would be on the same ballot card if ranked choice voting passes and elections are moved to November. City Clerk Hollingshead replied it would ultimately be a decision from the Secretary of State; however, it is possible for all items to be on the same ballot.

Councilmember Peel asked when the Secretary of State would make the decision. City Clerk Hollingshead replied the legislation passed last year allowing municipalities to use ranked choice voting in coordinated elections calls for rule-making to happen during 2023 by the Secretary of State in conjunction with County Clerks.

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

<b>RESULT:</b>	<b>ORDINANCE NO. 080, 2022 ADOPTED ON SECOND READING [6 TO 1]</b>
<b>MOVER:</b>	Emily Francis, District 6
<b>SECONDER:</b>	Tricia Canonico, District 3
<b>AYES:</b>	Pignataro, Francis, Arndt, Canonico, Ohlson, Gutowsky
<b>NAYS:</b>	Peel

16. **Second 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. (Adopted on Second Reading)**

*This Ordinance, adopted on First Reading on June 21, 2022 by a vote of 6-1 (Nay: Pignataro), submits 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.*

Emily Gallichotte expressed support for moving elections to November and stated she understands previous comments made by Councilmember Pignataro related to Council terms.

Councilmember Canonico noted campaigns cannot coordinate with one another.

Councilmember Pignataro stated she would prefer to hold off on implementation of this change until 2027 to allow for voters to understand the extra length of time Councilmembers would serve.

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

<b>RESULT:</b>	<b>ORDINANCE NO. 081, 2022, ADOPTED ON SECOND READING [6 TO 1]</b>
<b>MOVER:</b>	Emily Francis, District 6
<b>SECONDER:</b>	Susan Gutowsky, District 1
<b>AYES:</b>	Francis, Arndt, Canonico, Peel, Ohlson, Gutowsky
<b>NAYS:</b>	Pignataro

17. **Second 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. (Adopted as Amended on Second Reading)**

*This Ordinance, adopted on First Reading on June 21, 2022 by a vote of 6-1 (Nay: Gutowsky) will 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.*

Teresa Roche, Human Resources Director, outlined the item as it was adopted on First Reading.

Nick Armstrong expressed support for this item.

Emily Gallichotte expressed support for this item.

Lauren Ditzle expressed support for this item.

Kaori Keyser expressed support for this item.

Councilmember Ohlson commented on the importance of creating a system in which more people can run for Council. He expressed support for this item but proposed changing the numbers to 60% of AMI for the Mayor, 45% of AMI for the Mayor Pro Tem, and 40% of AMI for other Councilmembers. He stated he believes this change will increase the chance of the item passing. Additionally, he stated the reference to Councilmembers not being City employees should be eliminated from the ballot language and City Attorney Daggett concurred.

Councilmember Canonico noted the low compensation rate was described as a barrier to people running for Council and questioned whether lowering the compensation will still achieve eliminating that barrier.

Councilmember Ohlson stated he supports the original numbers but believes lowering them will increase the likelihood of the item passing.

Mayor Pro Tem Francis stated the original 50% number seems reasonable to explain to voters based on the job being about 20 hours per week.

Councilmember Peel expressed support for the reason behind this change and stated she was somewhat uncomfortable with original numbers.

Councilmember Pignataro stated her preference is for the original higher numbers.

Councilmember Gutowsky thanked Councilmember Ohlson for the suggestion and thanked Council for considering it. She stated the lower numbers still provide financial compensation while retaining joy of service as compensation as well.

Mayor Pro Tem Francis asked when Council pay was last updated. Roche replied it was in 1998.

Mayor Pro Tem Francis stated she appreciates Councilmember Gutowsky's comments but stated the higher percentage of pay does not eliminate the will of those who want to run for office and serve their community. She stated it is important the amount enables people to serve.

Councilmember Ohlson made a motion, seconded by Councilmember Pignataro, to adopt Ordinance No. 082, 2022, on Second Reading, with the amendment to edit the ballot language in section 3 of the ordinance to strike the phrase 'while not employees' from the final clause of that language.

Councilmember Pignataro noted the item could be placed on a future ballot with a lower number if this does not pass.

Councilmember Ohlson reiterated his support of the amounts in the proposed ordinance.

Councilmember Gutowsky stated she believes the numbers are too high; however, she stated she would support the placement of the item on the ballot.

Mayor Arndt stated she would support the motion.

Mayor Pro Tem Francis, Mayor Arndt, and Councilmember Peel concurred with Councilmember Ohlson's suggestion.

<b>RESULT:</b>	<b>ORDINANCE NO. 082, 2022, ADOPTED AS AMENDED ON SECOND READING [UNANIMOUS]</b>
<b>MOVER:</b>	Kelly Ohlson, District 5
<b>SECONDER:</b>	Julie Pignataro, District 2
<b>AYES:</b>	Pignataro, Francis, Arndt, Canonico, Peel, Ohlson, Gutowsky

Mayor Pro Tem Francis asked if Council wants to direct City staff as to the order of ballot measures for submitting them to the County.

Councilmember Ohlson suggested compensation first, followed by moving the elections to November, then ranked choice voting, as per the priorities of the Election Code Committee.

18. **First Reading of Ordinance No. 084, 2022, Amending the City of Fort Collins District-Precinct Map Following the Decennial Census. (Adopted on First Reading)**

*The purpose of this item is to amend the City's district boundaries following the decennial census in compliance with Section 7-87 of the City Code, including aligning City precinct boundaries with County precinct boundaries.*

City Clerk Hollingshead discussed the redistricting process that occurs after Census data is released and summarized the applicable Charter and Code provisions. She presented the four potential district maps that have been developed and noted options three and four are very similar and simply shift one precinct between two districts.

Emily Gallichotte supported options three and four.

Lauren Zitney supported options three and four.

Nick Armstrong supported options three and four.

Noah Prezen supported options three and four.

Councilmember Pignataro asked about the community member who developed option three. City Clerk Hollingshead replied Martha Coleman is a geographer who served on one of the state's redistricting commissions in 2021.

Councilmember Pignataro supported options three and four.

Councilmember Peel asked if the constitutional doctrines and non-constitutional case law considerations included in the packet were considered in the creation of the maps. City Clerk Hollingshead replied staff and the Election Code Committee considered them and worked to ensure certain populations were not broken into separate districts.

Councilmember Peel stated she appreciates Council is non-partisan; however, she provides a more moderate, conservative voice and she expressed concern some of the maps dilute out the more conservative voters. She expressed support for option two but stated she could accept option three.

Councilmember Gutowsky requested information on the difference between options three and four. Marcus Bodig, GIS Department, replied one precinct on the far west is moved from district

five to six because it visually looks incorrect. He stated option four therefore creates a more contiguous map.

Councilmember Gutowsky expressed support for option four.

Councilmember Canonico noted there is not a large population in the affected precinct.

Mayor Pro Tem Francis expressed support for options three or four to lessen drastic changes and to not disrupt communities of interest. She stated option three seems to keep communities more intact.

Councilmember Canonico expressed support for options three or four to lessen drastic changes. She stated she is leaning toward option three due to the lower deviation.

Councilmember Ohlson expressed support for option three to lessen large changes.

Mayor Arndt commended Colorado on ensuring gerrymandering does not occur and on implementing non-partisan redistricting commissions.

Mayor Pro Tem Francis made a motion, seconded by Councilmember Canonico, to adopt Ordinance No. 084, 2022, on First Reading, selecting option three.

<b>RESULT:</b>	<b>ORDINANCE NO. 084, 2022, ADOPTED ON FIRST READING [UNANIMOUS]</b>
<b>MOVER:</b>	Emily Francis, District 6
<b>SECONDER:</b>	Tricia Canonico, District 3
<b>AYES:</b>	Pignataro, Francis, Arndt, Canonico, Peel, Ohlson, Gutowsky

- **ADJOURNMENT**

The meeting adjourned at 9:54 PM.

\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk