

March 18, 2024

**COUNCIL OF THE CITY OF FORT COLLINS, COLORADO**

**Council-Manager Form of Government**

**Special Meeting – 5:00 PM**

**A) CALL MEETING TO ORDER**

Mayor Jeni Arndt called the meeting to order at 5:00 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado.

**B) ROLL CALL**

PRESENT

Mayor Jeni Arndt

Mayor Pro Tem Emily Francis

Councilmember Julie Pignataro

Councilmember Susan Gutowsky

Councilmember Kelly Ohlson

Councilmember Melanie Potyondy

Councilmember Tricia Canonico

STAFF PRESENT

City Manager Kelly DiMartino

City Attorney Carrie Daggett

Interim City Clerk Heather Walls

**C) CONSIDERATION OF ITEMS IDENTIFIED IN THE CALL OF SPECIAL MEETING**

**1. Items Relating to the Conduct of City Council Meetings.**

A. Resolution 2024-026 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Council Work Sessions.

B. First Reading of Ordinance No. 039, 2024, Amending the City Code to Provide Additional Procedural Options for the Conduct of City Council Meetings.

*The purpose of this item is to update Council meeting rules to reflect and clarify desired procedures including:*

- *Expressly allot time for public comment, with options for Council to consider, such as allotting one hour unless the Mayor or Council acts to extend that or continue public comment later in the meeting;*
- *Expressly allowing the Mayor, or Council by majority vote, to relocate a Council meeting that will be or is being prevented from proceeding due to circumstances in Council Chambers, including shifting the Council to a location where all public participation is remote only, with a forty-five minute delay before resuming;*
- *Upon the adoption of the Ordinance, allowing Councilmembers to attend and vote remotely if a meeting has been relocated to a remote mode; and*

- *Expressly allowing Council to set Rules of Procedure that limit public comment to only items scheduled on the agenda, if it desires to do so at some point in the future.*

Assistant City Manager Rupa Venkatesh stated the purpose of this item is to update Council's rules and procedures to ensure that Council is able to effectively execute the business of the City as a legislative policy making body, and also hear from the public. She outlined public meeting rules of other cities noting many have updated their meeting rule since the pandemic and have allocated a certain amount of time for general public comment.

Assistant City Manager Venkatesh discussed the proposed options for changes to public comment at the beginning of Council meetings. One option is to allot a total of one hour, or another amount of time, at the beginning of the agenda and resume general public comment if additional speakers have signed up following the consideration of consent and discussion items on the agenda. She noted this would only apply to general public comment, not to comment on discussion items.

Assistant City Manager Venkatesh outlined the proposed options for Council to address any sort of disruptions to still allow Council to complete its business. She stated options here could include adjourning the meeting to a different location, which would still involve FCTV broadcasting the meeting and public participation would still be allowed, shifting all public participation to a remote option, or shifting to a fully remote meeting including Councilmembers, which would require a change in the ordinance and Councilmembers are not currently allowed to vote if they participate remotely.

Assistant City Manager Venkatesh stated a disruption or emergency could be constituted by anything weather related, a pandemic, City Hall being unusable, or a meeting disruption that does not allow for Council to conduct its business. She outlined the Code provisions that are being recommended for updating related to meeting conduct, including an update to align with a state provision regarding open meetings that was passed in 2021. City Attorney Daggett noted that provision of the Code was last updated in 2002.

Assistant City Manager Venkatesh outlined the things that are not proposed to be changed, including the allotment of time for general public comment and public comment on agenda items. Additionally, Council is still subject to Colorado open meetings rules which includes the prohibition of more than two Councilmembers to have substantive dialogue in private about City-related matters and members cannot vote via text message or e-mail.

## PUBLIC COMMENT

Nathan Wallace, American Israeli minority, expressed concern about the conduct of individuals at the last Council meeting which resulted in fearing safety. Wallace supported giving Council the ability to change meeting locations to ensure the safety of members and the public.

Cheryl Trine commented on the importance of public comment at Council meetings.

G Inguanta expressed disappointment with the proposed changes stating the voices that have been heard in Chambers represent the will of the people.

Sterling Linville read the response sent to those who sign up for public comment related to public commented being the bedrock of our democracy. Linville opposed the proposed changes.

Sabrina Herrick opposed the proposed changes and stated the will of the voters should be placed above the personal opinions of Councilmembers.

Isabella Zapata opposed the proposed changes and encouraged Council, at a minimum, to strike limiting public comment to what is already on the agenda stating that is anti-democratic.

Ash W. opposed the proposed changes.

Kevin Cross, Northern Colorado Alliance for a Livable Future, opposed the proposed changes. He stated Council's actions in the weeks preceding the disruption at the last Council meeting left much to be desired as it asked a City Commission for a recommendation on a resolution proposed by the community and then did not even engage in a discussion around that recommendation. Cross requested Council reconsider its decision not to discuss the Human Relation Commission's recommendation on a Gaza cease fire resolution prior to contemplating any changes to its rules of procedure.

Quinn Miller opposed the proposed changes stating public comment is one of the only avenues available for members of the public to have their voices heard.

Julie Rowan-Zoch opposed the proposed changes.

Cristyn Hypnar opposed the proposed changes.

Nancy York opposed the proposed changes and expressed disappointment that Council did not discuss the cease fire resolution.

Alex Scott stated public engagement is at its height and stated the protest at the last Council meeting happened because Council did not respond. Scott opposed the proposed changes.

Brian Tracy opposed the proposed changes to limit public comment but did agree that reasonable technological steps should be taken to ensure a Council meeting could continue if a disruption occurs.

Miranda Spindel opposed the proposed changes and stated it is important for Council to listen to its constituents.

Madeline Maher expressed disappointment Council did not take up the Gaza cease fire resolution and stated the language of the proposed public input resolution is insulting.

Derrin Evans commented on the increase in attacks against City officials and stated safety and the efficacy of Council business should not be forgotten. Evans stated Council's job is to do the business of the City and not respond to every emotional impulse of its constituents.

Jacqueline Zipser opposed the proposed changes and stated listening to concerns of constituents is a basic obligation of a City Council.

Jeff Wright opposed Council not bringing the cease fire resolution to the table for a conversation and opposed the proposed changes.

Brenna (no last name given) opposed the proposed changes and stated being opposed to a cease fire is being against humanity.

Madeleine Grigg opposed the proposed changes.

Dawn Cramer opposed the proposed changes.

Sarah Brooks opposed the proposed changes and stated the power of open, public, in-person government meetings is profound.

Elwi Borsum stated it is a privilege to speak, but a different privilege to be heard. Borsum opposed the proposed changes.

Jamie Rasmussen stated the value of public comment within local government cannot be overstated and the more democracy is threatened, the stronger the will of the people will grow. Rasmussen opposed the proposed changes.

Alan Braslau, Energy Board member but speaking on his own behalf, expressed support for non-violent civil disobedience stating it is part of a democracy.

Michael May opposed the proposed changes.

Joe Oberlender discussed the need for accountability and stated the public needs access to public meetings.

Adam Eggleston stated limiting public comment is a knee jerk reaction to the cease fire movement and is ignorant to current policies and politics.

Taryn Dowden expressed disappointment in Council's decision to attempt to limit free speech and stated future Council elections will reflect the will of the people.

Cori Wong opposed the proposed changes.

Kim Medina opposed the proposed changes and stated Council was elected to represent constituents in a democratic, participatory fashion. Medina stated Council needs to accept that democracy can be messy and disruptive.

Michelle Gliszinski expressed support for the proposed changes.

Deana Munoz opposed the proposed changes.

Laura (no last name given) opposed the proposed changes stating they would restrict democracy.

Jonah Salehi opposed the proposed changes.

Ross Cunniff, Land Conservation and Stewardship Board member but speaking on his own behalf, opposed the proposed changes and stated calling a special meeting at 5:00 PM on a Monday is bad governance.

Jonesy Winchell opposed the proposed changes.

Gabrielle Friesen opposed the proposed changes stating they would curtail the ability for citizens of Fort Collins to engage in democracy.

Shimrit Yacobi supported the proposed changes to ensure all voices can be heard in a safe manner.

Sharon Shabtai supported the proposed changes.

Carmen Pauna opposed the proposed changes and questioned the origin of the proposal.

Alli (no last name given) stated the March 5<sup>th</sup> meeting protest was peaceful and these proposed changes are retaliation.

Merav Tsubely expressed support for the proposed changes and stated the room was not safe at the March 5<sup>th</sup> meeting.

Greg Rosing opposed the proposed changes noting in-person public comment is the only way people can participate in meetings without making some type of financial investment.

Abbey Feuka commented on the importance of listening and on having good discourse. Feuka opposed the proposed changes.

Jeremiah (no last name given) expressed concern these changes will cause unrest and desperation. Jeremiah opposed the proposed changes.

Hanna McCaslin opposed the proposed changes.

Joshua Keen opposed the proposed changes stating individuals only get two minutes per month to speak.

August-Carter Nelson opposed the proposed changes and requested the language that allows Council to set rules of procedure that limit public comment to only items scheduled on the agenda be stricken.

Sophia D. opposed the proposed changes, stating Council interests should not be prioritized over constituents.

Rich Stave concurred with much of what has been said but noted it has been difficult to speak on agenda items when most of the public comment is taken up by non-agenda items; however, he noted freedom of speech is a very important issue.

Lindsey Garchar opposed the proposed changes.

Elliot Fladen supported the proposed changes.

Elise Mordos suggested splitting agendas between agenda and non-agenda items and stated the last Council meeting was violent.

Peter Bachand opposed the proposed changes.

Shehab thanked Mayor Arndt and Councilmember Potyondy for taking his call and expressed concern about moves to limit public comment. He stated there were protests at the Human Relations Commission meeting and yet there are no proposals to limit comments at those meetings.

Nate Berg opposed the proposed changes.

Kimberly Conner stated we are living in a time of public distrust in government and stated Council needs to actively work to gain back public trust. Conner opposed the proposed changes.

Jack (no last name given) opposed the proposed changes.

Anya Kaplan-Hartnett stated it is the year of democracy at CSU and stated more opportunity for public comment is needed, not less.

Kaori Keyser opposed the language of the resolution.

Blaine (no last name given) opposed the proposed changes.

Claire Kopp stated she was one of the people who glued their fingers to the Chamber wall at the March 5 meeting and opposed the proposed changes. Kopp stated peace is worth nothing unless it is accompanied by justice.

Lilliam Rivera opposed the proposed changes stating Council meetings are the only time for constituents to express concerns.

Lief (no last name given) opposed the proposed changes.

Martha Hedrick opposed the proposed changes.

Jennifer Goodrich opposed the proposed changes.

Beth G. opposed the proposed changes, particularly the text that would allow Council to limit comments to only items on the agenda.

Hayley (no last name given) opposed the proposed changes.

Brendon (no last name given) supported the proposed changes stating they do not limit free speech but would allow for an environment where productive dialogue can occur.

Cheryl Distaso commented on advocating for social justice for 25 years and on being one of the individuals who glued themselves to the wall on March 5<sup>th</sup>. Distaso opposed the proposed changes.

Connor Flynn opposed the proposed changes.

Robin (no last name given) opposed the proposed changes.

Steve Ramer opposed the proposed changes.

Jerry Gavaldon stated controlling public comment will create unintended consequences but stated security threats did occur at the March 5<sup>th</sup> meeting and Chambers no longer feels safe.

Judy Pappenfuss stated the United States is a republic, not a democracy, and stated rules need to be in place and be respected. Pappenfuss opposed changes to public input.

Carrie Harriman opposed the proposed changes.

Adam Hirschold stated one minute is not enough time to speak, particularly for a neurodivergent individual.

## COUNCIL DISCUSSION

Councilmember Potyondy thanked the speakers and opposed limiting public comment in time or content; however, the purpose of the resolution was to be able to ensure Council gets through its agenda items. Councilmember Potyondy stated Council is willing and able to listen to uncomfortable comments and it was unfortunate that there were many folks whose voices did not get to be heard at the March 5<sup>th</sup> meeting. Additionally, it was uncomfortable that Councilmembers' home addresses were distributed. Councilmember Potyondy stated Council is always listening but may not always agree, and in the case of the cease fire resolution, her feelings were that the potential benefits did not outweigh potential harms to the community's residents, boundaries need to be set in order to be able to do a good job with the City business, and it is inappropriate for Council to have to weigh the merits of various global humanitarian crises to determine which of them are deserving of its attention.

Councilmember Ohlson thanked the speakers and noted Council is present to serve the City's residents. He stated the use of special meetings should be very limited and should always start at the same time as regular meetings. In terms of meetings where disruptions occur, Councilmember Ohlson stated disruptors should be removed from Chambers in an appropriate manner. He stated he would not support either the resolution or ordinance and suggested an ordinance should never be considered at a special meeting.

Councilmember Ohlson stated he would like to ensure that no more than two Councilmembers are ever communicating on public policy issues. Additionally, he stated he supported adoption of a neutral, nonjudgemental cease fire resolution in concert with the Human Relations Commission

recommendation, but he has not brought that up for a vote because there is not support on Council to do so and those Councilmembers' reasons may be just as legitimate as his own.

Councilmember Ohlson stated he would consider allowing for an hour at the beginning of each meeting for public participation and unlimited at the end.

Councilmember Gutowsky opposed limiting public participation to thirty minutes and supported leaving the public participation as is stating it is the job of Council to listen to its constituents.

Mayor Pro Tem Francis commented on misinformation noting Council was never considering text message or email meetings and stated the intent is not to limit public comment, but to consider rearranging how public comment is made. She commented on complaints related to Council making decisions on items too late at night and some type of balance needs to be in place. Additionally, she supported allowing for a relocation of a meeting to a remote setting due to safety concerns and opposed limiting public comment only to agenda items.

Councilmember Pignataro thanked the speakers and also opposed limiting public comment only to agenda items. She concurred with Councilmember Potyondy's comments and stated the return on investment to adopt a cease fire resolution is not the best move for Council.

Councilmember Canonico thanked the speakers and stated this issue is about balancing hearing from members of the public and doing the work with which Council is tasked. Additionally, this was not intended to cut public comment but rather to balance agendas from a timing perspective. She also opposed limiting public comment only to agenda items and commented on safety concerns for the families of Councilmembers.

Mayor Arndt expressed appreciation for all members of the public who want to speak and stated the motivation behind these proposed changes is to ensure all voices are heard. She clarified three members does not constitute a quorum, but is the number of members that cannot be together discussing policy. Additionally, Mayor Arndt stated there was never an intent to limit public comment, have secret meetings, or make changes similar to those made by state legislators.

Councilmember Gutowsky corrected an error in her previous comments, noting her reference to thirty minutes should have been sixty minutes, to which she remained opposed.

Councilmember Pignataro asked if there would be an option for individuals to voluntarily offer public comment at the end of the meeting if the time for public comment is split between the beginning and end of the meeting. Assistant City Manager Venkatesh replied that could be considered.

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

***Mayor Pro Tem Francis made a motion to adopt Resolution 2024-026. Councilmember Pignataro seconded the motion.***

Councilmember Ohlson asked if there would be any support for postponing consideration of this item for further work.

Mayor Arndt suggested her intent for the resolution was to have Council meetings begin at 5:00 PM with proclamations, regular business at 6:00 PM with an hour of public comment followed by consideration of the consent and discussion agendas, during which there is unlimited public comment allowed for each item, then a return to open public comment. In terms of the rules and procedures governing City Council meetings, Mayor Arndt supported striking the language related to allowing public comment only on agenda items. She supported postponing consideration of the resolution to correct the language.

Mayor Pro Tem Francis concurred with Mayor Arndt and agreed postponing consideration of the resolution to ensure it is correct would be appropriate.

Councilmember Potyondy stated the highest priority for her is that unlimited public comment on unlimited topics is allowed.

Councilmember Canonico concurred.

Councilmember Ohlson suggested the possibility of considering whether the Mayor could outline the initial public comment time period at the beginning of each meeting to be an hour or longer.

Mayor Pro Tem Francis stated that was an option presented by staff and suggested Council may need to have a work session to work on details.

Members all expressed support for flexibility.

***The vote on the motion was as follows: Ayes: None. Nays: Councilmember Gutowsky, Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Ohlson, Potyondy, Canonico, and Pignataro.***

***THE MOTION FAILED 7-0.***

Mayor Pro Tem Francis expressed support for having the Leadership Planning Team determine the best path forward for the resolution. Other members concurred.

***Mayor Pro Tem Francis made a motion to adopt Ordinance No. 039, 2024, on First Reading. Councilmember Gutowsky seconded the motion.***

Councilmember Ohlson and other members concurred that the language related to only allowing public comment on items on the agenda needs to be removed.

Mayor Pro Tem Francis expressed support for adopting the ordinance as it has to do with meetings that are disrupted.

Councilmember Ohlson proposed a friendly amendment to eliminate 'but shall not be required to include time for public comment on items not related to the meeting agenda' in Section 2-30. Mayor Pro Tem Francis and Councilmember Gutowsky accepted the amendment.

Councilmember Ohlson stated he would reserve the right to support the ordinance on second reading and asked why the entire open meetings state law could not be incorporated into the Code. City Attorney Daggett replied this reference was suggested because the open meetings law has changed multiple times since the state law was originally changed several years ago; therefore, repeated Code updates would be required, though it could be done.

Councilmember Potyondy clarified for the public that, if it is determined a meeting needs to be shifted to remote, ample time to do so would occur and public comment would still be allowed.

Councilmember Ohlson reiterated extenuating circumstances would be the only reason for a shift to a remote meeting.

Councilmember Canonico stated these changes would allow for the anticipation of future needs to allow the business of the City to continue.

Councilmember Gutowsky suggested the inclusion of some options for those who cannot participate remotely should a meeting be required to shift to remote.



Councilmember Potyondy suggested a friendly amendment to use gender inclusive language throughout the document. Mayor Pro Tem Francis and Councilmember Gutowsky accepted the amendment.

***The vote on the amended motion was as follows: Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Potyondy, Canonico, Pignataro, and Gutowsky. Nays: Councilmember Ohlson.***

***THE MOTION CARRIED 6-1.***

**C) ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 7:35 p.m.

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Mayor

ATTEST:

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Chief Deputy City Clerk