

RESOLUTION 2015-012
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY AN ORDINANCE
EXTENDING THE EXPIRING TWENTY-FIVE HUNDREDTHS PERCENT (0.25%)
“BUILDING ON BASICS” CAPITAL PROJECTS SALES AND USE TAX FOR A PERIOD
OF TEN YEARS FOR THE PURPOSE OF OBTAINING REVENUE FOR THE
“COMMUNITY CAPITAL IMPROVEMENT PROGRAM” CAPITAL PROJECTS AND
RELATED OPERATION AND MAINTENANCE

WHEREAS, the City of Fort Collins has enacted a comprehensive sales and use tax, which enactment is codified in Chapter 25, Article III of the Code of the City of Fort Collins (the “Code”); and

WHEREAS, the amount of such tax presently imposed by the Code, as contained in Code Section 25-75(a), includes a twenty-five hundredths percent (0.25%) tax for the construction of certain capital projects as identified in Ordinance No. 092, 2005, which Ordinance was approved by City voters on November 1, 2005, and which projects were approved by the City Council in accordance with the provisions of said Ordinance (the “Existing Tax”); and

WHEREAS, the Existing Tax will expire at midnight at the end of December 31, 2015; and

WHEREAS, the City Council believes it would be in the best interests of the City’s citizens to extend the Existing Tax for an additional ten-year period to generate additional revenues for purposes similar to those for which the Existing Tax was originally imposed; and

WHEREAS, under Article X, Section 20 of the Colorado Constitution, any such extension requires a vote of the people; and

WHEREAS, during a series of work sessions on the “Community Capital Improvement Program,” the City Council has reviewed a variety of proposed capital projects and the operation and maintenance needs for some of those projects, and has identified certain of the projects which it believes are necessary for the ongoing provision of City services; and

WHEREAS, the purpose of this Resolution is to exercise the Council's authority under Article X, Section 3 of the City Charter to submit to a vote of the people the question of extending the Existing Tax for a period of ten years for the purpose of funding the planning, design, real property acquisition, construction, and operation and maintenance for the “Community Capital Improvement Program” capital projects.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That there is hereby referred to the registered voters of the City at the next regular City election to be held on April 7, 2015, the question of whether the following ordinance should be adopted:

ORDINANCE NO. 013, 2015
OF THE COUNCIL OF THE CITY OF FORT COLLINS
EXTENDING THE EXPIRING TWENTY-FIVE HUNDREDTHS PERCENT (0.25%) "BUILDING ON BASICS"
CAPITAL PROJECTS SALES AND USE TAX FOR A PERIOD OF TEN YEARS FOR THE PURPOSE OF
OBTAINING REVENUE FOR THE "COMMUNITY CAPITAL IMPROVEMENT PROGRAM" CAPITAL
PROJECTS AND RELATED OPERATION AND MAINTENANCE

WHEREAS, the City of Fort Collins has heretofore enacted a comprehensive retail sales and use tax, which enactment is codified in Chapter 25, Article III of the Code of the City of Fort Collins (the "Code"); and

WHEREAS, the amount of such tax presently imposed by the Code, as contained in Code Section 25-75(a), includes a twenty-five hundredths percent (0.25%) tax for the construction of the capital projects identified in Ordinance No. 092, 2005, which Ordinance was approved by the City's voters on November 1, 2005, and which projects were approved by the City Council in accordance with the provisions of said Ordinance (the "Existing Tax"); and

WHEREAS, the Existing Tax is scheduled to expire at midnight at the end of December 31, 2015; and

WHEREAS, on January 20, 2015, the City Council adopted Resolution 2015-012 identifying various projects that it believes should be funded by the extension of the Existing Tax, and submitting to the registered electors of the City the question of whether an ordinance extending the Existing Tax for a period of ten years should be enacted to obtain additional revenues for the planning, design, real property acquisition, construction, and operation and maintenance for certain capital projects as part of the "Community Capital Improvement Program"; and

WHEREAS, at a regular City election on April 7, 2015, the voters of the City of Fort Collins approved the extension of the Existing Tax for the foregoing purposes and determined that, upon the expiration of the Existing Tax, it is necessary and desirable that a twenty-five hundredths percent (0.25%) sales and use tax be imposed on all items taxable under the Code, subject to the exceptions contained in City Code Section 25-73(c) and (d) and Section 25-74(b), commencing January 1, 2016, for the purpose of obtaining revenues for the planning, design, real property acquisition, and construction of the aforementioned capital projects and for the operation and maintenance of some of them.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Section 25-75(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-75. Rate of tax.

(a) The amount of tax hereby levied is three and eight-five hundredths (3.85) percent of the purchase price of tangible personal property or taxable services except that the amount of use tax levied on manufacturing equipment is three (3) percent of the purchase price. Twenty-five one-hundredths (0.25) percent of such amount is a tax which shall expire at midnight on December 31, 2030, the proceeds of which shall be used for the purposes of acquiring, operating and maintaining open spaces, community separators, natural areas, wildlife habitat, riparian areas, wetlands and valued agricultural lands, and to provide for the appropriate use and enjoyment of these areas by the citizenry, pursuant to the provisions of the Citizen-Initiated Ordinance No. 1, 2002. Another twenty-five one-hundredths (0.25) percent is a tax which shall expire at midnight on December 31, 2015, the proceeds of which shall be used for the purpose

of paying the costs of planning, design, right-of-way acquisition, incidental upgrades and other costs associated with the repair and renovation of City streets, including, but not limited to, curbs, gutters, bridges, sidewalks, parkway shoulders and medians. Another twenty-five one-hundredths (0.25) percent is a tax which shall expire at midnight on December 31, 2015, the proceeds of which shall be used for the purpose of paying the costs of planning, design, right-of-way real property acquisition, and construction and at least seven (7) years of operation and maintenance of certain the capital projects specified in the "Building on Basics Community Capital Improvement Program" and five (5) years of operation and maintenance for those capital projects specified in Ordinance No. 013, 2015, capital project program, all of which shall be subject to the terms and conditions of Ordinance No. 92, 2005 Ordinance No. 013, 2015. Another eighty-five one-hundredths (0.85) percent is a tax which shall expire at midnight on December 31, 2021, the proceeds of which shall be used in accordance with the terms and conditions of Ordinance No. 126, 2010.

Section 2. That the revenue generated by the twenty-five hundredths percent (0.25%) sales and use tax imposed pursuant to this Ordinance (the "Tax") shall be used, to the extent that such revenues are sufficient, for the planning, design, real property acquisition, construction, and operation and maintenance for the capital projects described on Exhibit "A", attached hereto and incorporated herein by this reference (the "Projects"), subject to the following terms and conditions:

- (a) The design, scheduling and amount of tax revenue to be set aside for the planning, design, real property acquisition, and construction for the Projects, and the operation and maintenance for those Projects for which operation and maintenance funding is provided on Exhibit "A", shall be determined by the City Council; provided, however, that no decision regarding the design or cost of any of these Projects shall substantially change its essential character or eliminate any of its components from that described on Exhibit "A", except as expressly permitted under subsection 2(b) below, nor shall any decision fund less than five (5) years of operation and maintenance for any of the Projects for which such funding is provided for on Exhibit "A", unless the Council has determined that such Project shall not be undertaken pursuant to subsection 2(b), below. This provision shall not be construed as prohibiting the City Council from:
 - i. enhancing the scope or design of any of the Projects, or increasing the cost thereof, unless such enhancement or increase in cost would substantially impair the City's ability to fully fund the planning, design, real property acquisition, and construction for any of the Projects described on Exhibit "A" or the operation and maintenance for five (5) years from the date of completion of their construction for those of the Projects for which operation and maintenance funding is provided on Exhibit "A", excepting only the Projects, if any, which have been eliminated by the City Council pursuant to the provisions of subsection (b) below; or
 - ii. using any other revenues lawfully available to the City to enhance the scope or design of any of the Projects, or to fund, in whole or in part, the planning, design, real property acquisition, construction, operation and/or maintenance for any such Projects.
- (b) The planning, design, real property acquisition and construction for all of the Projects shall be undertaken and completed by the City unless the City Council determines by resolution, after receiving a recommendation from the City Manager, that it is no longer legally or financially feasible to undertake and complete any of the Projects without substantially altering the essential character of the same from that described on Exhibit "A" or, with regard to the Projects described in subparagraphs (c) and (d) below, the contingency required for each of these Projects is not reasonably likely to be satisfied.
- (c) The use of any revenues generated by the Tax for construction of the "Downtown Poudre River Enhancements and Kayak Park" (the "Poudre River Project") shall be expressly contingent upon a determination by the City Council, after receiving a report and recommendation from the City Manager, that the City has received for the Poudre River Project at least \$1,500,000 in any

combination of contributions and pledges of cash and other property acceptable to the City Council. The City's use of revenues generated by the Tax for the planning, design and real property acquisition of the Poudre River Project shall not be subject to this contingency.

- (d) The use of any revenues generated by the Tax for the real property acquisition for and construction of the Gardens on Spring Creek Visitors Center Expansion (the "Gardens on Spring Creek Project") shall be expressly contingent upon a determination by the City Council, after receiving a report and recommendation from the City Manager, that the City has received for the Gardens on Spring Creek Project at least \$1,000,000 of any combination of contributions and pledges of cash and other property acceptable to the City Council. The City's use of revenues generated by the Tax for the planning and design of the Gardens on Spring Creek Project shall not be subject to this contingency.
- (e) The Projects shall be subject to all applicable provisions in Article XII of Chapter 23, as amended, of the City Code relating to art in public places.

Section 3. That any revenues generated by the Tax and remaining unexpended and unencumbered after the completion of the construction of all of the Projects described on Exhibit "A", excluding any of these Projects eliminated by the City Council under the provisions of Section 2(b) above, may, in the discretion of the City Council, be used to fund additional operation and maintenance of the Projects or for the planning, design, real property acquisition, construction, operation and/or maintenance for any other capital project approved by the City Council.

Section 4. That the full amount of revenues derived from the Tax may be retained and expended by the City, notwithstanding any state revenue or expenditure limitations including, but not limited to, those contained in Article X, Section 20 of the Colorado Constitution.

Section 5. That the amendment of Section 25-75(a) of the City Code as set forth herein shall take effect at 12:01 a.m. on January 1, 2016.

Section 6. That except as provided herein, all other provisions of Chapter 25 of the City Code shall remain unchanged and in full force and effect unless otherwise rescinded or modified by action of the Council.

Exhibit A

<p align="center">Project Descriptions</p> <p align="center">Community Capital Improvement Program 2015</p>	<p align="center">Estimated Capital Cost</p> <p align="center">(2015 dollars)</p>	<p align="center">Estimated Annual Operations and Maintenance Cost (2015 dollars)</p>
<p>Pedestrian Sidewalk/ Americans with Disabilities Act (ADA) Compliance – Safe Routes to Everywhere</p>	<p align="center">\$14,000,000</p>	<p align="center">No O&M Funds</p>
<p>This project will provide an annual fund to begin the implementation of a 52-year compliance program to eliminate gaps in the City's pedestrian network and improve ADA compliance.</p>		

Bicycle Infrastructure Improvements – Safe Routes to Everywhere	\$5,000,000	No O&M Funds
This project will provide an annual fund to begin implementation of the City’s 2014 Bicycle Master Plan. This project will provide an annual fund to be used toward stand-alone bicycle infrastructure projects as well as add-on elements to other projects that complete or enhance the City’s bicycle network. Projects will enhance safety, provide wayfinding, and improve comfort and access for bicyclists.		
Bus Stop Improvements – Safe Routes to Everywhere	\$1,000,000	No O&M Funds
This project will provide an annual fund to make ADA improvements and upgrade bus stops throughout the City.		
Downtown Poudre River Enhancements and Kayak Park	\$4,000,000	\$50,000
This project creates a whitewater kayak park with viewing/picnic areas, adds a pedestrian bridge over the river, improves access to the river and enhances the river’s habitat and beauty. The project also lowers the river channel to improve flood mitigation and prevent flooding of College Avenue.		
Bike/Ped Grade Separated Crossings Fund	\$6,000,000	\$20,000
This project will provide an annual fund to construct top priority grade-separated bicycle and pedestrian crossings across arterial roadways.		
Transport Bus Fleet Replacement	\$2,000,000	No O&M Funds
This project will provide an annual fund to meet the local match needed to replace heavy duty buses over the next 10 years. This fund will be leveraged to receive an 80% match of federal and state grant funding.		
Arterial Intersection Improvements Fund	\$6,000,000	No O&M Funds
This project will provide an annual fund for improvements to arterial intersections, prioritized by congestion, with safety improvements for all travel modes.		
Implementing Nature in the City	\$3,000,000	\$100,000
This project will provide an annual fund to protect access to nature and the key natural spaces that define our community by filling in gaps to achieve a 10-minute walk to nature or by enhancing species connectivity, and by enhancing existing sites to provide greater habitat variety and natural experiences.		
Gardens on Spring Creek Visitor’s Center Expansion	\$2,000,000	\$40,000
This project will double the square footage of the Visitor’s Center at the Gardens on Spring Creek and will add meeting rooms, a new entryway with gift shop, a conservatory, a small café, and additional office space.		
Southeast Community Center with Outdoor Pool	\$14,000,000	\$230,000
This project will build a Community Center in southeast Fort Collins focused on innovation, technology, art, recreation and the creative process. The Center will also have a large outdoor leisure pool with water slides, sprays and jets, decks, a lazy river and open swimming area.		

Affordable Housing Fund	\$4,000,000	No O&M Funds
This project will fund capital costs of development or rehabilitation of one or more public or private housing projects designated specifically for low income individuals and families.		
Lincoln Avenue West Segment Road Improvements	\$5,300,000	\$42,200
This project will fund design, right-of-way, and construction of improvements to the west segment of Lincoln Avenue located between the Union Pacific Railroad Tracks just north of Jefferson Street to 1 st Street, including the Poudre River Bridge.		
City Park Train	\$350,000	No O&M Funds
This project will bring back the City Park train in a new, expanded location in City Park.		
Renovation of the Historic Carnegie Building	\$1,700,000	\$25,000
This project will renovate the historic 1904 Carnegie library building to enhance its use as a Community Center. The Center will host special events, community meetings, art exhibits and symposiums in the heart of Downtown.		
Linden Street Renovations Design & Construction	\$3,000,000	\$12,000
This project will fund final design, construction, and right-of-way acquisition for the renovation of the downtown 200 block of Linden Street.		
Club Tico Renovation	\$250,000	No O&M Funds
This project will complete the renovation of Club Tico at City Park by renovating the kitchen and restrooms and adding a second story deck overlooking Sheldon Lake and City Park Pool.		
Willow Street Renovations Design & Construction	\$3,500,000	\$11,000
This project will fund final design and construction of improvements to Willow Street between College Avenue and Linden Street as identified in the River District Infrastructure Plan.		

Section 2. That the proposed Ordinance No. 013, 2015, is hereby submitted to the registered electors of the City of Fort Collins at the next regular election to be held on April 7, 2015, in substantially the following form:

CITY OF FORT COLLINS BALLOT ISSUE NO. ____
A CITY-INITIATED QUESTION

WITHOUT RAISING ADDITIONAL TAXES, SHALL THE CITY'S EXISTING 0.25% SALES AND USE TAX (25 CENTS ON A \$100 PURCHASE) APPROVED BY THE VOTERS IN 2005 FOR THE "BUILDING ON BASICS" CAPITAL PROJECTS PROGRAM BE EXTENDED FROM ITS CURRENT EXPIRATION AT THE END OF DECEMBER 31, 2015, THROUGH THE END OF DECEMBER 31, 2025; PROVIDED THAT THE REVENUE DERIVED FROM THE EXTENSION OF SUCH TAX SHALL BE USED TO PAY THE COSTS OF PLANNING, DESIGN, REAL PROPERTY ACQUISITION, AND CONSTRUCTION OF THE FOLLOWING CAPITAL PROJECTS AS PART OF THE "COMMUNITY CAPITAL IMPROVEMENT PROGRAM", AND TO PAY FIVE (5) YEARS OF OPERATION AND MAINTENANCE ("O&M") FOR CERTAIN OF THESE CAPITAL PROJECTS AS SPECIFIED BELOW, ALL SUBJECT TO THE TERMS AND CONDITIONS OF PROPOSED ORDINANCE NO. 013, 2015:

- PEDESTRIAN SIDEWALK/AMERICANS WITH DISABILITIES ACT COMPLIANCE- SAFE ROUTES TO EVERYWHERE
- BICYCLE INFRASTRUCTURE IMPROVEMENTS – SAFE ROUTES TO EVERYWHERE
- BUS STOP IMPROVEMENTS – SAFE ROUTES TO EVERYWHERE
- DOWNTOWN POUDDRE RIVER ENHANCEMENTS AND KAYAK PARK (WITH O&M)
- BIKE/PED GRADE SEPARATED CROSSINGS FUND (WITH O&M)
- TRANSFORD BUS FLEET REPLACEMENT
- ARTERIAL INTERSECTION IMPROVEMENTS FUND
- IMPLEMENTING NATURE IN THE CITY (WITH O&M)
- GARDENS ON SPRING CREEK VISITOR'S CENTER EXPANSION (WITH O&M)
- SOUTHEAST COMMUNITY CENTER WITH OUTDOOR POOL (WITH O&M)
- AFFORDABLE HOUSING FUND
- LINCOLN AVENUE WEST SEGMENT ROAD IMPROVEMENTS (WITH O&M)
- CITY PARK TRAIN
- RENOVATION OF THE HISTORIC CARNEGIE BUILDING (WITH O&M)
- LINDEN STREET RENOVATIONS DESIGN & CONSTRUCTION (WITH O&M)
- CLUB TICO RENOVATION
- WILLOW STREET RENOVATIONS DESIGN AND CONSTRUCTION (WITH O&M)

AND FURTHER PROVIDING THAT THE FULL REVENUES DERIVED FROM THE TAX MAY BE RETAINED AND EXPENDED BY THE CITY FOR SUCH PURPOSES, NOTWITHSTANDING ANY STATE REVENUE OR EXPENDITURE LIMITATION INCLUDING, BUT NOT LIMITED TO, THE LIMITATION IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

___ YES

___ NO

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 20th day of January, A.D. 2015.

Karen Weickert
Mayor



ATTEST:

Wanda Nelson
City Clerk