

December 17, 2024

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

**PROCLAMATIONS AND PRESENTATIONS
5:00 PM**

A) PROCLAMATIONS AND PRESENTATIONS

None Scheduled.

**REGULAR MEETING
6:00 PM**

B) CALL MEETING TO ORDER

Mayor Jeni Arndt called the regular meeting to order at 6:00 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado, with hybrid participation available via the City's Zoom platform.

C) PLEDGE OF ALLEGIANCE

Mayor Jeni Arndt led the Pledge of Allegiance to the American Flag.

D) ROLL CALL

PRESENT

Mayor Jeni Arndt
Mayor Pro Tem Emily Francis
Councilmember Susan Gutowsky
Councilmember Julie Pignataro
Councilmember Tricia Canonico
Councilmember Melanie Potyondy
Councilmember Kelly Ohlson
Councilmember Julie Pignataro

STAFF PRESENT

City Manager Kelly DiMartino
City Attorney Carrie Daggett
City Clerk Delynn Coldiron

E) CITY MANAGER'S AGENDA REVIEW

City Manager Kelly DiMartino provided an overview of the agenda, including:

- No changes to the published agenda.
- Items 1-24 on the Consent Calendar are recommended for adoption.
- Removing Item No. 14, *Second Reading of Ordinance No. 189, 2024, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney*, from the Consent Calendar to allow for Councilmember Potyondy to recuse herself.
- Motion for an Executive Session to be considered under Other Business.

F) COMMUNITY REPORTS

None.

G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS *(Including requests for removal of items from Consent Calendar for individual discussion.)*

Alex Scott discussed the situation in Gaza, spoke in favor of Council adopting a ceasefire resolution, and encouraged Council not to remove the opportunity for individuals to provide videos as part of public comment.

Kimberly Connor spoke in favor of Council adopting a ceasefire resolution and provided additional information from an Amnesty International report regarding the situation in Gaza.

Elizabeth Hudetz showed slides related to Platte River Power Authority's renewable energy efforts and provided data regarding high ozone days, methane, and the "F" rating given to the City by the American Lung Association. Hudetz expressed concern regarding Platte River's plan to build an additional gas power plant and urged Council to require a third-party review of Platte River's Integrated Resource Plan.

Nicholas Sahwin spoke in favor of the Connexion union and commented on a memo provided by Human Resources related to non-union busting efforts. Sahwin stated that the Mountain States Employer's Council has been involved in non-union education for some time and noted the City has partnered with this entity and has refused to approve the Connexion union request. Sahwin requested a clear process allowing employees to request and form a union without interference and asked the City to work with his group to find a constructive path forward.

Hillary Ping spoke in favor of the Connexion union stating the City is stalling at the expense of employees which shows a clear sign of opposition. Ping urged Council to support employees' right to unionize.

Zachary Brisbin urged Council to break the stalemate between the City and employees looking to unionize. Brisbin stated it is clear the lack of engagement is union busting as it prevents progress from being made. Brisbin stated that the group has unionized and needs to be recognized before things can move forward.

Kaori Keyser thanked City staff for putting together the memo related to the Connexion union which stated that the union was not being recognized so that collaborative and constructive efforts could move forward. Keyser urged Council to support the union and/or an associated ballot initiative.

John Ramstead opposed the proposal to no longer allow the use of audio and video as part of public comment and urged Council to support the Connexion union. Ramstead stated the City has hired the Mountain States Employer's Council for anti-union training and encouraged Council to recognize the union workers immediately. Ramstead also encouraged the placement of a measure on the ballot similar to Proposition 2U that recently passed in Denver.

Casey Johns discussed the memo released by the City regarding the Connexion union and stated it is not fair to make employees wait until the next election for negotiations to occur between a union and the employer. Additionally, Johns opposed disallowing videos and audios as a part of public comment.

Christina Swope requested Council ask the City Manager to recognize the Connexion union stating Fort Collins has a duty to set a positive precedent to uphold civic principles. Swope stated a ballot item related to this is an undemocratic and antiquated process and requested the City reconsider its approach. Additionally, Swope opposed disallowing video and audio aspects of public participation.

Trevor Rothanzl stated he is an incoming labor chair for DSA Fort Collins and questioned whether the City's statement that it can most effectively address employee needs and concerns through ongoing collaboration, flexibility, and proactive measures was in good faith. Rothanzl also discussed the City's relationship with the Mountain States Employer's Council and opposed Council banning video and audio aspects of public participation.

Andre DiSibio stated he was a former Connexion employee and stated the goal of the union is to protect the workers and the core mission of Connexion. DiSibio commented on crushing inflation and urged Council to recognize the union to acknowledge the work of individuals who have directly improved the community.

Adam Hirschhorn spoke about several issues and read a Christmas story he had prepared.

Greg Zoda opposed banning videos during public participation and urged the City to recognize the Connexion union. Zoda discussed the memo that was provided from Human Resources and commented on the Mountain States Employer's Council training and its focus against unions. He noted they would gladly take up the challenge of getting a petition initiative on the ballot; however, thought it would be much better if the City would just move forward with recognizing the union requested.

Jonah Salehi opposed banning videos during public participation and stated the City should have a process for unionizing rather than trying to avoid them. Salehi stated the City should show its workers respect by giving them a say in their working conditions.

Public comment concluded at 6:40 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Ohlson stated he would be pulling the item related to banning videos from the Consent Agenda. Additionally, he commented on the entities which have found the current Israeli government to be guilty of crimes against humanity and stated he shares that concern and wished he could do more about it from a Council perspective.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

Councilmember Ohlson withdrew Item Nos. 18, *Resolution 2024-146 Concerning Implementation of Standards Created by Amendments to the Public Utility Regulatory Policies Act of 1978 by the Infrastructure Investment and Jobs Act ("IIJA")*, and 20, *Resolution 2024-148 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions*, from the Consent Calendar.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the December 3, 2024 Regular meeting.

The purpose of this item is to approve the minutes of the December 3, 2024 Regular meeting.

Approved.

2. Second Reading of Ordinance No. 175, 2024, Appropriating Philanthropic Revenue Received by City Give for the Lincoln Center's Various Programs and Services as Designated by the Donors.

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates \$33,266.00 for the Lincoln Center in philanthropic revenue received by City Give. These charitable gifts are aligned with both the City's strategic priorities and the respective donors' designation.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

Adopted on Second Reading.

- 3. Second Reading of Ordinance No. 176, 2024, Making a Supplemental Appropriation of Additional Revenue and Appropriating Prior Year Reserves in the Self Insurance Fund for Unanticipated Insurance Expenses.**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates \$462,711 in the City's Self Insurance Fund to be used for unanticipated increases in fourth quarter insurance premiums and various forecasted claim payments.

Adopted on Second Reading.

- 4. Second Reading of Ordinance No. 177, 2024, Making a Supplemental Appropriation of Additional Revenue Received in the Benefits Fund for the City's Medical, Dental, and Life Insurance Plans.**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates \$1,137,041 from unanticipated revenue collected in the Benefits Fund to cover Medical/Dental claims and various Life Insurance premium expenses that could potentially exceed 2024 budgeted appropriations.

The City's Benefits Plan is a self-funded health plan in which premiums collected from both employees and employers are recorded as revenue in the Benefits Fund to pay for plan administration, medical/dental claims, and insurance premiums. As such, this is a self-funded appropriation request requiring no use of reserves.

Adopted on Second Reading.

- 5. Second Reading of Ordinance No. 178, 2024, Making a Supplemental Appropriation of Funds Received from the Edward Byrne Memorial Justice Assistance Grant Program for Fort Collins Police Services.**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, supports Fort Collins Police Services in work performed as a member of the Northern Colorado Drug Task Force.

The Northern Colorado Drug Task Force is managed by Larimer County Sheriff Department, with both Fort Collins Police Services and Loveland Police being members. These member agencies support a broad range of activities to prevent and control drug-related crimes.

In 2022, Larimer County applied for and was awarded \$53,616 through the Edward Byrne Memorial Justice Assistance Grant (JAG) program in support of operating the Northern Colorado Drug Task Force (Attachment 3). In 2024, the City of Fort Collins, City of Loveland and Larimer County entered an intergovernmental agreement (Attachment 2), demonstrating the allocation of the \$53,616 awarded under JAG in support of the Northern Colorado Drug Task Force. Fort Collins Police Services received \$16,313 to support personnel costs and other operating costs directly attributed to the Northern Colorado Drug Task Force.

Adopted on Second Reading.

- 6. Second Reading of Ordinance No. 179, 2024, Making Supplemental Appropriations of Prior Year Reserves and Unanticipated Revenue and Authorizing Transfers of Appropriations for the Licensing Permitting and Code Enforcement System.**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, implements and modernizes a new licensing, permitting, and code enforcement system. The existing funding for this project was originally allocated as part of the 2023/2024 Budget Cycle's 'Digital Transformation' initiative.

After an almost two-year procurement process, the City has selected Tyler Technologies (Tyler) as the 'Vendor of Choice' (VOC) and is currently in contract negotiation. This appropriation request will provide the anticipated funding needed for software deployment, testing, training, temporary staffing backfill and organizational change management.

The total amount being requested is approximately \$4M. This includes:

- *Software as a Service 19-month Implementation*
- *Software as a Service two-year Subscription Costs*
- *City Staff Backfill for two-year Implementation*
- *Third Party Professional Implementation Services*
- *Change Management*

With this appropriation, the project implementation will begin during the first quarter of 2025 and is anticipated be fully operational by Fall of 2026.

The new system is expected to modernize current business processes, improve efficiency, reduce errors, enhance customer experience, and save staff and customer time.

Adopted on Second Reading.

7. Items Relating to Amending Chapter 17 of City Code to Align with State Statutes.

A. Second Reading of Ordinance No. 180, 2024, Amending Section 17-1 of the Code of the City of Fort Collins to Add Definitions of "Deadly Weapon" and "Firearm".

B. Second Reading of Ordinance No. 181, 2024, Amending Section 17-124(3) of the Code of the City of Fort Collins to Comport with State Law Regarding Disorderly Conduct.

C. Second Reading of Ordinance No. 182, 2024, Amending Section 17-126(a)(4) of the Code of the City of Fort Collins to Remove the Phrase "Intended to Harass" and Amend "He or She" to "Them".

This Ordinance, unanimously adopted on First Reading on December 3, 2024, updates the City Code in order to align with State statute and recent case law.

All Ordinances adopted on Second Reading.

8. Second Reading of Ordinance No. 183, 2024, Declaring a Portion of City-Owned Property at Schoolside Park as Public Right of Way.

This Ordinance, unanimously adopted on First Reading on December 3, 2024, declares 0.141 acres (the "ROW Parcel"), more or less, being a portion of City property presently known as Schoolside Park as public right of way for South Timberline Road and related improvements, including public utilities, pedestrian, transit, and bicycle access and improvements, and landscaping.

The ROW Parcel was part of the Timberline Road Widening Project, which was completed earlier this year. It is now necessary to file formal documentation declaring the ROW Parcel as a public right of way because the approval of Schoolside Park, which is currently in the final phase of the Building Development Review process, requires that this right-of-way be declared.

Adopted on Second Reading.

9. **Second Reading of Ordinance No. 184, 2024, Authorizing the Conveyance of a Permanent Waterline Easement on Cathy Fromme Prairie Natural Area to the Fort Collins-Loveland Water District.**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, seeks authorization to approve the conveyance of a permanent waterline easement to Fort Collins-Loveland Water District (FCLWD) on 0.089 acres in the southwestern corner of Cathy Fromme Prairie Natural Area. FCLWD intends to construct a six million (6,000,000) gallon tank on Larimer County's landfill property and a 30" feeder waterline to increase reliability and resilience of FCLWD's existing facilities. The 30" waterline will run east from the new tank and connect in with an existing 36" waterline that runs north-south along Cathy Fromme's western boundary. The project has been processed through Fort Collins' 1041 permit procedures and was issued a Finding of No Significant Impact (FONSI).

Adopted on Second Reading.

10. **Second Reading of Ordinance No. 185, 2024, Adopting the 2025 Larimer County Regional Transportation Capital Expansion Fee Schedule.**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, adopts the 2025 Larimer County Regional Transportation Capital Expansion Fee Schedule.

Adopted on Second Reading.

11. **Second Reading of Ordinance No. 186, 2024, Appropriating Prior Year Reserves in the Water Fund and the Wastewater Fund for the Transfer of Fleet Vehicles Between the Water and Wastewater Utilities.**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, appropriates prior year reserves in the Water and Wastewater Funds to purchase fleet equipment at fair market value between Operational Divisions of the Water Field Operations Department.

Adopted on Second Reading.

12. **Second Reading of Ordinance No. 187, 2024, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager.**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, amends City Code to establish the 2025 salary of the City Manager. Council met in executive session on November 26, 2024, to conduct the performance review of Kelly DiMartino, City Manager, and to consider the salary market analysis for this position.

Adopted on Second Reading.

13. **Second Reading of Ordinance No. 188, 2024, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge.**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, amends City Code to establish the 2025 compensation of the Chief Judge. A new two-year agreement for her employment was also adopted by Resolution 2024-142. Council met in executive session on November 26, 2024, to conduct the performance review of Jill Hueser, Chief Judge, and to consider the salary market analysis for this position.

Adopted on Second Reading.

14. **Second Reading of Ordinance No. 189, 2024, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney.**

This Ordinance, unanimously adopted on First Reading on December 3, 2024, amends City Code to establish the 2025 compensation of the City Attorney. Council met in executive session on November 26, 2024, to conduct the performance review of Carrie Daggett, City Attorney and to consider the salary market analysis for this position.

Removed from Consent Calendar - Adopted on Second Reading.

15. **Resolution 2024-143 Approving the Design, Creation and Installation of Public Art at the I-25 and Prospect Interchange.**

The purpose of this item is to approve expenditures from the Art in Public Places (APP) Reserve Account to commission an artist to create art for the I-25 and Prospect Interchange Project. The expenditure of \$64,500 will be for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for Stephen Shachtman to create the artworks for the I-25 and Prospect Interchange Project.

Adopted.

16. **Resolution 2024-144 Approving the Design, Creation and Installation of Public Art at the Power Trail and Harmony Road Crossing.**

The purpose of this item is to approve expenditures from the Art in Public Places (APP) Reserve Account to commission an artist to create art for the Power Trail and Harmony Road Crossing Project. The expenditure of \$50,000 will be for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for Todd Kundla to create the artworks for the Power Trail and Harmony Road Crossing Project.

Adopted.

17. **Resolution 2024-145 Approving Expenditures from the Art in Public Places Stormwater and Water Utility Accounts to Commission an Artist to Create Art for the City's Utilities.**

The purpose of this item is to approve expenditures from the Art in Public Places Stormwater Utility and Water Accounts to commission an artist to create art for the Oak Street Stormwater Improvements Project. The expenditure of \$155,000 will be for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for Mark Aeling to create the artworks for the Oak Street Stormwater Improvements Project.

Adopted.

18. **Resolution 2024-146 Concerning Implementation of Standards Created by Amendments to the Public Utility Regulatory Policies Act of 1978 by the Infrastructure Investment and Jobs Act ("IIJA").**

The purpose of this item is to present for Council consideration the recommendation from the City electric utility and the Energy Board, not to adopt the new revisions to the Public Utility Regulatory Policies Act of 1978 (PURPA) into the electric utility polices. Light & Power (L&P) is a "nonregulated utility" under PURPA, and can make a determination whether or not to implement the amended PURPA standards or establish a rule that differs from the standards. A complete review and evaluation of amended PUPRA standards has been completed and the findings

support the recommendation not to adopt the amended PURPA standards. Staff is recommending Council adopt the written determinations made by Utility staff establishing local standards that differ from the amended PURPA standards.

Removed from Consent Calendar - Adopted.

19. Resolution 2024-147 Adopting the 2024 Three-Mile Plan Update for the City of Fort Collins.

The purpose of this item is to adopt the annual update of the Three-Mile Plan for the City of Fort Collins. The Three-Mile Plan is a reference document of plans and policies coordinating the general location, character, infrastructure, and land uses for areas of potential annexation within three miles of the municipal boundary.

An annual update of the Three-Mile Plan is required by Colorado Revised Statutes and highlights applicable plans and policies adopted or amended by Council over the preceding year.

Adopted.

20. Resolution 2024-148 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

The purpose of this item is to consider an update to the Council Meeting Rules of Procedure.

Removed from Consent Calendar - Adopted.

21. Resolution 2024-149 Supporting Grant Application for Local Match Funding in Support of the Midtown Central Corridor Project.

The purpose of this item is to obtain support for the City to apply for the non-federal match requirement included in the Department of Transportation's FY2025 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program.

Adopted.

22. Resolution 2024-150 Approving an Exemption to the Competitive Purchasing Process to Procure Professional Services from Park Consulting Group.

The purpose of this item is to request an exception to the use of a competitive purchasing process to enter into a professional services agreement with Park Consulting Group to support the implementation of the new Licensing, Permitting, and Code Enforcement (LPCE) system. The Park Consulting Group is uniquely qualified to provide the services.

Exception to the Competitive Bid or Proposal Rationale:

Code Section 8-161(d)(1)(a). There exists only one (1) responsible source.

Adopted.

23. Resolution 2024-151 Making an Appointment to the Board of the Downtown Development Authority.

The purpose of this item is to fill a vacancy that currently exists as of October 15, 2024.

Adopted.

24. Resolution 2024-152 Making an Appointment to the Board of Directors of Housing Catalyst.

The purpose of this item is to fill one of two vacancies that will exist as of December 31, 2024.

Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to approve the recommended actions on items 1-24, minus 14, 18, and 20, on the Consent Calendar.

The motion carried 7-0.

K) CONSENT CALENDAR FOLLOW-UP *(This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.)*

Councilmember Gutowsky recognized Abigail Christensen for her appointment to the Downtown Development Authority.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Mayor Jeni Arndt

- Wished the community happy holidays.

Councilmember Susan Gutowsky

- Read the proclamation at the annual Tuba Christmas celebration and recognized Cecil Gutierrez as the director of the band for the past 19 years.
- Fort Collins Police Services Academy held its graduation ceremony.

Councilmember Julie Pignataro

- Boards and Commissions applications are open until January 10th.

Councilmember Melanie Potyondy

- Human Relations Commission annual awards ceremony recognizing people who make a difference in social justice issues.

N) CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION

14. Second Reading of Ordinance No. 189, 2024, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney.

This Ordinance, unanimously adopted on First Reading on December 3, 2024, amends City Code to establish the 2025 compensation of the City Attorney. Council met in executive session on November 26, 2024, to conduct the performance review of Carrie Daggett, City Attorney and to consider the salary market analysis for this position.

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

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 189, 2024, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney, on Second Reading.

The motion carried 6-0.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Canonico, Gutowsky, Pignataro, Ohlson.

Nays: None.

Recused: Potyondy

18. Resolution 2024-146 Concerning Implementation of Standards Created by Amendments to the Public Utility Regulatory Policies Act of 1978 by the Infrastructure Investment and Jobs Act (“IIJA”).

The purpose of this item is to present for Council consideration the recommendation from the City electric utility and the Energy Board, not to adopt the new revisions to the Public Utility Regulatory Policies Act of 1978 (PURPA) into the electric utility polices. Light & Power (L&P) is a “nonregulated utility” under PURPA, and can make a determination whether or not to implement the amended PURPA standards or establish a rule that differs from the standards. A complete review and evaluation of amended PUPRA standards has been completed and the findings support the recommendation not to adopt the amended PURPA standards. Staff is recommending Council adopt the written determinations made by Utility staff establishing local standards that differ from the amended PURPA standards.

Councilmember Ohlson requested additional staff explanation regarding the recommendation to not adopt the new revisions to the Public Utility Regulatory Policies Act into the electric utility policies. Brian Tholl, Energy Services Manager, replied a similar approach was taken to the 2007 and 2009 revisions and noted a staff review of the new standards identified by PURPA have shown that the Utility Work Plan either meets or exceeds those standards which are generally intended to advance energy efficiency and renewables in the community. Tholl stated a change in City Code would be required to adopt the PURPA standards and the work would not necessarily be advanced by that use of resources.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Resolution 2024-146 Concerning Implementation of Standards Created by Amendments to the Public Utility Regulatory Policies Act of 1978 by the Infrastructure Investment and Jobs Act (“IIJA”).

The motion carried 7-0.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Canonico, Gutowsky, Pignataro, Ohlson, and Potyondy.

Nays: None.

20. Resolution 2024-148 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

The purpose of this item is to consider an update to the Council Meeting Rules of Procedure.

Councilmember Ohlson commented on the importance of public participation and various ways of communicating during that time period, including videos.

Mayor Pro Tem Francis stated public participation should be reserved for community members speaking rather than showing videos and noted people can still show images or send videos to Council. Additionally, she noted Council does not screen materials prior to them being shown at a meeting.

Councilmember Pignataro stated it is sometimes difficult to understand what is being supported when videos are shown, but also stated Councilmember Ohlson's comments are valid. She asked if there are risks to the system when videos or sound files are downloaded. Kevin Wilkins, Chief Information Officer, replied there are inherent risks when video files are being received and tested initially, and that script is occasionally being maliciously included in videos that is not triggered until the video is played. Additionally, playing those videos on a connected network could potentially expose many other computers. He also noted that QR codes that are presented on videos could also expose community members beyond the City network.

Mayor Arndt noted community members are not allowed to speak for someone else and videos tend to cross over that line.

Councilmember Canonico stated she understands Councilmember Ohlson's concerns; however, after the conversation, she stated she would support the item.

Councilmember Potyondy concurred and noted maps, graphs, and photos are not being restricted and the goal of public participation is to hear from community members directly.

Councilmember Ohlson thanked Council for the discussion and stated he would not support the item.

Councilmember Gutowsky stated she would support the item as the goal of public participation is to hear from community members in their words.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Resolution 2024-148 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

The motion carried 6-1.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Potyondy, Canonico, Gutowsky, and Pignataro.

Nay: Councilmember Ohlson.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

None.

P) OTHER BUSINESS

OB 1. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers.

(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

None.

OB 2. Consideration of a motion to go into executive session:

Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, that the City Council go into executive session pursuant to:

- City Charter Article Roman Numeral Two, Section 11(2)

- City Code Section 2-31(a)(2) and

- Colorado Revised Statutes Section 24-6-402(4)(b)

for the purpose of discussing with the City's attorneys and appropriate management staff the following:

- 1. specific legal questions related to the police liability litigation; and**
- 2. the manner in which the provisions of the City Charter may be affected by existing or proposed provisions of federal, state or local law.**

The motion carried 7-0.

Council left the dais for executive session at 7:05 p.m.

Q) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 8:39 p.m.

Mayor

ATTEST:

City Clerk