

May 19, 2026

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PROCLAMATIONS AND PRESENTATIONS

A) PROCLAMATIONS AND PRESENTATIONS

- PP 1. **Award Presentation for the Vision Zero for Youth U.S. Leadership Award**
- PP 2. **Declaring the Week of May 9-17, 2026 as Armed Forces Week.**
- PP 3. **Declaring the Week of May 24-30, 2026 as Flood Awareness Week.**

**REGULAR MEETING
6:00 PM**

B) CALL MEETING TO ORDER

Mayor Emily Francis 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 Emily Francis led the Pledge of Allegiance to the American Flag.

D) ROLL CALL

PRESENT

Mayor Emily Francis
Mayor Pro Tem Julie Pignataro
Councilmember Josh Fudge
Councilmember Melanie Potyondy
Councilmember Amy Hoeven
Councilmember Chris Conway
Councilmember Anne Nelsen

ABSENT

None

STAFF PRESENT

City Manager Kelly DiMartino
City Attorney Carrie Daggett
Senior Deputy City Clerk Cecilia Good

E) CITY MANAGER'S AGENDA REVIEW

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

- No changes to the published agenda.
- Items 1-14 on the Consent Calendar are recommended for adoption.
- Community Report from Poudre Libraries.
- No planned Discussion items.
- Following last week's Work Session, staff is working to bring forward updates to the scope of the Citizen Review Board and the surveillance technology governance policy.

F) COMMUNITY REPORTS - 2025 Poudre River Public Library District Annual Report

Diane Lapierre, Poudre River Public Library District Director, noted the 2025 Annual Report is now available and she provided information about the mission of the Library District. She discussed some of the programs run by the Library District in 2025 that aimed to bring people together and build connections. Additionally, she noted a new strategic plan was developed over the past year and four roles were identified for the Library District: community catalyzer, social and cultural connector, equal access champion, and resources partner. She also noted 2026 is the 50th anniversary of the Old Town Library and showed some renderings of the new library space at the Southeast Community Center.

Councilmember Nelsen commended the presentation and Library District's programming.

Councilmember Potyondy also commended the Library District, the EV Mobile unit, and the expansion of digital offerings.

Councilmember Fudge also commended the Library District and stated he is looking forward to the Southeast Community Center groundbreaking.

G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS

Joan Ivaska, president of Water's Edge Metro District 2 Board, spoke about Sonders Phase 1 development obligations that remain undelivered, including the non-potable irrigation system, which the City has identified as non-compliant. She stated Phase 2 planning is proceeding while Phase 1 commitments remain unmet and asked Council to direct staff to take enforcement action.

Jeff Akkerman stated Flock cameras are not simply automated license plate readers (ALPRs), but collect detailed information. He noted that a Flock vice president recently accessed a camera inside a children's gymnastics studio and stated Flock has provided access to entities the City never authorized.

Marge Norskog, member of the League of Women Voters but speaking as an individual, commended the recent Work Session regarding Flock cameras, but shared concerns about how they impact civil liberties. She urged Council to expediently create ordinances and policies that reflect Fort Collins' values and protect privacy rights.

Nicholas Mark Pointon stated body cameras, recording devices, and ALPRs can be useful tools, but expressed concern about ownership of the data that Flock cameras collect.

Ian O'Brien opposed using Flock cameras stating the data is ripe for abuse. He cited a Supreme Court decision holding that GPS data cannot be accessed without a warrant.

Zane Miller expressed concern about Flock cameras and expressed a lack of trust in a private company to handle collected data fairly. He commented on documented scandals involving

unauthorized access by both company representatives and law enforcement officers and urged Council to exercise caution and consider removal.

Matthew Smalls expressed reservations about the use of ALPRs in the community and the implication that anyone opposed to surveillance doesn't understand the technology. He discussed the potential to abuse the technology without a system of accountability.

Nyemade Uversky, product manager at Microsoft working in security, stated she understands the Flock camera technology and stated sensitive public data should not be owned by external third parties. She recommended publishing the list of authorized users as defined by City staff.

Anne Dupont, a Sonders resident and a board member of Water's Edge Metro District Number 2, stated that she is paying higher taxes because of the metro district structure, but sees little benefit from it. She stated the developer has not met the obligations that were part of the Metro District and the development's approval and urged Council to take enforcement action against the developer.

Danelle Malget urged Council to consider what happens when information gathered about community members is aggregated into larger systems. She asked Council to join 68 other cities across the country that have rejected Flock and other AI-based ALPR camera systems.

Walid Rahman thanked Councilmembers for their engagement on Flock and ALPRs. He discussed the legal system struggling to catch up to new technology and stated the Fourth Amendment was written to ensure that the right to live without having every move monitored remains intact, even as technology evolves.

Michael Young stated he attended the Work Session on May 12th and questioned if Council is interested in a camera network that could be selectively activated in cases such as an Amber Alert, which he stated would be a better use of ALPRs than constant surveillance. He mentioned that 67 cities across the U.S. have now canceled their contracts with Flock, and urged Council to reach out to these cities before making a final decision.

August-Carter Nelson discussed instances where the use of Flock cameras was abused. He stated the potential benefits of constant surveillance do not outweigh the potential dangers.

Roxann Artim asked Council to terminate the contract with Flock Safety and mentioned that their terms and conditions have recently changed. She stated that those changes give Flock a perpetual right to use customer data to support and improve its services.

Casey Gollihugh stated Council should cancel the contract with Flock and remove the cameras, with all ALPRs removed at a future date. She stated Flock is not trustworthy and mentioned data retention periods.

Spencer Burris expressed concerns with the City's ability to access the data Flock stores and stated Flock cannot be trusted to maintain data security. Furthermore, he stated the City cannot be sure its policies are being respected.

Brian Coonan spoke about the Sonders development stating his family moved with the expectation of certain amenities which have yet to be delivered.

Tyler Davidson stated the judiciary branch is the authority on the constitution, not Police Services. He discussed the abuses of Flock cameras and stated tax dollars should not be funding them. He noted no residents have spoken in support of Flock.

Tim Roeder urged Council to stop the use of ALPRs. He referenced Fort Collins crime statistics and questioned why the City is using ALPRs when they have a minimal impact on total crime.

Emma Vakili expressed concern about giving data to a private company and urged Council to remove the Flock cameras.

H) PUBLIC COMMENT FOLLOW-UP

Mayor Francis encouraged Sonders residents to meet with City staff and the City Attorney to discuss their concerns.

Councilmember Conway thanked the residents of Sonders for making their voices heard and noted there are limits on what Council can say or do regarding development projects given it would be the body that would hear any appeal.

Councilmember Hoeven thanked the speakers for sharing their points of view on Flock and the Sonders development. She requested the latest terms and conditions from Flock. City Manager DiMartino replied staff will reach out to Flock for the most recent information. City Attorney Daggett clarified staff will provide the most recent version of the City's contract with Flock.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the May 5, 2026 Regular Meeting.

The purpose of this item is to approve the minutes of the May 5, 2026 Regular Meeting.

Approved.

2. Second Reading of Ordinance No. 048, 2026, Appropriating Prior Year Reserves for the Broadband Infrastructure Buildout Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on May 5, 2026, appropriates 2025 prior year reserves received in 2025 as unanticipated revenue to the non-lapsing Broadband Infrastructure Buildout project. Aspects of the project include buildout to Multi-Dwelling Units, customer installations, asset management, and related art in public places.

In August 2025, Connexion received \$2,917,016 in proceeds related to the Open International utility billing software judgment which were assigned as revenue in the Other Non-Operating account. When netted with the balance of Connexion's revenue, Connexion revenue exceeded budgeted revenue by \$2,216,181.

Therefore, this appropriation is for the total excess fund revenue budget of \$2,216,181 to Broadband Infrastructure Buildout capital project to support anticipated growth in 2026 and beyond.

Adopted on Second Reading.

3. Second Reading of Ordinance No. 049, 2026, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Vine Drive Bridge Replacement Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on May 5, 2026, enables the City to expend local funds for the Vine Drive Bridge Replacement project (Project). The funds will be used to design and construct the replacement of the existing bridge conveying Vine Drive over Lake Canal. The replacement bridge will meet current standards, accommodate anticipated levels of traffic, and provide the bicycle and pedestrian facilities recommended in the adopted Active Modes Plan. If approved, the item will: 1) transfer \$1,935,500 in Bridge Program funds to the

Project; 2) appropriate \$1,423,010 of Transportation Capital Expansion Fee reserve funds to the Project; 3) transfer \$400,000 of Community Capital Improvement Program – Pedestrian Sidewalk (CCIP-PS) funds to the Project; 4) transfer \$100,000 of Community Capital Improvement Program – Bicycle Infrastructure Improvements (CCIP-BII) funds to the Project; 5) appropriate \$753,135 of Transportation Services Reserve Funds to the Project; 6) transfer \$22,654 (1% of the eligible funds) in capital project funds to the Art in Public Places (APP) Program.

Adopted on Second Reading.

4. **Second Reading of Ordinance No. 050, 2026, Authorizing a Mid-year Budget Appropriation from the Airport Fund for Northern Colorado Regional Airport.**

This Ordinance, unanimously adopted on First Reading on May 5, 2026, approves a mid-year budget appropriation of \$378,057 from the Airport fund to support six priority projects and initiatives identified by Airport staff. Of this amount, \$228,057 is an appropriation of new revenue received in the Airport Fund and \$150,000 is a re-appropriation of funds previously appropriated in 2025. These efforts are focused on strengthening operational safety and real-time airfield visibility, enhancing security and regulatory compliance, maintaining critical infrastructure, aligning the Airport's budget with current operating demands, and advancing strategic initiatives to establish a clear brand and attract future commercial airline service.

The proposed funding will enable the Airport to make targeted investments that align with long-term strategic goals and to improve overall performance and service levels.

Adopted on Second Reading.

5. **Second Reading of Ordinance No. 051, 2026, Appropriating Prior Year Reserves from the Parking Fund for Permit and Citation Management Software Replacement.**

This Ordinance, unanimously adopted on First Reading on May 5, 2026, appropriate reserves from the Parking Fund to support Parking Fund Reserves for Permit and Citation Management Software Replacement.

Adopted on Second Reading.

6. **First Reading of Ordinance No. 053, 2026, Appropriating Unanticipated Philanthropic Revenue Received Through City Give.**

The purpose of this item is to request an appropriation of \$80,074 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and 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 First Reading.

7. **First Reading of Ordinance No. 054, 2026, Appropriating Prior Year Reserves and Unanticipated Grant Revenue from the U.S. Department of Commerce Broadband Equity, Access, and Deployment Program.**

The purpose of this item is to appropriate \$1,511,782 of unanticipated grant revenue from the U.S. Department of Commerce for the Broadband Equity, Access and Deployment (BEAD) program. This is a pass-through grant managed by the Colorado Broadband Office with a required local match of \$531,167. This appropriation is contingent upon execution of the associated grant agreement and includes a sunset date of December 31, 2026, if such agreement is not finalized.

Adopted on First Reading.

8. **First Reading of Ordinance No. 055, 2026, Making a Supplemental Appropriation for Grant Revenue from the State of Colorado Office of Economic Development and International Trade Creative Industries Division for the Fort Collins Creative District.**

The purpose of this item is to appropriate \$7,500 of unanticipated grant revenue from the Colorado Office of Economic Development and International Trade's (OEDIT) Colorado Creative Industries (CCI) Division for the Fort Collins Creative District.

Adopted on First Reading.

9. **Items Related to Waste Programs.**

A. *First Reading of Ordinance No. 056, 2026, Amending Sections 12-32 and 15-413 of the Code of the City of Fort Collins to Align City Waste Hauler Requirements with the State of Colorado Extended Producer Responsibility Program.*

B. *First Reading of Ordinance No. 057, 2026, Amending Section 12-30 of the Code of the City of Fort Collins to Update the Residential Waste Collection Program to Add a Multi-Housing Variance.*

The purpose of this item is to update City Code to modify the Hauler Licensing Program to align with the new state Extended Producer Responsibility Program and to modify the Contracted Residential Waste Collection Program to include an additional variance option for owners of small multi-unit residences.

Both Ordinances Adopted on First Reading.

10. **Items Relating to Municipal Court Sentencing and Default Code Updates.**

A. *First Reading of Ordinance No. 058, 2026, Amending Certain Provisions of the Code of the City of Fort Collins Concerning Default Judgments to Extend the Time to File a Motion to Set Aside a Default Judgment.*

B. *First Reading of Ordinance No. 059, 2026, Repealing and Reenacting as Amended Section 1-15 of the Code of the City of Fort Collins Concerning General Penalties to Align with State Law Following In re People v. Camp and In re People v. Simons.*

The purpose of this item is to amend provisions of the City Code to align the City's penalty framework and related procedures with recent Colorado Supreme Court decisions in In re People v. Camp and In re People v. Simons as phase 1 of the Municipal Court sentencing Code update.

These decisions clarify that municipalities may not impose penalties that exceed those authorized under state law for substantially similar conduct. The proposed amendments establish a

sentencing structure consistent with state law, ensure that municipal penalties do not exceed applicable state limits, and improve clarity within the Code.

The Municipal Court and City Prosecutor's Office have been operating in compliance with these decisions since they were published. The proposed amendments formalize current practice and provide clear guidance moving forward.

Additionally, the two sections of the Code will be updated to increase the time period a defendant has to file a request to set aside a default judgment from seven to fourteen days.

Both Ordinances Adopted on First Reading.

11. Items Relating to the Peakview Annexation No. 2.

A. Resolution 2026-071 Setting Forth Findings of Fact and Determinations Regarding the Peakview Annexation No. 2.

B. Public Hearing and First Reading of Ordinance No. 060, 2026, Annexing the Property Known as the Peakview Annexation No. 2 to the City of Fort Collins, Colorado.

The purpose of this item is to annex approximately 70 acres of land into the City of Fort Collins. The Peakview Annexation No. 2 is a 100% voluntary annexation located on the northeast corner of East Mulberry Street (State Highway 14) and Greenfields Drive intersection, within the East Mulberry Corridor and the Fort Collins Growth Management Area (the "GMA"). The site is made up of the Cooper Slough Hunting Club parcel along with Lots 1–5 and Outlot C of the Parkview PLD, which was recorded and approved in Larimer County (the "County") in 2022. The annexation meets all State of Colorado statutory requirements for voluntary annexation, including a contiguous perimeter of 54.50%, above the one-sixth (16.67%) minimum required by State statute. The annexation is within the East Mulberry Enclave and will be added and studied as part of the Threshold Report anticipated to be shared with City Council May 2026. The annexation is also consistent with the Intergovernmental Agreement for the GMA between the City and the County. There is a related agenda item for zoning on the property.

Resolution Adopted and Ordinance Adopted on First Reading.

12. First Reading of Ordinance No. 061, 2026, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Peakview Annexation No. 2 to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and Lighting Context Area Map.

The purpose of this item is to place initial zoning on approximately 70 acres of land included in the Peakview Annexation No. 2. The proposed zoning, as recommended by staff and the Planning and Zoning Commission (Commission), places approximately 29.49 acres into the Medium Density Mixed-Use Neighborhood Zone District (MMN), approximately 26.92 acres into the General Commercial Zone District (CG), and approximately 13.35 acres into the Industrial Zone District (I). Staff also recommends placement of the property into the Residential Neighborhood Sign Zone District (RNS) and the LC2 Lighting Context Area. Approval of the CG zoning is conditional and includes two conditions agreed upon by the applicant and City staff that ensure the General Commercial area functions consistently with the neighborhood-serving commercial intent of the East Mulberry Corridor Plan. The first condition limits purely residential uses within the CG zoning for a period of five years from the date of annexation approval, or until a grocer between approximately 10,000 and 70,000 square feet is under construction within a 1.5-mile radius of the subject property, whichever occurs first. The second condition requires that future

development on the CG-zoned land contribute to a cohesive, visually integrated, and functionally linked development pattern with the adjacent Mulberry and Greenfields PUD commercial core (Bloom Filing Nine) and surrounding MMN areas.

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 2(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148.

Adopted on First Reading.

13. Items Relating to Taft Hill Corridor Improvements – Horsetooth Road to Brixton Road Project.

A. Second Reading of Ordinance No. 052, 2026, Appropriating Prior Year Reserves and Making a Supplemental Appropriation and Authorizing Transfers of Appropriations for Taft Hill Corridor Improvements – Horsetooth Road to Brixton Road Project and Related Art in Public Places.

B. Resolution 2026-072 Authorizing the Execution of an Intergovernmental Grant Agreement Between the City of Fort Collins and the State of Colorado Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME) for the Taft Hill Corridor Improvements – Horsetooth Road to Brixton Road Project.

C. Resolution 2026-073 Authorizing the Execution of an Amendment to an Intergovernmental Agreement Between the City of Fort Collins, Larimer County, and the Colorado Department of Transportation for the Taft Hill Corridor Improvements – Horsetooth Road to Brixton Road Project.

Ordinance No. 052, 2026, unanimously adopted on First Reading on May 5, 2026, appropriates federal, State of Colorado Nonattainment Air Pollution Mitigation Enterprise (NAAPME), Colorado Department of Transportation (CDOT), and local funds for the Taft Hill Corridor Improvements – Horsetooth Road to Brixton Road Project (Project). The funds will be used to complete design and construction of transportation improvements along Taft Hill Road, between Horsetooth Road and Brixton Road. These improvements will create safer conditions for pedestrians, cyclists, and motorists traveling the corridor.

The two resolutions authorize the City to receive and expend the funding appropriated in Ordinance No. 052, 2026. One resolution will authorize an intergovernmental grant agreement with NAAPME, and the second resolution will authorize an amendment to an intergovernmental agreement with CDOT and Larimer County.

Ordinance Adopted on Second Reading and Both Resolutions Adopted.

14. Resolution 2026-074 Making an Appointment to the Platte River Power Authority Board.

The purpose of this item is to appoint a new City representative to the Platte River Power Authority Board to fill the vacancy created by Tyler Marr's resignation from the Board.

Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Pignataro moved, seconded by Councilmember Nelsen to approve the recommended actions on items 1-14 on the Consent Calendar.

Councilmember Potyondy thanked the staff members who have worked on amendments to the single hauler trash contract per Item No. 9, *Items Related to Waste Programs*.

The motion carried 7-0.

K) CONSENT CALENDAR FOLLOW-UP

None.

L) STAFF REPORTS – None.

M) COUNCILMEMBER REPORTS

Councilmember Melanie Potyondy

- Attended Peace Officer's Memorial Day
- Attended Homeward Alliance's annual gala

Councilmember Josh Fudge

- Attended the Health District of Northern Larimer County's open house
- Attended the Chamber of Commerce Local Legislative Affairs Committee meeting
- Attended dinner with the graduates of the latest City Works 101 program

Mayor Emily Francis

- Reported on the City's receipt of an award for Vision Zero for Youth U.S. Leadership from the National Safe Routes to School organization – commended the Active Modes staff

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

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION – None.

Q) 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.)

OB 2. Possible Consideration of a Motion to Direct Staff on Flock/ALPR Usage:

Mayor Pro Tem Francis requested and received Council support to have some options for retention time and automated data access presented to Council at its June 2nd meeting.

OB 3. Consideration of a Motion to Call a Special Meeting on Tuesday, June 9, 2026:

Mayor Pro Tem Pignataro moved, seconded by Councilmember Hoeven, that City Council call a special meeting pursuant to Section 2-29 of the City Code to be held at 6:00 p.m. on Tuesday, June 9, 2026, for the purpose of considering a motion to go into executive session to conduct the mid-year performance reviews of the Council's direct report employees.

The motion carried 7-0.

R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 7:13 p.m.

Mayor

ATTEST:

City Clerk

DRAFT