

October 6, 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

1. **Declaring the Day of October 15, 2026, as Imagine A Day Without Water Day.**
A community reception was held at City Hall at 4 p.m.
2. **Declaring the Week of October 4-10, 2026, as Public Power Week.**
3. **Declaring the Week of October 4-10, 2026, as Fire Prevention Week.**
4. **Declaring the Month of October 2026 as Conflict Resolution Month.**
5. **Declaring the Month of October 2026 as Cybersecurity Awareness Month.**

**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 Melanie Potyondy
Councilmember Amy Hoeven
Councilmember Josh Fudge
Councilmember Anne Nelsen

ABSENT

Councilmember Chris Conway

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:

- Item No. 18, *Resolution 2026-117 Directing City Staff to Present a Temporary Moratorium on Data Centers to Council on October 20, 2026, and to not Accept Any Development Applications or Applications for Other Permits for Covered Data Centers*, was added to the Discussion Agenda.
- Items 1-14 on the Consent Calendar are recommended for adoption.
- Three Discussion Agenda items.

F) COMMUNITY REPORTS – None.

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

Greg Adams expressed concern about E-bikes and motorized vehicles on walking paths and sidewalks in English Ranch.

Courtney Peterson, Women and Gender Equity Advisory Board, expressed opposition to Colorado Propositions 134 and 135 on behalf of the Board.

Kevin Cross, Fort Collins Sustainability Group, requested Council adopt a resolution that would call on Platte River Power Authority to set a specific non-carbon generation goal for 2030 of between 85% and 95%, set a new date for achieving 100% non-carbon generation no later than 2040, either halt plans to build a new fracked gas generating plant or decommission at least part of the PRPA's existing fracked gas generating fleet, and halt the sale of renewable energy credits to entities outside the PRPA's member communities.

Barbara Krupnik-Goldman opposed Platte River Power Authority's proposal to change its resource diversification policy regarding its non-carbon energy generation goal given there is no projected date to replace the former 2030 goal. She also asked about the Colorado Energy Office's grant related to Building Performance Standards.

Ann Hutchison, Fort Collins Area Chamber of Commerce, commended the City Council's priorities and expressed support for *Resolution 2026-116 Approving an Agreement Between Avago Technologies Wireless Manufacturing, LLC and the City to Provide Business Investment Assistance, Second Reading of Ordinance No. 118, 2026, Amending the Land Use Code of the City of Fort Collins to Change the Type of Review for Certain Residential Uses*, and the Strauss Lakes Annexation items.

Sally Dowiatt opposed Platte River Power Authority's plan to burn more fracked gas with new gas turbines and to sell the energy.

Tom Griggs opposed Platte River Power Authority's request to remove any deadline date for its current goal of generating 100% of its power from non-carbon electricity by 2030.

Annmarie Izuel Evans, NoCo National Organization for Women, opposed Ballot Amendment 81 and urged Council to adopt a resolution in opposition as well.

Jared Stallones commented on the Plaza Unidas opening, and spoke about North College corridor needs and the proposed 2027-28 City budget.

Andrew Cole spoke about the economic and cultural benefits of supporting the arts.

Jacob Offen spoke about appropriations needed to support arts and culture.

Lori Warren, Human Services and Housing Funding Board, spoke about the benefits of Human Services funding and urged Council to prioritize that funding in the upcoming budget.

Christopher Deile spoke about public safety as it relates to wildlife crossovers. He shared concerns about programs that require treatment first versus housing first and the detriment this would pose to homeless individuals.

Ed Behan, Larimer Alliance for Health, Safety, and the Environment, spoke about Platte River Power Authority's proposed rollback of 100% renewable energy by 2030. He urged Council not to authorize this and to hold PRPA accountable for this goal.

Iliyas Garcia spoke about Platte River Power Authority's proposed rollback of 100% renewable energy by 2030 and urged Council not to allow PRPA to do this.

Kevin Henry spoke about Platte River Power Authority's proposed rollback of 100% renewable energy by 2030. He noted important progress has been made and urged Council to keep PRPA accountable for the 100% goal and to set an interim goal for 2030.

Cherie Trine spoke about Platte River Power Authority's proposed rollback of 100% renewable energy by 2030 and urged Council to hold PRPA accountable and set a new deadline for this.

Ed Stimac spoke about Platte River Power Authority's proposed rollback of 100% renewable energy by 2030 and urged Council to set some realistic and objective goals and deadlines.

Rorey King spoke about Ballot Amendment 81 and urged Council to pass a Resolution opposing this.

Keith Ela spoke about PRPA's proposed rollback of 100% renewable energy by 2030. He urged Council to keep PRPA from putting in any new gas plants and require future power needs to come from renewable energy sources.

Patricia (no last name given) spoke about Ballot Amendment 81 and urged Council to pass a Resolution opposing it.

Christina Swope spoke about Platte River Power Authority's proposed rollback of 100% renewable energy by 2030 and urged Council to hold PRPA accountable and set a new deadline. She thanked Council for adding data centers to the agenda.

Adam Hirschhorn spoke about economic uncertainty.

Joshua Stallings spoke about Ballot Amendment 81 and urged Council to pass a Resolution opposing it.

Kate Austin-Groen spoke about the importance of budgeting for the Lincoln Center and arts and culture in general.

Aubrey Bierman spoke about the proposed 2027 budget for the Lincoln Center and noted the importance of funding arts and culture. She also discussed the impact of increased rental and other charges to small local nonprofits.

Erma Woodfin, Human Services and Housing Funding Board Chair, spoke about the benefits of Human Services funding and urged Council to prioritize that funding in the upcoming budget.

H) PUBLIC COMMENT FOLLOW-UP

Mayor Pro Tem Pignataro thanked the speakers and noted staff connected with Mr. Adams. She stated Council recently had a Work Session on the topic of E-mobility devices. She asked about the status of the Building Performance Standards grant. City Manager DiMartino replied the City did receive the entire grant, which goes through 2028. She noted no major efforts have yet started, though work on Building Performance Standards will continue.

Mayor Pro Tem Pignataro stated she spent the morning at the Platte River Power Authority's Rawhide energy center with a group from across the nation that is here supported by the Environmental Policy Innovation Center and the Property and Environment Research Center. She stated PRPA is still working toward a non-carbon future and is an asset to the community.

Councilmember Hoeven thanked the speakers, specifically Mr. Stallones for his comments about the Plaza Unidas opening.

Councilmember Potyondy commented on the Urban Renewal Authority's purchase of the North College Albertson's property and commended staff on work to activate the space in the form of Plaza Unidas. She thanked those who spoke on ballot initiatives and stated that while Council may not typically officially weigh in on them, individual Councilmembers may speak on their own behalf. She encouraged voters to do research and vote wisely.

Mayor Francis commented on a meeting last week with Platte River Power Authority's four owner communities to discuss setting a new date for the 2030 goal. She noted there is currently no technical path forward to reach the goals that maintain reliability standards and offer affordable rates. She stated no date has been proposed given the future and changing technology are uncertain. She also commented on PRPA's investments in wind and solar and noted that when the Rawhide Power Plant shuts down in 2030, PRPA will be the only large utility provider in Colorado that is not working on coal. Additionally, she noted there are many days when PRPA is operating at 100% renewable energy.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the September 15, 2026, Regular Meeting.

The purpose of this item is to approve the minutes of the September 15, 2026, Regular Meeting.

Approved.

2. Second Reading of Ordinance No. 124, 2026, Appropriating Unanticipated Philanthropic Revenue Received Through City Give.

This Ordinance, unanimously adopted on First Reading on September 15, 2026, requests an appropriation of \$53,200.88 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 Second Reading.

3. **Second Reading of Ordinance No. 125, 2026, Appropriating Unanticipated Grant Revenue from the Department of Justice Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant Program.**

This Ordinance, unanimously adopted on First Reading on September 15, 2026, appropriates \$17,638.83 of unanticipated grant revenue from the Department of Justice Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant Program. The funding will support Fort Collins Police Services as a partner agency of the Northern Colorado Drug Task Force with supplemental overtime and investigative resources necessary to conduct complex, multi-agency investigations targeting drug trafficking organizations.

Larimer County applied for and was awarded \$55,357 through the Edward Byrne Memorial Justice Assistance Grant (JAG) program in support of operating the Northern Colorado Drug Task Force (Attachment 1). Fort Collins Police Services, as a subrecipient, will receive \$17,638.83.

Adopted on Second Reading.

4. **Items Relating to Appropriating Additional Funds for 2026.**

A. Second Reading of Ordinance No. 126, 2026, Making Supplemental Appropriations in Various City Funds.

B. Second Reading of Ordinance No. 127, 2026, Appropriating Prior Year Reserves in Various City Funds.

C. Second Reading of Ordinance No. 128, 2026, Approving a Transfer of an Appropriation in the Conservation Trust Fund.

These Ordinances, unanimously adopted on First Reading on September 15, 2026, combine dedicated and unanticipated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and therefore not included in the 2026 annual budget appropriation. The unanticipated revenue is primarily from fees, charges, rents, contributions and grants that have been paid to City departments to offset specific expenses.

These were reviewed with the Council Finance Committee favorably in the August 31, 2026, meeting.

All Ordinances Adopted on Second Reading.

5. **Second Reading of Ordinance No. 129, 2026, Amending the Landmark Designation of the J.M. Morrison House and Carriage House, 718 West Mountain Avenue, Fort Collins, Colorado, a Fort Collins Landmark Pursuant to City Code Chapter 14, to Remove the Carriage House and Rename the Landmark as the J.M. Morrison Property.**

This Ordinance, unanimously adopted on First Reading on September 15, 2026, requests amendments to the landmark designation of the J.M. Morrison House and Carriage House at 718

West Mountain Avenue. In cooperation with the property owners, City staff and the Historic Preservation Commission (the "Commission") have determined that amendments are necessary to bring this property's historic designation into conformance with best practices for historic preservation. Such amendments include the removal of references to significance Standard 1 (Events) in the area of community planning and development, the removal of the carriage house as a contributing building on the historic property, and the related change of the historic property name to the J.M. Morrison Property.

Adopted on Second Reading.

6. **Second Reading of Ordinance No. 130, 2026, Amending the Landmark Designation of the Marsh/Geist House and Garage, 1006 Laporte Avenue, Fort Collins, Colorado, a Fort Collins Landmark Pursuant to City Code Chapter 14, to Remove the Garage and Rename the Landmark as the Walker/Geist Property.**

This Ordinance, unanimously adopted on First Reading on September 15, 2026, requests amendments to the landmark designation of the Marsh/Geist House and Garage at 1006 Laporte Avenue. In cooperation with the property owners, City staff and the Historic Preservation Commission (the "Commission") have determined that amendments are necessary to bring this property's historic designation into conformance with best practices for historic preservation. Such amendments include the removal of the garage as a contributing building on the historic property and the change of the historic property name to the Walker/Geist Property.

Adopted on Second Reading.

7. **Second Reading of Ordinance No. 131, 2026, Amending Portions of Section 1-15 of the Code of the City of Fort Collins Concerning General Penalties to Allow Restitution for Victims of Misdemeanors, Petty Offenses, and Civil Infractions, to Clarify what can be Requested as Restitution, and to Correct Cross References to Section 1-15.**

This Ordinance, unanimously adopted on First Reading on September 15, 2026, amends City Code Section 1-15 to align its restitution provision.

City Code currently expressly allows for restitution for victims of misdemeanor offenses. This has been the language in the Code since 2005. Because the recent sentencing Code updates have reclassified many prior misdemeanor offenses as civil infractions or petty offenses, the Code must be amended to provide clarity of the intention to allow for restitution on offenses now classified as infractions and petty offenses, which include commonly charged offenses such as theft under \$300, criminal mischief under \$300, animal at large, and public nuisance.

The proposed amendments ensure that restitution can be made to victims of all non-traffic offenses and clarifies the categories of expenses that can be compensated through restitution.

There is also an error in the lettering of Section 1-15. This proposed amendment would correct that error to re-letter the Restitution section to subsection (f) and the Penalties section to subsection (g).

The Ordinance also directs the codifier of the Code of the City to amend sections of the City Code to remove references to specific subsections of Section 1-15 and replace such references with general references to Section 1-15.

Adopted on Second Reading.

8. First Reading of Ordinance No. 132, 2026, Making a Supplemental Appropriation and Authorizing Transfers of Appropriations for the Pedestrian Intersection Improvements Project and Related Art in Public Places.

The purpose of this item is to request a supplemental appropriation for the Pedestrian Intersection Improvements project (the "Project"). The funding will be used to cover construction costs for the five locations included in the Project. If approved, the item will: (1) transfer \$579,934 in Community Capital Improvement Program – Bicycle Infrastructure Improvements funds to the Project; (2) transfer \$50,000 in Community Capital Improvement Program – Pedestrian Sidewalk funds to the Project; (3) transfer \$50,000 in previously appropriated Transportation Services funds to the Project; (4) transfer \$323,536 in Transportation Capital Expansion Fee funds to the Project; (5) appropriate \$74 in Transportation Services Reserve funds to the Project; and 6) transfer \$3,699 (1% of new Project funding) in capital project funds to the Art in Public Places ("APP") program. This item appropriates and/or transfers \$1,003,544 to the Project, for an anticipated total Project funding of \$2,460,856. The Project will help make progress towards the City's Vision Zero Goal and aims to improve vulnerable road user safety with infrastructure improvements on the High Injury Network.

Adopted on First Reading.

9. First Reading of Ordinance No. 133, 2026, Making a Supplemental Appropriation and Authorizing Transfers of Appropriations for the Lemay and Drake Intersection Improvements Project and Related Art in Public Places.

The purpose of this item is to request a supplemental appropriation for the Lemay and Drake Intersection Improvements project (the "Project"). The funding will be used to complete acquisition of private property adjacent to the intersection right-of-way that is needed for the Project and install a replacement traffic signal. If approved the item will (1) appropriate \$1,549,760 in Transportation Capital Expansion Fee funds to the Project; (2) appropriate \$307 in Transportation Services Reserve funds to the Project; and (3) transfer \$15,347 (1% of new Project funding) in capital projects funds to the Art in Public Places ("APP") program. The Project will help make progress towards the City's Vision Zero Goal and aims to improve safety with infrastructure improvements on the High Injury Network.

Adopted on First Reading.

10. First Reading of Ordinance No. 134, 2026, Appropriating Prior Year Reserves in Support of the Utility Network for the Wastewater Utilities.

The purpose of this item is to appropriate \$60,000 of supplemental funding within the Wastewater Utilities Fund for One Water's Wastewater Utility Network technology project.

The Utility Network (UN) is a project to be implemented in support of each Utility – Light & Power, Water, Wastewater and Stormwater. Based on the unique needs of each utility's migration to the UN, proposed under different phases, the project will span several years for complete implementation. Each Utility's Fund has incorporated the UN in their respective Capital Improvement Plan. Additions to the project budgets within each Utilities Fund varies based on needs in standing up the UN.

Based on the project timeline in support of the UN being operable for the Wastewater Utilities, there is a current need to obtain professional services for Maximo asset management integration. Absent available funds within Wastewater Utilities UN project budget, this supplemental funding request supports entering into a service agreement before year-end to maintain the project timeline.

Adopted on First Reading.

11. Items Relating to the Strauss Lakes Annexation.

A. Resolution 2026-114 Setting Forth Findings of Fact and Determinations Regarding the Strauss Lakes Annexation.

B. Public Hearing and First Reading of Ordinance No. 135, 2026, Annexing the Property Known as the Strauss Lakes Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex 147.499 acres of land into the City of Fort Collins. The Strauss Lakes Annexation is a 100% voluntary annexation located on the northeast corner of the Ziegler Road and East Horsetooth Road intersection, within the City's Growth Management Area. The annexation meets all State of Colorado statutory requirements for voluntary annexation, including a contiguous perimeter of 40.5%, well above the one-sixth (16.67%) minimum required by State statute. The annexation is also consistent with the Intergovernmental Agreement for the Fort Collins Growth Management Area between the City of Fort Collins and Larimer 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. 136, 2026, Authorizing the Mayor to Execute an Annexation Agreement Regarding the Strauss Lakes Annexation.

The purpose of the agreement is to mitigate the Owner's risks associated with the requested Zoning, the Overall Development Plan ("ODP") which is currently in review, their first Project Development Plan ("PDP"), or their anticipated metropolitan district service plan

Cottonwood Land & Farm, LLC, ("Owner") owns the property located at the northeast corner of Ziegler and Horsetooth Roads in the City's Growth Management Area, known as "Strauss Lakes". This 147.499-acre property is the subject of the associated agenda item for the proposed Strauss Lakes Annexation. The Owner has requested an agreement with the City that would grant the right for them to disconnect ("de-annex") from the City in the event that certain approvals are not granted, or they are granted with conditions unacceptable to the Owner.

Staff have reviewed the agreement and are in support of the overall intent and purpose and propose a simplified version of this agreement that achieves these purposes, which is attached as an Exhibit to the Ordinance.

The Owner has proposed a more expansive agreement that includes numerous detailed stipulations described in this item summary.

Adopted on First Reading.

13. First Reading of Ordinance No. 137, 2026, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Strauss Lakes Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and the Lighting Context Area Map.

The purpose of this item is to establish initial City zoning on approximately 147.499 acres of land included in the Strauss Lakes Annexation. The proposed zoning, as recommended by staff and the Planning and Zoning Commission, places approximately 7.664 acres into the Medium Density Mixed-Use Neighborhood ("MMN") zone district, and approximately 139.835 acres into the Low Density Mixed-Use Neighborhood ("LMN") zone district.

Staff also recommends placement of the full 147.499 acres into the Residential Neighborhood Sign District and the LC1 Lighting Context area, to support low ambient lighting standards, as described in standards in the Fort Collins Land Use Code.

The Annexation of this Strauss Lakes property appears as a separate agenda item on the Council agenda.

Adopted on First Reading.

14. Resolution 2026-115 Making an Appointment to the Board of Directors of Housing Catalyst.

The purpose of this item is to fill one vacancy on the Board of Directors of Housing Catalyst.

Adopted on First Reading.

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.

The motion carried 6-0.

K) CONSENT CALENDAR FOLLOW-UP

Councilmember Potyondy commented on Item No. 8, *First Reading of Ordinance No. 132, 2026, Making a Supplemental Appropriation and Authorizing Transfers of Appropriations for the Pedestrian Intersection Improvements Project and Related Art in Public Places*, noting Dana Hornkohl from Engineering met with the Disability Advisory Board to discuss accessibility concerns about the project.

L) STAFF REPORTS – None.

M) COUNCILMEMBER REPORTS

Councilmember Anne Nelsen

- Commented on the school consolidation conversation at Poudre School District noting two of the schools recommended for closure are in her Council district, both of which have some of the highest concentrations of poverty, homelessness, English language learners, and students who qualify for special education services. She acknowledged the work of the Board and community members who have put in work to make the recommendations, but stated the families with the least should not be asked to move. She noted the School Board is holding listening sessions over the next couple weeks and encouraged those with more resources to support an option that asks more of them. She also commented on the importance of education in ending poverty.

Councilmember Melanie Potyondy

- Thanked Councilmember Nelsen for speaking from the heart about the school consolidation topic and commented on how difficult it is to not have any input into the decisions as Councilmembers. She echoed equity concerns and stated she hopes the School Board will look at things holistically.
- Attended grand reopenings of the homeless center and CSU Vet School and Hospital.
- Attended the La Familia Fiesta.
- Congratulated Carson Hamlin on being selected as the President Elect for the National Association of Telecommunications Officers and Advisors (NATOA). Mayor Francis and other Councilmembers also congratulated him.

Councilmember Josh Fudge

- Attended the Plaza Unitas opening
- Toured the Southeast Community Center construction site.

Councilmember Amy Hoeven

- Attended the CSU Vet School opening.
- Toured the Republic recycling center in Denver with Councilmember Potyondy.
- Thanked Jamie from Hartford Homes, Kelly from Neighbor to Neighbor, Kristin from Habitat for Humanity, and members of the Human Services Board who have spent extra time with her answering questions.

Mayor Emily Francis

- Noted Plaza Unitas is now open in front of the 1636 North College building and events will be forthcoming.

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

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

15. Public Hearing #1 on 2027-2028 Recommended Budget.

The purpose of this item is to hold the first public hearing to gather public input on the 2027-28 budget. Both hearings were set by Council adoption of Resolution 2026-113 at its September 15, 2026, meeting. The City Manager's 2027-28 Recommended Budget can be reviewed at the City Clerk's Office by appointment only and online. Spanish interpretation will be available at all 2027-28 budget related meetings.

PUBLIC COMMENT

Rich Stave noted the web address for the budget was not the City's web address. He stated the budget is long and somewhat confusing and commented on seemingly duplicative departments. He also noted Connexion has been rolled into the Electric Utility and questioned whether utility ratepayers are funding Connexion.

COUNCIL QUESTIONS/COMMENTS

Mayor Francis encouraged Mr. Stave to send suggestions to Council's email.

16. Second Reading of Ordinance No. 118, 2026, Amending the Land Use Code of the City of Fort Collins to Change the Type of Review for Certain Residential Uses.

This Ordinance, adopted on First Reading on September 15, 2026, by a split vote of 5-2 (Nays: Hoeven, Potyondy) brings an amendment to the Land Use Code. At the Ad Hoc Committee on Affordable and Sustainable Growth meetings on July 8, 2026, and August 5, 2026, the Committee directed Staff to bring an amendment to the Land Use Code that moves the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review. The Committee requested staff make these amendments to the Land Use Code in alignment with the Council priority related to

affordable, sustainable growth. City Council also discussed potential changes to permitted uses at the July 14, 2026, work session. **Staff recommends that Council adopt an alternative to what the Ad Hoc Committee requested and this recommended alternative is included in the Ordinance.**

The recommended alternative changes the Land Use Code level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review ("BDR") in most zone districts that currently permit these uses. However, different from what the Ad Hoc Committee directed, staff recommends not changing the level of review for single-unit dwelling, single-unit attached dwelling, and two-unit dwelling in commercial and employment districts since City Plan envisions denser development in these corridors. The Planning & Zoning Commission voted 5-0 to recommend that Council adopt staff's recommended Land Use Code changes with comments.

If Council wishes to adopt the staff recommended Land Use Code changes, the Ordinance as presented should be adopted. This option does not change the level of review to BDR for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units in the commercial and employment zone districts.

If Council wishes to adopt the version the Ad Hoc Committee requested which would change the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to BDR in all zone districts as shown in Attachment 2, Council will need to adopt the Ordinance with Attachment 2 substituted for the table currently in the Ordinance.

PUBLIC COMMENT

Adam Hirschhorn shared some information about a Tik Tok account opposing this item and discussed other topics.

Jamie Thorpe spoke in support of the proposed Land Use Code changes and expansion of Basic Development Review.

COUNCIL QUESTIONS/COMMENTS

Councilmember Hoeven asked how the Planning and Zoning Commission's concerns regarding having a threshold for multi-family project size are being addressed. Clay Frickey, Planning Director, replied there are currently no thresholds in place or proposed, though Council could direct that action. He also noted there are several other Code updates currently in the works and a threshold recommendation could be brought forward with that package later in the year.

Councilmember Hoeven stated she will be opposing this item primarily due to process concerns, which she acknowledged have been addressed. She stated she believes providing direct support and assistance to existing renters who are cost burdened would have a more effective impact on housing affordability in the near term, and encouraged the Ad Hoc Committee to consider making that a priority. She also stated she believes the current permit process, construction time to build, and volume of new market rate new housing units are healthy. She stated she believes the proposed changes to reduced permit time and fees may not be effective in the growth of housing units. She encouraged the Ad Hoc Committee to prioritize the recommendations that were provided in the regional housing needs assessment.

Councilmember Potyondy stated she believes her concerns about the initial process related to this item were heard and stated she now feel comfortable supporting the item with the caveat of having more background information for other Ad Hoc Committee recommendations.

Mayor Pro Tem Pignataro moved, seconded by Councilmember Nelsen, to adopt Ordinance No. 118, 2026, Amending the Land Use Code of the City of Fort Collins to Change the Type of Review for Certain Residential Uses, on Second Reading.

The motion carried 5-1.

Yeas: Mayor Francis, Mayor Pro Tem Pignataro, and Councilmembers Nelsen, Fudge, and Potyondy.

Nays: Councilmember Hoeven.

17. Resolution 2026-116 Approving an Agreement Between Avago Technologies Wireless Manufacturing, LLC and the City to Provide Business Investment Assistance.

The purpose of this item is to consider a Business Expansion Economic Incentive Agreement between the City and Avago Technologies Wireless Manufacturing, LLC (dba "Avago"). The Avago project will consist of the remodeling and modernizing of Building 2, expansion of Building 4, and capital investment of approximately \$950 million in machinery, automation, research and development, abatement equipment and construction materials.

STAFF PRESENTATION

SeonAh Kendall, Economic Development Director, commented on the Economic Strategic Plan that was adopted in December of 2024, noting it outlined being intentional and strategic in terms of economic growth. She noted Council adopted the Business Assistance Policy this year, and it provides one tool to try to support achieving the outcomes Council priorities identified specifically in terms of focusing on small businesses, neighborhood centers, and quality jobs.

Kendall outlined information related to semiconductor manufacturing in the United States and discussed the Broadcom (formerly Avago) expansion proposal and the company's history in Fort Collins. She stated outcomes that this project would achieve include making sure semiconductor manufacturing is still able to happen in Fort Collins, job creation, emission mitigation, and the long-term financial sustainability of the community. Additionally, she outlined the financial incentive package, which will be performance based with rebates occurring after purchases and employment numbers are verified. She stated the incentives could total \$8.9 million, which would provide a net new one-time estimate for the City of approximately \$43 million. She stated staff recommends adoption of the resolution.

PUBLIC COMMENT

None.

COUNCIL QUESTIONS/COMMENTS

Councilmember Potyondy stated she is comfortable with the package as the incentives are rebate based. She asked if the abatement tools will offset the additional emissions from the larger facility. Kendall replied every new piece of equipment is coming with abatement tools, and the facility will be modernized with additional abatement tools; therefore, emissions are anticipated to be reduced. She stated staff could follow up with additional information.

Councilmember Hoeven asked if the existing timeline for the expansion would remain on track if the resolution is passed. Kendall replied in the affirmative.

Councilmember Fudge supported the resolution and having the focus of the rebate be on the purchase of equipment to abate the impacts to air quality.

Mayor Francis thanked staff and community partners for making this happen, noting it furthers a Council priority.

Mayor Pro Tem Pignataro moved, seconded by Councilmember Nelsen, to adopt Resolution 2026-116 Approving an Agreement Between Avago Technologies Wireless Manufacturing, LLC and the City to Provide Business Investment Assistance.

The motion carried 6-0.

18. **Resolution 2026-117 Directing City Staff to Present a Temporary Moratorium on Data Centers to Council on October 20, 2026, and to not Accept Any Development Applications or Applications for Other Permits for Covered Data Centers.**

This item was added as an amendment to the agenda.

The purpose of this item is to provide clear direction and intent regarding a proposed moratorium on data centers in the city of Fort Collins which will be brought forward on October 20, 2026.

City Manager DiMartino noted this item was the result of a conversation at Leadership Planning Team yesterday.

PUBLIC COMMENT

Chris Denton expressed support for taking time to determine next steps; however, he stated data centers will occur in this region and cautioned that Fort Collins should take steps to ensure they are regulated to its standards rather than the standards of neighboring municipalities.

COUNCIL QUESTIONS/COMMENTS

Councilmember Fudge stated he does not believe he can support this item as currently written and expressed concern about the secondary use component catching some projects that could be valuable to the community.

Councilmember Potyondy stated she would prefer a more conservative approach as she does not feel confident there are appropriate guardrails in place given the pace of development of data centers.

Mayor Pro Tem Pignataro asked if staff is comfortable with the thresholds included in the moratorium language. City Manager DiMartino replied staff originally considered primary use and a megawatt threshold, though staff will be prepared with a deeper analysis should the moratorium come forward.

Mayor Pro Tem Pignataro moved, seconded by Councilmember Nelsen, to adopt Resolution 2026-117 Directing City Staff to Present a Temporary Moratorium on Data Centers to Council on October 20, 2026, and to not Accept Any Development Applications or Applications for Other Permits for Covered Data Centers.

The motion carried 5-1.

Yeas: Mayor Francis, Mayor Pro Tem Pignataro, and Councilmembers Nelsen, Hoeven, and Potyondy.

Nays: Councilmember Fudge.

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.)

Councilmember Hoeven requested support to direct staff to bring forward a resolution for the October 20th meeting stating Council's opposition to Amendment 81 which appears on the November ballot. She stated she believes bring such a resolution forward is in alignment with Council's Legislative Policy Agenda and Colorado Municipal League. She did not receive the requested support.

Mayor Francis commented on Council generally not taking a position on ballot issues. She stated she is comfortable with Colorado Municipal League taking the lead on opposing the item.

Councilmember Potyondy concurred with not supporting formal action as a Council, though she agreed from a personal perspective.

Councilmember Fudge concurred.

OB 2. Consideration of Motion for Executive Session for Legal Advice related to Capital Expansion Fees:

Mayor Pro Tem Pignataro moved, seconded by Councilmember Nelsen, 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 potential litigation related to current or proposed capital expansion fees; and

2. the manner in which current or proposed capital expansion fees may be affected by existing or proposed provisions of federal, state or local law.

The motion carried 6-0.

R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 9:21 p.m.

Mayor

ATTEST:

City Clerk

DRAFT